

Article 23. Land Subdivisions

Sections:

- Sec. 2301 - Purpose and Objectives
- Sec. 2302 - Application of Article
- Sec. 2303 - Definitions Specific to Subdivision of Land
- Sec. 2304 - Functions Of Departments and the Advisory Agency
- Sec. 2305 - Preliminary Subdivision Procedures
- Sec. 2306 - Tentative Map
- Sec. 2307 - Final Map
- Sec. 2308 - Parcel Maps
- Sec. 2309 - Lot Line Adjustments
- Sec. 2310 - Reversion to Acreage
- Sec. 2311 - Exceptions and Appeals
- Sec. 2312 - Penalties and Enforcement
- Sec. 2313 - Payment of Fees, Charges, Dedications, or Other Requirements Against a Development Project
- Sec. 2314 - Certificate of Compliance
- Sec. 2315 - Correction and Amendment of Maps
- Sec. 2316 - Certificates of Voluntary Parcel Merger

Sec. 2301. Purpose and Objectives: The purpose of this Article is to promote the orderly development of the county, to protect purchasers and land owners, to ensure compliance with land division, zoning and building ordinances and regulations and with the *Subdivision Map Act* (Map Act) (Government Code Section 66410 et seq.), and to promote the public health, safety and welfare, and for the accomplishment of the following objectives:

- A. Implement the *2035 Kings County General Plan* and elements thereof, as adopted by the Board of Supervisors.
- B. To ensure:
 - 1. Lot design and improvements that will not adversely affect the values or enjoyment of nearby properties;
 - 2. Adequate supply of domestic water;
 - 3. Adequate systems for sewage disposal;
 - 4. Adequate means for drainage of storm water;
 - 5. Adequate access to lots created by the division of land;
 - 6. Adequate improvements to public roads, streets and easements and other public improvements;
 - 7. Adequate provisions for fire protection;
 - 8. A safe and efficient road system;
 - 9. Proper grading and erosion control.

Sec. 2302. Application of Article. The provisions of this Article shall apply to Subdivisions as defined in the *Subdivision Map Act* and this Article; except as otherwise provided, all terms used herein which are defined in the *Subdivision*



Map Act shall have the same meaning as provided in the Act, and as the Act may hereafter be amended in the future by the State Legislature. No land shall be subdivided, divided, or its boundaries adjusted for any purpose inconsistent with this Development Code. Before any approval is granted pursuant to this Article, a development permit must be obtained, where required, pursuant to Chapter 5A of the Kings County Code of Ordinances.

Sec. 2303. Definitions Specific to Subdivisions of Land: The definitions set forth in the Subdivision Map Act are hereby incorporated herein by this reference as though set forth at length and shall govern in the definition, interpretation and construction of this Article. The following basic definitions are provided here to assist the public in understanding the provisions of this Article. Please refer to the Subdivision Map Act, Government Code Section 66410 – 66499.58, for definitions not contained herein:

Advisory Agency (AA): A designated official or an official body charged with the duty of making investigations and reports on the design and improvement of proposed divisions of real property, the imposing of requirements or conditions thereon, or having the authority by local ordinance to approve, conditionally approve or disapprove maps. The Advisory Agency as designated in the *Subdivision Map Act* shall be comprised of Division One and Division Two, as detailed in Section 2304.G of this Article.

Assessor's Parcel Number (APN): A twelve digit number (000-000-000-000) used as identification for taxation purposes. A particular APN may actually include two or more legal lots or parcels of record, or portions of a single parcel, therefore the land represented by an APN may not represent a single lot or parcel but rather a grouping of lots or parcels under a single ownership. A legal lot or parcel may also have more than one APN assigned.

Certificate of Compliance: A process through which the County records a document to establish a legal record officially recognizing a lot as legal in compliance with the *Subdivision Map Act*. A conditional Certificate of Compliance establishes a legal record when the property was not created in compliance with the *Subdivision Map Act* and county ordinances.

Improvement Plans: The plans, cross sections and specifications of all proposed improvements, including the information required by Section 2307.E of this Article.

Improvement Standards: Standards and requirements for design and construction of improvements shown in the "County of Kings Improvement Standards" as adopted by resolution of the Board of Supervisors, and as it may hereafter be amended. Improvement standards may be amended by resolution of the Board of Supervisors only after one week's notice that the Board intends to consider an amendment thereto.

In-Lieu Parcel Map: In lieu of filing a Tentative Parcel Map an In-Lieu Parcel Map can be filed. See Section 2308 for additional information.

Lot Line Adjustment: The adjustment of a lot line between four or fewer adjacent parcels, where the land taken from one parcel is added to an adjacent parcel, and where no additional parcels are thereby created.

Parcel Map: The basic drawings (maps) of the land cadaster (ownership boundaries) for all public and private lands.

Parcel Map Waiver: A process by which to record a new legal description for property which does not necessitate the recording of an actual map.

Remainder: That portion of an original lot or parcel that is not a part of the Subdivision but, after recordation of the final or Parcel Map may be sold subject to the recordation of a Certificate of Compliance or a Conditional Certificate of compliance. A Designated Remainder shall not be counted as a parcel for the purposes of determining whether a Parcel Map or final map is required.

Reserve Strip: A strip of land offered for dedication, contiguous to a public way, accepted by the Board of Supervisors, but not declared a public road.

Subdivider: A person, firm, corporation, partnership or association proposing to divide, dividing or causing to be divided real property into a Subdivision for himself or for others, except that employees and consultants of such



persons or entities acting in such capacity are not Subdividers.

Subdivision: Means the division by any Subdivider of any unit or units of improved or unimproved land, or any portion thereof, shown on the latest equalized County assessment roll as a unit or as contiguous units for the purpose of sale, lease or financing, whether immediate or future. Property shall be considered as contiguous units even if it is separated by roads, streets, utility easements or railroad rights-of-way.

Subdivision Map Act: The *Subdivision Map Act* shall mean Division 2 of Title 7 of the Government Code of the State of California as it now exists or may hereafter be amended.

Sec. 2304. Functions of Departments and the Advisory Agency:

- A. **Planning Division of the Community Development Agency.** The Planning Division of the Community Development Agency shall be the principal department for processing Tentative Maps, In-Lieu Parcel Maps, Lot Line Adjustments and Certificates of Compliance. It shall be the function of the Planning Division to recommend approval, conditional approval, or disapproval of Tentative Maps based upon the design and land use proposed by the developer. Design and land use recommendations shall include:
- B. **Public Works Department:** It shall be the responsibility of the Public Works Director, acting upon the recommendation of the County Surveyor and Road Commissioner, to recommend approval, conditional approval or disapproval of Tentative Maps based upon evaluation of the improvements proposed by the developer. Recommendations on such improvements shall include:
1. Geometric and structural street design;
 2. Traffic control;
 3. Control of flood waters within developments and outside of developments;
 4. Method of erosion and sedimentation control;
 5. Source and quantity of water supply;
 6. Review and approval of Improvement Plans;
 7. Review of final map or Parcel Map for compliance;
 8. Coordinate installation of water and sewer with city or utility districts;
 9. Compliance with other requirements of the County Improvement Standards.
- C. **Health Department:** It shall be the function of the Environmental Health Services Director to recommend approval, conditional approval, or disapproval of the Tentative Maps in accordance with the results of an analysis of the impact of the proposal upon public health and environmental quality. The analysis shall include:
1. Method of sewage disposal;
 2. Analysis of soils reports as they relate to sewage disposal;
 3. Source and quality of water supply to be provided for domestic use;
 4. Analysis of elements affecting the environment (such as noise, odor, dust, pesticides, and other spraying operations);
 5. Co-ordination of activities with the California Environmental Protection Agency, and the United States Environmental Protection Agency;



6. Evaluation of hazardous materials management, including underground storage tanks and hazardous waste generation, storage, and disposal;
 7. Enforcement of the provisions of local ordinances pertaining to the above.
- D. **Fire Department:** It shall be the function of the Fire Department to make appropriate recommendations to the Advisory Agency relative to the fire protection facilities proposed by the developer. Recommendations shall include:
1. Specific location and spacing of fire hydrants;
 2. The minimum fire flows necessary to serve the proposed development;
 3. Emergency egress roads;
 4. Location of fire and fuel breaks and easements;
 5. Location of fire station sites and immediacy of need.
- E. **Assessor/Clerk-Recorder:** It shall be the function of the Assessor/Clerk-Recorder to make appropriate recommendations to the Advisory Agency relative to the ownership of title to the proposed site and surrounding properties for the purpose of ascertaining compliance with state laws and local ordinances governing land division.
- F. **Building Division of the Community Development Agency:** It shall be the function of the Building Division of the Community Development Agency to review and make appropriate recommendations to the Advisory Agency relative to the preliminary soils report.
- G. **Advisory Agency:** The Advisory Agency as designated in the *Subdivision Map Act* shall be comprised of two divisions as follows:
1. Division One shall be the Director of Community Development who is the decision maker for Lot Line Adjustments, Certificates of Compliance, In-Lieu Parcel Maps, and Tentative Parcel Maps that qualify for a Parcel Map Waiver. The Director shall consult with the County departments identified in this Section, and other departments, agencies, and persons deemed appropriate by the Director prior to taking any final action.
 2. Division Two shall be comprised of the Planning Commission which is the decision maker for any divisions of land that require environmental review (such as an initial study/mitigated negative declaration or EIR). The Director of Community Development, or his or her, designee shall be secretary to Division Two of the Advisory Agency, shall consult with the County departments identified in this Section, and other departments, agencies, and persons deemed appropriate by the Director prior to making any final recommendations.
 3. Both divisions of the Advisory Agency shall have the duty to make investigations and reports on the design and improvement of proposed divisions of real property, impose requirements or conditions thereon and shall approve, conditionally approve, or disapprove maps after holding a properly noticed public hearing. In addition to the circumstances described in Subdivisions A through F of this Section, the appropriate division of the Advisory Agency shall base its decision to approve, conditionally approve, or disapprove maps on any other circumstance specified at Government Code Section 66474, et seq.

Sec. 2305. Preliminary Subdivision Procedures: Prior to submittal of a Tentative Map, it may be advantageous to engage in a preliminary review of the proposed Subdivision. The preliminary review would allow the developer an opportunity to be aware of physical conditions, facts, and policies affecting the proposed Subdivision.

Note: Maps recorded prior to August 14, 1929, were descriptors only and did not create parcels or lots and a conveyance (such as recording a Grant Deed) would need to have been recorded after the map was recorded in order to create a parcel or lot shown on the map.

- A. **Procedures and Requirements:** The Subdivider shall file with the Community Development Agency at least five copies of the Preliminary Map.



B. Information Required on Preliminary Map

1. Every preliminary map shall contain the following information:
 - a. Name and address of owner(s) of record of the property to be subdivided, and name and address of the Subdivider(s) if the owner(s) is/are not the Subdivider(s).
 - b. Name of person who prepared the map.
 - c. A vicinity map indicating the location of the proposed Subdivision in relation to the surrounding area or region.
 - d. Date of preparation, north arrow, and scale.
 - e. Approximate acreage of parcel to be subdivided and the acreage or square feet proposed for each lot in the Subdivision.
 - f. Exterior boundary lines of the total area to be divided.
 - g. Lot lines and approximate dimensions.
 - h. Location and approximate dimensions of proposed public areas.
 - i. Approximate location of existing structures, irrigation ditches, water wells, pipelines, railroads, utility lines, and other physical features. Any existing structures or physical features which are to be left in place shall be so noted.
 - j. Location and widths of watercourses and areas subject to flooding.
 - k. Approximate location and species of all existing and proposed trees and groups of trees located within the proposed Subdivision.
 - l. Proposed name of Subdivision, if any. No existing Subdivision name may be reused. Stage developments may reuse a previous stage name by adding the words "Unit No. 2", etc. Subdivisions contiguous to other Subdivisions may reuse the previous name by adding the word "Addition"
2. Every preliminary map shall show thereon or be accompanied by the following statements:
 - a. Existing uses of property.
 - b. Proposed uses of the property.
 - c. Source of water supply.
 - d. Proposed method of sewage disposal.
 - e. All other improvements proposed to be made or installed.
 - f. Description and location of community facilities which would serve the proposed Subdivision.
 - g. Minimum lot size and average lot size.

C. Filing Fees. At the time of filing the Preliminary Map, the Subdivider shall pay to the Planning Division of the Community Development Agency a nonrefundable fee in an amount established by the Board of Supervisors. Such fee shall be credited toward the filing fee for the Tentative Map if the Tentative Map is filed within 180 days of the date of filing the preliminary map.



Sec. 2306. Tentative Map: A map made for the purpose of showing the design and improvement of a proposed Subdivision and the existing conditions in and around it. A Tentative Map need not be based upon an accurate or detailed final survey of the property boundary. The Tentative Map shall be filed and processed in accordance with the *Subdivision Map Act*, the provisions of this Article, and any other applicable law or ordinance.

A. Form of Tentative Map. Tentative Maps shall be a minimum of eight and one-half inches by 11 inches and a maximum of 24 inches by 36 inches in size. There shall be a marginal line drawn completely around the drawing, leaving one inch blank margin. The scale shall be large enough to show all details clearly. Division One of the Advisory Agency and the secretary of Division Two of the Advisory Agency may require a larger scale than submitted if deemed necessary for clarity.

B. Completeness of Submission. Any map submitted without the foregoing information shown in Table 23-1 and 23-2 above shall be returned to the applicant, and when so returned, no further action by the Advisory Agency will be taken until the omitted information is furnished to the Advisory Agency.

C. Review and Approval or Disapproval.

1. The appropriate division of the Advisory Agency shall review a filed Tentative Map and report upon the map directly to the applicant and the Board of Supervisors in the manner prescribed in the *Subdivision Map Act* after holding a properly noticed public hearing. Prior to taking an action on a Tentative Map, the Advisory Agency shall consult with city officials, school officials, and other public agencies which may be affected by the proposed Subdivision.
2. A Tentative Map may be approved, or conditionally approved by the Advisory Agency only if all requirements of state law, this Article, and other applicable laws, regulations, and policies of the Board of Supervisors are complied with or can be conditionally met.
3. An approved or conditionally approved Tentative Map shall expire 36 months after its approval or conditional approval unless the expiration date is extended pursuant to state law or Subdivision D below.

D. Information on Tentative Map.

1. Every Tentative Subdivision map shall be clear and legible and shall contain thereon the following information:
 - a. A tract number as assigned by the secretary of the Advisory Agency.
 - b. Name and address of the owner(s) of record of the property to be subdivided, and name and address of the Subdivider(s) if the owner(s) is/are not the Subdivider(s).
 - c. The Assessor's Parcel Number or numbers of the land to be divided.
 - d. Name of the registered civil engineer, licensed land surveyor, or person who prepared the map.
 - e. A vicinity map indicating the location of the proposed Subdivision in relation to the surrounding area or region.
 - f. Date of preparation, north arrow, and scale.
 - g. Approximate acreage of parcel to be subdivided and the acreage or square feet proposed for each lot in the Subdivision.
 - h. Exterior boundary lines of the total area to be divided.
 - i. The location, names, width, and curve radii of all existing or proposed alleys, roads, streets, highways and ways adjacent to or within the proposed Subdivision. Profiles shall be required where the grade exceeds three per cent.
 - j. Contour lines drawn to intervals of one foot, and/or spot elevations shown on a maximum grid of one hundred (100) feet in each direction. Contour lines are required when grades in the Subdivision exceed three (3) per cent.

1.



- k. The width and location of all existing or proposed easements or rights-of-way, whether public or private, for roads, drainage, sewers, public utilities, flood control purposes, or any other purpose.
 - l. Lot numbers, lot lines and approximate dimensions.
 - m. Location and approximate dimensions of proposed public areas.
 - n. Waivers of rights of access to and from streets, lots and other parcels of land and the location and approximate width of Reserve Strips.
 - o. Location of existing structures, irrigation ditches, water wells, pipelines, railroads, utility lines, and other physical features. Any existing structures or physical features which are to be left in place shall be so noted.
 - p. Location of specific plan lines.
 - q. Location of city boundary lines and boundary lines of any public district which may lie within 300 feet of the exterior boundary line of the proposed Subdivision.
 - r. Location and widths of watercourses and areas subject to flooding.
 - s. Approximate location and species of all existing and proposed trees or groups of trees located within the proposed Subdivision.
 - t. Proposed name of Subdivision, if any. No existing Subdivision name may be reused. Phased developments may reuse a previous phase name by adding the words "Unit No. 2", etc. Subdivisions contiguous to other Subdivisions may reuse the previous name by adding the word "Addition."
 - u. The existing and proposed zoning of the property to be divided.
2. Every Tentative Map shall show thereon or be accompanied by the following statements:
- a. Existing uses of property.
 - b. Proposed uses of the property, including a statement of the relative proportions of the total area of the proposed Subdivision to be devoted to each use.
 - c. Source of water supply (system of supply and distribution).
 - d. Proposed method of sewage disposal.
 - e. Proposed storm water or other means of drainage disposal.
 - f. Type of street improvement.
 - g. A preliminary title report.
 - h. All other improvements proposed to be made or installed.
 - i. The time when improvements are proposed to be made or installed. (One of the following must be completed prior to recording the map: 1) install the improvements or, 2) bond for the improvements.)
 - j. Description and location of community facilities which would serve the proposed Subdivision.
 - k. Minimum lot size and average lot size.
 - l. Justification and reasons for any exceptions to the provisions of this Article.



- m. If the Subdivider desires that notices, reports and other communications from the Advisory Agency, Board of Supervisors, and other officers and agents of the county be sent to him in care of his engineer, he shall attach to the Tentative Parcel Map a statement to that effect. If such a statement is attached to the Tentative Parcel Map, all notices, reports and communications required under the provisions of this Article shall be sent to the engineer.
 - n. Representative percolation tests at site locations, taken in accordance with the "Manual of Septic Tank Practice" by the U.S. Health Service, PB 218 226, shall be submitted if septic tanks are proposed or if storm waters are to be contained on the lots, and percolated.
 - o. If the depth of ground water, as determined from information provided by the health department is less than 30 feet, its expected annual minimum depth, taking into account annual variation and fluctuations in adjacent water ways, shall be submitted. If the source of water supply is to be located within the Subdivision the expected depth to the potable water shall be reported.
 - p. A checklist stating that all information required on the Tentative Parcel Map is included with the application and signed by the applicant or his, or her, agent
3. Any Tentative Parcel Map submitted without the foregoing information shall be returned to the applicant, and when so returned, no further action by the Advisory Agency will be taken until the omitted information is furnished to the Advisory Agency.

E. Extension of Approval of Tentative Map.

- 1. Upon application of the Subdivider filed prior to the expiration of the approved or conditionally approved Tentative Map, the time at which such map expires may be extended for a period or periods of time not exceeding a total of three years. However, the total extension time may not be more than three years beyond the end of the original approval.
- 2. Before granting any extension the Advisory Agency may request additional conditions. However, if the Subdivider does not agree to the new conditions the extension may be denied if the Advisory Agency finds, based on justifying evidence, that unless the condition is imposed, the development will be injurious to public health, safety or general welfare. In such a case the Tentative Map will expire. The Subdivider may immediately submit a new Tentative Map to which the new condition can be attached. Such additional conditions may be appealed in the same manner as the original approval of the Tentative Map.

F. Vesting Tentative Maps.

- 1. A "Vesting Tentative Map" is a Tentative Map as defined in the *Subdivision Map Act* which shall have printed conspicuously on its face the words "Vesting Tentative Map" and which is processed in accordance with this Article.
- 2. Whenever a Tentative Map is required by this Development Code or the *Subdivision Map Act*, a Vesting Tentative Map may be filed instead. If a Subdivider does not seek the rights conferred by a Vesting Tentative Map, the filing of a Vesting Tentative Map shall not be required as a prerequisite to any approval for any proposed Subdivision, permit for construction, or work preparatory to construction.
- 3. A Vesting Tentative Map shall be processed in the manner provided for Tentative Maps in this Article. A Vesting Tentative Map shall be filed in the same form and with the same content as provided in this Article except that the words "Vesting Tentative Map" shall be conspicuously printed on the face thereon.
- 4. A Vesting Tentative Map shall expire and be subject to the same extensions as apply to a Tentative Map as set forth in this Development Code.
- 5. The approval or conditional approval of a Vesting Tentative Map shall confer a vested right to proceed with development in substantial compliance with those ordinances, policies and standards in effect as of the date the application for a Vesting Tentative Map is determined to be complete, or as otherwise permitted by Government Code Section 66474.2. If Government Code Section 66474.2 is repealed, the approval or conditional approval of a Vesting Tentative Map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies, and standards in effect at the time the Vesting Tentative Map is approved or conditionally approved.



Approval of a Vesting Tentative Map shall in no way limit or diminish the authority of the County to deny or impose reasonable conditions in conjunction with subsequent approvals relating to the project provided the County applies those ordinances, policies and standards in effect at the time of approval of the Vesting Tentative Map.

6. Notwithstanding Subsection E above, the County may condition or deny a permit, approval, extension, or entitlement for use based upon ordinances, policies and standards enacted subsequent to the time the Vesting Tentative Map is approved or conditionally approved if any of the following are determined:
 - a. A failure to do so would place the residents of the Subdivision or the immediate community, or both, in a condition dangerous to their health or safety, or both.
 - b. The condition or denial is required in order to comply with state or federal law.
7. The rights referred to in this Section shall expire if a final map is not approved prior to the expiration of the Vesting Tentative Map. After the final map is approved, the rights referred to in this Section shall apply for the time periods specified in Government Code Section 66498.5.
8. Whenever a Subdivider files a Vesting Tentative Map for a Subdivision whose intended development is inconsistent with the zoning ordinance or Development Code in existence at that time, that inconsistency shall be noted on the map. The County shall deny such a Vesting Tentative Map, or approve it conditioned upon the Subdivider obtaining the necessary change in the Development Code to eliminate the inconsistency. If the change in the Development Code is obtained, the approved or conditionally approved Vesting Tentative Map shall confer the vested right to proceed with development in substantial compliance with the change in the Development Code and the map as approved.

G. Filing Fee. At the time of filing the Tentative Map, the Subdivider shall pay the Planning Division of the Community Development Agency a nonrefundable fee in an amount established by resolution or order of the Board of Supervisors.

Sec. 2307. Final Map: The procedures for processing final maps shall be the same as those required by the *Subdivision Map Act*, except as may otherwise be required by this article. The final map shall be submitted in the form prescribed by the *Subdivision Map Act*.

A. Filing Procedure: The Subdivider shall submit to the County Surveyor two complete sets of black or blue-lined prints of the final map. The County Surveyor shall determine the technical accuracy of such prints and upon approval of such prints the original set of maps and one set of black or blue-line prints shall be submitted to the County Surveyor who will affix his approval of the technical accuracy of the maps, retain the map until all actions preliminary to recordation are completed and upon completion of all such preliminary actions deliver the map to the County Assessor/Clerk-Recorder for recordation.

B. Information Required on Final Map

1. *Location and index map.* If more than two sheets are used to show the actual layout of the streets and lots, an index map shall be used showing the relationship of the sheets. Each sheet shall be numbered, Sheet 1 of 1, etc. A location map shall appear on the map showing the relative position of the land to be subdivided with the rest of the section or sections in which it lies and also the surrounding existing Subdivisions indicating their name and tract number. The minimum amount of surveying information shown on the location map shall be the amount which was necessary to actually set the exterior control monuments of the new Subdivision. The location map, and the index map if used, may be the same map. Affidavits, certificates, acknowledgments, endorsements, acceptances of dedication, and seals required by law and by this Article shall appear on the first sheet.
2. *Subdivision name.* The Subdivision name, if one is used, and the tract number shall conspicuously appear on each sheet of the final map. On one of the sheets there shall be a legal description of the exterior boundaries of the area subdivided.
3. *Lot numbering.* Lots shall be numbered consecutively beginning with Lot No. One, except that when the Subdivision is a continuation or an addition to an existing Subdivision, the lot numbers shall commence with the next highest number of the preceding portion. Blocks may be used. If used, they shall be consecutively lettered or numbered with



no omissions. Each block, if blocks are used, and each lot shall be shown completely on one sheet.

4. *Public dedications.* The final map shall show the location of and types or names of, without abbreviation, the following:
 - a. New streets
 - b. New public areas and easements
 - c. Adjoining streets
 - d. All other existing streets and/or easements
5. *Technical information.*
 - a. Dimensions of all lot lines, Subdivision perimeter and of the centerline of streets shall be in feet and decimals thereof to the nearest 1/100 of a foot, and bearings to the nearest second.
 - b. If a course is a curve, the radius, length of curve and central angle shall be shown.
 - c. If the ends of a curve are not tangent to the preceding or following, the radial of the end of the curve, with its bearing shall be shown.
 - d. No ditto marks are allowed.
 - d. The width of each street right-of-way shall be shown, indicating the widths on each side of the centerline. If additional right-of-way for an existing street is offered for dedication, the original right-of-way width, and the right-of-way width offered for dedication shall be shown along with the total width of the new right-of-way.
 - f. The basis of bearing shall be identified by a statement on the map.
6. *Soil report.* At the time of filing the Final Map, the Subdivider shall file with the Advisory Agency a soils report on the Subdivision prepared by a registered civil engineer. Said soils report shall be based upon test borings or excavations which the county building official determines to be adequate. The county building official may waive the soils report if he determines that because of the knowledge of his department as to the soil qualities of the Subdivision, no analysis is needed. If the soils report indicates the presence of critically expansive soils or other soil problems, which if not corrected, could lead to structural defects, a soil investigation shall be prepared by a civil engineer registered in the State of California and shall recommend corrective action which is likely to prevent possible structural damage to each dwelling or structure proposed to be constructed within the Subdivision.

C. Monuments.

1. All monuments shall be set at locations and in the manner prescribed in the Improvement Standards and as set forth in the Land Surveyors Act.
2. Manufactured monuments may be used in lieu of the above requirements if approved by the County Surveyor.
3. All monuments shall be marked or tagged according to the provisions of the Land Surveyors Act.
4. The final map shall show clearly all stakes, monuments or other evidence found on the ground which were used to determine the boundaries of the tract. The corner of adjoining Subdivision, or portions thereof shall be identified and referenced to the new Subdivision.

D. Survey Requirement.

1. A complete and accurate survey of the land to be subdivided shall be made.



2. **Basis of bearing.** The basis of bearing shall be taken from a line between two existing monuments; the bearing shall be obtained from one of the following sources:
 - a. A record map or record of survey.
 - b. California Coordinate System.
 - c. County Surveyor's records.
 - d. True north based on astronomical, solar observation or acceptable GPS based geodetics.
3. The engineer or surveyor who prepares the final map shall make the most logical choice of the first three of the above. If none of the first three sources are available, then an assumed basis of bearing may be used.
4. All sources of information shown or used in platting the survey shall be noted by legend on the plat.
5. If a recorded course is different from a field course, both should be noted in proper notation with the recorded course in parentheses.
6. Traverse calculations shall be provided by the engineer or surveyor showing closure of the perimeter of the Subdivision and centerline of streets and any lot or block which is not a parallelogram.

E. Filing Fee. At the time of filing the Final Map, the Subdivider shall pay to the secretary of the Advisory Agency a nonrefundable fee in an amount established by resolution or order of the Board of Supervisors.

F. Improvements. The Subdivider shall install, construct, and/or provide all improvements required by the Advisory Agency or Board of Supervisors in accordance with the Improvement Standards.

G. Improvement Plans and Specifications.

1. Prior to construction of improvements, entering into any agreement with the County for improvements, or recording of the final map, the Subdivider shall submit to the Public Works Director for approval two sets of copies of improvement drawings and specifications for the improvements which are to be provided by the Subdivider. The drawings and specifications shall meet the following requirements:
 - a. Must contain adequate engineering information to describe the construction of the improvements required, as determined by the Public Works Director.
 - b. The drawings must contain a cover page with index to the construction drawings, when consisting of more than three sheets.
2. Upon approval of the copies of the improvement drawings and specifications, or subsequent submissions, the original plus one set of black or blue-line prints shall be filed with the Public Works Director.
3. In the event the Subdivider decides to construct improvements before recording the final map, no construction of improvements may be commenced prior to entering into an agreement with the County setting forth the conditions under which the County will accept the improvements and record the final map. Improvements will not be accepted until the Subdivider provides security in the amount of 10 percent of the estimated cost of improvements to guarantee the improvements against any defects in workmanship or materials.

H. Plan Checking and Inspection.

1. The Subdivider shall pay a fee to cover the expense to the County of checking plans and specifications for all improvements inspected by the county and for the expense of inspecting the construction of such improvements. The fee shall be based on the estimate, made by the Public Works Director or his authorized agent, of total cost for constructing such improvements and shall be as follows:



Table 23-1 Plan Check Fees	
Estimated Cost of Construction	Fee
0 - \$ 5,000	5% of cost
\$ 5,001 - \$ 25,000	\$250 + 4% of cost over \$5,000
\$ 25,001 - \$100,000	\$1,050 + 3½% of cost over \$25,000
\$100,001 - \$250,000	\$3,675 + 3% of cost over \$100,000
\$250,001 & over	\$8,175 + 2% of cost over \$250,000

2. In the discharge of this duty, and subject to the Fourth Amendment, the Public Works Director or his authorized agent shall have the right to enter upon the sites of improvements for the purpose of inspecting them and he shall be furnished with samples of materials as may be required for making the tests to determine the acceptability of such materials.
3. Any work done without inspection by the county shall be presumed to be unsatisfactory.

I. Improvements-Agreement, Security, and Repairs.

1. If the improvements are not satisfactorily completed before the final map is approved for recording, the Subdivider shall enter into an agreement with the county whereby, in consideration of the acceptance by the Board of Supervisors of improvements and dedications, the Subdivider agrees to complete all improvements required by the Advisory Agency or Board and to comply within the time specified in the agreement. Such agreement shall be secured through an improvement security which complies with the requirements of the *Subdivision Map Act*.
2. The Subdivider shall furnish security in the amount of 100 percent of the estimated cost of the improvements to insure faithful performance of the agreement, and shall furnish additional security in an amount of at least 50 percent of said estimated cost to insure payment to contractors, subcontractors, and to persons furnishing labor, materials, or equipment. The exact amount shall be determined by the Public Works Director. The Subdivider shall also furnish a security in the amount of 10 percent of the estimated cost of the improvements, as determined by the Public Works Director, which shall be retained for the period of 12 months following acceptance of the improvements to guarantee the improvements against any defects in workmanship or materials. The performance, payment, and warranty securities may be given in the form of a surety bond, a cash deposit, a letter of credit, escrow account, or other form of performance guarantee required as security by the Board of Supervisors that meets the requirements as acceptable security pursuant to law.
3. When the County enters into such an agreement, said agreement shall require that performance of the agreement be guaranteed by the security specified in Chapter 5 (commencing with Section 66499) of the *Subdivision Map Act*. Acceptable guarantees include any form of security, including interests in real property which is acceptable to the County.

J. Release of Security.

1. Pursuant to provisions of the *Subdivision Map Act*, the Public Works Director shall have the power to release up to 90 percent of the improvement security for faithful performance of the contract, deposited by the Subdivider upon satisfactory completion of all improvements required in the contract between the County and the Subdivider. A minimum of 10 percent of the security shall be retained for 12 months following acceptance as a warranty against the labor and materials supplied by the Subdivider. If at the end of 12 months from the date of satisfactory completion of improvements such improvements are in satisfactory condition, subject to normal wear and damage which is not the fault of the labor and materials supplied, the remainder of the security shall be released. If repairs are necessary because of faulty labor or materials, the withheld security shall be used for necessary labor and materials to bring the improvements to a satisfactory condition. Any security remaining after necessary repairs are made shall be released to the Subdivider.
2. The security furnished by the Subdivider shall be released in whole or in part in the following manner:
 - a. Security given for faithful performance of any act or agreement shall be released by the Public Works Director upon the performance of the act or final completion and acceptance of the required work. The Board of



Supervisors may, in an agreement for improvements entered into with the Subdivider, provide for the partial release of the security upon the partial performance of the act or the acceptance of the work as it progresses, consistent with the provisions of this Subdivision. If the security furnished by the Subdivider is a documentary evidence of security such as a surety bond or a letter of credit, the Director of Public Works shall release the documentary evidence and return the original to the issuer upon performance of the act or final completion and acceptance of the required work. In the event that the Public Works Director is unable to return the original documentary evidence to the issuer, the security shall be released by written notice sent by certified mail to the Subdivider and issuer of the documentary evidence within 30 days of the acceptance of the work. The written notice shall contain a statement that the work for which the security was furnished has been performed or completed and accepted by the County, a description of the project subject to the documentary evidence and the notarized signature of the Public Works Director.

- b. At the time that the Subdivider believes that the obligation to perform the work for which security was required is complete, the Subdivider may notify the Public Works Director in writing of the completed work, including a list of work completed. Upon receipt of the written notice, the Public Works Director or other appropriate County officer, as well as the authorized representative of any other local agency that is a party to the agreement for the improvements, shall have 45 days to review and comment or approve the completion of the required work. If the County or other local agency that is a party to the improvements agreement does not agree that all work has been completed in accordance with the plans and specifications for the improvements, it shall supply a list of all remaining work to be completed.
- c. Within 45 days of receipt of the list of remaining work described above in Paragraph 2.b, the Subdivider may then provide cost estimates for all remaining work for review and approval by the Public Works Director. Upon receipt of the cost estimates, the Public Works Director shall then have 45 days to review, comment, and approve, modify, or disapprove those cost estimates.
- d. If the Public Works Director approves the cost estimate, he or she shall release all performance security except for security in an amount up to 200 percent of the cost estimate of the remaining work. Notwithstanding the foregoing, unless the agreement for improvements approved by the Board otherwise allows for partial release of the security, the process allowing for a partial release of performance security shall occur only when the cost estimate of the remaining work is less than or equal to 20 percent of the total original performance security, and the County shall not engage in the process of partial release more than once between the start of work and completion and acceptance of all work. Substitute bonds or other security may be used as a replacement for the performance security, subject to the approval of the Public Works Director. If substitute bonds or other security is used as a replacement for the performance security released, the release shall not be effective unless and until the County receives and approves that form of replacement security. A reduction in the performance security shall not be deemed to be an acceptance of the completed improvements, and the risk of loss or damage to the improvements and the obligation to maintain the improvements shall remain the sole responsibility of the Subdivider until all required public improvements have been accepted and all other required improvements have been fully completed in accordance with the plans and specifications for the improvements.
- e. The Subdivider shall complete the works of improvement until all remaining items are accepted. Upon the completion of the improvements, the Subdivider, or his or her assigns, shall be notified in writing by the Public Works Director within 45 days. The Public Works Director shall release any remaining performance security within 60 days of the issuance of the notification.
- f. The Public Works Director shall, six months after completion and acceptance of all improvements, reduce the improvement security securing payment to the contractor, his or her subcontractors, and to persons renting equipment or furnishing labor and materials to an amount not less than the total of all claims on which a claim of lien has been recorded and notice thereof given in writing to the Public Works Director.
- g. The release of security described in this Subdivision shall not apply to the security in the amount of 10 percent of the estimated cost of the improvements, described above in Subdivision G.2 of this Section, which shall be retained for the period of 12 months following acceptance of the improvements to guarantee the improvements against any defects in workmanship or materials. Nor shall the release of security described in this Subdivision apply to costs and reasonable expenses and fees, including attorneys' fees, incurred by the County in enforcing the



terms of the agreement for improvements.

- K. **Final Inspection.** Upon completion of the required improvements by the Subdivider, the Public Works Director or his authorized agent shall make a final inspection of the Subdivision. If it is found upon inspection that all improvements have been installed in accordance with the approved plans and specifications and are in good repair, the public works director shall prepare a notice of completion for acceptance by the Board of Supervisors.
- L. **Provisions for Processing Final Maps with Technical and Inadvertent Errors.** If during the review of a Final Map the Surveyor's Office determines that a Final Map fails to meet or perform any requirements or conditions imposed by the *Subdivision Map Act* or local ordinance, the Surveyor's Office shall consult with the appropriate county departments or agencies concerning the failure. If it is determined after such consultation that the failure of the map is a result of a technical and inadvertent error which does not materially affect the validity of the map the final map shall not be disapproved.

Sec. 2308. Parcel Maps. The processing, review, and approval of Tentative Parcel Maps and Parcel Maps shall be pursuant to the provisions of the *Subdivision Map Act* and this article.

A. **Application.** The provisions of this article shall apply to Subdivisions of land which require Parcel Maps as described and defined in the *Subdivision Map Act*, but not to Subdivisions pursuant to Section 66412.5 of the *Subdivision Map Act*.

B. Tentative Parcel and In-Lieu Parcel Maps.

- 1. A Subdivider subdividing real property for which a Parcel Map is required shall file a Tentative Parcel Map with the secretary of the Advisory Agency pursuant to this article and the requirements of the *Subdivision Map Act*, unless the division meets all of the criteria listed in paragraph 2 below.
- 2. A Tentative Parcel Map is not required and an In-Lieu Parcel Map can be filed if the proposed division meets all of the following criteria:
 - a. The division will result in four parcels or fewer, including divisions for the purpose of retaining a farm home or transferring title to an immediate family member in compliance with Sections 408 through 410 of this Development Code, excluding any unmapped Remainder.
 - b. No public improvements pursuant to the Kings County Improvement Standards are required, other than deferred improvements required pursuant to said standards, and/or dedication of additional right-of-way along existing roadways consistent with the road classification and the circulation element of the General Plan, in which case the Subdivider shall make an offer of dedication of the required right-of-way on the face of the Parcel Map.
 - c. All of the resulting parcels comply with the existing regulation of this Development Code, and no zoning actions or approvals are required except for divisions for the purpose of retaining a farm home or transferring title to an immediate family member. This does not include development permits which may be required for uses on individual parcels after the Parcel Map is recorded.
 - d. A Parcel Map will be recorded.
 - e. All parcels, five acres or less in area, shall have frontage on, or direct access to, a public road or street.
- 3. A division of land which meets the criteria listed in paragraph 2 above is hereby deemed ministerial (pursuant to Section 21080(b)(1) of the Public Resources Code, and Sections 15300.1 and 15369 of the CEQA Guidelines) and is exempt from environmental review pursuant to Kings County environmental review procedures and the California Environmental Quality Act.

C. Filing of Tentative Parcel Map or Proposed Parcel Map; number copies required; size.

- 1. Five copies of the Tentative Parcel Map, or proposed Parcel Map in the case of a submittal pursuant to Section 2308.B.2 above, shall be filed with the secretary of the Advisory Agency. Additional copies may be required by the



secretary of the Advisory Agency.

2. The Tentative Parcel Map or proposed Parcel Map shall be at least eight and one-half inches by 11 inches in size and no greater than 24 inches by 36 inches in size.
3. A Tentative Parcel Map or proposed Parcel Map shall be considered filed at the time when all requirements of this Section have been met.

D. Designated or Unmapped Reminders:

1. In the case of any parcel or final map which establishes a “Designated Remainder” or “Unmapped Remainder”, the map shall include all parcels lines with deed references which are located under the Remainder area.
2. The face of the map shall note that a Certificate of Compliance or Conditional Certificate of Compliance is required to be recorded prior to the sale, lease or financing, of the Remainder parcel. Agricultural zoned property that meets or exceeds the zoning district minimum parcel size is exempt from this requirement.

E. Review and Approval or Disapproval.

1. Tentative Parcel Maps shall be reviewed pursuant to the procedures required for Tentative Subdivision maps as contained in Section 2306 of this Article and the *Subdivision Map Act* except as otherwise provided by this article and the Advisory Agency shall approve, conditionally approve or disapprove Tentative Parcel Maps in the manner set forth in the *Subdivision Map Act* for Tentative Subdivision maps. The Advisory Agency may approve Tentative Parcel Maps only if, in addition to all other requirements, all of the following conditions are met:
 - a. The division conforms to all applicable zoning regulations, regulations of this Article, requirements of the County Improvement Standards, and the *Subdivision Map Act*.
 - b. All proposed parcels shall have road access, in accordance with the Improvement Standards, allowing access to each parcel, and such roads may, at the discretion of the Advisory Agency be required for dedication to the county.
2. A proposed Parcel Map submitted pursuant to Section 2308.B.2 shall be reviewed administratively by Division One of the Advisory Agency in consultation with those departments listed in Section 2304 of this Article and with city officials, school officials, and other public agencies which may be affected by the proposed Parcel Map. The Director of Community Development shall develop procedures to review the Parcel Map, including the consultation with other officials and agencies he, or she, feels is appropriate, to determine whether the division meets all of the criteria found within Section 2308.B.2. The procedures shall require the Director to complete the review within 15 working days after receiving the proposed Parcel Map:
 - a. If the Director of Community Development determines that any of the criteria are not met, the Director shall return the Parcel Map to the Subdivider who may refile it as a Tentative Parcel Map pursuant to Section 2308.C of this article.
 - b. If the Director determines, after consultation, that all of the criteria are met, the Director shall sign a certification on the face of the Parcel Map that the division complies with all applicable General Plan requirements. Upon completion of the certification the Director shall forward the proposed Parcel Map to the County Surveyor's Office for further processing pursuant to Section 2308 of this article.

F. Expiration.

1. An approved or conditionally approved Tentative Parcel Map shall expire 36 months after its approval or conditional approval.
2. The period of time specified in Paragraph 1 above shall not include any period of time during which a development moratorium is in effect as provided in Section 66463.5 of the *Subdivision Map Act*.



3. The period of time specified in Paragraph 1 above shall not include any period of time during which a lawsuit has been filed and is pending in a court of competent jurisdiction involving the approval or conditional approval of a Tentative Parcel Map, but only if a stay of the time period is approved by the Planning Commission, as provided in Section 66453.5 of the *Subdivision Map Act*.
4. The expiration of the approved or conditionally approved Tentative Parcel Map shall terminate all proceedings, and no Parcel Map on all or any portion of the real property included within an expired Tentative Parcel Map shall be filed without first processing a new Tentative Parcel Map.
5. Notwithstanding the provisions of this Development Code to the contrary, if an approved or conditionally approved Tentative Parcel Map is subject to an automatic extension of the expiration date pursuant to California Government Code Section 66452.21 or 66452.22, or any other applicable statute and if the Tentative Parcel Map was approved or conditionally approved in conjunction with a separate discretionary land use entitlement (including design review permits, use permits, variances, or other discretionary land use entitlements), then the initial expiration date of the separate discretionary land use entitlement shall automatically be extended to be equal to the expiration date of the approved or conditionally approved Tentative Parcel Map.

G. Extension of Approval of Tentative Parcel Map. Upon application of the Subdivider filed prior to the expiration of the approved or conditionally approved Tentative Parcel Map, the time at which such map expires may be extended for a period or periods of time not exceeding a total of three years. However, the total extension time may not be more than three years beyond the end of the original approval. Before granting any time extension the Advisory Agency may request additional conditions. However, if the Subdivider does not agree to the new conditions the extension may be denied if the Advisory Agency finds, based on justifying evidence, that unless the condition is imposed, the development will be injurious to public health, safety or general welfare. In such a case the Tentative Parcel Map will expire. The Subdivider may immediately submit a new Tentative Parcel Map to which the new condition can be attached. Such additional conditions may be appealed in the same manner as the original approval of the Tentative Parcel Map.

H. Appeals Procedure. If the applicant or any interested person is adversely affected by a decision of the Advisory Agency the applicant or any interested person adversely affected may appeal to the Board of Supervisors in the manner set forth in Section 66452.5 of the *Subdivision Map Act*.

I. Exemptions from Parcel Map Filing Requirements.

1. A Tentative Parcel Map must be filed for all proposed divisions of real property not exempted by this article or the *Subdivision Map Act*. A Tentative Parcel Map must be filed and approved, but in lieu of a Parcel Map, a Parcel Map Waiver may be recorded if the division is one of the following:
 - a. The smallest resulting parcel is nominally 20 or more acres and is a fractional portion of a section.
 - b. No new parcel is created, the real property is zoned agricultural and the division is for purpose of adjusting common boundaries of adjoining parcels.
 - c. No new parcel is created and all of the following conditions exist:
 - (1) The division is for the purpose of adjusting property lines between adjoining properties.
 - (2) The properties are in a previously lawfully created Subdivision and shown on a recorded map.
 - (3) The properties are developed at the time of the proposed division.
 - (4) The properties are zoned other than commercial or industrial.
 - d. Four or less parcels are created and every new division line is coincident with a county road, street, freeway, expressway, occupied railroad right-of-way, the California Aqueduct, division lines created by an approved government township plat or survey of public record and all of the property is zoned other than commercial or industrial.



e. The division results in only one additional parcel, the division is for financing purposes only and the property is in a general or exclusive agriculture zoning district.

f. A Lot Line Adjustment where no new parcel is created pursuant to this Article.

2. Applications for Parcel Map Waiver, pursuant to Section 66428(b) of the *Subdivision Map Act*, shall be reviewed by the Director of Community Development. If the Director makes the above findings and also finds that the proposed division complies with requirements established by the *Subdivision Map Act* or any other local ordinance related to area, improvements and design, floodwater damage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection, and other requirements, the Parcel Map may be waived.

3. A division of land which meets the criteria listed in Paragraph 1 above is hereby deemed ministerial (pursuant to Section 21080(b)(1) of CEQA, and Section 15360 of the CEQA Guidelines) and is exempt from environmental review pursuant to Kings County environmental review procedures and the California Environmental Quality Act.

J. **Filing and Recording of Parcel Maps.** Subsequent to the approval of a Tentative Parcel Map, final Parcel Maps shall be filed with the County Surveyor in the manner provided in Section 2307.A and the fees required by Section 2305.D shall be paid at the time the final Parcel Map is filed with the Surveyor. Upon approval of the construction drawings and the Parcel Map and receipt of the agreement and improvement security, the County Surveyor shall forward the Parcel Map to the office of the County Recorder for recordation.

K. **Signature of Owner.** Except under circumstances described in Government Code Section 66436, Subdivision (a), in the event that dedications are required, the Parcel Map shall contain a certificate signed and acknowledged by all parties having any record title interest in the real property proposed to be subdivided, consenting to the preparation and recordation of the Parcel Map. In the event dedications or offers of dedication are not required, the Advisory Agency may require satisfactory evidence that all parties having any record title interest in said property have consented to the proposed division.

L. **Improvements.** Improvements shall be installed, constructed, and/or provided in accordance with the Kings County Improvement Standards. The Subdivider shall construct the required improvements within a reasonable time following approval of the Parcel Map and prior to issuance of a permit or other grant of approval if the Advisory Agency determines that the improvement is necessary by reasons of:

1. Public health and safety; or

2. Orderly development of the surrounding area. When found to be necessary for the above reasons, the Subdivider shall enter into an agreement with the county in the manner described in Section 2307.G or construct improvements prior to recording of the Parcel Map as provided in Section 2307.E. When required improvements are not necessary for the above reasons, then their construction may be deferred until such time as the reason for deferment no longer exists, or the first lot of such division is sold, whichever occurs first. Deferment of such improvements shall be allowed only if the Subdivider enters into an agreement with the county stating that such improvements will be constructed at the owner's cost. The public works director shall make the determination as to when the reason for deferment no longer exists. The responsibility for construction of required improvements shall be binding on successors in interest of each parcel. Such agreement shall be secured through an improvement security which complies with the requirements of the *Subdivision Map Act*.

Sec. 2309. Lot Line Adjustments (LLA): A Lot Line Adjustment is an adjustment or relocation of a boundary line or a transfer of real property between four or fewer adjoining legally created lots (Grant Deeds prior to 3/4/1972, Parcel Maps, or Subdivision Maps), where the adjustment or relocation does not result in the creation of additional parcels or potential building sites. The processing, review and approval of a Lot Line Adjustment shall be pursuant to the provisions of the *Subdivision Map Act* and this article.

A. **Application.** The provisions of this article shall apply to Lot Line Adjustments as described in the *Subdivision Map Act*, specifically Government Code Section 66412 Subdivision (d).



B. Procedures for Filing an Application for a Lot Line Adjustment.

1. An original application and five copies of the site plan must be filed with the Director of Community Development with such nonrefundable fee as established by resolution or order of the Board of Supervisors, to cover the cost of processing, reviewing and approving all required documents for the Lot Line Adjustment approval. The county mapping/bond fees shall be collected by the Kings County Financial Director (“Financial Director”) prior to the tax clearance signature being placed on the Parcel Map Waiver form which must be done prior to recording. In addition, all County Assessor/Clerk-Recorder’s fees shall be collected by the recorder at the time the documents are recorded.
2. The application shall be in a manner and form prescribed by the Director of Community Development. Copies of such an application form shall be available to the public at the Planning Division of the Community Development Agency. The original application filed with the Director shall include a “*Parcel Map Wavier for Lot Line Adjustment*” that is suitable for recording and must be neatly and accurately drawn, lettered and legible.
3. The application form and the “*Parcel Map Wavier for Lot Line Adjustment*” form shall be eight and 8½ by 11 inches in size and shall contain the following information:
 - a. The actual legal description of the property being transferred, which will be used on the deed(s) transferring the property, including a statement that the transferred territory will be joined with a specific parcel and will not become a separate parcel.
 - b. The legal descriptions of each of the properties after the adjustment which will be used on the perfection deed(s) for each of the parcels resulting from the adjustment.
 - c. A site plan that is accurately drawn, and, shall be neatly and accurately drawn, lettered or typed, legible, and containing the following information:
 - (1) Date, north arrow, and scale of drawing.
 - (2) Existing parcel lines (broken and thin) with dimensions.
 - (3) Adjusted parcel lines (solid and bold) with dimensions.
 - (4) Location, dimensions, distance to adjusted lines, number of stories or height, of all existing surface and underground structures.
 - (5) Name, width, and location of existing or proposed, abutting or transversing streets, easements, or right-of-ways.
 - (6) Number of each parcel corresponding to the description and including the Assessor's Parcel Number (APN) below the parcel number.
 - (7) Area of each parcel after the adjustment.
 - (8) Location with dimensions to adjusted lines of existing waste water disposal systems and all wells.
 - d. Preliminary title reports.
 - e. Documentation such as copies of deeds, court orders, probate documents, or other legal documents that all parcels involved in the Lot Line Adjustment are legally created.
 - f. If any or all of the parcels involved in the Lot Line Adjustment are restricted by Land Conservation (Williamson Act) contracts or Farmland Security Zone contracts, all of the Preserve Number(s) or Farmland Security Zone Number(s), and contract number(s).
4. The application shall be deemed filed when all provisions of this article have been met.



5. The Lot Line Adjustment application form must be signed by all of the property owners involved, including trust deed holders.
6. At the time of filing an application for a Lot Line Adjustment, the applicant shall pay to the Community Development Agency a non-refundable fee in an amount established by ordinance of the Board of Supervisors.

C. Procedure for Review, Determination and Completion of a Lot Line Adjustment Application.

1. A Lot Line Adjustment is a ministerial action and shall be administratively reviewed by the Director of Community Development pursuant to Section 2304.G, who shall ensure that the Lot Line Adjustment conforms to local Development Code and building ordinances, shall also consult with the Public Works Department in order to review the legal descriptions, and shall consult with other departments and agencies as is necessary to adequately review the application.
2. A Lot Line Adjustment shall not be recorded which does not conform to state law, local ordinance, or other regulation.
3. Upon completion of the review of the Lot Line Adjustment, the Director of Community Development shall notify the applicant that either additional information is necessary, and specify what that information is, or inform the applicant that the application is in order and may proceed. The applicant shall then submit copies of the new legal description(s) for the subject properties being used for the new transfer and perfection deed(s). The Director shall review the legal description(s) to determine that the new transfer and perfection deed(s) will be consistent with the Lot Line Adjustment. Recording transfer and perfection deed(s) with legal description(s) different from the description(s) approved by the Director shall not be deemed an appropriate Lot Line Adjustment.
4. When the Lot Line Adjustment is completed and any required transfer and perfection deed(s) are recorded, title to the transferred territory shall be shown the same as the title on the property that it joined.
5. Items which will be recorded together are the approved Parcel Map Waiver and the transfer and perfection deed(s). Any transfer deed that is recorded shall contain the following:
 - a. A description of the property being transferred.
 - b. A statement that the transfer deed is being recorded pursuant to the Advisory Agency decision for the Lot Line Adjustment and the date of approval.
 - c. A statement that the transferred territory will be joined with a specific parcel and will not become a separate parcel.
6. In compliance with Section 2309.B.5 above, prior to recording the Parcel Map Waiver for the Lot Line Adjustment application, the Parcel Map Waiver form must be signed by all of the property owners involved. For any parcels that are encumbered by a deed of trust the following are required:
 - a. The project proponent shall present evidence that, at the time of the recording of the Parcel Map Waiver in the office of the County Clerk/Recorder, the parties consenting to such recording are all of the parties having a record title interest in the real property being adjusted whose signatures are required, otherwise the Parcel Map Waiver shall not be recorded.
 - b. Prior to recording the Parcel Map Waiver, for the Lot Line Adjustment, a Pro Forma Preliminary Title Report shall be submitted to the Community Development Agency stating how title will be held as a result of recording the following: 1) the Parcel Map Waiver for the Lot Line Adjustment and 2) the transfer deed(s).
 - c. Prior to recording the Parcel Map Waiver, for the Lot Line Adjustment, modifications of any deed(s) of trust that encumber property that is subject to this adjustment shall be submitted to the Community Development Agency and be approved by the County for their content. The modifications of the deed(s) of trust shall be recorded simultaneously with the Parcel Map Waiver to modify the legal description to be consistent with the parcels resulting from the adjustment.



d. Prior to recording the Parcel Map Waiver, for the Lot Line Adjustment, partial reconveyances, from trust deed holders for areas to be transferred as part of the lot line adjustment, shall be submitted to the Community Development Agency and be approved by the County for their content. The partial re-conveyances shall record simultaneously with the Parcel Map Waiver for the Lot Line Adjustment and the transfer deed(s).
(Ordinance 668-1-16, §20, 1/12/16)

7. The transfer and perfection deed(s) and the required Lot Line Adjustment documents, recorded pursuant to the Lot Line Adjustment approval, shall be reviewed and approved by the Director prior to being recorded.

8. The Assessor/Clerk Recorder shall review the Lot Line Adjustment prior to recording the deed(s) and the Parcel Map Waiver form for the Lot Line Adjustment and insure that property taxes are properly paid. Section 66412.(d) of the *Subdivision Map Act* requires the prepayment of real property taxes prior to recording the deed(s) and the Parcel Map Waiver form for the Lot Line Adjustment. Information concerning prepayment of real property taxes is as follows:

a. The tax year is from July 1st through June 30th and the due dates for installments are December 10th (first installment) and April 10th (second installment).

b. After approval of a Lot Line Adjustment the applicant or the applicant's surveyor needs to request that the Assessor's Office prepare the bond calculation. After the bond calculation is completed it is good for 90 days and expires thereafter. The only exception would be bond calculations completed after October 2nd, which would instead expire on December 31st. After the Assessor/Clerk Recorder completes the bond calculation it is forwarded to the Finance Director to determine whether or not taxes need to be paid prior to recording the Parcel Map Waiver and deed(s). If taxes need to be paid then the Finance Director contacts the applicant or the applicant's surveyor to inform them that taxes are due. If the Parcel Map Waiver and transfer deed(s) are not recorded within 90 days of the bond calculation, or December 31st, then a new bond calculation must be done.

c. If the Parcel Map Waiver and transfer deed(s) are recorded after April 10th and before December 10th, then prepayment of the first installment and payment of supplemental taxes, if any are due, must be completed before the Finance Director can provide the tax clearance signature on the Parcel Map Waiver.

d. If the Parcel Map Waiver and transfer deed(s) are recorded after December 10th and before December 31st, then prepayment of the second installment and payment of supplemental taxes, if any are due, must be completed before the Finance Director can provide the tax clearance signature on the Parcel Map Waiver.

e. If the Parcel Map Waiver and transfer deed(s) are recorded after December 31st and before April 10th, then prepayment of the second installment of the current tax year; payment of supplemental taxes, if any are due; and first and second installment of the next tax year must be completed before the Finance Director can provide the tax clearance signature on the Parcel Map Waiver.

9. The Parcel Map Waiver will be recorded at the request of the applicant, or the applicant's agent, after the Finance Director has reviewed the Lot Line Adjustment. After the Finance Director has reviewed the Lot Line Adjustment, a representative from the Community Development Agency will accompany the applicant to the Assessor/Clerk-Recorder office to record the documents. The Parcel Map Waiver will be recorded first, followed immediately in sequence by any transfer and perfection deed(s).

10. Recording of the Lot Line Adjustment documents shall constitute the completion of the procedures by the local agency. Recording of the deed(s) by the applicant shall constitute completion of the Lot Line Adjustment.

11. The Lot Line Adjustment shall become null and void if the Lot Line Adjustment documents and any required deed(s) have not been recorded within three years of the date that the applicant is informed that the review is complete, pursuant to Section 2309.C.3 above. Upon application of the applicant, filed prior to the expiration of the Lot Line Adjustment, the time at which the Lot Line Adjustment expires may be extended by the Director for a period or periods not exceeding a total of three years.

D. **Lot Line Adjustments-Original Parcel Lines Removed.** Whenever the Director of Community Development determines that property lines may be adjusted between two adjoining parcels, the original line shall be considered as having been reverted. In the case where one or more of the original lines are original lines created by a recorded map, then the portion



of that original lot annexed to an adjoining parcel shall be considered as merged and shall be a "unit" for purposes of applying the *Subdivision Map Act* to any future divisions.

- E. **Lot Line Adjustments Between Undersized Agricultural Designated Parcels When an Adjustment Facilitates Better Land Utilization:** The common property line between two adjacent parcels, where at least one parcel is less than the required minimum parcel size for that zoning district, may be adjusted if the following findings are made.
1. No additional non-conforming parcels will result from the adjustment.
 2. Where individual water supply or individual sewage waste disposal systems are to be utilized on the sites, the smallest parcel shall not be diminished to less than one acre in area.
 3. No other health and safety problems are likely to occur from the transfer.
 4. The transfer of territory from one parcel to another parcel is accomplished pursuant to this Article and the *Subdivision Map Act*.
 5. If one or more of the parcels are within an agricultural preserve and subject to a California Land Conservation (Williamson) Act of 1965 contract, the resulting restricted parcels will still comply with the provisions of the "Williamson" Act and the contract.
- F. **Lot Line Adjustments of Farm Home Parcels Established Through a Farm Home Retention Division:** Any parcel of land established as a result of a farm home retention action shall be restricted from later Lot Line Adjustments which serve to increase the area of the farm home parcel boundaries beyond a maximum of 2.5 acres, except if the parcel is being increased to meet the minimum parcel size of the zoning district.

(Ord. No. 668-1-16, §20, 1/12/16)

Sec. 2310. Reversion to Acreage: The provisions of this article shall apply to reversion to acreage as required by the *Subdivision Map Act*, and this article. Reversion to acreage of existing Subdivisions shall be completed as provided for in the *Subdivision Map Act*, except that other methods of reverting to acreage may be used only when not possible under the provisions of the *Subdivision Map Act* or this article.

- A. **Tentative Reversion Map Generally.** The person(s) or agency proposing to revert divided or subdivided land to acreage shall file a tentative reversion to acreage map with the secretary of the Advisory Agency pursuant to this article.
- B. **Filing of Tentative Reversion Map; number copies required; size.** Five copies of the tentative reversion to acreage map shall be filed with the Advisory Agency. Additional copies may be required by the secretary of the Advisory Agency. The tentative reversion to acreage map shall be at least 8½ inches by 11 inches in size, and no greater than 24 inches by 36 inches in size.
- C. **Tentative Map and Final Filing Fees.** At the time of filing the tentative reversion to acreage map, a nonrefundable fee, in an amount established by resolution or order of the Board of Supervisors, shall be paid to the secretary of the Advisory Agency to cover the cost of processing both the tentative and final reversion to acreage maps.
- D. **Information on Tentative Reversion Map.**
1. The tentative reversion to acreage map shall contain the following information:
 - a. The name and address of all the legal owner(s) of record of the property proposed for reversion to acreage.
 - b. The boundary lines of the property proposed for reversion and approximate dimensions.
 - c. All existing surface and underground structures and improvements located on the property proposed for reversion, together with their dimensions, the distances between them, the distances to division and property lines, and the number of stories or the height of each structure.



- d. The names, widths and location of all existing and proposed streets, abutting or transversing the original parcel, and a statement as to whether the street is private or public, and a statement as to whether the street actually exists on the ground, and as to whether the street is to remain after reversion.
- e. Location, purposes, width, and record owners of all existing and proposed easements or private rights-of-way abutting or traversing any part of the original parcel, and a statement as to whether they will remain after reversion. Easement boundaries shall be shown by means of a dotted line.
- f. An accurate description of the original parcel, accompanied by a single duplicated copy of the instrument which conveyed the original parcel.
- g. Date of preparation, north arrow and scale of drawing.

2. The tentative reversion to acreage map shall show thereon or be accompanied by the following information:

- a. Preliminary title report on all property within the boundary of the proposed reversion.
- b. Evidence of title and nonuse or lack of necessity of streets or easements which are to be vacated or abandoned.

E. **Review of Tentative Reversion Map.** Division Two of the Advisory Agency shall review the tentative reversion to acreage map, and submit its recommendations to the Board of Supervisors within 21 working days of receipt of said map. The Board of Supervisors shall then establish a date for public hearing of the proposed reversion to acreage in accordance with the provisions of the *Subdivision Map Act*. The Board of Supervisors shall be the agency before which said hearing is held and notice shall be given in the time and manner provided in Government Code Section 65090 and 65091.

F. **Approval of the Reversion to Acreage.** After the hearing of the proposed reversion to acreage the Board of Supervisors shall approve, conditionally approve, or disapprove said reversion in accordance with the provisions of the *Subdivision Map Act*.

G. **Final Reversion to Acreage Maps.** Final reversion to acreage maps shall be prepared in accordance with the requirements for "Final Maps" found in the *Subdivision Map Act* and this Article and shall be conspicuously titled "Reversion to Acreage."

H. **Certificates on Final Reversion to Acreage Maps.** The final reversion to acreage map shall contain all certificates applicable to said maps which are required by the *Subdivision Map Act*. It shall also contain any other certificates that may be required by the Advisory Agency or Board of Supervisors.

I. **Reversion to Acreage by Parcel Map.** Previously subdivided properties consisting of four or less contiguous parcels under the same ownership may be reverted to acreage by filing a Parcel Map in accordance with the provisions of the *Subdivision Map Act* and this Development Code.

Sec. 2311. Exceptions and Appeals. Exceptions and conditional exceptions to the regulations prescribed by this Article may be authorized by the Board of Supervisors as provided in the *Subdivision Map Act*.

- A. **Appeals Board.** The Board of Supervisors shall be the appeals board designated in the *Subdivision Map Act*.
- B. **Appeals:** The action of the Advisory Agency may be appealed in the same manner as described Article 17 of this Development Code.
- C. **Hearing Notice, Additional Requirements.** In addition to the public hearing notice requirements in Section 66451.3 of the *Subdivision Map Act*, notice shall include additional notice as follows:
 - 1. For site specific projects, notice shall also be given in the following manner: If the property immediately adjacent to the to the subject property is more than 300 feet in width, then notice shall be given to the next adjacent parcel as well. However, if the immediately adjacent property is less than 300 feet in width, no additional notice is required beyond the 300 feet.



2. Parcels separated by a street or road shall be considered adjacent for determining which parcels are given notice. In addition to the above requirements, if a parcel is within the area that receives notice, both the property owner, and the site address if it is different from the owner's address as shown on the latest equalized assessment roll, shall be given notice.
 3. Any additional notification or method of notification, in the opinion of the Director of Community Development or decision maker deemed necessary or appropriate, or as may be required by law, may also be used to give notice.
- D. **Merger.** Any and all parcels merged prior to July 7, 1977, pursuant to the provisions of the *Subdivision Map Act* of the State of California are deemed unmerged and no further proceedings under this Article or the Subdivision Map are required for the purpose of sale, lease or financing of such parcels except that, if the sale, lease or financing of such parcels would constitute a Subdivision of five or more units or parcels, such parcels shall not be deemed unmerged.

Sec. 2312. Penalties and Enforcement.

- A. **Penalties:** Penalties for violation of this Article shall be the same as those provided in the *Subdivision Map Act*.
- B. **Enforcement:** It shall be the responsibility of the secretary of the Advisory Agency to notify the district attorney of any violations of this Article and to sign any necessary complaints, and to record any "notice of violation" as outlined in the *Subdivision Map Act*.

Sec. 2313. Payment of Fees, Charges, Dedications, or Other Requirements Against a Development Project.

- A. **Legislative Intent; purpose.** This Section is adopted to supplement and implement Sections 65970 to 65981 of the Government Code of the State of California in order to establish a method of providing interim classrooms and related facilities for school districts having conditions of overcrowding within the district or one or more attendance areas thereof. All of the requirements of Sections 65970 to 65981 of the Government Code are incorporated by reference and shall apply to school districts and the county as though expressly set forth herein.
- B. **Application:** This Section applies to all dwelling units and all land proposed for residential development which is owned by any person, firm, partnership, joint venture, association, corporation, estate or trust. In addition, it applies to any land proposed for residential development which is owned by the United States and any agency of the United States, the State of California and any agency of the state, a city, and any public district or political Subdivision of the State of California insofar as it is legally possible to enforce this Section, or any portion thereof, against such entities.
- C. **Definitions.** The definitions set forth in Section 65973 of the Government Code of the State of California shall apply throughout this Section. In addition, the following words and phrases, as used in this Section, shall have the following meanings:
 1. *Attendance area* means that portion of a school district, with identifiable boundaries determined by the governing board of a school district, from which children residing therein would normally be assigned to attend a specified school in the district.
 2. *Developer* means any person, or any of the other entities mentioned in Section 2313.B above, who applies to have property rezoned to a residential use, applies for a discretionary permit for residential use, files a Tentative Subdivision or Parcel Map for residential purposes, or makes application for a building permit for residential purposes.
 3. *Dwelling unit* means one or more rooms in a building, mobile home, or portion thereof, designed, intended to be used, or used for occupancy by a person or persons for living and sleeping quarters.
 4. *Mobile home space* means any space, including each space within a mobile home park, designed for parking a mobile home on a temporary, semi permanent or permanent basis.
 5. *Reasonable methods for mitigating conditions of overcrowding* include, but are not limited to, the following:



- a. Agreements between a developer and the affected school district whereby temporary-use buildings will be leased to the school district for an interim period, or whereby temporary-use buildings owned by the school district will be used.
- b. The availability of funds, the use of which would not impair the normal functioning of education programs.
- c. The use of funds which could be made available from the sale of surplus school district real property and/or personal property.
- d. The use of school district property for temporary-use buildings.
- e. The use of other schools in the district not having overcrowded conditions.
- f. Classroom space in other school districts that may be available for use.

D. School facilities; findings; notification to Board of Supervisors. Before a developer may be required to dedicate land or pay a fee in lieu thereof, pursuant to Sections 65970 to 65981 of the Government Code of the State of California and this Section, the governing board of a school district which operates an elementary or high school shall file a written notice with the Board of Supervisors-containing all of the following:

- 1 The findings required by Section 65971 of the Government Code.
- 2. The evidence supporting the findings.
- 3. The reasonable methods for mitigating conditions of overcrowding which have been considered by the school district and any determination made concerning them.
- 4. The precise geographic boundaries of the overcrowded attendance area or areas, if applicable.
- 5. Sufficient evidence on the interim classroom and related facilities needed by the school district, the costs of providing the same, and recommendations on a method for assessing fees and the recommended amount of such fees, so that the Board of Supervisors-may consider setting the fees charged to the developer.
- 6. The schedule as required by Government Code Section 65976 with respect to the use of the fees, the school sites to be used, the classroom facilities to be made available, and the times when such facilities will be made available.
- 7. A report from the County Building Official and Director of Community Development_with respect to whether or not the facilities to be constructed from the fees are consistent with the county's General Plan.

E. Action by Board of Supervisors. Within 61 to 150 days after the date of receipt of such notice from a school district, the Board of Supervisors shall, by resolution, concur in the findings of the school district or state why it does not concur in such findings.

F. Fees or Dedication of Land or Facilities.

- 1. When the Board of Supervisors has concurred in such findings under Section 2313.E above, the Board shall determine the fees payable by a developer which shall be subject to the limitations imposed by state law, including Government Code Section 65995, et seq, Government Code Section 65974, Subdivision (a)(4), or any successor statutes thereto. Thereafter, no ordinance rezoning property to a residential use, no discretionary permit for residential use, no Tentative Subdivision or Parcel Map for residential purposes, and no building permit for residential purposes, shall be issued, approved or adopted within the school district or affected attendance area, without the fee previously determined by the Board being imposed as a condition of such issuance, approval or adoption.
- 2. Notwithstanding the provisions of Paragraph 1 above, the Board of Supervisors may find that there are specific overriding fiscal, economic, social, or environmental factors which in the judgment of the Board would benefit the county and justify an approval, issuance or adoption without requiring the payment of fees or the dedication of land in Subdivisions containing more than 50 parcels.



3. Notwithstanding the provisions of Paragraph 1 above, a developer may exercise the option of providing interim facilities at the developer's expense, at a place designated by the school district, in lieu of paying fees; or may enter into any other legally binding agreement with the school district which the school district deems satisfies its needs. A developer may also exercise the option of dedicating land in lieu of paying fees, in which case the value of the land dedicated shall equal the amount of the fees due from the developer. Although a developer may, by agreement, dedicate more land or pay more in fees than is required by this Section, in no case shall a developer be compelled to do so, either as a mitigation measure or condition of approval or otherwise.
4. A right to appeal the imposition of fees to the Board of Supervisors shall be available to a developer, who shall be apprised of such right at the time that fees are imposed in the manner provided by this Section.
5. Any dedication of land, or payment of fees in lieu thereof, shall comply fully with all of the requirements of this Section and Section 65974 of the Government Code of the State of California.

G. Exemptions. This Section shall not apply to the following types of projects:

1. Senior citizen housing approved, financed and/or subsidized by the United States Department of Housing and Urban Development; provided, that the developer enters into a written agreement with the affected school district that the developer will dedicate land or pay fees in lieu thereof, or a combination of both, when and if such restrictions cease during a period the school district has overcrowded conditions within the attendance area in which the development is located.
2. Conversion of existing apartment buildings to condominiums or a community apartment project, except when such apartment buildings were restricted to senior citizens and said restrictions are removed when the conversion takes place.
3. Alterations, remodeling or renovations of existing residences which do not result in additional dwelling units.

H. Determination.

1. The fees payable by a developer to a school district shall be determined by the Board of Supervisors at or after the time that the Board concurs in the findings of the school district pursuant to Section 2313.E above.
2. On request of a school district the Board of Supervisors shall consider adjusting the fee schedule to reflect new information on the fees necessary to alleviate overcrowding caused by new residential development.

I. Time and Place of Payment. When the Board of Supervisors has determined that the developer shall pay fees pursuant to Section 2313.F above, the school district shall be responsible to ensure a copy of the determination of the Board is sent to the County Building Official and Director of Community Development. Payment of fees required shall then be made to the Building Official and the Director at the time the building permit is issued. The school district shall provide verification if a developer provided interim classroom facilities or has dedicated land in lieu of the fee, or has entered into an agreement which satisfies the school district's needs.

J. Condition Precedent to Imposition of Fees. Notwithstanding anything in this Section to the contrary, no fee or dedication of land may be imposed hereunder unless and until the County receives a valid and enforceable commitment in writing from the school district that it shall at its sole cost and expense defend, represent, pay, and indemnify the county from and for any claim, demand, and/or litigation in any way arising out of or relating to this Development Code, its enforcement and operation, the establishment, the amount of and/or collection of fees established there under or therefore.

K. Report by School District. The school district shall file with the Planning Division of the Community Development Agency not later than October 15th of each year a report on the following:

1. The amount of fees received from each developer in the preceding fiscal year period of July 1st through June 30th.
2. The facilities leased, purchased or constructed during the previous fiscal year and the amount expended on the facilities.



3. A determination whether the school district, or attendance areas if applicable, will continue to be overcrowded in the current school year.
4. A schedule specifying how the school district will use fees or land acquired to relieve overcrowding, the sites to be used, the facilities to be acquired and the times when the facilities will be available.

L. **Termination of Dedication or Fee Requirement.** If overcrowding conditions cease to exist in the school district, or affected attendance area, for which a fee or land dedication has been imposed under this Section, the school district shall promptly adopt a resolution so finding and deliver a copy of it to the Planning Division of the Community Development Agency.

Sec 2314. Certificates of Compliance. A Certificate of Compliance is a document issued by the Community Development Agency and recorded by the County Recorder, which acknowledges that the subject parcel, which was typically created prior to current Subdivision map requirements, is considered by the County to be legal parcel of record. A Conditional Certificate of Compliance is used instead of a Certificate of Compliance to validate a parcel that was not legally subdivided. Section 66499.35 of the Map Act requires the approval of these certificates if the County determines that the real property complies with the provisions of the Map Act and of local ordinances enacted pursuant to this Section.

A. **Application.** Any person owning real property, or a purchaser of the property in a contract of sale of the property, may request a Certificate of Compliance or Conditional Certificate of Compliance. The processing, review and approval of a Certificate of Compliance shall be pursuant to the provisions of the *Subdivision Map Act* and this Article.

B. Procedures for Filing an Application for a Certificate of Compliance.

1. An original and three copies of the Certificate of Compliance application must be filed with Director of Community Development with such non refundable fees as established by resolution or order of the Board of Supervisors, to cover the cost of processing, reviewing and recording the Certificate of Compliance approval.
2. The application for the Certificate of Compliance shall be in a manner and form prescribed by the Director of Community Development. Copies of such an application form shall be available to the public at the Planning Division of the Community Development Agency. The original application filed with the Director shall be suitable for recording and must be neatly and accurately lettered and be legible.
3. The application form shall be 8 ½ by 11 inches in size and shall contain the following information:
 - a. The name of the property owner(s) of record for the subject property.
 - b. The legal description of the subject property.
 - c. The Assessor's Parcel Number for the subject property.
 - d. Record data for the subject property including copies of the deeds and other instruments of record title.
4. The application shall be deemed filed when all provisions of this Article have been met.
5. The Certificate of Compliance form must be signed by the Director of Community Development and the Public Works Director prior to recording.
6. At the time of filing an application for a Certificate of Compliance, the applicant shall pay the planning division of the Community Development Agency a non-refundable fee in an amount established by ordinance of the Board of Supervisors.

C. Procedure for Review, Determination and Completion of a Certificate of Compliance Application.

1. A Certificate of Compliance is a ministerial action and shall be administratively reviewed by the Director of Community Development, who shall determine whether the real property was created in compliance with the



Subdivision Map Act, the Kings County General Plan, and the Kings County Land Division procedures contained in this Development Code. The Director shall consult with the Public Works Department in order to review the Certificate of Compliance.

2. A Certificate of Compliance shall not be recorded which does not conform to state law, local ordinance, or other regulation.
3. Upon completion of the review of the Certificate of Compliance, the Director shall notify the applicant that either additional information is necessary, and specify what that information is, or inform the applicant that the application is in order and may proceed by recording the Certificate of Compliance.
4. The Certificate of Compliance form, recorded pursuant to the Certificate of Compliance approval, shall be reviewed and approved by the Director prior to being recorded.
5. Recording of the Certificate of Compliance shall constitute the completion of the procedures by the local agency.

Sec. 2315. Correction and Amendment of Maps. Pursuant to the provisions of Article 7 of Chapter 3 of Division 2 of Title 7 of the Government Code, commencing with Section 66469 thereof, the procedures established in this Article shall govern the correction or amendment of Final or Parcel Maps.

A. Method and Purposes of Correction or Amendment. After a Final or Parcel Map is filed in the office of the County Assessor/Clerk-Recorder, it may be amended by a certificate of correction or an amending map for any of the following purposes:

1. To correct an error in any course or distance shown thereon.
2. To show any course or distance that was omitted therefrom.
3. To correct an error in the description of the real property shown on the map.
4. To indicate monuments set after the death, disability, retirement from practice, or replacement of the engineer or surveyor charged with responsibilities for setting monuments.
5. To show the proper location or character of any monument which has been changed in location, or character, or originally was shown at the wrong location or incorrectly as to its character.
6. To correct any additional information filed or recorded pursuant to Section 66434.2, if the correction does not impose any additional burden on the present fee owner of the property and does not alter any right, title, or interest in the real property reflected on the recorded map.
7. To correct any other type of map error or omission as approved by the County Surveyor, which does not affect any property right. Errors and omissions may include, but are not limited to, lot numbers, acreage, street names and identification of adjacent record maps. As used in this Section, "error" does not include changes in courses or distances from which an error is not ascertainable from the date shown on the final or Parcel Map.

B. Additional Modifications. In addition to the methods and purposes of correction set forth in Section 2315.A, a final map or Parcel Map may be modified by a certificate of correction or an amending map if there are changed circumstances which make any or all of the conditions of the map no longer appropriate or necessary, and if the proposed modifications do not impose any additional burden on the present fee owner of the property, and if the proposed modifications do not alter any right, title or interest in the real property reflected on the recorded map, and if the Board of Supervisors finds that the map as modified conforms to the provisions of Government Code Section 66474. Any such modification or modifications to be made under this Section shall be set for public hearing by the Board of Supervisors pursuant to the provisions of Government Code Section 66451.3. The Board of Supervisors shall confine the hearing to consideration of, and action on, the proposed modification or modifications.



C. **Preparation, Form and Contents.** The amending map or certificate of correction shall be prepared and signed by a registered civil engineer or licensed land surveyor. An amending map shall conform to the requirements of Government Code Section 66434, if a final map, or Subdivisions (a) to (d), inclusive and (f) to (i), inclusive, of Government Code Section 66445, if a Parcel Map. The amending map or certificate of correction shall set forth in detail the corrections made and show the names of the present fee owners of the property affected by the correction.

D. **Submittal and Approval by County Surveyor.** The amending map or certificate of correction, complete as to final form, shall be submitted to the County Surveyor for review and approval.

1. The County Surveyor shall review the amending map or certificate of correction for compliance with this Article and for compliance with Article 7 of Chapter 3 of Division 2 of Title 7 of the Government Code.
2. The County Surveyor shall examine the amending map or certificate of correction and if the only changes made are those set forth in Section 2315.A, this fact shall be certified by the County Surveyor on the amending map or certificate of correction. All amending maps and certificates of correction shall be reviewed and examined by the County Surveyor pursuant to the provisions of Government Code Section 66471.

E. **Filing with the County Assessor/Clerk-Recorder.**

1. The amending map or certificate of correction certified by the County Surveyor shall be recorded in the office of the Assessor/Clerk-Recorder. Upon such recordation, the Assessor/Clerk-Recorder shall index the names of the fees owners and the appropriate Subdivision designation shown on the amending map or certificate of correction in the general index and map index respectively. Thereupon, the original map shall be deemed to have been conclusively so corrected, and thereafter shall impart constructive notice of all such corrections in the same manner as though set forth upon the original map.”
2. Upon recordation of a certificate of correction, the Assessor/Clerk-Recorder shall, within 60 days of recording, transmit a certified copy to the County Surveyor, who shall maintain an index of recorded certificates of correction. If authorized in the County’s fee schedule, as adopted by the Board of Supervisors, the Assessor/Clerk-Recorder shall charge a fee, in addition to a fee charged for recording the certificate of correction, which shall be transmitted to the County Surveyor as compensation for the cost of maintaining an index of recorded certificates of correction. The amount of this additional fee shall not exceed the fee which is charged for recording the certificate of correction.

(Ord. No. 668-3-15, 8/4/15)

Sec 2316. Certificates of Voluntary Parcel Merger. A property owner may wish to voluntarily merge separate contiguous parcels to be utilized as a single parcel. Pursuant to Government Code Section 66499.20, the Voluntary Merger process provides the authority to the Director of Community Development to review and approve such request. Upon approval, a Certificate of Voluntary Merger will be recorded thereby constituting a legal merger of the parcels.

A. **Application.** Any person owning two or more contiguous parcels of real property may request a Certificate of Voluntary Parcel Merger. The processing, review and approval of a Certificate of Voluntary Parcel Merger shall be pursuant to the provisions of the *Subdivision Map Act* and this Article.

B. **Procedures for Filing an Application for a Certificate of Voluntary Merger.**

1. An original and three copies of the Certificate of Voluntary Merger application must be filed with Director of Community Development with such non refundable fees as established by resolution or order of the Board of Supervisors, to cover the cost of processing, reviewing and recording the Certificate of Voluntary Merger approval.
2. The application for the Certificate of Voluntary Merger shall be in a manner and form prescribed by the Director of Community Development. Copies of such an application form shall be available to the public at the Planning Division of the Community Development Agency. The original application filed with the Director shall be suitable for recording and must be neatly and accurately lettered and be legible.
3. The following information shall be submitted with the application:



- a. Copies of the deeds and other instruments of record title for the owner(s) of the properties to be merged.
- b. Preliminary Title Report
- c. A legal description for the newly merged properties.

4. The application shall be deemed filed when all provisions of this Article have been met.

5. At the time of filing an application for a Certificate of Compliance, the applicant shall pay the planning division of the Community Development Agency a non-refundable fee in an amount established by ordinance of the Board of Supervisors.

C. Procedure for Review, Determination and Completion of a Certificate of Voluntary Merger Application.

1. A Certificate of Voluntary Merger is a ministerial action and shall be administratively reviewed by the Director of Community Development, who shall determine whether the real property can be merged in compliance with the *Subdivision Map Act*, the Kings County General Plan, and the Kings County Land Division procedures contained in this Development Code. The Director shall consult with the Public Works Department in order to review the Certificate of Voluntary Merger.

2. A Certificate of Voluntary Merger shall not be recorded which does not conform to state law, local ordinance, or other regulation.

3. Upon completion of the review of the Certificate of Voluntary Merger, the Director shall notify the applicant that either additional information is necessary, and specify what that information is, or inform the applicant that the application is in order and may proceed by recording the Certificate of Voluntary Merger.

4. The Certificate of Voluntary Merger form, recorded pursuant to the Certificate of Voluntary Merger approval, shall be reviewed and approved by the Director prior to being recorded.

5. The Certificate of Voluntary Merger form must be signed by the Director of Community Development and the County Surveyor prior to recording.

6. In compliance with Section 2316.B.6 above, prior to recording the Certificate of Voluntary Parcel Merger, the Certificate of Voluntary Parcel Merger form must be signed by all of the property owners involved. For any parcels that are encumbered by a deed of trust the following are required:

a. The project proponent shall present evidence that, at the time of the recording of the Certificate of Voluntary Parcel Merger in the office of the County Clerk/Recorder, the parties consenting to such recording are all of the parties having a record title interest in the real property being merged whose signatures are required, otherwise the Certificate of Voluntary Parcel Merger shall not be recorded.

b. Prior to recording the Certificate of Voluntary Parcel Merger, a Pro Forma Preliminary Title Report shall be submitted to the Community Development Agency stating how title will be held as a result of recording the Certificate of Voluntary Parcel Merger.

c. Prior to recording the Certificate of Voluntary Parcel Merger, modifications of any deed(s) of trust that encumber property that is subject to this merger shall be submitted to the Community Development Agency and be approved by the Director for their content. The modifications of the deed(s) of trust shall be recorded simultaneously with the Certificate of Voluntary Parcel Merger to modify the legal description to be consistent with the parcel resulting from the merger.

7. Recording of the Certificate of Voluntary Merger shall constitute the completion of the procedures by the local agency.

(Ord. No. 668-1-16, §21, 1/12/16)



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