ORDINANCE NO. 4564

AN ORDINANCE OF THE COUNTY OF VENTURA, STATE OF CALIFORNIA, REPEALING AND REENACTING DIVISION 8, CHAPTER 2 OF THE VENTURA COUNTY ORDINANCE CODE CONSISTING OF THE VENTURA COUNTY SUBDIVISION ORDINANCE

The Board of Supervisors of the County of Ventura ("County") ordains as follows:

Section 1

Chapter 2 of Division 8 of the Ventura County Ordinance Code is hereby repealed and re-enacted to read as follows:

SUBDIVISION ORDINANCE

ARTICLE 1: AUTHORITY, PURPOSE, AND APPLICATION OF CHAPTER

Sec. 8201-0 – Authority and Title

This Chapter is adopted pursuant to the authority vested in the County of Ventura by Section 7, Article 11 of the California Constitution and by the Subdivision Map Act. This Chapter may be cited as the "Ventura County Subdivision Ordinance."

Sec. 8201-1 – Purpose of Chapter

a. The purpose of this Chapter is to regulate and control the division of land including the design and improvement of subdivisions pursuant to the Subdivision Map Act. It is further the purpose of this Chapter to implement, and ensure consistency with, the General Plan, the Zoning Ordinances, and other applicable County ordinances and regulations, including those addressing zoning, grading and other development. Compliance with this Chapter does not constitute compliance with, or obviate the necessity for, compliance with any other applicable law.

b. In adopting this Chapter, the County has refrained from imposing criteria for design or improvements for the purpose of rendering infeasible the development of housing. The effect of this Chapter on the regional housing needs within the County has been considered. (See Gov. Code, §§ 65913.2 and 66412.3.)
Sec. 8201-2 – Applicability of the Subdivision Ordinance

a. Except as otherwise provided in Section 8201-4 below, this Chapter shall apply to all divisions, reversions to acreage, lot line adjustments, certificates of compliance and voluntary mergers respecting real property located wholly or partially within the unincorporated areas of the County.

b. This Chapter governs the filing, processing, approval, conditional approval, or disapproval of tentative, final, and parcel maps, parcel map waivers, and any corrections and amendments thereto.

c. Unless expressly provided otherwise in this Chapter or the Subdivision Map Act, all subdivisions shall be subject to the same substantive and procedural requirements.

Sec. 8201-3 – Environmental Review

Discretionary actions taken by the County pursuant to this Chapter are subject to compliance with CEQA and other applicable environmental laws and shall not be approved until the required environmental review has occurred. The subdivider shall provide such data and information as may be required for the County to conduct such environmental review.

Sec. 8201-4 – Exclusions and Exemptions from this Chapter

This Chapter shall not apply to the following or to any other action to the extent excluded from the Subdivision Map Act as stated therein:

a. The financing or leasing of apartments, offices, stores or similar space within apartment buildings, industrial buildings, commercial buildings, mobilehome parks or trailer parks (See Gov. Code, § 66412(a));

b. Mineral, oil, or gas leases (See Gov. Code, § 66412(b));

c. Land dedicated for cemetery purposes under the Health and Safety Code (See Gov. Code, § 66412(c));

d. Boundary line or exchange agreements to which the State Lands Commission or a local agency holding a trust grant of tide and submerged lands is a party (See Gov. Code, § 66412(e));

e. Any separate assessment under Section 2188.7 of the Revenue and Taxation Code (See Gov. Code, § 66412(f));

f. The conversion of a community apartment project, as defined in Section 4105 of the Civil Code, to a condominium, as defined in Section 783 of the Civil Code, but only if all requirements set forth in Government Code section 66412 (g) are met (See Gov. Code, § 66412(g));

g. The conversion of a stock cooperative, as defined in Section 4190 or 6566 of the Civil Code, to a condominium, as defined in Section 783 of the Civil Code, but only if all of the requirements set forth in Government Code section 66412 (h) are met (See Gov. Code, § 66412(h));

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 device on the land, if the project is subject to discretionary action by the advisory agency or legislative body (See Gov. Code, § 66412(l));

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 (See Gov. Code, § 66412(j));

j. Leases of agricultural land for agricultural purposes. As used in the Subdivision Map Act and this Chapter, "agricultural purposes" means the cultivation of food or fiber, or the grazing or pasturing of livestock (See Gov. Code, § 66412(k));

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 (See Gov. Code, § 66412(l));

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 (See Gov. Code, § 66412(m));

m. The financing or leasing of any parcel of land, or any portion thereof, in conjunction with the construction of commercial or industrial buildings on a single parcel, unless the project is not subject to review under another County ordinance regulating design and improvement (See Gov. Code, § 66412.1(a));

n. The financing or leasing of existing separate commercial or industrial buildings on a single parcel (See Gov. Code, § 66412.1(b));

o. The construction, financing, or leasing of dwelling units pursuant to Section 65852.1 of the Government Code, or accessory units pursuant to Section 65852.2 of the Government Code but this Chapter shall be applicable to the sale or transfer, but not leasing, of those units (See Gov. Code, § 66412.2);

p. Subdivisions of a portion of the operating right-of-way of a railroad corporation as defined by Section 230 of the Public Utilities Code, that are created by short-term leases (terminable by either party on not more than 30 days' notice in writing) (See Gov. Code, § 66428(a)(1));

q. Land conveyed to or from a governmental agency, public entity, public utility, or for land conveyed to a subsidiary of a public utility for conveyance to that public utility for rights-of-way, unless a showing is made in individual cases, upon substantial evidence, that public policy necessitates a parcel map. For purposes of this subdivision, land conveyed to or from a governmental agency shall include a fee interest, a leasehold interest, an easement, or a license (See Gov. Code, § 66428(a)(2)).
ARTICLE 2: DEFINITIONS

Sec. 8202-0 – Application of Definitions; Reference to Other Laws

a. Unless the provision or context otherwise requires as determined by the Planning Director, the definitions of words and terms as follows shall govern the construction of this Chapter.

b. Terms defined in Section 8202-0 below are italicized whenever they appear in the main text of this Chapter.

c. Whenever any words or phrases used in this Chapter are not defined herein but are defined in the Subdivision Map Act or in another chapter of this Division, such definitions shall be deemed incorporated herein and shall apply as though set forth in full in this Chapter. If a conflict exists between a definition herein and a definition in the Subdivision Map Act, the latter definition shall control in the case where the County is not authorized to modify the definition. If there is a conflict between a definition in this Chapter and a definition in another chapter of this Division, the definition herein shall control.

d. Whenever a definition or other provision in this Chapter references a provision of the Subdivision Map Act or other federal, state or local law or regulation (collectively, "Referenced Law"), the reference shall be to the current or successor version of the Referenced Law unless expressly stated otherwise herein.

Definitions - A

Access Rights – The rights to vehicular and pedestrian entry onto a public street from private property.

Advisory Agency – Shall have the same definition as set forth in Government Code section 66415, as may be amended, which states: "A designated official or an official body charged with the duty of making investigations and reports on the design and improvement of proposed divisions of real property, the imposing of requirements or conditions thereon, or having the authority by local ordinance to approve, conditionally approve or disapprove maps." This Chapter identifies the County officials and bodies designated as advisory agencies in the applicable Articles hereof.

Appeal Board – Shall have the same definition as provided in Government Code section 66416, as may be amended, which states: "A designated board or other official body charged with the duty of hearing and making determinations upon appeals with respect to divisions of real property, the imposition of requirements or conditions thereon, or the kinds, nature and extent of the design or improvements, or both, recommended or decided by the advisory agency to be required." This Chapter identifies the County boards designated as appeal boards in the applicable Articles hereof.

Approved Access – A right of vehicular travel to a public street as approved by the Public Works Director.

Agriculture – Shall have the same meaning as the term “agriculture” as set forth in the NCZO, Article 2 – Definitions, as may be amended.

Applicant – The person submitting an application requesting any decision, approval, or action under this Chapter.
Definitions - B

Buildable Site – An area of a lot where a principal structure may be feasibly developed outside of known geological hazard areas where risks to people or property cannot be reasonably avoided with standard engineering practices, that can be served with public water and sewer or can accommodate an on-site well and/or wastewater treatment system that is adequate to serve the proposed development, and to which there is reasonable legal access.

Definitions - C

CEQA – Refers to the California Environmental Quality Act, as set forth in Public Resources Code section 21000 et seq., and the CEQA Guidelines, as set forth in California Code of Regulations, title 14, sections 15000 et seq.

Certificate of Compliance – A recorded certificate issued by the County under the authority of Government Code section 66499.35 (See Article 14 of this Chapter).

Communications Facilities – Shall have the same definition as set forth in the NCZO, Article 2 – Definitions, as may be amended, which states: “Unstaffed facilities that transmit or receive electromagnetic signals for the purpose of operating telephone, radio, television, or data communication services. Such facilities include transmitting and receiving antennas/dishes, radar stations microwave towers, and other associated equipment and structures primarily designed to support the transmission of electromagnetic signals. Non-commercial antennas and wireless communication facilities are included in this definition.”

Community Apartment Project – Shall have the same definition as set forth in Civil Code section 4105, as may be amended, which states: “A development in which an undivided interest in land is coupled with the right of exclusive occupancy of any apartment located thereon.”

Conditional Certificate of Compliance – A recorded certificate issued by the County under the authority of Government Code section 66499.35(b) (See Article 14 of this Chapter).

Condominium – Shall have the same definition as set forth in Civil Code sections 4125 and 6542, as may be amended.

Conservation Organization – Shall: (1) have the same definition as a “qualified organization” under the Internal Revenue Code (26 U.S.C. §170(h)(3)); (2) be able to accept a qualified real property interest (26 U.S.C., §170(h)(2)) exclusively for conservation purposes (26 U.S.C., §170(h)(4)(A)); (3) have a commitment to protect the land for conservation purposes; and (4) have the resources to enforce the conservation-related conditions and restrictions placed on the property. An entity that is demonstrably organized and operating primarily or substantially for conservation purposes shall be presumed to have the commitment to protect the land for conservation purposes (See Article 11 of this Chapter).

Conservation Parcel – A lot created for conservation purposes (See Article 11 of this Chapter).

Conservation Purposes – Shall have the same definition as “conservation purposes” under the Internal Revenue Code (26 U.S.C. §170(h)(4)) covering:

a. The preservation of land for outdoor recreation by, or the education of, the general public;

b. The protection of a relatively natural habitat of fish, wildlife or plants, or similar ecosystem; or

c. The preservation of open space, including farmland and forestland, where such preservation is either:

(1) for the scenic enjoyment of the general public; or
(2) pursuant to a clearly delineated federal, state or County conservation policy and will yield a significant public benefit; or

d. The preservation of an historically important land area or a certified historic structure. “Certified historic structure” shall have the same definition as set forth in the Internal Revenue Code (26 U.S.C. §170(h)(4)(C)) which means “any building, structure, or land area which is listed in the National Register, or any building which is located in a registered historic district (as defined in section 47(c)(3)(B) of the Internal Revenue Code) and is certified by the Secretary of the Interior to the Secretary as being of historic significance to the district.”

Contiguous Lots - Lots or units of land which abut, adjoin or otherwise touch each other along a common boundary or which would do so except for separation by a strip of land over which some person or entity, other than the owner of the lots, has some property interest, including fee title or some lesser interest, such as a leasehold or easement, which does not preclude the lots from being reasonably developed as a single unit. Examples of such strips of land include, but are not limited to, roads, streets, utility easements, railroad rights-of-way, canals, and drainage channels.

County Surveyor - The Ventura County Surveyor or designee.

CZO - Refers to the Ventura County Coastal Zoning Ordinance, as set forth in Division 8, Chapter 1.1 of the Ventura County Ordinance Code.

Definitions - D

Day - Any reference to "day" or "days" within this Chapter means calendar days as opposed to working days unless stated otherwise.

Density - The level of development permitted per unit of land area, expressed as the number of dwelling units per acre and maximum building coverage. The General Plan and/or Zoning Ordinances establish maximum development densities for unincorporated areas of the County.

Design - Shall have the same definition as set forth in Government Code section 66418, as may be amended, which states: "Design means: (1) street alignments, grades and widths; (2) drainage and sanitary facilities and utilities, including alignments and grades thereof; (3) location and size of all required easements and rights-of-way; (4) fire roads and firebreaks; (5) lot size and configuration; (6) traffic access; (7) grading; (8) land to be dedicated for park or recreational purposes; and (9) other specific physical requirements in the plan and configuration of the entire subdivision that are necessary to ensure consistency with, or implementation of, the General Plan or any applicable specific plan as required pursuant to Government Code section 66473.5.”

Development - Shall have the same definition as set forth in Government Code section 66418.1, as may be amended, which states: "The 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.”

Definitions - E

Environmental Health Division - The Environmental Health Division of the Resource Management Agency, County of Ventura.

Environmental Subdivision - A subdivision of land for biotic and wildlife purposes approved pursuant to this Chapter in accordance with Government Code section 66418.2.
Definitions - F

Frontage - The property line or lines of a parcel abutting a public or private street, but not an alley.

Definitions - G

General Plan - Refers collectively to the Ventura County General Plan including the Ventura County Coastal Area Plan, all other County Area Plans, and any County specific plans.

Gross Floor Area - Shall have the same meaning as the term “gross floor area” as set forth in the NCZO, Article 2 - Definitions, as may be amended.

Definitions - H

Hillside Area - Any area within a proposed subdivision which has an average natural slope of 20 percent or greater.

Definitions - I

Improvement - Shall have the same definition as set forth in Government Code section 66419 as may be amended, which states: “(a) Any 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 a condition precedent to the approval and acceptance of the final map thereof. (b) "Improvements" also refer to any other specific improvements or types of improvements, the installation of which, either by the subdivider, public agencies, private utilities, any other entity approved by the local agency, or a combination thereof, is necessary to ensure consistency with, or implementation of, the General Plan or any applicable specific plan."

Definitions - L

Legislative Body - The Ventura County Board of Supervisors.

Local Agency - The County of Ventura.

Local Coastal Program - The County's certified coastal land use plan consisting of the Ventura County Coastal Area Plan and Coastal Zoning Ordinance.

Lot - An area of real property that has fixed boundaries depicted on or described by a final map, parcel map, or instrument of conveyance for the purpose of defining land to be held, actually or potentially, in fee title as a discrete unit; provided that streets, alleys, and similar rights-of-way, whether held in fee or otherwise, are not lots. Condominium units that consist of airspace, as opposed to divisions of land, are not lots. Mere easements and licenses are not lots. Except as otherwise specified in this Chapter, references to lots are intended to include remainder parcels and parcels offered for dedication. "Lot" has the same meaning as "parcel" and the terms are synonymous.

Lot Area, Gross/Gross Area - The total area, measured in a horizontal plane, within the lot lines of a lot. For purposes of this Chapter, the terms "gross area" and "gross lot area" have the same meaning and are synonymous.

Lot Area, Net/Net Area - Gross lot area less the area within any existing or proposed public or private street, road, or easement for ingress or egress, and less the area within any existing or proposed easement wherein the owner of the lot is prohibited from using the surface of the land. Included in the "net area" is the area lying within public utility easements, sanitary sewer easements, landscaping easements, public service and tree maintenance easements, open space easements, flowage easements, subsurface drainage easements, subsurface flood
control easements, and other such easements wherein the owner of the lot is not prohibited from using the surface of the land.

**Lot, Flag** – A lot generally configured in the shape of an "L" or "T," and which takes access from the street by means of a strip of land which is part of the lot.

**Lot, Illegal** – A lot that does not comply with the Subdivision Map Act or the Subdivision Ordinance and does not qualify for a certificate of compliance (See definition of "Lot, Legal" regarding legal status of lots for which a conditional certificate of compliance has been issued and recorded.).

**Lot, Legal** – A lot that complies with the Subdivision Map Act and the Subdivision Ordinance, and is either entitled to, or has been issued, a certificate of compliance. A lot that has been issued a recorded conditional certificate of compliance is a legal lot for purposes of sale, lease, and financing only, but is an illegal lot for all other purposes and is not eligible for the granting or issuance of land use permits or entitlements approving development thereon under the Zoning Ordinances or other County ordinances.

**Lot Line Adjustment** – A boundary 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 number of parcels than originally existed is not thereby created.

**Lot, Nonconforming** – A lot that does not meet the general design requirements of Section 8205-5 et seq. of this Chapter, including but not limited to, the minimum lot size with regard to current zoning designations.

**Definitions - M**

**Merger** – The joining of two or more contiguous parcels of land under one ownership into one parcel.

**Mobilehome Park** – Shall have the same definition as set forth in Health and Safety Code section 18214.

**Definitions - N**

**Natural Resource Agency** – Any federal, state, or local governmental agency created by statute or official action to protect natural resources. Such agencies include, but are not limited to, the U.S. Fish and Wildlife Service (USFWS), U.S. Army Corps of Engineers (USACE), the California Department of Fish and Wildlife (CDFW), State Parks, Regional Water Quality Control Board, and the Ventura County Watershed Protection District.

**NCZO** – Refers to the Ventura County Non-Coastal Zoning Ordinance, as set forth in Division 8, Chapter 1 of the Ventura County Ordinance Code.

**Non-Conservation Parcel** – The parcel created through the conservation subdivision process which is not intended to be maintained for natural resource conservation in perpetuity.

**Definitions - O**

**Omitted Parcel** – Has the same meaning as "remainder parcel."

**Definitions - P**

**Parcel** – Has the same meaning as "lot," and the two terms are synonymous. An area of real property with an assigned tax assessor’s parcel number is not necessarily a "parcel" for purposes of this Chapter.

**Parcel, Parent** – An area of real property from which a subdivision is, or was, created.

**Permanent Domestic Water Supply** – A supply or supplies of potable water to be provided by a system or systems approved by the California State Water Resources Control Board, Division
of Drinking Water, or the Environment Health Division and the Public Works Agency in a quantity sufficient to supply adequately and continuously the total domestic requirements of all consumers of the system under maximum demand conditions. Potability shall be determined in accordance with standards established by the State of California and the Environment Health Division.

Person – Any individual, organization, partnership, or other business association or corporation, including any utility, and any federal, state, local government, or special district or an agency thereof.

Planning Commission – The Ventura County Planning Commission.

Planning Director – The Director of the Resource Management Agency, Planning Division, of the County of Ventura, or designee.


Public Works Director – The Director of the Public Works Agency of the County of Ventura, or designee.

Definitions - Q

Quimby Ordinance – Refers to Sections 8208-8.3 through 8208-8.3.12 of this Chapter enacted pursuant to the Quimby Act, which is set forth in Government Code section 66477.

Definitions - R

Remainder Parcel – The portion of a parent parcel which is not created for purposes of sale, lease, or financing, including: (1) any portion of a parent parcel that is either a "designated remainder" or an "omitted parcel" within the meaning of Government Code section 66424.6; or (2) any portion of a parent parcel that is designated as a "remainder parcel" pursuant to Section 8206-0.14 of this Chapter. Except as otherwise provided in this Chapter, a "remainder parcel" is a lot for the purposes of this Chapter.

Reservation – A portion of the acreage of a subdivision that is reserved for public use in accordance with the requirements of this Chapter and Government Code section 66479 et seq.

Definitions - S

Slope/Density Analysis – Shall have the same definition as "slope/density formula" in the CZO, Article 2 – Definitions and the same formula outlined in Section 8175-2(c) of the CZO, as may be amended.

Specific Plan – A separately adopted land use plan which provides for the systematic implementation of the General Plan in accordance with Government Code section 65450 et seq.

Stock Cooperative – Shall have the same definition as set forth in Business and Professions Code section 11003.2, as may be amended.

Subdivider – Shall have the same definition as set forth in Government Code section 66423, as may be amended, which states: "A person, firm, corporation, partnership or association who proposes to divide, divides or causes to be divided real property into a subdivision for himself or for others except that employees and consultants of such persons or entities, acting in such capacity, are not 'subdividers.'"

Subdivision – Shall have the same definition as set forth in Government Code section 66424, as may be amended, which states: "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 contiguous units, even if it is separated by roads, streets, utility easement, or railroad rights-of-way. ‘Subdivision’ includes a condominium project, as defined in Section 4125 or 6542 of the California Civil Code, a community apartment project, as defined in Section 4105 of the California Civil Code, or the conversion of five or more existing dwelling units to a stock cooperative, as defined in Section 4190 or 6566 of the California Civil Code.”

**Subdivision Laws** – The Subdivision Map Act and this Subdivision Ordinance, including the preceding versions of each when the context references earlier versions.

**Subdivision Map Act** – Refers to the Subdivision Map Act, as set forth in Government Code section 66410 et seq.

**Subdivision Ordinance** – This Division 8, Chapter 2 of the Ventura County Ordinance Code, including its preceding versions when the context references earlier versions, consistent with Government Code section 66421. The Subdivision Ordinance is also referred to as “this Chapter.”

**Definitions - T**

**Tentative Map** – Shall have the same definition as set forth in Government Code section 66424.5(a), as may be amended, which states: “A map made for the purpose of showing the design and improvement of a proposed subdivision and the existing conditions in and around it and need not be based upon an accurate or detailed final survey of the property.”

**Thoroughfare** – A roadway as shown on the circulation element of the General Plan and designated as a thoroughfare therein.

**Definitions - V**

**Ventura County Floodplain Management Ordinance** – Refers to Ventura County Ordinance No.4521, as may be amended.

**Ventura County Improvement Standards and Specifications** – Collectively refers to the following documents or their successor documents, and any other documents incorporated therein by reference:

a. Ventura County Standard Land Development Specifications;
b. Ventura County Land Development Manual;
c. Ventura County Road Standards;
d. Ventura County Waterworks Manual;
e. Ventura County Sewerage Manual;
f. Ventura County Watershed Protection District Design Manual (VCFD);
g. Ventura County Watershed Protection District Design Hydrology Manual;
h. Ventura County Building Code; and

**Vesting Tentative Map** – Shall have the same definition as set forth in Government Code section 66424.5(b), as may be amended, which states: “A map which meets the requirements of subdivision (a) [of section 66424.5] and section 66452 [of the Subdivision Map Act].” See Section 8205-6.8 of this Chapter.

**Voluntary Merger** – The merger of one or more contiguous lots, initiated by the property owner, all of which are under the same ownership into one lot without reverting to acreage and in conformity with Article 10.
Definitions - Z

**Zoning Ordinances** – Collectively refers to the *NCZO* and the *CZO*, as set forth in Division 8, Chapters 1 and 1.1 of the Ventura County Ordinance Code, respectively.
ARTICLE 3:
FEES AND CHARGES

Sec. 8203-0 – Fees and Charges

Sec. 8203-0.1 – Application Fees
Applications submitted under this Chapter, except appeals, shall be accompanied by payment of all required processing fees and all outstanding fees, charges, and penalties that are owed by the applicant (or by a related person such as the applicant’s principal, parent company, or subsidiary company) to the County for charges billed under the NCZO, CZO, and this Chapter. Furthermore, each application submitted under this Chapter, including appeals, shall be accompanied by the fees, deposits, and charges specified by the Board-adopted Fee Schedule for the requested action before it is accepted for filing and processing. If processing costs exceed the amount of a deposit, the applicant shall be billed for and be responsible for timely payment of the balance. Should final processing costs be less than the amount of the deposit, the unused portion shall be refunded to the applicant.

The Planning Division shall charge and collect a single deposit from the applicant at the time of application submittal, and all affected County agencies will charge against that deposit. Applicants shall be responsible for payment of all County costs incurred by each County agency to process the application including to review, investigate, process, and make recommendations regarding the application and associated environmental review.

Sec. 8203-0.2 – Improvement Fees
The person responsible for constructing improvements pursuant to this Chapter or an approval hereunder shall pay all County fees and costs associated with the improvements including, but not limited to, those regarding plan checking, permitting, document processing, inspecting, and recording documents with the Office of the County Recorder.

Sec. 8204-0.3 – Failure to Pay
For any outstanding balance that is past due, the County may pursue collection in any manner authorized by law. Additionally, the County may suspend processing of an application when the applicant (or a related person, such as the applicant’s principal, parent company, or subsidiary company) owes an outstanding balance until full payment is made, or the County may terminate the application. No map, parcel map waiver, certificate of compliance, voluntary merger, lot line adjustment, or any other approved application authorized by this Chapter shall be recorded until the entire outstanding balance is paid in full.
ARTICLE 4:
PARCEL MAP WAIVERS

Sec. 8204-0 – Purpose

This Article establishes procedures for processing parcel map waiver applications as authorized by Government Code section 66428(b).

Sec. 8204-1 – Applicability

Parcel map waivers are available under this Chapter as follows:

Sec. 8204-1.1 – Mobilehome Park Conversions to Residential Ownership

When the requirements set forth in Government Code section 66428.1(a) are met, the requirement for a tentative and parcel map or final map shall be waived unless any of the conditions set forth in section 66428.1(a)(1) through (a)(4) exist. If any of the conditions set forth in section 66428.1(a)(1) through (a)(4) exist, a tentative and parcel map or final map shall be required. Refer to Article 13 of this Chapter for mobilehome park conversions.

Sec. 8204-1.2 – Environmental Subdivision

When the requirements of an environmental subdivision pursuant to Government Code section 66418.2 are met, the requirement for a tentative and parcel map or final map shall be waived.

Sec. 8204-2 – Application and Processing

a. No parcel map waiver shall be processed until a completed application is submitted on a form provided by the advisory agency, accompanied by all required documents and materials as specified in the parcel map waiver application, and required fees in accordance with the Board-adopted Fee Schedule. An application for a parcel map waiver shall be submitted and processed by the Planning Director in the same manner as tentative parcel maps in accordance with Article 5 of this Chapter, except that all proposed lots subject to an environmental subdivision or mobilehome park conversion are not required to meet the lot area requirements of Section 8205-5.1.1 or to demonstrate that there are buildable sites within the subdivision pursuant to Section 8205-5.1.5 of this Chapter.

b. An application for a mobilehome park conversion to residential ownership shall also be accompanied by: (1) a petition that meets all the requirements specified in Government Code section 66428.1; and, (2) field survey documents prepared in accordance with the Land Surveyors Act (Bus. & Prof. Code, §§ 8700 et seq.) in a form suitable for recordation, unless this requirement is waived by the County Surveyor.

c. An application for an environmental subdivision shall also include all documentation requested by the advisory agency to make the findings required by Government Code section 66418.2.

Sec. 8204-3 – Designated Advisory Agency

The Planning Director is the designated advisory agency for parcel map waivers under this section.
Sec. 8204-4 – Findings for Approval

a. To approve a parcel map waiver, the advisory agency shall find that the proposed division of land complies with all applicable requirements of the Subdivision Map Act and this Chapter, including, but not limited to, those regarding area, improvement and design, floodwater drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, and environmental protection.

b. For a map waiver application for a mobilehome park conversion to residential ownership, the advisory agency shall also find that none of the conditions set forth in Government Code section 66428.1(a)(1) through (a)(4) exist, and for an environmental subdivision application, the advisory agency shall also make all the findings required by Government Code section 66418.2(b).

c. Any parcel map waiver that would create a lot divided as to ownership (including ownership of a security interest) shall be conditioned to require that deeds be recorded simultaneously with the parcel map waiver approval, so as to make ownership boundaries correspond to lot boundaries created by the parcel map waiver approval.

Sec. 8204-5 – Approval and Required Supplemental Documents

Upon making all necessary findings for approval of a parcel map waiver and submission of all required documentation and fees, the advisory agency shall date and sign a parcel map waiver approval. The following documents must be attached to the parcel map waiver approval:

a. All required legal descriptions and sketches that have been approved by the County Surveyor;

b. Any required survey documents; and,

c. Any conditions imposed with respect to the approval shall be stated in full on a separate document physically attached to the parcel map waiver approval form. The document shall also specifically state the conditions that are still required to be fulfilled after recordation of the parcel map waiver approval.

Sec. 8204-6 – Expiration

An approved parcel map waiver application shall expire in the same time frame and manner as an approved tentative map in accordance with Section 8205-6.7 of this Chapter.

Sec. 8204-7 – Recordation

An approved parcel map waiver shall not become operative unless and until all pre-recordation conditions are satisfied as determined by the advisory agency and the parcel map waiver is recorded in the Office of the County Recorder prior to its expiration date as directed by the advisory agency. To be recorded, the parcel map waiver must include the following documents:

a. The parcel map waiver approval with all required attachments pursuant to Section 8204-5 of this Chapter;

b. Any required survey documents that are not attached to the conditional approval form;

c. Any deeds or easements required by the conditions of approval of the parcel map waiver;

d. A signed and acknowledged statement satisfying all the requirements of Government Code section 66436;
e. A certificate or statement satisfying all the requirements of Government Code section 66492; and,

f. If any part of the subdivision is subject to a lien for taxes or special assessments collected as taxes which are not yet payable and any lot line created by the subdivision would bisect any existing assessor's parcel, a certificate or statement and a security satisfying the requirements of Government Code section 66493.

When recorded, the parcel map waiver form shall have the same force and effect as a recorded parcel map or final map.
ARTICLE 5:
TENTATIVE MAPS

Sec. 8205-0 – Subdivisions Requiring Tentative and Final Maps; Exclusions

In accordance with Government Code section 66426, as may be amended, a tentative map and a final map shall be required for all subdivisions creating five or more parcels, five or more condominiums as defined in Section 783 of the Civil Code, a community apartment project containing five or more parcels, or for the conversion of a dwelling to a stock cooperative containing five or more dwelling units, except in the following situations:

a. The land before division contains less than five acres, each parcel created by the division abuts upon a maintained public street or highway, and no dedications or improvements are required by the legislative body;

b. Each parcel created by the division has a gross area of 20 acres or more and has an approved access by the Public Works Agency and the Ventura County Fire Protection District to a maintained public street or highway;

c. The land consists of a parcel or parcels of land having approved access by the Public Works Agency and the Ventura County Fire Protection District to a public street or highway, which comprises part of a tract of land zoned for industrial or commercial development, and which has the approval of the legislative body as to street alignments and widths;

d. Each parcel created by the division has a gross area of not less than 40 acres, or is 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 and processed in the manner set forth in Section 8204-1.2 of this Chapter;

f. The land being subdivided is a mobilehome park conversion to resident ownership or to another use pursuant to Government Code sections 66427.5 and 66427.4, respectively, and processed in the manner set forth in Article 13 of this Chapter.

A tentative map and a parcel map shall be required for those subdivisions described in subsections (a), (b), (c) and (d). For the purposes of computing the number of lots created by a subdivision, any remainder parcel and any lots to be conveyed to a governmental agency, public entity, public utility, or subsidiary of a public utility for conveyance to that public utility for rights-of-way shall not be counted.

Sec. 8205-1 – Subdivisions Requiring Tentative and Parcel Maps

Except as otherwise provided in this Chapter, a tentative map and a parcel map shall be required for all subdivisions creating four or fewer lots, four or fewer condominiums as defined in Section 783 of the Civil Code, a community apartment project containing four or fewer parcels, or for the conversion of a dwelling to a stock cooperative containing four or fewer dwelling units.

Sec. 8205-2 – Submission of Tentative Maps

a. General – Unless otherwise provided in this Chapter, each proposed subdivision shall first be submitted to the Planning Division in the form of a tentative map. Tentative maps,
including vesting tentative maps, shall be prepared and submitted in compliance with this Article, all applicable state laws, and County ordinances.

b. Identification Number – A subdivider desiring to submit a tentative map shall first obtain a tract number if the subdivision requires preparation of a final map or a parcel map number if the subdivision requires preparation of a parcel map. The number may be obtained only from the County Surveyor upon payment of the fee prescribed therefor by the Board of Supervisors.

c. Number of Copies – The Planning Director shall determine the number of copies required for submission of a tentative map based, in part, on the type of proposed subdivision, location of the property, and number of individuals who must review the tentative map.

d. Vesting Tentative Maps – A subdivider desiring to obtain the development rights conferred by Chapter 4.5, commencing with Section 66498.1 of the Government Code, shall print the words "Vesting Tentative Map" conspicuously on the face of each copy of the vesting tentative map prior to submitting it to the Planning Division for processing. Also see Section 8205-6.8 of this Chapter.

e. Phased Maps – A subdivider desiring to record multiple final maps in accordance with Government Code section 66456.1, or multiple parcel maps in accordance with Government Code section 66463.1, relating to a single tentative map, shall so inform the Planning Division in writing at the time the tentative map application is submitted for processing. In providing such written notice, the subdivider shall not be required to define the number or configuration of the proposed multiple final or parcel maps. The Planning Director and subdivider may also concur in the recording of multiple final or parcel maps after the submittal of the tentative map. This concurrence and the reasoning behind the phased maps must be justified and documented in writing to be maintained as part of the record. The advisory agency may impose reasonable conditions on filing multiple maps.

Sec. 8205-3 – Information to be Shown on Tentative Maps

Each tentative map shall consist of one or more sheets of equal size. The scale of the tentative map shall be 1-inch equals 100 feet or larger. The Planning Director may approve the use of another scale if warranted due to the size of the property. The map sheets shall not exceed 42 inches along any side. In addition to satisfying the design requirements of Section 8205-5 et seq. of this Chapter, the tentative map shall show the following information:

a. A small vicinity or area map (no larger than 5 inches by 5 inches in size) showing the major existing circulation pattern and all proposed major streets, existing major watercourses and existing Ventura County Watershed Protection District channels within 1/2 mile of the exterior boundaries of the subdivision;

b. In or near the lower right-hand corner of the first sheet:
   (1) Tract number or parcel map number
   (2) Name and address of subdivider;
   (3) Name and address of owner(s) of parent parcel;
   (4) North point arrow and scale of map;
   (5) Name and address of person preparing the map;
   (6) The date the map was prepared;
   (7) The total number of lots to be created by the subdivision;
(8) The total number of lots or parcels to be offered for dedication, excluding any remainder parcel and, if there is a remainder parcel, a notation to that effect;
c. All boundary lines of the subdivision with approximate bearings and distances;
d. The location of each existing lot prior to the proposed subdivision;
e. Existing topography based on North American Vertical Datum of 1988 or latest vertical datum adopted by the California Spatial Reference Center. Contour intervals shall be:
   (1) One foot unless the terrain is steeper than 35 percent, then the contour interval can be increased to a maximum of 10 feet;
   (2) At least every fifth contour shall be clearly labeled and indicated so as to be distinctive; and,
   (3) Contour lines shall be depicted for a sufficient distance beyond the boundary lines of the subdivision to clearly show the relationship of the topography of the subdivision to that of the surrounding land;
f. Proposed individual lot lines and approximate dimensions thereof, with each lot identified as follows:
   (1) Any remainder parcel shall be designated "remainder parcel";
   (2) Any parcel to be dedicated or offered for dedication for flood control purposes shall be designated "Parcel X";
   (3) All lots which are to be dedicated or offered for dedication for any purpose other than flood control purposes shall be designated "Parcel" and lettered consecutively commencing with the letter "A"; and,
   (4) All other lots, including conservation parcels and non-conservation parcels as defined in Article 2 and further described in Article 11, shall be numbered consecutively commencing with the number 1;
g. The gross and net area of each proposed lot 10 acres or smaller in size;
h. The location of at least one buildable site for each proposed lot for which a buildable site is required by Section 8205-5.1.5 of this Chapter;
i. The proposed uses of each proposed lot (e.g., single-family, multifamily, commercial, industrial, schools, parks, and common areas);
j. All structures, fences, tree rows, protected trees, existing or abandoned water wells, public utility lines, areas of native vegetation, prominent features, and land uses within the subdivision which are to remain or be removed and all those located within 100 feet of the proposed subdivision;
k. The location of all environmentally sensitive habitat areas and sensitive biological resources as identified in an initial study biological assessment required by Section 4 (Biological Resources) of the Ventura County Initial Study Assessment Guidelines;
l. All producing, abandoned and idle oil wells, oil and gas pipelines, existing and abandoned oil sumps, and existing oil and gas Conditional Use Permit boundaries and associated pipeline facilities and equipment;
m. The approximate location and direction of flow of all watercourses and natural drainage channels identified in an initial study biological assessment;
n. The widths, centerline radii, and approximate grades of all rights-of-way and road widths for all roads within the proposed subdivision, the approximate finished grades at road
intersections and turnarounds within the proposed subdivision, the widths and approximate locations of all existing or proposed public or private easements either within or outside of the proposed subdivision for roads, drainage, or utilities, and the location within and outside of the proposed subdivision of proposed storm drain lines, inlets and outlets;

o. The width and location of all necessary and legal off-site access ways from the proposed subdivision to the nearest approved access;

p. All widths of required defensible space and fuel modification zones in accordance with the regulations of the Ventura County Fire Protection District, Section 51182 of the Government Code, and Section 4291 of the Public Resources Code;

q. Delineation of all Special Flood Hazard Areas as identified on the effective Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map and delineation of any flood hazard flowage easements;

r. If proposed new impervious surface area is 10,000 square feet or greater, the location of proposed impervious surfaces, storm drain system elements, general drainage pattern, the location of proposed post-construction stormwater quality controls, boundaries of areas draining to each post-construction stormwater control, and description of post-construction stormwater quality controls;

s. The location of each test boring upon which a preliminary soils report, including infiltration testing, described in Section 8205-4(m) of this Chapter is based;

t. The approximate location of all easements to be abandoned pursuant to Government Code sections 66434 (g) or 66445 (j);

u. The horsepower rating of any diesel-fueled engine(s) powering an emergency generator either proposed or existing. Rating may be displayed on the map only;

v. The heat rating of any boiler or process heaters in MMBTU/Hr (one million British Thermal Units per hour) either proposed or existing. Rating may be displayed on the map only;

w. Any other information required by the applicable Planning Division application; and,

x. Any other information required by the Planning Division or the County Surveyor in order to process the map.

Sec. 8205-4 – Documents to be Submitted with Tentative Maps

Each tentative map submitted to the Planning Division for processing shall be accompanied by documents containing all of the following items, except items waived by the Planning Director:

a. A completed application form accompanied by a statement, signed by all parties listed as owners of the property on a current title report, consenting to the submittal of the tentative map and, if agents are used, a signed statement from the property owners authorizing the agents to act on the owners' behalf;

b. Any required application fees and deposits as specified in the Board-adopted Fee Schedule;

c. A completed and signed fee reimbursement agreement;

d. The names and addresses of all operators of proposed subdivision utility systems, and all proposed water and sewer purveyors;
e. A description of any oil and gas leases and associated pipeline facilities and equipment that exist on the property. The description shall identify the existing oil and gas *development* permits and leases on the property and provide the names and addresses of all lease owners, all on-site oil and gas well permittees, and all on-site oil and gas pipeline operators;

f. A *slope/density analysis* if required because of the location or topography of the property;

g. A description of the proposed method of stormwater disposal, prepared by a civil engineer registered by the State of California, including the following:

(1) A hydrologic and hydraulic study indicating the following conditions before and after proposed *development* of the *subdivision*:

- drainage areas, major watercourses, quantity and pattern of stormwater, diversion, treatment and collection systems;

(2) A demonstration that drainage requirements set forth in the applicable Ventura County Improvement Standards and Specifications will be satisfied; and,

(3) If the *tentative map* depicts a *buildable site* within a FEMA Special Flood Hazard Area, a demonstration that each building pad can be protected from a 100-year flood;

h. A description of the proposed method of post-construction stormwater management compliance in accordance with Division 6, Chapter 9 of the Ventura County Ordinance Code (entitled "Stormwater Quality Management"), prepared by a licensed professional, including the following:

(1) A Post-Construction Stormwater Management Plan (PCSMP);

(2) A site plan delineating the location of the proposed *development*, proposed impervious surfaces, storm drain system elements, general drainage pattern, proposed locations and description of post-construction stormwater quality controls, and boundaries of areas draining to each post-construction stormwater control;

(3) A drainage study or hydrology report, including applicable calculations of stormwater quality design flow and volume pursuant to the Ventura County Technical Guidance Manual for Stormwater Quality Control Measures, and;

(4) A preliminary soils report with site-specific soil infiltration data.

i. A description of the proposed method and plan of sewage disposal for each proposed *lot* together shall be submitted with the following:

(1) When the proposed method of sewage disposal is by a sewer system, a letter ("Sewer Availability Letter") from a proposed public sewer agency stating that the sewer capacity is currently available, or is expected to be available within the next three years from the date of the application submittal, sufficient to provide connections to each proposed lot; or

(2) When the proposed method of sewage disposal is by private sewage disposal systems, a soil evaluation report and, if the *subdivision* is in an area where there are potential geological hazards, a geological report, acceptable to the Environmental Health Division, indicating that the private sewage disposal system for each proposed lot will function properly.

j. A description of the proposed method and plan for providing a *permanent domestic water supply* and an adequate supply of water for fire suppression services to each proposed lot together with the following shall be submitted:
(1) When the proposed water supply is to be provided by a public water system, as defined in Section 116275(h) of the Health and Safety Code, a letter ("Water Availability Letter") from the owner or operator of the proposed water system stating that water is currently available, or is expected to be available within the next three years from the date of application submittal, sufficient to provide a long-term domestic water supply to each lot; or

(2) When the proposed water supply is to be drawn exclusively from wells in areas where groundwater supplies have been determined by the Public Works Agency to be questionable or inadequate, regardless of whether the proposed water supply is to be provided by a public water system or private well, a report that demonstrates the availability of a long-term domestic water supply to each lot shall be submitted. The report must be prepared in accordance with procedures established by the Public Works Agency.

k. A current preliminary title report showing record title interests in the property, including all legal access easements for proposed off-site access roads or driveways and all other existing easements;

l. A certification by a licensed surveyor, supported by the preliminary title report, that the design of the subdivision and the type of improvements will not conflict with easements acquired by the public at large for access through, or use of, property within the proposed subdivision. If conflicts are identified, the licensed surveyor shall propose alternate easements, for access or for use, that are substantially equivalent to the ones that were in conflict;

m. A preliminary soils report, prepared by a civil engineer registered by the State of California, and based upon adequate test borings, including the following information:

   (1) A description of the nature of the subsurface soils and of any soils conditions which would affect the proposed development and use of the subdivision;

   (2) If on-site sewage disposal is proposed, percolation test results and a hydrological evaluation;

   (3) The location and logs of all test borings;

   (4) The location of a buildable site for each proposed lot for which a buildable site is required under Section 8205-5.1.5 of this Chapter; and,

   (5) A description of general recommendations for addressing all known problems related to soils conditions and a statement as to the technical and economic feasibility of those recommendations;

The preliminary soils report may be waived if the Public Works Agency and the Environmental Health Division find, on the basis of substantial evidence of the soils in the subdivision area or the nature of the proposed development, that the report is unnecessary;

n. If the Public Works Agency or the Environmental Health Division has evidence of, or if the preliminary soils report indicates the presence of, critically expansive soils or other soils problems which, if not corrected, would lead to structural defects or hazardous conditions, a soils investigation report for each proposed lot where such problems exist, prepared by a civil engineer registered with the State of California, including the following information:

   (1) Recommended corrective action which is technically and economically feasible and is likely to prevent structural damage and eliminate any hazards to each proposed structure for the lot; and,
(2) The location on the lot of a buildable site if one is required under Section 8205-5.1.5 of this Chapter;

o. If the subdivision includes a hillside area or any other geologically hazardous area, an engineering geology evaluation report, prepared in accordance with any applicable notes and recommended guidelines promulgated by the California Geological Survey, and prepared by an engineering geologist licensed in the State of California, including the following information:

(1) A definition of geologic conditions within the subdivision;
(2) A discussion of specific areas where development may create hazardous conditions;
(3) A description of general solutions for all geologically hazardous conditions known to exist or which might be created by development and a statement as to the technical and economic feasibility of those solutions;
(4) The location and logs of all test borings;
(5) The location of a buildable site for each proposed lot if one is required under Section 8205-5.1. of this Chapter; and,
(6) An evaluation of the effect of the geology on the proposed development and on adjacent properties;

The engineering geology evaluation report may be waived if the Public Works Agency finds, on the basis of evidence of the geologic characteristics of the subdivision, that the report is unnecessary;

p. An initial study biological assessment of the protected flora, fauna, and other natural resources found on the property. The initial study biological assessment report may be waived if the Planning Director finds that the report is unnecessary;

q. A survey of the archaeological and paleontological and historical and cultural resources found on the property. This survey may be waived if the Planning Director finds that the survey is unnecessary;

r. Cross-sections of all proposed improvements for roads or streets, utility lines, storm drains, and the like at appropriate intervals;

s. A preliminary grading plan showing all cut and fill slopes over 5 feet in vertical height, both on and outside of the parent parcel, and showing contour lines as prescribed by Section 8205-3(e) of this Chapter;

(t) If the proposed subdivision involves the conversion of a mobilehome park to another use, a housing and financial impact report (pursuant to the Mobilehome Park Closure requirements listed in Section 8117-6(d) of the NCZO) on the impact of the conversion on displaced residents of the mobilehome park meeting the requirements of Government Code section 66427.4;

u. If the proposed subdivision involves existing or proposed uses or buildings, a report showing all the existing and proposed uses and the date the existing uses or buildings were permitted;

v. The flood elevation data used to delineate on the tentative map any flood hazard area based on 100-year storm frequency. Elevations must be in North American Vertical Datum of 1988 or latest vertical datum adopted by the California Spatial Reference Center;

w. Any other relevant documents or information requested by the Planning Division subdivision application or by the Planning Director to process the tentative map.
Sec. 8205-5 – General Design Requirements

a. The provisions of this Section 8205-5 apply only to subdivisions for which a final map or parcel map is required. All tentative maps must be consistent with the General Plan and satisfy all applicable planning, zoning, design, and improvement requirements specified or incorporated in the NCZO, CZO and this Chapter. These design requirements are intended to enable optimal usability of each lot, preserve on- and off-site resources, minimize the potential for adverse impacts on adjacent property, minimize the need for additional infrastructure, and maintain consistency with appropriate General Plan policies and Zoning Ordinances.

b. The advisory agency may waive or modify in whole or part the provisions of Section 8205-5.1 (Lot Design) as applied to a subdivision being developed pursuant to a planned development permit in accordance with the Zoning Ordinances, or a conservation subdivision approved in accordance with Article 11 of this Chapter.

Sec. 8205-5.1 – Lot Design

Sec. 8205-5.1.1 – Lot Area

Unless otherwise excepted, all proposed lots shall conform to the minimum lot area requirements of the General Plan (Land Use Policies – Minimum Parcel Size), and zone designation in which the property is located. In determining whether a proposed lot having a gross area of less than 10 acres conforms to such minimum area requirements, only the net area of the lot shall be considered unless the General Plan or Zoning Ordinances provide otherwise.

Sec. 8205-5.1.2 - Lot Lines

Each sideline of a proposed lot shall be as close to perpendicular to the centerline of the street as is practicable at the point at which the lot sideline terminates.

Sec. 8205-5.1.3 – Lot Width

All proposed lots shall conform to the minimum lot width requirements of the zone in which the property is located. No lot, other than a flag lot, shall have less than 40 feet of frontage, unless the minimum lot width of the zone is less than 40 feet. No flag lot shall have an access strip less than 20 feet.

Sec. 8205-5.1.4 – Lot Depth

For all proposed lots, the average lot depth shall not be greater than three times the average lot width unless the Planning Director, upon information presented by the applicant, determines that a greater depth is justified. The applicant shall use the following criteria to justify the modification of this requirement:

a. Potential Amount of Grading – The amount and impact of on-site grading may be less with the provision of a greater lot depth.

b. Usable Lot Area – The steepness of the topography of proposed lots, the configuration of the parent parcel, and the location of on-site natural features, such as barrancas, may necessitate a greater depth to provide usable lot areas.

c. Flood Hazards – On-site and off-site flood hazards, such as streams, tributaries, and inundation areas subject to 100-year flood, may create a need for a greater depth to provide usable lot areas and buildable sites.

d. Sun and Wind Orientation – A greater lot depth may be necessary to provide for passive and active solar heating and natural cooling opportunities.
e. **Other** – Other criteria relevant to unique or uncommon physical features of the property may necessitate a greater depth to provide usable lot areas and buildable sites or to mitigate adverse environmental effects.

**Sec. 8205-5.1.5 – Buildable Site**
Each proposed lot shall have at least one buildable site, except:

a. Those parcels dedicated or offered for dedication to the County or some other public entity or reserved by recorded restrictions for flood control purposes, natural resource preservation (e.g., conservation parcels), common open space, or other similar purposes; and,

b. Those lots created for such purposes as landfills, mining operations, or other similar, long-term uses which do not normally require a permanent, on-site principal structure and which lots are or will be subject to a discretionary permit issued by the County regulating their proposed use.

**Sec. 8205-5.1.6 – Setbacks**
Each buildable site required by Section 8205-5.1.5 on a proposed lot shall be illustrated on the tentative map demonstrating that future and existing buildings can comply with the development standards of the zone designation pursuant to the applicable zoning ordinance and in accordance with Section 3109, Ventura County Building Code, Appendix J. Whenever a subdivision results in a lot for which the only means of access is by way of an easement, that easement shall be considered a public road or street for purposes of determining setbacks for all lots over which the easement passes.

**Sec. 8205-5.1.7 – Access**
There shall be approved access to the subdivision and all lots within the subdivision shall have ingress and egress that meets the regulations regarding road standards for vehicles and fire equipment access pursuant to Section 4290 of the Public Resources Code, the Ventura County Fire Code, and the Ventura County Road Standards. Street layout shall be designed to provide for future access to, and not impose undue hardship upon, property adjoining the subdivision.

**Sec. 8205-5.1.8 – Agricultural Viability**
Each proposed lot which is subject, in whole or in part, to a contract entered into pursuant to the California Land Conservation Act of 1965 (Chapter 7, commencing with Section 51200, of Division 1 of Title 5 of the Government Code) shall be capable of sustaining, independently of any other lot, a viable commercial agricultural use.

**Sec. 8205-5.1.9 – Cultural Heritage Site**
The design of a subdivision shall not adversely affect the historical, architectural, or aesthetic interest or value of a potential or designated cultural heritage site as defined in the Ventura County Cultural Heritage Ordinance. When required by the Cultural Heritage Ordinance, the design must be reviewed by the Cultural Heritage Board and be granted a certificate of appropriateness or certificate of review.

**Sec. 8205-5.2 – Map Design Requirements**

**Sec. 8205-5.2.1 - Street Rights-Of-Way**
The street layout of a proposed subdivision shall be consistent with all street right-of-way designations and general alignment shown on the Circulation Element of the General Plan. All streets that are to be offered for dedication and used for vehicular traffic shall be designed to conform to the Ventura County Road Standards and the Ventura County Fire Protection District Fire Apparatus Access Code, subject to any deviations authorized by those standards or guidelines and duly approved by the
Public Works Director and Fire Chief. All street design elements not dictated by those standards or guidelines shall conform to good engineering practices and be approved by the Public Works Director and the Fire Chief.

Sec. 8205-5.2.2 - Utility Easements
Whenever overhead utilities are allowed in a proposed subdivision by this Chapter, utility easements of sufficient width shall be located along the rear or side lot lines. Whenever possible, such easements shall extend an equal distance into each of two abutting lots. This requirement may be modified or recommended for modification by the advisory agency if warranted by unusual circumstances in a particular proposed subdivision. To the extent practicable, underground utility easements, whenever necessary, shall be abutting and parallel to lot lines.

Sec. 8205-5.2.3 – Drainage Facilities and Rights-Of-Way
The design of a subdivision drainage system shall conform to the Ventura County Flood Plain Management Ordinance, the Ventura County Building Code, Appendix J Grading, and Division 6, Chapter 9 of the Ventura County Ordinance No. 4450, as may be amended, relating to stormwater quality management for unincorporated areas, and shall provide for the proper drainage of the subdivision and all lots and improvements therein based on the runoff that can be anticipated from ultimate development of the watershed in accordance with the General Plan. The subdivision shall contain no undrained depressions. The subdivision and all lots and improvements therein shall be protected from off-site drainage or flood damage. All public facilities such as sewer, gas, electrical, and water systems shall be located and constructed to minimize flood intrusion. Any concentrations or increases of surface water resulting from the development of the subdivision must be conveyed by means of adequate facilities to a suitable natural watercourse in the area. If any channels included in the Ventura County Watershed Protection District Comprehensive Plan for Flood Control lie within the parent parcel, the design shall depict all those channels and all rights-of-way reasonably necessary for their improvements and maintenance. Such rights-of-way shall include, in addition to the channels themselves, an access route complying with the Ventura County Watershed Protection District Design Manual alongside the entire length of open channels and directly over the entire length of underground channels.

Sec. 8205-5.2.4 – State Highways
If an existing or proposed state highway abuts or crosses a proposed subdivision, the subdivider shall secure all pertinent road data and specifications and shall make the design of the proposed subdivision compatible with such state highway.

Sec. 8205-5.2.5 – Public Water Agency
Whenever a proposed subdivision is located within the boundaries of a public water agency willing and able to provide water service to the lots, the public water agency shall be chosen as the water purveyor for the proposed subdivision. At the time of tentative map approval, the advisory agency may waive the requirements of this section for good cause shown.

Sec. 8205-5.2.6 – Public Sewer Agency
Whenever a proposed subdivision is located within the boundaries of a public sewer agency willing and able to provide sewer services to the lots, the public sewer agency shall be chosen to provide sewer service to the proposed subdivision. In all cases where sewage disposal is not to be by means of a sewer operated by a public sewer agency, it shall be by means of an on-site wastewater treatment system (OWTS) located entirely on the lot generating the sewage. At the time of tentative map
approval, the advisory agency may waive the requirements of the first sentence of this section for good cause shown.

Sec. 8205-5.2.7 – Street Lighting
Prior to recordation of the final map or parcel map, the subdivider shall cause the area within the subdivision to be included in a County Service Area or other special district providing street lighting. At the time of tentative map approval, the advisory agency may waive this requirement if it finds that inclusion within such a service area or other special district is unnecessary because of the size or location of the proposed lots.

Sec. 8205-5.2.8 – Supplemental Facilities
The County may require that improvements installed by the subdivider for the benefit of the subdivision contain supplemental size, capacity, number, or length for the benefit of property not within the subdivision, and that those improvements be dedicated to the public. Supplemental length may include minimum sized off-site sewer lines necessary to reach a sewer outlet in existence at that time. Any such requirement shall be subject to the condition precedent that the County or some other appropriate entity offer to enter into a reimbursement agreement with the subdivider pursuant to Article 6 (commencing with Section 66485) of Chapter 4 of the Government Code.

Sec. 8205-6 – Filing, Processing, and Approval

Sec. 8205-6.1 – Application of Provisions
a. The procedures set forth in this section shall govern the filing, processing and approval, conditional approval, or denial of tentative maps.

b. A vesting tentative map shall be filed and processed in the same manner as a tentative map for that type of subdivision unless expressly provided otherwise in this Chapter. Also see Section 8205-6.8 of this Chapter.

Sec. 8205-6.2 – Designated Advisory Agencies
The advisory agencies for proposed tentative tract maps and tentative parcel maps are designated below. The appeal board for appeals of decisions on proposed tentative tract maps and tentative parcel maps is designated by Section 8216-2 of this Chapter. For other decisions and actions taken pursuant to this Chapter, the applicable advisory agency is set forth in the governing section.

Sec. 8205-6.2.1 – Tentative Tract Maps
Sec. 8205-6.2.1.1 – Initial Advisory Agency – Planning Commission
For subdivisions which require the preparation of a tentative tract map, the Planning Commission shall be the initial advisory agency and shall make a recommendation to the Board of Supervisors regarding the proposed tentative tract map at a public hearing.

Sec. 8205-6.2.1.2 – Board of Supervisors
After receipt of the resolution stating the Planning Commission’s recommendation, the Board of Supervisors shall hold a public hearing on the tentative tract map as the decision-making body.

Sec. 8205-6.2.2 – Tentative Parcel Maps
For a subdivision which requires a tentative parcel map, the Planning Director shall be the advisory agency and shall hold a public hearing on the tentative parcel map.
Sec. 8205-6.3 – Filing Requirements and Completeness
a. Applications for the approval of a tentative map shall be filed with the Planning Division. No application shall be accepted for filing and processing if a violation of the NCZO, CZO, or this Chapter exists on the subject lot(s) unless the acceptance of the application is necessary to abate the existing violation and unless it conforms to the requirements of this Chapter; contains in a full, true, and correct form, the required information prescribed by the forms supplied by the Planning Division; and is accompanied by the appropriate fees.

b. The Planning Division shall process a tentative map application pursuant to the requirements set forth in Government Code sections 66452.1 and 66452.2. Once all information required to complete the review of the tentative map is provided, the Planning Director shall deem the application complete. If the application is determined to be incomplete, the applicant shall be notified in writing of the reasons therefore and informed of the information needed to make the application complete.

Sec. 8205-6.4 – Failure to Complete Application
Upon written notification to the applicant, the Planning Director may terminate the processing of an incomplete tentative map application if the Planning Director determines that the applicant did not make a reasonable effort to complete the application for a period of six months from the date of notification of incompleteness. An extension to this six-month period may be granted by the Planning Director on written request for an extension by the applicant showing good cause. If the Planning Director terminates the incomplete application, the County shall refund all unused fees to the applicant, pursuant to Section 8203-0.1 of this Chapter.

Sec. 8205-6.5 – Compliance and Effective Date of Standards
a. Except as otherwise provided in subsection (b), (c), or (d) of this Section 8205-6.5, in determining whether to approve or disapprove an application for a tentative map, only those ordinances, policies, and standards in effect on the date the Planning Director has determined that the application is complete pursuant to Government Code section 65943 shall be applicable.

b. Subsection (a) above shall not apply if, before the Planning Director has determined a tentative map to be complete pursuant to Government Code section 65943, the County has done both of the following:

(1) Initiated proceedings by way of ordinance, resolution, or motion;

(2) Published notice in the manner prescribed in Government Code section 65090(a) containing a description sufficient to notify the public of the nature of the proposed change in the applicable General Plan, area plan, specific plan, or zoning or subdivision ordinances.

c. If compliance with subsection (b) above has occurred, any County ordinances, policies, or standards enacted or instituted as a result of those proceedings which are in effect on the date the advisory agency approves or disapproves the tentative map shall be applicable in determining whether the map should be approved or disapproved.

d. If the applicant requests changes in applicable County ordinances, policies, or standards in connection with the same development project for which a tentative map is sought, any ordinances, policies, or standards adopted pursuant to the applicant's request shall apply.
Sec. 8205-6.6 – Required Findings and Standards for Approval
A tentative tract map or tentative parcel map may only be approved if the decision-making advisory agency makes all of the following findings, based upon the conditions imposed and the evidence in the record including staff reports, CEQA documents, testimony, and other documents and information available at the public hearing:

a. The proposed subdivision does not violate any standards, requirements, or conditions of the Subdivision Map Act, this Chapter, or other County ordinance;

b. The proposed map, together with its provisions for design and improvement of the proposed subdivision, is consistent with the General Plan (See Gov. Code § 65300 et seq.) and any applicable area and specific plans (See Gov. Code § 65450 et seq.). Consistency with the General Plan, area plans, or specific plans shall be found if the proposed subdivision or land use is compatible with the objectives, policies, general land uses, and programs specified in such plan(s) (See Gov. Code §§ 66473.5, 66474(a), and 66474(b));

c. The site is physically suitable for the proposed type of development (See Gov. Code § 66474(c)). Considerations for lack of physical suitability may include, but are not limited to, the presence of unmitigable geologic hazards or inadequate access, including inadequate secondary emergency fire access as required by the Ventura County Fire Protection District;

d. The site is physically suitable for the proposed density of development (See Gov. Code § 66474(d));

e. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat (See Gov. Code § 66474(e)); however, if that finding cannot be made, the advisory agency may nonetheless approve the tentative map if an environmental impact report was prepared with respect to the project and a finding was made that specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the environmental impact report pursuant to Government Code section 66474.01;

f. The design of the subdivision or type of improvements is not likely to cause serious public health problems (See Gov. Code § 66474(f));

g. The design of the subdivision or the type of improvements will not conflict with easements which are of record or are established by judgment of a court of competent jurisdiction and which have been acquired by the public at large, for access through or use of, property within the proposed subdivision; however, if that finding cannot be made, the advisory agency may nonetheless approve the tentative map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public (See Gov. Code § 66474(g));

h. If the proposed subdivision fronts upon a public waterway, public river, public stream, coastline, shoreline, publicly owned lake or publicly owned reservoir, the applicable findings of Government Code sections 66478.4 through 66478.14 relating to public access must be made;

i. The proposed subdivision would be compatible with existing conditionally permitted oil and gas leases or oil and gas wells located within the proposed subdivision, and the subdivider has adequately demonstrated that all wells designated as abandoned have been or will be abandoned in accordance with the laws, regulations, and guidelines of the California Geologic Energy Management Division;
j. If the land, or a portion thereof, that is the subject of the proposed subdivision is subject to either: (1) a contract entered into pursuant to the California Land Conservation Act of 1965 (See Gov. Code § 51200 et seq.); (2) an open-space easement entered into pursuant to the Open-Space Easement Act of 1974 (See Gov. Code § 51070 et seq.); (3) an agricultural conservation easement entered into pursuant to Chapter 4 (commencing with Section 10260) of Division 10.2 of the Public Resources Code; or (4) a conservation easement entered into pursuant to Chapter 4 (commencing with Section 815) of Part 2 of Division 2 of the Civil Code, the resulting parcels following the subdivision of that land shall:

(1) be of sufficient size to sustain their commercial agricultural use;

(2) not result in residential development that is not incidental to the commercial agricultural use of the land as set forth in Government Code section 66474.4; and,

(3) be consistent with the California Land Conservation Act of 1965 and the Ventura County Land Conservation Act Guidelines.

k. The subdivider has either record title to or a contractual right to acquire title to all rights-of-way necessary to provide any proposed off-site access from the proposed subdivision to the nearest public road, including to provide secondary access as required by the Ventura County Fire Protection District;

l. The proposed subdivision is located within an Earthquake Fault Zone established pursuant to the Alquist-Priolo Earthquake Fault Zoning Act (Public Resources Code, section 2621 et seq.) and is in accordance with the policies and criteria established by the California Geologic Survey pursuant to that Act (See CCR, title 14, § 3600, et seq.);

m. To the extent feasible, the design of the proposed subdivision provides for future passive or natural heating or cooling opportunities pursuant to Government Code section 66473.1;

n. The proposed design of the subdivision provides for appropriate cable television systems and communication systems, including, but not limited to, telephone and Internet services, to each parcel in the subdivision that is designed to be developed with a principal building, pursuant to Government Code section 66473.3;

o. If the proposed subdivision is a “housing development project” as defined in Government Code section 65589.5, the statutory requirements therein must be complied with, including all limitations on imposing conditions and making the necessary findings if the tentative map for the housing development project is conditionally approved or disapproved;

p. If the proposed subdivision would be created from the conversion of a mobilehome park to another use, the requirements of Government Code section 66427.4, Article 13 of this Chapter and Article 17 of the NCZO must be met;

q. If the proposed subdivision is located in a “state responsibility area” or a “very high fire hazard severity zone”, as both are defined in Government Code section 51177, the findings required by Government Code section 66474.02 must be made;

r. If the Subdivision Map Act, this Chapter, or any other law requires a specific finding to be made to approve a particular tentative map that is not set forth above or that is enacted after the adoption of this ordinance, then those findings must be made.
Sec. 8205-6.6.1 – Denial of Tentative Map Based Upon Violation of Water Quality Standards

The advisory agency shall determine whether the discharge of waste from the proposed subdivision into an existing community sewer system would result in a violation of existing requirements prescribed by the Los Angeles Regional Water Quality Control Board pursuant to Division 7 (commencing with Section 13000) of the Water Code. In the event that the advisory agency finds that the proposed waste discharge would result in or add to a violation of such requirements, the advisory agency may disapprove the tentative map or maps of the subdivision (See Gov. Code § 66474.6). Any interested person may appeal the advisory agency’s determination to the legislative body in the manner prescribed in Article 16 of this Chapter. Such appellant shall be entitled to the same notice and rights regarding testimony as are accorded a subdivider.

Sec. 8205-6.7 – Expiration and Extensions of Tentative Maps

Sec. 8205-6.7.1 – Expiration

a. An approved tentative map shall expire 36 months from the date it was approved subject to applicable statutory extensions of the tentative map set forth in the Subdivision Map Act.

b. A final map or parcel map substantially conforming to the approved tentative map and prepared in accordance with the Subdivision Map Act and this Chapter shall be submitted to the County Surveyor for approval after all required certificates or statements on the map have been signed and, where necessary, acknowledged prior to the expiration date. Once a timely submission occurs, subsequent actions of the County, including, but not limited to, processing, approving, and recording the parcel map or final map, may lawfully occur after the date of expiration of the tentative map. Unless a final map or parcel map is timely submitted in accordance herewith prior to expiration of the corresponding tentative map, all proceedings shall terminate upon such expiration, and any subdivision of the land shall require the filing, processing, and approval of a new tentative map.

Sec. 8205-6.7.2 – Extensions

An extension of the expiration date of a tentative map may be requested by a subdivider and thereafter approved, conditionally approved or denied by the Planning Director. An application for extension must be submitted to the Planning Division before the expiration of the tentative map. If the application is timely submitted, the tentative map shall be automatically extended for 60 days or until the application for the extension is approved, conditionally approved, or denied, whichever occurs first. The extension may be approved for a maximum period of 72 months. The period of extension is in addition to the period of time provided in Section 8205-6.7.1(a) above. If the extension request is denied by the Planning Director, the subdivider may appeal that denial in the manner prescribed in Article 16 of this Chapter, except that the subdivider shall have 15 calendar days to file the appeal to the legislative body.

Sec. 8205-6.8 – Vesting Tentative Maps

Sec. 8205-6.8.1 – Rights Conferred; Conditions and Procedures

a. Whenever a tentative map is required to be filed, a vesting tentative map may instead be filed. If a subdivider does not seek the rights conferred as a result of filing a vesting tentative map, a tentative map may be filed. Unless expressly provided otherwise, the provisions of this Chapter which apply to tentative maps shall also apply to vesting tentative maps.
b. When the advisory agency approves a vesting tentative map, that approval confers a vested right to proceed with development in substantial compliance with the ordinances, policies, and standards described in Section 8205-6.5 above.

c. The approval or conditional approval of a vesting tentative map shall expire at the end of the same time period, and shall be subject to the same time extensions, as set forth in Section 8205-6.7 above for tentative maps.

d. The rights conferred by subsection (b) above shall expire if a final map or parcel map is not approved prior to the expiration of the vesting tentative map. If a final map or parcel map for which a vesting tentative map has been approved is timely filed and recorded, the rights conferred by subsection (b) above shall last for the following period of time:

1. An initial time period of 24 months following the recording of the final or parcel map. Where multiple final maps are recorded on various designated approved phases of a project covered by a single vesting tentative map, a 12-month initial time period shall begin for each phase when the final map or parcel map for that phase is recorded; and

2. The initial time period set forth in Section 8205-6.8.1(d)(1) shall be automatically extended by any time used by the County for processing a complete application for a grading permit or for design or architectural review, if the time used by the County to process the application exceeds 30 days from the date the complete application is filed. A permit for design or architectural review may include a subsequent land use entitlement that is necessary to develop the improvements associated with the final map or parcel map.

3. At any time prior to the expiration of the initial time period set forth in Section 8205-6.8.1(d)(1), the subdivider may submit to the Planning Division a written request for a 12-month extension and, if the request is timely, the Planning Division shall grant the extension as a matter of right.

4. If the subdivider submits a complete application for a building permit during the periods of time specified in Section 8205-6.8.1(d)(2) above, the rights conferred by this Chapter shall continue until the expiration of that permit, or any extension of that permit granted by the County.

e. Notwithstanding subsections (b) and (d) of this section, the County may condition or deny a permit, approval, extension, or entitlement involving property subject to a vesting tentative map if it determines any of the following:

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; or,

2. The condition or denial is required in order to comply with state or federal law.

f. A tentative map previously filed may not be amended to be a vesting tentative map. Instead, a new vesting tentative map shall be required.

Sec. 8205-6.8.2 – Further Extension of Time for Rights Conferred

a. A subdivider who has extended the rights conferred by a vesting tentative map for the period identified in Section 8205-6.8.1(d) of this Chapter by securing the approval of, and recording a parcel map or final map prior to the expiration
of the vesting tentative map, may submit to the Planning Division a written request to further extend those rights for an additional 12 months, provided such extension request is filed with the Planning Division prior to the expiration of that period of time identified in Section 8205-6.8.1(d) above.

b. A decision to grant or deny an application or extension shall be within the sole discretion of the Planning Director.

c. If the extension request is denied by the Planning Director, the subdivider may appeal that denial in the manner prescribed in Article 16 of this Chapter, except that the subdivider shall have 15 calendar days to file the appeal to the legislative body.

Sec. 8205-6.8.3 – Expiration of Vested Rights
A failure to proceed with the development prior to the expiration of that period of time identified in Section 8205-6.8.1(d), as further extended by Section 8205-6.8.2, shall result in a loss of the rights conferred by the parcel map or final map approval.

Sec. 8205-7 – Tentative Map Corrections and Amendments After Approval

Sec. 8205-7.1 – Purpose
This section is intended to establish procedures for the correction and amendment of approved tentative maps and vesting tentative maps prior to their expiration.

Sec. 8205-7.2 – Application
Applications for tentative map and vesting tentative map corrections and amendments shall be filed with the Planning Division. No application shall be accepted for filing and processing unless it conforms to the requirements of this Chapter; contains in a full, true and correct form, the required information prescribed by the forms supplied by the Planning Division; and is accompanied by the appropriate fees.

Sec. 8205-7.3 – Procedures and Standards for Approval

a. The approval of the advisory agency of a tentative map or vesting tentative map correction or amendment shall not affect or result in any extension of time period within which the subdivider must secure approval of the final map or parcel map.

b. The correction or amendment procedures set forth in this section cannot be utilized for the purpose of securing a vested right, pursuant to Government Code section 66498.2, to proceed with development in accordance with changed ordinances, policies, or standards.

c. The advisory agency may approve revisions to the conditions of approval and the phasing of a map provided that all the findings in Section 8205-7.6 are made.

d. A correction or amendment application shall be processed administratively by the advisory agency or designee and shall not require a noticed public hearing; however, the advisory agency may, in his or her sole discretion, allow written public testimony to be given on the proposed correction or amendment.

Sec. 8205-7.4 – Vesting Tentative Map Corrections and Amendments
If a subdivider seeks to amend a vesting tentative map, such amendment may be granted provided that all the findings for approval in Section 8205-5.6 of this Chapter are made. If the advisory agency approves the requested amendment or any portion thereof, the advisory agency may impose additional conditions on such maps. Any such amendments shall not extend the life of the vesting tentative map, parcel map, or final map or any rights created thereby. Such amendments may include, but are not limited to, requests
by a subdivider to secure a vested right to proceed with development in accordance with specified ordinances, policies, or standards which have been amended and thus, without the requested modification, would not be available to the subdivider. The application for such amendment shall clearly specify the changed ordinances, policies, or standards for which the amendment is sought.

Sec. 8205-7.5 – Designated Advisory Agency
The Planning Director is the designated advisory agency for corrections or amendments to tentative maps and vesting tentative maps under this section.

Sec. 8205-7.6 – Findings for Approval
A correction or amendment to a map may be approved by the advisory agency if all of the following findings are met:

a. The correction or amendment would not reasonably be expected to change any of the findings made by the advisory agency or appeal board when the map was approved;

b. The correction or amendment would not change the findings contained in the environmental document prepared for the map;

c. The correction or amendment would not affect the quantity or quality of the required dedications;

d. The correction or amendment would not increase the total number of proposed lots; and,

e. The correction or amendment would not significantly alter the configuration of the proposed lots.
ARTICLE 6:
FINAL AND PARCEL MAP REQUIREMENTS

Sec. 8206-0 – Map Preparation, Form and Content

After approval of a tentative map, the subdivider may cause a final map or parcel map of the proposed subdivision or any portion thereof to be prepared. Final maps and parcel maps shall be prepared by, or under the direction of, a registered civil engineer or licensed land surveyor in accordance with the requirements set forth in this Chapter and in Article 2 (commencing with section 66433) and Article 3 (commencing with section 66444) of Chapter 2 of the Government Code.

Sec. 8206-0.1 – Survey

Final maps and parcel maps shall be based upon a field survey made in conformity with the Land Surveyors Act (Bus. & Prof. Code, §§ 8700 – 8805) except that no field survey is required for conservation parcels and as otherwise specified in this section. A remainder parcel having a gross area of 5 acres or more may be indicated by deed reference in lieu of a field survey. The County Surveyor may waive the field survey requirement for a parcel map creating four or fewer lots if the civil engineer or surveyor under whose direction the map is prepared demonstrates to the satisfaction of the County Surveyor that record monuments exist at all corners of the parent parcel and either:

a. That such monuments are shown on a survey map prepared in compliance with the Land Surveyors Act within the preceding 15 years and recorded or filed in the Office of the County Recorder; or

b. That such monuments are correctly located and are identified in field survey data prepared within the preceding 15 years and filed with the County Surveyor; or

c. That such monuments are shown on a survey map prepared over 15 years before in compliance with the Land Surveyors Act and recorded or filed in the Office of the County Recorder, or that such monuments are correctly identified in field survey data prepared over 15 years before and filed with the County Surveyor, and that existing angles and distances on the ground measure within the limits established by the County Surveyor.

Sec. 8206-0.2 – Phased Maps

If a final map or parcel map does not include the entire area of the approved tentative map, the subdivider shall obtain from the County Surveyor a suffix number to the tract number or parcel map number appearing on the tentative map. Such final maps or parcel maps relating to a given tentative map may be submitted and certified pursuant to Section 8205-2(e) of this Chapter only in sequential order according to the suffix numbers assigned thereto.

Sec. 8206-0.3 – Signatures and Scale

All signatures shall be made in waterproof black opaque ink. The scale of the map shall be 1 inch equals 40 feet, 1 inch equals 50 feet, or 1 inch equals 100 feet, provided that the County Surveyor may approve a different scale. A graphical scale not less than 3 inches in length shall be shown in addition to a numerical scale.

Sec. 8206-0.4 – Boundary Line

The exterior boundary line of a subdivision shall be shown on final maps and parcel maps as a black opaque ink line that is at least three times the width of any other line on the maps excluding the 1-inch border lines.
Sec. 8206-0.5 – Title Sheets
Each title sheet of a final map or parcel map shall include a title block as provided by Section 8206-0.15 of this Article and all certificates, statements, acknowledgements, and non-references required by this Chapter and the Subdivision Map Act.

Sec. 8206-0.6 – Key Map
When the final map or parcel map consists of more than two sheets exclusive of the title sheet, a key map at a scale of 1 inch equals 500 feet with lot lines showing the relation of the sheets shall be placed on the first map sheet. Every sheet comprising the map shall bear a sheet number and shall indicate the total number of sheets comprising the map. A location map at a scale of 1 inch equals 1,000 feet indicating the geographical location of the proposed subdivision and the access roads thereto shall be placed on the first map sheet. With approval of the County Surveyor, the scale of the key map and/or the location map may be modified, or the two maps may be combined and shown as a single map.

Sec. 8206-0.7 – Right-of-Way Data
Final maps and parcel maps shall show the total width of each road, the width of the portion of each road offered for dedication, the width of the existing right-of-way of each road, the width of each side of the centerline of each road, and the width of rights-of-way of railroads, flood control or drainage channels, and any other rights-of-way, in the form of easements or fee, appearing on the map.

Sec. 8206-0.8 – Data for Lots
Sufficient data shall be shown on the final map or parcel map to determine readily the bearing and length of each lot line, and the bearing of radial lines on each lot corner or curve. Each lot shall be shown entirely on one sheet. No ditto marks shall be used. Resultant lot boundaries shall coincide with jurisdictional boundary lines; the resultant property lines shall be coterminous with the boundary line of a city, county or special district. If a remainder parcel having a gross area of 5 acres or more is indicated by deed reference in lieu of a field survey, that reference shall appear on the final map or parcel map in a form satisfactory to the County Surveyor.

Sec. 8206-0.9 – Easements
The location on the final map or parcel map of all existing and proposed easements which are to remain after recordation, including any required easements outside of the subdivision, shall be shown by means of appropriate broken lines, together with the name of the easement owner, the purpose/use of the easement, and the record reference, if any. The easement owner's certificate on the final map or parcel map shall indicate the easements being offered for dedication. A statement identifying any easements of record to be abandoned shall be listed and certified on the Title Sheet pursuant to Government Code sections 66434 (g) and 66445 (j).

Sec. 8206-0.10 – Labeling
For lots having a net area of less than 10 acres, the widths of easements, the lengths and bearings of the lines thereof, and sufficient ties to locate the easements shall be clearly labeled and identified on the final map or parcel map. For lots having a net area of 10 acres or more, only easement widths need be shown. Regardless of the lot size, any easement of record shall be identified on the title sheet.

Sec. 8206-0.11 – Monuments
All monuments required by the Subdivision Map Act and this Chapter shall be clearly shown and identified on the final map or parcel map together with sufficient information so that an engineer or surveyor can readily locate each monument and retrace the survey.
Sec. 8206-0.12 – Established Lines
Whenever the County Surveyor has established a centerline of a road or alley, this data shall be considered in making the surveys and in preparing the final map or parcel map. All monuments found shall be indicated and proper references made to filed field notes or maps of record relating to the monuments. If the points were reset by ties, that fact shall be stated.

Sec. 8206-0.13 – City and County Boundaries
City and County boundaries crossing or adjoining the subdivision shall be shown and identified upon the final map or parcel map.

Sec. 8206-0.14 – Lot Identifier
Each lot on the final map or parcel map shall be identified by the same number or other designation used to identify it on the tentative map; provided that, with respect to a subdivision for which multiple final maps or multiple parcel maps are to be recorded, each such map shall designate as a "remainder parcel" such portion of the parent parcel, if any, which is not yet divided into lots by such map or any earlier one of the multiple final maps or multiple parcel maps.

Sec. 8206-0.15 – Title Block
The title, showing the tract number or parcel map number, the designation of the latest legal subdivision of which the parent parcel is a part together with a reference to the legal record of such subdivision, and either the words "in unincorporated territory" or "partly in unincorporated territory and partly in the City of ____________" shall appear on each sheet of the final map or parcel map.

Sec. 8206-0.16 – Surveyor’s or Engineer’s Statement
The statement of the surveyor or engineer required by Government Code sections 66441 and 66449 with respect to final maps and parcel maps, respectively, shall be placed on the map prior to recordation. In each case where the map consists of more than one sheet, such statement shall appear on the title sheet thereof.

Sec. 8206-0.17 – Bearings
The basis of bearings referred to on the final map or parcel map shall be approved by the County Surveyor and shall be clearly shown and identified on the map.

Sec. 8206-0.18 – Orientation
Each sheet of the final map or parcel map shall be so oriented that the north arrow points toward the top of the sheet or toward the left of the sheet. The title block shall be readable from the bottom of the sheet and all other lettering and data shall be readable from the bottom of the sheet or from the right side of the sheet.

Sec. 8206-0.19 – Additional Information
The final map or parcel map shall also contain the following information:

a. Date of preparation, north arrow, and scale;

b. Location and names, without abbreviations, of all existing and proposed streets and alleys, and adjoining streets;

c. Dimensions in feet and hundredths of a foot;

d. Dimensions of all lots;

e. Bearings and distances for the centerlines of all roads;
f. Radius, arc length, and central angle of all curves, except that where arc segments of a larger curve are shown, only the arc length and central angle need to be indicated on the map for the segments;

g. Suitable primary survey control points;

h. Precise locations of all permanent monuments;

i. Ties to and names of all adjacent subdivisions, together with record references;

j. Net area of all lots having a gross area of at least 1 acre, but less than 10 acres, to the nearest one hundredth of an acre;

k. Gross area of all lots having a gross area of 10 acres or more, to the nearest one hundredth of an acre; and,

l. References to all controlling recorded maps and deeds for all or any portion of the existing boundaries of the parent parcel.

Sec. 8206-0.20 – Standard Practices
All surveys and all drafting in connection with the preparation of tentative maps, final maps, parcel maps, and improvement plans to be submitted pursuant to this Chapter shall be done in accordance with the standard practices and principles of drafting and land surveying.

Sec. 8206-0.21 – Limit of Error
A survey and traverse of the boundaries of the subdivision and all lots shall close within a limit of 0.02 feet or 1:10,000, whichever is greater.

Sec. 8206-0.22 – Size of Lettering
No map lettering shall be smaller than 0.08 of an inch in height.

Sec. 8206-0.23 – Dedications
Dedications or offers to dedicate real property for public purposes shall be made by certificate on the final map or the parcel map, provided that with respect to a parcel map the County Surveyor may permit such dedications or offers to dedicate to be by separate instrument recorded prior to or simultaneously with the parcel map; and provided further, that where such dedications or offers to dedicate are made to an entity not controlled by the Board of Supervisors, or involve real property located outside the subdivision, they may be by separate instrument recorded prior to or simultaneously with the final map or parcel map.

Sec. 8206-0.24 – Cross-Reference to Separate Map Sheets
A cross-reference to each separate map sheet required by Section 8206-2.17 of this Chapter shall be placed on the title sheet of the final map or parcel map. The cross-reference shall generally describe the type of information appearing on the separate map sheet and shall state that the separate map sheet is filed in the Office of the County Surveyor.

Sec. 8206-0.25 – Cross-Reference to Soils and/or Geologic Reports
A cross-reference to each soils and/or geologic report prepared specifically for the proposed subdivision shall be placed on the title sheet of the final map or parcel map. The cross-reference shall identify the preparer and the date of the report and shall state that the report is filed at the Public Works Agency.
Sec. 8206-1 – Submission for Certification

Final maps and parcel maps submitted for approval shall be first submitted to the County Surveyor who shall examine the final map or parcel map and determine whether it is technically correct and is in full compliance with the Subdivision Map Act and this Chapter and is in substantial compliance with the corresponding approved tentative map. If the tentative map was approved subject to any conditions which are to be satisfied prior to recordation of the final map or parcel map, the County Surveyor, in consultation with the appropriate County departments or agencies, shall determine whether those conditions have been satisfied. If any of those conditions have not been satisfied, the final map or parcel map shall not be considered to be in substantial compliance with the tentative map. If a final map or parcel map depicts lots other than lots to be offered for dedication or reserved for flood control, natural resource preservation, common open space, or similar purposes, which are smaller than the minimum lot size required by either the applicable General Plan or the applicable Zoning Ordinance or if the number of lots exceeds the number of lots approved in the tentative map, the final map or parcel map shall not be considered to be in substantial compliance with the tentative map. If the County Surveyor is satisfied as to these matters, he or she shall sign a certificate so stating. If the County Surveyor is not satisfied as to these matters, he or she shall return the final map or parcel map to the subdivider and inform the subdivider of the deficiencies which have been noted. The number of copies of a final map or parcel map to be submitted shall be as specified by the County Surveyor.

Sec. 8206-2 – Information to be Submitted with Final Map or Parcel Map

When a final map or parcel map is submitted to the County Surveyor, it shall be accompanied by the documents specified in Sections 8206-2.1 through 8206-2.19 of this Chapter, except as otherwise provided in such sections.

Sec. 8206-2.1 – Improvement Plans

Improvement plans and specifications required by this Chapter together with such calculations and additional information as will assist the Public Works Director in properly checking the improvement plans and specifications shall be submitted with the final map or parcel map. The number of sets of such improvement plans and specifications submitted shall be as specified by the Public Works Director.

Sec. 8206-2.2 – Improvement Agreements and Securities

All improvement agreements and securities required by the Subdivision Map Act or this Chapter shall be submitted with the final map or parcel map.

Sec. 8206-2.3 – Tax Collector’s Letter and Security for Taxes

A letter signed by the Ventura County Tax Collector certifying that there are no liens against the subdivision or any part thereof for unpaid state, County, municipal, or local taxes or special assessments collected as taxes, except taxes or special assessments not yet payable, and certifying the amount of taxes and assessments, which are a lien but which are not yet payable, shall be submitted with the final map or parcel map. The security, if any, required by Government Code section 66493 also shall be submitted with the final map or parcel map. This section is inapplicable to amending maps filed in accordance with Government Code section 66469.

Sec. 8206-2.4 – Subdivision Guarantee

A preliminary subdivision guarantee and a title report containing the legal description of the parent parcel, issued by a title company acceptable to the County Recorder and authorized by the laws of the State of California to write the same, shall be submitted
with any final map or parcel map presented to the County Surveyor. A subdivision guarantee, issued by a title company acceptable to the County Recorder and authorized by the laws of the State of California to write the same, showing the names of all persons having any record title interest in the parent parcel together with the nature of their respective interests therein, shall be submitted with the final map or parcel map prior to recordation of the map. The subdivision guarantee shall insure that the parties named in the guarantee are the only parties having any record title interest in the land subdivided and that all record easements upon the property are included therein.

Sec. 8206-2.5 – Deeds
Whenever fee interests in land or easements are offered for dedication for public use or access, and whenever fee interests in land or easements are to be granted to public agencies, all such land or easements not offered for dedication or granted by the owner's certificate on the final map or parcel map shall be granted by deeds submitted no later than submission of the final map or parcel map.

Sec. 8206-2.6 – Off-Site Easements
Written evidence of rights-of-entry or permanent easements on or across private property not within the proposed subdivision as may be necessary to allow performance of the work necessary to improve the subdivision, to allow for the maintenance of the subdivision improvements once completed, to allow the permanent access to the proposed subdivision, and to allow for and to grant necessary slope rights, shall be submitted with the final map or parcel map, except as otherwise provided in Government Code section 66462.5.

Sec. 8206-2.7 – Utility Statement
A statement shall be submitted with the final map or parcel map from each utility systems operator serving the proposed subdivision stating that the public utility easements shown on the final map or parcel map are satisfactory for use by that utility for service to the proposed subdivision and that arrangements have been made to convey such easements to the respective utilities.

Sec. 8206-2.8 – Water Supply Certificate and Water Availability Letter
When the proposed water supply is to be provided by anything other than individual wells on each lot, there shall be submitted with the final map or parcel map a water supply certificate on a form provided by the County and signed by the proposed water purveyor, certifying that:

a. Either of the following is true:

(1) A binding agreement has been entered into between the owner of the land and the water purveyor, enforceable by the owner and the owner's successors in interest to the land, providing, on terms substantially the same as those given the water purveyor's customers generally, for the connection to the water purveyor's system of each lot proposed to be served by the water purveyor; or

(2) Each lot proposed to be served by the water purveyor will be served through an existing connection provided by the water purveyor to the property; and

b. A civil engineer, registered by the State of California, has determined that:

(1) The water purveyor's system complies with the quality and quantity standards set forth in Title 22 of the California Code of Regulations and the connection of each proposed lot to such system will not cause any failure of such compliance; and,
(2) The facilities of the water purveyor's system, including the installation to be made in the proposed subdivision, meet or exceed the requirements set forth in the applicable Ventura County Improvement Standards and Specifications; and,

c. The portion of the improvement plans containing the design and specifications for subdivision sewer is satisfactory to the water purveyor; and,

d. The water purveyor has filed a Water Availability Letter with the Public Works Agency that is in compliance with the Ventura County Waterworks Manual.

Sec. 8206-2.9 – Approval of Domestic Water Supply
A statement from the Environmental Health Division approving the method of permanent domestic water supply shall be submitted with the final map or parcel map. If a water supply certificate is required by Section 8206-2.8 of this Chapter, a written statement from the Environmental Health Division approving such certificate shall be submitted with the final map or parcel map.

Sec. 8206-2.10 – Sewer Service Certificate
When the proposed method of sewage disposal is by a public sewer entity, there shall be submitted with the final map or parcel map a sewer service certificate, on a form provided by the County and signed by the public sewer entity, certifying that:

a. Either of the following is true:

   (1) A binding agreement has been entered into between the owner of the land and the public sewer entity, enforceable by the owner and the owner's successors in interest to the land, providing, on terms substantially the same as those given the public sewer entity's customers generally, for the connection to the public sewer entity's system of each lot proposed to be served by the public sewer entity; or

   (2) Each lot proposed to be served by the public sewer entity will be served through an existing connection provided by the public sewer entity to the property; and

b. The portion of the improvement plans containing the design and specifications for subdivision sewer is satisfactory to the public sewer entity.

Sec. 8206-2.11 – Approval of Sewage Disposal Method
A statement from the Environmental Health Division approving the method of sewage disposal shall be submitted with the final map or parcel map. If a sewer service certificate is required by Section 8206-2.10 of this Chapter, a written statement from the Environmental Health Division approving such certificate shall be submitted with the final map or parcel map.

Sec. 8207-2.12 – Fire Chief's Certificate
The certification of the County Fire Chief that adequate fire protection facilities have been planned for the proposed subdivision and for use by the Ventura County Fire Protection District shall be submitted with the final map or parcel map.

Sec. 8206-2.13 – Stormwater Acceptance
Easements not within the proposed subdivisions as may be necessary to provide for the acceptance of stormwaters generated by the proposed subdivision shall be submitted with the final map or parcel map except as otherwise provided in Government Code section 66462.5.

Sec. 8206-2.14 – Railroad Crossings
The certification of any affected railroad company (or, if the rail line is owned by the Ventura County Transportation Commission, then the Ventura County Transportation
Commission shall certify) that satisfactory arrangements providing for all required
railroad crossings have been made shall be submitted with the final map or parcel map.

Sec. 8206-2.15 – Abandoned Oil and Gas Wells
A certification from the California Geologic Energy Management Division confirming that
all oil and gas wells designated as abandoned have been abandoned in accordance with
state regulations shall be submitted with the final map or parcel map.

Sec. 8206-2.16 – Documents Used in Preparation of Map
Copies of all deeds, maps, office sketches, and other documents used in the preparation
of the final map or parcel map, together with copies of calculations showing closure and
area, as specified by the County Surveyor, shall be submitted with the final map or parcel
map.

Sec. 8206-2.17 – Separate Map Sheets
Separate documents or map sheets, in a form satisfactory to the County Surveyor and
meeting the requirements of Government Code section 66434.2, shall be submitted with
the final map or parcel map to show the following information when required by the
conditions of the tentative map:

a. Unimproved natural watercourses wholly or partially within the proposed subdivision,
   and areas within the proposed subdivision that are subject to inundation or flood
   hazard;

b. All producing, abandoned, and idle oil wells, all oil and gas pipelines, all existing and
   abandoned oil sumps, and all existing oil and gas conditional use permit boundaries.
   This map sheet shall delineate areas of the property that shall be reserved (i.e., not
developed with above-ground structures) to ensure that long-term access to the wells
remain available as required by the California Geologic Energy Management Division

c. The fault line or zone of each active or potentially active earthquake fault within the
   proposed subdivision that is identified in any soils and/or geologic report prepared
   specifically for the proposed subdivision;

d. Every building setback line or sewage disposal system setback line that is
   recommended in any archaeology report, soils, and/or geologic report, prepared
   specifically for the proposed subdivision;

e. Building envelopes or building exclusion areas established as mitigation measures to
   avoid impacts on protected resources; and

f. The conditions of approval of the tentative map with a separate sheet identifying all
   conditions of approval of the tentative map that are to remain in effect and be satisfied
   after the final map or parcel map is recorded.

Sec. 8206-2.18 – Soils and/or Geologic Reports
Every soils and/or geologic report prepared specifically for the proposed subdivision, if
any, shall be submitted with the final map or parcel map for review and filing by the
County Geologist. Such reports shall be maintained by the County Geologist with the
Public Works Agency and kept on file for public inspection.

Sec. 8206-2.19 – Certificate for Dedications
When, as a condition of approval of a subdivision, property is dedicated to a local agency
in fee for public purposes other than open space, parks, or schools, a certificate meeting
the requirements of Government Code section 66477.5 and signed by that local agency
shall appear on the final map or parcel map.
Sec. 8206-3 – Approval and Filing of Maps

Final maps and parcel maps shall be approved and filed as follows:

a. **Final Maps** – A final map which has been submitted to and certified by the County Surveyor pursuant to Section 8206-1 of this Chapter shall be delivered by the County Surveyor to the Board of Supervisors by transmitting a copy of the final map to the Clerk of the Board together with the subdivision improvement agreements executed by the subdivider, if any, and a request that the approval or disapproval of the final map be placed on the agenda for the Board of Supervisors’ next regular meeting. At the time the Board of Supervisors approves a final map, the Board of Supervisors shall also accept, accept subject to improvement, or reject any offer of dedication. The Clerk of the Board shall certify or state on the map the action by the Board of Supervisors. If the final map is approved by the Board of Supervisors, the Clerk of the Board shall transmit it to the County Surveyor for final subdivision guarantee check and transmittal to the County Recorder. The County Recorder shall file it for record subject to the provisions of Government Code section 66466.

b. **Parcel Maps** – The County Surveyor is authorized to approve or disapprove parcel maps which have been submitted to him or her pursuant to Section 8206-2 of this Chapter. If a parcel map is certified by the County Surveyor pursuant to Section 8206-1 of this Chapter, it shall be deemed to be approved by him or her and he or she shall transmit it to the Office of the County Recorder who shall file it for record subject to the provisions of Government Code section 66466. At the time the County Surveyor certifies and approves a parcel map, the County Surveyor shall also accept, accept subject to improvement, or reject any dedications and offers of dedication that are made by a statement on the map.

Sec. 8206-4 – Filing of Separate Map Sheets

Separate map sheets submitted pursuant to Section 8206-2.17 of this Chapter shall be filed and recorded in the Office of the County Recorder with the final map or parcel map.
ARTICLE 7:
AMENDMENT OF RECORDED FINAL AND PARCEL MAPS

Sec. 8207-0 – Amendment of Recorded Final and Parcel Maps
After a final map or parcel map is filed and recorded in the Office of the County Recorder, it may be amended by a certificate of correction or an amending map for the reasons and in the manner set forth in Government Code sections 66469 through 66472.1.

Sec. 8207-1 – Amendment of Map Conditions Due to Changed Circumstances
In addition to the reasons for final and parcel map amendments addressed in Government Code sections 66469 through 66472.1, after a final map or parcel map is filed and recorded in the Office of the County Recorder, the conditions of approval of such recorded map may also be amended in accordance with the following sections.

Sec. 8207-1.1 – Application
Any person having a record title interest in the recorded final map or parcel map or the Planning Director may file an application requesting an amendment of such conditions. Such application shall be filed with the Planning Division. No application shall be accepted for filing and processing unless it conforms to the requirements of this Chapter; contains in a full, true, and correct form, the required information prescribed by the forms supplied by the Planning Division; and is accompanied by the appropriate fees.

Sec. 8207-1.2 – Notice
Upon receipt of a complete application for an amendment of such conditions and all applicable processing fees in accordance with the current Board-adopted Fee Schedule, the Planning Director shall give notice in accordance with Government Code section 66451.3 and Section 8215-1 of this Chapter, including to all non-applicant property owners within the affected subdivision, of a public hearing on such application to be held by the appropriate advisory agency.

Sec. 8207-1.3 – Designated Advisory Agency
With respect to amendments of conditions for final maps or parcel maps, the advisory agency is the Planning Director. At the discretion of the Planning Director, decisions on applications for amendments to conditions for final maps may be deferred to the Board of Supervisors pursuant to Section 8215-2.5 of this Chapter.

Sec. 8207-1.4 – Findings for Approval
The public hearing on the application shall be confined to consideration of and action on the proposed amendment. The advisory agency may approve an application to amend conditions of approval for a final map or parcel map if, after conducting a public hearing in accordance with the required notice, it makes all of the following findings:

a. There are changes in circumstances which make such conditions no longer appropriate or necessary;

b. The amendments do not impose any additional burden on the present fee owner(s) of the property;

c. The amendments do not alter any right, title, or interest in the real property reflected on the map;
d. The map, as amended, will conform to the provisions of this Chapter and of Government Code section 66474; and,

e. The amendment does not alter any previous findings made under the provisions of CEQA.

If the findings listed above cannot be made, the advisory agency shall deny the application. The applicant shall be notified in writing, by resolution or letter, of the advisory agency’s decision on the application to amend conditions of approval for a final map or parcel map.

**Sec. 8207-1.5 – Recordation**

In order to implement an approved amendment of conditions, an amending map or certificate of correction shall be recorded in the Office of the County Recorder as provided in Government Code section 66472.1. The Planning Director and the County Surveyor shall determine the appropriate document to be recorded for such purposes.
ARTICLE 8: IMPROVEMENTS, DEDICATIONS, RESERVATIONS AND FEES

Sec. 8208-0 - Improvements

Prior to recordation of a final map, or at such earlier time as may be specified in this Article, the subdivider shall complete, or shall enter into an improvement agreement to complete, all of the improvements specified in the conditions of approval of the tentative map and Sections 8208-0.1.1 through 8208-0.1.11 of this Chapter pursuant to Government Code section 66462. Improvements required by a parcel map shall be completed in accordance with Government Code section 66411.1. All such improvements shall be completed in accordance with any applicable provisions of the Ventura County Improvement Standards and Specifications and this Article. No improvements will be accepted by the County until all required fees have been paid. If the improvements are to be dedicated or offered for dedication to an entity other than the County, the subdivider shall enter into a separate subdivision improvement agreement with such entity or, if feasible, such entity may, at the discretion of the Public Works Director, be added as a party to the County's subdivision improvement agreement with the subdivider. Except as otherwise provided in this Chapter, grading and other improvements shall not begin until the tentative map has been approved and the Public Works Director has approved the corresponding improvement plans.

Sec. 8208-0.1 - Types of Improvements

Sec. 8208-0.1.1 - Streets
All street improvements and appurtenances including, but not limited to, pavements, sidewalks, curbs, gutters, structures, signs, fences, street lighting, traffic striping, and barricades within the subdivision shall be installed by the subdivider.

Sec. 8208-0.1.2 - Drainage, Erosion Control, and Stormwater Quality
Except where fees or other consideration are received pursuant to this Chapter in lieu of such improvements, all improvements for drainage, erosion control, and stormwater quality required for the proposed subdivision, regardless of location, including improvements necessary to prevent sedimentation or damage to off-site property, shall be installed in accordance with the improvement plans.

Sec. 8208-0.1.3 - Sewage Disposal and Domestic Water Supply
Except as otherwise provided in this Chapter, and except where fees or other consideration are received pursuant to this Chapter in lieu of such systems, sewage and permanent domestic water supply systems shall be installed in each proposed subdivision and connections thereto shall be made from each lot within the subdivision. The water supply shall be installed in accordance with the improvement plans and the Ventura County Waterworks Manual. Sewer lines shall be installed in accordance with the improvement plans. In cases where sewage disposal is not provided by a sewage agency, an individual sewage disposal system may be installed on a lot(s) if authorized pursuant to this Chapter, the Zoning Ordinances, and all other applicable laws and regulations.

Sec. 8208-0.1.4 - Fire Protection
As a part of the water supply system installed in the proposed subdivision, the subdivider shall install water mains, fire hydrants, connections, and other fire protection facilities deemed necessary by the Ventura County Fire Protection District to provide adequate fire protection to the proposed subdivision.
Sec. 8208-0.1.5 – Underground Utilities
Except as otherwise provided in this Chapter, all utility facilities including, but not limited to, electric lines, communication lines, cable television lines, street lighting power supply lines, and appurtenances thereto, shall be placed underground and all utility facilities including service laterals shall be installed in the ground prior to the paving of streets. The Public Works Director may authorize installation of utility facilities after street improvements are installed if the installation will not require reconstruction or repair of the street improvements or if unusual circumstances so warrant. Certain utility appurtenances including, but not limited to, transformers, pedestal-mounted terminal boxes and meter cabinets, and concealed ducts used in connection with underground facilities, which cannot be placed underground without unreasonable expense, may be placed on the surface of the ground as approved by the Public Works Director. All necessary arrangements for the installation of utilities shall be made with the utility systems operator of each proposed subdivision pursuant to this section. This section shall not apply to utility lines carrying 33 kilovolts or more. At the time of approval of the tentative map, the advisory agency may modify this requirement for all or part of a subdivision where it would cause unreasonable hardship. Factors the advisory agency shall use in determining whether this requirement should be modified are:

a. Steep topography of all or part of the subdivision where the utility lines are required to be located;

b. Soil types which would make trenching difficult;

c. The extent to which the facilities would be visible from public roads or other lots if they were not underground;

d. Due to the large size of the lots the lines would be economically infeasible to underground; and

e. Other physical features, such as high groundwater table or large outcroppings of boulders along most of the feasible route, which would make trenching difficult.

Sec. 8208-0.1.6 – Street Name and Traffic Signs
Naming of streets within a proposed subdivision shall be approved by the Ventura County Fire Protection District. Street name signs shall be installed at all intersections within the subdivision. Traffic control devices and signs shall be installed at all locations within the subdivision specified by the Public Works Director. All traffic control devices and signs shall conform to all applicable laws and regulations.

Sec. 8208-0.1.7 – Barricades
Barricades shall be constructed at the ends of all streets abutting undeveloped property adjacent to the proposed subdivision.

Sec. 8208-0.1.8 – Underground Openings
All underground pipes and openings encountered during construction of any improvements in the subdivision shall be removed or sealed in a manner satisfactory to the Public Works Agency.

Sec. 8208-0.1.9 – Oil and Gas Wells
All oil and gas wells, including abandoned wells, within the proposed subdivision shall be re-evaluated by the California Geologic Energy Management Division. All wells which have been abandoned or which are required to be abandoned, shall be abandoned in a manner approved by the California Geologic Energy Management Division and documentation verifying said abandonment shall be submitted with the final map or parcel map. All wells, including abandoned wells, shall be delineated on
an additional map sheet of the final map or parcel map. Any improvements and/or
deed restrictions limiting use of the subject area as deemed reasonably necessary to
prevent injury to persons or property shall be constructed and/or recorded.

Sec. 8208-0.1.10 – Water Wells
All abandoned water wells within the proposed subdivision shall either be destroyed
or be retained subject to a certificate of exemption pursuant to Chapter 8, Article 1
(commencing with Section 4811) of Division 4 of the Ventura County Municipal Code.
All water wells that are not destroyed shall be shown on an additional map sheet of
the final map or parcel map.

Sec. 8208-0.1.11 – Monuments
a. At the time of making the survey for the final map or parcel map, unless a survey
   is not required by either the Subdivision Map Act or this Chapter, the engineer or
   surveyor shall set sufficient durable monuments to conform to the standards
   prescribed in section 8771 of the Business and Professions Code so that another
   engineer or surveyor may readily retrace the survey.

b. A minimum of one exterior boundary line of the parent parcel shall be
   monumented or referenced before the final map or parcel map is recorded.
   Interior and all other 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 12 months following recordation of the final map or parcel map, and
   if the subdivider provides to the Public Works Director a monument security
   guaranteeing the payment of the cost of setting such monuments.

   The monuments shall be set as follows:

   (1) Exterior boundary monuments shall be set at or near each boundary corner
       and at intermediate points approximately 1,000 feet apart, or at such lesser
       distances as may be necessary due to topography in order to ensure
       accuracy in reestablishment of any point or line without unreasonable
       difficulty.

   (2) Centerline monuments shall be set to mark the intersections of all roads,
       streets, alleys, or ways. Centerline monuments shall also be set to mark
       either the beginning or end of curves or the points of intersection of
       tangents thereof.

   (3) Corner monuments shall be set at or near each corner; provided, however,
       that the County Surveyor may waive the requirements of this subsection
       (3) with respect to such corner monuments as he or she may deem
       unnecessary.

c. All exterior boundary monuments set shall either be of new galvanized iron pipe
   not less than 1 ½ inches inside diameter and 18 inches long or shall be of such
   other type and dimensions as may be approved by the County Surveyor.

d. All lot corner monuments shall be of a new galvanized iron pipe not less than ½-
   inch inside diameter and 15 inches long, or be leads and tacks, or be steel pins.

e. Centerline monuments shall be of new galvanized iron pipe not less than 1 ½
   inches inside diameter and 15 inches long.

f. At locations designated by the County Surveyor, not exceeding 4 per 100 lots or
   fraction thereof, monuments constructed to the requirements of the Ventura
   County Improvement Standards and Specifications shall be placed in lieu of
   monuments constructed to the standards otherwise specified in this section.
g. All monuments set shall be permanently marked or tagged with the surveyor's or engineer's certificate number.

Sec. 8208-0.2 – Improvement Plans
The divider's engineer shall prepare plans and specifications for improvements required for the proposed subdivision by this Chapter and the Subdivision Map Act.

Sec. 8208-0.2.1 – Submittal
Improvement plans shall be submitted to the Public Works Director before or at the same time as the subdivision improvement agreement to which they relate or, if the work is to be initiated before execution of a subdivision improvement agreement, before the commencement of the work. Improvement plans shall not be submitted until the tentative map has been approved.

Sec. 8208-0.2.2 – Approval
The Public Works Director shall review improvement plans duly submitted to him or her. He or she shall approve and sign them if they fully comply with the requirements of the Subdivision Map Act and this Chapter, and substantially comply with the tentative map and conditions of approval thereto. Any changes from data shown on the tentative map relative to street and storm drains shall be supported by an engineering report and will not be allowed unless the change is approved by the Public Works Director.

Sec. 8208-0.2.3 – Preparation
Improvement plans shall be prepared according to good engineering practice under the direction of, and shall be signed by, a civil engineer registered by the State of California. Improvement plans shall be printed or drawn clearly and legibly or reproduced by a process which results in a permanent record which will permit direct reproductions. Each sheet shall be 22 inches vertically by 34 inches horizontally for improvements required by the Ventura County Watershed Protection District, and 24 inches vertically by 36 inches horizontally for all other improvements. Each sheet shall have a marginal line drawn completely around it, leaving an entirely blank margin of 1 ½ inches on the left-hand side and ½ inch on the other three sides. If the improvement plans include five or more sheets, a key map showing the streets and the area covered by each sheet of the plan shall be included on the first sheet of the plans.

Sec. 8208-0.2.4 – Grading Plans
Improvement plans shall also include a complete set of grading plans. Grading plans shall be on sheets separate from the improvement plans and shall contain a title block and have a graphical scale in addition to a numerical scale. The grading plans shall be submitted on sheets 24 inches vertically by 36 inches horizontally. The grading plans shall be done in accordance with the Ventura County Building Code Appendix J, as may be amended.

Sec. 8208-0.2.5 – Scale
Improvement and grading plans shall be legible and drawn to a horizontal scale of 1 inch equals 40 feet. A vertical scale of 1 inch equals 4 feet shall be used on street and pipe profiles. Different scales may be used with approval of the Public Works Director.

Sec. 8208-0.2.6 – Contents
Improvement plans shall show the complete plans, profiles, and details for all improvements to be placed in a proposed subdivision including, but not limited to, all street work, drainage channels, and structures, all underground utilities to be installed by the divider including all appurtenances thereto located within the
right-of-way, retaining walls, or other improvements to support cut slopes and embankments, bridges if constructed in conjunction with subdivision improvements, the location of underground utilities not within the right-of-way which may control the location and elevations of storm drains and culverts, the location of fire hydrants, curbs, gutters, and sidewalks, fences that may be required, gates, structures, and drainage facilities necessary to control slides, other improvements which may be required to complete the work, and conditions beyond the subdivision boundaries which affect the integrity of the proposed improvements.

Sec. 8208-0.2.7 – Changes
No change shall be made to the improvement plans for the subdivision without prior approval of the Public Works Director. All changes approved by the Public Works Director shall comply with the requirements of this Chapter.

Sec. 8208-0.2.8 – Cost Estimate
An estimate of the cost of the improvements to the proposed subdivision shall be prepared by the subdivider and shall accompany the improvement plans each time they are submitted. Cost estimates shall include line items of all key components and a separate item for contingencies in the amount of 10 percent of the estimated actual cost. The cost of relocating existing utilities and appurtenances should also be included. Upon consideration of the estimate submitted by the subdivider, the Public Works Director shall approve the estimated cost for the improvements of the proposed subdivision.

Sec. 8208-1 – Subdivision Improvement Agreement

a. The subdivision improvement agreement shall be submitted to the Public Works Director who is authorized to enter into and approve said agreement on behalf of the County, in accordance with Government Code section 66462(d) at the time a final map or parcel map is submitted pursuant to Section 8206-2 of this Chapter, unless all the improvements required for the subdivision have already been completed and approved. The Public Works Director’s action on the subdivision improvement agreement may be appealed to the Board of Supervisors in the manner set forth in Article 16 of this Chapter.

b. The subdivision improvement agreement shall be in a form approved by the Public Works Director and shall be signed by the property owner and by every party whose written consent to the subdivision is required by Government Code sections 66436 and 66445(e), and shall bind each signatory to complete the on-site and off-site improvements required for the subdivision by this Chapter and the Subdivision Map Act within a reasonable time specified therein.

c. The subdivision improvement agreement shall incorporate by reference the improvement plans required by Section 8208-0.2 of this Chapter or as otherwise required by the Subdivision Map Act.

d. The Board of Supervisors shall periodically review the delegation of authority to the Public Works Director to enter into and approve subdivision improvement agreements on behalf of the County.

Sec. 8208-2 – Improvement Security

Sec. 8208-2.1 – Requirement of Improvement Security
Any subdivision improvement agreement, contract or act required or authorized by the Subdivision Map Act, for which security is required by the Subdivision Map Act or this Chapter, shall be secured in the manner and amounts provided in the Subdivision Map Act and this Article. An improvement security shall be posted both to secure the faithful
performance of each improvement agreement and to secure payment by the subdivider to the contractor and his or her subcontractors and to persons renting equipment or furnishing labor or materials to them in connection with the performance of such improvement agreement. No final map or parcel map shall be approved until the required security has been received and approved by the Public Works Director.

Sec. 8208-2.2 – Type of Improvement Security
The improvement security may, at the option of the subdivider, be any one of the types specified in Government Code sections 66499(a)(1), 66499(a)(2), and 66499(a)(3).

Sec. 8208-2.3 – Amount of Improvement Security
Sec. 8208-2.3.1 – Bond Security Amount
If the improvement security is in the form of bonds, the bond securing faithful performance shall be in an amount equal to the estimated cost, as approved by the Public Works Director, of the improvements or the act to be performed, and the bond for the security of laborers and material suppliers shall also be in an amount equal to such estimated cost of the improvements or the act to be performed.

Sec. 8208-2.3.2 – Non-Bond Security Amount
If the improvement security is in some form other than bonds, the total amount of such security for both faithful performance and for laborers and material suppliers shall be in an amount equal to 150 percent of the estimated cost of the improvements or act to be performed, and at the option of the Public Works Director any fraction ranging from one-third to two-thirds of the total amount of such security may be applied to secure faithful performance and the balance may be applied to secure laborers and materialmen.

Sec. 8208-3 – Time Extensions for Improvements
If the improvements cannot be completed by the expiration date specified in the subdivision improvements agreement, the subdivider shall file a written request to the Public Works Director for a time extension and shall pay the time extension fees prescribed by the Board of Supervisors before such expiration date. The Public Works Director may grant or deny such extension as the circumstances warrant.

Sec. 8208-4 – Warranty Security
a. All improvements, except monuments, required for a subdivision by this Chapter or the Subdivision Map Act shall be guaranteed by the subdivider for a 12-month warranty period following final acceptance of all improvements of the subdivision. The warranty shall extend only to such replacement and/or repair as may be required during the warranty period in excess of routine maintenance for ordinary wear and tear.

b. A warranty security guaranteeing such replacement and/or repair in an amount of at least 10 percent of the estimated cost of the improvements, except monuments, shall be posted with the County prior to the release of any improvement security pertaining to those improvements pursuant to Section 8208-2.3 above. The amount of the warranty security in no way limits the subdivider's guarantee as required by this section. The replacement and/or repair shall be completed promptly following notification by the Public Works Director of the need for such work.

c. In the event the subdivider fails to maintain, repair, replace, or reconstruct the work to the satisfaction of the Public Works Director, the warranty security shall be obligated for the payment of all necessary costs and expenses that may be incurred or expended by
the County in causing any or all repair, replacement, reconstruction, or maintenance of
the work which is discovered or may be necessary during the 12-month warranty period.

Sec. 8208-5 – Completion of Improvements and Release of
Security

Sec. 8208-5.1 – Record Drawings
At the time of completion of the improvements required pursuant to this Chapter or the
Subdivision Map Act, and as a condition to release the improvement security, the
subdivider shall submit to the Public Works Director one set of record drawings of the
improvement plans which have been modified to reflect any changes in the
improvements made during construction. The subdivider's engineer shall certify that all
improvement work has been constructed in accordance with the plans and specifications.

Sec. 8208-5.2 – Monument Corner Records
At the time of the setting of the monuments required pursuant to this Chapter or the
Subdivision Map Act, and as a condition to release the monument security as set forth in
Section 8208-5.3.3 of this Chapter, the subdivider shall submit to the County Surveyor,
in a form satisfactory to the County Surveyor, corner records showing proper ties to the
location of the centerline monuments. A minimum of four such ties shall be shown for
each centerline monument.

Sec. 8208-5.3 – Manner of Release of Security

Sec. 8208-5.3.1 – Release of Improvement Security
After full and faithful performance of the improvement agreement by the subdivider,
and after acceptance by the Public Works Director of the warranty security pursuant
to Section 8208-4 of this Chapter and compliance by the subdivider with the
provisions of Sections 8208-5.1 and 8208-5.2 of this Chapter, the Public Works
Director shall release the improvement security posted to secure faithful performance
of the improvement agreement.

Sec. 8208-5.3.2 – Partial Release of Improvement Security
a. Upon written request of the subdivider, the Public Works Director may at his or
her discretion reduce the amount of the improvement security by partial release
in an amount not exceeding 50 percent of the total estimated cost of
improvements of the subdivision when a corresponding percentage amount of
the improvements has been fully completed to the satisfaction of the Public
Works Director. The reduced security shall be sufficient to cover the estimated
cost of unfinished improvement work, possible damage to completed work which
may occur prior to completion of all required improvements, the amount of
material and labor security for work which has not been completed, and any
reasonable expenses and fees including attorney and expert fees, incurred in
enforcing the obligation secured.

b. In no circumstances shall such partial release constitute acceptance of the
improvements upon which such partial release is granted.

c. All security posted to secure laborers and materialmen will be released pursuant
to Government Code section 66499.7(b).

Sec. 8208-5.3.3 – Release of Monument Security
After the final setting of all monuments has been completed, the engineer or surveyor
shall give written notice to the subdivider, and to the County Surveyor that the final
monuments have been set. The monument security as required by Section 8208-
0.1.11(b) of this Chapter shall be released upon satisfactory completion of the
monumenting work pursuant to Government Code section 66497, and a monument inspection conducted by the County Surveyor.

**Sec. 8208-5.3.4 – Release of Warranty Security**
The warranty security shall only be released upon satisfactory completion of the warranty period provided:

a. All deficiencies appearing on the deficiency list for the subdivision have been corrected;

b. Not less than 12 months have elapsed since the final acceptance of the improvements by the County or the filing of the notice of completion by the subdivider, whichever is later.

**Sec. 8208-6 – Dedications**
At the time of or prior to recordation of a final map or parcel map, the subdivider shall dedicate or make an irrevocable offer to dedicate all lots or other areas of land and all rights-of-way within the subdivision which are required for streets, alleys, flood control, drainage, public utility easements, or other public easements, together with such access rights and abutter's rights as may be required for public purposes. Such dedications or offers shall comply with all applicable provisions of Sections 8208-6.1 through 8208-6.2.7 of this Chapter and the Subdivision Map Act.

**Sec. 8208-6.1 – Dedications for School Purposes**
Any subdivider who has owned the land being subdivided for ten years or less prior to the filing of the tentative map and is developing or completing the development of one or more subdivisions in one or more school districts maintaining an elementary school shall be required to dedicate to the school district, or districts, within which such subdivisions are to be located, such land as the Board of Supervisors shall deem to be necessary for the purpose of constructing thereon such elementary schools as are necessary to ensure adequate public school service for the residents of the subdivision. This requirement of dedication shall be imposed at the time of approval of the tentative map, and the County, school district(s), and subdivider(s) affected shall have all of the respective powers and obligations set forth in Government Code section 66478 with respect to such dedications.

**Sec. 8208-6.2 – Dedication of Land and Easements for Public Use**
All title, rights, and easements specified in Sections 8208-6.2.1 through 8208-6.2.4 of this Chapter shall be dedicated or offered for dedication to the County of Ventura or other appropriate public agency not later than the time the final map or parcel map is filed for approval.

**Sec. 8208-6.2.1 – Flood Control Channels**
All rights-of-way required by Section 8205-5.2.3 of this Chapter with respect to channels included in the Ventura County Watershed Protection District Comprehensive Plan for Flood Control shall be offered for dedication to the Ventura County Watershed Protection District. All rights-of-way required by this Chapter to be offered for dedication to the Ventura County Watershed Protection District shall be a fee simple interest unless the District has granted prior approval for a lesser interest to be offered. All rights-of-way offered for dedication pursuant to this section shall be free of all liens, encumbrances, assessments, leases, and easements. The County Surveyor may approve an offer of dedication wherein certain easements remain prior, in whole or part, to the rights being offered to the County. However, such approval shall be given only when unusual circumstances warrant and the easements which remain prior do not substantially interfere with proper use of the
rights being offered to the County. All rights-of-way offered for dedication to the district as a fee simple interest shall be shown as Parcel "X" on the final map or parcel map.

Sec. 8208-6.2.2 – Private Street Easements
Easements allowing all governmental agencies providing for public health, safety, and welfare access on all private streets or lanes serving as access for more than two lots shall be dedicated or offered for dedication to the County of Ventura.

Sec. 8208-6.2.3 – Public Street Easements and Access
Except as otherwise provided below in Section 8208-6.2.4, all easements for public streets, public pedestrian and bicycle paths, public walks, and public alleys shown on the final map or parcel map, and all rights of access to and from residential lots of the proposed subdivision abutting on controlled access roads shall be offered free and clear of any prior easements or rights-of-way, liens, and encumbrances for dedication to the County of Ventura. The rights of access to and from residential lots abutting on controlled access roads shall be such that owners of such lots shall have no rights whatsoever in such roads except in the general right of travel which belongs to the public at large. The County Surveyor may approve an offer of dedication wherein certain easements remain prior, in whole or part, to the rights being offered to the County. However, such approval shall be given only when unusual circumstances warrant and the easements which remain prior do not substantially interfere with proper use of the rights being offered to the County.

Sec. 8208-6.2.4 – Other Easements
All other easements for use required as a condition of approval of the tentative map for the proposed subdivision shall be offered for dedication to the County of Ventura or other appropriate agency.

Sec. 8208-6.2.5 – Documentation
All offers of dedication shall be made by certificate on the final or parcel map unless made by separate document with the approval of the County Surveyor.

Sec. 8208-6.2.6 – Accept or Reject Offer of Dedication for a Final Map
a. At the time the Board of Supervisors approves a final map pursuant to Government Code section 66458 and Section 8206-3(a) of this Chapter, the Board of Supervisors shall also accept, accept subject to improvement, or reject any offer of dedication pursuant to Government Code section 66477.1(a). The Clerk of the Board of Supervisors shall certify or state on the map the action by the Board of Supervisors.

b. The Board of Supervisors may accept into the County road system, pursuant to section 941 of the Streets and Highways Code, any road for which an offer of dedication has been accepted or accepted subject to improvement.

Sec. 8208-6.2.7 – Accept or Reject Offer of Dedication for a Parcel Map
a. At the time the County Surveyor approves a parcel map pursuant to Government Code section 66463(b) and Section 8206-3(b) of this Chapter, the County Surveyor, acting on behalf of the Board of Supervisors, shall also accept, accept subject to improvement, or reject any offer of dedication that are made by a statement on the map.

b. Whenever (1) drainage easements, (2) flowage easements, or (3) access to drainage facilities are offered for dedication to the Ventura County Watershed Protection District, the parcel map shall contain a certificate for execution by the Public Works Director, in his or her capacity as director of the Watershed Protection District, stating that he or she is acting on behalf of the Board of the
Watershed Protection District and has accepted, accepted subject to improvement, or rejected the real property offered for dedication on its behalf.

Sec. 8208-7 – Reservations for Public Uses

As a condition of approval of any subdivision, the tentative map of which is filed subsequent to the adoption of a specific plan, area plan, or a General Plan Community Facilities Element, a General Plan Recreation and Parks Element or a General Plan Public Building Element, or the equivalent to any such element, containing definite principles and standards regarding the determination of need for and location of parks, recreational facilities, fire stations, libraries, or other public uses of land, the subdivider may be required to reserve areas of real property within the subdivision for such public uses pursuant to the provisions and subject to the powers and obligations set forth in Article 4 (commencing with Section 66479) of Chapter 4 of the Government Code.

Sec. 8208-8 – Fees

Sec. 8208-8.1 – Fees for Bridges and Thoroughfares

As a condition of approval of the final map or as a condition of the issuance of a building permit, the property owner may be required to pay fees or other considerations in lieu thereof pursuant to this section and Government Code section 66484 in order to defray the actual or estimated costs of constructing bridges over waterways, railways, freeways, and canyons for which bridge crossings are required by the transportation or flood control provisions of the General Plan, and of constructing thoroughfares identified in the Circulation Element or equivalent element of the General Plan.

Sec. 8208-8.1.1 – Public Hearing

In accordance with all requirements of Government Code section 66484, the boundaries of the area of benefit, the actual or estimated costs of construction, fee apportionment, and a fair method of allocation of costs to the area of benefit shall be established at a public hearing held by the Board of Supervisors. The public hearing shall be noticed pursuant to Section 8215-1 of this Chapter, provided that the notice shall also include preliminary information related to the boundaries of the area of benefit, estimated cost, and the method of fee apportionment.

Sec. 8208-8.1.2 – Fees for Thoroughfares

Payment of fees for thoroughfares shall not be required unless the thoroughfares are in addition to, or a reconstruction of, any existing thoroughfares serving the area at the time of the adoption of the boundaries of the area of benefit.

Sec. 8208-8.1.3 – Fees for Bridges

Payment of fees shall not be required for a planned bridge facility unless the planned bridge facility is an original bridge serving the area or an addition to any existing bridge facility serving the area at the time of the adoption of the boundaries of the area of benefit, nor shall any such fees be expended to reimburse the cost of existing bridge facility construction.

Sec. 8208-8.1.4 – Protests

a. Written protests to the establishment of any proposed area of benefit for any particular improvement under Section 8208-8.1 of this Chapter and Government Code section 66484 may be filed with the Clerk of the Board by the owners of real property within the proposed area of benefit at any time prior to the close of the required public hearing. If such written protests are filed by the owners of more than 1/2 of the area of the property to be benefitted by an improvement, and sufficient protests are not withdrawn so as to reduce the area represented
to less than 1/2 of that to be benefitted, then the proposed proceedings shall be abandoned, and the Board of Supervisors shall not, for one year from the filing of that written protest, commence, or carry on any proceedings for the same improvement or acquisition under the provisions of Section 8208-8.1 of this Chapter and Government Code section 66484.

b. Nothing in this section shall preclude the processing and recordation of maps in accordance with other provisions of this Chapter and the Subdivision Map Act if proceedings are abandoned.

c. Any protests may be withdrawn in writing by the property owner making the same at any time prior to the conclusion of the required public hearing.

d. If any majority protest is directed against only a portion of the improvement, then all further proceedings under the provisions of Section 8208-8.1 of this Chapter and Government Code section 66484 to construct that portion of the improvement so protested against shall be barred for a period of one year, but the Board of Supervisors shall not be barred from commencing new proceedings not including any part of the improvement or acquisition so protested against. Nothing in this Section 8208-8.1.4 shall prohibit the Board of Supervisors, within such one year period, from commencing and carrying on new proceedings for the construction of a portion of the improvement so protested against if it finds, by the affirmative vote of four-fifths of its members, that the owners of more than 1/2 of the area of the property to be benefitted are in favor of going forward with such portion of the improvement or acquisition.

Sec. 8208-8.1.5 – Use of Fees
A fund shall be established for each planned bridge facility project or each planned thoroughfare project. Fees paid pursuant to this section shall be deposited in the appropriate fund. If the benefit area is one in which more than one bridge or thoroughfare is required to be constructed, a fund may be established covering all bridge and thoroughfare projects in the benefit area. Moneys in such fund shall be expended solely for the construction or reimbursement for construction of the improvement or improvements serving the area to be benefitted and from which the fees comprising the fund were collected, or to reimburse the County for the cost of constructing the improvement or improvements.

Sec. 8208-8.1.6 – Powers and Obligations
In addition to those powers and obligations specifically set forth in Sections 8208-8.1 through 8208-8.1.5 of this Chapter, the County and the property owner shall have all of the respective powers and obligations set forth in Government Code section 66484.

Sec. 8208-8.2 – Fees for Drainage and Sewer Facilities
As a condition of approval of any subdivision, the tentative map for which is filed no sooner than 30 days after the adoption of any applicable drainage or sanitary sewer plan for a particular drainage or sanitary sewer area, the subdivider may be required to pay fees or consideration in lieu thereof for the purpose of defraying the actual or estimated costs of constructing planned drainage facilities for the removal of surface and stormwaters from local or neighborhood drainage areas and of constructing planned sanitary sewer facilities for local sanitary sewer areas pursuant to the provisions of and subject to the conditions, powers and obligations set forth in Government Code section 66483.
Sec. 8208-8.3 – Fees and Dedications for Park and Recreational Facilities

This section and Sections 8208-8.3.1 through 8208-8.3.12 of this Chapter are enacted pursuant to Government Code section 66477 and collectively shall be known as the "Quimby Ordinance." Where reference is made within this Quimby Ordinance to the "appropriate Park District" it shall mean the legally created and constituted park and recreation district which services the area within which the proposed subdivision is located or, where such district either does not exist or fails to exercise its authority pursuant to this Quimby Ordinance, the Ventura County General Services Agency.

Sec. 8208-8.3.1 – Applicability

a. As a condition of the approval for a subdivision of land, the subdivider shall dedicate land, or dedicate and improve land pursuant to Government Code section 66477(a)(9), or pay a fee in lieu thereof, or do a combination thereof, for the purpose of providing park and recreational facilities to serve the future inhabitants of the proposed subdivision. This requirement shall apply to all subdivisions except those which:

(1) Are exempted by Government Code section 66477; or

(2) Are a rededication of four or less existing contiguous lots which does not result in the creation of a greater number of lots than existed immediately prior to such rededication; or

(3) Will not result in the creation of any lot which, under the Zoning Ordinances applicable at the time the tentative map is approved, could be developed without the prior issuance of a planned development permit or other discretionary entitlement so as to increase the total number of dwelling units on such lot; provided, however, that this exemption shall not apply to condominium projects or stock cooperatives which consist of the subdivision of airspace in an existing apartment building which is less than five years old.

b. If a proposed subdivision contains 50 or fewer lots (or, in the case of a condominium project, stock cooperative, or community apartment project, contains 50 or fewer dwelling units), the subdivider shall, in lieu of dedicating land for park and recreational purposes, pay a fee equal to 125 percent of the fair market value of park land which would otherwise be dedicated as determined in accordance with the provisions of this Quimby Ordinance. However, nothing in this section shall prohibit the dedication and acceptance of land for park and recreational purposes with respect to subdivisions containing 50 or less lots or dwelling units where the subdivider proposes such dedication voluntarily and the Board of Supervisors finds that such dedication is in the best interest of the County and has a value at least as great as the fee which would otherwise be paid.

Sec. 8208-8.3.2 – Relation of Land Required to Population Density

It is hereby found and determined that the amount of existing recreational and community park area exceeds 5 acres of property for each 1,000 persons residing in unincorporated Ventura County. Therefore, in accordance with Government Code section 66477, each subdivider shall dedicate land or pay an in-lieu fee, in order to provide 5 acres of park area per 1,000 persons residing in the proposed subdivision exclusive of and in addition to:

a. School lands in use cooperatively for recreational purposes; and
b. Land purchased and/or developed for the purpose of use as regional park facilities (as defined in the General Plan).

**Sec. 8208-8.3.3 – Additional Population Generated by Subdivision**
The amount of land dedicated or fees paid shall be based upon the residential density, which shall be determined on the basis of the approved tentative map or parcel map and the average number of persons per household. The average number of persons per household by units in a structure is the same as that disclosed by the most recent available federal census. (According to the 2010 Federal Census, the average number of persons per household is 3.09 individuals.)

**Sec. 8208-8.3.4 – Land Dedication Formula**
The amount of usable land required to be dedicated by a subdivider for park and recreational purposes shall be determined pursuant to the following formula:

<table>
<thead>
<tr>
<th>Average No. of Persons/Unit</th>
<th>1,000 Population</th>
<th>= minimum acreage dedication</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Park acreage standard of 5 acres (5/1,000 = 0.005)</td>
<td></td>
</tr>
</tbody>
</table>

The number of net acres equal to the product of .005 multiplied by the total number of persons comprising the additional population expected to be generated by the proposed subdivision.

**Sec. 8208-8.3.5 – Improvements to Land Dedicated for Park Purposes**
a. The dedication of land for park and recreational purposes shall not be deemed to waive any other requirements which may be imposed by the County upon the subdivider. The subdivider may, at the time of approval of the tentative map, be required by condition of approval of said map to either provide or enter into a secured improvement agreement with the appropriate Park District to provide public improvements. Such improvements may include, but are not limited to, the following:

1. All required curbs, gutters, sidewalks, drainage facilities, fencing, street lighting, stop lights, street signs, matching pavement, and street trees to full County standards;
2. Stub-in of all requested utility line services to the park facility;
3. All standard improvements required by the appropriate Park District; and,
4. Initial on-site grading required for developing the park facility.

In lieu of providing or entering into an agreement to provide said improvements, with the approval of the appropriate Park District, the subdivider may pay a sum equal to 25 percent of the fair market value of the dedicated land to cover the cost of said improvements.

b. If the subdivider provides park and recreational improvements to the dedicated land, including, but not limited to, playground equipment, swimming or wading pools, tennis courts, picnic units, or sports facilities, the value of the improvements together with any equipment located thereon shall be a credit against the payment of fees or dedication of land required by this Article.

**Sec. 8208-8.3.6 – Amount of Fee In Lieu of Land Dedication**
When a fee is to be paid in-lieu of land dedication, the amount of such fee shall be an amount equal to 125 percent of the fair market value of the usable park land which would otherwise be required to be dedicated pursuant to Section 8208-8.3.4 of this
Chapter. The fair market value of usable park land which would otherwise be required to be dedicated shall be the dollar amount equal to the product of the average fair market value per acre of all land within the subdivision having a slope of 4 percent or less multiplied by the number of acres which would otherwise be required to be dedicated. The fair market value of land within a particular subdivision shall be determined at the request of the property owner, or his or her agent, prior to recordation of the final map or parcel map as follows:

a. The appropriate Park District shall have an assessment prepared at the expense of the subdivider.

b. In any case where the appropriate Park District and the subdivider are unable to agree upon the fair market value, the subdivider may, at his or her own expense, obtain an appraisal of the subject property by an impartial qualified real estate appraiser approved by the appropriate Park District. Said appraisal shall be considered in reaching a decision as to the fair market value. The decision of the appropriate Park District shall be final and conclusive.

Sec. 8208-8.3.7 – Alternative Methods of Payment of Fees

a. Where the appropriate Park District and the subdivider so agree, all or part of the fee imposed pursuant to this Quimby Ordinance, instead of being paid in cash, may be paid by making improvements of equivalent value to existing or projected parks either inside or outside of the subject subdivision. The estimated cost of such improvements shall be determined in accordance with Section 8208-0.2.8 of this Chapter. The estimated cost, less the 10 percent increment for contingencies, shall be deemed to be the value of such improvements for the purpose of offsetting the fee. Such improvements shall be provided for by an improvement agreement and improvement security meeting the requirements of Sections 8208-1 and 8208-2 of this Chapter.

b. Where construction of dwelling units within the subdivision is subject to a planned development permit, and if the conditions of the final map or parcel map so provide, any fees required by this Quimby Ordinance may, at the option of the subdivider, be paid at the time of the issuance of a zoning clearance for such construction instead of being paid prior to recordation of the final map or parcel map. If more than one zoning clearance will be required for construction of all of the dwelling units proposed for the subdivision, the fees shall be allocated pro rata amongst the various zoning clearances according to the relative additional population expected to be generated by the construction to which the zoning clearances pertain.

Sec. 8208-8.3.8 – Credit for Private Open Space

No credit shall be given for private open space in a subdivision except as provided in this section. Where usable private open space for park and recreational purposes is provided in a proposed subdivision and such space is to be privately owned and maintained by the future residents of the subdivision, partial credit up to a maximum of 50 percent of such private open space (or of the fair market value thereof) may be credited against the requirement of land dedication and improvement (or of payment of fees in lieu thereof) if the advisory agency, appeal board, or legislative body which acts last on the tentative map finds that it is in the public interest to do so, that the appropriate Park District consents to such substitution, and that all of the following standards are met:

a. Yards, setbacks, and other open areas required to be maintained by the zoning and building provisions of this Chapter and the Ventura County Building Code are not included in computing the amount of such private open space; and,
b. The private ownership and maintenance of the open space will be adequately provided for in writing; and,

c. The use of private open space will be restricted for park and recreational purposes by recorded covenants which run with the land in favor of the future owners of the property within the subdivision and which cannot be eliminated without the consent of the appropriate Park District; and,

d. The proposed private open space is reasonably adaptable for use for park and recreational purposes, taking into consideration such factors as size, shape, space, topography, geology, access, and the location of the private open space; and,

e. The facilities proposed for the private open space are in substantial compliance with the provisions of the General Plan and the requirements of the appropriate Park District.

Sec. 8208-8.3.9 – Choice and Method of Dedication of Land or Payment of Fees

The procedure for determining whether a subdivider is to dedicate, pay a fee in lieu thereof, or do a combination thereof, shall be as follows:

a. At the time of filing a tentative map for approval, the subdivider of the property shall, as part of the filing, indicate whether the subdivider desires to dedicate land for park and recreational purposes, or whether the subdivider desires to pay a fee in lieu thereof. If the subdivider desires to dedicate land for such purposes, the subdivider shall propose the area thereof on the tentative map as submitted or, if the land lies outside of the subdivision, the subdivider shall submit a legal description of such land together with the tentative map.

b. The appropriate Park District shall determine whether to require dedication of land, the payment of a fee in lieu thereof, or a combination of both. The dedication of land lying outside of the subdivision may be required only if the subdivider has indicated a desire to dedicate such land. In the event that a dedication of land is required, the appropriate Park District shall determine prior to approval of the tentative map the location of the land to be dedicated. In the event that in-lieu fees are to be required, the appropriate Park District shall determine prior to approval of the tentative map the amount of land for which in-lieu fees are to be accepted.

c. When dedication of land is required, it shall be accomplished in accordance with the provisions of the Subdivision Map Act and of Section 8208-8.3.10 of this Chapter. When fees are required, they shall be deposited with the appropriate Park District prior to recordation of the parcel map or final map, except as otherwise provided in Section 8208-8.3.7 of this Chapter. If a subdivision covered by a tentative map is recorded in phases, the in-lieu fees shall be allocated pro rata amongst the various phases according to the relative additional population expected to be generated by such phases. All fees so deposited shall be held until such time as the tentative map expires or is withdrawn, or until such time as the parcel map or final map is recorded. If the tentative map expires or is withdrawn, the fees so deposited shall be returned without interest to the subdivider. Open space covenants for private park or recreational facilities shall be approved by the appropriate Park District upon the advice of County Counsel prior to approval of the parcel map or final map and shall be recorded concurrently with the parcel map or final map.
d. The determination whether to require the dedication of land, the payment of a fee in lieu thereof, or a combination of both, shall be made upon consideration of the following factors:

(1) The General Plan;

(2) The topography, geology, access, and location of the land available for dedication;

(3) The size and shape of the subdivision and the land available for dedication;

(4) The location of existing or proposed park sites and trails; and,

(5) The desirability of developing the land proposed for dedication for park and recreational purposes as determined by review and a schematic site plan submitted by the subdivider.

e. When improvements to dedicated land are required, the improvements shall be accomplished in accordance with the provisions of the Subdivision Map Act and Section 8208-8.3.5 of this Chapter.

Sec. 8208-8.3.10 – Conveyance of Land
Real property dedicated under the provisions of this Quimby Ordinance shall be conveyed by grant deed in fee simple absolute to the appropriate Park District by the subdivider free and clear of all encumbrances except those which will not interfere with use of the property for park and recreational purposes and which the applicable Park District agrees to accept. Required deeds shall be deposited prior to recordation of the parcel map or final map. If the subdivision covered by a tentative map is recorded in phases, said deeds covering all the land to be dedicated on account of such subdivision shall be so deposited prior to recordation of the parcel map or final map constituting the first phase. The deeds shall be held until such time as the tentative map expires or is withdrawn, or the parcel map or final map for the subdivision or the first phase thereof is recorded. If the tentative map expires or is withdrawn prior to recordation of the parcel map or final map for the subdivision, or the first phase thereof, the deeds shall be returned to the subdivider. The subdivider shall provide all fees and instruments required to convey the land plus title insurance in favor of the appropriate Park District in an amount equal to the value of the property being conveyed. In the event that, during the time between the dedication of land for park purposes and its development, circumstances arise which indicate that another site would be more suitable, the land may be sold upon the approval of the appropriate Park District and the Board of Supervisors with the resultant funds being used for the development or acquisition of a more suitable site.

Sec. 8208-8.3.11 – Time of Commitment of Fees
Any fees collected pursuant to this Quimby Ordinance shall be committed within the time limits specified in Government Code section 66477(a)(6) or, if not so committed, shall be distributed as provided in said section.

Sec. 8208-8.3.12 – Limitation on Use of Land and Fees
The land and fees received under this Quimby Ordinance shall be used for the purpose of providing park and recreational facilities, and the amount and location of land to be dedicated and improvements to be made, the fees to be paid in lieu thereof, or any combination of dedication and fees shall bear a reasonable relationship to the use of park and recreational facilities by the future inhabitants of the subdivision.
ARTICLE 9: 
LOT LINE ADJUSTMENTS

Sec. 8209-0 – Purpose; Concurrent Processing with Discretionary Projects

The purpose of this Article is to establish procedures for approving lot line adjustment applications pursuant to Government Code section 66412(d) that meet the standards set forth below. The approval of lot line adjustment applications and subsequent review and approval of deeds are ministerial acts that are not subject to CEQA. In instances where a lot line adjustment is requested in conjunction with a project involving an application for a conditional use permit, planned development permit, or other discretionary County land use approval involving some or all of the property subject to the lot line adjustment, the lot line adjustment application shall be processed concurrently with the application for the discretionary land use approval, including for purposes of evaluating the project’s potential environmental effects. Notwithstanding the foregoing, the County’s approval of a lot line adjustment is, in and of itself, a ministerial act.

Sec. 8209-1 – Application

Applications for the approval of a lot line adjustment shall be filed with the Planning Division. No application shall be accepted for filing and processing if a violation of the NCZO, CZO, or this Chapter exists on the subject lot(s) unless the acceptance of the application is necessary to abate the existing violation and unless it conforms to the requirements of this Chapter; contains in a full, true, and correct form, the required information prescribed by the forms supplied by the Planning Division; and is accompanied by the appropriate fees.

Sec. 8209-1.1 – Filing and Processing Requirements

a. Lot line adjustment applications shall be processed by the Planning Division if all information and documents requested in the application and each item listed below in Section 8209-1.1(a)(1) through (a)(7) is submitted to the satisfaction of the Planning Division and is deemed complete.

(1) A deposit of the required fees pursuant to the Board-adopted Fee Schedule to process the lot line adjustment and to record the deeds, sketch map, and other documents necessary to effectuate the lot line adjustment.

(2) Two copies of a current preliminary title report showing record title interests in the property, including all legal access easements for proposed off-site access roads or driveways and all other existing easements.

(3) Documentation establishing that the lots that are the subject of the lot line adjustment are legal lots.

(4) Two copies of the legal description and a sketch, prepared by a person authorized to practice land surveying, of the new boundaries of each of the lots as adjusted by the lot line adjustment. The sketch shall also include: (a) the boundaries of each of the existing lots at the time of application; and, (b) a north arrow and the bearings and distances for all the lot lines including distances between former and new lot lines. A record of survey may be voluntarily submitted as a substitute for a sketch.
(5) If any of the existing lots are developed, an additional sketch or overlay drawing shall be prepared by the project surveyor that depicts the location of any buildings or structures with a notation of setback distances from the resulting adjusted lot lines.

(6) Draft deed(s) reflecting the adjusted property boundaries.

(7) If required by Business and Professions Code section 8762, the applicant shall have a record of survey prepared which shall be approved by the County Surveyor. The approved record of survey shall be recorded simultaneously with the deed(s) reflecting the lot line adjustment.

b. Lot line adjustment applications shall be processed ministerially without a public notice or hearing.

Sec. 8209-1.1.1 – County Surveyor and Planning Division Review

a. The County Surveyor and the Planning Division shall review the lot line adjustment application. If additional information is needed, the applicant shall provide the documents and information requested by the County Surveyor or Planning Division in order to deem the application complete. If the application is determined to be incomplete, the applicant shall be notified in writing of the reasons therefor and informed of the information needed to make the application complete.

b. The County Surveyor shall determine whether the documents required to effectuate the lot line adjustment are technically correct, including the deeds, legal description, and sketch map. When the County Surveyor is satisfied that the documents to be recorded to complete the lot line adjustment are technically correct, the County Surveyor shall stamp and transmit the documents to the Planning Division for recordation in the Office of the County Recorder upon final approval of the application by the advisory agency pursuant to Section 8209-5 et seq. of this Chapter.

Sec. 8209-1.1.2 – Termination of Incomplete Application

The Planning Director, upon written notification to the applicant, may terminate processing of an incomplete lot line adjustment application if the Planning Director determines that the applicant did not make a reasonable effort to complete the application for a period of six months from the date of notification of incompleteness or notification of correction. Lack of diligence or reasonable effort to complete the application process includes failing to promptly provide information and documents requested by the Planning Division or the County Surveyor. If the Planning Director terminates the incomplete application, all unused fees shall be refunded to the applicant.

Sec. 8209-1.1.3 – Extension of Application

The Planning Director may grant one extension of up to six months if the applicant submits a written request for an extension to complete the application which demonstrates good cause.

Sec. 8209-2 – Designated Advisory Agency

The Planning Director or designee is the designated advisory agency for ministerial lot line adjustment applications under this Article.
Sec. 8209-3 – Standards for Approval

A proposed *lot line adjustment* that complies with the following standards set forth below in Section 8209-3(a) through (e) shall be ministerially approved, subject to compliance with all other requirements of this Article.

a. The *lot line adjustment* is between four or fewer existing adjoining *legal lots*, not all of which shall be adjoining each other as long as each *lot* is adjoined to another *lot* subject to the *lot line adjustment*.

b. The *lot line adjustment* shall not create a greater number of *lots* than exist at the time of application but may reduce the number of *lots*.

c. In cases where the parent lots’ property lines cross jurisdictional boundaries, the resultant property lines shall be coterminous with the boundaries of a city or a county.

d. No *lot* involved in the *lot line adjustment* that conforms to the minimum *parcel* size of the zoning designation in which it is located shall become nonconforming as to *parcel* size as a result of the *lot line adjustment*.

e. The *lots* resulting from the *lot line adjustment* shall conform to all objective standards and requirements of the *General Plan, Zoning Ordinances, and Ventura County Improvement Standards and Specifications*. If the *lot line adjustment* as proposed would not conform to such standards and requirements, the *Planning Director* may impose objective conditions or exactions on its approval to bring the *lot line adjustment* into conformity with such standards and requirements pursuant to Government Code section 66412(d). Imposition of such conditions shall not render approval of the *lot line adjustment* discretionary.

Sec. 8209-4 – Minimum Lot Size Exception Standards

If the standards in Section 8209-3(a) through (e) are satisfied, except that one or more of the *lots* that are the subject of the application do not conform to the minimum *lot* size for the applicable zone, the *lot line adjustment* may still be ministerially approved if the following additional standards are met:

a. No *lot* that is conforming to the applicable minimum *lot* size will be rendered nonconforming as to *lot* size by the *lot line adjustment*; and,

b. The *lot line adjustment* shall not cause any existing *nonconforming lot* to become smaller than the smallest *nonconforming lot* involved in the *lot line adjustment*, except that land from a *nonconforming lot* may be added to another *nonconforming lot* to make the latter *nonconforming lot* conforming to the minimum *lot* size for the applicable zone so long as the *nonconforming lot* that is made smaller remains at least 10 acres in size. Any *nonconforming lot* that is made conforming as to *lot* size by the *lot line adjustment* shall not be made large enough to be eligible for further *subdivision*.

Sec. 8209-5 – Approval and Recordation

Sec. 8209-5.1 – Conditional Approval
a. The only conditions the *advisory agency* may impose on the approval of a *lot line adjustment* are those to: conform the resulting *lots* to all objective standards and requirements of the *General Plan, Zoning Ordinances and Ventura County Improvement Standards and Specifications*; require the prepayment of real property
taxes prior to the approval of the lot line adjustment; and, facilitate the relocation of existing utilities, infrastructure, or easements.

b. If the lot line adjustment application is conditionally approved, the advisory agency shall send a letter of conditional approval notifying the applicant of the conditions to be fulfilled prior to recordation of the lot line adjustment. If the conditions are not fulfilled within one year of the date of the conditional approval letter, the lot line adjustment shall expire and become null and void unless the applicant obtains a written extension from the advisory agency pursuant to Section 8209-5.1.1 below.

c. The lot line adjustment shall be ready for recordation when the advisory agency determines that the conditions have been fulfilled and is in receipt of the following:

(1) all outstanding fees;

(2) an up-to-date preliminary title report;

(3) the lot line adjustment documents approved by the County Surveyor (e.g., legal description and a sketch); and,

(4) all deeds prepared for recordation as approved by the County Surveyor pursuant to Section 8209-1.1.1(b).

d. Once the requirements of Section 8209-5.1(c) are satisfied, the Planning Division shall cause each of the County Surveyor-approved lot line adjustment documents and deeds to be recorded in the Office of the County Recorder. Upon recordation in the Office of the County Recorder, the lot line adjustment shall become effective.

Sec. 8209-5.1.1 – Extension of Conditional Approval
Prior to the expiration of the conditional approval of the lot line adjustment application pursuant to Section 8209-5.1(b) above, the Planning Director may grant one extension of up to six months if the applicant demonstrates good cause.

Sec. 8209-5.2 – Unconditional Approval
If the lot line adjustment application is unconditionally approved, the Planning Division shall forward the lot line adjustment documents and deeds approved by the County Surveyor pursuant to Section 8209-1.1.1(b), to the Office of the County Recorder for immediate recordation.

Sec. 8209-6 – Effective Date of Lot Line Adjustment
The lot line adjustment shall become effective upon recordation of the lot line adjustment in the Office of the County Recorder pursuant to Section 8209-5.1(d) of this Chapter.
ARTICLE 10: VOLUNTARY Mergers

Section 8210-0 – Purpose; Concurrent Processing with Discretionary Projects

The purpose of this Article is to establish procedures for processing voluntary merger applications to merge contiguous lots under common ownership into a single lot without reverting to acreage as authorized by Government Code section 66499.20.3. The approval of voluntary merger applications and subsequent review and approval of the certificate of merger and deeds are ministerial acts not subject to CEQA. In instances where a voluntary merger is requested in conjunction with a project involving an application for a conditional use permit, planned development permit or other discretionary County land use approval involving some or all of the property subject to the voluntary merger, the voluntary merger application shall be processed concurrently with the application for the discretionary land use approval, including for purposes of evaluating the project’s potential environmental effects. Notwithstanding the foregoing, the County’s approval of a voluntary merger is, in and of itself, a ministerial act.

Section 8210-1 – Application

Applications for the approval of a voluntary merger shall be filed with the Planning Division. No application shall be accepted for filing and processing if a violation of the NCZO, CZO, or this Chapter exists on the subject lot(s) unless the acceptance of the application is necessary to abate the existing violation and unless it conforms to the requirements of this Chapter; contains in a full, true, and correct form, the required information prescribed by the forms supplied by the Planning Division; and is accompanied by the appropriate fees.

Sec. 8210-1.1 – Filing and Processing Requirements

a. The application for a voluntary merger shall be processed by the Planning Division if all information and documents requested in the application and each item listed below in Section 8210-1.1(a)(1) through (a)(7) is submitted to the satisfaction of the Planning Division and is deemed complete.

(1) A deposit of the required fees pursuant to the Board-adopted Fee Schedule to process the voluntary merger and to record the certificate of voluntary merger. All unused fees shall be refunded to the applicant.

(2) Two copies of a current preliminary title report showing all parties with a legal or equitable interest in the lots and all easements, covenants, and other encumbrances and interests in the affected lots at the time of the filing of the application for the voluntary merger.

(3) All parties having any record title interest in the lots subject to the voluntary merger application shall consent in writing to the voluntary merger subject to the exceptions set forth in Government Code section 66436.

(4) If any of the existing lots are developed, an additional sketch or overlay drawing shall be prepared by the project surveyor that depicts the location of any buildings or structures with a notation of setback distances from the resulting adjusted lot lines.
(5) Documentation as required by the County Surveyor to establish that each of the lots that are subject to the voluntary merger are legal lots. The applicant shall consult with the County Surveyor prior to submitting a voluntary merger application that involves illegally created lots to confirm compliance with Section 8210-3(a), (b), and (i).

(6) Two copies of the legal description and a sketch, prepared by a person authorized to practice land surveying, of the new boundaries of the merged lot as adjusted by the voluntary merger. The sketch shall also include: (a) the boundaries of each of the existing lots at the time of application; and, (b) a north arrow and the bearings and distances for the merged lot lines. A record of survey may be voluntarily submitted as a substitute for a sketch.

(7) Draft certificate of merger (see Section 8210-5 below) and deed(s) reflecting the adjusted property boundaries.

b. The voluntary merger application shall be processed ministerially without a public notice or hearing.

Sec. 8210-1.1.2 - County Surveyor and Planning Division Review
a. The County Surveyor and the Planning Division shall review the voluntary merger application. If additional information is needed, the applicant shall provide the documents and information requested by the County Surveyor or Planning Division in order to deem the application complete. If the application is determined to be incomplete, the applicant shall be notified in writing of the reasons therefor and informed of the information needed to make the application complete.

b. The County Surveyor shall determine whether the documents required to effectuate the voluntary merger are technically correct, including the deeds, legal description, and sketch map. When the County Surveyor is satisfied that the documents to be recorded to complete the voluntary merger are technically correct, the County Surveyor shall stamp and transmit the documents to the Planning Division for recordation with the Office of the County Recorder upon final approval of the application by the advisory agency pursuant to Section 8210-5 of this Chapter.

Sec. 8210-1.1.3 - Termination of Incomplete Application
An incomplete voluntary merger application may be terminated in the same manner for terminating an incomplete lot line adjustment application as set forth in Section 8209-1.1.2 of this Chapter.

Sec. 8210-2 - Designated Advisory Agency
The Planning Director or designee is the designated advisory agency for ministerial voluntary merger applications under this Article.

Sec. 8210-3 - Standards for Approval
A voluntary merger that complies with the following standards shall be ministerially approved, subject to compliance with all other requirements of this Article:

a. Each of the lots to be merged are legal lots. However, a legal lot that was illegally subdivided thus creating two or more illegal lots may be merged back into its original
configuration as the legal lot existed prior to the illegal subdivision so long as the other criteria of approval set forth in this section are met.

b. If one or more involved parcels is subject to a conditional certificate of compliance, the conditions of development must be fully satisfied by the merger. Notwithstanding the foregoing if a condition of development that would not be satisfied relates to minimum parcel size, the merger shall be approved with the condition that the deed or deeds recorded to effectuate the merger contain an express statement that the resulting parcel remains subject to the conditional certificate of compliance, whose recording information shall be noted on the deed or deeds.

c. The lots to be merged are contiguous to each other.

d. The lots to be merged are under the same ownership.

e. If there are any liens or deeds of trust, they shall encumber the entire merged lot. There cannot be any liens or deeds of trust encumbering only a portion of the merged lot.

f. The voluntary merger will not adversely affect existing easements of record on any of the lots or any conditions of approval, dedications, offers to dedicate, or security arising from a previously recorded map that created any of the lots subject to the voluntary merger application.

g. The voluntary merger will not alter the exterior boundary of the lots to be merged.

h. The County Surveyor has approved the legal description as accurately representing the exterior boundaries of the resulting merged lot.

i. The voluntary merger will not render any existing conforming structures or existing conforming uses on any of the involved lots to become a nonconforming structure or use. Existing legal nonconforming structures or uses on any of the lots subject to the application are not grounds to deny the voluntary merger.

j. The deed or deeds submitted to the County Surveyor to effectuate the merger shall contain an express statement of the grantor(s), pursuant to section 1093 of the Civil Code, that the intent of the grantor(s) and the purpose of the deed(s) is to merge all of the property described in the deed(s) into a single lot.

**Sec. 8210-4 – Conditional Approval**

a. The only conditions the advisory agency may impose on the approval of a voluntary merger are those: to conform the merged lot to all objective standards and requirements of the General Plan, Zoning Ordinances and Ventura County Improvement Standards and Specifications; to require the prepayment of real property taxes prior to the recordation of the voluntary merger; and, to facilitate the relocation of existing utilities, infrastructure, or easements.

b. If the voluntary merger application is conditionally approved, the advisory agency shall send a letter of conditional approval notifying the applicant of the conditions to be fulfilled prior to recordation of the voluntary merger. If the conditions are not fulfilled within one year of the date of the letter, the voluntary merger shall expire and become null and void unless the applicant obtains a written extension from the advisory agency pursuant to Section 8210-4.1 of this Chapter.
c. A conditionally approved voluntary merger shall be deemed ready for recordation when the advisory agency determines that the conditions have been fulfilled and is in receipt of the following:

(1) an up-to-date preliminary title report;

(2) the voluntary merger documents approved by the County Surveyor (e.g., legal description and a sketch); and,

(3) all deeds prepared for recordation as approved by the County Surveyor pursuant to Section 8210-1.1(a)(7) of this Chapter.

d. Upon receipt of the documents required by Section 8210-4(c) above, the advisory agency shall cause each of the County Surveyor-approved voluntary merger documents and deeds to be recorded in the Office of the County Recorder.

Sec. 8210-4.1 – Extension of Conditional Approval
Prior to the expiration of the conditional approval of the voluntary merger application pursuant to Section 8210-4(b) above, the advisory agency may grant one extension of up to six months if the applicant demonstrates good cause.

Sec. 8210-5 – Certificate of Voluntary Merger

The recordation of a certificate of voluntary merger and the deed(s) shall effectuate the voluntary merger of the separate lots into a single lot for the purposes of the Subdivision Map Act and this Chapter, and the lots shall thereafter be treated in all respects as a single lot. The certificate of voluntary merger shall constitute a certificate of compliance for the merged lot.

Sec. 8210-5.1 – Certificate of Voluntary Merger Requirements
A certificate of voluntary merger shall include all the following:

a. All parties having any record title interest in the merged lot shall execute the certificate of voluntary merger before a Notary Public and submit it to the County Surveyor, excepting all those interests that are excepted pursuant to the provisions of Government Code section 66436. The County Surveyor shall also execute the certificate of voluntary merger, but the signature need not be notarized.

b. The certificate of voluntary merger shall include an express written statement that the consolidation of the legal descriptions of the lots is intended by the owner(s) to merge those lots into a single lot as set forth in the legal description of the merged lot.

c. Either: (a) the deed or deeds that comprise the ownership interests of each lot subject to the voluntary merger shall be attached to the certificate of voluntary merger; or, (b) the recorder number of each deed to each lot subject to the voluntary merger shall be referenced in the certificate of voluntary merger.

d. The legal description of the merged lot approved by the County Surveyor shall be attached to the certificate of voluntary merger.
ARTICLE 11:  
CONSERVATION SUBDIVISION

Sec. 8211-0 – Purpose
This Article authorizes the creation of parcels for conservation purposes as set forth below.

Sec. 8211-1 – Applicability
This Article authorizes the creation of parcels for conservation purposes as set forth below. A conservation subdivision may result in the creation of:
   a. One or more conservation parcels from one or more illegal lots; or
   b. Two or more conservation parcels from one legal lot; or,
   c. One or more conservation parcels and one non-conservation parcel from one or more legal or illegal lots or a combination of legal and illegal lots.

Sec. 8211-2 – Tentative Parcel Map and Parcel Map Required for Conservation Subdivisions

Sec. 8211-2.1 – Application and Processing
   a. Applications for the approval of a conservation subdivision shall be filed with the Planning Division. No application shall be accepted for filing and processing if a violation of the NCZO, CZO, or this Chapter exists on the subject lot(s) unless the acceptance of the application is necessary to abate the existing violation and unless it conforms to the requirements of this Chapter; contains in a full, true, and correct form, the required information prescribed by the forms supplied by the Planning Division; and is accompanied by the appropriate fees.

   b. Applications for conservation subdivisions shall be submitted and processed by the Planning Director as a tentative parcel map in accordance with Article 5 of this Chapter, except that all proposed lots subject of the conservation subdivision are not required to meet the minimum lot area requirements of Section 8205-5.1.1 and conservation parcels are not required to demonstrate that they are a buildable site pursuant to Section 8205-5.1.5 of this Chapter. See Standards for Approval in Sections 8211-4(c), (d), and (e)(2) below.

   c. After approval of a tentative parcel map for a conservation subdivision, the applicant shall file and prepare a parcel map of the proposed conservation subdivision in accordance with Article 6 of this Chapter, except that no field survey is required for conservation parcels.

Sec. 8211-3 – Designated Advisory Agency
The Planning Director or designee is the designated advisory agency for conservation subdivision applications under this Article.

Sec. 8211-4 – Standards for Approval
Except as otherwise stated below, a conservation subdivision shall meet the general design requirements of a tentative parcel map pursuant to Section 8205-5 of this Chapter and the following:
a. Conservation parcels must be owned and maintained by a natural resource agency or conservation organization as required by Section 8211-5(c) of this Chapter.

b. Conservation parcels must be encumbered by an easement and/or deed restriction preserving the property for conservation purposes in perpetuity.

c. Conservation parcels may be conforming as to size or smaller than the minimum lot size required by the zone and General Plan land use designation in which the parcel is located provided that conservation parcels created for the preservation of farmland shall be a minimum of 10 acres and land preserved for grazing/rangeland shall be a minimum of 40 acres.

d. Conservation parcels need not comply with the lot design requirements of Section 8205-5.1 et seq. of this Chapter, except that all proposed lots shall comply with Section 8205-5.1.8 and 8205-5.1.9 of this Chapter, and access roads that traverse conservation parcels to proposed non-conservation parcels shall be recorded as easements with the parcel map.

e. A resulting non-conservation parcel:

(1) Shall comply with the lot design requirements of Sections 8205-5.1 et seq. of this Chapter, except for the requirement to meet the minimum lot area (Section 8205-5.1.1) required by the zone and the General Plan land use designation. A non-conservation parcel within the Open Space or Agriculture General Plan land use designation shall be a minimum of 10 acres. A non-conservation parcel within other General Plan designations shall be of a size and shape suitable for the uses permitted by its zoning designation as determined by the advisory agency. The presence of an existing, legal single-family dwelling or other principal building on a non-conservation parcel is sufficient to demonstrate the parcel is buildable pursuant to Section 8205-5.1.5 of this Chapter; and,

(2) If the non-conservation parcel requirements as set forth in Section 8211-4(e)(1) above are met, a non-conservation parcel that is non-conforming as to minimum lot area shall be considered a legal non-conforming parcel with all of the development rights accorded by its zoning designation.

**Sec. 8211-5 – Additional Standards and Findings for Approval**

The advisory agency shall also make the findings below to approve a conservation subdivision:

a. All the standards for approval of Section 8205-6.6 are met, except for specific lot and/or design standards as specified in Section 8211-4 above;

b. All the standards for approval of Section 8211-4 are met;

c. The owner of the conservation parcel qualifies as natural resource agency or conservation organization; and,

d. The approval of the conservation subdivision will not be detrimental to the public health, safety and welfare, nor to the use, or enjoyment of neighboring properties.
Sec. 8211-6 – Recordation

In addition to the requirements set forth in Article 6 of this Chapter, parcel maps for conservation subdivisions shall be recorded with an easement or deed restriction that comply with the following criteria:

a. The conservation easement or deed restriction used for the conservation parcel shall be subject to Planning Director review and approval prior to recordation. The conservation easement or deed restriction shall be filed with a sketch and legal description of the entire conservation parcel prepared by a licensed surveyor. The conservation subdivision, including the parcel map, the sketch and legal description for the conservation parcel, and conservation easement or deed restriction for the conservation parcel shall be recorded in the Office of the County Recorder.

b. If applicable, the grant deed transferring the conservation parcel to a conservation organization or natural resource agency shall record simultaneously with the conservation subdivision.

c. The conservation easement or deed restriction for the conservation parcel shall specify the activities, uses, and structures that are permitted and which are prohibited on the conservation parcel as approved by the Planning Director in accordance with subsection (a) above. Activities, uses, and structures shall be limited to those that are compatible with the conservation purpose of the conservation subdivision.
ARTICLE 12:  
REVERSIONS TO ACREAGE

Sec. 8212-0 – Applicability
Previously subdivided real property may be reverted to acreage pursuant to Government Code section 66499.11 et seq.

Previously subdivided real property consisting of four or fewer contiguous lots under the same ownership, regardless of whether it was previously subdivided by maps or by conveyance, may be reverted to acreage by filing a parcel map pursuant to Government Code section 66499.20.1.
ARTICLE 13:
MOBILEHOME PARK CONVERSIONS TO RESIDENT OWNERSHIP OR ANOTHER USE

Sec. 8213-0 – Applicability

a. An application for a tentative and final map or parcel map for a subdivision to be created from the conversion of a rental mobilehome park to resident ownership shall be filed with the Planning Division and processed in the same manner as set forth in Articles 5 and 6 of this Chapter and shall comply with the provisions set forth in Government Code section 66427.5, except those conversions for which mapping requirements have been waived pursuant to Government Code section 66428.1, in which case a parcel map waiver application shall be filed and processed in accordance with Article 4 of this Chapter.

b. An application for a tentative and final map or parcel map for a subdivision to be created from the conversion of a mobilehome park to another use shall be filed and processed in the same manner as set forth in Articles 5 and 6 of this Chapter and shall comply with the provisions set forth in Government Code section 66427.4. A discretionary mobilehome park closure permit as required by Article 17 of the NCZO shall be processed simultaneously with the tentative and final map or parcel map for the conversion of a mobilehome park to another use, unless specifically exempt pursuant to Section 8117-2 of the NCZO.
ARTICLE 14:
CERTIFICATES OF COMPLIANCE AND CONDITIONAL CERTIFICATES OF COMPLIANCE

Sec. 8214-0 – Applicability
If a lot is created in compliance with, or is otherwise deemed in compliance with, the subdivision laws, the lot qualifies for a certificate of compliance. A certificate of compliance authorizes the sale, leasing, or financing of the subject lot without further compliance with the subdivision laws. However, although a lot is in compliance with the subdivision laws, development of the lot may first require the issuance of a permit(s) or other grants of approval, as well as compliance with other applicable laws and regulations including, but not limited to, the Zoning Ordinances, General Plan and Ventura County Improvement Standards and Specifications.

Sec. 8214-1 – Designated Advisory Agency
The County Surveyor is the designated advisory agency for certificates of compliance and conditional certificates of compliance under this Article.

Sec. 8214-2– Recorded Maps, Deeds, and Certificates that Constitute a Certificate of Compliance
The maps and instruments listed below constitute a certificate of compliance in and of themselves and do not require the issuance of a separate certificate of compliance pursuant to Section 8214-3 below.

Sec. 8214-2.1 – Maps
A recorded final map, parcel map, or other official map prepared in compliance with Government Code sections 66499.52(b) and 66499.35(e) shall constitute a certificate of compliance with respect to the lots described therein.

Sec. 8214-2.2 – Deeds Reflecting a Lot Line Adjustment
The deed(s) recorded to effectuate a lot line adjustment pursuant to Article 9 or the applicable subdivision law in effect when the deed was recorded shall constitute a certificate of compliance.

Sec. 8214-2.3 – Certificates of Voluntary Merger
A certificate of voluntary merger recorded pursuant to Article 10 or the applicable subdivision law in effect when the deed was recorded shall constitute a certificate of compliance.

Sec. 8214-3 – Lots Entitled to the Issuance of a Certificate of Compliance
A lot is in compliance with the subdivision laws and entitled to a certificate of compliance, upon submission of a completed application and fee in accordance with the Board-adopted Fee Schedule, in any of the following circumstances:
Sec. 8214-3.1 – Lots Qualifying for a Certificate of Compliance Due to Approval for Development

Pursuant to Government Code section 66499.34, a lot which was not created in compliance with the subdivision laws, but that has been “approved for development”, is entitled to a certificate of compliance. The circumstances under which a lot is deemed to have been “approved for development” are:

a. A lot for which either a County discretionary or ministerial permit (e.g., a conditional use permit, planned development permit, building permit, or zoning clearance) has been issued, or approval has otherwise been granted by the County, authorizing development and/or use of the lot, and the development was completed and/or the use was inaugurated in reliance upon the permit, including, but not limited to, the following:

(1) Construction of a principal building;

(2) Construction of an accessory building when there is an existing principal building on the same lot; or

(3) Construction of an addition to a principal or accessory building that adds gross floor area to the building.

b. A lot on which improvements were completed before a permit or grant of approval was required for said improvements under a County ordinance (See Gov. Code § 66499.34).

c. A lot on which improvements were completed in reliance on a permit or grant of approval (See Gov. Code § 66499.34).

Sec. 8214-3.1.1 – Lots Not Qualifying for a Certificate of Compliance Due to Approval for Development

The circumstances under which a lot is not deemed to have been “approved for development” include, but are not limited to, permits or approvals issued or granted:

a. To primarily address health, safety, or utility issues such as authorizing a water well, electrical work, fire clearance, or fencing;

b. To demolish a building or structure;

c. To conduct grading activities;

d. To remedy a zoning ordinance or building code violation that exists on the lot;

e. To a lessee of the property or an easement holder in furtherance of their leasehold or easement rights so long as the lease or easement is in compliance with or exempt from the subdivision laws. Examples include, but are not limited to, permits authorizing: mineral, oil, or gas operations pursuant to an exempt lease under Government Code section 66412(b); a water well for agricultural purposes pursuant to an exempt lease of agricultural land; a wireless communication facility pursuant to an exempt lease with a telephone corporation under Government Code section 66412(j); or a wind powered electrical generation device pursuant to an exempt lease under Government Code section 66412(i); or,
f. Regarding development allowed as a matter of right for which no County
discretionary or ministerial permit or approval (e.g., conditional use permit,
planned development permit, building permit, or zoning clearance) was required.

Sec. 8214-3.2 – Lots Created in Compliance with or Exempt from
Earlier Subdivision Laws
A lot created in compliance with or exempt from earlier subdivision laws or other laws
regulating the design and improvement of subdivisions in effect at the time the
subdivision was established shall be entitled to a certificate of compliance. (See Gov.
Code, §§ 66499.30 (d) and 66412.6.)

Sec. 8214-3.3 – Lots Created by Governmental Conveyance
A lot created by land conveyed to or from a governmental agency, public entity, public
utility, or subsidiary of a public utility for conveyance to that public utility for rights-of-
way is entitled to a certificate of compliance, unless the County determines in an
individual case, based upon substantial evidence that public policy necessitates a parcel
map (See Gov. Code §§ 66426.5 and 66428). For purposes of this Section 8214-3.3,
land conveyed to or from a governmental agency shall include a fee interest, a leasehold
interest, an easement, or a lease. If a portion of an existing lot (parent parcel) is
acquired by a governmental agency, then the portion of the lot acquired by the
governmental agency shall be entitled to a certificate of compliance. If the parent parcel
prior to the governmental acquisition of a portion thereof is a legal lot, then the remaining
portion of the legal lot shall also be entitled to a certificate of compliance, but only in the
remaining portion’s reconfigured boundary. In other words, even if the governmental
acquisition physically severs the lot into two or more portions (e.g., land is acquired for
a public road across the parent parcel), the reconfigured remaining portions constitute
only one lot entitled to one certificate of compliance (e.g., the parent parcel split by land
acquired for a public road does not consist of two new lots). If the parent parcel prior to
the governmental acquisition of a portion thereof is an illegal lot, then the remaining
portion not acquired by the governmental agency shall remain an illegal lot.

Sec. 8214-3.4 – Lots created by Property Tax Default Sale
A parcel of real property conveyed by tax deed to a purchaser pursuant to a tax sale by
or on behalf of the Ventura County Treasurer-Tax Collector in accordance with Part 6 of
the Revenue and Taxation Code to recover defaulted property taxes or assessments shall
be entitled to the same type of certificate (i.e., a certificate of compliance or a conditional
certificate of compliance) as would be issued for the entire tax-deeded parcel under this
Chapter, unless otherwise provided by state law.

Sec. 8214-4 – Real Property Not Qualified for a Certificate of
Compliance
Notwithstanding Section 8214-3.2 of this Chapter, an application for a certificate of
compliance shall not be issued in certain circumstances, including, but not limited to, the
following:

a. No certificate may be issued for a portion of a lot; and,

b. No certificate may be issued where the effect of issuing a certificate would be to effectively
subdivide the property without complying with the subdivision laws.

Sec. 8214-5 – Application for and Approval of a Certificate of
Compliance

a. Any person owning a lot in the unincorporated area, or a vendee of that person pursuant to a contract of sale of the lot, may file an application for a certificate of compliance with the County Surveyor. No application shall be accepted for filing and processing unless it conforms to the requirements of this Chapter; contains in a full, true and correct form, the required information prescribed by the forms supplied by the County Surveyor; and is accompanied by the appropriate fees.

b. The County Surveyor, or designee, shall review the application and public records to determine whether or not the lot complies with the subdivision laws.

c. The applicant shall provide any additional documentation or information requested by the County Surveyor that is needed to make the compliance determination.

Sec. 8214-5.1 – Approval of Application for a Certificate of Compliance
If the lot is determined to be in compliance with the subdivision laws, the application shall be approved and the County Surveyor, or designee, shall cause a certificate of compliance to be filed for record in the Office of the County Recorder after the payment of all required fees in accordance with the Board-adopted Fee Schedule.

Sec. 8214-5.2 – Denial of Application for a Certificate of Compliance
If a lot is determined to have been divided in violation of the subdivision laws, the applicant shall be so advised in a Notice of Intention to Record a Notice of Violation – Illegal Subdivision (Notice of Intention) stating the violation(s) of the subdivision laws and all other provisions required by Government Code section 66499.36, as set forth in Section 8217-6.1 of this Chapter. The Notice of Intention shall include the option to file an application for a conditional certificate of compliance in accordance with Section 8214-8 of this Chapter or proceed with enforcement procedures described in Section 8217-6 et seq. of this Chapter.

Sec. 8214-5.2.1 – Appeal of Denial of Application for a Certificate of Compliance
The denial of an application for a certificate of compliance may be appealed by submitting a completed appeal form to the County Surveyor’s Office within 15 days of the date of the mailing of the notice of intent to record a notice of violation. A public hearing on the appeal shall be held in accordance with Section 8217-6.2 et seq. of this Chapter. If the appeal is denied by the appeal board, the County Surveyor shall record the notice of violation in the Office of the County Recorder. The notice of violation, when recorded, shall be deemed to be constructive notice of violation to all successors in interest in such property.

Sec. 8214-5.2.2 – Advisory Agency for Appeal of Denial of Application for a Certificate of Compliance
The designated advisory agency for an appeal of the denial of a certificate of compliance shall be the same as described in Section 8217-6.2 of this Chapter.

Sec. 8214-6 – Content of Certificate of Compliance or Conditional Certificate of Compliance

A certificate of compliance or conditional certificate of compliance shall include the information required in Government Code section 66499.35 (f)(1).

Sec. 8214-7 – Multiple Certificates of Compliance or Conditional
Certificates of Compliance

Applications for certificates of compliance or conditional certificates of compliance for multiple parcels may be processed concurrently and may be recorded as a single certificate of compliance or a single conditional certificate of compliance. Where a single certificate of compliance or conditional certificate of compliance is certifying multiple lots, the single certificate of compliance or conditional certificate of compliance shall clearly identify, and distinguish between, the descriptions of each lot. (Gov. Code, § 66499.35 (f)(2).)

Sec. 8214-8 – Conditional Certificate of Compliance

A conditional certificate of compliance is not a land use entitlement, permit, or approval. Rather, a conditional certificate of compliance is a recorded notice stating that although the lot was not created in compliance with the subdivision laws, it may be sold, leased, or financed only. The certificate also provides notice that no permit or grant of approval for development on the lot shall be issued until the lot is brought into compliance with the subdivision laws, unless the permit or entitlement for development is issued or granted approval for development as described in Section 8214-3.1.1.

Sec. 8214-8.1 – Application

Any person owning a lot in the unincorporated area, or a vendee of that person pursuant to a contract of sale of the lot, may file an application for a conditional certificate of compliance with the Planning Division. No application shall be accepted for filing and processing unless it conforms to the requirements of this Chapter; contains in a full, true and correct form, the required information prescribed by the forms supplied by the Planning Division; and is accompanied by the appropriate fees. Issuance and recordation of a conditional certificate of compliance are ministerial actions.

Sec. 8214-8.2 – Conditions that May Be Imposed to Comply with Subdivision Laws

Sec. 8214-8.2.1 – Tentative Map as a Remedy

The Planning Director shall determine the conditions required to bring the illegal lot into compliance with the subdivision laws in order to allow development. Depending on the circumstances of the illegal subdivision, the illegal lot may be brought into compliance with the subdivision laws by the lot owner(s) by applying for and processing a tentative map and recording either a parcel map or final map. If an illegal lot does comply with the minimum lot size then the illegal lot may need to be merged with another lot, have its lot lines adjusted or be subject to another action pursuant to this Chapter in order to be brought into compliance. Specific conditions to development of the lot(s) will be imposed during the processing of the tentative map.

Sec. 8214-8.2.1.1 – Subsequent Acquisition of Illegal Lot

If the illegal subdivider is not the current owner of record of the lot(s) created by the illegal subdivision, subdivision conditions may be imposed that would have been applicable to the division of the property at the time the interest in the lot was acquired by the current owner and that had been established at that time by the subdivision laws. If a conditional certificate of compliance has been recorded, then the subdivision laws in effect on the date that the current owner of record identified in the recorded conditional certificate of compliance took title to the illegal lot shall be applied to establish the subdivision conditions to development. Except for conditions imposed under subdivision laws, conditions imposed pursuant to other local, state, and federal laws, such as CEQA and the Coastal Act, may also be imposed under current law, as applicable.
Sec. 8214-8.2.1.2 – Illegal Subdivider
If the illegal subdivider is the current owner of record of the lot(s) created by the illegal subdivision, conditions may be imposed on the lots that would be applicable to a current division of the property.

Sec. 8214-8.2.2 – Voluntary Merger as a Remedy
An illegal lot may be brought into compliance with the subdivision laws through a voluntary merger if the action either: (1) merges the illegal lot back to the original parent legal lot configuration pursuant to Section 8210-3(a); or, (2) merges the illegal lot with a legal lot pursuant to Section 8210-3(b). The applicant shall consult with the Planning Division prior to applying for a voluntary merger for this purpose.

Sec. 8214-8.3 – Compliance with Conditions
Specific conditions that are required to bring the illegal lot into compliance with the subdivision laws shall be determined and established by the Planning Division, which shall thereafter cause a conditional certificate of compliance to be filed for record with the County Recorder. The County shall not require the property owner to satisfy the conditions stated in the conditional certificate of compliance within a particular time frame; however, no development on the lot may be approved until the conditions are satisfied.

Sec. 8214-9 – Certificate of Compliance – Remainder Parcels – Omitted Parcels

Sec. 8214-9.1 – Construction and Fee Requirements for Improvements that are Not Fulfilled
If conditions of a County-approved map require the construction of improvements on, and/or the payment of fees for, a lot that is designated as a remainder parcel or omitted parcel on the map in accordance with Government Code section 66424.6, and said conditions have not been fulfilled at time the owner applies for a certificate of compliance for the subject lot, then a conditional certificate of compliance for the lot shall be recorded that includes a requirement for the conditions to be fulfilled prior to the issuance of a certificate of compliance for the lot.

Sec. 8214-9.2 – Construction and Fee Requirements for Improvements that are Fulfilled
If conditions of a County-approved map require the construction of improvements on, and/or the payment of fees for, a lot that is designated as a remainder parcel or omitted parcel on the map in accordance with Government Code section 66424.6, and said conditions have been fulfilled at time the owner applies for a certificate of compliance for the subject lot, then a certificate of compliance shall be recorded for the lot.
ARTICLE 15:
NOTICE, HEARINGS, AND DECISIONS

Sec. 8215-0 – Purpose
The purpose of this Article is to establish procedures for public notice, hearings, and decisions made pursuant to this Chapter and state law, except for public hearings and decisions under Article 18 of this Chapter which are not subject to this Article.

Sec. 8215-1 – Notice and Public Hearing Procedures

Sec. 8215-1.1 – Notice
Whenever a public hearing is required by this Chapter or state law, except for public hearings under Article 18 of this Chapter, notice thereof shall be given as provided in this section.

a. Contents of the Notice – The notice shall include the date, time, and place of the public hearing, the identity of the advisory agency or officer, a general explanation of the matter to be considered, a general description (in text or by diagram) of the location of the real property that is the subject of the public hearing, and a statement that the person to whom the notice is addressed has a right to appear and be heard.

b. Providing Notice – The notice shall be given by publication at least one time in at least one newspaper of general circulation within the County, at least ten days prior to the public hearing, or if there is no such newspaper of general circulation, the notice shall be posted in at least three public places within the boundaries of the County, including one public place in the area directly affected by the proceeding. In addition, notice of the hearing shall be mailed or delivered at least ten days prior to the public hearing to all of the following:

1. The owner(s) of the subject real property;
2. The owner’s duly authorized agent, if any;
3. The project applicant;
4. Each local agency expected to provide water, sewage, streets, roads, schools, or other essential facilities or services to the project, whose ability to provide those facilities and services may be significantly impacted;
5. Any owner of a mineral right pertaining to the subject real property who has recorded a notice of intent to preserve the mineral right pursuant to Civil Code section 883.230; The owners of all real property situated within a radius of 300 feet of the exterior boundaries of the Assessor’s Parcel(s) which is the subject of the application. If the 300-foot radius does not include 15 or more parcels of real property, the radius shall be expanded until the owners of at least 15 parcels will be notified. Names and addresses shall be obtained from the latest equalized assessment roll. If the number of owners exceeds 1,000, a one-eighth page advertisement published at least ten days prior to the public hearing in a newspaper of general circulation may be substituted for the direct mailing;
6. Each tenant of the subject property if the proposed subdivision is a conversion of residential property to a condominium, community apartment project, or stock cooperative project (See Gov. Code § 66451.3);
(7) The appellant, if the public hearing is being held as a result of an appeal filed under Article 16 of this Chapter; and,

(8) Any person who has filed a written request for such notice with either the Planning Division, Clerk of the Board of Supervisors, or with any other person designated by the Board of Supervisors to receive these requests.

c. The applicant, or appellant if the public hearing is an appeal, shall reimburse the County for the costs of providing such notices.

Sec. 8215-1.2 – Conduct of Public Hearings; Quorum; Vote

a. Any interested party may appear and present evidence and testimony at a public hearing conducted under this Chapter.

b. Unless otherwise provided in this Chapter or other County ordinances or regulations, the public hearing shall be conducted in accordance with Chapter II, Policy 11, Rule 42 of the County Administrative Manual entitled “Public Hearings for Planning and Zoning Matters (Land Use Matters).”

c. At least three days prior to the public hearing, the staff report or recommendation, if any, on the matter before the advisory agency, shall be made available to the public and provided to the applicant and appellant, if applicable. The applicant or appellant shall bear the costs associated with the public hearing as set forth in the Board-adopted Fee Schedule.

d. Public hearings shall have a record of the decision kept, along with the findings made which support the decision.

e. A quorum for a public hearing before the Planning Commission or Board of Supervisors shall consist of three members. The approval of, or recommendation regarding, any discretionary action or decision, or other request or matter brought before either body, requires the concurrence of at least three of its members. The clerk or secretary shall enter the decision in the minutes or records of the meeting.

Sec. 8215-1.3 – Continued Public Hearings

If it is necessary to continue a public hearing or decision on any matter, the person presiding over the public hearing shall, before adjournment thereof, publicly announce the date, time, and place to which the matter will be continued. Except for the posting of an agenda containing the continued matter in a public place at least 72 hours before the continued public hearing, no further notice is required to be provided.

Sec. 8215-2 – Decisions

Sec. 8215-2.1 – Decisions on Parcel Map Waivers

The advisory agency shall render its decision to approve, conditionally approve, or disapprove a parcel map waiver application applying the standards and required findings for approval in Section 8204-4 within the timeframes required by Government Code section 66451.7, unless the applicant consents to a longer time period.

Sec. 8215-2.2 – Decisions on Tentative Tract Maps

a. Planning Commission Recommendation - At the conclusion of the public hearing, the Planning Commission shall adopt a resolution advising the Board of Supervisors of its recommendation regarding whether the Board, in applying the standards and required findings for approval in Section 8205-6.6 of this Chapter, should approve, conditionally approve, or disapprove the tentative tract map, map conditions, and CEQA determinations. The Planning Commission’s resolution shall be submitted to the
Board of Supervisors within the time frame set forth in Government Code section 66452.1(a), unless the applicant consents to a longer time period.

b. Board of Supervisors Decision - At the conclusion of the public hearing, the Board shall make its decision to approve, conditionally approve, or disapprove the tentative map applying the tentative map standards and required findings for approval in Section 8205-6.6 of this Chapter, reasonably exercise its independent judgment and discretion, and, if a decision is made to approve or conditionally approve the tentative map, make the required findings in support of its decision based upon the evidence in the record within the time frames established by Government Code section 66452.2(a), unless the applicant consents to a longer period of time.

Sec. 8215-2.3 – Decisions on Tentative Parcel Maps
In making the decision to approve, conditionally approve, or disapprove the tentative parcel map, the advisory agency shall apply the tentative map standards and required findings for approval in Section 8205-6.6 of this Chapter, reasonably exercise his or her independent judgment and discretion, and, if a decision is made to approve or conditionally approve the tentative map, make the required findings in support of his or her decision based upon the evidence in the record within the time frames established by Government Code section 66452.1(b), unless the applicant consents to a longer period of time.

Sec. 8215-2.4 – Decisions on Amendments to Recorded Final Maps and Parcel Maps
The advisory agency shall render its decision to approve, conditionally approve, or disapprove amendments to a recorded final map or parcel map applying the standards and required findings for approval in Section 8207-1.4.

Sec. 8215-2.5 – Deferral of Decisions
Decisions on proposed subdivisions may be deferred by the designated decision-making advisory agency to a higher decision-making advisory agency in accordance with this Section 8215-2.5. The Planning Director may defer decisions to the Planning Commission, except that the Planning Director may defer decisions regarding amendments of conditions of approval for final maps or parcel maps only to the Board of Supervisors. The Planning Commission may defer decisions to the Board of Supervisors. The advisory agency to which a decision is deferred shall hold the public hearing and make all required findings and decisions as required for the subject application. In order to defer a decision, the Planning Director or Planning Commission must determine that good cause exists for the deferral. Good cause may exist, but is not limited to, subdivision decisions for:

1. Projects involving multiple discretionary County land use entitlements and/or legislative actions (see Section 8215-2.6);

2. Subdivisions which may result in a significant adverse environmental impact which cannot be mitigated to less than significant level; or

3. Which may be precedent setting.

Sec. 8215-2.6 – Decisions Regarding Projects, Including Other Discretionary Entitlements or Legislative Actions
If an application for a discretionary approval or action under this Chapter, including but not limited to a proposed tentative map, is part of a project that includes applications for one or more other discretionary County land use entitlements and/or legislative actions, all discretionary applications comprising the project as a whole shall be consolidated for public hearing, recommendation, and/or decision in accordance with all substantive and
procedural requirements applicable to each of the project’s constituent decisions and actions to the extent possible and not in conflict with state law. If conflicts exist between the procedural or substantive requirements applicable to the project’s constituent decisions and actions, such conflicts shall be resolved at the discretion of the Planning Director in consultation with County Counsel and in accordance with state law.

Section 8215-2.7 – Planning Director Decision
If a decision is not announced at the public hearing, a written decision shall be rendered not more than ten calendar days following the end of the hearing.

Section 8215-2.8 – Effective Date of Decisions
a. A decision made by the Planning Director, County Surveyor, or Planning Commission is effective at the expiration of the decision’s appeal period unless an appeal is filed with the Planning Division in compliance with Section 8216-1 of this Chapter prior to the expiration of the appeal period.

b. A decision of the Board of Supervisors is effective on the date it is rendered.

Section 8215-2.9 – Appeal of Decision
An advisory agency’s decision may be appealed in the manner set forth in Article 16 of this Chapter.

Section 8215-2.10 – Notification of Final Decision
The advisory agency shall provide the applicant written notification of its decision once the decision becomes final and non-appealable.
ARTICLE 16: APPREALS

Sec. 8216-0 – Appealable Actions
Except as otherwise specified in this Chapter, any action or decision taken on a tentative parcel or tentative tract map, and any other action or decision taken by an advisory agency or appeal board or other County agency, officer, or employee exercising authority pursuant to this Chapter, may be appealed by an interested person in accordance with this Article. All such appealable matters are collectively referred to as an "action" in this Article.

Sec. 8216-1 – Appeal Period and Filing Requirements
a. Unless otherwise specified in this Chapter, an appeal shall be filed with the Planning Division in writing on the application form provided by the Planning Division within 10 calendar days after the action being appealed was taken, or on the following workday if the tenth day falls on a weekend or holiday.

b. The appeal application form shall be fully completed, signed, and submitted to the Planning Division accompanied by the required appeal application fee and/or deposit in accordance with the Board-adopted Fee Schedule.

c. Actions not timely appealed in accordance with this section are final and non-appealable.

Sec. 8216-2 – Designated Appeal Boards
Unless otherwise specified in this Chapter, appeals of actions under this Chapter shall be heard by the following appeal boards.

Sec. 8216-2.1 – Planning Director
Action taken by the Planning Director acting as the decision-making advisory agency is appealable to the Planning Commission as the appeal board.

Sec. 8216-2.2 – Planning Commission or Appeal Board
Action taken by the Planning Commission when acting as the decision-making advisory agency or as the appeal board is appealable to the Board of Supervisors.

Sec. 8216-2.3 – Board of Supervisors
Action taken by the Board of Supervisors is final and non-appealable.

Sec. 8216-2.4 – Deferral of Appeals
The applicable appeal board may defer the appeal to the next level appeal board in accordance with Section 8215-2.5 of this Chapter.

Sec. 8216-3 – Notice and Public Hearing Procedures
Sec. 8216-3.1 – Setting Appeal Public Hearing Date
The clerk of the applicable appeal board shall set the matter for public hearing which shall be held within 30 days of the date that a timely appeal application is filed. If there is no regular meeting of the appeal board within the next 30 days for which notice can be given pursuant to Government Code section 66451.3, the appeal may be heard at the next regular meeting for which such notice can be given, or within 60 days from the date of the appeal, whichever period is shorter. The time limitations herein may be extended by
mutual consent of the appellant, applicant/subdivider, and County.

Sec. 8216-3.2 – Notice and Procedures
Appeal hearings shall be noticed and conducted in the same manner as required by Article 15 of this Chapter for the original application.

Sec. 8216-4 – Decisions

Sec. 8216-4.1
The appeal board shall hear and decide the matter being appealed under a de novo standard of review in the same manner as required by Article 15 of this Chapter for the original application. The appeal board may sustain, modify, reject, or overrule any action being appealed and may make any findings that are not inconsistent with the Subdivision Map Act and this Chapter.

Sec. 8216-4.2
The appeal board shall render its decision verbally at the public hearing or within ten days following the conclusion of the public hearing. A public hearing that is continued is not concluded. The parties may agree in writing to extend the time in which the appeal board shall render a decision.

Sec. 8216-4.3
Notice of the decision of the appeal board shall be provided in accordance with Article 15 of this Chapter.

Sec. 8216-4.4
If the appeal board fails to act on a properly filed appeal with respect to a tentative map within the time limits set forth in Government Code section 66452.5 and this section, or within the time limit mutually agreed upon in writing between the parties to the appeal, the decision from which the appeal was taken shall be deemed affirmed and an appeal therefrom may thereupon be taken to the Board of Supervisors (See Gov. Code § 66452.5(c)(1)). If no further appeal is taken, the tentative map, insofar as it complies with applicable requirements of the Subdivision Map Act and this Chapter shall be deemed approved as last approved by the advisory agency, and it shall be the duty of the Clerk of the Board of Supervisors to certify or state that approval (See Gov. Code § 66452.5(c)(1)). If a further appeal is taken to the Board of Supervisors and it fails to act upon the appeal within the time limit set forth in Government Code section 66452.5 and this section, or within the time limit mutually agreed upon in writing between the parties to the appeal, the tentative map, insofar as it complies with applicable requirements of the Subdivision Map Act and this Chapter, shall be deemed to be approved as last approved, and it shall be the duty of the Clerk of the Board of Supervisors to certify or state that approval (See Gov. Code § 66452.5(c)(2)).
ARTICLE 17:
ENFORCEMENT

Sec. 8217-0 – Purpose
This Article addresses the enforcement of the provisions of this Chapter, the Subdivision Map Act and conditions of approval of subdivisions. The enforcement procedures and remedies set forth and referenced herein are cumulative and not exclusive of any other civil or criminal enforcement rights and remedies available to the County under the zoning ordinances, Subdivision Map Act, and other applicable law.

Sec. 8217-1 – Applicability to Map Conditions
The conditions of approval imposed by the County as part of the approval of a tentative parcel map, tentative tract map, or parcel map waiver are binding in perpetuity and run with the land on each lot created by the subject subdivision unless and until amended in accordance with this Chapter. Development that is inconsistent with applicable conditions of approval shall constitute a violation of the conditions of the map, this Chapter, and the Subdivision Map Act.

Sec. 8217-2 – Definitions
For purposes of this Chapter, the following definitions apply:

a. “Violation” means the lack of compliance with the Subdivision Map Act, provisions under this Chapter, or with conditions of approval.

b. “Violator” means the owner(s) of the property on which a violation exists.

Sec. 8217-3 – Public Nuisance
In addition to other penalties provided in this Article, any condition caused or permitted to exist in violation of any of the provisions of this Chapter shall also be deemed a public nuisance and may be summarily abated as such, and each day that such condition continues shall be regarded as a new and separate public nuisance.

Sec. 8217-4 – Violation as Misdemeanor
Any person who violates any provision of this Chapter, including a condition of approval of a subdivision approved by and recorded with the County, is guilty of a misdemeanor pursuant to Section 13 of the Ventura County Ordinance Code. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation is committed, continued, or permitted by such person, and shall be punishable therefore as provided in Section 13-2 of the Ventura County Ordinance Code.

Where a violation is identified on a commonly held lot within a subdivision, all property owners with an interest in the subject subdivision share individual and collective responsibility and liability for the violation.

Sec. 8217-5 – Enforcement Authority
The Planning Director is hereby designated as the enforcing agent of this Chapter. Pursuant to the authority vested in the Board of Supervisors of the County of Ventura by Penal Code section 836.5, the Planning Director shall have the power of arrest without warrant whenever
he or she has reasonable cause to believe that the person to be arrested has committed in
their presence a misdemeanor consisting of a violation of the provisions of this Chapter, any
other ordinance or statute, or conditions of approval.

Sec. 8217-6 – Notice of Violation – Illegal Lot

Sec. 8217-6.1 – Notice of Intention to Record a Notice of Violation
Regarding Illegal Subdivision
Whenever the County has evidence that a lot has been subdivided in violation of the
subdivision laws and a conditional certificate of compliance is not recorded, a Notice of
Intention to Record a Notice of Violation – Illegal Subdivision (Notice of Intention) shall be
sent by certified mail to the then current owner(s) of record of the property. The Notice of
Intention shall include the following information:

a. A description of the real property in detail;

b. The names of record owners of the lot;

c. A description of the subdivision law violations and an explanation as to why the subject
lot is not lawful under subdivision (a) or (b) of Government Code section 66412.6;

d. The time, date, and place of the public hearing as determined in accordance with Section
8217-6.2.1.1 of this Chapter where the owner(s) may present evidence to the advisory
agency as to why the Notice of Violation–Illegal Subdivision should not be recorded. The
Notice of Intention shall also state that the public hearing shall not take place unless the
owner(s) files with the Clerk of the advisory agency a written objection to the recording
of the Notice of Violation–Illegal Subdivision within 15 days of the date of the mailing of
the Notice of Intention.

Sec. 8217-6.1.1 – Failure to File Written Objection
If no timely written objection to the recording of the Notice of Violation–Illegal
Subdivision is filed pursuant to Section 8217-6.1(d) of this Chapter, the public
hearing shall be taken off calendar and the advisory agency shall cause the Notice of
Violation to be recorded in the Office of the County Recorder.

Sec. 8217-6.2 – Designated Advisory Agency – Illegal Subdivision;
Public Hearing on Notice of Intention to Record a Notice of Violation

Sec. 8217-6.2.1 – Designated Advisory Agency – Illegal Subdivision
The advisory agency shall consist of the Planning Director, the Director of Code
Compliance, and the Director of Real Estate Services in the Public Works Agency. The
Clerk of the Planning Commission shall serve as the Clerk, and the Planning Director
shall serve as the Chair, of the advisory agency.

Sec. 8217-6.2.1.1 – Public Hearing Date
If written objection to the Notice of Intention is timely submitted pursuant to
Section 8217-6.1(d) of this Chapter, or if an appeal from the denial of a certificate
of compliance is timely submitted pursuant to Section 8214-5.2.1 of this Chapter,
then a public hearing before the advisory agency shall take place. The public
hearing shall be set for a date no sooner than 30 days and no later than 60 days
from date of mailing of the Notice of Intention or the Letter of Determination, as
the case may be. The parties may extend the date of the public hearing to a
different date by mutual written agreement.

Sec. 8217-6.2.1.2 – Evidence
The Notice of Intention and/or the Letter of Determination shall be lodged with
the advisory agency as evidence of the alleged violation of the subdivision laws,
in addition to any other evidence presented in support of the violation. The 
advisory agency shall also consider the materials and information submitted with 
the written objection to the recording of the Notice of Violation or the appeal of 
the denial of the certificate of compliance, in addition to any other evidence 
provided at the public hearing or submitted to the Clerk of the advisory agency 
by the appellant or property owner prior to or during the public hearing.

Sec. 8217-6.2.1.3 – Public Hearing Procedures and Decision
a. Unless otherwise provided herein, the public hearing shall be conducted in 
accordance with Chapter II, Policy 11, Rule 42 of the County Administrative 
Manual entitled "Public Hearings for Planning and Zoning Matters (Land Use 
Matters)." The public hearing shall consist of the de novo review of the subject 
lot(s)' legal status under the subdivision laws.

b. If the advisory agency decides the subject lot is not in compliance with the 
subdivision laws, it shall cause a Notice of Violation to be recorded against the 
subject lot in the Office of the County Recorder. When recorded, the Notice of 
Violation shall be deemed to be constructive notice of the violation to all 
successors in interest in such property. The Office of the County Recorder shall 
index the names of the fee owners in the general index. If the advisory agency 
finds that the lot is in compliance with the subdivision laws, a Clearance Letter 
shall be issued to the lot owner or applicant and, upon payment of the 
necessary fees in accordance with the Board-adopted Fee Schedule, a 
certificate of compliance shall be recorded. If the advisory agency needs 
additional information to make a determination, it may continue the public 
hearing for a reasonable time not to exceed the time limits set forth in Section 
8217-6.2.1.1 of this Chapter, unless a longer time is agreed to in writing by 
all of the interested parties. The burden of establishing the lot is a legal lot is 
on the appellant.

c. The decision of the advisory agency shall be verbally announced at the 
conclusion of the public hearing. The decision shall thereafter be stated in 
written minutes or a resolution. The written decision shall include findings to 
support the decision. Notice of the decision shall be provided to the lot 
owner(s) and appellant by first-class mail. The decision shall be final and not 
appealable.

Sec. 8217-6.3 – No Permits Issued on Illegal Lots
In accordance with Government Code section 66499.34, no permits or grants of approval 
for development on an illegal lot shall be approved by the County under the Zoning 
Ordinances or any other County ordinance until such time the lot is made legal. However, 
permits or approvals referenced in Section 8214-3.1.1 of this Chapter that do not constitute 
approval for development may be issued.

Sec. 8217-6.4 – Rescission of Notice of Violation
The recordation of a conditional certificate of compliance, certificate of compliance, or map 
constituting a certificate of compliance for a lot that is the subject to a notice of violation 
setting forth a violation(s) that is fully abated by the recordation of said certificate or map 
shall constitute the County's automatic rescission of the notice of violation. The County shall 
simultaneously record a release of the notice of violation upon recordation of said certificate 
or map and payment of release fees in accordance with the Board-adopted Fee Schedule.
Sec. 8217-7 – Enforcement Procedures

Except as otherwise provided in this Article, the procedures authorized by and set forth in Article 14 of the NCZO for violations of the NCZO shall apply to the enforcement of violations of this Chapter, the Subdivision Map Act, and conditions of approval. All notices regarding enforcement shall be sent by first class mail to the last known address of the violator and shall be deemed served three days after the date of mailing.
ARTICLE 18:  
AMENDMENTS TO THIS CHAPTER

Sec. 8218-0 – Purpose
The purpose of this Article is to establish procedures for amending this Chapter. Article 15 shall not apply to amendments processed pursuant to this Article.

Sec. 8218-1 – Standards of Approval
This Chapter may be amended upon a finding that an amendment is: (1) in the interest of public health, safety, or general welfare; (2) consistent with the General Plan; and (3) consistent with the Subdivision Map Act, including, but not limited to, Government Code section 65913.2.

Sec. 8218-2 – Initiation of Amendments
Amendments of this Chapter may be initiated by the Board of Supervisors, the Planning Commission, or the Planning Director as follows:

a. By official action of the Board of Supervisors requesting the Planning Commission to set the matter for a public hearing and recommendation within a reasonable time;

b. By official action of the Planning Commission setting the matter for a public hearing and recommendation; or,

c. By a request from the Planning Director to the Planning Commission, followed by the official action of the Planning Commission setting the matter for a public hearing and recommendation.

Sec. 8218-3 – Notice and Public Hearing Procedures
The Planning Commission and Board of Supervisors shall each hold at least one public hearing on any amendment request. The notice and public hearing requirements shall be the same as those prescribed in Section 8111-3 of the NCZO as applicable to legislative matters. The public hearings shall be conducted in accordance with Chapter II, Policy 11, Rule 42 of the County Administrative Manual entitled “Public Hearings for Planning and Zoning Matters (Land Use Matters).”

Sec. 8218-4 – Decisions

Sec. 8218-4.1 – Planning Commission Recommendation
Following a public hearing, the Planning Commission shall take official action to recommend that the Board of Supervisors approve, modify, or disapprove the requested amendment. Said resolution shall be presented to the Board of Supervisors at the Board’s public hearing regarding the amendment request.

Sec. 8218-4.2 – Action by the Board of Supervisors
Following a public hearing, the Board of Supervisors may approve, modify, or disapprove the requested amendment. A decision to approve an amendment shall be accompanied by a written finding that the amendment meets the standards set forth in Section 8218-1 of this Chapter.
Section 2

Severability

If any section, subsection, sentence, clause, phrase or word of the Ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The Ventura County Board of Supervisors hereby declares that it would have passed and adopted this Ordinance, and each and all provisions hereof, irrespective of the fact that one or more provisions may be declared invalid.

Section 3

Effective Date; Implementation

This ordinance shall become effective and operative 30 days after adoption.

PASSED AND ADOPTED this 16th day of June 2020, by the following vote:

AYES Supervisors: Parks, Huber, Zaragoza and Long

NOES Supervisors: NONE

ABSENT Supervisors: Bennett

Chair, Board of Supervisors

ATTEST: Chair, Board of Supervisors

MICHAEL POWERS County of Ventura
Clerk of the Board of Supervisors
County of Ventura, State of California

Deputy Clerk of the Board