

# **VENTURA COUNTY SUBDIVISION ORDINANCE**

**DIVISION 8, CHAPTER 2  
OF THE  
VENTURA COUNTY ORDINANCE CODE**

**LAST AMENDED: JUNE 16, 2020**

**EFFECTIVE: JULY 16, 2020**

**VENTURA COUNTY PLANNING DIVISION**

**To purchase the Ventura County Subdivision Ordinance:**

Call 805/654-2486 or

Go to the Resource Management Agency Planning Counter  
3rd floor of the Government Center Hall of Administration  
800 S. Victoria Avenue, Ventura, CA

(We can no longer provide free supplements as the ordinance is updated.)

**This Subdivision Ordinance is also available on our website:**

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under Ordinances

**For general questions about this ordinance, call  
the Planning Division at:**

805/654-2488 or 654-2451

## **DISCLAIMER**

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The Subdivision Ordinance is Chapter 2 of Division 8 (Planning & Development). This version was produced by the Planning Division. The "Official" version of this ordinance is held by the Clerk of the Board of Supervisors. The Planning Division coordinates closely with the Clerk's Office to ensure the accuracy of the Ordinance's contents, even if its format may differ from the one produced by the Clerk's Office.

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DIVISION 8 – PLANNING AND DEVELOPMENT  
CHAPTER 2 – SUBDIVISIONS

**Article 1:  
AUTHORITY, PURPOSE, AND APPLICATION OF  
CHAPTER**

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(REP. & REEN. BY ORD. 4566, ADOPTED 6/16/20, EFFECTIVE 7/16/2020)

**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(i));
- 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)).

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## Article 2: DEFINITIONS

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### **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 *Environmental 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 *Environmental 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 Agency – The Public Works Agency, County of Ventura.

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
- i. Ventura County Technical Guidance Manual for Stormwater Quality Control Measures – New Development and Redevelopment Projects.

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

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## **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.

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# Article 4: PARCEL MAP WAIVERS

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## **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.

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## **Article 5: TENTATIVE MAPS**

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### **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; and
  - (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 J109, 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 therefor 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

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### **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.

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# Article 7:

## AMENDMENT OF RECORDED FINAL AND PARCEL MAPS

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### **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**

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## **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 *subdivider'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 *subdivider* 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 public 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 Dedications 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 Dedications 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 redivision 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 redivision; 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:

Average No. of Persons/Unit	1,000 Population	= minimum acreage dedication
	Park acreage standard of 5 acres (5/1,000 = 0.005)	

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

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## **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

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## **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

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## **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*.

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# **Article 12:**

## **REVERSIONS TO ACREAGE**

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### **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.

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# **Article 13:**

## **MOBILEHOME PARK CONVERSIONS TO RESIDENT OWNERSHIP OR ANOTHER USE**

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### **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*.

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# Article 14:

## CERTIFICATES OF COMPLIANCE AND CONDITIONAL CERTIFICATES OF COMPLIANCE

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### **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 license. 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

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### 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.

**Sec. 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.

**Sec. 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.

**Sec. 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.

**Sec. 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:

## APPEALS

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### 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

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## 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**

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### **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.

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