

## TITLE 9

### DIVISION 8: SUBDIVISION ORDINANCE

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#### CHAPTER 1: GENERAL PROVISIONS AND DEFINITIONS

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#### § 90801.00 TITLE/PURPOSE

This Division shall be known as the "Subdivision Ordinance" and may be cited as such. It is the purpose of this ordinance to regulate and control the division of land within the County of Imperial and to supplement the provisions of the California Subdivision Map Act concerning design, improvement and survey data of subdivisions. This division specifies the form and content of all maps required by the Subdivision Map Act, and the procedures to be followed in securing the official approval of the County. To accomplish this purpose, the regulations contained in this Division are determined to be necessary to preserve the public, health, safety, and general welfare; to provide orderly growth and protection for the proper use of lands; to provide consistency with the General Plan and to insure provisions for adequate traffic circulation, utilities, and other minimum services in the County.

#### § 90801.01 SUBDIVISIONS REQUIRED

The Subdivision Map Act (Government Code, Section 66410 et seq.) requires Imperial County to regulate and control the design and improvement of all subdivisions. Generally a subdivision is any division of land for the purpose of sale, lease, and/or financing. The Subdivision Map Act distinguishes subdivisions in various forms; however, a tentative map is required in Imperial County for all new or proposed subdivisions.

The purpose of a tentative map is to show the design and improvements of a new or proposed subdivision and the existing conditions in and around it.

§ **90801.02 EXCLUSIONS TO SUBDIVISIONS**

The following are considered to be exclusions pursuant to Government Code, Section 66412 and this Division.

- A. The financing or leasing of apartments, offices, stores, or similar space within apartment buildings, industrial buildings, commercial buildings, mobile home parks, or trailer parks.
- B. Mineral, oil, or gas leases.
- C. Land dedicated for cemetery purposes under the Health and Safety Code.
- D. A lot line adjustment between four or fewer existing adjoining parcels, where the land taken from one parcel is added to an adjoining parcel, and where a greater or lesser number of parcels than originally existed is not thereby created, provided the lot line adjustment is approved by the local agency, or advisory agency. The advisory or lead agency shall limit its review and approval to a determination of whether or not the parcels resulting from the lot line adjustment or lot merger will conform to the local general plan, zoning and building ordinances. The advisory agency or lead agency shall not impose conditions or exactions on its approval of a lot line adjustment except to conform to local general plan, applicable specific plan, zoning and building ordinances, to require the prepayment of real property taxes prior to the approval of the lot line adjustment, or to facilitate the relocation of existing utilities, infrastructure, or easements. No tentative map, parcel map, or final map shall be required as a condition to the approval of a lot line adjustment. The lot line adjustment shall be reflected in a deed, which shall be recorded. No record of survey shall be required for a lot line adjustment unless required by Section 8762 of the Business and Professions Code. The lead agency shall approve or disapprove a lot line adjustment pursuant to the Permit Streamlining Act (Chapter 4.5 (commencing with Section 65920) of Division 1).
- E. Any separate assessment under Section 2188.7 of the Revenue and Taxation Code.
- F. Unless a parcel or final map was approved by the County of Imperial, the conversion of a community apartment project, as defined in Civil Code Section 1351 (d), to a condominium, as defined in Section 783 of the Civil Code, but only if all of the following requirements are met:
  - 1. At least 75 percent of the units in the project were occupied by record owners of the project on March 31, 1982.
  - 2. A final or parcel map of the project was properly recorded, if the property was subdivided, as defined in Government Code Section 66424, after January 1, 1964, with all of the conditions of that map remaining in effect after the conversion.
  - 3. The County certifies that the above requirements were satisfied if the County, by ordinance, provides for that certification.
- G. Unless a parcel or final map was approved by the County, the conversion of a stock cooperative, as defined in Civil Code, Section 1351 (m) of the Code, to a condominium, as defined in Section 783 of the Civil Code, but only if all of the following requirements are met:
  - 1. At least 51 percent of the units in the cooperative were occupied by stockholders of the cooperative on January 1, 1981, or individually owned by stockholders of the cooperative on January 1, 1981. As used in this paragraph, a cooperative unit is "individually owned" if an only if the stockholder of that unit owns or partially owns an interest in no more than one unit in the cooperative.
  - 2. No more than 25 percent of the shares of the cooperative were owned by any one person, as defined in Section 17, including an incorporator or director of the cooperative, on January 1, 1981.

3. A person renting a unit in a cooperative shall be entitled at the time of conversion to all tenant rights in state or local law, including, but not limited to, rights respecting first refusal, notice, and displacement and relocation benefits.
  4. The County certifies that the above requirements were satisfied if the County, by ordinance, provides for that certification.
- H. The leasing of, or the granting of an easement to, a parcel of land, or any portion or portions thereof, in conjunction with the financing, erection, and sale or lease of a wind powered electrical generation device on the land, if the project is subject to discretionary action by the County.
  - I. The leasing or licensing of a portion of a parcel, or the granting of an easement, use permit, or similar right on a portion of a parcel, to a telephone corporation as defined in Section 234 of the Public Utilities Code, exclusively for the placement and operation of cellular radio transmission facilities, including, but not limited to: antennae support structures, microwave dishes, structures to house cellular communications transmission equipment, power sources, and other equipment incidental to the transmission of cellular communications, if the project is subject to discretionary action by the advisory agency or legislative body.
  - J. Leases of agricultural land for agricultural purposes. As used in this subdivision, "agricultural purposes" means the cultivation of food or fiber, or the grazing or pasturing of livestock.
  - K. The leasing of, or the granting of an easement to, a parcel of land, or any portion or portions thereof, in conjunction with the financing, erection, and sale or lease of a solar electrical generation device on the land, if the project is subject to review under other local agency ordinances regulating design and improvement or, if the project is subject to other discretionary action by the advisory agency or legislative body.
  - L. The leasing of, or the granting of an easement to, a parcel of land or any portion or portions of the land in conjunction with a biogas project that uses, as part of its operation, agricultural waste or byproducts from the land where the project is located and reduces overall emissions of greenhouse gases from agricultural operations on the land if the project is subject to review under other local agency ordinances regulating design and improvement or if the project is subject to discretionary action by the advisory agency or legislative body.

**§ 90801.03 PUBLIC NECESSITY - DETERMINATION OF RIGHTS-OF-WAY, EASEMENT AND LICENSE**

Prior to any governmental agency, public entity, public utility, or a subsidiary of a public utility effecting any conveyance of a portion of any parcel of land including fee title, the agency shall first submit the following to the Imperial County Planning & Development Services Department for a determination on whether or not a parcel map is required. The determination under this Ordinance shall be administrative and shall determine whether upon substantial evidence that public policy necessitates a Parcel Map.

**A. AUTHORITY OF THE PLANNING DIRECTOR**

The Planning Director is hereby granted authority to investigate and review proposed conveyances of fee interest, leasehold interests, easements or licenses for rights-of-way that physically divide property and where access to parcels may be effected by any governmental agency, public entity, public utility, or a subsidiary of a public utility or the determination pursuant to Government Code, Section 66428(2) whether public policy necessitates a parcel map. Nothing in this section shall preclude the Planning Director from considering advise from other Departments or Consultants.

**B. FEES**

The required fee for review shall be Time and Materials (T/M) pursuant to this Title.

C. REQUEST FOR REVIEW

A written request shall be provided to the Planning & Development Services Department for the review of proposed rights-of-way and shall be accompanied by the information required below and any other information the Department deems necessary.

D. REQUEST AND CONTENT

Each review under this Section shall be filed with the Planning & Development Services Department and shall include the following information:

1: General Information Required:

- a. Agency name and contact person including address and telephone number
- b. Property owner(s)'s name, mailing address and telephone number
- c. Legal description of the proposed conveyance
- d. Assessor's Parcel Number(s)
- e. Specific explanation of the proposed easement or right-of-way alignment
- f. Preliminary Title Report (no more than six (6) months old), and current vesting deed(s)
- g. Any supporting documentation necessary for staff to adequately review request

2: Site Plan:

Every submittal for determination under this Section shall include a detailed "site plan", signed sealed and dated by a person legally authorized to practice land surveying. The site plan shall include the following information:

- a. All property boundary lines based upon an accurate boundary line survey
- b. All property boundary dimensions
- c. All existing structures (below & above ground) with labels identifying each one
- d. All proposed structures (below and above ground) with labels identifying each one
- e. Distance from all structures to property lines and between structures
- f. North orientation
- g. Scale
- h. Access from adjacent street/road and identify street/road names
- i. All utility locations, (i.e. electrical, plumbing) from the exterior of the parcel to the interior and show how they connect (i.e. overhead)
- j. Assessor's Parcel Number(s)
- k. Public Use Easement, if any
- l. Parking
- m. Drainage

E. ADMINISTRATIVE PROCESS BY DIRECTOR

In order to streamline the review process and clearly delineate the standards and rules, the following administrative procedure is established and shall be followed by the Department for processing the request:

1. Within thirty (30) days of receipt, the request shall either be deemed complete or be returned to the agency if deemed incomplete with a written explanation.
2. Within the ten (10) working days from the date the request is deemed complete, the Department will consult with the Department of Public Works, and Fire/OES Department and other applicable departments.

3. Within thirty (30) days from the date the request was deemed complete, the Planning Director shall determine whether public policy necessitates a Minor Subdivision/Parcel Map.
4. The Planning Director shall inform the agency in writing of the determination. Upon receipt of the letter of determination there shall be a ten (10) calendar day period during which any party may appeal the decision of the Director to the Planning Commission.

F. **AUTHORITY OF PLANNING COMMISSION**

The Planning Commission, upon appeal, shall have the authority to overrule the Planning Director's determination. The Planning Commission's determination is final with no appeal to the Board of Supervisors.

**§ 90801.04 DEFINITIONS**

Words and/or phrases used herein that are defined in the Subdivision Map Act but not specifically defined in this Chapter shall have the same meaning as is given to them in the Subdivision Map Act at time of adoption of this Title. Whenever the following words or phrases are used in this Division they shall have the meaning ascribed to them in this Section. Where there is a difference the most restrictive definition shall apply. See also definitions under Division 14.

1. "Acreage" shall mean any parcel of land which is not a lot, as defined in this Section, and those areas where a legal subdivision has not been made previously or where a legal subdivision has declared such parcel as "acreage".
2. "Advisory Agency" shall mean the Planning Commission, or the Planning Director as specified in this Ordinance.
3. "Alley" means a secondary means of access to property and is located at the rear or side of the property. Minimum alley width shall be 20 feet.
4. "Block" shall mean the area of land within a subdivision, which area is entirely bounded by streets, highways or ways, except alleys, or the exterior boundary or boundaries of the subdivision.
5. "Board" means the Board of Supervisors of Imperial County.
6. "Building Official" means the Director of the Planning & Development Services Department of Imperial County.
7. "Business and Professions Code" (B&P) shall mean the Business and Professional Code of the State of California.
8. "Certificate of Compliance" means a document describing a unit or contiguous units of real property and stating that the other units or the division thereof complies with applicable provisions of the Subdivision Map Act and County Ordinances enacted pursuant thereto. A recorded final subdivision map, parcel map, or parcel map waiver certificate shall constitute a Certificate of Compliance with respect to the parcels of real property described therein.
9. "Community apartment project" shall be defined as provided in Civil Code Section 1351(d).
10. "Comprehensive General Plan" means the comprehensive General Plan of the County of Imperial, including all elements thereof, as adopted by the Board of Supervisors.

11. "Condominium" shall mean an estate in real property consisting of an undivided interest in common in or upon a portion of a parcel of real property together with a separate interest in space in a residential, industrial or commercial building on the real property, such as an apartment, office or store. A condominium may include, in addition, a separate interest in other portions of the real property.
12. "Contiguous Units" means adjacent parcels of land which shall be considered contiguous even if it is separated by roads, streets, utility easements or railroad right-of-way.
13. "Conversion" shall mean the creation of separate ownership of existing real property together with a separate interest in space of residential, industrial or commercial buildings.
14. "County" means the County of Imperial.
15. "County Surveyor" means the County Surveyor of Imperial County.
16. "Day" shall mean a calendar day unless otherwise specified.
17. "Department" shall mean the Planning & Development Services Department of Imperial County.
18. "Department of Transportation" means the Department of Transportation of the State of California.
19. "Design" means the configuration, layout and/or orientation including:
  - a. street alignments, grades and widths;
  - b. drainage and sanitary facilities and utilities, including alignments and grades thereof;
  - c. location and size of all required easements and rights of way;
  - d. fire and water facilities;
  - e. lot size and configuration;
  - f. traffic access;
  - g. grading;
  - h. land to be dedicated for park or recreational purposes; and
  - i. such other specific requirements in the plan and configuration of the entire subdivision as may be necessary or convenient to insure conformity to or implementation of the General Plan required by Article 5 (commencing with Section 65300) of Chapter 3 of Division 1 of the Government Code or any applicable specific plan required pursuant to Section 66473.5.
20. "Development" shall mean the use or uses to which the land which is the subject of a map shall be put, the buildings to be constructed on it, and all alterations of the land and construction incident thereto.
21. "Easement" shall mean an easement dedicated to the County, which shall be continuing and irrevocable unless formally abandoned by the County, and any other easement whether owned by a public utility, or private entity.
22. "Environmental Constraint Note" means any note or notes required by the conditions of approval to be shown on an Environmental Constraint Sheet and reference made thereto on the final map. This shall be required when constraints involving, but not limited to, any of the following are conditioned by the Planning Director, Planning Commission or the Board of Supervisors: archaeological sites, geologic mapping, grading, building, building setback lines, flood hazard zones, seismic lines and setbacks, fire protection, water availability and sewage disposal.

23. "Environmental Constraint Sheet" means a duplicate of the final map or parcel map on which are shown the Environmental Constraint Notes. This sheet shall be filed simultaneously with the final map or parcel map, with the County Surveyor, and labeled "Environmental Constraint Sheet" in the top margin.
24. "Environmental Impact Report (EIR)" shall mean a detailed statement prepared pursuant to the provisions of the California Environmental Quality Act (CEQA), State Public Resources Code, Section 21000 et seq., and State and County CEQA Guidelines promulgated pursuant thereto, describing and analyzing the significant environmental effects of a project and discussing ways to mitigate or avoid the effects.
25. "Final Map" shall mean a map showing a subdivision of five (5) or more parcels for which a tentative and final are required by the Subdivision Map Act and this Division, prepared in accordance with the provisions of the Subdivision Map Act and this Division and designed to be filed for recordation in the office of the County Recorder.
26. "Fire Chief" means the Chief of the Fire Protection Agency or designee having jurisdiction of the area in which a land division is located.
27. "General Plan" shall mean the General Plan for the County of Imperial, adopted November 9, 1993, and all amendments thereto.
28. "Government Code" shall mean the Government Code of the State of California.
29. "Health Officer" means the Health Officer of Imperial County.
30. "Improvement" shall mean any landscaping, street work and utilities to be installed, or agreed to be installed, by the subdivider on the land to be used for public or private streets, highways, ways, and easements, as are necessary for the general use of the lot owners in the subdivision and local neighborhood traffic and drainage needs as conditioned precedent to the approval and acceptance of the final map thereof. "Improvement" shall also mean other specific improvements or types of improvements, the installation of which, either by or by a combination of, the subdivider, public agencies, private utilities, or any other entity approved by the County, is necessary to ensure consistency with, or implementation of, the General Plan, or any applicable specific plan. Improvements shall be constructed in accordance with standard engineering specifications, where applicable.
31. "Improvement Standards" means the standards set forth in this and other ordinances related to the development of land as a subdivision or parcel map division.
32. "Interior Lot" means a lot which has side lot lines approximately parallel and has frontage on only one street.
33. "Land Use Ordinance" means the Imperial County Ordinance Title 9, as amended.
34. "Legal and Physical Access" means direct access without obstruction including encroachment permits for ingress and egress on to a public maintained road or State Highway.
35. "Lot Area" means the horizontal areas within the boundary lines of a lot exclusive of:
  - a. The area of any street right-of-way or road easement;
  - b. Any flood control easement or walkway which is required as a condition of approval of the subdivision map on which the lot is shown; and
  - c. Any portion of the lot which is less than 35 feet wide for a distance of 50 feet or more and which is designated or used to provide vehicular or pedestrian access to the part of such lot which is designed for use as a building site.

36. "Lot Line Adjustment" means an alteration to adjust a line or lines between adjoining legal lots. It is not a subdivision or re-subdivision procedure and is intended to be used only in those situations where the provisions of the Subdivision Map Act and this Ordinance are applicable to subdivisions and re-subdivisions do not apply.
37. "Lot" or "Parcel" shall mean a unit or portion of land separate from other units or portions by description, as on a Final or Parcel Map, Certificate of Compliance or by such other map approved by the County under the provisions of the Subdivision Map Act and of County ordinances in effect at the time of approval, for the purpose of sale, lease, or financing.
38. "Major Subdivision" means a land division creating five (5) or more parcels, five (5) or more condominiums as defined in Section 1351 of the Civil Code, a community apartment project containing five (5) or more parcels, or the conversion of a dwelling to a stock cooperative containing five (5) or more dwelling units.
39. "Merger" shall mean the joining of two (2) or more contiguous parcels of land under one ownership into one (1) parcel.
40. "Minor Subdivision" means a land division where any of the following occur:
  - a. The land is divided into four (4) or fewer parcels,
  - b. The land before division contains less than five (5) acres, each parcel created by the division abuts upon a maintained public street or highway, and no dedication or improvements are required,
  - c. Each parcel created by the land division has a gross area of 20 acres or more and each parcel has an approved access to a maintained public street or highway,
  - d. The land consists of a parcel or parcels of land having approved access to a public street or highway, which comprises a part of a tract of land zoned for industrial or commercial development, and has the approval as to street alignments and width,
  - e. Each parcel created by the land division has a gross area of not less than 40 acres or is not less than a quarter of a quarter section.

The land being subdivided is solely for the creation of an environmental subdivision pursuant to Section 66418.2 of the Business and Professions Code.

41. "Notice of Violation" means a document describing the manner in which a unit or contiguous units or real property has been divided or has resulted from a division in violation of the Subdivision Map Act and County Ordinances enacted pursuant thereto. Said document shall name and be directed to the record owners of said property.
42. "Parcel Map" shall mean a map showing a subdivision of four (4) or fewer parcels when required by the Subdivision Map Act and this division, or a map prepared for purposes other than showing a subdivision of four or fewer parcels, when prepared in accordance with the provisions of the Subdivision Map Act and this division and designed to be filed for recordation in the office of the County Recorder.
43. "Peripheral Street" shall mean an existing street whose right of way is contiguous to the exterior boundary of a subdivision.
44. "Private Street" shall mean any street, access way, or the like, lying in whole or in part within a subdivision for which dedication and ownership is privately held and is utilized as access to a development. Private streets, where allowed, shall be constructed to meet County minimum standards and private streets shall not be considered as meeting legal and physical access requirements unless the use approved within a "gated" community or subdivision.



45. "Public Access" means:
  - a. A dedication to public use or to the County of Imperial of the required width for road purposes.
  - b. A permanent written easement for road purposes of the required width from the State or Federal Government.
46. "Recorder" means the Recorder of Imperial County.
47. "Remainder Parcel" shall mean a portion of any unit or units of improved or unimproved land as designated by the Subdivider consistent with Government Code, Section 66424.6.
48. "Revised Tentative Map" means a modification of an approved tentative map wherein the design of the land division is changed from the approved tentative map, but there is no substantial change in concept from the original approved map.
49. "Specific Plan" means a plan adopted by the Board that is based upon the comprehensive General Plan of Imperial County, as provided in Section 65450 et seq. of the Government Code.
50. "Standard Engineering Specifications" shall mean those standard subdivision improvement plans and specifications as prepared and/or approved by the Public Works Director/County Engineer.
51. "Stock Cooperative" shall be defined as provided in Section 1351(m) of the Civil Code.
52. "Street" means a state highway, county road, street, alley, thoroughfare or easement for ingress or egress.
53. "Subdivider" means a person, firm, corporation, partnership, or association who proposes to divide, divides, or causes to be divided real property into a subdivision for themselves(ves) or for others. Employees and consultants of such persons or entities, acting in such capacity, are not "Subdividers".
54. "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 easement, canals, or railroad rights-of-way. "Subdivision" includes a condominium project, as defined in Section 1351(f) of the Civil Code, a community apartment project as defined in Section 1351(d), and the conversion of five (5) or more existing dwelling units to a stock cooperative, as defined in Section 1351(m) of the Civil Code. "Subdivision" includes any division of land by gift or inheritance, but excludes a division for probate homestead. Any conveyance of land to a governmental agency, public entity, public utility, or subsidiary of a public utility for rights-of-way shall not be considered a division of land for purposes of computing the number of parcels.
55. "Subdivision Map Act" shall mean Government Code, Section 66410 et seq., inclusive.
56. "Storm Frequency of One in 100 Years" means a storm that will probably be equaled or exceeded on the average of once every 100 years. It does not follow, however, that such a storm will be equaled or exceeded once in every 100 year period, or that having occurred once, it will not occur again for 100 years. It may occur several times in a 100 year period, but over a sufficient length of time the average is expected to be once in 100 years.
57. "Tentative Map" shall mean a map made for the purpose of showing the design and improvements of a proposed subdivision and the existing conditions in and around it. "Tentative map" shall include a tentative map prepared in connection with a parcel map

pursuant to the provisions of Section 90805.00 et seq. and a Final Map pursuant to the provision of Section 90806.00 et seq.

58. "Vesting Tentative Map" means a Tentative Map, which meets the requirements of Section 66452 of the Government Code and Section 90803.03 of this Division.

**§ 90801.05 COMPLIANCE WITH SUBDIVISION REQUIREMENTS**

No person shall create a subdivision except in accordance with the provisions of the Subdivision Map Act and this Division. No land shall be subdivided and developed for any purpose which is inconsistent with the General Plan or applicable specific plan of the County.

The type and intensity of land use as shown on the General Plan and any applicable specific plan, together with the requirements of the Subdivision Map Act and this Division shall determine the type of streets, roads, highways, utilities and other public services that shall be provided by the subdivider.

**§ 90801.06 ADVISORY AGENCY DESIGNATION-MAJOR/MINOR SUBDIVISIONS**

As set forth in Section 90102.03 of this Title, as further provided herein, the Advisory Agency has the following responsibilities with respect to this Division as follows:

**A. MAJOR SUBDIVISION/REVERSION TO ACREAGE**

The Planning Commission is the advisory agency to the Board of Supervisors on all major subdivisions and Reversions to Acreage. The Board of Supervisors renders the final decision.

**B. MINOR SUBDIVISION**

The Planning Director shall act as the hearing officer and is vested with original jurisdiction to investigate, consider, and approve or deny all minor subdivisions. This decision can be appealed to the Planning Commission and only then to the Board of Supervisors.

**C. MERGERS**

The Planning Director shall act as the hearing officer and is vested with original jurisdiction to investigate, consider, and approve or deny all mergers. These can be appealed to the Planning Commission and only then to the Board of Supervisors.

**D. LOT LINE ADJUSTMENTS**

The Planning Director shall act as the officer vested with original jurisdiction to investigate, and approve or deny all lot line adjustments. These can be appealed to the Planning Commission and only then to the Board of Supervisors.

**E. CERTIFICATE OF COMPLIANCE**

The Planning Director shall act as the hearing officer and is vested with original jurisdiction to investigate, consider, and approve or deny all certificates of compliance which can be appealed to the Planning Commission who render the final decision (not appealable to the Board of Supervisors).

**F. SUBDIVISION ENFORCEMENT**

The Planning Director conducts and decides all Notice of Violation hearings pursuant to Government Code Section 66499.36. There are no appeals from the Planning Director's decision.

**G. APPEALS FROM THE PLANNING DIRECTORS DECISION**

Appeals filed shall be consistent and in the form and content as required in Division 1, Section 90102.04 of this Title. Appeals from the Planning Commission shall be consistent and in the form and content as required pursuant to Section 90104.05 of this Title.

**§ 90801.07 APPEAL BOARD DESIGNATION**

The Planning Commission is hereby designated as the appeal board for minor subdivision appeals from the Planning Director's decision.

**§ 90801.08 ENVIRONMENTAL IMPACT REVIEW**

All tentative maps and tentative parcel maps shall be subject to environmental review in accordance with the most current "Rules and Regulations to Implement CEQA, as Amended", adopted by the Board of Supervisors.

**§ 90801.09 SOILS REPORTS**

- A. A soil report, prepared by a civil engineer registered in this State and based upon adequate test boring shall be submitted to the Planning & Development Services Department and the Public Works Department for every subdivision. This report shall be provided prior to recordation, unless waived in writing by Public Works Director.
- B. A preliminary soils report may be waived by the Public Works Director providing said Public Works Director provides in writing to the Planning Director findings that due to the information and/or knowledge the County possesses as to the soil qualities within the subdivision, no preliminary analysis is necessary.
- C. If the County has knowledge of, or the preliminary soils report indicates, the presence of critically expansive soils or other soils problems which, if not corrected, would lead to structural defects, a soils investigation of each lot in the subdivision may be required by the Public Works Director. Soils investigation shall be done by a civil engineer registered in this State, who shall recommend the corrective action which is likely to prevent structural damage to each structure proposed to be constructed in the area where such soils problem exist.
- D. In the case of major subdivisions, the Board of Supervisors may only approve the subdivision or a portion thereof where such soil problems exist if it determines the required action is likely to prevent structural damage to each structure to be constructed and a condition to the issuance of any building permit shall be required that the engineered requirements or action be incorporated in the construction of each structure.
- E. In the case of a minor subdivision, the Planning Director, Planning Commission, or Board of Supervisors may approve the subdivision or a portion thereof where such soil problems exist if it determines the required action is likely to prevent structural damage to each structure to be constructed and a condition to the issuance of any building permit may require that the approved required action be incorporated in the construction of each structure.

**§ 90801.10 ADDITIONAL SUBDIVISION STANDARDS (SEWER SYSTEMS AND OWTS)**

All proposed subdivisions shall meet the standards set forth in Section 8.80.150 of the County's Codified Ordinance, regarding sewer systems and OWTS.

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## TITLE 9

### DIVISION 8: SUBDIVISION ORDINANCE

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#### CHAPTER 2: FEES AND DEPOSITS (DEPARTMENT OF PUBLIC WORKS ONLY)

§ 90802.00	APPLICATION AND PROCESSING FEES
§ 90802.01	FINAL MAP AND PARCEL MAP EXAMINATION FEE
§ 90802.02	IMPROVEMENT INSPECTION AND FEES
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§ 90802.05	REVIEWING AND PROCESSING RECORD OF SURVEY FEES
§ 90802.06	EXEMPTION FROM FEES

#### § 90802.00 APPLICATION AND PROCESSING FEES

Application and processing fees for the Planning & Development Services Department to process applications are contained in Division 9. This Division only applies to Public Works to complete the map processing after a tentative map has been approved.

#### § 90802.01 FINAL MAP AND PARCEL MAP EXAMINATION FEES

##### A. Final Subdivision Maps.

The person or party submitting the final map for review and recordation shall be responsible for the actual cost of the plan checking, map checking, and other necessary activities. At the time a final map is submitted to the Department of Public Works for examination and certification, the subdivider shall deposit \$3,000. In the event that the costs exceed that amount, the additional cost shall be aid to the Department of Public Works prior to recording the final maps. This shall be done within 45 days of recordation. Within 45 days after recordation and after all work has been accounted for, any monies remaining from the deposit, minus any costs, shall be refunded to depositor.

##### B. Parcel Maps.

The person or party submitting the parcel map for review and recordation shall be responsible for the actual cost of plan check, map check and other necessary engineering activities. At the time of submitting a parcel map to the Department of Public Works for examination and certification, the person or party shall deposit \$1,500 with the Department of Public Works. In the event the costs exceed this amount, the additional amount shall be paid prior to recording the parcel map. Any monies remaining of the deposit after all the costs have been deducted and work accounted for shall be refunded.

The Planning & Development Services Department shall not commence processing an application unless and until all requisite fees are paid. The Planning & Development Services Department and the Public Works Department shall not record a final subdivision document of any type until all fees, taxes, liens or other obligations due to the County are satisfied.

#### § 90802.02 IMPROVEMENT INSPECTION AND FEES

All construction and installation of improvements for major subdivisions and minor subdivisions shall be subject to inspection by the Department of Public Works. The subdivider shall arrange for such inspection prior to starting construction or installation of improvements. All monuments and inspection of monuments shall be paid by the subdivider. Subdivider shall pay said actual costs upon demand. Until all fees and costs herein above described have been paid to the County by subdivider, the improvements will be considered to be incomplete and no final map or parcel map shall be certified or approved for recording or recorded.

**§ 90802.03 ENVIRONMENTAL CONSTRAINT SHEET REVIEW FEES**

Fees for reviewing, processing, and filing an Environmental Constraint Sheet map required to be filed pursuant to this Section shall be \$315.00. Such fees are payable to the Department of Public Works.

**§ 90802.04 AMENDMENT OF A PARCEL MAP OR FINAL MAP AND AMENDMENT OF CERTIFICATE FEES**

Fees for amendment of a parcel map or final map shall be \$115.00. Fees for amendment of a certificate shall be \$75.00. Such fees are payable to the Department of Public Works.

**§ 90802.05 REVIEWING AND PROCESSING OF RECORD OF SURVEY FEES**

- A. The fees for reviewing and processing a Record of Survey Map required to be filed pursuant to this Division shall be Time and Materials.
- B. The fees for amending or correcting a Record of Survey Map in accordance with Business and Professions Code Section 8770.5 shall be hourly.
- C. The fee for examining, indexing, and filing the corner record card, in accordance with Business and Professions Code, Section 8773.2 shall not exceed the amount required for the recording of a deed pursuant to Government Code, Section 27361, et. seq. as currently provided or may be amended hereafter. All such fees are payable to the Department of Public Works.

**§ 90802.06 EXEMPTION FROM FEES**

Neither the state nor any county, city, district, or other political subdivision, nor any public officer or body, acting in his or her official capacity on behalf of the state, or any county, city, district, or other political subdivision, shall pay or deposit any fee for the review of survey documents prepared for official purposes.

## TITLE 9

### DIVISION 8: SUBDIVISION ORDINANCE

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#### CHAPTER 3: SUBDIVISIONS - TENTATIVE MAP PROCEDURE

- § 90803.00 TENTATIVE MAP REQUIRED
- § 90803.01 TENTATIVE MAP ASSIGNMENT
- § 90803.02 TENTATIVE MAP TO CONFORM TO RULES OF PLANNING DIRECTOR, PLANNING COMMISSION AND THE BOARD OF SUPERVISORS
- § 90803.03 VESTING TENTATIVE MAPS
- § 90803.04 GRADING PLAN
- § 90803.05 EXPIRATION OF APPROVED TENTATIVE MAP AND VESTING TENTATIVE MAP- EXTENSION OF TIME
- § 90803.06 REVISED TENTATIVE MAP

#### § 90803.00 TENTATIVE MAP REQUIRED

Any person proposing to create a subdivision shall file a tentative map pursuant to this Division and applicable applications pursuant to Title 9. The County shall not consider nor approve a final map unless prior thereto a tentative map of the subdivision has been previously filed and approved.

#### § 90803.01 TENTATIVE MAP NUMBER ASSIGNMENT

- A. Prior to filing of a tentative map, a map number shall be obtained from the Planning & Development Services Department. Any number that is not used within two (2) years from the date it is issued shall become null and void.
- B. When the tentative map is a parcel map it shall be preceded by a "PM" designation.
- C. When the tentative map is a tract map it shall be preceded by the word "Tract".
- D. When applying for a map number, the subdivider shall provide information to show who is the record owner of the property, the assessor's parcel number, legal description of the property, along with the name of the person requesting the number.
- E. When a number has been assigned by the County Planning & Development Services Department for a particular parcel or contiguous parcels of land, the subdivider shall place the map number upon each tentative map of the land division and neither the number nor the area of the parcel of land for which the number is issued shall thereafter be changed or altered in any manner upon the tentative map of the land division unless and until a new number has been assigned by the Planning & Development Services Department.

#### § 90803.02 TENTATIVE MAP TO CONFORM TO RULES OF PLANNING DIRECTOR, PLANNING COMMISSION AND THE BOARD OF SUPERVISORS

All tentative maps shall be in the form prescribed by the Planning Director, Planning Commission or the Board of Supervisors and shall contain at a minimum the following:

- A. Tentative Tract Maps and Vesting Tentative Tract Maps: 18"x24" minimum sheet size (2 hard copies and 1 digital format CD are required).
- B. Tentative Parcel Maps drawn on the County's standard "Tentative Parcel Map" form or on standard engineering paper at a minimum of 18"x24" in size.

- C. Legal description and all Assessor's Parcel Numbers.
- D. Name and address of owner(s).
- E. Name, address, license number, seal or stamp, signature and date of signing of the person preparing the map.
- F. Show entire existing and proposed lot layout and design accurately.
- G. Map must be drawn to scale.
- H. Show all existing and proposed structures and their disposition (above and below surface) with dimensions.
- I. Show all existing and proposed easements, rights-of-way, public and private roads, canals and drains.
- J. Show north arrow, scale and date.
- K. Show all existing and proposed utilities (i.e. water, sewer and electrical).
- L. Show approximate existing and proposed net and gross acreage of all lots.
- M. Show roads/streets and rights-of-way providing legal and physical access to the property.
- N. Show radius of all curves.
- O. Show name, location and width of proposed roads/streets.
- P. Show existing culverts, bridges, drain pipes and other existing drainage facilities.
- Q. Indicate proposed drainage facilities including facilities for storm water run-off and provide for erosion control, including prevention of sedimentation or damage to off-site property.
- R. Land subject to overflow, inundation or flood hazard or identified as being in the flood zone per FEMA Flood Rate Maps, must be shown in detail.
- S. Soils report must be provided, prior to recordation of the map unless required by Planning Department during application processing.
- T. Current Preliminary Title Report (no more than six months old), current vesting deed(s) and supporting documentation must be provided.
- U. Existing uses around the proposed subdivision must be shown.
- V. Land identified as being in the earthquake fault zone by the state geologist, pursuant to the Alquist-Priolo Earthquake Fault Act is to be clearly depicted.
- W. Written statement from Imperial County Division of Environmental Health stating the type of sewer and water supply necessary for the subdivision is to be provided.
- X. Additional Tract Map requirements:
  - 1. Contours on a 2 foot interval for 0-2% slopes and 5 foot intervals for steeper slopes.

2. Subdividers Statement.

The tentative final map shall be accompanied with a detailed statement showing the general intent for the development of the property. This shall include proposed usage, names and locations of adjacent streets, names and recording data of adjoining subdivisions. There shall also be a justification and/or reasons for exceptions requested from the provisions of the Ordinance.

3. Phased map requires a detailed phase plan, timing each phase with an over-all plan not to exceed 10 years.
4. A vicinity map.
5. Land and parks to be dedicated to public are to be depicted.

**§ 90803.03 VESTING TENTATIVE MAPS**

- A. This section is enacted pursuant to Section 66498.1 of the Government Code, and is intended to establish procedures necessary to implement the provisions of the Subdivision Map Act and this Title. The approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in substantial compliance with County Ordinances policies and standards described in Section 66474.2 of the Government Code, however that approval shall confer a vested right to proceed with the development in substantial compliance with the County ordinances, policies, and standards which are in effect at the time the vesting tentative map is approved or conditionally approved. The rights conferred by this Section shall expire if a final map is not approved/recorded prior to the expiration of the vesting tentative map.
- B. Whenever a vesting tentative map and applicable application are filed with fees paid, it shall be processed in the same manner as a tentative map unless modified by this Section, and shall have printed conspicuously on its face the words "Vesting Tentative Map".
- C. Whenever the intended development of a vesting tentative map is inconsistent with the zoning ordinance in existence at the time of the filing of the map, that inconsistency shall be noted on the map, and the map may be denied or approved upon condition that the zoning is changed to eliminate the inconsistency. A conditionally approved vesting tentative map shall confer the vested right to proceed with the development in substantial compliance with the amended zoning and the map, as approved.
- D. Notwithstanding any provision herein to the contrary, any permit approval, extension, or entitlement of a vesting tentative map shall be conditioned or denied under either of the following circumstances:
  1. 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.
  2. The condition of denial is required in order to comply with state or federal law. In addition, the conditions of approval of a vesting tentative map may be amended through a minor change in order to protect against conditions dangerous to the public health or safety.

**§ 90803.04 GRADING PLAN**

There shall be filed with each tentative map a grading plan showing any and all grading proposed or required for the creation of building sites within the subdivision or for construction or installation of improvements to serve the subdivision. This grading plan shall clearly show all on-site grading and shall show how off-site drainage resulting from the subdivision is managed or controlled to prevent adverse impacts.



§ **90803.05 EXPIRATION OF APPROVED TENTATIVE MAP AND VESTING TENTATIVE MAPS – EXTENSION OF TIME**

A. TENTATIVE TRACT MAPS:

An approved or conditionally approved tentative tract map shall expire 24 months after such approval unless within that period of time a final map shall have been approved and filed with the County Recorder. Prior to the expiration date, the subdivider may apply in writing for an extension of time. Each application shall be made to the Planning Director at a minimum of 90 days prior to the expiration date of the tentative map and shall be accompanied by the fee set forth in County Ordinances Section 90901.03. The Planning Director shall approve or deny such request or shall forward to the Planning Commission a recommendation for approval or denial of the application. The Planning Director or Planning Commission may extend the date on which the map expire for one (1) year and, on further application before expiration thereof, may further extend it upon application for one (1) year terms up to six (6) years. The decision of the Planning Commission may be appealed to the Board. An appeal must be filed within 10 days of the Planning Commissions decision by filing a written appeal with the Clerk of the Board of Supervisors accompanied by the fee set forth in County Ordinance.

B. TENTATIVE PARCEL MAPS:

An approved or conditionally approved tentative parcel map shall expire 24 months after such approval unless within that period of time a parcel map shall have been approved and filed with the County Recorder. Prior to the expiration date, subdivider may apply in writing for an extension of time. Each application shall be made to the Planning Director at a minimum ninety (90) days prior to expiration date of the tentative map and shall be accompanied by the fee set forth in County Ordinances Section 90901.03. The Planning Director may extend the date on which the map expires for one year and, on further application thereof, may further extend it upon application for successive terms for up to six (6) years. If the Planning Director denies the request for an extension, the applicant may appeal that decision to the Planning Commission within 10 days from the date of the decision by filing an appeal with the Planning Department, accompanied by the fee set forth in County Ordinance Section 90901.03.

C. Any extension of time shall not be granted unless the land division conforms to the Comprehensive General Plan, is consistent with existing zoning, and does not adversely affect the general health, safety, and welfare of the public.

D. VESTING TENTATIVE MAPS:

A vesting tentative map shall expire 24 months after such approval unless within that time period a final map is recorded, the rights conferred on the vesting tentative map shall automatically extend for one (1) year. Whenever several final maps are recorded on various phases of a project covered by a single vesting tentative map, the one (1) year initial time period shall begin for each phase when the final map for that phase is recorded. The one (1) year initial time period shall be automatically extended by any time used for processing a complete application for a grading permit if the time used to process the application exceeds thirty (30) days from the date that a complete application is filed. The Planning Director or Planning Commission may extend the date on which the map expires for one (1) year and, on further application before expiration thereof, may further extend it upon application for one (1) year terms up to eight (8) years. The decision of the Planning Commission may be appealed to the Board. Any appeal must be filed within 10 days of the Planning Commissions decision by filing a written appeal with the Clerk of the Board of Supervisors accompanied by the fee set forth in County Ordinance. When the subdivider submits a complete application for a building permit during the period of time specified in this section, the vested rights shall continue until the

building permit, or any extension thereto, expires.

- E. If the subdivider is required to expend One Hundred Twenty Five thousand (\$125,000) Dollars or more to construct, improve or finance the construction or improvement of public improvements outside the property boundaries of the land division, excluding improvements of public rights-of-way which abut the boundary of the property to be subdivided and which are reasonably related to the development of that property, each filing of a final map shall extend the expiration of the approved or conditionally approved land division map by 36 months from the date of expiration, as provided in this section, or the date of the previously filed final map, whichever is later. The extensions shall not extend the land division more than 10 years from its approval or conditional approval. The number of phased final maps which may be filed shall be determined by the Board of Supervisors at either the time of the approval or conditional approval of the subdivision.

The amount of One Hundred Twenty Five thousand (\$125,000) Dollars shall be increased by the Registrar of Contractors according to the adjustment for inflation set forth in the statewide cost index for class B construction, as determined by the State Allocation Board at its January meeting. The adjustment by the Registrar of Contractors shall be effective on the first day of the month occurring more than thirty (30) calendar days after the registrar of contractors made that adjustment. The adjusted amount shall apply to tentative and vesting tentative maps whose applications were received after the effective date of the adjustment.

- F. EXTENSIONS OF TIME FOR MAPS AFFECTED BY MORATORIUMS AND LAWSUITS:

The period of time specified in Sub sections A and B above shall not include any period of time during which a development moratorium, imposed after approval of the tentative map, is in existence; provided however, that the length of the moratorium does not exceed five (5) years. Once a moratorium is terminated, the map shall be valid for the same period of time as was left to run on the map at the time that the moratorium was imposed. However, if the remaining time is less than 120 days, the map shall be valid for 120 days following the termination of said moratorium. A development moratorium shall include a water/sewer moratorium as well as other actions of public agencies which regulate land use, development, or the provisions of services to the land, other than the County which thereafter prevents, prohibits, or delays the approval of a final or a parcel map.

- G. The period of time specified in Subsections A, B and D above shall not include the period of time during which a lawsuit involving the approval or conditional approval of the tentative map is or was pending in a court of competent jurisdiction if the stay of the time period is approved by the Advisory Agency pursuant to this section. After service of the initial petition or complaint in the lawsuit upon the County, the subdivider may apply to the Planning Department for a stay pursuant to this section.

1. Applications for a stay shall be made to the Planning Director on the forms provided by the Planning Department, shall be accompanied by the filing fee set forth in County Ordinance Section 90901.03 and shall include such information and documents as may be required by the Planning Director. The Planning Director shall forward to the Planning Commission a recommendation for approval or denial of the request for a stay. The Planning Commission shall act on the requested stay within 50 days after the application is received by the Planning Director. The decision of the Planning Commission may be appealed to the Board. Any appeal must be filed with the Clerk of the Board of Supervisors accompanied by the fee set forth in County Ordinance Section 90901.03.

## **§ 90803.06 REVISED TENTATIVE MAP**

Where a subdivider desires to revise or alter a proposed subdivision for which a tentative map has been approved and has not yet expired or been recorded, the subdivider may file with the Planning & Development Services Department a revised tentative map including payment of the fees prescribed in County Ordinances.

- A. A revised tentative map shall meet the following requirements:
1. The proposed revised subdivision shown on such map shall substantially conform to the street and lot pattern shown on the approved tentative map.
  2. The proposed revised subdivision shown on such map shall include only one contiguous area consisting of all or a portion of the original subdivision shown on the approved tentative map together with such additional land, if any, as the subdivider desires to include.
  3. The revised map shall contain and include all of the information required on the original tentative map and shall be accompanied by such data as is required to be filed with tentative maps.
- B. A revised tentative map may be filed within 90 days prior to the expiration of the approved original tentative map.
- C. Upon the filing of a revised tentative map and payment of the applicable fee, such revised tentative map shall be treated in all respects as an original tentative map and shall be reported on, approved, conditionally approved or disapproved in the same manner as a tentative map, provided, however, that the subdivider shall have 12 months from the approval or conditional approval of the revised tentative map within which to record a final map. Any additional extensions shall be consistent with Section 90803.05.

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## TITLE 9

### DIVISION 8: SUBDIVISION ORDINANCE

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#### CHAPTER 4: DESIGN STANDARDS OF SUBDIVISIONS

§ 90804.00	CONFORMANCE
§ 90804.01	LOT REDUCTIONS
§ 90804.02	DESIGN STANDARDS OF SUBDIVISION
§ 90804.03	DEDICATIONS
§ 90804.04	SUBDIVISION STANDARDS (RESIDENTIAL ZONES)
§ 90804.05	SUBDIVISION STANDARDS FOR COMMERCIAL & INDUSTRIAL ZONES
§ 90804.06	MONUMENTS

#### § 90804.00 CONFORMANCE

- A. All land divisions shall conform to the comprehensive General Plan of Imperial County, with all applicable specific plans, with the requirements of the Title 9 and all other ordinances, except as hereinafter provided.
- B. The requirements set forth within this Title are minimum requirements, and the County may impose greater requirements if so justified.

#### § 90804.01 LOT REDUCTIONS

- A. The Board of Supervisors has found that certain dwellings were constructed within agricultural zones prior to the enforcement of minimum parcel size requirements which effectively prevent conveyances of lots smaller than the applicable minimum parcel size. The Board establishes as follows, for those circumstances where dwellings already in existence may be conveyed on undersized parcels, provided adequate assurance is given that residential development on the remainder parcel will not result in an increase in the density of residential uses permitted in the zone in which the property is located.

A minor subdivision creating no more than two (2) parcels in an A-2, A-2-R or A-3 zone may be approved if one or both parcels contains an area less than the minimum lot size for the particular zone, provided that:

1. The subdivision is to authorize conveyance of land occupied by a single family dwelling which was actually constructed prior to April 1, 1976.
  2. The subdivider agrees to convey and surrender development rights to the County covering a sufficient remainder of property to guarantee that the reduction in the lot area will not result in an increase in the density of residential uses than otherwise permitted in the zone in which the property is located. Such a conveyance shall be in a form approved by the Planning Director and shall be recorded with the final parcel map as required by Section 90805.02(E).
  3. Compliance is made with all other requirements contained in this Division.
- B. Acreage limitations for parcel maps submitted in connection with geothermal projects shall be set forth in Section 91701 et seq.
  - C. Applications for lot reductions shall be made, in writing, stating fully the reasons and justification for the requested exception, and shall be submitted with the application for a land division.
  - D. Notwithstanding Sections 90508.04 and/or 90509.04, the Planning Director or Planning Commission

may approve a parcel map creating no more than four (4) parcels where one or all of the parcels is smaller than the applicable minimum parcel size only if all of the following conditions and findings can be met.

#### E. CONDITIONS

There are existing small parcels within identified existing enclaves that meet all (1.-5.) of the following conditions:

1. The existing and the proposed parcels meet or can meet minimum health and safety standards for potable water, for fire protection, for police protection and for sewage disposal.
2. There are six (6) or more existing small contiguous parcels (1/2 to 10 acres maximum) within a confined area.
3. There are at least six (6) existing residences within the enclave.
4. The enclave consists of parcels sized to allow further division while still meeting minimum parcel sizes that can meet the requirements of this Division.
5. The further division of land within the enclave does not promote the enlargement of the outer boundary of the area.

#### FINDINGS

To allow divisions of land within an identified enclave the Commission and/or Board of Supervisors must be able to make the following findings:

1. The division is within an impacted enclave that will not further adversely impact surrounding agricultural operations.
2. The division enhances agricultural land protection by converting existing impacted land more efficiently and by keeping other agricultural land protected.
3. The division is within an existing enclave of six (6) or more shall (<10 acre) parcels, and six (6) or more existing residences.
4. The parcel(s) shall not be less than .5 acres net if a full soils report shows adequate soil conditions to support development and long term sewage disposal capacity. Larger size parcels will be required, if the soils report or other factors necessitate.
5. The area can be provided adequate fire and police protection services. A written statement from the Fire Department and Sheriff/Police Department shall be required.
6. The division can mitigate and comply with added traffic impacts.
7. The proposed division has an adequate supply of water to each parcel, through an acceptable conveyance system, and can or will provide potable water to each parcel.
8. Each existing, as well as proposed parcel, abuts a public road or highway and/or has legal and physical access via a County road.
9. The long term impacts of additional sewage disposal system within the enclave is verified and can sustain the additional loads as shown by acceptable engineering studies.

**§ 90804.02 DESIGN STANDARDS OF SUBDIVISIONS**

All subdivisions for which a tentative map is required by this Division shall conform to the following requirements as to design:

- A. Every lot shall contain the minimum lot area specified in the applicable zoning ordinance for the zone in which said lot is located at the time the final map is submitted to the Board of Supervisors for its approval. Provided, however, if no minimum lot area is established by the zoning ordinance, every lot shall contain a net area of no less than 6,000 square feet, in areas where full public services exists otherwise it shall be 20,000 square feet.
- B. Every lot shall front on a dedicated street or a street offered for dedication.
- C. Every lot shall be at least 50 feet wide exclusive of side yards required in the zone in which the lot is located, provided, however, that no lot shall measure less than 60 feet wide measured at the right-of-way line.
- D. Lot widths, depths, and area requirements may be modified when the subdivision is within or contiguous to a subdivided area and when the modifications are necessary to match existing development. Such modifications shall be approved by the Board of Supervisors in each and every case.
- E. Lots whose side lines are approximately radial to the center of a cul-de-sac or the center of the intersection of two dead-end streets shall have at least 33 feet of frontage measured at the right-of-way line.
- F. Through lots shall not be allowed unless vehicular access rights are relinquished to one of the abutting streets.
- G. The side lines of lots shall be at right angles or radial to the street upon which the lots front with a maximum deviation of up to 10 degrees allowed.
- H. Lot depth shall be at least 80 feet and shall be no greater than four (4) times the average width.
- I. Whenever practicable, subdivisions of residential property, abutting major and arterial routes shown on the circulation element of the General Plan, railroads, transmission lines or open flood control channels, shall be designed so that the lots face away from such right-of-way.
- J. Lot size shall not be less than the minimum required by the zoning classifications applicable to the subject property, and shall be consistent with the Comprehensive General Plan for Imperial County.
- K. Corner lots shall be designed to provide a building site equal to that required for interior lots in the same zone.
- L. When lots are crossed by major public utility easements, each lot shall have a net usable area of not less than 5,000 square feet, exclusive of the utility easement.
- M. Panhandle shaped lots or flag shaped lots, if permitted, shall have a minimum frontage of 40 feet or minimum access for emergency vehicles whichever is more on a dedicated street. Panhandles may not serve any lot except the lot in which said panhandle is a part nor shall any panhandle have a length of more than two thirds (2/3) the distance from the street on which the panhandle fronts to the rear lot line.

**§ 90804.03 DEDICATIONS**

- A. The subdivider shall offer to dedicate right-of-way for streets within the subdivision in accordance with Imperial County Standards.

- B. No subdivision map shall be approved unless the street or streets providing primary access to the subdivision are dedicated to and maintained by a city, county, or state and said street or streets meet County Standards or right-of-way width.
- C. Streets which are proposed along the exterior boundaries of a subdivision shall have a dedicated width of no less than 40 feet together with a one-foot wide strip of land abutting its outer edge, to be known as a "barrier strip", which shall be offered to the County for street purposes and over which access rights are relinquished.
- D. All streets proposed to be terminated at the exterior boundary of a subdivision shall include a one-foot wide strip of land, to be known as a "barrier strip", across said street width at its termination at said exterior boundary which shall be, offered for street purposes and over which access rights are relinquished.
- E. Where it is necessary to extend a street beyond the boundaries of a subdivision to provide adequate circulation for residents of the subdivision, the subdivider shall cause the required rights-of-way to be dedicated to the County and shall improve said easements in accordance with the County Standards.
- F. Where a drainage facility or flood control facility is necessary for the use of lot owners or for the protection of lots, adequate rights-of-way for such drainage facilities or flood control facilities shall be offered for dedication to the County or to such other public entities that the Board of Supervisors designates and shall be shown on the map.
- G. Where it is necessary to extend a drainage facility or flood control facility beyond the boundaries of the subdivision for adequate drainage or flood control needs, the required rights-of-way shall be offered for dedication.
- H. Drainage facilities and flood control facilities within and without the subdivision shall be provided so as to carry storm run-off both tributary to and originating within the subdivision.
- I. The subdivider may be required to dedicate or to offer to dedicate land for park purposes, pay fees in lieu thereof, or do a combination of both.
- J. The subdivider shall offer to dedicate, in accordance with the County Standards, the necessary rights-of-way for bicycle routes under the following circumstances:
  - 1. When such routes, shown on the Circulation Element of the Imperial County General Plan, pass through or about the subdivision; and
  - 2. When a subdivider is required to dedicate rights-of-way for streets in subdivisions containing 200 or more lots, and such routes are necessary and feasible for the use and safety of the residents.

**§ 90804.04 SUBDIVISION STANDARDS (RESIDENTIAL ZONES)**

All residential developments in the R-1, R-2, R-3 or R-4 Zones shall comply with the following:

- A. Street and road dedication shall be made to the County in the manner described by the Imperial County Public Works Department for all existing or proposed local, secondary or collector highways. The required dedication shall be 30 feet from centerline for local streets, 45 feet from centerline for secondary streets, 55 feet from centerline for collector highways, or as required by adopted, official or specific plans. In the case where a street is on the boundary of a development, a minimum of 40 feet shall be dedicated to the County.
- B. All street improvements shall include the required base and pavement to tie existing pavement to proposed entrances, exits, etc. Existing pavement shall be soft cut at a match point. If the project site abuts a state highway, road improvements shall be provided as required by the California Department of Transportation.

- C. Obstructions within street right-of-ways shall be removed or as specified by Imperial County Public Works Department.
- D. Curbs, gutters and sidewalks shall be constructed for all Major Subdivisions.
- E. All access drives, parking areas and vehicular maneuvering areas shall be surfaced with a minimum of three inches (3") of asphaltic concrete paving or material of higher quality.
- F. All new on-site utility services shall be placed underground, unless the utility supplier requests otherwise.
- G. All subdivision require drainage plans for the management and disposal of all surface drainage water originating on-site and shall be approved by the Imperial County Public Works Department in coordination with the Imperial County Public Health Department, Imperial County Division of Environmental Health as needed. Easements or right-of-way deeds shall be granted to the County of Imperial for drainage purpose.
- H. All subdivisions shall provide for methods of potable water supply and sewage disposal that shall meet the requirements of and be approved by the Imperial County Division of Environmental Health or the California Department of Health Services, whichever has primary jurisdiction. At a minimum, all subdivisions shall be connected to a water system that meets the design and operational standards of the California Safe Drinking Water Act (California Health and Safety Code, commencing with Section 116270) and regulations adopted pursuant thereto. The Act and its implementing regulations shall apply to all systems serving subdivisions regardless of size.
- I. All subdivisions shall provide for methods of sewage disposal that shall meet the requirements of and be approved by the Imperial County Division of Environmental Health and/or the Regional Water Quality Control Board (Colorado River Basin) of the California Department of Water Resources.
- J. All subdivisions shall provide fire protection facilities and access ways which meet the requirements of and are approved by the Imperial County Fire Department/Office of Emergency Services.
- K. When residential subdivisions abut property zoned for non-residential purposes, a six (6) foot solid masonry wall shall be constructed entirely within the proposed development along the exterior boundary abutting the adjoining property zoned for non-residential purposes. The wall height shall be reduced to thirty (30) inches within the required front yard setback area. The proposed wall design and materials shall be approved by the Planning & Development Services Department and the Public Works Department.
- L. All major subdivisions shall provide a lighting plan and all exterior lighting shall be directed away from adjacent properties, and away from or shielded from public roads.
- M. For developments with ten (10) or more dwellings, a minimum of five (5) percent of the net total parcel area shall be designated and developed as useable open space provided however no less than 400 square feet of useable area shall be designed and developed. The required useable area may be divided into more than one (1) location, provided no single location is less than 400 square feet.
- N. During all on-site grading and construction activities, adequate measures shall be implemented to control fugitive dust emissions.

**§ 90804.05 SUBDIVISION STANDARDS FOR COMMERCIAL & INDUSTRIAL ZONES**

All development in the C-1, C-2, C-3, M-1, M-2 and M-3 Zones shall comply with the following:

- A. Street and road dedications shall be made to the County in a manner prescribed by Imperial County Public Works Department, for all existing or proposed local, secondary or collector highways. The required dedication shall be 30 feet from centerline for local streets, 45 feet from centerline for



secondary streets, 55 feet from centerline for collector streets.

- B. All subdivisions shall provide road or street improvements as required by the Department of Public Works, and to the standards contained within this Title.
- C. Obstruction within street rights-of-way shall be removed as specified by Imperial County Public Works Department.
- D. Curbs, gutters and sidewalks shall be constructed for all major subdivisions when required as part of the street improvement.
- E. All access driveways, parking areas and vehicular maneuvering areas shall be surfaced with a minimum of three (3) inches of asphaltic concrete paving or higher quality material.
- F. All new on-site utility services shall be placed underground.
- G. All subdivisions require drainage plans for the management and disposal of all surface drainage water originating on site shall be approved by the Department of Public Works in coordination with the Imperial County Public Health Department, Imperial County Division of Environmental Health, as needed. Easements or right-of-ways deeds shall be granted to the County of Imperial for drainage purposes.
- H. All subdivisions shall provide for a method of potable water supply as required and approved by Imperial County Division of Environmental Health or the California Department of Health Services, whichever has primary jurisdiction. At a minimum, all subdivisions shall be connected to a water system that meets the design and operational standards of the California Safe Drinking Water Act (California Health and Safety Code, commencing with Section 116270) and regulation adopted pursuant thereto. The Act and its implementing regulations shall apply to all systems serving subdivisions regardless of size.
- I. All subdivisions shall provide for methods of sewage disposal that shall meet the requirements of and be approved by the Imperial County Division of Environmental Health and/or the Regional Water Quality Control Board (Colorado River Basin) of the California Department of Water Resources.
- J. All subdivisions shall provide for fire protection facilities and access ways as may be required by the Imperial County Fire Department.
- K. When the subdivision abuts property zoned for single family residential use, a six (6) foot high masonry wall shall be constructed entirely within the proposed development along the exterior boundary abutting the adjoining property. The wall height shall be reduced to three (3) feet within the required front yard setback area.
- L. All industrial subdivisions require a lighting plan and all exterior lighting shall be shielded and directed away from adjacent properties and away from or shielded from public roads.
- M. The subdivider shall comply with the Public Works Director's conditions requiring construction of necessary drainage and flood control structures to conform to Imperial County standards.
- N. The subdivider shall provide proof satisfactory to the County that there exists an adequate potable water supply available to each lot or parcel and that subdivider shall install or agrees to install minimum pressure water supply pipe of a diameter conforming to County standards.
- O. The subdivider shall form a water district or mutual water company created to insure the continuity, maintenance, and operation of an adequate water system to the subdivision.
- P. The subdivider shall provide all necessary easements and rights-of-way to accommodate all streets, drainage and flood control structures and facilities and sewer systems extending beyond the boundaries of the subdivision.
- Q. Should the Board of Supervisors determine by reason of the size and shape of the proposed lots, the

nature of the terrain to be subdivided, the soil condition of the lots or the development of the area in the vicinity of the proposed subdivision, a public sewer disposal system serving the lots will be required to preserve the public health, the Board of Supervisors shall require the subdivider to install or agree to install a public sewer disposal system serving said lots as a precondition to the approval of any final map. Said system shall conform to County standards.

- R. The subdivider shall as a condition to the subdivision construct or shall cause to be constructed at his/her cost a street lighting system conforming to County standards. There shall be an association or special district created to maintain said lighting system.

**§ 90804.06 MONUMENTS**

- A. Every final or parcel map shall show the following monuments which shall be set by a licensed land surveyor or registered civil engineer authorized to practice land surveying at the time of making the survey.
  - 1. Boundary monuments. The exterior boundary of the subdivision shall be monumented with permanent monuments of no less than two inch diameter iron pipes at least eighteen inches long at the intermediate points along the boundary no more than one thousand (1,000) feet apart and the beginning and end of points of all curves. If any existing record and identified monument meeting the foregoing requirements is found in good condition at any such corner or point, such monument may be used in lieu of any new monument.
  - 2. Center line of street monuments shall be installed.
  - 3. Lot corner monuments. All lot corners except when coincident with exterior boundary corner, shall be monumented with permanent monuments of one of the following types: (i) a minimum of three quarter (3/4) inch diameter iron pipe at least eighteen inches long bearing the certificate number of the licensee setting the monument; (ii) copper or brass identification disks permanently set in concrete sidewalks or curbs so as to not be easily disturbed.
  - 4. Such additional monuments to mark the limiting lines of streets as the County Surveyor may require.
  - 5. All other monuments set or proposed to be set.
  - 6. Bench marks shall be set as directed by the Department of Public Works.
- B. The monumentation of the exterior boundary of a remainder parcel or the centerline of streets need not be placed or shown on a parcel map, if acceptable to the County Surveyor.
- C. All monuments and their installation shall conform to the County standards.

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## TITLE 9

### DIVISION 8: SUBDIVISION ORDINANCE

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#### CHAPTER 5: MINOR SUBDIVISIONS - REQUIREMENTS

§ 90805.00	MINOR SUBDIVISIONS
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#### § 90805.00 MINOR SUBDIVISIONS

The purpose of this Chapter is to establish procedures for the processing of applications for minor subdivisions, generally described as where any of the following occurs:

- A. The land is divided into four (4) or fewer parcels,
- B. The whole land before division contains less than five (5) acres, each parcel created by the division abuts upon a maintained public street or highway, and no dedications or improvements are required,
- C. Each parcel created by the land division has a gross area of 20 acres or more and each parcel has an approved access to a maintained public street or highway,
- D. The land consists of a parcel or parcels of land having approved access to a public street or highway, which comprises a part of a tract of land zoned for industrial or commercial development, and has approval as to street alignments and widths,

Each parcel created by the land division has a gross area of no less than 40 acres, or not less than a quarter of a quarter section,

- E. The land being subdivided is solely for the creation of an environmental subdivision pursuant to Government Code Section 66418.2 Reversion to acreage of land previously subdivided and consisting of four (4) or less contiguous parcels under the same ownership, where the provisions of Government Code 66499.20.1 are complied with,
- F. Merging and re-subdividing four (4) or less contiguous parcels, where the provisions of Government Code Section 66499.20.2 are complied with.

**§ 90805.01 APPLICATION**

A written application (form provided by the Planning & Development Services Department) for a minor subdivision shall be made to the Planning & Development Services Department. The application shall be accompanied by the proposed Tentative Map, fees, project description, current preliminary title report with current vesting deed and supporting documentation (i.e. environmental studies if needed), identification agreement and payment of fees agreement as required by this Title. The proposed Tentative map shall show how the parcels are to receive water, sewer and legal access from a County maintained road.

**§ 90805.02 DEDICATION**

No minor subdivision application shall be filed or approved by the Planning Director unless and until the minimum requirements of Division 8, Chapter 4 are complied with and the following conditions are satisfied:

- A. Except as hereinafter provided there shall be offered for dedication pursuant to Chapter 4 of this Division rights-of-way and/or streets in accordance with Imperial County Standards.
- B. Streets providing access to the land to be divided shall be offered for dedication to the County in accordance with Imperial County Standards.
- C. Offers of dedication for streets which will be accepted before final approval of the parcel map and streets which are proposed to be terminated at the exterior boundary of the subdivision shall include a one-foot wide strip of land, to be known as a "barrier strip" across said street width at its termination at said exterior boundary which shall be offered for street purposes and over which access rights are relinquished.
- D. Easements for public utilities and drainage shall be offered for dedication in the manner set forth in this Division and as required by the Planning Director, when it's determined that such offers of dedication are necessary to serve the subdivision and/or are reasonable and logical extensions of such facilities as exist in the vicinity.
- E. Where a minor subdivision would create a parcel smaller than the applicable minimum lot size as permitted by Section 90804.01, an instrument conveying residential development rights, shall be executed and shall be recorded by the subdivider with the final parcel map. Said instrument shall by its terms be binding on the owner, his or her heirs, assigns or successors in interest, and may be terminated upon the rezoning of the property or upon the merger of parcels into lots of sufficient size to comply with the minimum parcel size. Said instrument shall be noticed on the parcel map.

**§ 90805.03 APPLICATION PROCEDURE**

Every application submitted shall be deemed "received" on the date of submittal and shall be stamped and dated by the Department staff. The Department shall, within a maximum of thirty (30) days from receipt, determine whether an application is complete or incomplete, and determine if the subdivision is exempt from CEQA or if further environmental documentation is required. Any application deemed complete shall be reviewed, processed by staff, and scheduled for the next hearing body as applicable under this Division.

Any application deemed incomplete shall be returned to the applicant with a written letter of transmittal, explaining the reasons for the return of the application and what information is lacking or other reason for being incomplete.

A re-submittal of a rejected application shall be deemed the equivalent of a new application and all procedures and time frames shall be as a new application.

Under no conditions shall the Department accept an incomplete application and commence processing it, unless and until all necessary information and supporting documentation is provided.

Failure of an applicant to submit the correct fees shall constitute an immediate rejection without further review.

**§ 90805.04 DISTRIBUTION OF APPLICATION AND TENTATIVE MAP**

Within ten (10) days of acceptance of an application for processing, the Planning & Development Services Department shall forward at least one (1) copy to the following agencies where applicable:

- A. California Department of Transportation;
- B. Any municipality entitled thereto;
- C. The Flood Control District or person designated who will perform flood control and drainage studies;
- D. Any city, community services district, school or other authorized district requesting a copy;
- E. Any utility providers serving the area with its facilities;
- F. Any others as may be appropriate.

**§ 90805.05 HEARING SCHEDULING**

The Department shall schedule the minor subdivision for Planning Director Action by allowing adequate review time for staff and responsible departments/agencies, within the time limits established by law. Under no circumstances shall a project be heard by the Planning Director without all required noticing having been provided.

**§ 90805.06 NOTICING (PUBLIC/APPLICANT)**

The Department shall strictly adhere to the following noticing requirement.

Refer to Division 1, Chapter 4, Section 90104.03.

**§ 90805.07 HEARING PROCEDURE**

The Planning Director shall conduct a public hearing and approve or deny the minor subdivision based on the merits of the subdivision.

The Planning Director, Planning Commission or Board of Supervisors shall deny the subdivision if it does not meet all requirements of this Ordinance, or if any of the following findings are made:

- A. That the proposed land divisions is not consistent with applicable general and specific plans.
- B. That the design or improvement of the proposed land division is not consistent with applicable general and specific plans.
- C. That the site of the proposed land division is not physically suitable for the type of development.

- D. That the site of the proposed land division is not physically suitable for the proposed density of the development.
- E. That the design of the proposed land division or proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
- F. That the design of the proposed land division or the type of improvements are likely to cause serious public health problems.
- G. That the design of the proposed land division or the type of improvements will conflict with easement, acquired by the public at large, for access through, or use of, property within the proposed land division.

A tentative map may be approved if it is found that alternate easements for access or for use will be provided and that they will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by order of a court of competent jurisdiction.

Notwithstanding subsection E. above, a tentative map may be approved if an environmental impact report was prepared with respect to the project and a finding was made, pursuant to the California Environmental Quality Act, that specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the environmental impact report.

**§ 90805.08 APPEAL FROM PLANNING DIRECTOR/PLANNING COMMISSION ON MINOR SUBDIVISIONS**

Upon the filing of an appeal from the Director’s decision, the Director shall then schedule a hearing on the issue before the Planning Commission, at the next regularly scheduled meeting for which noticing requirements can be met. A decision of the Planning Commission on minor subdivisions shall be appealable to the Board of Supervisors.

Any person may appeal the decision of the Planning Director on a minor subdivision provided such an appeal meets the following requirements:

- A. A written appeal is filed within ten (10) calendar days from the Planning Directors decision on minor subdivisions.
- B. The appeal is filed with the Planning & Development Services Department.
- C. The requisite fees are included.
- D. The written appeal clearly states the following:
  - 1. Name of person(s) filing appeal
  - 2. Address & phone number of person(s) filing
  - 3. Project/decision being appealed
  - 4. Reason for filing appeal
  - 5. Facts, condition(s), information, error, or other specifics to warrant appeal
  - 6. Prior effort(s) made to arrive at acceptable solution, if any
  - 7. Action being requested (i.e. deny project, approve project, modify conditions, etc.)
  - 8. Signature of applicant.

Any person may appeal the decision of the Planning Commission, provided such appeal meets the following requirements:

- A. A written appeal is filed within ten (10) calendar days from the Planning Commission’s decision,

- B. The request is filed with the Clerk of the Board of Supervisors,
- C. The requisite fees are included,
- D. The written appeal clearly states the following:
  - 1. Name of person(s) filing appeal
  - 2. Address & phone number of person(s) filing appeal
  - 3. Project/decision being appealed
  - 4. Reason for filing appeal
  - 5. Facts, condition(s), information, error, or other specifics to warrant appeal
  - 6. Prior effort(s) made to arrive at acceptable solution, if any
  - 7. Action being requested (i.e. deny project, approve project, modify conditions, etc.)
  - 8. Signature of appellant.

The Clerk of the Board shall not accept an appeal if filed after 5:00 p.m. on the 10<sup>th</sup> calendar day from the Planning Commission decision date, and further shall not accept an appeal unless it is in writing and clearly states the information above. The Clerk shall immediately submit a copy of such an appeal to the Planning & Development Services Department and County Counsel.

The Clerk of the Board of Supervisors shall then schedule a hearing for a date and time for which required public notice can be provided.

The Board of Supervisors may deny the scheduling of an appeal hearing if it is determined that the appeal has no standing, or the appeal request does not provide the information required above, or the same policy, procedure or direction has already been heard by the Board of Supervisors in prior case(s).

In the event the Board of Supervisors elects not to schedule an appeal all appeal fees shall be returned to appellant.

Once an appeal has been scheduled by the Board of Supervisors, no appeal fees shall be refunded unless the Board of Supervisors votes to refund on a 4/5 vote.

Any decision made by the Board of Supervisors shall be final with no further appeal to an administrative body, except as provided by law.

**§ 90805.09 FINAL DECISIONS**

Any decision made by a hearing body (Planning Director, Planning Commission, and/or Board of Supervisors) shall be deemed a final decision unless appealed to the next administrative hearing body as provided under Section 90101.10. No hearing body shall be allowed to re-hear or re-consider its decision, except as provided for under Section 90101.10.

**§ 90805.10 PARCEL MAP WAIVER PROCEDURES**

Upon compliance with the provisions hereinafter set forth the Planning Director, Planning Commission or Board of Supervisors can consider the waiver of a Parcel Map and, in lieu thereof, issue a Certificate of Compliance and the issuance to the applicant of a Parcel Map Certificate of Compliance, where no parcel map needs be filed or recorded for the following described proposed subdivisions:

- A. A proposed subdivision creating no more than two parcels, each parcel of which abuts and has approved access to a maintained public street or highway and for which no improvements are required as determined by the Planning Director and where physical features indicate the parcel boundaries. A record of survey shall be filed in lieu of the final parcel map.

- B. A proposed subdivision creating no more than four parcels, each of which has a minimum gross area of forty (40) acres or more or is not less than a quarter of a quarter section and for which no improvements are required as determined by the Planning Director, and where physical features such as field breaks, roads, canals and drains indicate boundaries. If the parcel map is based upon a field survey, a record of survey shall be filed in lieu of the final parcel map. The subdivider shall provide in writing a request for a waiver of the Parcel Map. The request shall accompany the minor subdivision application. Details on the tentative map must support the parcel map waiver request.

**§ 90805.11 ASSIGNMENT OF CERTAIN RESPONSIBILITIES REGARDING PARCEL MAP WAIVER (CERTIFICATES OF COMPLIANCE) TO THE PLANNING DIRECTOR**

The responsibilities of the Board of Supervisors pursuant to Government Code Section 66428 are hereby assigned to the Planning Director with respect to the waiver of the parcel map requirements of the Codified Ordinances of Imperial County with respect to those parcels described in Section 90805.10 herein above.

**§ 90805.12 CONDITIONS OF A PARCEL MAP WAIVER**

Upon approval of a parcel map waiver by the Planning Director, Planning Commission or the Board of Supervisors, the conditions of approval shall be amended to include condition(s) for the recordation of a Certificate of Compliance. Notwithstanding all other conditions of approval of a minor subdivision, at a minimum the following conditions shall be applied:

- A. Secure Tax Certificate(s) from the Tax Collector(s) Office.
- B. Provide full legal description(s) and closure reports (if applicable) acceptable to the Planning & Development Services Department for review by the Department of Public Works, prepared, signed and stamped by a California Licensed Land Surveyor or a California Registered Civil Engineer (authorized to practice land surveying), typed on plain bond paper (8 1/2x11"). Letterhead will not be acceptable. The descriptions of land shall clearly indicate that the documents were prepared for a "Parcel Map Waiver".
- C. Provide recording fees as required for the recordation of the Certificate of Compliance, legal descriptions and Tax Certificate(s).
- D. Provide a record of survey for recordation, submitted to the County Surveyor for review.
- E. Provide the payment of fees for the review of the record of survey by the County Surveyor, payable to the Department of Public Works.

**§ 90805.13 DEDICATION PROCEDURES**

Pursuant to Government Code Section 66447, all dedications or offers of dedications required by the provisions of this Division shall be by separate instrument. An offer of dedication shall be in such terms as to be binding on the owners, their heirs, assigns or successors in interest and shall continue until the County accepts or rejects such offer. Any such dedication or offer of dedication shall be free of any burden or encumbrance which would interfere with the purpose for which the dedication is required. The applicant shall provide a current preliminary title report, current vesting deed(s) and supporting documents or equivalent proof of title satisfactory to the County Surveyor.

**§ 90805.14 REQUIRED DEDICATIONS**

As a condition precedent to the approval of a parcel map for a minor subdivision filed pursuant to the Subdivision Map Act and this Division, it shall be required that the applicant:

- A. Improve in accordance with Imperial County Standards all rights-of-way offered for dedication for street purposes which are accepted by the County prior to the approval of the parcelmap.



- B. Install other improvements and facilities in accordance with the requirements set forth in County Standards.
- C. Install necessary hydrants with water facilities and sanitary sewers pursuant to Imperial County Standards.

**§ 90805.15 AGREEMENT TO IMPROVE**

The applicant may elect to agree to construct or install improvements required by Section 90804.03 which are to be located in public easements on rights-of-way. In the event an applicant elects to agree to construct or install improvements, he/she shall provide a good and sufficient improvement security as defined in Government Code Section 66499, and shall prepare and deposit with the Clerk of the Board of Supervisors detailed plans and specifications of the improvements to be constructed and such plans and specifications shall be in a form acceptable to County Counsel.

**§ 90805.16 PARCEL MAP REQUIREMENTS**

- A. All parcel maps shall conform to the requirements of the Subdivision Map Act and this Division and also shall conform to the requirements specified in the report of the Planning Director/Planning Commission approving or conditionally approving the tentative parcel map, unless an appeal is made by the applicant or any interested party to the Planning Commission and/or Board of Supervisors and said body modifies, rejects or overrules the recommendations of the Planning Director/Planning Commission, in which event the map also shall conform to the requirements of the Planning Director/Planning Commission as modified by the Planning Commission and/or Board of Supervisors.
- B. After the approval or conditional approval of the tentative map and prior to the expiration of such map, the subdivider may cause the real property included within the map, or any part thereof, to be surveyed and a parcel map thereof prepared in accordance with the approved or conditionally approved tentative map.

**§ 90805.17 PUBLIC WORKS AND PLANNING DIRECTOR TO APPROVE MAPS**

No final parcel map shall be filed with the County Recorder until said map has been approved (signed) by the Planning Director, the Chairman of the Planning Commission upon appeal, or the Chairman of the Board of Supervisors upon appeal.

**§ 90805.18 ADDITIONAL CERTIFICATES ON PARCEL MAPS**

In addition to the certificates and other material required by the Subdivision Map Act and this Division, every parcel map shall bear a certificate by the Planning Director that the map complies with the approved tentative parcel map. If the parcel map is approved by the Planning Director, the certificate required by this section may be combined with the approval of the parcel map as required by section 90805.17 into one certificate or statement.

**§ 90805.19 MAP BOUNDARY REQUIREMENTS**

- A. Surveys made in preparation of parcel maps shall be in accordance with standard practices and principles of surveying and all applicable provision of the Subdivision Map Act. At the time of making the survey for the parcel map, unless the survey is not required pursuant to Section 90805.21, the engineer or surveyor shall set sufficient durable monuments to conform with the standards described in Section 90804.06 so that another engineer or surveyor may readily retrace the survey. He shall also set such additional monuments as may be required. At least one exterior boundary line of the land being subdivided shall be adequately monumented or referenced before the map is recorded. Interior monuments need not be set at the time the map is recorded, if the engineer or surveyor certifies on the map that the

monuments will be set on or before a specified later date, and if the subdivider furnishes to the legislative body security guaranteeing the payment of the cost of setting such monuments.

- B. The entire boundary of a land division must appear on the first map sheet of the parcel map showing:
  - 1. A boundary survey of the land division, including all courses and distances necessary to compute a closure,
  - 2. Sufficient data, either graphically and/or by dissertation, to justify the method by which the boundary was determined, including a description of all monuments found or set, giving data relating thereto, adjoining maps or property lines of record,
- C. The County Surveyor may waive showing portions of the boundary if sufficient survey information is of record.

**§ 90805.20 PARCEL MAP PROVISIONS AND DATA REQUIREMENTS**

Parcel maps shall conform to all of the following provisions:

- A. Each map shall be legibly drawn, printed or reproduced by a process guaranteeing a permanent record. Certificates or statements, affidavits, and acknowledgements may be legibly stamped or printed upon the map with opaque ink to assure permanent legibility. The size of each sheet shall be 18"x26" or 460 by 660 millimeters. A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of one inch or 25 millimeters.
- B. Each sheet shall bear the number as assigned by the County Planning & Development Services Department, which shall be followed by a subtitle consisting of a general description of all the property being divided by reference to record maps, and to section surveys. Reference shall be spelled out and worded identically with original records, with complete reference to proper book and page of record and shall be shown on every sheet of a multi-sheet map.
- C. All sheets shall be numbered, the relation on one sheet to another clearly shown, and the number of sheets used shall be set forth on each sheet. An adequate number of sheets shall be submitted to clearly present all pertinent data.
- D. When required by the County Surveyor, a location map shall be placed on the parcel map which indicates the location of the proposed land division and its relationship to existing streets and highways.
- E. The certificates and acknowledgements, required by the Subdivision Map Act and this Ordinance, shall appear on the first sheet only. Statements shall include the following:
  - 1. Owner's statement
  - 2. Trustee's statement, if applicable
  - 3. Recorder's statement
  - 4. Surveyor's/Engineer's statement
  - 5. County Surveyor's statement
  - 6. County Planning Director's statement
  - 7. Subdivision Guarantee if any dedication is being made for public use (may be made by separate instrument and referenced on the map)
  - 8. Planning Commission Statement or Board of Supervisor's statement if the parcel map is approved upon appeal as provided in Section 90805.08
  - 9. Tax Collector's statement (may be made by separate instrument and referenced on the map)
- F. The Engineer's or Surveyor's statement shall be as defined by Section 66449 of the Subdivisions

Map Act. If a field survey was performed, the parcel map shall contain a statement by the engineer or surveyor responsible for the preparation of the map that states that all monuments are of the character and occupy the positions indicated, or that they will be set in those positions on or before a specified date, and that the monuments are, or will be, sufficient to enable the survey to be retraced. The monument statement shall not be combined with the Engineer's or Surveyor's statement.

- G. The assigned map number, scale, and north arrow shall be shown on each sheet of the map. The particular number of the sheet and the total number of sheets comprising the map shall be shown on each of the sheets, and its relation to each adjoining sheet shall be clearly shown. The scale of the map shall be large enough to show all details clearly and enough sheets shall be used to accomplish this end a complete boundary survey shall be shown on one (1) sheet of every phase of unitized subdivision. Said boundary shall also reflect the original boundary as shown on the tentative map of said subdivision.
- H. The exterior boundary of the land shown on a land division map shall be indicated by a distinctive delineation and clearly designated. The exterior boundary of the land included within the subdivision shall not include a designated remainder or omitted parcel. The designated parcel or omitted parcel shall be clearly labeled as such.
- I. A statement labeled "Surveyor's Notes" or "Engineer's Note" shall be shown on the first map sheet after the signature sheet of a multi-sheet map. The statement shall include the basis of bearings; the monuments that were found; the monuments and points that were set, and a key to the symbols and abbreviations and such other information required by the County Surveyor. The basis of bearings shall be based upon the California Coordinate System (CCS83) Zone VI (as defined by the Public Resources Code, Sections 8801-8819).
- J. Lots shall be numbered consecutively, commencing with the Number "1", with no omissions or duplications. Each lot shall be shown in its entirety on one (1) sheet; unless, due to size and/or shape, and after using an acceptable scale, the County Surveyor determines the parcel(s) or lot(s) cannot reasonably be shown on a single sheet. Lots used for streets, alleys, or barrier strips shall be lettered. Easements shall be clearly identified.

The following data shall be shown on each parcel map:

1. Dates of survey and the name and registration number of the person authorized to practice land surveying by the State of California and who is responsible for the preparation of the map;
2. Locations and names (without abbreviations) of all adjoining, existing and proposed streets and the locations of alleys. Proposed public area and easements shall also be identified.
3. Gross area of land division, and the net acreage, computed to the nearest .01 acres, all lot lines shall be shown by solid lines.
4. Centerline of all streets and lengths, tangent, radius and central angle or radial bearings on all points on curves and the bearings of radial lines to each lot corner on a curve; the width of each street, the width of the portion being dedicated and the width of existing dedications; and the widths of right-of-way of railroads, flood control or drainage channels and other easements appearing on the map.
5. Sufficient data to determine readily the bearing and length of each line. Recorded survey data as required by the County Surveyor.
6. Sufficient primary survey control points.
7. Ties and recording references to adjacent record maps and to section corners, quarter

section corners and also to section lines and quarter section lines when adjacent or within the map.

8. Centerline data and width of all easements to which the division of land is subject. If the easements are not definitely located by record, a statement as to the easement shall appear on the title sheet of the land division. Distances and bearings on the side lines of lots which are cut by an easement shall be so shown as to indicate clearly the actual location. Alignment data alongside lot lines of easements shall be provided when not controlled by paralleling lines or centerline. The easement shall be clearly labeled and identified and, if already on record, proper reference to the records given. Easements dedicated in land divisions shall be included on the owner's Certificate of Dedication. Easements shall be shown on the map by broken lines.
9. Clear indication of stakes, monuments or other evidence found on the ground to determine the boundaries of the tract, data to determine physical description, size, ground position, tag number and record reference of survey markers, untagged monuments accepted as control shall be tagged or replaced by the surveyor or engineer making the survey.
10. No setback lines shall appear on the final map.
11. New street names shown on a land division map must be approved by the County.

L. Environmental Constraint Sheet.

1. Additional survey and map information may be required in the form of an Environmental Constraint Sheet which is to be filed with the Imperial County Surveyor simultaneously with the recording of the parcel map. The additional information may include, but need not be limited to: flood hazard zones, seismic lines and setbacks, geologic mapping, and archaeological sites. The Environmental Constraint Sheet is for informational purposes and is not intended to affect record title interest.
2. When an Environmental Constraint Sheet is required, a note shall be placed below the Surveyor's notes on the parcel map in one-fourth (1/4) inch high bold block letters, stating:

ENVIRONMENTAL CONSTRAINT SHEET

Environmental Constraint Sheet affecting this map is on file in the Office of the Imperial County Surveyor in Environmental Constraint Sheet Book\_\_\_\_\_, Page\_\_\_\_\_. This affects Lot Numbers\_\_\_\_\_or Parcel Number\_\_\_\_\_.

**§ 90805.21 PARCEL MAPS COMPILED FROM RECORDED DATA**

A parcel map of four (4) or less parcels may be compiled from recorded or filed data, if such is acceptable to the County Surveyor.

**§ 90805.22 FILING OF A PRELIMINARY PARCEL MAP**

After a tentative parcel map is approved, the Subdivider may cause a parcel map to be prepared and submitted to the County Surveyor.

- A. When the subdivider files his final map for review by the office of the County Surveyor, four (4) positive prints shall be distributed as follows (electronic versions may be provided in lieu of hard copies):
  1. One (1) to the County Surveyor,

2. One (1) to the Planning Director.
  3. One (1) to the Health Officer.
  4. One (1) to Office of Emergency Services.
- B. The parcel map with map checking fee as required by Chapter 2 of Division 8 of this Ordinance.
- C. Required improvement plans with plan checking fee as required by Chapter 2 of Division 8 of this Ordinance.
- D. Evidence of title in the form of a current preliminary title report issued by a California title company showing the names of persons having any record title interest in the land to be divided, together with the nature of their respective interests herein, current vesting deed(s) and supporting documents. In the event that any dedication is to be made for public use of any property shown on a parcel map, a subdivision guarantee shall be issued by a California title company.
- E. Prior to the recordation of the parcel map, the following items shall be provided and approved:
1. A copy of the approved conditions along with a written report and support information as to compliance with each condition.
  2. Evidence of title in the form of a current title report issued by a California title company, showing the names of persons having any record title interest in the land to be divided, together with the nature of their respective interests therein. In the event that any dedication is to be made for public use of any property shown on a parcel map, a subdivision guarantee shall be issued by a California title company. The consent of the owner or owners of any contingent reversionary interest in the lands to be subdivided is not necessary and need not be named in the guarantee of title.
  3. All requests for waivers of signatures as provided in the Subdivision Map Act.

**§ 90805.23 COUNTY SURVEYOR REVIEW PROCESS**

- A. When a parcel map and all agreements, securities and other required documents have been submitted and found to be in correct form by the County Surveyor, he or she shall complete his or her certificate or statement within twenty (20) days from the time the parcel map is submitted for approval. The County Surveyor shall sign, date and below or immediately adjacent to the signature, indicate his or her registration or license number and the stamp or seal and state that:
1. He or she has examined the map,
  2. The land division as shown is substantially the same as it appeared on the tentative map and any approved alterations thereof,
  3. All provisions of the Subdivision Map Act and all County ordinances applicable at the time of approval of the tentative map have been complied with,
  4. He or she is satisfied that the map is technically correct.
- B. The County Surveyor shall deliver the parcel map and a report of the subdivider's compliance with the conditions of approval to the Planning & Development Services Department or other appropriate officer if the tentative map was approved upon appeal for review and approval of the parcel map and signature. When the map is approved by the Planning Director, Chairman of the Planning Commission, or Chairman of the Board of Supervisors, as the case may be, the County Surveyor may

accept or reject dedications and offers of dedication that are made by separate instrument with the map, and may sign certificates for the County. The County Surveyor shall deliver the approved map and documents to the County Recorder within the same 20-day period.

**§ 90805.24 DELIVERY OF PARCEL MAP TO THE COUNTY RECORDER**

- A. Upon the approval by the County Surveyor, the parcel map shall be transmitted to the County Recorder.
- B. The subdivider shall present to the Recorder evidence that, at the time of the filing of a final map or parcel map, the parties consenting to the filing are all of the parties having a record title interest in the real property being divided whose signatures are required, as shown by the records in the Office of the Recorder; otherwise the map shall not be filed.
- C. The Recorder shall have not more than ten (10) days within which to examine the final map or parcel map and either accept or reject it for filing.
- D. If the Recorder accepts the parcel map for filing, such acceptance shall be certified on the face thereof.
- E. The Recorder, upon filing the final map, shall attach the recording data to the polyester tape film duplicate original and thereupon deliver the same to the County Surveyor who shall retain custody thereof.

**§ 90805.25 CERTIFICATE OF CORRECTION**

After a parcel map is filed in the Office of the County Recorder, the recorded map may be modified by a Certificate of Correction.

The subdivider may apply to the County Surveyor for a Certificate of Correction upon finding that one (1) or more of the following conditions apply:

- A. To correct an error in any course or distance shown thereon.
- B. To show any course or distance that was omitted therefrom.
- C. To correct an error in the description of the real property shown on the map,
- D. To indicate monuments set after the death, disability or retirement from practice of the engineer or surveyor charged with responsibilities for setting monuments.

## TITLE 9

### DIVISION 8: SUBDIVISION ORDINANCE

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#### CHAPTER 6: MAJOR SUBDIVISION - REQUIREMENTS

- § 90806.00 MAJOR SUBDIVISION
- § 90806.01 APPLICATION
- § 90806.02 DEDICATION
- § 90806.03 APPLICATION PROCEDURE
- § 90806.04 AUTHORITY TO THE PLANNING DIRECTOR
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#### § 90806.00 MAJOR SUBDIVISIONS

The purpose of this Chapter is to establish procedure for the processing of applications for Major Subdivisions and approval of tract maps, generally described as follows:

A land division creating more than five (5) parcels, five (5) or more condominiums as defined in Section 783 of the Civil Code, a community apartment project containing five (5) or more parcels, or for the conversion of a dwelling to a stock cooperative containing five (5) or more dwelling units.

#### § 90806.01 APPLICATION

A written application (form provided by the Planning & Development Services Department) for a major subdivision as defined in Chapter 1 of this Division shall be made to the Planning & Development Services Department by California Licensed Surveyor or California Civil Engineer (Licensed to practice in the category of work to be performed). The application shall be accompanied by the tentative tract map, fees,

environmental documentation, preliminary title report and support documentation as required in this title.

**§ 90806.02 DEDICATION**

- A. The subdivider shall offer to dedicate right-of-way for streets within the subdivision in accordance with Imperial County Standards.
- B. No final subdivision map shall be approved unless the street or streets providing primary access to the subdivision are dedicated to and maintained by a city, county, or state and said street or streets meet County standards and right-of-way width.
- C. Streets which are proposed on the boundaries of a subdivision shall have a dedicated width of not less than 40 feet together with a strip of land one (1) foot wide on its out edge which shall be offered to the County for street purposes and over which access rights are relinquished.
- D. All streets proposed to be terminated at the subdivision boundary shall include a strip of land one (1) foot wide across said street at its point of termination which shall be portions of the adjacent lots, offered for street purposes and over which access rights are relinquished.
- E. Where it is necessary to extend a street beyond the boundaries of a subdivision to provide adequate circulation for residents of the subdivision, the subdivider shall cause the required easements to be dedicated to the County and shall improve said easements in accordance with the County standards.
- F. Where a drainage facility or flood control facility is necessary for the use of lot owners or for the protection of lots, adequate rights-of-way for such drainage facilities or flood control facilities shall be offered for dedication to the County or to such other public entities as the Board of Supervisors designates and shall be shown on the map.
- G. Where it is necessary to extend a drainage facility or flood control facility beyond the boundaries of the subdivision for adequate drainage or flood control needs, the required rights-of-way shall be offered for dedication.
- H. Drainage facilities and flood control facilities within and without the subdivision shall be provided so as to carry storm run-off both tributary to and originating within the subdivision.
- I. The subdivider may be required to offer to dedicate and for park purposes, pay fees in lieu thereof, or do a combination of both.
- J. The subdivider shall offer to dedicate, in accordance with the County standards, the necessary rights-of-way for bicycle routes under the following circumstances:
  - 1. When such routes are shown on the Circulation Element of the Imperial County General Plan pass through or about the subdivision; and
  - 2. When a subdivider is required to dedicate rights-of-way for streets in subdivisions containing 200 or more lots and such route is necessary and feasible for the use and safety of the residents.

**§ 90806.03 APPLICATION PROCEDURE**

Every application submitted shall be deemed "received" on the date of submittal and shall be date stamped and dated by the Department staff. The Department shall within a maximum of thirty (30) days from receipt determine whether an application is complete or incomplete, and if further environmental documentation is required. Any application deemed complete shall be reviewed, processed by staff, and scheduled for the next hearing body as applicable under this Division. Any application deemed incomplete shall be returned to the applicant with a written letter of transmittal, explaining the reasons for the rejection.



A re-submittal of a rejected application shall be deemed the equivalent of a new application and all procedures and time frames shall be as a new application.

Under no conditions shall the Department accept an incomplete application and commence processing it, unless and until all necessary information and supporting documentation is provided.

Failure of an applicant to submit the correct fees shall constitute an immediate rejection without further review.

**§ 90806.04 AUTHORITY OF THE PLANNING DIRECTOR**

The Planning Director and/or his/her staff shall review every application and determine whether the major subdivision is consistent with the adopted General Plan.

If the major subdivision is not consistent with the General Plan, the application shall be rejected with reasons and any alternatives stated. In processing any application, staff shall prepare a full staff report including a recommendation based on planning principles, regulations in effect, and all legal requirements, before the Planning Commission may consider the project.

**§ 90806.05 DISTRIBUTION OF APPLICATION AND TENTATIVE MAP**

Within ten (10) days of acceptance the application for processing, the Planning & Development Services Department shall forward at least one (1) copy to the following agencies where applicable:

- A. California Department of Transportation;
- B. Any municipality entitled thereto;
- C. The Flood Control District or person designated who will perform flood control and drainage studies;
- D. Any city, community services district, school or other authorized district requesting a copy;
- E. Any utility surveyor serving the area with its facilities;
- F. Any others as may be appropriate.

**§ 90806.06 HEARING SCHEDULING**

The Department shall schedule the major subdivision for a Planning Commission hearing by allowing adequate review time for staff and responsible departments/agencies, within the time limits established by law. Under no circumstances shall a project be heard by the Planning Commission without all required noticing having been provided.

**§ 90806.07 NOTICING (PUBLIC/APPLICANT)**

The Department shall strictly adhere to the following noticing requirements:

- A. A one time publication in a newspaper of greatest circulation (within County) at a minimum of ten (10) days prior to the hearing date, and
- B. Direct mail notice to applicant, all parties of record interest, all parties having filed a written request to receive notices, all contiguous property owners; and, one of the following:

1. In the R-1, R-2, R-3, R-4 Zones, all adjacent property owners whose property is within 500 feet of the exterior boundary of the subject parcel,
2. In the commercial or industrial zone, all adjacent property owners whose property is within 1/2 mile of the exterior boundary of the subject parcel,
3. In all zones, except as specified in 'A' and 'B' above, all adjacent property owners whose property is within 1,000 feet of the exterior boundary of subject parcel.

**MAJOR SUBDIVISIONS TO BE HEARD BY THE ENVIRONMENTAL EVALUATION COMMITTEE (EEC)**

1. A one time publication in a newspaper of greatest circulation (within County) at a minimum of five (5) days prior to hearing date, and
2. Direct mail notice to applicant and any party having requested a notice in writing.

**§ 90806.08 HEARING PROCEDURE**

The Planning Commission shall conduct a public hearing and recommend approval or denial of the major subdivision based on the merits of the subdivision.

The Planning Commission or Board of Supervisors shall deny if the subdivision does not meet all requirements of this ordinance, or if any of the following findings are made:

- A. That the proposed land divisions is not consistent with applicable general and specific plans.
- B. That the design or improvement of the proposed land division is not consistent with applicable general and specific plans.
- C. That the site of the proposed land division is not physically suitable for the type of development.
- D. That the site of the proposed land division is not physically suitable for the proposed density of the development.
- E. That the design of the proposed land division or proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
- F. That the design of the proposed land division or the type of improvements are likely to cause serious public health problems.
- G. That the design of the proposed land division or the type of improvements will conflict with easements, acquired by the public at large, for access through, or use of, property within the proposed land division.

A subdivision may be approved if it is found that alternate easements for access or for use will be provided and that they will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by order of a court of competent jurisdiction.

Notwithstanding subsection E. above, a tentative map may be approved if an environmental impact report was prepared with respect to the project and a finding was made, pursuant to the California Environmental Quality Act that specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the environmental impact report.

**§ 90806.09 PLANNING COMMISSION DUTIES (MAJOR SUBDIVISIONS)**

The Planning Commission as a recommending body is authorized to carry out the following actions with

reference to processing of major subdivisions:

- A. After the completion of a public hearing on the proposed subdivision, recommend to the Board of Supervisors, approval, conditional approval, or disapproval in whole or in part of tentative maps filed pursuant to this Division and/or the Subdivision Map Act. The Planning Commission shall take such action within fifty (50) days (or any longer period hereinafter prescribed by State law) after the filing of the tentative map with the Planning & Development Services Department. This time limit may be longer if necessary to comply with other laws including, but not limited to CEQA.
- B. The Planning & Development Services Department shall forward the Planning Commission the recommendation to the Board of Supervisors. The Clerk of the Board of Supervisors shall then schedule a hearing. The Board of Supervisors shall conduct a public hearing.

**§ 90806.10 ACTION BY THE BOARD OF SUPERVISORS**

The Board of Supervisors shall have the following options:

- A. Deny the major subdivision should it make any of the findings under Section 90806.08.
- B. Deny the major subdivision if it determines that the proposed subdivision is not compatible with surrounding zoning, or is detrimental to the surrounding property (or the County in general), or represents incompatible land uses, or may cause substantial adverse environmental consequences.
- C. Approve the major subdivision as recommended by the Planning Commission along with findings of approval and conditions.
- D. Continue the public hearing on the matter to a date/time certain for the purpose of having additional information made available to the Board of Supervisors.

Any decision made by the Board of Supervisors shall be final with no further appeal to an administrative body, except as provided by law.

**§ 90806.11 MAPS TO CONFORM TO REQUIREMENTS OF BOARD OF SUPERVISORS**

All final maps for major subdivisions shall conform to the requirements of the Subdivision Map Act and this Division and County Standards. After the approval or conditional approval of the tentative map and prior to the expiration of such map, the subdivider may cause the real property included within the map, or any part thereof, to be surveyed and a final map thereof prepared in accordance with the approved tentative map.

**§ 90806.12 BOARD OF SUPERVISORS TO APPROVE MAPS**

No final map shall be filed with the County Recorder until approved by the Board of Supervisors.

**§ 90806.13 REQUIRED OFFER OF DEDICATION**

As a condition precedent to the approval by the Board of Supervisors of any final map, all parcels of land shown thereon and intended for any public use shall be offered for dedication for public use except those parcels, other than streets, intended for the exclusive use of the lot owners in the subdivision, their licensees, visitors, tenants and servants.

**§ 90806.14 GRANT OF OPEN SPACE EASEMENT**

In the event that a grant of an open space easement is to be made over any portion of the subdivision, the final map shall contain a certificate signed and acknowledged by those parties having any record title interest in the subdivided land granting such open space easement and stating the conditions of the grant.

**§ 90806.15 SCHOOL SITE DEDICATION REQUIREMENTS**

As a condition of approval of a final map, a subdivider who develops or completes the development of one (1) or more subdivisions within a school district shall dedicate to the school district such land as the Board of Supervisors deems to be necessary to insure the residents of the subdivision adequate elementary or secondary school services.

**§ 90806.16 SCHOOL SITE DEDICATION PROCEDURE**

The requirement of dedication shall be made pursuant to County standards and shall be imposed at the time of the approval of the tentative map. If within thirty (30) days after the requirement of dedication is imposed by the County, the school district does not offer to accept the dedication, the requirement shall be automatically terminated. The required dedication may be made any time before, concurrently with, or up to sixty (60) days after the filing of the final map on any portion of the subdivision.

**§ 90806.17 PAYMENTS TO SUBDIVISION FOR SCHOOL SITE DEDICATIONS**

The school district, if it accepts the dedication shall repay to the subdivider of the dedicated land, plus the sum equal to the total of the following amounts:

- A. The cost of any improvement to the dedicated land since acquisition by the subdivider.
- B. The taxes assessed against the dedicated land from the date of the school district's offer to enter into the binding commitment to accept the dedication.
- C. Any other costs incurred by the subdivider in maintenance of such dedicated land, including interest costs incurred on any loan covering such land.

**§ 90806.18 EXEMPTION FROM SCHOOL SITE DEDICATION REQUIREMENTS**

The provisions of Section 90806.15, 90806.16, 90806.17 shall not be applicable to a subdivider who has owned the land being subdivided for more than ten (10) years prior to the filing of the tentative maps.

**§ 90806.19 TYPE OF MAP REQUIRED**

Unless otherwise provided in this Division a final subdivision map shall be prepared and filed pursuant to an approved tentative map for every major subdivision for which a tentative map is required by this Division.

**§ 90806.20 ADDITIONAL CERTIFICATES TO BE SUBMITTED PRIOR TO THE APPROVAL OF FINAL SUBDIVISION MAP**

In addition to certificates and other material required by the Subdivision Map Act and this Division, prior to acceptance and approval of every final subdivision map, every such map shall bear the following certificates or endorsements:

- A. A certificate by the County Treasurer and the Tax Collector to the effect that there are no taxes due but not yet payable and there are not unpaid special assessments or bonds which may be paid in full shown by the records in their offices against the subdivision or any part thereof. Said certificate may be submitted with the final map.
- B. A certificate by the Clerk of the Board of Supervisors that the provisions of Division 2, Title 7 of the Government Code have been complied with regarding deposits for taxes on the property within the subdivision as well as a certificate stating that the Board approves the map. Said certificates may be submitted with the final map.
- C. Certificate of County Recorder as to the filing of the map.

- D. Certificate of the Planning Director indicating said final map conforms with the tentative map previously approved for the subdivision.

**§ 90806.21 BOUNDARY REQUIREMENTS**

- A. Surveys made in preparation of final maps shall be in accordance with standard practices and principals of surveying and all applicable provisions of the Subdivisions Map Act.
- B. The entire boundary of a subdivision must appear on the first map sheet of a final map showing:
  - 1. A boundary survey of the land division, including all courses and distances necessary to compute a closure,
  - 2. Sufficient data to prove the method by which the boundary was determined, including a description of all corners found or set, adjoining maps or property lines or record,
  - 3. Phased units in relation to the boundary.
- C. The County Surveyor may waive the boundary map if sufficient survey information is of record.
- D. Whenever the Country Surveyor has established the centerline of a street, that data shall be considered in making the surveys and in preparing the final map, and all monuments found shall be indicated and proper reference made to field books or maps of public record, relating to the monuments. If the points were reset by ties, that fact shall be stated. The final map shall show City and County boundaries adjoining the division of land.

**§ 90806.22 FILING OF A PRELIMINARY FINAL MAP**

- A. When the subdivider files this final map for preliminary checking in the office of the County Surveyor, five (5) positive prints shall be distributed as follows:
  - 1. Two (2) to the County Surveyor,
  - 2. One (1) to the Planning Director,
  - 3. One (1) to the Health Officer,
  - 4. One (1) to the Office of Emergency Services.
- B. The final map shall be accompanied by the map checking fee as set forth in this Title.
- C. Required improvement plans shall be submitted to the Public Works Department and accompanied with the plan checking fee as set forth in Chapter 2 of Division 8.
- D. Prior to the recordation of the final map, the following items shall be provided and approved:
  - 1. A copy of the approved conditions, along with a written report and support information as to compliance with each condition.
  - 2. Evidence of title in the form of a current preliminary title report issued by a California title company, showing the names of persons having any record title interest in the land to be divided, together with the nature of their respective interests therein. In the event that any dedication is to be made for public use of any property shown on a final map, a subdivision guarantee shall be issued by a California title company. The consent of the owner or owners of any contingent reversionary interest in the lands to be subdivided is not necessary and need not be named in the guarantee of this title.

3. All requests for waivers of signatures as provided in the Subdivision Map Act.
4. Letters from utility purveyors that will serve the land division certifying that satisfactory provisions have been made with each of the said public utility purveyors as to location of their facilities.

**§ 90806.23 FINAL MAP PROVISIONS AND DATA REQUIREMENTS**

- A. Final maps shall conform to all of the following provisions:
1. Each map shall be legibly drawn, printed or reproduced by a process guaranteeing a permanent record in black on tracing cloth or good quality polyester base film, including certificates, except that such certificates may be legibly stamped or printed upon the map with opaque material when recommended by the County Surveyor and authorized by the County Recorder. If ink is used on polyester base film, the ink surface shall be coated with a suitable substance to assure permanent legibility. The size of each sheet shall be 18x26". A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of one inch.
  2. Each sheet shall bear the number as assigned by the Planning & Development Services Department which shall be followed by a subtitle consisting of a general description of all the property being divided by reference to record maps, and to section surveys or ranchos. Reference shall be spelled out and worded identically with original records, with complete reference to proper book and page of record and shall be shown on every sheet of a multi-sheet map.
  3. All sheets shall be numbered, the relation on one sheet to another clearly shown, and the number of sheets used shall be set forth on each sheet. An adequate number of sheets shall be submitted to clearly present all pertinent data.
  4. When required by the County Surveyor, a location map shall be placed on the parcel map which indicates the location of the proposed land division and its relationship to existing streets and highways.
  5. The certificates and acknowledgements, required by the Subdivision Map Act and this Ordinance, shall appear on the first sheet only. Statements shall include the following:
    - a. Owner's statement
    - b. Trustee's statement
    - c. Recorder's statement
    - d. Surveyor's/Engineer's statement
    - e. County Surveyor's statement
    - f. County Planning Director's statement
    - g. Clerk of the Board of Supervisor's statement
    - h. Board of Supervisor's statement
    - i. Tax Collector's statement
  6. The surveyor's or engineer's certificate shall state that the survey was made by him or her or under his/her direction, that the survey is true and complete as shown, that all monuments are of the character and occupy the positions indicated and are sufficient to enable the survey to be retraced, that the map conforms to the approved tentative map and conditions of approval thereof, and that all provisions of the applicable state and local ordinances have been complied with.
  7. The number, scale, north point and sheet number shall be shown on each sheet of the map. The map shall be drawn at a suitable engineer's scale to identify and describe all essential details clearly. If more than two (2) map sheets are used, an index showing the division of

land, with lots numbered as shown on the map, shall be shown. A complete boundary survey shall be shown on one (1) sheet of every phase of unitized subdivision. Said boundary shall also reflect the original boundary as shown on the tentative map of said subdivision.

8. The exterior boundary of the land shown on a land division map shall be indicated by a distinctive delineation and clearly designated.
  9. A statement labeled Surveyor's Notes or Engineer's note shall be shown on the first map sheet after the signature sheet of a multi-sheet map. The statement shall include the basis of bearings; the monuments that were found; the monuments and points that were set, and a key to the symbols and abbreviations and such other information required by the County Surveyor.
  10. Lots shall be numbered consecutively, commencing with the Number "1", with no omissions or duplications. Each lot shall be shown in its entirety on one (1) sheet; unless, due to size and/or shape, and after using an acceptable scale, the County Surveyor determines the parcel(s) or lot(s) cannot reasonably be shown on a single sheet. Lots used for streets, alleys, or barrier strips shall be lettered. Easements shall be clearly identified.
- B. The following data shall be shown on each final map:
1. Dates of survey and the name and registration number of the person authorized to practice land surveying by the State of California and who is responsible for the preparation of the map;
  2. Locations and names (without abbreviations) of all adjoining, existing and proposed streets and the locations of alleys. Proposed public area and easements shall also be identified.
  3. Gross area of land division, and the net acreage, computed to the nearest .01 acres, all lot lines shall be shown by solid lines.
  4. Centerline of all streets and lengths, tangent, radius and central angle or radial bearings on all points on curves and the bearings of radial lines to each lot corner on a curve; the width of each street, the width of the portion being dedicated and the width of existing dedications; and the widths of right-of-way of railroads, flood control or drainage channels and other easements appearing on the map.
  5. Sufficient data to determine readily the bearing and length of each line. Recorded survey data as required by the County Surveyor.
  6. Sufficient primary survey control points.
  7. Ties to and recording references to adjacent record maps and to section corners, quarter section corners and also to section lines and quarter section lines when adjacent or within the map.
  8. Centerline data and width of all easements to which the subdivision is subject. If the easements are not definitely located by record, a statement as to the easement shall appear on the title sheet of the subdivision. Distances and bearings on the side lines of lots which are cut by an easement shall be so shown as to indicate clearly the actual location. Alignment data alongside lot lines of easements shall be provided when not controlled by paralleling lines or centerline. The easement shall be clearly labeled and identified and, if already on record, proper reference to the records given. Easements dedicated in subdivision shall be included in the owner's Certificate of Dedication. Easements shall be shown on the map by broken lines.

9. Clear indication of stakes, monuments or other evidence found on the ground to determine the boundaries of the tract, data to determine physical description, size, ground position, tag number and record reference of survey markers, untagged monuments accepted as control shall be tagged or replaced by the surveyor or engineer making the survey.
10. No setback lines shall appear on the final map.
11. New street names shown on a subdivision map must be approved by the County Surveyor.
12. Environmental Constraint Sheet.
  - a. Additional survey and map information may be required in the form of an Environmental Constraint Sheet which is to be filed with the Imperial County Surveyor simultaneously with the recording of the parcel map. The additional information may include, but need not be limited to: flood hazard zones, seismic lines and setbacks, geologic mapping, and archaeological sites. The Environmental Constraint Sheet is for informational purposes and is not intended to affect record title interest.
  - b. When an Environmental Constraint Sheet is required, a note shall be placed below the Surveyor's notes on the parcel map in one-fourth (1/4) inch high bold block letters, stating:

**ENVIRONMENTAL CONSTRAINT SHEET**

Environmental Constraint Sheet affecting this map is on file in the Office of the Imperial County Surveyor in Environmental Constraint Sheet Book \_\_\_\_\_, Page \_\_\_\_\_ . This affects Lot Numbers \_\_\_\_\_ or Parcel Number \_\_\_\_\_.

**§ 90806.24 FILING OF THE FINAL MAP**

- A. After the preliminary final map is determined to be correct, the County Surveyor shall notify the subdivider to prepare and submit the original and duplicate original of the final map together with all required agreements for improvements and securities and all other required documents as may be necessary for consideration of the final map. If the final map or documents are not determined complete by the County Surveyor, they shall be returned to the subdivider for corrections.
- B. The original and duplicate original map shall be inscribed on polyester base film, including the required signatures, and shall meet the requirement of the County Surveyor.

**§ 90806.25 ACTION BY THE COUNTY SURVEYOR**

- A. When a final map and all agreements, securities and other required documents have been submitted and found to be in correct form, the County Surveyor shall, within twenty (20) days thereafter, file a final map and documents and then shall certify that:
  1. The County Surveyor has examined the map,
  2. The subdivision as shown is substantially the same as it appeared on the tentative map and any approved alterations thereof,
  3. All provisions of the Subdivision Map Act and all County ordinances applicable at the time of approval of the tentative map have been complied with,



4. He/she is satisfied that the map is technically correct.
- B. The County Surveyor shall deliver the final map report of condition compliance to the Planning & Development Services Department for review and the Planning Director's signature. The County Surveyor shall within twenty (20) days thereafter, approve the map if it conforms to all the requirements of the Subdivision Map Act and this Ordinance applicable at the time of approval or conditional approval of the tentative map and any rulings made thereunder. When the map is approved, the County Surveyor may accept or reject dedications and offers of dedication that are made by certificate on such map, and may sign the certificate for the County. The County Surveyor shall file the approved map and documents with the Clerk of the Board for transmittal by the Clerk of the County Recorder.

**§ 90806.26 ACTION BY THE BOARD OF SUPERVISORS**

The Board, upon filing of the final map shall at the meeting at which it receives the map or at its next regular meeting after the meeting at which it receives the map, approve the map if it conforms to all requirements of the Subdivision Map Act and this Ordinance applicable at the time of approve or conditional approval of the tentative map and rulings made thereunder.

**§ 90806.27 REQUIRED IMPROVEMENTS**

- A. Before approving a final map for a major subdivision, the Board of Supervisors shall require:
1. That the subdivider grade and improve or agree to grade and improve all land dedicated or to be dedicated for streets and easements. Bicycle routes shall be laid out on a final map in such manner and with such improvements as are necessary for the use of the lot owners in the subdivision, to address local neighborhood traffic and also address drainage. All improvements shall be in accordance with the Imperial County Standards.
  2. That the subdivider comply with the Public Works Director's conditions requiring construction of necessary drainage and flood control structures to conform to Imperial County Standards.
  3. That the subdivider provide proof satisfactory to the County that there exists an adequate potable water supply available to each lot or parcel and that subdivider install or agree to install minimum pressure water supply pipe of a diameter conforming to County Standards.
  4. That there is a water district or mutual company created to insure the continuity, maintenance, and operation of an adequate water system to the subdivision.
  5. That the subdivider provide all necessary easements and rights-of-way to accommodate all streets, drainage and flood control structures and facilities and sewer systems existing beyond the boundaries of the subdivision.
- B. Where the Board of Supervisors determines by reason of the size and shape of the proposed lots, the nature of the terrain to be subdivided, the soil condition of the lots or the development of the area in the vicinity of the proposed subdivision, a public sewer disposal system serving the lots will be required to preserve the public health, the Board of Supervisors will require the subdivider to install or agree to install a public sewer disposal system serving said lots as a condition precedent to the approval of any final map. Said system shall conform to County Standards.
- C. If required as condition to subdivision the subdivider shall construct or shall cause to be constructed at his cost a street lighting system conforming to County Standards. There shall be a taxing authority or special district board to maintain said lighting system.

§ **90806.28**      **AGREEMENT TO IMPROVE**

- A. If, at the time of approval of the final map by the Board of Supervisors, any public improvements required pursuant to the Subdivision Map Act or this Division have not been completed and accepted in accordance with County Standards applicable at the time of approval or conditional approval of the tentative map, the Board of Supervisors, as a condition precedent to the approval of the final map, shall require the subdivider to enter into one of the following agreements:
1. An agreement with the County upon mutually agreement terms to thereafter to complete such improvements at the Subdividers expense.
  2. An agreement with the County to thereafter (i) initiate and consummate proceedings under an appropriate special assessment act for the financing and completion of all such improvements or (ii) if not completed under such special assessment act, to complete such improvements at the Subdividers expense.
- B. Where the subdivider agrees to construct improvements, he/she shall prepare and deposit with the Clerk of the Board of Supervisors or with the County Surveyor detailed plans and specifications of the improvements to be constructed and such plans and specifications shall be made a part of any agreement or contract and of the Government Code Section 66499, securities required for same.

§ **90806.29**      **IMPROVEMENTS SECURITY REQUIRED**

Any improvement agreement, contract or act required or authorized by the Subdivision Map Act or by this Division shall be secured in the manner provided for in Section 66499 of the Government Code.

The improvement security shall be in amounts set forth or authorized in Section 66499 of the Government Code. If the improvement security is other than the bond or bonds furnished by duly authorized corporate security, an additional amount shall be included as determined by the Board of Supervisors as necessary to cover the cost and reasonable expenses and fees, including reasonable attorney fees, which may be incurred by the County in successfully enforcing the obligations secured. The improvement security shall also secure the faithful performance of any changes or alterations to the work to the extent that such changes or alterations do not exceed ten (10) percent of the original estimated cost of the improvement.

§ **90806.30**      **IMPROVEMENT SECURITY RELEASE**

The improvements security required hereunder shall be released in the following manner:

- A. Security given for faithful performance of any act or agreement shall be released upon the final completion and acceptance of the act or work subject to the provisions of subparagraph (B) hereof.
- B. The Public Works Director may release a portion of the securities in conjunction with the acceptance of the performance of the act or work, as it progresses upon application by the subdivider. In no event shall the Public Works Director authorize a release of the improvement security which would reduce such security to an amount below that required to guarantee the completion of the act or work and any other obligations imposed by this ordinance, the Subdivision Map Act or the improvement agreement.
- C. Security given to secure payment to the contractor, his subcontractors and to persons furnishing labor, materials or equipment may, six (6) months after the completion and acceptance of each act or work, be reduced to an amount equal to an amount of all claims therefore filed and which notice has been given to the Board of Supervisors, plus an amount reasonably determined by the Public Works Director to be required to assure the performance of any obligations security thereby. The balance of the security shall be released upon the settlement of all such claims and obligations for which the security was given.

- D. No security given for the guarantee or warranty of work shall be released until the expiration of the period thereof.

**§ 90806.31 MONUMENTS**

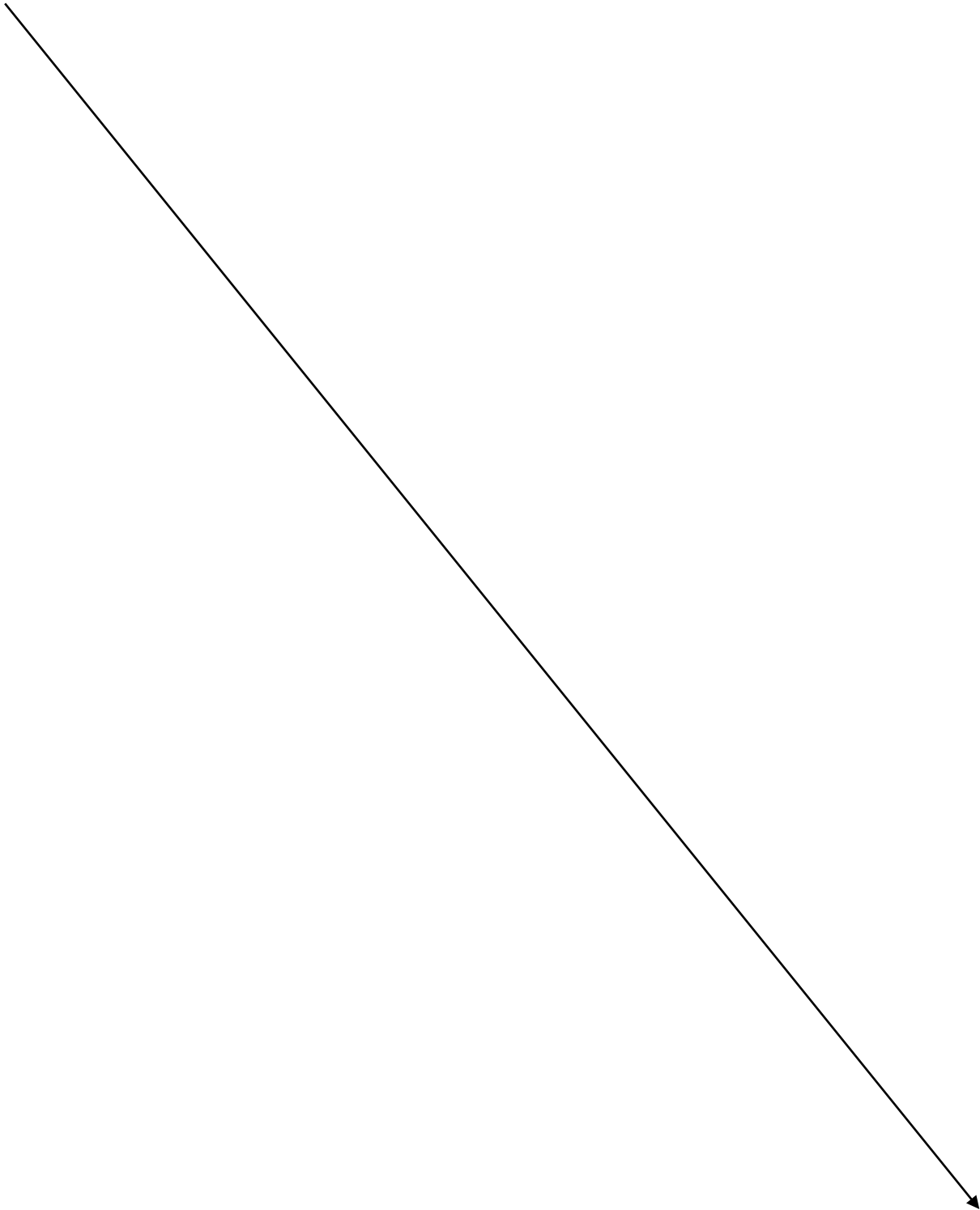
- A. Every final map shall show the following monuments which shall be set by a licensed surveyor or registered engineer.
1. Boundary monuments. The exterior boundary of the subdivision shall be monumented with permanent monuments at the intermediate points along the boundary not more than one thousand (1,000) feet apart and at the beginning and end of points of all curves; provided, if any existing record and identified monument meeting the foregoing requirements is found at any such corner or point. Such monument may be used in lieu of a new monument.
  2. A center line of street monument shall be installed.
  3. Lot corner monuments. All lot corner except when coincident with exterior boundary corner, shall be monumented with permanent monuments of one of the following types: (i) three quarter (3/4) inch diameter iron pipe; (ii) lead plug and copper identification disks or chipped and "x" set in concrete sidewalks or curbs; (iii) two by two by twelve (2x2x12) inch redwood hub with copper identification disk.
  4. Such additional monuments to mark the limiting lines of streets as the Public Works Director may require.
  5. All other monuments set or proposed to be set.
  6. Bench marks shall be set as directed by Department of Public Works.
- B. All monuments and their installation shall conform to the County Standards.
- C. All of the foregoing monuments shall be set prior to the approval of the map by the Board of Supervisors unless the setting thereof is deferred in accordance with Section 66496 of the Government Code; provided, however, the setting of exterior boundary monuments shall not be deferred unless the Public Works Director determines that such monuments might be disturbed by the construction of improvements.
- D. Where the setting of monuments is deferred following filing of a final map, such monuments shall be set within thirty (30) days after the completion of the required improvements and the acceptance thereof by the County.

**§ 90806.32 DELIVERY OF FINAL MAP TO THE COUNTY RECORDER**

- A. Upon approval by the Board, or upon approval by the County Surveyor if he/she is so authorized, the Clerk of the Board shall certify that all required certificates, security and deposits have been filed and shall transmit the final map or parcel map to the Recorder.
- B. The subdivider shall present to the Recorder evidence that, at the time of the filing of a final map, the parties consenting to the filing are all of the parties having a record title interest in the real property being divided whose signatures are required, as shown by the records in the Office of the Recorder; otherwise, the map shall not be filed.
- C. The Recorder shall have not more than ten (10) days within which to examine the final map and either accept or reject it for filing.
- D. If the Recorder accepts the final map for filing, such acceptance shall be certified on the face thereof.

- E. The Recorder, upon filing the final map, shall attach the recording data to the polyester type film duplicate original and thereupon deliver the same to the County Surveyor who shall retain custody thereof.

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## TITLE 9

### DIVISION 8: SUBDIVISION ORDINANCE

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#### CHAPTER 7: LOT LINE ADJUSTMENTS

§ 90807.00	LOT LINE ADJUSTMENTS/PROCEDURES
§ 90807.01	APPLICATION
§ 90807.02	SITE PLAN
§ 90807.03	APPLICATION PROCEDURE
§ 90807.04	HEARING SCHEDULING
§ 90807.05	NOTICING (PUBLIC/APPLICANT)
§ 90807.06	FINAL DECISIONS
§ 90807.07	APPEAL FROM PLANNING DIRECTOR ACTION ON LOT LINE ADJUSTMENTS
§ 90807.08	FINAL ACTION

#### § 90807.00 LOT LINE ADJUSTMENTS/PROCEDURES

The purpose of this Chapter is to establish procedures for the processing of applications for Lot Line Adjustments. A lot line adjustment is a modification of a boundary line between four or fewer existing adjoining legal parcels where the modification complies with the following criteria:

- A. No new parcels are created, and no existing parcels are deleted.
- B. No parcel is reduced below the minimum lot area or minimum setback and minimum distances between structures required by the zoning designation set forth in Imperial County Land Use Ordinance and the General Plan of Imperial County.
- C. The proposed adjustment is exempt from the Subdivision Map Act, and no tentative map, final map or parcel map, shall be required as a condition to the approval of a lot line adjustment.
- D. Public rights-of-way are not altered in any way unless approved by the Director of Public Works.

#### § 90807.01 APPLICATION

A written application (form provided by the Planning & Development Services Department) for a lot line adjustment as defined in Chapter 1 of this Division shall be made to the Planning & Development Services Department. The applications shall be accompanied by the fee as required in this Title.

#### § 90807.02 SITE PLAN

Every application for a Lot Line Adjustment shall include a detailed "site plan". The site plan shall include such information deemed necessary by the Planning & Development Services Department, and at a minimum shall include the following:

1. Must show the entirety of all parcels and all property boundary lines
2. All property boundary dimensions
3. All existing structures (below & above ground)
4. All proposed structures (below and above ground)
5. Distance from all structures to property lines and between structures
6. North orientation
7. Scale
8. Access from adjacent street/road
9. All utility locations (i.e. electrical, plumbing)
10. Name and telephone number of person(s) preparing plan
11. Location of known hazard areas, if any

12. Assessor's Parcel Number, legal description and property size
13. Must show all easements, rights-of-way, etc.
14. Parking areas
15. Drainage
16. Must show proposed lot line adjustment. This line must be shown as dashed and labeled proposed Lot Line. Dimension of existing and proposed lines must be shown.

**§ 90807.03 APPLICATION PROCEDURE**

Every application submitted shall be deemed "received" on the date of submittal and shall be signed and dated by the Department staff. The Department shall within a maximum of thirty (30) days from receipt determine whether an application is complete or incomplete. Any application deemed complete shall be reviewed, processed by staff, and scheduled for the next hearing body as applicable under this Division.

Any application deemed incomplete shall be returned to the applicant with a written letter of transmittal, explaining the reasons for the rejection.

A re-submittal of a rejected application shall be deemed the equivalent of a new application and all procedures and time frames shall be as a new application.

Under no conditions shall the Department accept an incomplete application and commence processing it, unless and until all necessary information and supporting documentation is provided.

Failure of an applicant to submit the correct fees shall constitute an immediate rejection without further review.

The Planning Director shall conduct a public hearing and approve or deny the lot line adjustment based on consistency with the following determination if the application is categorically exempt under CEQA, or if further environmental documentation is required.

- A. Whether the lot line adjustment conforms to State law and County Ordinances,
- B. The lot line adjustment is consistent with County Zoning and Building law,
- C. That the lot line adjustment is not a re-subdivision pursuant to Government Code, Section 66499.20,
- D. That the lot line adjustment does not create any new lots or parcels or delete any lots or parcels,
- E. Determine what CEQA documentation is necessary to be filed for the applicants,
- F. Determine what conditions are necessary for compliance with Land Use Ordinance, and to facilitate the relocation of existing utilities, infrastructure, easements or improvements.

**§ 90807.04 HEARING SCHEDULING**

The Department shall schedule the lot line adjustment for Planning Director Action by allowing adequate review time for staff and responsible departments/agencies, yet within time limits established by law. Under no circumstances shall a project be heard by the Planning Director without all required noticing having been provided.

**§ 90807.05 NOTICING (PUBLIC/APPLICANT)**

The Department shall strictly adhere to the following noticing requirement.

Refer to Division 1, Chapter 4, Section 90104.03.

**§ 90807.06 FINAL DECISIONS**

Any decision made by a hearing body (Planning Director, Planning Commission, and/or Board of Supervisors) shall be deemed a final decision unless appealed to the next administrative hearing body as provided under Section 90101.10. No hearing body shall be allowed to re-hear or re-consider its decision, except as provided for under Section 90101.10.

**§ 90807.07 APPEAL FROM PLANNING DIRECTOR ACTION ON LOT LINE ADJUSTMENTS**

Upon the filing of an appeal from the Director's decision, the Director shall then schedule a hearing on the issue before the Planning Commission, at the next regularly scheduled meeting for which noticing requirements can be met. A decision of the Director on lot line adjustments shall not be appealable to the Board of Supervisors and must be heard by the Planning Commission.

Any person may appeal the decision of the Planning Director on a lot line adjustment provided such an appeal meets the following requirements:

- A. A written appeal is filed within ten (10) calendar days from the Planning Director's decision on land use projects or decisions.
- B. The appeal is filed with the Planning & Development Services Department.
- C. The requisite fees are included.
- D. The written appeal clearly states the following:
  - 1. Name of person(s) filing appeal
  - 2. Address & phone number of person(s) filing
  - 3. Project/decision being appealed
  - 4. Reason for filing appeal
  - 5. Facts, condition(s), information, error, or other specifics to warrant appeal
  - 6. Prior effort(s) made to arrive at acceptable solution if any
  - 7. Action being requested (i.e. deny project, approve project, modify conditions, etc.)
  - 8. Signature of applicant.

The Planning Commission's decision is final with no further appeal.

**§ 90807.08 FINAL ACTION**

Upon compliance with all conditions of approval and submittal and completion of all of the following, the Planning Director shall record a Lot Line Adjustment Certificate of Compliance.

- 1. Full legal description and closure sheets acceptable to the Planning & Development Services Department stamped and signed by a California Licensed Land Surveyor or a California Registered Civil Engineer (licensed to practice in the category of work to be performed) on plain bond paper 8 1/2" x 11".
- 2. Letter of approval by the County Surveyor on the new legal description.
- 3. Current tax certificate issued.
- 4. Recording fees.
- 5. A Record of Survey shall be required pursuant to Section 8762 of the Business and Professions Code if monuments are set at the new lot lines, unless the boundary is monumented as part of a land division with a recorded map.

## TITLE 9

### DIVISION 8: SUBDIVISION ORDINANCE

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#### CHAPTER 8: LOT MERGERS INITIATED BY PROPERTY OWNER

§ 90808.00	PURPOSE
§ 90808.01	APPLICATION
§ 90808.02	SITE PLAN
§ 90808.03	APPLICATION PROCEDURE
§ 90808.04	HEARING SCHEDULING
§ 90808.05	NOTICING (PUBLIC/APPLICANT)
§ 90808.06	FINAL DECISIONS
§ 90808.07	APPEAL FROM PLANNING DIRECTOR ATION ON LOT MERGERS
§ 90808.08	FINAL ACTION

#### § 90808.00 PURPOSE

The purpose of this Chapter is to establish procedures for the processing of Lot Merger applications initiated by the record property owner. Merger can only be considered where:

- A. All the lots or parcels are contiguous.
- B. The lots or parcels were created by a parcel map or tract map in compliance with the Subdivision Map Act and Imperial County Ordinance at the time of creation, or were legal lots prior to enactment of the Subdivision Map Act.
- C. The lots or parcels cannot be separated by or affected by an easement, right-of-way, road, alley or canal (including public utility easements).
- D. Affect or restrict any access to lots or parcels.

#### § 90808.01 APPLICATION

A written application (form provided by the Planning & Development Services Department) for a lot merger as defined in Chapter 1 of this Division shall be made to the Planning & Development Services Department. The applications shall be accompanied by the fee as required in this Title.

#### § 90808.02 SITE PLAN

Every application for a lot merger shall include a detailed "site plan". The site plan shall include such information deemed necessary by the Planning & Development Services Department, and at a minimum shall include the following:

1. Must show the entirety of all parcels and all property boundary lines
2. All property boundary dimensions
3. All existing structures (below & above ground)
4. All proposed structures (below and above ground)
5. Distance from all structures to property lines and between structures
6. North orientation
7. Scale
8. Access from adjacent street/road
9. All utility locations (i.e. electrical, plumbing)
10. Name and telephone number of person(s) preparing plan
11. Location of known hazard areas, if any



12. Assessor's Parcel Number, legal description and property size
13. Must show all easements, rights-of-way, etc.
14. Parking areas
15. Drainage
16. Must show proposed property line to be removed. These lines must be shown as dashed and labeled to be removed.

**§ 90808.03 APPLICATION PROCEDURE**

Every application submitted shall be deemed "received" on the date of submittal and shall be signed and dated by the Department staff. The Department shall within a maximum of thirty (30) days from receipt determine whether an application is complete or incomplete. Any application deemed complete shall be reviewed, processed by staff, and scheduled for the next hearing body as applicable under this Division.

Any application deemed incomplete shall be returned to the applicant with a written letter of transmittal, explaining the reasons for the rejection.

A re-submittal of a rejected application shall be deemed the equivalent of a new application and all procedures and time frames shall be as a new application.

Under no conditions shall the Department accept an incomplete application and commence processing it, unless and until all necessary information and supporting documentation is provided.

Failure of an applicant to submit the correct fees shall constitute an immediate rejection without further review.

The Planning Director shall conduct a public hearing and approve or deny the lot merger based on consistency with the following determination if the application is categorically exempt under CEQA, or if further environmental documentation is required.

- A. All the lots or parcels are contiguous.
- B. Whether the lot merger conforms to State law and County Ordinance.
- C. The lot merger is between lots or parcels that were created by a parcel or tract map consistent with the Subdivision Map Act and County Ordinance in effect at the time they were created.
- D. The lots or parcels are not separated or effected by any easement, right-of-way, road, alley or canal (including public utility easements).
- E. The parcel as merged will not be deprived access as a result of the merger.
- F. Access to the adjoining parcels will not be restricted by the merger.
- G. The parcel as merged will not conflict with the location of any existing structures on the property.
- H. No new lot lots are created through the merger.

**§ 90808.04 HEARING SCHEDULING**

The Department shall schedule the lot merger for Planning Director Action by allowing adequate review time for staff and responsible departments/agencies, yet within time limits established by law. Under no circumstances shall a project be heard by the Planning Director without all required noticing having been provided.

**§ 90808.05 NOTICING (PUBLIC/APPLICANT)**

The Department shall strictly adhere to the following noticing requirement.

Refer to Division 1, Chapter 4, Section 90104.03.

**§ 90808.06 FINAL DECISIONS**

Any decision made by a hearing body (Planning Director, Planning Commission, and/or Board of Supervisors) shall be deemed a final decision unless appealed to the next administrative hearing body as provided under Section 90101.10. No hearing body shall be allowed to re-hear or re-consider its decision, except as provided for under Section 90101.10.

**§ 90808.07 APPEAL FROM PLANNING DIRECTOR ACTION ON LOT MERGERS**

Upon the filing of an appeal from the Director's decision, the Director shall then schedule a hearing on the issue before the Planning Commission, at the next regularly scheduled meeting for which noticing requirements can be met. A decision of the Director on lot mergers shall not be appealable to the Board of Supervisors and must be heard by the Planning Commission.

Any person may appeal the decision of the Planning Director on a lot merger provided such an appeal meets the following requirements:

- A. A written appeal is filed within ten (10) calendar days from the Planning Directors decision on lot merger.
- B. The appeal is filed with the Planning & Development Services Department.
- C. The requisite fees are included.
- D. The written appeal clearly states the following:
  - 1. Name of person(s) filing appeal
  - 2. Address & phone number of person(s) filing
  - 3. Project/decision being appealed
  - 4. Reason for filing appeal
  - 5. Facts, condition(s), information, error, or other specifics to warrant appeal
  - 6. Prior effort(s) made to arrive at acceptable solution, if any
  - 7. Action being requested (i.e. deny project, approve project, modify conditions, etc.)
  - 8. Signature of applicant.

The Planning Commission's decision is final with no further appeal.

**§ 90808.08 FINAL ACTION**

Upon compliance with all conditions of approval and submittal and completion of all of the following, the Planning Director shall record a Lot Merger Certificate of Compliance.

- 1. Full legal description and closure sheets acceptable to the Planning Department stamped and signed by a California Licensed Land Surveyor or a California Registered Civil Engineer (licensed to practice in the category of work to be performed) on plain bond paper 8 ½" x 11".
- 2. Letter of approval by the County Surveyor on the new legal description.
- 3. Current tax certificate issued.
- 4. Recording fees. TITLE 9

**TITLE 9**

**DIVISION 8: SUBDIVISION ORDINANCE**

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**CHAPTER 9: LOT MERGER INITIATED BY THE COUNTY**

- § 90809.00 LOT MERGERS/PROCEDURES
- § 90809.01 NOTICE OF INTENTION TO DETERMINE STATUS
- § 90809.02 HEARING ON DETERMINATION OF STATUS
- § 90809.03 DETERMINATION OF MERGER
- § 90809.04 APPEALS TO THE PLANNING COMMISSION
- § 90809.05 DETERMINATION WHEN NO HEARING IS REQUESTED

**§ 90809.00 LOT MERGERS/PROCEDURES**

Two or more contiguous parcels or units held by the same owner shall be considered merged if one (1) of the parcels or units does not conform to the minimum parcel or lot size required by this Division and if all the following requirements are satisfied:

- A. The lots or parcels are not in an urban planned or urban zoned area.
- B. At least one of the affected parcels is undeveloped by any structure for which a building permit was issued, and for which a building permit was not required at the time of construction, or is developed only with an accessory structure or accessory structures.
- C. With respect to affected parcels, one (1) or more of the following conditions must exist:
  - 1. Comprises less than 6,000 square feet in area (or in an agricultural zone, less than 40 acres) or is less than the minimum parcel size required for the existing zone.
  - 2. Was not created in compliance with applicable laws and ordinances in effect of the time of its creation.
  - 3. Does not meet the current standards for sewer and domestic water supply.
  - 4. Does not meet the slopes stability standards.
  - 5. Has no legal or physical access which is adequate for vehicle and safety equipment access and movability.
  - 6. Development could create a health or safety hazard.
  - 7. Is inconsistent with the General Plan any applicable specific plan other than the minimum lot size or density standards.
- D. For purposes of determining whether contiguous parcels are held by the same owner, ownership shall be determined as the date that the notice of intention to determine status is recorded pursuant to this Division.
- E. Subsection (C) shall not apply if any of the conditions provided in Government Code, Section 66451.11 (b), (A), (B), (C), or (D) exist.

**§ 90809.01 NOTICE OF INTENTION TO DETERMINE STATUS**

Prior to recording a Notice of Merger, the Planning & Development Services Department shall mail, by certified mail, a NOTICE OF INTENTION TO DETERMINE STATUS to the current record owner of the property. The notice shall state that the affected parcel may be merged pursuant to this Section that, within thirty (30) days from the date NOTICE OF INTENTION was recorded, the owner may request a hearing before the Planning Director to present evidence that the property does not meet the criteria for merger. The NOTICE OF INTENTION TO DETERMINE STATUS shall be filed for record with the County Recorder by the Planning & Development Services Department on the same day that the notice is mailed to the property

owner.

**§ 90809.02 HEARING ON DETERMINATION OF STATUS**

The owner of the affected property may file a written request for a hearing with the Planning & Development Services Department within thirty (30) days after recording the NOTICE OF INTENTION TO DETERMINE THE STATUS. Upon receipt of the request, the Department shall set a time, date and a place for the hearing before the Planning Director and notify the owner by certified mail. The hearing shall be conducted within sixty (60) days following the receipt of the owner's request, and may be postponed or continued by mutual consent of the Planning Director and the property owner. At the hearing, the property owner shall be given the opportunity to present any evidence that the affected property does not meet the requirement for merger specified in this Division.

At the conclusion of the hearing, the Planning Director shall determine whether the affected parcels are merged or are not to be merged and shall notify the owner of the determination. The NOTICE OF DETERMINATION shall be mailed to the property owner by the Department within five (5) days of the date of the hearing.

**§ 90809.03 DETERMINATION OF MERGER**

If the Planning Director reaches the determination that the parcels are to be merged, a NOTICE OF MERGER shall be filed for record with the County Recorder by the Planning & Development Services Department within thirty (30) days of the conclusion of the hearing, unless a decision has been appealed pursuant to this Division. The NOTICE OF MERGER shall specify the name and record owner and the description of property, assessor's parcel number, and address. The NOTICE OF MERGER under this Section shall be in the form approved by the Planning Director and shall be approved by the Planning Director prior to being filed for record with the County Recorder.

If the Planning Director makes determination that the parcels shall not be merged, a release of NOTICE OF INTENTION TO DETERMINE STATUS shall be filed for record with the County Recorder by the Planning & Development Services Department within thirty (30) days after the Planning Commission's determination, and a clearance letter shall be mailed to the owner by the Planning & Development Services Department.

**§ 90809.04 APPEALS TO THE PLANNING COMMISSION**

The determination of the Planning Director may be appealed to the Planning Commission within ten (10) calendar days of the date of mailing the NOTICE OF DETERMINATION. The Planning Commission shall hear the appeal within sixty (60) days from the date of the appeal. If after the hearing the Planning Commission grants the appeals and determines that the affected parcels have not been merged pursuant to this Section, the Planning & Development Services Department shall within thirty (30) days after the Planning Commission's determination, file for record with the County Recorder a release a NOTICE OF INTENTION TO DETERMINE STATUS and mail a clearance letter to the owner.

**§ 90809.05 DETERMINATION WHEN NO HEARING IS REQUESTED**

If the property owner does not file a request for hearing within thirty (30) days after recording of the NOTICE OF INTENTION TO DETERMINE STATUS the Planning & Development Services Department may at any time thereafter make a determination that the parcels are or are not to be merged. If they are to be merged, a notice of merger shall be recorded within ninety (90) days after the mailing of the NOTICE OF INTENTION TO DETERMINE STATUS.

## TITLE 9

### DIVISION 8: SUBDIVISION ORDINANCE

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#### CHAPTER 10: REVERSION TO ACREAGE

§ 90810.00	REVERSION TO ACREAGE BY PARCEL MAP OR FINAL MAP
§ 90810.01	INITIATION OF PROCEEDINGS BY OWNERS
§ 90810.02	INITIATION OF PROCEEDINGS BY BOARD OF SUPERVISORS
§ 90810.03	DATA FOR REVERSION TO ACREAGE
§ 90810.04	HEARING PROCESS
§ 90810.05	RETURN OF FEES, DEPOSITS, RELEASE OF SECURITIES
§ 90810.06	DELIVERY OF PARCEL MAP OR FINAL MAP
§ 90810.07	EFFECT OF FILING REVERSION MAP WITH THE COUNTY RECORDER

#### § 90810.00 REVERSIONS TO ACREAGE BY PARCEL MAP OR FINAL MAP

Subdivided property may be reverted to acreage pursuant to provisions of this Chapter.

#### § 90810.01 INITIATION OF PROCEEDINGS BY OWNERS

Proceedings to revert subdivided property to acreage may be initiated by petition of all of the owners of record of the property. The petition shall be in a form prescribed by the Public Works Director. The petition shall contain the information required by Section 90810.03 and such other information as required by the Public Works Director.

#### § 90810.02 INITIATION OF PROCEEDINGS BY BOARD OF SUPERVISORS

The Board of Supervisors on its own motion may by resolution initiate proceedings to revert property to acreage. The Board of Supervisors shall direct the Public Works Director to obtain the necessary information to initiate and conduct the proceedings.

#### § 90810.03 DATA FOR REVERSION TO ACREAGE

Petitioners shall file the following:

- A. Evidence of title to the real property and Preliminary Title Report (not more than six (6) months since issuance);
- B. Evidence of the consent of all of the owners of an interest in the property;
- C. Evidence that none of the improvements required to be made or have been made within two (2) years from the date the final map or parcel map was filed for record, or within the time allowed by agreement, for completion of the improvements, whichever is later;
- D. Evidence that no lots shown on the final map or parcel map have been sold within five (5) years from the date such final map was filed for record;
- E. A tentative map in the form prescribed by Chapter 3 of this Division;
- F. Applicable applications for minor subdivision or major subdivision as prescribed in Chapter 5 and 6 of this Division;
- G. A parcel map or final map in the form prescribed by Chapters 5 and 6 of this Division which delineates dedications which will not be vacated and dedications required as a condition to reversion.

H. Applicable fees.

**§ 90810.04 HEARING PROCESS**

Hearing process as prescribed in Chapter 5 and 6 of this Division for minor subdivision or major subdivisions along with the process for the approval of a parcel map or tract map. All reversions to acreage must be heard by the Board of Supervisors.

The Board of Supervisors may approve a reversion to acreage only if it finds and records in writing that:

- A. Dedications or offers of dedication to be vacated or abandoned by the reversion to acreage are unnecessary for present or prospective public purposes and;
- B. Either:
  - 1. All owners of an interest in the real property within the subdivision have consented to reversion; or
  - 2. None of the improvements required to be made have been made within two (2) years from the date the final or parcel map was filed for record, or within the time allowed by agreement for completion of the improvements, whichever is later; or
  - 3. No lots shown on the parcel map or final map have been sold within five (5) years from the date such map was filed for record.
- C. The Board of Supervisors may require the following as conditions of reversion:
  - 1. The owners dedicate or offer to dedicate streets or easements.
  - 2. The retention of all or a portion of previously paid subdivision fees, deposits or improvement securities if the same are necessary to accomplish any of the provisions of this Division.

**§ 90810.05 RETURN OF FEES, DEPOSITS, RELEASE OF SECURITIES**

Upon filing of the parcel map or final map for reversion of acreage with the County Recorder, all fees and deposits for improvements shall be returned to the subdivider, and all improvement securities shall be released by the Board of Supervisors.

**§ 90810.06 DELIVERY OF PARCEL MAP OR FINAL MAP**

After the hearing before the Board of Supervisors and approval of the reversion, the parcel map or final map shall be delivered to the County Recorder.

**§ 90810.07 EFFECT OF FILING REVERSION MAP WITH THE COUNTY RECORDER**

Reversion shall be effective upon the parcel map or final map being filed for record by the County Recorder. Upon filing, all dedication and offers of dedication not shown on the parcel map or final map for reversion shall be no longer in force and effect.

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## TITLE 9

### DIVISION 8: SUBDIVISION ORDINANCE

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#### CHAPTER 11: RECORD OF SURVEYS

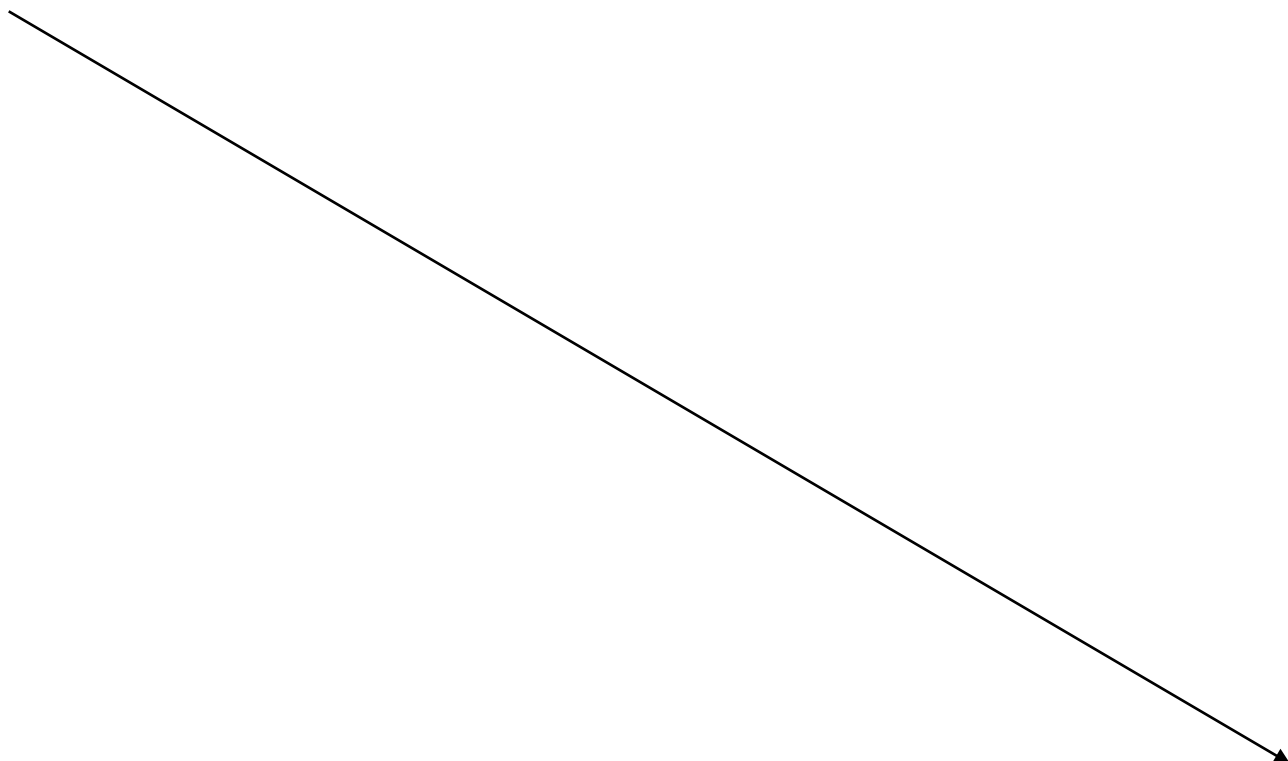
- § 90811.00 COUNTY SURVEYOR
- § 90811.01 FILING REQUIREMENTS

#### § 90811.00 COUNTY SURVEYOR

Pursuant to Section 27550 of the Government Code of the State of California, the County Surveyor shall be appointed by the Board of Supervisors of the County of Imperial and shall serve at the pleasure of the Board. Pursuant to the provisions of Section 23200 of Chapter 2 of Division 3 of Title 2 of the Codified Ordinances of the County of Imperial, the Board of Supervisors has appointed the Director of Public Works as the County Surveyor. The County Surveyor shall have those powers, duties, and responsibilities set forth as Article 1, Chapter 11, Division 2, of Title 3 and Division 3 of Title 7 of the Government Code of the State of California and in Article 5, Chapter 15, Division 3 of the Business and Professional Code of the State of California.

#### § 90811.01 FILING REQUIREMENTS

Except where not required pursuant to Section 8765 of the Business and Professional Code of the State of California, within 90 days after the establishment of points or lines the licensed land surveyor or registered civil engineer shall file with the County Surveyor for the County of Imperial a record of survey relating to land boundaries or property lines as required by Section 8762 of the Business and Professions Code of the State of California.



## TITLE 9

### DIVISION 8: SUBDIVISION ORDINANCE

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#### CHAPTER 12: ENFORCEMENT - PENALTY - CERTIFICATES OF COMPLIANCE

§ 90812.00	ENFORCEMENT
§ 90812.01	NOTICE OF VIOLATION
§ 90812.02	UNAUTHORIZED DEVELOPMENT, PERMITS AND APPROVALS WITHHELD FOR ILLEGAL SUBDIVISIONS
§ 90812.03	BUILDING PERMIT APPLICATIONS TO BE REVIEWED FOR COMPLIANCE
§ 90812.04	INSPECTION OF BUILDING PERMIT FOR SUBDIVISION VIOLATION
§ 90812.05	CERTIFICATES OF COMPLIANCE
§ 90812.06	FINDING NECESSARY PRIOR TO ISSUANCE OF CERTIFICATES OF COMPLIANCE
§ 90812.07	NECESSARY CONSIDERATIONS PRIOR TO ISSUANCE OF CERTIFICATE OF COMPLIANCE
§ 90812.08	AUTHORITY OF THE PLANNING DIRECTOR
§ 90812.09	APPLICATION
§ 90812.10	ADMINISTRATIVE PROCESS BY DIRECTOR
§ 90812.11	FINAL DECISION
§ 90812.12	APPEAL FROM PLANNING DIRECTOR DETERMINATION
§ 90812.13	FINAL ACTION

#### § 90812.00 ENFORCEMENT

Whenever the public informs the County or the County Assessor or the head of any other County department finds that the provisions of this Division or the Subdivision Map Act have been violated, he/she shall report such violation to the Public Works Director and the Planning Director. It shall be the duty of said Planning Director to investigate such report and enforce the provisions of this Division and the Subdivision Map Act.

#### § 90812.01 NOTICE OF VIOLATION

Whenever the Planning Director has knowledge that real property has been divided, or has resulted from division, in violation of the provisions of the Subdivision Map Act or County Ordinances enacted pursuant thereto applicable at the time such violation occurred, he/she shall cause to be filed for record with the County Recorder a notice of violation. Such notice of violation, when recorded, shall be deemed to be constructive notice of the violation to all successors in interest in such real property.

#### § 90812.02 UNAUTHORIZED DEVELOPMENT, PERMITS AND APPROVALS WITHHELD FOR ILLEGAL SUBDIVISIONS

- A. No person shall convey any parcel or parcels of real property nor shall any permits be issued nor any construction commenced upon property for which a subdivision map is required by this Division or the Subdivision Map Act, until such map thereof in full compliance with the provisions of this Division and the Subdivision Map Act has been filed for record by the County Recorder.
- B. Conveyance of any part of a division of real property for which a final or parcel map is required by this Division or the Subdivision Map Act shall not be made by parcel or block number, initial or other designation, unless such map has been filed for record by the County Recorder.

#### § 90812.03 BUILDING PERMIT APPLICATIONS TO BE REVIEWED FOR COMPLIANCE

Whenever any person submits an application to the Planning & Development Services Department for a building permit, the application together with the plot plan shall be reviewed for determination as to whether such proposed construction would create a subdivision. The Department shall not issue any building permit



for such proposed construction until it is determined that the proposed construction would not constitute a violation of the Subdivision Map Act or this Division.

**§ 90812.04 INSPECTION OF BUILDING PERMIT FOR SUBDIVISION VIOLATION**

Upon review if it is determined that a permit or approval is being sought to develop real property which has been divided or which has resulted from a division in violation of the Subdivision Map Act or the Subdivision Map Ordinance, or upon receipt of a written request for a determination from the owner of such real property, the Planning Director, or an appeal, the Planning Commission shall determine whether such real property is or is not approved for development, and shall so inform the owner thereof and the provisions under Section 90812.07.

**§ 90812.05 CERTIFICATES OF COMPLIANCE**

Any owner of real property may request in writing that the Planning Director make a determination whether such real property complies with applicable provisions of the Subdivision Map Act and Subdivision Map Ordinance.

**§ 90812.06 FINDING NECESSARY PRIOR TO ISSUANCE OF CERTIFICATE OF COMPLIANCE**

Prior to issuing a Certificate of Compliance or Conditional Certificate of Compliance the Planning Director or the Planning Commission shall make the findings required in Section 90805.07 of this Division and shall deny the issuance of said Certificate of Compliance if any such findings are in the negative.

**§ 90812.07 NECESSARY CONSIDERATIONS PRIOR TO ISSUANCE OF CERTIFICATE OF COMPLIANCE**

Subject to the provisions contained in Section 90812.05 of this Division in determining whether the approval or conditional approval should be granted for development of real property divided or resulting from a division in violation of the Subdivision Map Act or the Subdivision Map Ordinance, the Planning Director shall consider:

- A. Whether the owner of the real property can rescind the agreement by which he/she acquired the real property and recover the consideration paid therefore.
- B. Whether the real property meets the requirements of the applicable zoning regulations.
- C. Whether the real property is served by a public sewer or is approved by the Health Department for installation of a sewage disposal system in accordance with the Septic Tank Ordinance.
- D. Whether the real property has a potable water supply satisfactory to the Public Health Officer.
- E. Whether the real property has legal and physical access to a County maintained road.
- F. Whether the current owner would have been required to dedicate land for any public purpose or construct or install any improvements pursuant to the terms of the Subdivision Map Act or the Subdivision Ordinance had the subdivision by which said real property was created been submitted for approval at the time the current owner acquired the property.

**§ 90812.08 AUTHORITY OF THE PLANNING DIRECTOR**

The Planning Director is hereby granted authority to investigate all requests in the form of an application for determination under this Division.

**§ 90812.09 APPLICATION**

A written application (form provided by Planning & Development Services Department) for a Certificate of Compliance shall be filed with the Department, accompanied by all information required along with requisite fee as required in this Title, a title trace of the parcels origin, a Title Report, a site plan and any other information the Department deems necessary.

Applications: (General)

1. Property owners name, address and telephone number
2. Legal description
3. Assessor's Parcel Number(s)
4. Specific explanation of requested action, i.e. detailed project description
5. Signature of applicant; and if not property owner, signature of owner(s) or an Owner's Affidavit
6. Preliminary Title Report not more than six (6) months old
7. Any supporting documentation necessary for staff to adequately review request
8. Title trace of parcel(s) origin
9. Each parcel application must be accompanied by a fee as set forth in this Title for each parcel to be certified. No Certificate of Compliance application proposing the certification of multiple lots will be accepted unless submitted in conjunction with a lot merger, lot line adjustment or waived parcel map.

**A. Site Plan:**

Every application for determination under this Section shall include a detailed "site plan". The site plan shall include such information deemed necessary by the Planning & Development Services Department, and at a minimum shall include the following:

1. All property boundary lines
2. All property boundary dimensions
3. All existing structures (below and above ground)
4. All proposed structures (below and above ground)
5. Distance from all structures to property lines and between structures
6. North orientation
7. Scale
8. Legal and physical access from adjacent street/road
9. All utility locations (i.e. electrical/plumbing)
10. Name and telephone number of person(s) preparing plan
11. Location of known hazard areas, if any
12. Assessor's Parcel Number
13. Public use easement, if any
14. Parking
15. Drainage

The site plan shall be drawn upon substantial paper (11"x14" minimum) using black ink. "Blue print", and one-piece xerox copies are acceptable. The Department shall reject any site plan that is incomplete, inaccurate, illegible or otherwise not acceptable.

**§ 90812.10 ADMINISTRATIVE PROCESS BY DIRECTOR**

Within thirty (30) days of receipt, the application shall either be deemed complete or be returned in writing to applicant if deemed incomplete. Within ten (10) working days from the date the application is deemed complete, the Department will consult with the Department of Public Works, and Fire/OES Department and other applicable departments. Within thirty (30) days from the date the application was deemed complete. The Planning Director shall determine the following:

- A. If the real property was divided in compliance with the provisions of the Subdivision Map Act and County Ordinances that were applicable at the time the property was divided, he/she shall cause a Certificate of Compliance to be filed for record with the County Recorder.
- B. If the property was divided in violation of the Subdivision Map Act or this ordinance, but that a proposed development may be approved as being not contrary to the public health, welfare or safety, a Certificate of Compliance may be issued by the Planning Director contingent upon the completion of specified conditions. Such conditions as would have been applicable to the division of the property at the time that the current owner of record acquired the property.

**§ 90812.11 FINAL DECISION**

Any decision made by a hearing body (Planning Director or Planning Commission) shall be deemed a final decision.

**§ 90812.12 APPEAL FROM PLANNING DIRECTOR DETERMINATION**

Upon the filing of an appeal from the Director's decision, the Director shall then schedule a hearing on the issue before the Planning Commission, at the next regularly scheduled meeting for which noticing requirements can be met. A decision of the Director on the Certificate of Compliance shall not be appealable to the Board of Supervisors and must be heard by the Planning Commission.

Any person may appeal the decision of the Planning Director provided such an appeal meets the following requirements:

- A. A written appeal is filed within ten (10) calendar days from the Planning Director's decision on the Certificate of Compliance.
- B. The appeal is filed with the Planning & Development Services Department.
- C. The requisite fees are included.
- D. The written appeal clearly states the following:
  - 1. Name of person(s) filing appeal
  - 2. Address and phone number of person(s) filing
  - 3. Project/decision being appealed
  - 4. Reason for filing appeal
  - 5. Facts, condition(s), information, error, or other specifics to warrant appeal
  - 6. Prior effect(s) made to arrive at acceptable solution if any
  - 7. Action being requested (i.e. deny project, approve project, modify conditions, etc.)
  - 8. Signature of applicant

The Planning Commission's decision is final with no further appeal.

**§ 90812.13 FINAL ACTION**

Upon compliance with all conditions of approval and submittal and completion of all of the following, the Planning Director shall record a Certificate of Compliance.

- 1. Full legal description and closure sheets acceptable to the Planning & Development Services Department stamped and signed by a California Licensed Land Surveyor or a California Registered Civil Engineer (licensed to practice in the category of work to be performed) on plain bond paper 8 1/2" x 11".

2. Letter of approval by the County Surveyor on the new legal description.
3. Current tax certificate issued.
4. Recording fees.

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