

VENTURA COUNTY SUBDIVISION ORDINANCE

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

LAST AMENDED BY BOARD OF SUPERVISORS: 06-28-11

VENTURA COUNTY PLANNING DIVISION

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To purchase the Ventura County Subdivision Ordinance:

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

This Ordinance is also available on our

website: <https://vcrma.org/divisions/planning>

For general questions about this Ordinance, call

the Planning Division at:

805/654-2488 or 654-2451

DISCLAIMER

The Subdivision Ordinance comprises Chapter 2 of Division 8 (Planning and Development) of the Ventura County Ordinance Code. The following version of the Subdivision Ordinance 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. Informational notes may appear in *italics* that are not a part of the adopted ordinance, but provide clarification.

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CHAPTER 2 - SUBDIVISIONS

ARTICLE 1: GENERAL PROVISIONS AND DEFINITIONS

(REP. AND REEN. BY ORD. 3953 9/18/90, EFFECTIVE 10/18/90)

Sec. 8201-0 - Authority And Title

This Chapter is adopted pursuant to the authority vested in the County of Ventura by Section 7 of 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

The purpose of this Chapter is to regulate and control subdivisions of land and, in connection therewith, to implement the County's General Plan and to implement and supplement the Subdivision Map Act.

Sec. 8201-2 - Application

Except as otherwise provided in Section 8201-4, this Chapter shall apply to all divisions, reversions to acreage, lot line adjustments, and mergers respecting real property located wholly or partially within the unincorporated areas of Ventura County. This Chapter governs the filing, processing, approval, conditional approval, or disapproval of tentative, final and parcel maps, map waivers, and any modifications thereto. Except as specifically otherwise provided by this Chapter or the Subdivision Map Act, all subdivisions shall be subject to the same substantive and procedural requirements.

Sec. 8201-3 - Environmental Impact

No discretionary actions pursuant to the provisions of this Chapter shall be approved until an environmental impact analysis is prepared, processed and considered in accordance with the provisions of the California Environmental Quality Act (Public Resources Code Section 21000 et seq.). The subdivider shall provide such data and information as may be required to complete such analysis, pay a deposit, and pay such fees as may be required to reimburse County costs for preparation and processing of environmental review documents as specified by the Board of Supervisors.

Sec. 8201-4 - Exemptions

Exemptions from the provisions of this Chapter are governed by Sections 8201-4.1 and 8201-4.2.

Sec. 8201-4.1 - List of Exemptions

Except as otherwise provided in Section 8201-4.2, this Chapter shall not apply to:

- (a) The financing or leasing of apartments, offices, stores or similar spaces within apartment buildings, industrial buildings, commercial buildings, mobilehome parks, or trailer parks;
- (b) Mineral, oil, gas or agricultural leases;

- (c) Land dedicated for cemetery purposes under the provisions of the Health and Safety Code;
- (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;
- (e) Any separate assessment under Section 2188.7 of the Revenue and Taxation Code;
- (f) The financing or leasing of existing separate commercial or industrial buildings on a single lot;
- (g) The financing or leasing of any lot, or portion thereof, in conjunction with the construction of commercial or industrial buildings on a single lot;
- (h) Subdivisions creating four or fewer lots for construction of removable commercial buildings having a floor area of less than 100 square feet;
- (i) The construction, financing or leasing of dwelling units pursuant to Section 65852.1 of the Government Code, or of second units pursuant to Section 65852.2 of the Government Code;
- (j) Subdivisions of a portion of the operating right-of-way of a railroad corporation defined as such by Section 230 of the Public Utilities Code which are created by short-term leases (terminable by either party on not more than 30 days' notice in writing);
- (k) Land conveyed to or from a governmental agency, public entity or public utility;
- (l) Land conveyed to a subsidiary of a public utility for conveyance to such public utility for rights-of-way;
- (m) The leasing of, or the granting of an easement to, a lot, or any portion thereof, in conjunction with the financing, erection and sale or lease of a windpowered electrical generation device on the lot or portion thereof; and (ADD. ORD. 4083-12/20/94)
- (n) The leasing or licensing of a portion of a lot, or the granting of an easement, use permit, or similar right on a portion of a lot, 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. (ADD. ORD. 4083-12/20/94)

Sec. 8201-4.2 - Limitations on Exemptions

This Chapter shall apply to subdivisions affected in the manner described in subsections (j), (k) and (l) of Section 8201-4.1 if the property involved is shown on the latest equalized County assessment roll unless the Planning Director has both:

- (a) received advanced written notice of the proposed subdivision; and
- (b) determined that there is no substantial evidence that public policy necessitates the filing of a final map, parcel map or map waiver for the subdivision.

The notice shall generally describe the proposed subdivision, shall identify the parties thereto, and shall contain such additional information as the Planning Director may require. The Planning Director's determination that there is or is not any such substantial evidence shall be made in writing within 30 calendar days after receipt of the notice. Public policy necessitates a final map, parcel map or map waiver whenever there is substantial evidence that the subdivision might create a lot that fails to satisfy any of the requirements of Article 4 of this Chapter.

Sec. 8201-5 - Fees

Fees for the processing of tentative, final and parcel maps, and for other procedures required or authorized by the Subdivision Map Act or this Chapter, shall be paid in the amounts, if any, prescribed by resolution of the Board of Supervisors. Except as otherwise specified, such fees shall not be refundable. Each application for any such map or other procedure shall be accompanied by payment of all outstanding fees and charges by and owed to the County under this Chapter or any other chapter of this Division by the applicant, or by persons, partnerships, corporations or other entities owned or controlled by the applicant, or owning or controlling the applicant. No filing fee need accompany applications for activities sponsored by nonprofit organizations such as Scouts, 4-H Clubs, and Little Leagues, which are solely youth-oriented. No filing fee shall be charged or collected for any application filed by any County officer, employee, board or commission on behalf of the County of Ventura.

Sec. 8201-6 - Definitions

Whenever any words or phrases used in this Chapter are not defined herein, but are defined in the Subdivision Map Act or in any other chapter of this Division, such definitions shall be deemed incorporated herein and shall apply as though set forth in full in this Chapter.

Advisory Agency

"Advisory Agency" means 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, or imposing or suggesting requirements or conditions thereon, or having the authority to approve, conditionally approve or disapprove maps or map waivers, or having the authority to conduct the hearings relating to notices of violation as specified in this Chapter and the Subdivision Map Act.

- (a) For subdivisions which require the preparation of a tentative map and a final map pursuant to this Chapter and the Subdivision Map Act, the Planning Commission shall constitute the Advisory Agency. In such capacity, the Planning Commission shall make recommendations as to findings, requirements, conditions, approvals and disapprovals, but shall not be empowered to approve, conditionally approve or disapprove tentative maps.
- (b) For subdivisions which require the preparation of a tentative map and a parcel map, or the preparation of a map waiver, the Planning Director shall constitute the Advisory Agency, unless the Planning Director defers to the Planning Commission, in which case the Planning Commission shall constitute the Advisory Agency. In such capacity, the Planning Director, or in cases of deferral the Planning Commission, shall make all findings required by this Chapter and the Subdivision Map Act, and shall approve, conditionally approve or disapprove tentative maps or map waivers.
- (c) For hearings relating to notices of violation, a committee of three comprised of the County Surveyor, the Planning Director and the Resource Management Agency Enforcement Officer, or their respective designees, shall constitute the Advisory Agency and all actions of such committee shall be by majority vote of its members.
- (d) For hearings relating to certificates of compliance held pursuant to Section 8212-3.3, the Advisory Agency shall be the same as the Advisory Agency for hearings relating to notices of violation.

(AM ORD. 4334 – 12/06/05)

Appeal Board

"Appeal Board" means a designated board or other official body charged with the duty of hearing and making determinations upon appeals with respect to subdivisions and findings related thereto, the imposition of requirements or conditions thereon, or the kinds, nature and extent of the design or improvements, or both, decided by the Advisory Agency to be required. The Planning Commission shall constitute the Appeal Board respecting all actions taken by the Planning Director as an Advisory Agency from which actions a right to appeal is granted by this Chapter or the Subdivision Map Act. The Board of Supervisors shall constitute the Appeal Board respecting all actions taken by the Planning Commission as an Advisory Agency or as an Appeal Board from which actions a right to appeal is granted by this Chapter or the Subdivision Map Act. (AM ORD. 4334 – 12/06/05)

Buildable Site

"Buildable site" means a site on a lot which is suitable for construction of a main building and is reasonably free from soils and geologic hazards such as seismicity, liquefaction, settlement, landsliding, mudsliding, and flood hazards, and to which there is reasonable access. (AM ORD. 4334 – 12/06/05)

CEQA

"CEQA" means the California Environmental Quality Act, codified as Division 13 (commencing with Section 21000) of the Public Resources Code and such amendments and additions thereto as may be made from time to time by the California Legislature. (AM ORD. 4334 – 12/06/05)

Contiguous

Lots are "contiguous" when they touch each other at any point or when they are in close proximity to each other and are so situated as to be reasonably developable as a single unit. Lots may be contiguous even when separated 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 and as a leasehold or easement. Examples of such strips of land which normally will not prevent lots from being contiguous, include roads and streets other than freeways, utility easements, railroad rights-of-way, canals and drainage channels. (AM ORD. 4334 – 12/06/05)

County Surveyor

"County Surveyor" means the Director of the Ventura County Public Works Agency or his duly authorized representative. (AM ORD. 4334 – 12/06/05)

Filed

For the limited purpose of commencing the time periods prescribed by Section 66452.1 of the Subdivision Map Act and Sections 8205-5.2 and 8205-5.3 of this Code for the reporting or acting upon tentative maps, a tentative map for which a complete application has been submitted shall be deemed to be "filed" with the clerk of the Advisory Agency on the filing date established as follows:

- (a) In cases where the subdivision is exempt from the requirements of CEQA, the Planning Director shall prepare and sign a notice of exemption and the filing date of the tentative map shall be the date on which such notice is signed.
- (b) In cases where a negative declaration or a mitigated negative declaration is required under CEQA, the Planning Director shall prepare and sign a proposed negative declaration or a proposed mitigated negative declaration and the filing date for the tentative map shall be the date on which such proposed declaration is signed.
- (c) In cases where an environmental impact report is required under CEQA, the filing date for the tentative map shall be either the date on which the Advisory

Agency having authority to approve, disapprove or conditionally approve the tentative map and to certify the environmental impact report opens its public hearing for such purposes or the date on which the environmental impact report is certified, whichever date is earlier.

For the purposes of Sections 66452.6, 66457 and 66463.5 of the Subdivision Map Act and Section 8205-8.1 of this Code, a final map shall be deemed to be "filed" with the legislative body and a parcel map shall be deemed to be "filed" with the County Surveyor on the date it is submitted to the County Surveyor in a form and condition which would permit the County Surveyor to sign the certificate specified in Section 8206-2 of this Code. For the purpose of Sections 8206-1 and 8206-4 of this Code, a final map or parcel map is "filed" for record when the County Recorder accepts it for filing pursuant to Section 66466 of the Subdivision Map Act.

(AM ORD. 4334 – 12/06/05)

Flag Lot

"Flag lot" means a lot whose general configuration is in the shape of an "L" or "T", and which takes access from the street by means of a strip (staff) which is part of the lot. (AM ORD. 4334 – 12/06/05)

Hillside Area

"Hillside area" means any area within a proposed subdivision which has a slope in excess of 20 percent. (AM ORD. 4334 – 12/06/05)

Legislative Body

"Legislative body" means the Board of Supervisors. (AM ORD. 4334 – 12/06/05)

Lot

"Lot" means an area of land having fixed boundaries depicted on or described by a tentative map, 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 where otherwise specified in this Chapter, references to lots are intended to include remainder parcels and parcels offered for dedication. (AM. ORD. 4083-12/20/94, AM ORD. 4334 – 12/06/05)

Lot Area, Gross

"Gross lot area" and "gross area" mean the total area, measured in a horizontal plane, within the lot lines of a lot. (AM ORD. 4334 – 12/06/05)

Lot Area, Net

"Net lot area" and "net area" mean 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, and 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. (AM ORD. 4334 – 12/06/05)

Lot, Legal

"Legal lot" means a lot that met all local subdivision ordinance and Subdivision Map Act requirements when it was created, still exists, and can be lawfully conveyed in fee as a discrete unit separate from any contiguous lot. "Legal lot" also means a lot for which a certificate of compliance or a conditional certificate of compliance has

been issued under this Chapter and the Subdivision Map Act and the boundaries of which have not subsequently been altered by merger or further subdivision. (AM. ORD. 4083-12/20/94, AM ORD. 4334 – 12/06/05)

Lot Line Adjustment

"Lot line adjustment" means any boundary line adjustment between two or more adjacent lots under the same or different ownership where land taken from one lot is added to an adjacent lot and where neither a greater nor a lesser number of lots than originally existed is created. (AM ORD. 4334 – 12/06/05)

Parcel

For the purposes of this Chapter, the word "parcel" shall have the same meaning as the "lot" and the two words shall be synonymous. (AM ORD. 4334 – 12/06/05)

Parent Parcel

"Parent parcel" means all of the property from which a subdivision is, or was, created. For example, if a subdivision divides one original lot into two new lots, the original lot is the parent parcel for that subdivision, and if a subdivision merges and resubdivides two original lots into five new lots, the combined area of the two original lots is the parent parcel. (AM ORD. 4334 – 12/06/05)

Permanent Domestic Water Supply

"Permanent domestic water supply" means a supply or supplies of potable water to be provided by a system or systems approved by a public health agency of the State of California or the Environmental Health Division of the Ventura County Resource Management Agency and the Ventura County Public Works Agency in a quantity sufficient to supply adequately and continuously the total domestic requirements of all consumers under maximum demand conditions. Potability shall be determined in accordance with standards established by the State of California and the Environmental Health Division. For the purposes of this section, maximum demand condition for permanent domestic water supply systems is determined as follows: (AM. ORD. 4083-12/20/94)

- (a) For water systems with less than five service connections, maximum demand condition shall be five gallons per minute at 20 pounds per square inch for each service connection provided; and
- (b) For water systems with five or more service connections, maximum demand conditions shall be the greater of (1) the user average day demand plus the minimum applicable fire flow specified in the Ventura County Water Works Manual, or (2) the user maximum hour demand, as provided in Section 64566 of Title 22 of the California Code of Regulations. (AM. ORD. 4083- 12/20/94)

(AM ORD. 4334 – 12/06/05)

Planning Director

"Planning Director" means the Deputy Director - Resource Management Agency for the Planning Division, or his or her designee. (AM ORD. 4334 – 12/06/05)

Remainder Parcel

"Remainder Parcel" means that portion of a parent parcel which is not created for purposes of sale, lease or financing, including any portion of a parent parcel that is either a "designated remainder" or an "omitted parcel" within the meaning of Section 66424.6 of the Subdivision Map Act, and also means any portion of a parent parcel that is designated as a "Remainder Parcel" pursuant to Section 8206-1.14. Except as otherwise provided in this Chapter, a remainder parcel is a lot for all purposes of this Chapter. (AM. ORD. 4083-12/20/94, AM ORD. 4334 – 12/06/05)

Subdivider

"Subdivider" means any person, firm, corporation, partnership or association which is a subdivider as defined in Section 66423 of the Subdivision Map Act and, in addition, the following:

- (a) With respect to a subdivision ordered by a probate court to effect a testamentary disposition, the estate of the testator;
- (b) With respect to a subdivision ordered by a court in a partition action pursuant to Title 10.5 (commencing with Section 872.010) of Part 2 of the Code of Civil Procedure, any plaintiff in such action and any owner of the subject property who consents to the partition; or
- (c) With respect to a subdivision ordered by a court in a partition proceeding pursuant to Chapter 18 (commencing with Section 1100) of Division 3 of the Probate Code, any heir, devisee or legatee entitled to the distribution of undivided interests in the subject property who petitions for or consents to the partition.

(AM ORD. 4334 – 12/06/05)

Subdivision

"Subdivision" means any division of land which is a subdivision as defined in Section 66424 of the Subdivision Map Act and, in addition, any of the following:

- (a) 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 any transfer, whether immediate or future, of the right to the exclusive possession of the surface of the land or portions thereof; or
- (b) A lot line adjustment; or
- (c) A condominium project or common interest development, as defined in Section 1351 of the Civil Code or a community apartment project, as defined in Section 11004 of the Business and Professions Code.

(AM ORD. 4334 – 12/06/05, AM ORD. 4382 – 03/18/08)

Subdivision Map Act

"Subdivision Map Act" means the provisions of Division 2 (commencing with Section 66410) of Title 7 of the California Government Code and such amendments and additions thereto as may be made from time to time by the California Legislature. (AM ORD. 4334 – 12/06/05)

Ventura County Flood Control District Comprehensive Plan for Flood Control Channels

"Ventura County Flood Control District Comprehensive Plan for Flood Control Channels" means the document entitled "A Comprehensive Plan of Field Control - Ventura County Flood Control District" dated November 1959 and originally adopted by the governing board of the Ventura County Flood Control District on April 19, 1960, as thereafter amended from time to time by action of said board. (AM ORD. 4334 – 12/06/05)

Ventura County Flood Plain Management Ordinance

"Ventura County Flood Plain Management Ordinance" means Ventura County Ordinance No. 3841 as amended by Ventura County Ordinance Nos. 3890 and 3902 and as thereafter amended from time to time. (AM ORD. 4334 – 12/06/05)

Ventura County Improvement Standards and Specifications

"Ventura County Improvements Standards and Specifications" means the latest revisions of the following documents adopted, from time to time, by the Board of Supervisors, and any other documents incorporated by reference therein:

- (a) Ventura County Standard Land Development Specifications;
- (b) Ventura County Road Standards;
- (c) Ventura County Water Works Manual;
- (d) Ventura County Sewerage Manual;
- (e) Ventura County Flood Control District Design Manual; and
- (f) Ventura County Flood Control District Hydrology Manual.

Pursuant to Section 66462, subsection (b), of the Subdivision Map Act, the Ventura County Improvement Standards and Specifications are adopted by reference and three copies thereof shall be on file with the Clerk of the Board of Supervisors.

(AM ORD. 4334 – 12/06/05)

ARTICLE 2: MAP REQUIREMENTS

Sec. 8202-1 - Subdivisions Creating Five Or More Lots

A tentative map and a final map shall be required for all subdivisions which create five or more lots, create five or more condominiums as defined in Section 783 of the Civil Code, are a community apartment project (as defined in Sec. 11004 of the Business and Professions Code) containing five or more parcels, or are a conversion of a dwelling to a stock cooperative containing five or more dwelling units, except where:

- (a) The parent parcel contains less than five acres, each lot created by the division abuts upon a publicly maintained public street or highway, and no dedications or improvements are required by the legislative body; or
- (b) Each lot created by the subdivision has a gross area of 20 acres or more and has an access approved by the Public Works Agency and the Ventura County Fire Protection District to a publicly maintained public street or highway; or
- (c) The parent parcel has an access approved by the Public Works Agency and the Ventura County Fire Protection District to a public street or highway and is zoned for industrial or commercial development, and which has the approval of the legislative body as to street alignments and widths; or
- (d) Each lot created by the subdivision has a gross area of not less than 40 acres or is not less than a quarter of a quarter section.

A tentative map and a parcel map shall be required for those subdivisions described in subsection (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 reconveyance to a public utility for rights-of-way, shall not be counted.

Sec. 8202-2 - Subdivisions Creating Four Or Fewer Lots

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, or four or fewer condominiums, or (in the case of community apartment projects) containing four or fewer apartments, or (in the case of conversions to a stock cooperative) involving four or fewer dwelling units.

Sec. 8202-3 - Waivers

A tentative map and a final map or parcel map shall, upon proper application therefor, be waived in the following cases:

- (a) Lot Line Adjustments - Lot line adjustments involving only legal lots are eligible for map waiver provided that the Advisory Agency has issued written findings that the adjustment is consistent with applicable building ordinances, and that either (1) all of the resulting lots will conform to all applicable zoning requirements, or (2) no conforming lot will be made nonconforming with applicable zoning requirements and the adjustment will not reduce the aggregate area of all affected lots which do not meet the minimum area requirements of their zoning designations;
- (b) Large Lot Subdivisions - Subdivisions (other than condominium conversions, community apartment projects and stock cooperative conversions) which create no more than four lots, including any remainder parcel, each of which has a gross area of at least 40 acres or is not less than a quarter of a quarter section are eligible for map waiver provided that the Advisory Agency has issued written findings that (1)

the subdivision meets all of the requirements of this Chapter and the Subdivision Map Act for a subdivision by parcel map except only those requirements set forth in Section 8206-1.1 of this Chapter and in Section 66448 of the Subdivision Map Act and such other requirements as may be waived by the Advisory Agency pursuant to this Section, and (2) no injury would be done to the public health, safety or welfare by permitting the subdivision to occur without a field survey;

- (c) Lot Elimination Subdivisions - Subdivisions which merge existing legal lots and then resubdivide the property so as to eliminate one or more of the previously existing lots by adding their territory to one or more of the other previously existing lots without otherwise altering the boundaries of the latter group of previously existing lots are eligible for map waiver provided that the Advisory Agency has issued written findings that the subdivision is consistent with the public health, safety and welfare, and that (1) all of the resulting lots will conform to all applicable zoning, general plan and specific plan requirements, or (2) at least one of the previously existing lots which are eliminated by the subdivision was nonconforming with applicable zoning, general plan or specific plan requirements, or (3) at least one of the previously existing lots which are enlarged by the subdivision was nonconforming with applicable zoning, general plan or specific plan requirements; (AM. ORD. 4083-12/20/94)
- (d) Mergers - Mergers which create one new lot out of two or more previously existing lots by eliminating all common lot lines which separate such lots from each other are eligible for map waiver provided that, if one or more of the previously existing lots are not legal lots, the Advisory Agency may impose whatever conditions for the map waiver as it could impose for a Conditional Certificate of Compliance issued pursuant to Sections 8212-4 through 8212-4.2 with respect to such illegal lots, and may require satisfaction of all such conditions as a condition precedent to recordation of the map waiver approval form; and (AM. ORD. 4083-12/20/94)
- (e) Mobilehome Park Condominium Conversions - Subdivisions which convert mobilehome parks (as defined in Section 50781 of the Health and Safety Code) into condominiums and which create no more than four lots, including any remainder parcel, (as opposed to separate interests in airspace) are eligible for map waiver provided that the Advisory Agency has issued written findings that none of the conditions listed in subsections (a) (1) through (a) (4) of Section 66428.1 of the Subdivision Map Act exist, and (ADD. ORD. 4083-12/20/94, AM ORD. 4334 - 12/06/05)
- (f) Parcel Map Waiver/Conservation Subdivision - Subject to the following terms and conditions and approval by the Planning Director, a Parcel Map Waiver/Conservation Subdivision occurs when an existing legal lot is divided into two new legal lots or when a Lot Line Adjustment between two legal lots creates two new lots and the two new lots qualify as a Conservation Parcel and a Non-Conservation Parcel as defined below.

(1) Definitions and Requirements

- (A) Conservation Parcel - A Conservation Parcel is a parcel created through the Parcel Map Waiver/Conservation Subdivision process which:
 - (i) Has one or more Significant Biological Resources, as defined in the Ventura County Initial Assessment Guidelines, which include but are not limited to habitats of endangered, threatened, or rare species; wetland habitats; coastal habitats; migration corridors for fish or wildlife; locally important species/communities; and/or property which can be restored to the status of supporting or exhibiting Significant Biological Resources.
 - (ii) Is acquired and maintained as permanent, natural open space by a Conservation Organization, defined below; and

- (iii) Has recorded on it an easement and/or deed restriction in favor of the County of Ventura committing the property to natural resource conservation use in perpetuity.

A Conservation Parcel may be smaller than the minimum lot size required, or may be conforming as to size. Conservation Parcels shall be conditioned or deed restricted to specify the permitted and prohibited uses, on a case by case basis.

(B) Conservation Organization - To qualify as a Conservation Organization, the owner of the Conservation Parcel must meet all of the following standards:

- (i) It must be a public conservation agency, or a private non-profit organization chartered under the US Code, Title 26, Part 501(c) 3, whose primary purpose is the preservation and protection of land in its natural, scenic, historical, recreational and/or open space condition.
- (ii) If it is a private non-profit organization, then it must be either a statewide, national or international organization, or a local community-based organization with a membership of at least 500 individuals and/or businesses.
- (iii) It must have owned and/or managed natural resource/open space property, at least 50 acres in area, for at least one year. In lieu of meeting this requirement, a Conservation Organization may provide a financial surety to ensure the stewardship of the Conservation Parcel for a period of five years.
- (iv) It must have the institutional and economic ability to maintain the property.

(C) Non-Conservation Parcel - A Non-Conservation Parcel is the parcel created through the Parcel Map Waiver/Conservation Subdivision process which is not intended to be maintained for natural resource conservation in perpetuity. A Non-Conservation Parcel may be non-conforming as to size; however, it must be of a size and shape suitable for the uses permitted by its Zoning Classification. In addition, if the property is designated Agriculture in the General Plan, the Non-Conservation Parcel must have a minimum area of 10 acres, large enough to qualify for an Irrigated Agriculture Land Conservation Act Contract. If these requirements are met, the non-conforming Non-Conservation Parcel shall be considered a legal non-conforming parcel with all of the development rights accorded by its zoning classification.

(2) Conditions. Parcel Map Waiver/Conservation Subdivisions must meet the all of the following conditions.

(A) The Parcel Map Waiver/Conservation Subdivision, including the Sketch Map and Legal Description, must be recorded within one year of approval. The grant deed transferring the Conservation Parcel to a Conservation Organization must record simultaneously with the Parcel Map Waiver/Conservation Subdivision.

(B) A deed restriction shall be recorded on the Conservation Parcel specifying what activities, uses, and structures are permitted, and which are prohibited. Activities, uses and structures will be limited to those compatible with natural resource conservation. Permissible activities include but are not limited to removal of existing structures and non-native species, restoration of the land to its natural state and re-introduction of native species. Permissible uses include but are not limited to hiking trails and trailhead parking lots. Permissible associated structures include but are not limited to trailhead restrooms and information kiosks/signboards.

(C) An easement and/or deed restriction shall be recorded on the Conservation Parcel in favor of the County, to ensure its maintenance in perpetuity for natural resource conservation.

(D) Failure to record the Parcel Map Waiver/Conservation Subdivision, the Conservation Parcel Grant Deed, and all required deed restrictions and/or easements within one year of approval of the Parcel Map Waiver/Conservation Subdivision, voids the Parcel Map Waiver/Conservation Subdivision, unless a longer time period is granted in writing by the Planning Director.

The project may also be conditioned to meet other Agency requirements prior to recordation of the Parcel Map Waiver/Conservation Subdivision.

(3) Findings. Before a Conservation Parcel Map Waiver/Conservation Subdivision may be granted, the applicant must establish and the Planning Director must make all of the below findings.

(A) That one of the new parcels created qualifies as a Conservation Parcel, including a finding that the owner of the Conservation Parcel qualifies as a Conservation Organization.

(B) That the requirements of a non-conforming Non-Conservation Parcel are met if one is created.

(C) That the granting of the Conservation Parcel Map Waiver/Conservation Subdivision will not be detrimental to the public health, safety and welfare, nor to the use, enjoyment, or valuation of neighboring properties.

(D) That the Parcel Map Waiver/Conservation Subdivision is compatible with good zoning practice.

(ADD ORD. 4334 – 12/06/05)

Sec. 8202-3.1 - Applications

An application for a map waiver shall be on a form satisfactory to the Planning Director and shall be accompanied by documents containing all of the information specified in Sections 8203-2 and 8203-3, provided that the Advisory Agency may, in individual cases, permit the omission of items of information deemed by it not to be necessary for a proper review of the application. The application shall also be accompanied by a legal description and a sketch, prepared by a person authorized to practice land surveying, of each of the lots to be created by the subdivision or merger and, where applicable, each of the affected lots in existence at the time of application. The sketch shall include a north arrow and the bearings and distances for all the lot lines including, where applicable, distances between old and new lot lines. Where, in the opinion of the Planning Director, a field survey is necessary in order to support a required finding that one or more of the lots to be created will conform to applicable zoning requirements, the application shall be accompanied by field survey documents, made in conformity with the Land Surveyors Act, sufficient to support such a finding and in a form suitable for recordation as a record of survey. The application for a mobilehome park condominium conversion described in subsection (e) of Section 8202-3 shall also be accompanied by (1) a petition in the form specified in Section 66428.1 of the Subdivision Map Act signed by at least two-thirds of the owners of mobilehomes who are tenants in the mobilehome park and (2) field survey documents, made in conformity with the Land Surveyors Act, in a form suitable for recordation as a record of the exterior boundary of the subdivision and of each lot, including any remainder parcel, therein. (AM. ORD. 4083-12/20/94)

Sec. 8202-3.2 - Processing

An application for a map waiver shall be processed as an application for a ministerial permit, without public notice or hearing, in the following cases:

- (a) Lot line adjustments described in subsection (a) of Section 8202-3 where all of the resulting lots will conform to all applicable zoning requirements; (AM. ORD. 4083-12/20/94)
- (b) Lot elimination subdivisions described in subsection (c) of Section 8202-3; and
- (c) Mergers described in subsection (d) of Section 8202-3 where all of the preexisting lots are legal lots.

In all other cases, an application for a map waiver shall be processed in the same manner as an application for a tentative parcel map. Upon approval of a map waiver application, the Advisory Agency shall date and sign a tentative approval form, including applicable legal descriptions and sketches. Any conditions imposed with respect to the approval shall be stated in full on a separate document physically attached to the tentative approval form. Any required survey documents shall also be physically attached to the tentative approval form. Any map waiver that would create a lot that was divided as to ownership (including ownership of a security interest) shall be conditioned to require that deeds be recorded simultaneously with the map waiver form so as to make ownership boundaries correspond to lot boundaries, and the recording of the map waiver form shall constitute consent by the grantee of any such deed to a consolidation of the affected Assessor's parcels in the grantee's possession so as to prevent an increase in the number of Assessor's parcels shown on the County's assessment roll. Any map waiver for which a survey is required shall, if a record of survey is required by Section 8762 of the Business and Professions Code, be conditioned to require that the record of survey be recorded simultaneously with the map waiver form and be cross-referenced on the cover sheet of the map waiver form.

Sec. 8202-3.3 - Recording

A map waiver shall not become operative unless and until the map waiver form is recorded in the Office of the County Recorder prior to expiration of the approval. The approval shall expire one year from the date of the tentative approval form in the cases described in subsections (a), (c) and (d) of Section 8202-3, and three years from the date of the tentative approval form in cases described in subsection (b) of Section 8202-3. Any person wishing to record the map waiver form shall first submit to the Planning Director the following documents: (AM. ORD. 4083-12/20/94)

- (a) The tentative approval form; (ADD. ORD. 4083-12/20/94)
- (b) Any separate document of conditions; (ADD. ORD. 4083-12/20/94)
- (c) Any required survey documents; (ADD. ORD. 4083-12/20/94)
- (d) A signed and acknowledged statement satisfying all the requirements of Section 66436 of the Subdivision Map Act; (ADD. ORD. 4083-12/20/94)
- (e) A certificate or statement satisfying the requirements of Section 66492 of the Subdivision Map Act; and (ADD. ORD. 4083-12/20/94)
- (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 Section 66493 of the Subdivision Map Act. (ADD. ORD. 4083-12/20/94)

The Planning Director shall detach any separate document of conditions, and any survey documents. On a separate document of conditions, the Planning Director shall indicate all conditions that, according to proof supplied by the applicant, have been satisfied. If all conditions that are required to be satisfied prior to the recording of the map waiver form have not been satisfied, the Planning Director shall

reject the tentative approval form. If all conditions that are required to be satisfied prior to the recording of the map waiver form have been satisfied, the Planning Director shall prepare the map waiver form, including applicable legal descriptions and sketches, and shall transmit it and the document specified in subsection (e) above to the Ventura County Recorder. Simultaneously, the Planning Director shall transmit the documents specified in subsection (f) above to the Ventura County Tax Collector. If conditions remain to be satisfied that are not required to be satisfied prior to recording of the map waiver form, the Planning Director shall indicate on the separate document of conditions all those conditions that have been satisfied and all those that remain to be satisfied, shall cross-reference the separate document on the cover sheet of the map waiver form before transmitting it to the County Recorder, and shall file, maintain and index the separate document in the office of the Planning Director in the same manner as separate map sheets are filed, maintained, and indexed by the County Surveyor, pursuant to Section 8206-5. If a record of survey is to be recorded, the Planning Director shall transmit it to the County Surveyor together with the map waiver form. When the map waiver form is transmitted to the County Recorder by the Planning Director, the County Recorder shall record it and, if it is accompanied by a record of survey, shall concurrently record the record of survey after completing appropriate cross-references to the concurrently recorded documents on their respective cover sheets. When recorded, the map waiver form shall have the same force and effect as a recorded parcel map. (AM. ORD. 4083-12/20/94)

ARTICLE 3:

SUBMISSION OF TENTATIVE MAPS

Sec. 8203-1 - Submission

Unless otherwise provided in this Chapter, each proposed subdivision shall first be submitted to the Planning Division of the Resource Management Agency in the form of a tentative map. Tentative maps shall be prepared and submitted in compliance with all applicable State laws and County ordinances.

- (a) 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.
- (b) Number of Copies - The number of copies required for submission of a tentative map shall be determined by the Planning Division based, in part, on the type of proposed subdivision, location of the property, and any known issues related to the area.
- (c) Vesting Tentative Maps - A subdivider desiring to obtain the development rights conferred by Chapter 4.5 (Commencing with Section 66498.1) of the Subdivision Map Act shall print the words "Vesting Tentative Map" conspicuously on the face of each copy of the tentative map prior to submitting the tentative map to the Planning Division.
- (d) Phased Maps - A subdivider desiring to record multiple final maps or multiple parcel maps relating to a single tentative map shall so inform the Planning Division in writing at the time the tentative map is submitted, provided that, at any time prior to approval or conditional approval of the tentative map, the Advisory Agency may waive this requirement.

Sec. 8203-2 - 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 one inch equals one hundred 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 requirements of Article 4, the 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 Flood Control District channels within one-half 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 of parent parcel;
 - (4) North point 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 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;
- (e) Contour intervals as follows:
 - (1) One foot when the slope of ground is less than five percent; or
 - (2) Two feet when the slope of ground is between five and ten percent; or
 - (3) Five feet when the slope of ground is between ten and twenty-five percent; or
 - (4) Ten feet when the slope of ground is greater than twenty-five percent; and
 - (5) At least every fifth contour shall be clearly labeled and indicated so as to be distinctive; and
 - (6) 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, and the identifier for each lot which shall be in compliance with the following:
 - (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, shall be numbered consecutively commencing with the number "one"; (AM. ORD. 4334 – 12/06/05)
- (g) The gross area of each proposed lot, and the 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 8204-2.6;
- (i) The proposed uses of each proposed lot (e.g., single-family, multiple-family, commercial, industrial, schools, parks);
- (j) All structures, fences, tree rows, significant trees, existing or abandoned water wells, public utility lines, prominent features and land uses within the subdivision which are to remain or be removed, and all those located within one hundred feet of the proposed subdivision;
- (k) All producing, abandoned or idle oil wells, oil or gas pipelines, existing or abandoned oils sumps, and existing oil or gas Conditional Use Permit boundaries;
- (l) The approximate location and direction of flow of all watercourses and natural drainage channels;
- (m) The widths, centerline radii and approximate grades of all rights-of-way for all roads within the proposed subdivision, the approximate finish 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;

- (n) The width and location of all necessary off-site access from the proposed subdivision to the nearest public road;
- (o) Delineation of all flood hazard areas based on 100-year storm frequency as determined in accordance with methodology approved by the Ventura County Flood Control District; and
- (p) The location of each test boring upon which the preliminary soils report described in subsection (n) of Section 8203-3 is based.
- (q) The approximate location of all easements to be abandoned pursuant to Sections 66499.20¼ and 66499.20½ of the Subdivision Map Act. (AM. ORD. 4083-12/20/94)

Sec. 8203-3 - Documents To Be Submitted With Tentative Maps

Each tentative map submitted to the Planning Division shall be accompanied by documents containing all of the following items, excepting only those 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 the latest equalized County assessment roll, or by their authorized agents, 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 owner's behalf;
- (b) Any required application fees;
- (c) A completed and signed fee reimbursement agreement;
- (d) A project description questionnaire, identifying any existing oil/gas development permits and leases on the property; (AM. ORD. 4083-12/20/94)
- (e) The names and addresses of all operators of proposed subdivision utility systems, all proposed water and sewer purveyors, all on-site oil/gas well permittees, and all on-site oil/gas pipeline operators;
- (f) Site zoning map with the parent parcel outlined in red;
- (g) Site zoning map with a line 300 feet to the outside of the parent parcel marked in red;
- (h) Two sets of gummed address labels filled out with the name and mailing address of each person who, according to the latest equalized assessment roll, owns real property within 300 feet of the parent parcel and of each person who owns mineral rights on or holds a permit to extract minerals from the parent parcel;
- (i) A slope-density analysis if required because of the location or topography of the property;
- (j) A description of the proposed method of storm water 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 storm water, and diversion and collection systems; and
 - (2) A demonstration that drainage requirements set forth in the applicable County road standards will be satisfied; and

- (3) If the tentative map depicts a buildable site within a flood hazard area delineated on the tentative map, a demonstration that each such site can be protected from a 100-year flood;
- (k) A description of the proposed method and plan of sewage disposal for each proposed lot together 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, sufficient to provide connections to each proposed lot shall be submitted; or
 - (2) When the proposed method of sewage disposal is by individual 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 individual sewage disposal system for each proposed lot will function properly shall be submitted;
- (l) A description of the proposed method and plan for providing a permanent domestic water supply to each proposed lot together with the following:
 - (1) When the proposed water supply is to be provided by a public water system, as defined in Section 4010.1 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, sufficient to provide a permanent domestic water supply to each such lot shall be submitted; and
 - (2) Regardless of whether the proposed water supply is to be provided by a public water system, when it is to be drawn exclusively from wells in areas where groundwater supplies have been determined by the Environmental Health Division or the Public Works Agency to be questionable or inadequate, a report that is prepared in accordance with procedures established by the Public Works Agency and the Environmental Health Division and that demonstrates the availability of a permanent domestic water supply to each lot for a period of at least 60 years shall be submitted;
- (m) A certification by the applicant, supported by a 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;
- (n) 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 8204-2.6; and
 - (5) a description of general solutions for all known problems related to soils conditions and a statement as to the technical and economic feasibility of those solutions;

provided that the preliminary soils report may be waived if both the Public Works Agency and the Environmental Health Division find, on the basis of their knowledge of the soils in the subdivision, that the report is unnecessary;

- (o) If the Public Works Agency or the Environmental Health Division has knowledge 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 8204-2.6;

- (p) 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 Division of Mines and Geology, including the following information: (AM. ORD. 4083-12/20/94)

- (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 8204-2.6; and
- (6) an evaluation of the effect of the geology on the proposed development and on adjacent properties;

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

- (q) A report on the significant flora, fauna, and other natural resources found on the property;
- (r) A survey of the archeological and paleontological and historical/cultural resources found on the property. (AM. ORD. 4221 - 12/5/00)
- (s) A status report, approved by the State Division of Oil and Gas, on any shut-in or abandoned oil/gas wells, and other wells associated with oil and gas development, located on the parent parcel, including a map from the Division of Oil and Gas with the project site outlined in red;
- (t) Cross sections of all proposed improvements for roads or streets, utility lines, storm drains and the like;
- (u) A preliminary grading plan showing all cut and fill slopes over five feet in vertical height, both on and outside of the parent parcel, and showing contour lines as prescribed by subsection (e) of Section 8203-2;

- (v) If the proposed subdivision involves the conversion of a mobilehome park to another use, a report on the impact of the conversion on displaced residents of the mobilehome park meeting the requirements of Section 66427.4 of the Subdivision Map Act;
- (w) The flood elevation data used to delineate on the tentative map any flood hazard area based on 100-year storm frequency;
- (x) If the proposed subdivision includes land within an R-P-D, C-R-PD, H-P-D or C-C Zone, a complete application for an appropriate Planned Development Permit, Conditional Use Permit or Public Works Permit establishing the minimum lot area (for the R-P-D, C-R-PD and H-P-D Zones) and minimum lot width (for the C-R-PD, H-P-D and C-C Zones) in accordance with Sections 8106-1.1 and 8175-2 of this Code; and (ADD. ORD. 4083-12/20/94)
- (y) Any other relevant document deemed necessary by the Planning Division to make a determination of application completeness. (AM. ORD. 4083-12/20/94)
- (z) A report stating the consistency of the project with the requirements of the zoning ordinances, especially with regard to potential illegal structures and uses. (AM. ORD. 4221 - 12/5/00)

ARTICLE 4: DESIGN REQUIREMENTS

Sec. 8204-1 - General

The provisions of this Article apply only to subdivisions for which a final map or parcel map is required. All tentative maps must be consistent with the Ventura County General Plan and satisfy all applicable planning, zoning, design and improvement requirements specified or incorporated in this Code.

Sec. 8204-2 - Lot Design

The design of proposed lots is regulated in the following ways in order to obtain the 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 regulations.

Sec. 8204-2.1 - 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. 8204-2.2 - 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 or more than 40 feet in width.

Sec. 8204-2.3 - 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. 8204-2.4 - Lot Area

Unless otherwise excepted, all proposed lots shall conform to the minimum lot area requirements of the General Plan, Goals, Policies, and Programs Section 3.1.2-6 (Land Use Policies – Minimum Parcel Size), and zone 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 Ordinance provides otherwise. (AM. ORD. 4334 – 12/06/05; AM. ORD. 4436 – 6/28/11)

Sec. 8204-2.5 - Access

All proposed lots shall have legal access to public rights-of-way or approved private streets. Street layout shall be designed to provide for future access to, and not impose undue hardship upon, property adjoining the subdivision.

Sec. 8204-2.6 - 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, 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, primary structure and which lots are or will be subject to a discretionary permit issued by the County regulating their proposed use.

Sec. 8204-2.7 - Setbacks

Each proposed lot shall, at all designated buildable sites and at all existing buildings, comply with all setback requirements of the zone. 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 as a public road or street for purposes of determining setbacks for all lots over which the easement passes.

Sec. 8204-2.8 - Energy Conservation

The design of a subdivision shall provide, to the extent feasible, for future passive or natural heating and cooling opportunities in the subdivision.

- (a) Examples of passive or natural heating opportunities in subdivision design include design of lot size and configuration to permit orientation of a structure in an east-west alignment for southern exposure and solar easements.
- (b) Examples of passive or natural cooling opportunities in subdivision design include design of lot size and configuration to permit orientation of a structure to take advantage of shade or prevailing breezes.

Sec. 8204-2.9 - 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, unless the parent parcel is not capable of sustaining such a use and each of the lots to be created by the subdivision contains at least 40 acres.

Sec. 8204-2.10 - Cultural Heritage Site

The design of a subdivision shall not adversely affect the historical, architectural or esthetic interest or value of a potential or designated Cultural Heritage Site as defined in the Cultural Heritage Ordinance, or, when applicable, the design has been granted a Certificate of Appropriateness from the Ventura County Cultural Heritage Board pursuant to the requirements of the Cultural Heritage Ordinance. (AM. ORD. 4221 - 12/5/00)

Sec. 8204-3 - 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 Ventura County 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 all other streets that are to be used for motor vehicle traffic shall be designed to conform to the Ventura County Fire Protection District Guidelines for Private All Weather Access Roads, subject to any deviations authorized by those standards or guidelines and duly approved by the County Surveyor or Fire Chief before the tentative map is submitted to the Planning Division. All street design elements not dictated by those standards or guidelines shall conform to good engineering practices and be approved by the County Surveyor.

Sec. 8204-4 - Utility Easements

Whenever overhead utilities are allowed in a proposed subdivision by this Code, 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. 8204-5 - Drainage Facilities And Right-Of-Way

The design of a subdivision shall conform to the Ventura County Flood Plain Management Ordinance 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, elevated and constructed to minimize or eliminate flood damage. 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 Flood Control District Comprehensive Plan of Flood Control Channels 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 at least 18 feet wide alongside the entire length of open channels and at least 10 feet wide directly over the entire length of underground channels.

Sec. 8204-6 - 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. 8204-7 - 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. 8204-8 - 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 individual sewage disposal system 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. 8204-9 - 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. 8204-10 - Supplemental Facilities

The Advisory Agency may require that improvements to be 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 some or all of those improvements be dedicated to the public whenever the Advisory Agency determines that such supplemental size, capacity, number, or length is desirable to ensure orderly development or otherwise protect the public health, safety or welfare. 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 Subdivision Map Act.

ARTICLE 5: PROCESSING OF TENTATIVE MAPS

Sec. 8205-1 - Determination Of Completeness Or Incompleteness

When the required number of copies of a tentative map and accompanying reports have been received by the Planning Division, the application shall be examined by staff of the Planning Division and other appropriate County departments, in light of the requirements of the Ventura County Improvement Standards and Specifications and of this Code, to determine whether it contains all of the required information and is complete for the purpose of Section 65943 of the Government Code. No later than 30 days following the submittal of the application, the applicant shall be notified in writing whether it is complete or incomplete. If the application is determined to be incomplete, the applicant shall be notified in writing of the reasons therefor and informed of the information still needed to make the application complete.

Sec. 8205-2 - Termination Of Incomplete Applications

Upon written notification to the applicant, processing of an incomplete application may be terminated if no reasonable effort has been made by the applicant to complete the application for a period of six months from the date of notification of incompleteness. All unused fees shall be refunded to the applicant. An extension to this six-month period may be granted by the Planning Director on written request by the applicant showing good cause.

Sec. 8205-3 - CEQA Requirements And Filing Date

The applicant shall provide such information as may be necessary to comply with CEQA and, when the appropriate environmental document has been prepared, the tentative map shall be filed as specified in Section 8201-6.7 of this Code.

Sec. 8205-4 - Reports And Recommendations

Any staff report or recommendation on a tentative map to the Advisory Agency or Board of Supervisors shall be in writing and a copy thereof shall be served on the subdivider or his representative and, in the case of a proposed conversion of residential property to a condominium, community apartment or stock cooperative project, on each tenant of the parent parcel at least three days prior to any hearing or action on such map by the Advisory Agency or Board of Supervisors.

Sec. 8205-5 - Notice, Hearings, And Decisions

Sec. 8205-5.1 - Notice of Public Hearings

Whenever a public hearing is required by this Article, notice thereof shall be given as provided in this section. The notice shall include the date, time, and place of the hearing, the identity of the hearing body or officer, a general explanation of the matter to be considered, a general description of the location of the subdivision, and a statement that the person to whom the notice is addressed has a right to appear and be heard. The notice shall be given by publication at least one time in at least one newspaper of general circulation within the County and, in addition, by mail or delivery to the following:

- (a) The owner of the subject real property or the owner's duly authorized agent;

- (b) The project applicant;
- (c) Each local agency expected to provide essential services or facilities to the project (schools, water, sewage, roads, etc.) whose ability to provide those services may be significantly affected;
- (d) All owners of real property, as shown on the latest equalized assessment roll, within 300 feet of the property subject to the hearing; provided that, if the number of owners exceeds 1000, a one-eighth-page advertisement in a newspaper of general circulation within the County may be substituted for the direct mailing or delivery;
- (e) If the proposed subdivision is a conversion of residential property to a condominium, community apartment, or stock cooperative project, each tenant of the parent parcel; and
- (f) Other persons whose property rights may be significantly or substantially deprived by the proposed subdivision.

Such publication, mailing or delivery shall occur at least 10 days before the hearing. Any interested person may appear at such a hearing and present testimony.

Sec. 8205-5.2 - Tentative Tract Maps

With respect to any subdivision for which a tentative map and final map is required, the Planning Commission (as Advisory Agency authorized to make recommendations only) shall hold a public hearing on the tentative map, recommend the content of required findings, recommend approval, conditional approval or disapproval of the tentative map, and report its actions in writing to the Board of Supervisor within 50 days after the tentative map is filed with the clerk of the Advisory Agency, unless the applicant consents to a longer period of time. At the next regular meeting of the Board of Supervisors following receipt of the Planning Commission's report, the Board (as the legislative body) shall fix the meeting date at which the tentative map will be considered by it at a public hearing, which date shall be within 30 days thereafter, and the Board shall make all findings required by this Chapter and the Subdivision Map Act, and shall approve, conditionally approve or disapprove the tentative map within such 30-day period; provided, however, that if legally sufficient notice thereof has been given the Board may hold the required public hearing at any regular meeting within 30 days following filing of the Planning Commission's report, in which case the Board shall approve, conditionally approve or disapprove the tentative map at the conclusion of such hearing. The Board may continue the public hearing on the tentative map to another date with the consent of the applicant.

Sec. 8205-5.3 - Tentative Parcel Maps

With respect to any subdivision for which a tentative map and a parcel map is required, the Planning Director (as Advisory Agency) shall hold a public hearing on the tentative map, make all findings required by this Chapter and the Subdivision Map Act, and shall approve, conditionally approve or disapprove the tentative map within 50 days after the tentative map is filed with the clerk of the Advisory Agency, unless the applicant consents to a longer period of time.

Sec. 8205-5.4 - Deferral of Decisions

The Planning Director may defer to the Planning Commission a decision on a tentative parcel map for any subdivision described in subsections (a) through (e), and the Planning Director shall to the extent necessary to comply with Section 8111-1.2.1 of this Code defer to the Planning Commission or the Board of Supervisors a decision on a tentative parcel map for any subdivision described in subsection (f). The body to which a decision is deferred pursuant to this Section shall hold the public hearing and make all required findings and decisions as provided in Section

8205-5.3 of this Code. Decisions on only the following subdivisions may be deferred:

- (a) Subdivisions which may result in significant adverse environmental impacts which cannot be mitigated to less than significant levels; (AM. ORD. 4083-12/20/94)
- (b) Subdivisions which involve substantial controversy;
- (c) Subdivisions which are in conflict with County policies, or would necessitate the establishment of new policies;
- (d) Subdivisions which may be precedent setting;
- (e) Subdivisions which the Planning Director determines should be reviewed by the Planning Commission in order to best protect the public welfare; or
- (f) Subdivisions which lie wholly or partially within an R-P-D Zone. (ADD. ORD. 4083-12/20/94)

Sec. 8205-5.5 - Findings

The Advisory Agency or the Board of Supervisors shall deny approval of a tentative parcel map or tentative tract map, respectively, if it makes any of the following findings, based on information submitted at the public hearing:

- (a) The proposed map is not consistent with applicable general and specific plans as specified in Section 65451 of the Government Code;
- (b) The design or improvement of the proposed subdivision is not consistent with applicable general and specific plans;
- (c) The site is not physically suitable for the type of development;
- (d) The site is not physically suitable for the proposed density of development;
- (e) The design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat, provided that the Advisory Agency or Board of Supervisors as appropriate may approve the tentative map if an environmental impact report was prepared with respect to the subdivision and it also finds that specific economic, social or other considerations make infeasible the mitigation measures or project alternatives identified in the environmental impact report;
- (f) The design of the subdivision or type of improvements is likely to cause serious public health problems;
- (g) The design of the subdivision or the type of improvements will 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; provided that the Advisory Agency or Board of Supervisors as appropriate may approve the tentative map if it also 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;
- (h) The discharge of waste from the proposed subdivision into an existing community sewer system would result in, or add to, a violation of existing requirements prescribed by a California Regional Water Quality Control Board pursuant to Division 7 (commencing with Section 13000) of the Water Code;
- (i) The property fronts on any public waterway, public river, public stream, coastline, shoreline, publicly owned lake or publicly owned reservoir and the proposed subdivision does not provide, or have available, reasonable public

access by fee or easement from a public highway to that portion of the bank of the waterway, river, stream, lake or reservoir bordering or lying within the proposed subdivision, or to land below the ordinary highwater mark on any ocean coastline or bay shoreline within the subdivision; provided that the Advisory Agency or Board of Supervisors as appropriate may approve the tentative map if it also finds that alternate reasonable public access is available within a reasonable distance from the subdivision;

- (j) The proposed subdivision fronts along a public waterway, public river or public stream and does not provide for a dedication of a public easement along a portion of the bank of the waterway, river or stream bordering or lying within the subdivision, which easement is defined so as to provide reasonable public use of the waterway, river or stream consistent with public safety;
- (k) The proposed subdivision would be incompatible with existing conditionally permitted oil/gas leases or oil/gas wells located within the proposed subdivision;
- (l) The parent parcel or a portion thereof is subject to a contract entered into pursuant to the California Land Conservation Act of 1965, the parent parcel or portion thereof subject to the contract is large enough to sustain a viable commercial agricultural use, and the proposed subdivision would create one or more lots which would be too small to sustain such a use or would otherwise violate any of the provisions of the contract;
- (m) The proposed subdivision would be detrimental to the public health, safety or welfare, or would be injurious or detrimental to property or existing lawful uses of property in the neighborhood;
- (n) The subdivider does not have 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;
- (o) The proposed subdivision is not consistent with applicable provisions of the County Hazardous Waste Management Plan; or
- (p) The proposed subdivision is located within a special studies zone established pursuant to the Alquist-Priolo Special Studies Zone Act (Public Resources Code, Section 2621 et seq.) and is not in accordance with the policies and criteria established by the State Mining and Geology Board pursuant to that Act.
- (q) The proposed subdivision is located adjacent to or contains a potential Cultural Heritage Site or a Designated Site and has not received a Certificate of Appropriateness from the Ventura County Cultural Heritage Board. (AM. ORD. 4221 - 12/5/00)

Sec. 8205-6 - Appeals

Sec. 8205-6.1 - Application

Except as otherwise specified herein, decisions of any County agency, officer or employee exercising powers pursuant to this Chapter may be appealed by an aggrieved party within 10 calendar days after any such decision has been made. An appeal may be commenced only by filing with the Planning Division an appeal application addressed to the appropriate appeal board. No appeal application shall be accepted for processing unless it contains all information, data and papers prescribed by the forms supplied by the Planning Division and is accompanied by payment of the fee, if any, specified by the Board of Supervisors.

Sec. 8205-6.2 - Appeal Board

Appeals of decisions made by the Planning Director or the Planning Division shall be heard by the Planning Commission, which shall hold a public hearing thereon. Appeals of decisions made by the Planning Commission, including those on appeals, shall be heard by the Board of Supervisors, which shall hold a public hearing thereon. Notwithstanding the foregoing, appeals of any decisions which relate solely to the waiver or modification of policies of the Board of Supervisors may be appealed directly to the Board of Supervisors.

Sec. 8205-6.3 - Time For Hearing

Appeals shall be heard and decided upon within 30 days after submittal, or within such longer period of time as may be consented to by the appellant and, if the appellant is not the applicant, by the applicant.

Sec. 8205-7 - Modifications

Sec. 8205-7.1 - Application

Following the approval of, but before expiration of, a tentative map, requests for modification thereof may be made by the applicant. The Planning Director shall determine whether the request for modification of an approved tentative map, including changes to map phasing, should be processed as a major modification or as a minor modification and that determination shall not be appealable. The request shall be processed as a minor modification if it meets all of the following criteria:

- (a) It would not affect the quantity or quality of the required dedications;
- (b) It would not increase the total number of proposed lots;
- (c) It would not significantly alter the configuration of the proposed lots;
- (d) It would not reasonably be expected to change any of the findings adopted by the Advisory Agency or Appeal Board when the tentative map was approved; and
- (e) It is not being made pursuant to Section 66474.2 or Section 66498.2 of the Subdivision Map Act for the purpose of securing a vested right to proceed with changed ordinances, policies or standards.

Sec. 8205-7.2 - Processing

If it is determined that the request should be processed as a minor modification, the Planning Director shall hold a public hearing and shall thereafter grant or deny the request. If it is determined that the request should be processed as a major modification, it shall be processed in the same manner as the original tentative map.

Sec. 8205-8 - Expiration Of Tentative Maps

Sec. 8205-8.1 - Expiration

An approved or conditionally approved tentative map shall expire 24 months from the date it was approved or conditionally approved. Unless a final map is filed with the legislative body or a parcel map is filed with the County Surveyor 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 and processing of a new tentative map. Said application shall be identified as a previously approved, but now expired map. A final map may be approved and recorded and a parcel map may be recorded after the expiration date of the tentative map if said final or parcel map was filed, with the legislative body or the County Surveyor, respectively, and deemed complete prior to the expiration date. (AM. ORD. #4226 - 12/12/2000)

Sec. 8205-8.2 - Extension

At any time prior to the expiration of an approved or conditionally approved tentative map, the subdivider may submit to the Planning Division an application for a 36-month extension of the 24 month initial time period for the tentative map and, if the application is timely, the Planning Division shall grant the extension as a matter of right. The submittal of a tentative map pursuant to Section 8203-1 of this Code shall be deemed to include an application for such a 36-month extension unless the documents submitted with the tentative map expressly state that no such extension is requested. There shall be no other extensions of the time period for the tentative map except as required by Section 66452.6, subsections (a) and (b) or Section 66463.5, subsection (d), of the Subdivision Map Act. (AM. ORD. #4226 - 12/12/2000)

Sec. 8205-8.3 - Modification

Approval of a minor or major modification of a previously approved or conditionally approved tentative map shall not affect the expiration date of a tentative map. (AM. ORD. #4226 - 12/12/2000)

Sec. 8205-9 - Expiration Of Development Rights Of 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 development rights conferred with respect to the subdivision by operation of Chapter 4.5 (commencing with Section 66498.1) of the Subdivision Map Act shall last for an initial period of 12 months beyond the date on which the final or parcel map is recorded. The initial period shall be 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. At any time during the initial period the subdivider may submit to the Planning Division, on a form approved by the Planning Director, an application for a 12-month extension and, if the application is timely, the Planning Division shall grant the extension as a matter of right.

ARTICLE 6: FINAL MAP AND PARCEL MAP REQUIREMENTS

Sec. 8206-1 - 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 under the supervision of a person authorized to practice land surveying 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 Subdivision Map Act.

Sec. 8206-1.1 - Survey

Final maps and parcel maps shall be based upon a field survey made in conformity with the Land Surveyors Act except as otherwise specified in this Section. A remainder parcel having a gross area of five 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 with 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 with 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. 8206-1.2 - 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 8206-2 only in sequential order according to the suffix numbers assigned thereto.

Sec. 8206-1.3 - Signatures and Scale

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

Sec. 8206-1.4 - 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 one-inch border lines.

Sec. 8206-1.5 - Title Sheets

Each title sheet of a final map or parcel map shall include a Title Block as provided by Section 8206-1.15 of this Chapter and all certificates, statements, acknowledgements and non-references required by this Chapter and the Subdivision Map Act. Preprinted title sheets obtained at cost from the County Surveyor, or preapproved computer drafted title sheets, must be used on final maps.

Sec. 8206-1.6 - 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 one 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 one inch equals 1000 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. 8206-1.7 - 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 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. 8206-1.8 - 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. No lot in a subdivision shall be bisected by the boundary line of a city, county or special district. If a remainder parcel having a gross area of five 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. 8206-1.9 - Easements

The location on the final map or parcel map of all existing or 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 owner, the use of the easement and the record reference, if any. The 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 pursuant to Section 66499.20-1/2 of the Subdivision Map Act shall be placed on the Title Sheet.

Sec. 8206-1.10 - Labeling

For lots having a net area of less than ten 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 ten 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. 8206-1.11 - Monuments

All monuments required by the Subdivision Map Act and this Code 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. 8206-1.12 - 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. 8206-1.13 - 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 and shall be property tied to the survey.

Sec. 8206-1.14 - 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. 8206-1.15 - 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. 8206-1.16 - Engineer's Statement

The statement of the engineer or surveyor required by Sections 66441 and 66449 of the Subdivision Map Act 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. 8206-1.17 - 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. 8206-1.18 - 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. 8206-1.19 - Additional Information

The final map or parcel map shall also contain the following information:

- (a) Date of preparation, north point 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 one 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 hundredths of an acre;
- (l) References to all controlling recorded maps and deeds for all or any portion of the existing boundaries of the parent parcel.

Sec. 8206-1.20 - 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. 8206-1.21 - 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. 8206-1.22 - Size of Lettering

No map lettering shall be smaller than 0.08 of an inch in height.

Sec. 8206-1.23 - 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 Ventura County 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 or parcel map.

Sec. 8206-1.24 - Cross-Reference to Separate Map Sheets

A cross-reference to each separate map sheet required by Section 8206-3.16 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. 8206-1.25 - 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 in the Office of the County Surveyor.

Sec. 8206-2 - Submission For Certification

Final maps and parcel maps being 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 or conditionally 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, 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. 8206-3 - Information To Be Submitted With Final 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 8206-3.1 through 8206-3.17 except as otherwise provided in such sections.

Sec. 8206-3.1 - Improvement Plans

Improvement plans and specifications required by this Chapter together with such calculations and additional information as will assist the County Surveyor 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 County Surveyor.

Sec. 8206-3.2 - Improvement Agreements and Securities

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

Sec. 8206-3.3 - 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 Section 66493 of the Subdivision Map Act also shall be submitted with the final map or parcel map. This Section is inapplicable to amending maps filed in accordance with Section 66469 of the Subdivision Map Act. (AM. ORD. 4083-12/20/94)

Sec. 8206-3.4 - 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 for approval pursuant to Section 8206-2. 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 at the time of recordation of the map. Said subdivision guarantee shall be for the benefit and protection of the County in the amount of at least one thousand dollars covering all lands to be dedicated for public use.

Sec. 8206-3.5 - Deeds

Whenever land or easements are offered for dedication for public use or access, and whenever 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. 8206-3.6 - 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 Section 66462.5 of the Subdivision Map Act.

Sec. 8206-3.7 - Utility Statement

A statement from each operator of proposed subdivision utility systems 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 the arrangements have been made to convey such easements to the utilities which are to use them shall be submitted with the final map or parcel map.

Sec. 8206-3.8 - Water Supply Certificate

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 supplier, 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 supplier, 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 supplier's customers generally, for the connection to the water supplier's system of each lot proposed to be served by the water supplier; or
 - (2) Each lot proposed to be served by the water supplier will be served through an existing connection provided by the water supplier to the property; and
- (b) A civil engineer, registered by the State of California, has determined that:
 - (1) The water supplier'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 supplier'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 supplier.

Sec. 8206-3.9 - Approval of Domestic Water Supply

A statement from the Environmental Health Division of the Resource Management Agency approving the method of permanent domestic water supply and, if a water supply certificate is required by Section 8206-3.8, approving such certificate shall be submitted with the final map or parcel map.

Sec. 8206-3.10 - 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. 8206-3.11 - Approval of Sewage Disposal Method

A statement from the Environmental Health Division of the Resource Management Agency approving the method of sewage disposal and, if a sewer service certificate is required by Section 8206-3.10, approving such certificate shall be submitted with the final map or parcel map.

Sec. 8206-3.12 - 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. 8206-3.13 - Storm Water Acceptance

Written evidence of such easements or other rights not within the proposed subdivisions as may be necessary to provide for the acceptance of storm waters generated by the proposed subdivision shall be submitted with the final map or parcel map except as otherwise provided in Section 66462.5 of the Subdivision Map Act.

Sec. 8206-3.14 - Railroad Crossings

The certification of any affected railroad company that satisfactory arrangements providing for all required railroad crossings have been made.

Sec. 8206-3.15 - 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. 8206-3.16 - Separate Map Sheets

Separate map sheets, in a form satisfactory to the County Surveyor and meeting the requirements of Section 66434.2 of the Subdivision Map Act, shall be submitted with the final map or parcel map and shall show the following information:

- (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 or idle oil wells, all oil or gas pipelines, all existing or abandoned oil sumps, and all existing oil or gas conditional use permit boundaries;
- (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) All conditions of approval of the tentative map that are to be satisfied after the final map or parcel map is recorded.

Sec. 8206-3.17 - 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.

Sec. 8206-3.18 - 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 Section 66477.5 of the Subdivision Map Act and signed by that local agency shall be submitted with, and shall be physically attached to, the final map or parcel map.

Sec. 8206-4 - 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 8206-2 of this Code 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 a request that the approval or disapproval of the final map be placed on the agenda for the Board's next regular meeting. If the final map is approved by the Board, 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 Section 66466 of the Subdivision Map Act.
- (b) Parcel Maps - The County Surveyor is authorized to approve or disapprove parcel map which have been submitted to him or her pursuant to Section 8206-2 of this Code. If a parcel map is certified by the County Surveyor pursuant to Section 8206-2 of this Code, it shall be deemed to be approved by him or her and he or she shall transmit it to the County Recorder and the County Recorder shall file it for record subject to the provisions of Section 66466 of the Subdivision Map Act.

Sec. 8206-5 - Filing Of Separate Map Sheets And Of Soils And/Or Geologic Reports

Separate map sheets submitted pursuant to Section 8206-3.16 and soils and/or geologic reports submitted pursuant to Section 8206-3.17 shall be filed and maintained in the offices of the County Surveyor. The County Surveyor shall index such separate map sheets and reports by reference to the final map or parcel map to which they relate.

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ARTICLE 7: DEDICATION AND IMPROVEMENT REQUIREMENTS

Sec. 8207-1 - 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 purposes, or other public purposes, together with such access rights and abutter's rights as may be required for public purposes. Such dedications or offers shall be in compliance with all applicable provisions of Section 8209-3.

Sec. 8207-2 - Improvements

Prior to recordation of a final map or parcel 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 Sections 8207-2.1 through 8207-2.11. The County shall be a party having the right to enforce the improvement agreement, provided that, if the improvement is to be dedicated or offered for dedication to an entity other than the County, such other entity may, at the discretion of the County Surveyor, be substituted for the County as a party to the improvement agreement. All such improvements shall be completed in accordance with any applicable provisions of the Ventura County Improvement Standards and Specifications and this Article. Except as otherwise provided in this Chapter, grading and other improvements shall not begin with respect to a parent parcel for which a tentative map has been submitted pursuant to Section 8203-1 until the tentative map has been approved and the County Surveyor has approved the corresponding improvement plans.

Sec. 8207-2.1 - Streets

All street improvements and appurtenances including, but not limited to, sidewalks, curbs, gutters, structures, signs, fences, street lighting, and barricades within the subdivision shall be installed.

Sec. 8207-2.2 - Drainage and Erosion Control

Except where fees or other consideration are received pursuant to this Chapter in lieu of such improvements, all improvements for drainage and erosion control required for the proposed subdivision, regardless of location, including improvements necessary to prevent sedimentation or damage to off-site property, shall be constructed.

Sec. 8207-2.3 - Sewage and 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 made from each lot within the subdivision.

Sec. 8207-2.4 - Fire Protection

As a part of the water supply system installed in the proposed subdivision, the subdivider shall install water mains, fire hydrants, gated 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. 8207-2.5 - Underground Utilities

Except as otherwise provided in this Code, 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 County Surveyor 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. All necessary arrangements for the installation of utilities shall be made with the operator of each proposed subdivision utility system 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 lines must 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) The need for lines which, due to the large size of the lots, would be unreasonably costly 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. 8207-2.6 - Street Name and Traffic Signs

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 County Surveyor. All traffic control devices and signs shall conform to all applicable laws and regulations.

Sec. 8207-2.7 - Barricades

Barricades shall be constructed at the ends of all streets abutting undeveloped property adjacent to the proposed subdivision.

Sec. 8207-2.8 - 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 County Surveyor.

Sec. 8207-2.9 - Water Wells

All abandoned water wells within the proposed subdivision shall either be destroyed or be retained subject to a Certificate of Exemption in compliance with the provisions of Chapter 8 (commencing with Section 4811) of Division 4 of this Code. All water wells that are not destroyed shall be shown on an additional map sheet of the final map or parcel map. Any improvements or deed restrictions that the County Surveyor deems reasonably necessary to prevent injury to persons or property shall be constructed or recorded.

Sec. 8207-2.10 - Oil/Gas Wells

All oil/gas wells, including abandoned wells, within the proposed subdivision shall be re-evaluated by the State Division of Oil and Gas. All wells which have been abandoned or which are required to be abandoned, shall be abandoned in a manner approved by the Division of Oil and Gas and documentation verifying said abandonment shall be submitted. All wells, including abandoned wells, shall be delineated on an additional map sheet of the final map or parcel map. Any improvements or deed restrictions that the County Surveyor deems reasonably necessary to prevent injury to persons or property shall be constructed or recorded.

Sec. 8207-2.11 - Monuments

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. 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. All other required monuments shall be set within one year following recordation of the final map or parcel map. The monuments shall be set as follows:

- (a) Exterior boundary monuments shall be set at or near each boundary corner and at intermediate points approximately 1000 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.
- (b) 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.
- (c) Corner monuments shall be set at or near each corner; provided, however, that the County Surveyor may waive the requirements of this subsection (c) with respect to such corner monuments as he may deem unnecessary.

All exterior boundary monuments set either shall be of new galvanized iron pipe not less than one and one-half inches inside diameter and eighteen inches long or shall be of such other type and dimensions as may be approved by the County Surveyor. All lot corner monuments shall be of a new galvanized iron pipe not less than one-half inch inside diameter and fifteen inches long, or be leads and tacks, or be steel pins. Centerline monuments shall be of new galvanized iron pipe not less than one and one-half inches inside diameter and fifteen inches long. At locations designated by the County Surveyor, not exceeding four per one hundred 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. All monuments set shall be permanently marked or tagged with the engineer's or surveyor's certificate number.

Sec. 8207-3 - Improvement Agreement

An improvement agreement shall be submitted to the County Surveyor at the time a final map or parcel map is submitted pursuant to Section 8206-3, unless all of the improvements required for the subdivision have already been completed and approved. The improvement agreement shall be in a form approved by the County Surveyor, and shall be signed by the property owner and by every party whose written consent to the subdivision is required by Sections 66430 and 66436 of the Subdivision Map Act, and shall bind each signatory to complete within a reasonable time specified therein the on-site and off-site improvements required for the subdivision by this Chapter and the

Subdivision Map Act. The improvement agreement shall incorporate by reference the improvement plans required by Section 8207-4.

Sec. 8207-3.1 - Security

The improvement agreement shall be accompanied by an improvement security as provided for in Article 8 of this Chapter.

Sec. 8207-3.2 - Time Extensions

If the improvements cannot be completed by the expiration date specified in the improvement agreement, the subdivider shall file a request for a time extension, and shall pay the time extension fees prescribed by the Board of Supervisors before such expiration date. The County Surveyor or Board of Supervisors may grant or deny such extension as the circumstances warrant. No improvements will be accepted until all required fees have been paid.

Sec. 8207-4 - Improvement Plans

The subdivider's engineer shall prepare plans and specifications for improvements, except monuments, required for the proposed subdivision by this Chapter or the Subdivision Map Act.

Sec. 8207-4.1 - Submittal

Improvement plans shall be submitted to the County Surveyor before or at the same time as the improvement agreement to which they relate or, if the work is to be commenced before execution of an improvement agreement, before the commencement of the work. Improvement plans shall not be submitted until the tentative map has been approved.

Sec. 8207-4.2 - Approval

The County Surveyor shall review improvement plans duly submitted to him or her. He or she shall approve and sign them if, and only if, they fully comply with the requirements of the Subdivision Map Act and this Chapter, and substantially comply with the tentative map. 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 Agency.

Sec. 8207-4.3 - 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 42 inches horizontally for improvements required by the Ventura County Flood Control District, and 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 one and one-half inches on the left-hand side and one-half 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. Preprinted standard title sheets for improvement plans obtained from the County Surveyor shall be used.

Sec. 8207-4.4 - Grading Plans Included

Improvement plans shall also include complete 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 may be submitted initially on sheets larger than 22 inches by 36 inches. However, if initial plans are submitted on such larger sheets, the grading plans must be

resubmitted with the as-built plans on sheets conforming in size and margin requirements to the remainder of the improvement plans. Grading plans resubmitted at the proper size may be a series of 22 inch by 36 inch brownline reproducibles made with proper overlap and title block from the initially submitted grading plans.

Sec. 8207-4.5 - Scale

The improvement plans shall be legible and drawn to a scale of one inch equals 40 feet. A different scale may only be used with approval of the County Surveyor.

Sec. 8207-4.6 - Contents

The 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. 8207-4.7 - Changes

No change shall be made in the improvement plans for the subdivision without prior approval of the County Surveyor. All changes approved by the County Surveyor shall comply with the requirements of this Chapter.

Sec. 8207-4.8 - 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 a separate item for contingencies in the amount of 10% 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 County Surveyor shall determine the estimated cost for the improvements of the proposed subdivision.

Sec. 8207-5 - As-Built Plans

At the time of completion of the improvements, except monuments, required pursuant to this Chapter or the Subdivision Map Act, and as a condition precedent to exoneration of the improvement security, the subdivider shall submit to the County Surveyor three sets of prints and the original as-built tracings of 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. 8207-6 - Monument Tie Sheet

At the time of the completion of the monuments required pursuant to this Chapter or the Subdivision Map Act, and as a condition precedent to exoneration of the improvement security pertaining to such monuments, the subdivider shall submit to the County Surveyor, in a form satisfactory to the County Surveyor, a tie sheet showing proper ties to the location of the centerline monuments. A minimum of three such ties shall be shown for each centerline monument.

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ARTICLE 8: IMPROVEMENT AND GUARANTEE SECURITIES

Sec. 8208-1 - Requirement Of Improvement Security

Any 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 subcontractors and to persons renting equipment or furnishing labor or materials to them in connection with the performance of such improvement agreement.

Sec. 8208-2 - Type Of Improvement Security

The improvement security may, at the option of the subdivider, be any one of the types specified in subsections (a)(1), (a)(2) and (a)(3) of Section 66499 of the Subdivision Map Act; provided, however, that the first \$1000 shall be in the form of cash deposited with the County of Ventura. The \$1000 cash deposit may be used by the County to correct unsafe or emergency road conditions occasioned by or arising out of the performance of any work related to the construction of the subdivision improvements. The County will use the \$1000 cash deposit only if it is unable to contact the subdivider (or his or her contractor) to perform required correction work, or if the subdivider or his or her contractor refuses or fails to perform the required correction work in a timely fashion after being informed of its necessity by the County. If any part of the \$1000 cash deposit is used by the County, the developer shall be charged for the cost of the required correction work and shall remit to the County within 10 days after notice of such expenditures sufficient cash to bring the deposit to \$1000 once more and to reimburse the County for its expense. Any portion of the cash deposit which has not been used by the County as of the time the last improvement security respecting the subdivision has been exonerated pursuant to Security 8208-4 will be returned to the subdivider at that time.

Sec. 8208-3 - Amount Of Improvement Security

Sec. 8208-3.1 - 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 County Surveyor, of the improvements or the act to be performed, and the bond for the security of laborers and materialmen shall also be in an amount equal to such estimated cost of the improvements or the act to be performed.

Sec. 8208-3.2 - 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 materialmen 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 County Surveyor 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. 8208-4 - Release Of Improvement Security

After full and faithful performance of the improvement agreement by the subdivider, and after acceptance by the County Surveyor of the guarantee security pursuant to Section 8208-5 and compliance by the subdivider with the provisions of Sections 8207-5 and 8207-6, the County Surveyor will release all improvement security posted to secure faithful performance of the agreement. The County Surveyor may accept a cash deposit, or a certificate of deposit, necessary to accomplish the required performance in lieu of all, or part, of such performance when he or she finds it is reasonable and necessary. The County Surveyor may accept deferred construction, secured by agreement and by good and sufficient improvement security, when he or she finds that such deferred construction is reasonable and necessary. Upon request of the subdivider, the County Surveyor may at his or her discretion reduce the amount of the improvement security by partial release in an amount not exceeding 50% 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 County Surveyor. However, in no circumstances shall such partial release constitute acceptance of the improvements upon which such partial release is granted. All security posted to secure laborers and materialmen will be released pursuant to subsection (b) of Section 66499.7 of the Subdivision Map Act.

Sec. 8208-5 - Guarantee

All improvements, except monuments, required for a subdivision by this Chapter or the Subdivision Map Act shall be guaranteed by the subdivider for a period of one year following final acceptance of all improvements of the subdivision. The guarantee shall extend only to such replacement and/or repair as may be required during the guarantee period in excess of routine maintenance for ordinary wear and tear. A guarantee security guaranteeing such replacement and/or repair in an amount of at least 10% of the estimated cost of the improvements, except monuments, shall be posted prior to exoneration pursuant to Section 8208-4 of any improvement security pertaining to those improvements. The amount of the guarantee 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 County Surveyor of the need for such work.

ARTICLE 9: IMPROVEMENT FEES, DEDICATIONS AND RESERVATIONS

Sec. 8209-1 - Fees For Bridges And Major Thoroughfares

As a condition of approval of the final map or parcel map, or as a condition of the issuance of a building permit for any lot in the subdivision, the subdivider may be required to pay fees or other considerations in lieu thereof pursuant to this Section and Section 66484 of the Subdivision Map Act 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 County General Plan, and of constructing major thoroughfares identified in the Circulation Element of the County General Plan.

Sec. 8209-1.1 - Hearing

In accordance with all requirements of Section 66484 of the Subdivision Map Act, 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 hearing shall be noticed pursuant to Section 8205-5.1, 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. 8209-1.2 - Fees for Thoroughfares

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

Sec. 8209-1.3 - 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. 8209-1.4 - Protests

Written protests to the establishment of any proposed area of benefit for any particular improvement under Section 8209-1 of this Code and Section 66484 of the Subdivision Map Act may be filed with the Clerk of the Board of Supervisors 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 one-half 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 one-half 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 8209-1 of this Code and Section 66484 of the Subdivision Map Act.

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

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.

If any majority protest is directed against only a portion of the improvement, then all further proceedings under the provisions of Section 8209-1 of this Code and Section 66484 of the Subdivision Map Act 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 subsection 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 one-half of the area of the property to be benefitted are in favor of going forward with such portion of the improvement or acquisition.

Sec. 8209-1.5 - Use of Fees

A fund shall be established for each planned bridge facility project or each planned major 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 is required to be constructed, a fund may be established covering all the bridge projects in the benefit area. Moneys in such fund shall be expended solely for the construction or reimbursement for construction of the improvement 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.

Sec. 8209-1.6 - Powers and Obligations

In addition to those powers and obligations specifically set forth in Section 8209-1 through 8209-1.5, the County and subdivider shall have all of the respective powers and obligations set forth in Section 66484 of the Subdivision Map Act.

Sec. 8209-2 - Dedications For School Purposes

Any subdivider who has owned the land being subdivided for less than 10 years 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 Section 66478 of the Subdivision Map Act with respect to such dedications.

Sec. 8209-3 - Dedication Of Land And Easements For Public Use

All title, rights and easements specified in Section 8209-3.1 through 8209-3.5 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. 8209-3.1 - Flood Control Channels

All rights-of-way required by Section 8204-5 with respect to channels included in the Ventura County Flood Control District Comprehensive Plan of Flood Control Channels shall be offered for dedication to the Ventura County Flood Control District. All rights-of-way required by this Chapter to be offered for dedication to the Ventura

County Flood Control 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 except for public utility easements. 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. 8209-3.2 - 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. 8209-3.3 - Public Street Easements and Access

Except as otherwise provided below, 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. 8209-3.4 - Other Easements

All other easements for public use required as a condition for approval of the tentative map for the proposed subdivision shall be offered for dedication to the County of Ventura or other appropriate agency.

Sec. 8209-3.5 - 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. 8209-3.6 - Acceptance of Dedications

The County Surveyor is authorized to accept or reject on behalf of the County, or on behalf of any other public entity whose governing board is the Ventura County Board of Supervisors, any and all offers of dedication, whether by separate document or by certificate on the map. Acceptance pursuant to this Section of an offer of dedication of a street (including ways offered only for nonvehicular use such as equestrian and pedestrian trails) shall cause that street to become a public way open to use by the public unless the offer expressly provides otherwise. Acceptance pursuant to this Section of an offer of dedication of a street (including ways offered for nonvehicular use) shall not cause the street to become a County highway that the County is obligated to maintain unless and until the street is, by resolution of the Ventura County Board of Supervisors, expressly accepted into the County road system.

Sec. 8209-4 - 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 or a General Plan Community Facilities Element, a General Plan Recreation and Parks Element or a General Plan Public Building 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 or 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 Subdivision Map Act.

Sec. 8209-5 - 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 storm waters 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 Section 66483 of the Subdivision Map Act.

Sec. 8209-6 - Fees And Dedications For Parks And Recreation Facilities

This Section and Sections 8209-6.1 through 8209-6.11 are enacted pursuant to Section 66477 of the Subdivision Map Act 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 Property Administration Agency.

Sec. 8209-6.1 - Applicability:

- (a) As a condition of the approval for a subdivision of land, the subdivider shall dedicate and improve land, or pay a fee in lieu thereof, or do a combination of the two, for the purpose of providing park and recreational facilities to serve the future residents of the property being subdivided. This requirement shall apply to all subdivisions except those which:
 - (1) Are exempted by Section 66477 of the Subdivision Map Act; 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 regulations applicable at the time the tentative map is approved, could be developed without the prior issuance of a conditional use 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 and improving land for park and recreational purposes pay a fee equal to 125% 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 or of improvements to land for park and recreation purposes with respect to subdivisions containing 50 or less lots or dwelling units where the subdivider proposes such dedication or improvements voluntarily and the Board of

Supervisors finds that said dedication or improvements are in the best interests of the County and have a value at least as great as the fee which would otherwise be paid.

Sec. 8209-6.2 - Relation of Land Required to Population Density

It is hereby found that, according to calculations made pursuant to Section 66477 of the Subdivision Map Act, there presently exists in Ventura County at least five acres of neighborhood and community parks for each one thousand members of the County's population. Based upon the principles and standards of the Ventura County General Plan, and good planning practices, it is hereby found and determined that the public interest, convenience, health, welfare and safety require that five net acres of land for each one thousand persons residing within the County be devoted to local park and recreation purposes, exclusive of and in addition to:

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

Sec. 8209-6.3 - Additional Population Generated by Subdivision

For the purpose of computing the additional population expected to be generated by any proposed subdivision, the following population density factors, based upon the 1990 Federal census, shall be used: (AM. ORD. 4083-12/20/94)

- (a) Single-family detached dwelling - 3.21 persons per dwelling unit;
- (b) Multi-family dwelling - 2.36 persons per dwelling unit; (AM. ORD. 4083-12/20/94)
- (c) Mobilehome - 1.90 persons per dwelling unit. (AM. ORD. 4083-12/20/94)

The additional population expected to be generated by any proposed subdivision shall be computed by (1) multiplying the number of each type of dwelling unit proposed for the subdivision by the appropriate density factor, (2) then adding the products, and (3) then subtracting from the sum a population credit equal to the number of persons who would have occupied the property if each lot which had existed thereon immediately prior to the subdivision had been developed with a single-family detached dwelling occupied by 3.21 persons. For example, a condominium conversion into five condominium dwelling units of a previously existing apartment building which is less than five years old and which, prior to conversion, contained five rental units on a single lot would generate an additional population of 8.59 persons (i.e., five multi-family dwelling units times a density factor of 2.36 persons per unit equals 11.80 persons from which the population credit for the preexisting single lot of 3.21 persons is subtracted to yield 8.59). As an additional example, a subdivision into five lots for which four single-family detached dwellings and one duplex are proposed on property which, prior to subdivision, consisted of three vacant lots would generate an additional population of 7.93 persons (i.e., four single-family detached dwelling units times a density factor of 3.21 persons per unit equals 12.84 persons and two multi-family dwelling units times a density factor of 2.36 persons per unit equals 4.72 persons for a total of 17.56 persons from which the population credit for the three preexisting lots of 9.63 persons is subtracted to yield 7.93). (AM. ORD. 4083-12/20/94)

Sec. 8209-6.4 - Land Dedication and Improvement

The amount of usable land required to be dedicated by a subdivider for park and recreational purposes shall be 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.

The tentative map shall provide that, as a condition precedent to recordation of the parcel map or final map, the subdivider shall either provide or enter into a secured improvement agreement with the appropriate Park District to provide the following: all required curbs, gutters, sidewalks, drainage facilities, fencing, street lighting, stop lights, street signs, matching pavement and street trees to full County standards; stub-in of all requested utility line services to the park facility; all standard improvements required by the appropriate Park District; and initial on-site grading required for developing the park facility. However, with the approval of the appropriate Park District, and in lieu of providing or entering into an agreement to provide said improvements, the subdivider may pay a sum equal to 25% of the fair market value of the dedicated land to cover the cost of said improvements.

Sec. 8209-6.5 - Fee In Lieu of Land Dedication and Improvement

When a fee is to be paid in lieu of land dedication and improvement, the dollar amount of such fee shall be an amount equal to 125% of the fair market value of the usable park land which would otherwise be required to be dedicated pursuant to Section 8209-6.4. 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 four 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 agent, prior to recordation of the final 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. 8209-6.6 - Alternative Methods for Paying 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 8207-4.8. The estimated cost, less the 10% 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 Articles 7 and 8 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 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 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. 8209-6.7 - 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% 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 Code 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 Ventura County General Plan and the requirements of the appropriate Park District.

Sec. 8209-6.8 - Choice and Method of Dedication of Land or Payment of Fees

The procedure for determining whether a subdivider is to dedicate and improve land, pay a fee in lieu thereof, or do a combination of the two 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 he/she desires to dedicate land for park and recreational purposes or whether he/she desires to pay a fee in lieu thereof. If he/she desires to dedicate land for such purposes, he/she shall propose the area thereof on the tentative map as submitted or, if the land lies outside of the subdivision, he/she shall submit a legal description of such land together with the tentative map.
- (b) The appropriate Park District shall determine whether to require dedication and improvement 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 that he/she desires 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 8209-6.9. 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 8209-6.6. 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 must 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 and improvement 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 Ventura County 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 trailways; 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.

Sec. 8209-6.9 - 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. 8209-6.10 - Time of Commencement of Development

Any fees collected pursuant to this Quimby Ordinance shall be committed within the time limits specified in Section 66477 of the Subdivision Map Act or, if not so committed, shall be distributed as provided in said Section 66477.

Sec. 8209-6.11 - 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.

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ARTICLE 10: CORRECTION AND AMENDMENT OF MAPS

Sec. 8210-1 - Amending Maps

After a final map or parcel map is filed 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 Sections 66469 through 66472 of the Subdivision Map Act.

Sec. 8210-2 - Amending Conditions

After a final map or parcel map is filed in the Office of the County Recorder, the conditions of approval of such recorded map may be amended as provided in Sections 8210-2.1 through 8210-2.6.

Sec. 8210-2.1 - Application

The Planning Director, or any person having a financial interest in conditions of approval of a recorded final map or parcel map, may apply for an amendment of such conditions. Such application shall be submitted to the Planning Division in a form satisfactory to the Planning Director and shall include such information and documentation as the Planning Director may require.

Sec. 8210-2.2 - Notice

Upon receipt of a complete application for an amendment of such conditions and all applicable processing fees, the Planning Director shall give notice in accordance with Section 8205-5.1 of a public hearing on such application to be held by the appropriate hearing body.

Sec. 8210-2.3 - Hearing Body

With respect to amendments of conditions for parcel maps, the hearing body shall be the Planning Director, or, in case of an appeal, the Board of Supervisors. With respect to amendments of conditions for final maps, the hearing body shall be the Board of Supervisors.

Sec. 8210-2.4 - Approval or Denial

The hearing body 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 Section 66474 of the Subdivision Map Act; and
- (e) The amendment does not alter any previous findings made under the provisions of CEQA.

Otherwise, the hearing body shall deny the application. The hearing and the actions of the hearing body shall be limited to consideration of and action upon the conditions which are the subject of the application. The decision of the hearing body shall be in writing.

Sec. 8210-2.5 - Appeals

A decision by the Planning Director, acting as the hearing body, to approve or disapprove an application to amend conditions of approval for a parcel map may be appealed to the Board of Supervisors by any interested person. An appeal may be commenced only by filing with the Planning Division, within 10 calendar days after the date of the decision being appealed, an appeal application on a form approved by the Planning Director. The appeal application shall include such information and documentation as the Planning Director may require, and payment of all applicable fees. A public hearing on the appeal shall be noticed in the same manner as the hearing before the Planning Director. The decision of the Board of Supervisors on appeal shall be final and conclusive.

Sec. 8210-2.6 - Recording Amendments

If, in order to implement an approved amendment of conditions, it is necessary or desirable also to amend the recorded final map or parcel map, the Planning Director and the County Surveyor shall determine the appropriate document to be recorded for such purposes and the document shall be recorded as provided in Section 66472 of the Subdivision Map Act.

ARTICLE 11: REVERSIONS TO ACREAGE, RESUBDIVISIONS, MERGERS, AND UNMERGERS

Sec. 8211-1 - Reversions To Acreage

Property previously subdivided by parcel map or final map may be reverted to the acreage of the parent parcel pursuant to this Section, Sections 8211-1.1 through 8211-1.10, and Article 1 (commencing with Section 66499.11) of Chapter 6 of the Subdivision Map Act. The reversion shall be by final map if the previous subdivision created five or more lots exclusive of any remainder parcel or by parcel map if the previous subdivision created four or less lots exclusive of any remainder parcel, regardless of whether the previous subdivision was by final map or parcel map.

Sec. 8211-1.1 - Initiation of Proceedings

Proceedings may be initiated by petition of all of the owners of record of the property or by resolution of the Board of Supervisors. An owner's petition shall be in a form prescribed by and shall be submitted to the Planning Division.

Sec. 8211-1.2 - Data Required to be Submitted for Reversion

The petition in the case of owner initiated proceedings, or the staff report of the Planning Division in the case of Board initiated proceedings, shall include the following:

- (a) Adequate evidence of title to the real property within the subdivision;
- (b) Evidence sufficient to permit the Board of Supervisors or the Planning Director to make all of the findings required by Section 8211-1.6;
- (c) A tentative map in the form prescribed by the Planning Director which delineates existing dedications which will not be vacated, new dedications which will be required as a condition of reversion, private streets or rights-of-way which are to remain in effect after the reversion, and such other information as the Planning Director may require; and
- (d) Such other of the documents listed in Section 8203-3 as may be required by the Planning Director.

Sec. 8211-1.3 - Fees

Fees shall be as prescribed by resolution of the Board of Supervisors. If a person requests the Board of Supervisors to initiate reversion proceedings, that person shall pay the required fees. Appeal fees shall be paid by the appellant.

Sec. 8211-1.4 - Hearing

A public hearing respecting a proposed reversion to acreage shall be held by the Planning Director if the reversion is to be by parcel map or by the Board of Supervisors if the reversion is to be by final map. Any decision of the Planning Director may be appealed to the Board of Supervisors by any interested person who, within 10 calendar days after the date of the decision, deposits with the Planning Director the appeal fee and an appeal application on a form approved by the Planning Director. The Board of Supervisors shall hold a public hearing on any such appeal and its decision shall be final and conclusive.

Sec. 8211-1.5 - Notice

All public hearings respecting a proposed reversion to acreage shall be noticed by the Planning Division in the manner prescribed by Section 8205-5.1.

Sec. 8211-1.6 - Findings

The Planning Director or the Board of Supervisors may approve a reversion to acreage only if it finds that:

- (a) Dedications or offers of dedication to be vacated or abandoned by the reversion to acreage are unnecessary for present or prospective public purposes; and
- (b) Either: (1) All owners with an interest in the real property within the subdivision have consented to the reversion; or (2) none of the improvements required to be made has been made within two years from the date the final map or parcel map which created the subdivision was filed for record, or within the time allowed by agreement for completion of the improvements, whichever is later; or (3) no lots shown on the final map or parcel map which created the subdivision have been sold within five years from the date such map was filed for record.

Sec. 8211-1.7 - Conditions

The Planning Director or the Board of Supervisors shall require as conditions of the reversion:

- (a) That the property owners dedicate or offer to dedicate all of those lands and easements described in Section 8209-3.1 through 8209-3.4 which the Planning Director or the Board of Supervisors finds are in the best interest of the public health, safety or welfare;
- (b) That all or a portion of previously paid subdivision fees, deposits or improvement securities be retained if the same are necessary to accomplish any of the purposes of this Chapter or the Subdivision Map Act.

Sec. 8211-1.8 - Recordation

After approval of the reversion, the final map or parcel map for reversion shall be submitted to the County Surveyor for review and certification pursuant to Section 8206-2, provided that the final map or parcel map may be considered to be in substantial compliance with the tentative map even if the parent parcel to which the subdivision is reverted is smaller than the required minimum lot size. The final map or parcel map for reversion shall contain a certificate signed and acknowledged by all parties whose consent would be required by Sections 66430 and 66436 of the Subdivision Map Act for a subdivision of the parent parcel, unless the reversion has been initiated by resolution of the Board of Supervisors. If the County Surveyor certifies the final map or parcel map for reversion, he shall deliver it to the County Recorder for recordation.

Sec. 8211-1.9 - Effect of Recording Final Map or Parcel Map

The recording of the final map or parcel map for reversion shall constitute a legal reversion to acreage of the land, abandonment of all streets, easements, dedications or offers of dedication not shown on the final map or parcel map, and a merger of the previously separate lots into one parcel which shall thereafter be shown as such on the assessment roll.

Sec. 8211-1.10 - Return of Fees, Deposits, Release of Securities

Except as otherwise provided in this Chapter or the Subdivision Map Act, upon filing of a final map or parcel map for reversion by the County Recorder, all original fees and deposits designated for refund by the Board of Supervisors shall be returned and all original improvement securities shall be released, except those retained pursuant to Section 8211-1.7.

Sec. 8211-2 - Resubdivisions

Previously subdivided real property, regardless of whether it was previously subdivided by maps or by conveyance, may be merged and resubdivided without first reverting to acreage by following all the procedures and requirements, including the payment of fees, for subdividing property that are contained in this Chapter and the Subdivision Map Act. Such merger and resubdivision shall occur automatically upon recordation of the applicable final map, parcel map, or map waiver approval form. (AM. ORD. 4083-12/20/94)

Sec. 8211-3 - Merger

Any two or more contiguous lots in common ownership, regardless of whether they were created by map or by conveyance, may be merged so as to create one new lot by following all of the procedures and requirements, including the payment of fees, for subdividing property by parcel map or by map waiver that are contained in this Chapter and the Subdivision Map Act, provided that all references therein to the "proposed subdivision" shall be deemed to be to the proposed merger and all references to the "subdivider" shall be deemed to be to the applicant for the merger. The recording of a parcel map or map waiver approval form for merger shall create one new lot out of the affected existing lots by eliminating all common lot lines that separate such lots from each other. (AM. ORD. 4083-12/20/94)

Sec. 8211-4 - Unmerger

Any two lots which, pursuant to County ordinances in existence on or before January 1, 1984, automatically merged by reason of at least one being too small to meet the minimum area requirements of the applicable zoning or General Plan provisions, and for which no notice of merger was recorded before January 1, 1986, unmerged on January 1, 1986, unless at least one of the lots met at least one of the conditions set forth in paragraphs (1) through (9)(5) of subdivision (b) of Section 66451.30 of the Subdivision Map Act, in which case they unmerged on January 1, 1988, unless either:

- (a) A Notice of Merger respecting them has been recorded before January 1, 1988; or
- (b) As of January 1, 1988, they satisfied all of the conditions set forth in subdivisions (a) through (d) of Section 66451.301 of the Subdivision Map Act;

in which case they did not unmerge. Unmerger pursuant to this Section shall not operate to legalize a lot which was not a legal lot immediately before the automatic merger.

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ARTICLE 12: VIOLATIONS, REMEDIES AND CERTIFICATES OF COMPLIANCE

Sec. 8212-1 - Not Exclusive

The procedures and remedies set forth in this Article are not intended to be exclusive but are in addition to any other prohibitions, penalties, remedies and other procedures provided for in this Code, the Subdivision Map Act, or any other provision of law.

Sec. 8212-2 - Notices Of Violation

Whenever the County acquires knowledge that a certain identified lot may have been illegally created by a subdivision in violation of the Subdivision Map Act or this Chapter, the Advisory Agency shall file for record with the County Recorder, and mail by certified mail to the record owners of such lot, a Notice of Intention to record a Notice of Violation. The Notice of Intention shall give a legal description of the lot, name the record owners thereof, describe the suspected violation, state the reasons why it is believed that the lot is not lawful under Section 66412.6 of the Subdivision Map Act, and state that a hearing will be held at the time, date and place stated therein for the purpose of determining whether the lot was created by such an illegal subdivision. The Notice of Intention shall further state that the owners may present evidence at the hearing and that, if the preponderance of the evidence received at the hearing shows that the lot was created by such an illegal subdivision, a Notice of Violation respecting the lot will be recorded. The Notice of Intention shall be mailed to the record owners not less than 30 calendar days nor more than 60 calendar days before the hearing. The Advisory Agency shall conduct the hearing regardless of whether the record owners appear or have responded to the Notice of Intention. The hearing shall be informal and shall not be governed by rules of evidence applicable to courts of law. The record owners shall have a right to present relevant evidence at the hearing. The Advisory Agency may, but need not, receive relevant evidence presented by persons other than the record owners. At the conclusion of the hearing, or within a reasonable period of time thereafter, the Advisory Agency shall determine whether the lot was created by an illegal subdivision. The determination of the Advisory Agency shall be final and conclusive. Such determination shall be in writing and shall contain a brief outline of the findings of fact upon which the determination is based. Such findings of fact shall be supported by the preponderance of the evidence received by the Advisory Agency at the hearing. If the determination is that the lot was not created by an illegal subdivision, the Advisory Agency shall mail a clearance letter to the current owner of record and shall file for record with the County Recorder a Release of the Notice of Intention; provided that, if an otherwise illegal lot is determined to be lawful solely by operation of subdivision (b) of Section 66412.6 of the Subdivision Map Act, the Release shall state that, as a condition precedent to the issuance of any building permit or their grant of approval for development of the lot, the owner may be required to obtain a Conditional Certificate of Compliance for the lot and to satisfy all of the conditions thereof. If the determination is that the lot was created by an illegal subdivision, the Advisory Agency shall file for record with the County Recorder a Notice of Violation complying with the provisions of Section 66499.36 of the Subdivision Map Act.

Sec. 8212-3 - Certificates Of Compliance

A Certificate of Compliance, certifying that a lot complies with the provisions of this Chapter and the Subdivision Map Act, may be obtained pursuant to Sections 8212-3.1

through 8212-3.3. Any such certificate respecting a lot created by lease shall certify the lot's compliance for the purposes of lease only, and only for the duration of the lease, except as otherwise required by the last paragraph of Section 66499.34 of the Subdivision Map Act.

Sec. 8212-3.1 - Application

Any owner of a lot, or any vendee of such owner pursuant to a contract of sale of the lot, may submit to the County Surveyor, on a form approved by the County Surveyor, an application for a Certificate of Compliance respecting the lot. Such application shall be accompanied by payment of the initial processing fee prescribed by the Board of Supervisors.

Sec. 8212-3.2 - Review by County Surveyor

The County Surveyor shall review the completed application in the light of public records. If the County Surveyor is able to determine from this review that the lot is clearly in compliance with the provisions of this Chapter and the Subdivision Map Act, he or she shall issue a Certificate of Compliance for the lot and deliver the certificate to the County Recorder for recordation. If the County Surveyor is unable to determine from this review that the lot is clearly in such compliance, he or she shall serve written notice on the applicant that the applicant has the option of either withdrawing the application or requesting a hearing before the Advisory Agency pursuant to Section 8212-3.3. Failure of the applicant to request such a hearing within the time limits specified in Section 8212-3.3 shall be deemed to be a withdrawal of the application.

Sec. 8212-3.3 - Hearing by Advisory Agency

An applicant who has been served written notice pursuant to Section 8212-3.2 may request a hearing before the Advisory Agency by submitting to the Planning Director, at any time within 10 calendar days after the date of such notice, a written request on a form approved by the Planning Director together with such information as the Planning Director may require and payment of the supplemental processing fee prescribed by the Board of Supervisors. If a complete request is timely filed, the Advisory Agency shall mail by certified mail to the applicant and to all record owners of the lot a notice conforming in all respects to a Notice of Intention as specified in Section 8212-2, except that the notice shall not be filed for record with the County Recorder. The Advisory Agency shall conduct the hearing in the same manner as a hearing under Section 8212-2. If the determination of the Advisory Agency is that the lot is in compliance with the provisions of this Chapter and the Subdivision Map Act, the Advisory Agency shall issue a Certificate of Compliance for the lot and deliver it to the County Recorder for recordation. If the determination of the Advisory Agency is that the lot is not in such compliance, the Advisory Agency shall file for record with the County Recorder a Notice of Violation complying with the provisions of Section 66499.36 of the Subdivision Map Act and shall so notify the applicant.

Sec. 8212-4 - Conditional Certificates Of Compliance

A Conditional Certificate of Compliance, certifying that a lot is deemed to be in compliance with this Chapter and the Subdivision Map Act, subject to satisfaction of certain conditions precedent to the issuance of a building permit or other grant of approval for development of the lot, may be obtained pursuant to Sections 8212-4.1 and 8212-4.2. Any such certificate respecting a lot created by lease shall certify the lot's compliance for the purposes of lease only, and only for the duration of the lease, except as otherwise required by the last paragraph of Section 66499.34 of the Subdivision Map Act.

Sec. 8212-4.1 - Application and Processing

Any person may submit an application for a Conditional Certificate of Compliance for any existing lot or group of contiguous lots which have been created, legally or illegally, by any conveyance or subdivision map, provided that the application must pertain to all such contiguous lots in common ownership. If the application pertains to a single lot, it shall be submitted and processed in the same manner and subject to the same requirements as an application for a parcel map, except as otherwise provided in Section 8212-4.2. If the application pertains to two or more contiguous lots, it shall be submitted and processed in the same manner and subject to the same requirements as an application for a parcel map or a final map creating those lots, except as otherwise provided in Section 8212-4.2. If the application pertains to two or more contiguous lots that were created illegally and are owned by the illegal subdivider, the application may be approved only if the proposed Conditional Certificate of Compliance merges all such lots into one, in which case it shall be treated as an application pertaining to a single lot. The approved Conditional Certificate of Compliance shall be designated "Conditional Certificate of Compliance - Final Map" or "Conditional Certificate of Compliance - Parcel Map", as appropriate, and shall be recorded in the same manner as other final maps and parcel maps, and once recorded shall have the same force and effect as a recorded final map or parcel map.

Sec. 8212-4.2 - Conditions

An application for a Conditional Certificate of Compliance shall not be denied on account of the noncompliance of any lot with applicable requirements respecting:

- (a) Lot size and configuration;
- (b) Buildable site;
- (c) Sewage disposal;
- (d) Water for domestic or firefighting purposes; or
- (e) Access.

However, the application may be approved subject to the condition that the lots be brought into compliance with such requirements. Any conditions imposed with respect to a Conditional Certificate of Compliance shall be limited to those which could have been imposed in connection with a lawful subdivision of the legal parent parcel out of which each lot to which the certificate pertains was created had such lawful subdivision been effected on the date the present owner acquired his or her interest in the lot, except where the present owner was the owner at the time the parent parcel was subdivided so as to create the lot, in which case the conditions shall be limited to those which could be imposed in connection with a current lawful subdivision of such parent parcel. Compliance with such conditions shall not be required until such time as a building permit or other grant of approval for development of any lot to which the certificate pertains is issued by the County. All conditions which have not been satisfied before the parcel map or final map is submitted to the County Surveyor pursuant to Section 8206-2 shall be referenced on the face of the map and stated in full on a separate map sheet. The separate map sheet shall be submitted to the County Surveyor pursuant to Section 8206-3.16 and shall be filed, maintained and indexed pursuant to Section 8206-5.

Sec. 8212-5 - Conveyance of Remainder Parcel

No person shall sell, lease or finance any remainder parcel or commence construction of any building for sale, lease or financing thereon until a Certificate of Compliance of a Conditional Certificate of Compliance, in full compliance with the Subdivision Map Act and this Chapter, has been filed for record by the Ventura County Recorder.

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ARTICLE 13: MOBILE HOME PARK CONVERSIONS TO RESIDENT OWNERSHIP

Sec. 8213-1 - Applicability

The provisions of this Article 13 shall apply to all conversions of mobilehome parks to resident ownership except those conversions for which mapping requirements have been waived pursuant to Government Code Section 66428.1. (ADD ORD. 4382—3/18/08)

Sec. 8213-2 - Application Materials Required

- (1) In addition to any other information required by this Code and/or other applicable law, the following information is required at the time of filing of an application for conversion of a mobilehome park to resident ownership:
 - (a) A survey of resident support conducted in compliance with subdivision (d) of Government Code Section 66427.5. The subdivider shall demonstrate that the survey was conducted in accordance with an agreement between the subdivider and an independent resident homeowners association, if any, was obtained pursuant to a written ballot, and was conducted so that each occupied mobilehome space had one vote. The completed survey of resident support ballots shall be submitted with the application. In the event that more than one resident homeowners association purports to represent residents in the park, the agreement shall be with the resident homeowners association which represents the greatest number of resident homeowners in the park.
 - (b) A report on the impact of the proposed conversion on residents of the mobile home park. The tenant impact report shall, at a minimum, include all of the following:
 - i) Identification of the number of mobile home spaces in the park and the rental rate history for each such space over the four years prior to the filing of the application.
 - ii) Identification of the anticipated method and timetable for compliance with Government Code Section 66427.5(a), and, to the extent available, identification of the number of existing tenant households expected to purchase their units within the first four years after conversion;
 - iii) Identification of the method and anticipated timetable for determining the rents for non-purchasing residents pursuant to Government Code Section 66427.5(f)(1), and, to the extent available, identification of the number of tenant households likely to be subject to these provisions;
 - iv) Identification of the method for determining and enforcing the controlled rents for non-purchasing households pursuant to Government Code Section 66427.5(f)(2), and, to the extent available, identification of the number of tenant households likely to be subject to these provisions;
 - v) Identification of the potential for non-purchasing residents to relocate their homes to other mobile home parks within Ventura County, including the availability of sites and the estimated cost of home relocation;

- vi) An engineer's report on the type, size, current condition, adequacy, and remaining useful life of common facilities located within the park, including but not limited to water systems, sanitary sewer, fire protection, storm water, streets, lighting, pools, playgrounds, community buildings and the like. A pest report shall be included for all common buildings and structures. "Engineer" means a registered civil or structural engineer, or a licensed general engineering contractor;
 - vii) If the useful life of any of the common facilities or infrastructure is less than 30 years, a study estimating the cost of replacing such facilities over their useful life, and the subdivider's plan to provide funding for same;
 - viii) An estimate of the annual overhead and operating costs of maintaining the park, its common areas and landscaping, including replacement costs as necessary, over the next 30 years, and the subdivider's plan to provide funding for same.
 - ix) Name and address of each resident, and household size.
 - x) An estimate of the number of residents in the park who are seniors or disabled. An explanation of how the estimate was derived must be included.
- (c) A maintenance inspection report conducted on site by a qualified inspector within the previous twelve (12) calendar months demonstrating compliance with Title 25 of the California Code of Regulations ("Title 25 Report"). Proof of remediation of any Title 25 violations shall be confirmed in writing by the California Department of Housing and Community Development (HCD).

(ADD ORD. 4382—3/18/08)

Sec. 8213-3 - Criteria for Approval of Conversion Application

- (1) An application for the conversion of a mobile home park to resident ownership shall be approved only if the decision-maker finds that:
- (a) A survey of resident support has been conducted and the results filed with the Department in accordance with the requirements of Government Code Section 66427.5 and this Chapter;
 - (b) A tenant impact report has been completed and filed with the Department in accordance with the requirements of Government Code Section 66427.5 and this Chapter;
 - (c) The conversion to resident ownership is consistent with the General Plan, any applicable Specific or Area Plan, and the provisions of Chapters 1 and 2 of Division 8 of the Ventura County Ordinance Code;
 - (d) The conversion is a bona fide resident conversion;
 - (e) Appropriate provision has been made for the establishment and funding of an association or corporation adequate to ensure proper long-term management and maintenance of all common facilities and infrastructure; and
 - (f) There are no conditions existing in the mobile home park that are detrimental to public health or safety, provided, however, that if any such conditions exist, the application for conversion may be approved if: (1) all of the findings are required under subsections (a) through (e) are made, and (2) the subdivider has instituted corrective measures adequate to ensure prompt and continuing protection of the health and safety of park residents and the general public.

- (2) For purposes of determining whether a proposed conversion is a bona fide resident conversion, the following criteria shall be used:
 - (a) accordance with Government Code Section 66427.5 and with this Chapter shows that more than 50% of resident households support the conversion to resident ownership, the conversion shall be presumed to be a bona fide resident conversion.
 - (b) Where the survey of resident support conducted in accordance with Government Code Section 66427.5 and with this Chapter shows that at least 20% but not more than 50% of the residents support the conversion to resident ownership, the subdivider shall have the burden of demonstrating that the proposed conversion is a bona fide resident conversion. In such cases, the subdivider shall demonstrate, at a minimum, that a viable plan, with a reasonable likelihood of success as determined by the decision-maker, is in place to convey the majority of the lots to current residents of the park within a reasonable period of time.
 - (c) Where the survey of support conducted in accordance with Government Code Section 66427.5 and with this Chapter shows that less than 20% of residents support the conversion to resident ownership, the conversion shall be presumed not to be a bona fide resident conversion.

(ADD ORD. 4382—3/18/08)

Sec. 8213-4 - Tenant Notification

The following notifications are required:

- (1) Tenant Impact Report. The subdivider shall give each resident household a copy of the impact report required by Government Code Section 66427.5(b) within 15 days after completion of such report, but in no case less than 15 DAYS PRIOR TO THE PUBLIC HEARING ON THE APPLICATION FOR CONVERSION. The subdivider shall also provide a copy of the report to any new or prospective residents following the original distribution of the report.
- (2) Exclusive Right to Purchase. If the application for conversion is approved, the subdivider shall give each resident household written notice of its exclusive right to contract for the purchase of the dwelling unit or space it occupies at the same or more favorable terms and conditions that those on which such unit of space shall be initially offered to the general public. The right shall run for a period of not less than 90 days from the issuance of the subdivision public report ("white paper") pursuant to California Business and Professions Code Section 11018.2, unless the subdivider received prior written notice of the resident's intention not to exercise such right.
- (3) Right to Continue Residency as Tenant. If the application for conversion is approved, the subdivider shall give each resident household written notice of its right to continue residency as a tenant in the park as required by Government Code Section 66427.5(a).

(ADD ORD. 4382—3/18/08)