



County of Lassen

Department of Planning and Building Services

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July 26, 2022

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TO: Lassen County Planning Commission

Agenda Date: August 2, 2022

FROM: Maurice Anderson, Director

Don Willis, County Surveyor

SUBJECT: Request for Planning Commission recommendation to the Board of Supervisors regarding a proposed ordinance repealing and replacing Title 16 (Subdivisions) of the Lassen County Code in its entirety; amending other related sections of County Code, including: subsection (c) of Section 9.60.060 (Processing) of Title 9 (Public Peace, Safety and Morals) and Section 12.12.021 (Designation of sites at Spaulding Eagle Lake Tract) of Title 12 (Buildings and Construction); and a proposed repeal of Sections 18.112.030 (Technical Advisory Committee review) and 18.116.060 (Technical Advisory Committee), both in Title 18 (Zoning).

ACTION REQUESTED:

1. Receive staff report; and
2. Make recommendation to the Lassen County Board of Supervisors.

SUMMARY:

The primary intent of the proposed ordinance is to revise and update Title 16 (Subdivisions) of the Lassen County Code in its entirety. This portion of the code, known as the Subdivision Ordinance, serves to regulate and control divisions of land within the County of Lassen. There are also a few proposed changes for certain sections in Titles 9, 12 and 18, which make sense to be made concurrently as they are related to the proposed changes within Title 16. Please note that it is *not* the intent of the proposed ordinance to make land development more difficult by adding new and cumbersome changes to the existing ordinance. The goal rather is to improve its efficiency, clarify ambiguously written portions and update outdated language, as will be further explained below.

The proposed ordinance has been prepared because the last major update to Title 16 occurred in 1991, which was thirty-one years ago. There have been various changes to laws and regulations which govern divisions of land since that time and there have also been internal changes made within the departments associated with land development. One example of an internal change occurred in 2010 when the County Surveyor's office was transferred from the Public Works

Department to the Department of Planning and Building Services. While this change was effective in terms of improving efficiency, it caused some of the language within Title 16 to become outdated. In addition, working with Title 16 on a daily basis over the years has demonstrated that it could use some clarification on certain subjects and it has also been discovered that it remains silent on certain topics which have arisen.

PROPOSED CHANGES:

The greatest number of changes being proposed are simply to update outdated language and to clarify ambiguously written portions, however there are a few sections which need to be added. One example of a section that is needed is for a voluntary merger that is initiated or desired by property owners. There is currently no provision for this within Title 16, with the exception of a merger that is initiated by the County, and voluntary mergers have been operatively processed under the County's lot line adjustment ordinance. This is awkward because the lot line adjustment ordinance addresses lot line adjustments and does not address merging of parcels.

Another example of a deficiency that exists is regarding the monumentation standards for land surveyors. The language within the current ordinance does not provide any specific details about the minimum standards for monumentation required for final maps and parcel maps and simply defers to the "County Engineer," which the County no longer has. There simply ought to be minimum standards established and defined within the County Code rather than deferring to a single individual for his or her personal input.

Another change that is desired is to simplify and improve the various road improvement requirements that are required when a division of land is proposed. Portions of the current language are cumbersome and difficult to implement in certain circumstances. The proposed changes should make it easier for applicants to know in advance what road standard is going to be required for a given project and should make it easier for County staff to determine what standard is applicable to any given project. It is also desired to have the road template drawings for the structural sections placed directly within the codified version of the ordinance, as they are only currently within the ordinance itself. Not having them placed within the codified version only serves to make it more difficult for applicants to know exactly what road improvements may be required.

Yet another change that is desired is the elimination of the Technical Advisory Committee as a stand-alone body. This committee has *not* been functioning the way it was designed to operate and has effectively been extending the timelines for applicants to get projects completed. Its functions would be placed under oversight of the Planning and Building Services Department, which is how it has been functioning for years. Input from the various departments and agencies associated with land development would still be requested and approval/disapproval would be by the Planning Director for those projects that were previously approved/disapproved by the Technical Advisory Committee. Those projects that were previously approved or disapproved by the Planning Commission would still be approved or disapproved by the Commission. An appeal opportunity would be available to the Planning Commission for those projects decided

upon by the Planning Director. In all practicality, the process would remain essentially unchanged. The only difference is that its removal should streamline the process for applicants and help to reduce the overall timeline needed to get a project completed since the Technical Advisory Committee only meets once a month.

Yet another reason for updating the proposed ordinance is that there are two completely separate numbering systems used in the printed version of the ordinance (the actual ordinance) and in the online (the codified) version. One example of this can be found in the section addressing submittal of a subdivision map to the Planning and Building Services Department. The actual ordinance references *Chapter 16.04, Section 16.04.012 - Submittal to Planning Department*, whereas the codified version utilizes *Chapter 16.16, Section 16.16.020*. These are both for the exact same thing – the submittal of a subdivision map. This is confusing not only for staff, but for the general public as well. There simply should not be two completely different numbering systems used within the same ordinance.

Finally, in addition to the proposed changes to Title 16, there are also a few desired changes to be made within subsection (c) of Section 9.60.060, Section 12.12.021, Section 18.112.030 and Section 18.116.060 of the County Code. As previously noted, these changes make sense to be made concurrently as they are related to the proposed changes in Title 16. Section 12.12.021 addresses Building Site Designations at the Spaulding Eagle Lake Tract and needs revision because it was implemented when individual leachfields were permitted on the parcels, which is no longer allowable. This section is also silent on what the actual effect of recording a Building Site Designation has on the underlying parcels. Although this department has historically treated recordation of this as serving to merge any underlying parcels, the written Code ought to specifically mention this fact so that the general public is aware of it. Lastly, the proposed elimination of the Technical Advisory Committee as a stand-alone body under Title 16 will necessitate modification of the language within said subsection (c) of Section 9.60.060 and will require elimination of said Sections 18.112.030 and 18.116.060, as each of these refer to the Technical Advisory Committee.

STAFF RECOMMENDATION:

Although the current version of Title 16 has served the County well for over three decades, it is in need of an update to modernize certain language, clarify ambiguously written portions and add certain items which were not addressed when it was implemented back in 1991. It is for these reasons that the Department recommends an update to the current version of Title 16 and recommends making the minor changes to the aforementioned sections within Titles 9, 12 and 18.

California Environmental Quality Act:

The Lassen County Environmental Review Officer (ERO; the Director of the Planning and Building Services Department) recommends that the Board find that the proposed ordinance is exempt from the California Environmental Quality Act (CEQA). The Planning Commission

may make a recommendation to the Board of Supervisors regarding the applicability of the following exemptions to the CEQA Guidelines:

CEQA Guidelines Section 15308 (Actions by Regulatory Agencies for the Protection of the Environment):

Class 8 consists of actions taken by regulatory agencies, as authorized by state or local ordinance, to assure maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment. Construction activities and relaxation of standards allowing environmental degradation are not included in this exemption.

CEQA Guidelines Section 15321 (Enforcement Actions by Regulatory Agencies):

Class 21 consists of:

- (a) Actions by regulatory agencies to enforce or revoke a lease, permit, license, certificate, or other entitlement for use issued, adopted, or prescribed by the regulatory agency or enforcement of a law, general rule, standard, or objective, administered or adopted by the regulatory agency. Such actions include, but are not limited to, the following:*
 - (1) The direct referral of a violation of lease, permit, license, certificate, or entitlement for use or of a general rule, standard, or objective to the Attorney General, District Attorney, or City Attorney as appropriate, for judicial enforcement.*
 - (2) The adoption of an administrative decision or order enforcing or revoking the lease, permit, license, certificate, or entitlement for use or enforcing the general rule, standard, or objective.*
- (b) Law enforcement activities by peace officers acting under any law that provides a criminal sanction.*
- (c) Construction activities undertaken by the public agency taking the enforcement or revocation action are not included in this exemption.*

The ERO has determined that the above exemptions are applicable because the proposed ordinance prescribes a process in Lassen County for the implementation of applicable state law (e.g. the Subdivision Map Act; Section 66410 et seq of the California Government Code).

The Board of Supervisors will make the final determination and confirm that the above exemptions are applicable to adoption of the ordinance after the public hearing is conducted. At that time the Board may also direct staff to file a Notice of Exemption with the Lassen County Clerk's office.

MLA:dw

Enclosure: Proposed Ordinance

ORDINANCE NO. _____

**AN ORDINANCE AMENDING SUBSECTION (C) OF SECTION 9.60.060 OF
TITLE 9 (PUBLIC PEACE, SAFETY AND MORALS); REPEALING AND
REPLACING SECTION 12.12.021 OF TITLE 12 (BUILDINGS AND
CONSTRUCTION); REPEALING AND REPLACING ALL OF TITLE 16
(SUBDIVISIONS); AND REPEALING SECTIONS 18.112.030 AND 18.116.060 OF
TITLE 18 (ZONING), ALL OF THE LASSEN COUNTY CODE.**

The following ordinance, consisting of seven sections, was duly and regularly passed and adopted by the Board of Supervisors of the County of Lassen, State of California, at a regular meeting of the Board of Supervisors held on the ____th day of _____, 20__, by the following vote:

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

Chairman of the Board of Supervisors,
County of Lassen, State of California

Attest: JULIE BUSTAMANTE
Clerk of the Board

By: _____
MICHELE J. YDERRAGA, Deputy Clerk of the Board

I, MICHELE J. YDERRAGA, Deputy Clerk of the Board of the Board of Supervisors, County of Lassen, do hereby certify that the foregoing ordinance was adopted by the said Board of Supervisors at a regular meeting thereof held on the ____th day of _____, 20__.

Deputy Clerk of the County of Lassen Board of Supervisors

**THE BOARD OF SUPERVISORS OF THE COUNTY OF LASSEN,
STATE OF CALIFORNIA, DOES ORDAIN AS FOLLOWS:**

SECTION ONE: This ordinance shall take effect thirty (30) days after its passage, and before the expiration of fifteen (15) days after its passage a summary shall be published with the names of the members voting for and against the same, once in a local newspaper of the County of Lassen, State of California.

SECTION TWO: Subsection (c) of Section 9.60.060 of the Lassen County Code is hereby amended to read as follows:

9.60.060(c) Processing.

- (c) Subsequent to the appropriate environmental review, the Planning Department shall prepare a staff report with recommendations for consideration by the Planning Commission.

SECTION THREE: Section 12.12.021 of the Lassen County Code is hereby repealed and replaced with the following:

12.12.021 Designation of Building Sites at Spaulding Eagle Lake Tract.

- (1) The Lahontan Regional Water Quality Control Board has established a waste discharge prohibition that prevents the discharge of any waste containing nutrients from individual onsite sewage disposal systems located within the Spaulding Eagle Lake Tract, as said Tract is shown on the map filed in Book 1 of Maps, Pages 50-52, of the Official Records of Lassen County, California. Waste water conveyance and treatment will be provided to an individual building site if the requirements of this section are satisfied, along with those required by the Spaulding Community Services District.
- (2) An approved individual building site requires a minimum number of lots to be combined because said map of the Spaulding Eagle Lake Tract depicts lots that are of a size which do not meet minimum area requirements. Therefore, a minimum number of four (4) adjoining and contiguous lots shall be required for an approved building site. The combination of lots shall provide a minimum separation distance of 100 feet between any domestic well and septic tank.
- (3) An approved individual building site shall require recordation of a Building Site Designation form in the Official Records of Lassen County, California. This form shall be signed by the property owner(s) of record and shall be signed and notarized by representatives from the Planning and Building Services Department and the Spaulding Community Services District. Each Building Site Designation that is recorded in the Official Records of Lassen County shall reference the subject lots by Lot and Block numbers, as said Lot and Block numbers are shown on said map of

the Spaulding Eagle Lake Tract. Recordation of an approved building site shall allow for subsequent issuance of a permit from the Spaulding Community Services District for waste water connection at an individual building site.

- (4) Each Building Site Designation that is recorded in the Official Records of Lassen County shall serve to officially merge those lots of the Spaulding Eagle Lake Tract that are specifically listed on the Building Site Designation. Further, any previously recorded Building Site Designations shall be officially recognized as having merged, pursuant to Section 16.40.110 (Voluntary Merger), those lots of the Spaulding Eagle Lake Tract that are specifically listed on any Building Site Designation.
- (5) Should any additional whole lots of said Spaulding Eagle Lake Tract be desired to be added to an existing recorded Building Site Designation, a new Building Site Designation may be recorded which shall supersede any previously recorded Building Site Designation, if approval is granted by and obtained from the Spaulding Community Services District. If any alteration of the exterior boundaries of a previously recorded Building Site Designation are desired, aside from merely adding whole lots to a previously recorded Building Site Designation, this shall be accomplished only through the procedures relating to a Lot Line Adjustment or by resubdivision pursuant to provisions of the Subdivision Map Act.

SECTION FOUR: Title 16 (Subdivisions) of the Lassen County Code is hereby repealed in its entirety and replaced with the following:

Title 16 Subdivisions

Chapter 16.04 General Provisions

16.04.010 Citation and Authority.

This title is adopted to supplement and implement the Subdivision Map Act, Section 66410 et seq. of the Government Code, and may be cited as the Subdivision Ordinance of the County of Lassen.

16.04.020 Purpose.

It is the purpose of this title to regulate and control the division of land within the County of Lassen and to supplement the provisions of the Subdivision Map Act concerning the design, improvement and survey data of subdivisions, the form and content of all maps provided for by the Subdivision Map Act and the procedure to be followed in securing the official approval of the Board of Supervisors, Planning Commission, the County Surveyor, and other applicable County departments and public agencies regarding such maps. To accomplish this purpose, the regulations outlined in this chapter are determined to be necessary for the preservation of the public health, safety and general welfare, to

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promote orderly growth and development, to promote open space, conservation, protection and proper use of land and to ensure provision for safe and adequate traffic circulation, utilities and services.

16.04.030 Conformity to General Plan, Specific Plan and Zoning Ordinance.

No land shall be subdivided and/or developed for any purpose which is not in conformity with the General Plan and any specific plan of the County of Lassen or permitted by the zoning chapter or other applicable provisions of this code.

16.04.040 Application.

The regulations set forth in this title shall apply to all subdivisions within the County of Lassen and to the preparation of subdivision maps and to other maps provided for by the Subdivision Map Act. Each subdivision and each part lying within the County of Lassen shall be mapped and each map shall be prepared and presented for approval as provided for and required.

16.04.050 Modification of Requirements.

Whenever, in the opinion of the Planning Commission, the land involved in any subdivision is of a size or shape, or is subject to title limitations of record, or is affected by topographical locations or conditions, or is to be devoted to a use that it is impossible or impracticable in the particular case for the subdivider to conform fully to the regulations contained in this title, the Planning Commission may approve modifications to the project as, in its opinion, are reasonably necessary or expedient and in conformity with the Subdivision Map Act.

16.04.060 Compliance with notes on recorded final or parcel maps.

No use of property shall be allowed, nor shall any subdivision of property be allowed, if such a use or subdivision would conflict with any note attached to any recorded final map or parcel map. Any notes affecting a property are valid and operative until such a time as a note is included on the most current recorded final map or parcel map, or a certificate of correction or amending map has been prepared and recorded in accordance with the provisions of Section 16.44.010(8) of this title, that identifies specific notes on previous final maps or parcel maps are no longer valid or operative.

Chapter 16.08 Definitions and Responsibilities

Article I. Definitions

16.08.010 Advisory Agency.

“Advisory Agency” means the official body charged with the duty of making investigations and reports on the design and improvements of proposed divisions of real property, the imposing of requirements of conditions thereon, or having the authority to

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approve, conditionally approve, or disapprove maps. The Planning Commission is the advisory agency for Lassen County.

16.08.020 Block.

“Block” means the area of land within a subdivision which area is entirely bounded by streets, highways or ways, except alleys, or the exterior boundary or boundaries of the subdivision.

16.08.030 California Environmental Quality Act (CEQA).

“California Environmental Quality Act (CEQA)” means Sections 21000 et seq. of the California Public Resources Code.

16.08.040 Condominium.

“Condominium” means an estate in real property consisting of an undivided interest in common in a portion of a parcel of real property together with a separate interest in space in a residential, industrial or commercial building on the real property, such as an apartment, office, or store. A condominium may include, in addition, a separate interest in other portions of the real property.

16.08.050 Condominium Conversion.

“Condominium Conversion” means the creation of separate ownership of existing real property together with a separate interest in space of residential, industrial or commercial buildings.

16.08.060 Design.

“Design” means: (1) street alignments, grades and widths, (2) drainage and sanitary facilities and utilities, including alignments and grades, (3) location and size of all required easements and rights-of-way, (4) fire roads and fire breaks, (5) lot size and configuration, (6) traffic access, (7) land to be dedicated for park or recreational purposes, and (8) other specific requirements in the plan and configuration of the entire subdivision as may be necessary.

16.08.070 Final Map (Subdivision).

“Final Map” means a map showing a subdivision for which a tentative map and a final map is required by Section 66426 of the Subdivision Map Act or as required by this title, prepared in accordance with the provisions of the Subdivision Map Act and this title, which is designed to be filed in the office of the County Recorder.

16.08.080 General Plan.

“General Plan” means the current General Plan of the County and any adopted Area Plan, or any amendments thereto.

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16.08.090 Improvements.

“Improvement” refers to street work, storm drainage, utilities and landscaping to be installed, or agreed to be installed, by the subdivider on the land to be used for public or private streets, highways, and easements, as are necessary for the general use of the lot owners in the subdivision and local neighborhood traffic and drainage needs as a condition precedent to the approval and acceptance of the final map or parcel map; or to other specific improvements or type of improvements, the installation of which, either by the subdivider, by public agencies, by private utilities, by any other entity approved by the local agency, or by a combination thereof, is necessary or convenient to ensure conformity to or implementation of the General Plan or any adopted area or specific plan.

Improvements shall be constructed in accordance with the County Subdivision Improvement Standards.

16.08.100 Lot.

“Lot” means a parcel or portion of land separated from other parcels or portions by description, as on a final map (subdivision), parcel map, Record of Survey map, or by metes and bounds, for purpose of sale, lease, or separate use.

16.08.110 Lot Line Adjustment.

“Lot Line Adjustment” means a minor shift or rotation of an existing lot line or lot lines between four or fewer existing adjoining parcels, where the land taken from one parcel is added to an adjoining parcel, and where a greater number of parcels than originally existed is not thereby created, as approved by the Director of Planning and Building Services or designated representative.

16.08.120 Merger.

“Merger” means the joining of two or more contiguous parcels of land under one ownership into one parcel.

16.08.130 Parcel Map.

“Parcel Map” generally means a map showing a division of land of four or fewer parcels as provided by Sections 66426 and 66428 of the Subdivision Map Act, or as required by this title, prepared in accordance with the provisions of the Subdivision Map Act and this title, which is designed to be filed in the office of the County Recorder.

16.08.140 Peripheral Street.

“Peripheral Street” means an existing street whose right-of-way is contiguous to the exterior boundary of the subdivision.

16.08.150 Project Access Road(s).

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“Project Access Road(s)” means the road(s) serving the proposed subdivision project. These roads include state highways, county roads and private roads.

16.08.160 Remainder.

“Remainder” means that portion of an existing parcel which is not included as part of the subdivided land. The Remainder is not considered as part of the subdivision and shall not be counted as a parcel for the purpose of determining whether a final map or parcel map is required but must be shown or referred to on the required maps as part of the area surrounding subdivision development.

16.08.170 Subdivider.

“Subdivider” means a person, firm, corporation, partnership or association who proposes to divide, divides, or causes to be divided real property into a subdivision for oneself or for others; except that employees and consultants of persons or entities, acting in such capacity, are not “subdividers.”

16.08.180 Subdivision.

“Subdivision” means the division, by any subdivider, of any unit or units of improved or unimproved contiguous land shown on the latest equalized County assessment roll as a unit or as contiguous units for the purpose of sale, lease or financing, whether immediate or future. Property shall be considered as contiguous units, even if it is separated by roads, streets, utility easements or railroad rights-of-way. “Subdivision” includes a condominium project, as defined herein or in Section 4125 or 6542 of the Civil Code or a community apartment project, as defined in Section 4105 of the Civil Code, or the conversion of five or more existing dwelling units to a stock cooperative, as defined in Section 4190 or 6566 of the Civil Code. “Subdivision” also includes any division of land by gift, or partition by court. Any conveyance of land to or by a governmental agency, public entity, public utility (or subsidiary of a public utility for conveyance to that public utility for rights-of-way) shall not be considered a division of land for purposes of computing the number of parcels. “Subdivision” does not include:

- (1) Buildings divided into apartments, offices, stores or similar space within apartment buildings, industrial buildings, commercial buildings, mobile home parks, or trailer parks for the purpose of lease or financing;
- (2) Land divided by mineral, oil, or gas leases;
- (3) Land dedicated for cemetery purposes under the Health and Safety Code of the State of California;
- (4) A lot line adjustment between four or fewer existing adjoining parcels, where the land taken from one parcel is added to an adjoining parcel, and where a greater number of parcels than originally existed is not thereby created, if approved by the Director of Planning and Building Services or designated representative; and

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- (5) Other land uses as specified in Section 66412 of the Subdivision Map Act.

16.08.190 Subdivision Improvement Standards.

“Subdivision Improvement Standards” means standard specifications and plans and other standards approved and adopted by the County that shall govern the improvements to be constructed pursuant to this title and the Subdivision Map Act.

16.08.200 Subdivision Map Act.

State of California Government Code Sections 66410 to 66499, inclusive.

16.08.210 Tentative Map.

“Tentative Map” refers to a map made for the purpose of showing the design and improvements of a proposed subdivision and the existing conditions in and around it and need not be based upon an accurate or detailed final survey of the property, in accordance with Section 66424.5(a) of the Subdivision Map Act.

16.08.220 Vesting Tentative Map.

“Vesting Tentative Map” refers to a tentative map filed with the Department of Planning and Building Services, for land which is zoned “R” (residential) land use, and which is conspicuously titled “Vesting Tentative Map,” as provided by Sections 66424.5 and 66452 of the Subdivision Map Act.

16.08.230 Zoning Ordinance.

“Zoning Ordinance” means Title 18 of the Lassen County Code, or any ordinance enacted under zoning law.

Article II. Responsibilities

16.08.240 County Counsel.

The County Counsel shall be responsible for approving as to form all Subdivision Improvement Agreements.

16.08.250 Board of Supervisors.

The Board of Supervisors shall have final jurisdiction in the approval of improvement agreements and the acceptance by the County of lands and/or improvements as may be proposed for dedication to the County for all subdivisions.

The Board of Supervisors shall act as the appeal board for hearing appeals of the approval, conditional approval or denial of tentative subdivision maps.

16.08.260 Director of Planning and Building Services.

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The Director of Planning and Building Services or designated representative shall:

- (1) Investigate proposed subdivisions for conformity to the General Plan, specific plans, and Zoning Ordinance of the County and report his or her findings, together with recommendations for approval or conditional approval, to the Planning Commission;
- (2) Certify, as Secretary of the Planning Commission, that the Planning Commission has approved or conditionally approved the tentative map for subdivision maps;
- (3) Certify final maps and parcel maps as to conformance with the tentative map;
- (4) The Director of Planning and Building Services or designated representative shall approve or disapprove all lot line adjustments and mergers and shall serve as the decision making authority for conditional certificates of compliance and notices of violation. Any decision made shall be subject to appeal to the Planning Commission pursuant to Section 16.08.290 of this title.

16.08.270 Director of Public Works.

The Director of Public Works or designated representative shall:

- (1) Determine if proposed subdivision improvements comply with the provisions of this title and the Subdivision Map Act and the standards established by ordinance or resolution and report the findings, together with any recommendations for approval or conditional approval of the tentative map, to the Director of Planning and Building Services or designated representative and/or to the Planning Commission;
- (2) Process and approve subdivision improvement plans;
- (3) Inspect and approve subdivision improvements;
- (4) Certify the completion of private improvements not to be maintained by the County.

16.08.280 County Surveyor.

The County Surveyor shall:

- (1) Assist the Director of Public Works or designated representative in determining if proposed subdivision improvements comply with the provisions of this title and the Subdivision Map Act, the standards established by ordinance or resolution and report the findings, together with any recommendations for approval, or conditional approval, of the

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tentative map to the Director of Planning and Building Services or his/her designee and/or to the Planning Commission;

- (2) Make recommendations to the Director of Planning and Building Services or designated representative for various projects including, but not limited to, conditional certificates of compliance, final maps, lot line adjustments, mergers, notices of violation, parcel maps, parcel map waivers and use permits;
- (3) Process and certify final maps, parcel maps, parcel map waivers, amended maps, reversion to acreage maps and corner records;
- (4) Check and record certificates of lot line adjustment, certificates of merger and records of survey.
- (5) Prepare and record certificates of compliance for parcels that are determined to be in compliance with the Subdivision Map Act and local ordinances;
- (6) Serve as the County's Address Administrator.

16.08.290 Planning Commission.

The Planning Commission shall be responsible for approving, conditionally approving, or denying applications for tentative final maps, tentative parcel maps and tentative parcel map waivers. The Planning Commission shall be the appeal body for determinations made by the Director of Planning and Building Services or designated representative regarding conditional certificates of compliance, lot line adjustments, mergers and notices of violation.

The following shall be the appeal procedure for conditional certificates of compliance, lot line adjustments, mergers and notice of violation determinations in accordance with this title:

- (1) If the applicant is not satisfied with the action of the Director of Planning and Building Services or designated representative, he or she may, within fifteen (15) days after such action, appeal in writing to the Planning Commission. The Planning Commission shall hold a public hearing on said appeal and shall render its decision thereon within sixty (60) days of the filing of the appeal. Any appeal hearing shall allow reconsideration of all aspects of a project (de novo), and shall not be limited strictly to the subject of the appeal. The written appeal shall be accompanied by the applicable appeal fee listed in Chapter 3.18 of the Lassen County Code.
- (2) If the applicant or any interested person is not satisfied with the action of the Planning Commission, he or she may, within ten (10) days after such action, appeal in writing to the Board of Supervisors. The Board shall hold

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a public hearing on said **appeal** and shall render its decision thereon within sixty (60) days of the filing of the appeal. Any appeal hearing shall allow reconsideration of all aspects of a project (de novo), and shall not be limited strictly to the subject of the appeal. The written appeal shall be accompanied by the applicable appeal fee listed in Chapter 3.18 of the Lassen County Code.

Chapter 16.12 General Requirements

16.12.010 General.

The necessity for tentative, final, and parcel maps shall be governed by the provisions of this chapter.

16.12.020 Division of Land—Five or More Parcels.

A tentative map and final map shall be required for all divisions of land when determined by the Director of Planning and Building Services or designated representative that such land may be divided into five or more parcels, five or more condominiums as defined in Section 783 of the California Civil Code, a **community** apartment project **containing** five or more parcels, or for the conversion of a dwelling to a stock cooperative containing five or more dwelling units, except where:

- (1) The land before division **contains** less than five (5) acres, each parcel created by the division abuts upon a maintained public street or **highway** and no dedications or improvements are **required** by the legislative body;
or
- (2) Each parcel created by the division has a gross area of twenty (20) acres or more and has an approved access to a maintained public street or highway;
or
- (3) The land consists of a parcel or parcels of land having approved access to a public street or highway which comprises part of a tract of land zoned for industrial or commercial development, and which has the approval of the governing body as to street alignments and widths; or
- (4) Each parcel created by the division has a gross area of not less than forty (40) acres or is not less than a quarter (1/4) of a quarter (1/4) section; or
- (5) The land being subdivided is solely for the creation of an environmental subdivision pursuant to Section 66418.2 of the Subdivision Map Act.

A tentative map and parcel map shall be required for those subdivisions described in subsections (1) through (5) of this section.

16.12.030 Division of Land—Four or Less Parcels.

A tentative map and parcel map shall be required except for:

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- (1) Subdivisions of a portion of the operating right-of-way of a railroad corporation, defined by Section 230 of the Public Utilities Code, which are created by short-term leases terminable by either party on not more than thirty (30) days' notice in writing; or
- (2) Land conveyed to or from a governmental agency, public entity or public utility, or for land conveyed to a subsidiary of a public utility for conveyance to the public utility for rights-of-way, unless a showing is made in individual cases, upon substantial evidence, that public policy necessitates a parcel map; or
- (3) Lot line adjustments, provided:
 - (A) No additional parcels or building sites have been created,
 - (B) There are no resulting violations of this code;
- (4) As provided by Section 66412 of the Subdivision Map Act.

16.12.040 Lot Line Adjustment.

A lot line adjustment shall be between four or fewer existing adjoining parcels, where the land taken from one parcel is added to an adjoining parcel, and where a greater number of parcels than originally existed is not thereby created, if the lot line adjustment is approved by the Director of Planning and Building Services or designated representative. Applications for lot line adjustments shall be directed to the Department of Planning and Building Services on forms supplied by it and shall be accompanied by the applicable fees listed in Chapter 3.18 of the Lassen County Code. The Director of Planning and Building Services or designated representative, based upon recommendations from the County Surveyor and other departments, shall determine whether the project constitutes a "Lot Line Adjustment" and shall approve, conditionally approve, or disapprove the application. Any appeal of this decision shall be made in accordance with the procedures outlined in Section 16.08.290 of this title.

When any and all conditions have been met by the applicant, a "Certificate of Lot Line Adjustment" shall be submitted to the County Surveyor for review and recording. The certificate shall be accompanied by the applicable review fee listed in Chapter 3.18 of the Lassen County Code. The "Certificate of Lot Line Adjustment" shall be prepared by a California registered civil engineer authorized to practice land surveying or by a California licensed land surveyor, shall describe all newly created property boundaries and resultant parcels, and shall be executed by all record owners of interest in the properties involved. Any deeds required to effect the lot line adjustment, any required Record of Survey maps and any Deeds of Trust that require modification, shall all be recorded concurrently with the "Certificate of Lot Line Adjustment." The final submittal shall include appropriate fees for recordation of all documents and the pre-payment of property taxes shall also be required pursuant to Section 66493 of the Subdivision Map Act.

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If the “Certificate of Lot Line Adjustment” is not recorded within twenty-four (24) months of the date of approval or conditional approval, the lot line adjustment shall be null and void. One extension of six (6) months may be granted by the County Surveyor upon good cause shown by the applicant. The certificate evidencing such extension shall be recorded with “Certificate of Lot Line Adjustment.”

16.12.050 Vesting Tentative Map.

The form and content of a vesting tentative map shall conform to the tentative map requirements of this title. Such a map shall be processed in accordance with the provisions of this title for tentative maps. Upon final approval of a vesting tentative map, development rights shall be conferred, pursuant to Chapter 4.5, Division 1, Title 7 of the California Government Code, to the subdivider for a period of twelve (12) months.

At any time prior to the expiration of the original twelve (12) month time period, the subdivider may request a one (1) year extension from the Planning Commission, provided that such a request is filed not less than thirty (30) days prior to the expiration date. If the extension is denied by the Planning Commission, the subdivider may appeal the denial to the Board of Supervisors within fifteen (15) days.

16.12.060 Fees and Deposits.

All persons submitting maps as required by this title shall pay all fees and/or deposits as provided by the County’s resolutions or ordinances establishing fees and charges.

Chapter 16.16 Final Map (Subdivision) Requirements

Article I. Preliminary Maps

16.16.010 General.

The form, contents and submittal of preliminary maps shall be governed by the provisions of this article.

16.16.020 Submittal to Department of Planning and Building Services and Design Review Action.

Prior to the filing of an application for a tentative map for a subdivision of five or more parcels, the subdivider may submit plans and data related to the design, layout, grading, existing noise levels, and other features proposed for the development as recommended by the Department of Planning and Building Services. The data obtained shall be submitted to the Director of Planning and Building Services or designated representative for preliminary review and comment. This data shall be accompanied by the applicable preliminary review fees listed in Chapter 3.18 of the Lassen County Code. Within forty-five (45) days after such submittal, the Director of Planning and Building Services or designated representative shall advise the Planning Commission in writing of any comments it desires to make and any changes to the proposed plan it deems appropriate as a result of its preliminary review. Upon receipt of the Director of Planning

and Building Services or designated representative's comments, the subdivider shall cause to be prepared a tentative map pursuant to the provisions of this chapter. A preliminary map and Director of Planning and Building Services or designated representative's review shall not apply to condominium conversions unless required by the Director of Planning and Building Services. The tentative map may be submitted to the Director of Planning and Building Services or designated representative in lieu of a preliminary map. If such is submitted, the review time by the Director of Planning and Building Services or designated representative shall not be considered as a part of the time limit specified by Section 16.16.080 for Planning Commission action.

Article II. Tentative Maps

16.16.030 Generally.

The form, contents, submittal and approval of tentative maps shall be governed by the provisions of this article.

16.16.040 Form and Contents.

The tentative map shall be prepared in a manner acceptable to the Department of Planning and Building Services and shall be prepared by a California registered civil engineer authorized to practice land surveying, or by a California licensed land surveyor, or by a qualified person. The subdivider shall file with the Department of Planning and Building Services the number of tentative maps the department may deem necessary, but not less than five.

The tentative map shall be clearly and legibly drawn on one or more sheets, each one no more than eleven inches by seventeen inches unless such standards are waived by the Director of Planning and Building Services, and shall include but not be limited to the following information:

- (1) A title which shall contain the subdivision name and type of subdivision;
- (2) Name and address of legal owner, subdivider and person preparing the map, including registration or license number;
- (3) Date, north arrow, scale, contour interval and source and date of existing contours;
- (4) A vicinity map showing roads, adjoining subdivisions, towns, creeks, railroads and other data sufficient to locate the proposed subdivision and show its relation to the community;
- (5) Existing topography of the proposed site and at least one hundred feet beyond its boundary, including but not limited to:
 - (A) That topographic contours be shown on the tentative map where required in the opinion of the Director of Public Works or

designated representative. Existing contours shall be represented by dashed lines or by screened lines;

- (B) The approximate location and outline of existing structures identified by type. Structures to be removed shall be so marked;
 - (C) The approximate location of all areas subject to inundation or storm water overflow and the location, width and direction of flow of each watercourse;
 - (D) The location, pavement and right-of-way width, grade and name of existing streets or highways;
 - (E) The width, location and identity of all existing easements;
 - (F) The location and size of existing sanitary sewers, water mains and storm drains. The approximate slope of existing sewers and storm drains shall be indicated. The location of existing utility lines on peripheral streets;
 - (G) The approximate location and outline of existing trees identified by type. Trees to be removed shall be so marked;
- (6) Proposed improvements to be shown shall include but not be limited to:
- (A) The location, grade, centerline radius and arc length of curves, pavement, right-of-way width and names of all streets. Typical sections of all streets shall be shown;
 - (B) The location and radius of all curb returns and cul-de-sacs;
 - (C) The location, width and purpose of all existing and proposed easements within and serving the property;
 - (D) The angle of intersecting streets if such angle deviates from a right angle by more than four degrees;
 - (E) The approximate lot layout and the approximate dimensions of each lot and of each building site. Engineering data shall show the approximate finished grading of each lot, the preliminary design of all grading, the elevation of proposed building pads, the top and toe of cut and fill slopes to scale and the number of each lot;
 - (F) Proposed recreation sites, trails and parks for private or public use;
 - (G) Proposed common areas and areas to be dedicated to public open space;

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- (H) The location and size of sanitary sewers, water mains and storm drains. Proposed slopes and approximate elevations of sanitary sewers and storm drains shall be indicated;
- (7) The name or names of any geologist or soils engineer whose services were required in the preparation of the design of the tentative map;
- (8) The Department of Planning and Building Services may waive any of the above tentative map requirements if the type of subdivision does not need to comply with these requirements, or that other circumstances justify a waiver. The Department of Planning and Building Services may require other drawings, data or information as deemed necessary.

16.16.050 Accompanying Data and Reports.

The tentative map shall be accompanied by the following data or reports:

- (1) Title Report. A preliminary title report or Condition of Title report showing the legal owners of the property or properties shown on the tentative map at the time of filing the tentative map;
- (2) Environmental Review. The various time limits set forth in this chapter for taking action on tentative maps shall not be deemed to commence until the subdivision is found exempt or an initial study is completed and a negative declaration or environmental impact report, as appropriate, is prepared, processed and considered in accordance with the provisions of the California Environmental Quality Act. The subdivider shall provide such additional data and information and deposit and pay such fees as may be required for the preparation and processing of environmental review documents;
- (3) Proposed covenants, codes, and restrictions and organizational documents may be included with applications;
- (4) Sufficient legal description to define the boundaries of the proposed subdivision;
- (5) Existing and proposed land use;
- (6) Evidence of feasibility of sewage disposal and water supply;
- (7) Evidence of legal right-of-way for access from the project site to an appropriate maintained public road, or submittal of a legally binding agreement to secure such a right-of-way upon approval of the tentative map;
- (8) Other Reports. Any other data or reports deemed necessary by the Department of Planning and Building Services.

16.16.060 Submittal to Department of Planning and Building Services.

The tentative map shall be considered for filing only when such map conforms to Section 16.16.040 and when all accompanying data or reports, as required by Section 16.16.050 have been submitted and accepted by the Department of Planning and Building Services.

The subdivider shall file with the Department of Planning and Building Services the number of tentative maps the Director or designated representative may deem necessary. The tentative map shall also be accompanied by the applicable fees listed in Chapter 3.18 of the Lassen County Code.

16.16.070 Department of Planning and Building Services Review.

The Department of Planning and Building Services shall forward copies of the tentative map to affected public agencies and utilities which shall, in turn, forward to the Department their findings and recommendations.

Within five (5) days of a tentative map application being determined to be complete, the Department of Planning and Building Services shall send a notice of this **determination** to the governing board of any elementary, high school or unified school district within the boundaries of which the subdivision is proposed to be located. The notice shall also contain information about the location of the proposed subdivision, the number of units, density, and any other information which would be relevant to the affected school district. The governing board may review the notice and may send a written report to the agency required by law to approve the tentative map. The report shall indicate the impact of the proposed subdivision on the affected school district and shall make recommendations as the governing board of the district deems appropriate. In the event the school district fails to respond within a fifteen (15) working day period from receipt of notice of the tentative map, the failure shall be deemed approval of the proposed subdivision by the school district. The Planning Commission shall consider the report from the school district in approving or conditionally approving the tentative map.

Upon completion of review by the Department of Planning and Building Services and prior to the date the tentative map is scheduled for Planning Commission action, the Department of Planning and Building Services shall develop findings and recommendations for the project with input from the County Surveyor, other departments and outside agencies. The findings and recommendations of the Director of Planning and Building Services or designated representative shall be reported to the Planning Commission. A copy of the report shall be served to the subdivider at least three (3) days prior to any hearing or action on the map by the Planning Commission.

Any requests for exceptions to the various conditions to be considered by the Planning Commission may be filed, in writing, with the Director of Planning and Building Services, prior to the scheduled consideration of the Planning Commission.

16.16.080 Planning Commission Action—Notice of Public Hearing—Decision.

Ordinance Number _____

Upon receipt of a valid application and having received from the Department of Planning and Building Services its report and recommendations for the proposed tentative map, the Secretary of the Planning Commission shall set the matter for public hearing. At least ten (10) calendar days before the public hearing, a notice shall be given of the time, date and place of said hearing including a general explanation of the matter to be considered, a general description of the area affected and the street address, if any, of the property involved.

The notice shall be published at least once in a newspaper of general circulation which is published within the jurisdiction of the local agency conducting the public hearing at least ten (10) days prior to the hearing, or if there is no such newspaper of general circulation, the notice shall be posted at least ten (10) days prior to the hearing in at least three public places within the jurisdiction of the local agency conducting the public hearing, pursuant to Section 65090 of the Government Code.

In addition to notice by publication, the Department of Planning and Building Services shall give notice of the hearing by mail or delivery to all persons, including businesses, corporations or other public or private entities shown on the last equalized assessment roll as owning real property within three hundred (300) feet of the property which is the subject of the proposed application.

In addition, in the case of a proposed conversion of residential real property to a condominium, community apartment or stock cooperative project, notice shall be given as required by Section 66451.3 of the Subdivision Map Act.

In the event that the proposed application has been requested by a person other than the property owner, as the property owner is shown on the last equalized assessment roll, the County shall also give mailed notice to the owner of the property as shown on the last equalized assessment roll.

In addition, notice shall be given by first class mail to any person who has filed a written request with the Secretary of the Planning Commission. The request may be submitted at any time during the calendar year and shall apply for the balance of the calendar year. The County may impose a reasonable fee on persons requesting the notice for the purpose of recovering the cost of the mailing.

Substantial compliance with these provisions for notice shall be sufficient and a technical failure to comply shall not affect the validity of any action taken pursuant to the procedures set forth in the article.

The Planning Commission shall approve, conditionally approve or deny the tentative map and shall report its decision to the Board of Supervisors and the subdivider within fifty (50) days after the tentative map has been accepted for filing. If an Environmental Impact Report is prepared, the decision shall be made within forty-five (45) days after certification of the Environmental Impact Report.

16.16.090 Planning Commission Action—Approval.

Ordinance Number _____

In approving or conditionally approving the tentative map, the Planning Commission, acting in the capacity of the Advisory Agency, shall find that the proposed subdivision, together with its provisions for its design and improvements, is consistent with applicable general or specific plans adopted by the County of Lassen.

The Planning Commission may modify or delete any of the conditions of approval recommended in the Director of Planning and Building Services' report, except conditions required by County ordinances. The Planning Commission may add additional requirements as a condition of its approval as found to be necessary to carry out the intent of this title.

If no action is taken by the Planning Commission within the time limit as specified, the tentative map as filed shall be deemed to be approved, insofar as it complies with other applicable provisions of the Subdivision Map Act, this chapter or other County ordinances, and it shall be the duty of the County Clerk to certify the approval.

16.16.100 Planning Commission Action—Denial.

The tentative map may be denied by the Planning Commission on any of the grounds provided by County ordinances or the Subdivision Map Act.

The Planning Commission shall deny approval of the tentative map if it makes any of the following findings:

- (1) That the proposed map is not consistent with applicable general and specific plans;
- (2) That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans;
- (3) That the site is not physically suitable for the type of development;
- (4) That the site is not physically suitable for the proposed density of development;
- (5) That 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;
- (6) That the design of the subdivision or the type of improvements is likely to cause serious public health problems;
- (7) That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve the map if it finds that alternate easements for access or for use will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall

apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.

16.16.110 Planning Commission as Advisory Body.

If a tentative subdivision map application is to be considered by the County in conjunction with an application for a General Plan Amendment, a rezoning, a variance and/or a development agreement, the Planning Commission's action pursuant to either Section 16.16.090 or 16.16.100 shall be advisory to the Board of Supervisors. The Board shall have the authority to approve, conditionally approve or deny the tentative subdivision map application. Public notice requirements for Board of Supervisors' action shall be as set forth in Section 16.16.080.

16.16.120 Extension of Time for Planning Commission Action.

The time limits set forth above for acting on the tentative map may be extended by mutual consent of the subdivider and the Planning Commission.

16.16.130 Appeals of Planning Commission Action.

- (1) By Subdivider. If the subdivider disagrees with any action by the Planning Commission with respect to the tentative subdivision map, the subdivider may, within ten (10) days of the decision, file an appeal with the County Clerk. The Board of Supervisors shall consider the appeal within thirty (30) days or at its first regular meeting subsequent to such appeal, unless the subdivider consents to a continuance. This appeal shall be a public hearing after notice has been given pursuant to Section 16.16.080. In addition, notice shall be given to the subdivider and the Planning Commission and upon conclusion of the public hearing, the Board of Supervisors shall within ten (10) days declare its findings. The Board of Supervisors may sustain, modify, reject or overrule any recommendations or rulings of the Planning Commission and Director of Planning and Building Services or designated representative and shall make findings and conditions which are consistent with the provisions of this chapter or the Subdivision Map Act.
- (2) By Interested Persons Adversely Affected. Any interested person adversely affected by a decision of the Planning Commission may file an appeal with the Board of Supervisors concerning such decision. Any such appeal shall be filed with the Board of Supervisors within ten (10) days after the action which is the subject of the appeal. No appeal shall be considered after the ten (10) day period. The Board of Supervisors may, at its discretion, reject the appeal within fifteen (15) days or set the matter for hearing. If the Board of Supervisors rejects the appeal, the appellant shall be notified of such action. If the matter is set for hearing, a public hearing

shall be held within thirty (30) days after filing of the appeal pursuant to the procedures contained in subsection (1) of this section with additional notice being given to the affected interested persons.

- (3) For General Plan and Specific Plan Conformity. Any interested person may appeal any decision of the Planning Commission relative to conformity to the General Plan or any specific plan of the County to the Board of Supervisors. Such appeal and hearing thereon shall be in accordance with subsection (1) of this section, with additional notice to be given to the appellant.
- (4) Any appeal shall be accompanied by the applicable appeal fee listed in Chapter 3.18 of the Lassen County Code.

16.16.140 Expiration.

The approval or conditional approval of a tentative subdivision map shall expire twenty-four (24) months from the date the Planning Commission approves or conditionally approves the map or from the date of Board of Supervisors review, if any. An extension to the expiration date may be approved as provided in Section 16.16.150(2). Any extension request shall be accompanied by the applicable fee listed in Chapter 3.18 of the Lassen County Code.

The period of time specified above shall not include any period of time during which a lawsuit has been filed and is pending in a court of competent jurisdiction involving the approval or conditional approval of a tentative map, only if a stay of the time period is approved by the Board of Supervisors. Within ten (10) days of the service of the initial petition or complaint upon the County, the subdivider shall, in writing to the Director of Planning and Building Services, request a stay in the time period of the tentative map. Within forty (40) days after receiving the request, the Board of Supervisors shall either stay the time period for up to five (5) years or deny the requested stay. The request for the stay shall bear hearing with notice to the subdivider and to the appellant, and upon conclusion of the hearing, the Board of Supervisors shall, within ten (10) days, declare its findings.

The period of time specified shall not include any period of time during which a development moratorium is in effect according to Section 66452.6 of the Subdivision Map Act.

Expiration of an approved or conditionally approved tentative map shall terminate all proceedings and no final map of all or any portion of the real property included within the tentative map shall be filed without first processing a new tentative map.

16.16.150 Extensions.

- (1) Request by Subdivider. The subdivider or his/her agent may request an extension of the expiration date of the approved or conditionally approved tentative map by written application to the Department of Planning and

Building Services. The application shall be filed not less than thirty (30) days before the map is to expire and shall state the reasons for requesting the extension. The application shall be accompanied by the applicable extension request fee listed in Chapter 3.18 of the Lassen County Code.

- (2) Planning Commission Action. The Director of Planning and Building Services or designated representative shall review the request and submit the application for the extension, together with a report, to the Planning Commission for approval, conditional approval or denial at the next scheduled Planning Commission meeting. A copy of the Director of Planning and Building Services' report shall be forwarded to the subdivider prior to the Planning Commission meeting on the extension. The resolution adopted by the Planning Commission approving or conditionally approving an extension shall specify the new expiration date of the tentative map.
- (3) Time Limit of Extension. The approved extension shall not exceed three (3) extensions of a maximum of sixteen (16) months each. No new expiration date shall extend more than six (6) years beyond the date of approval of the tentative map by the Planning Commission or Board of Supervisors approving or conditionally approving the tentative map. These extensions shall be in addition to any automatic extensions that are granted by the State of California.

16.16.160 Amendments to Approved Tentative Map.

Minor changes in the tentative map may be approved by the Department of Planning and Building Services upon application by the subdivider or on its own initiative, provided:

- (1) No lots, units or building sites are added;
- (2) Such changes are consistent with the intent and spirit of the original tentative map approval and are substantially in conformance with the approved tentative map;
- (3) There are no resulting violations of this code.

Any revision shall be approved by the Director of Planning and Building Services or designated representative.

Amendments of the tentative map other than minor shall be presented to the Planning Commission for approval. Processing shall be in accordance with Sections 16.16.070 through 16.16.120.

Any approved amendment shall not alter the expiration date of the tentative map.

Article III. Final Maps

Ordinance Number _____

16.16.170 General.

The form, contents, accompanying data and filing of the final map shall conform to the provisions of this article.

The final map shall be prepared by or under the direction of a California registered civil engineer authorized to practice land surveying or by or under the direction of a California licensed land surveyor.

16.16.180 Submittal by Units.

Multiple final maps relating to an approved or conditionally approved tentative map may be filed prior to the expiration of the tentative map if:

- (1) The subdivider, at the time the tentative map is filed, informs the Planning Commission of the subdivider's intention to file multiple final maps on such tentative map; or
- (2) After filing of the tentative map, the Planning Commission and the subdivider concur in the filing of multiple final maps.

In providing such notice, the subdivider shall not be required to define the configuration and number of proposed multiple final maps. The filing of a final map on a portion of an approved or conditionally approved tentative map shall not invalidate any part of such tentative map. The right of the subdivider to file multiple final maps shall not limit the authority of the Planning Commission to impose reasonable conditions relating to the filing of multiple final maps. The sequence of map approval shall provide for the construction of improvements as required to constitute a logical and orderly development of the whole subdivision.

16.16.190 Survey Required.

An accurate and complete survey of the land to be subdivided shall be made by a California registered civil engineer authorized to practice land surveying or by a California licensed land surveyor. All monuments, property lines, centerlines of streets, alleys and easements adjoining or within the subdivision shall be tied into the survey. The allowable error of closure on any portion of the final map shall not exceed 1/10,000 for field closures and 1/20,000 for calculated closures.

At the time of making the survey for the final map, the engineer or surveyor shall set sufficient durable monuments to conform with the standards described in Section 8771 of the Business and Professions Code so that another engineer or surveyor may readily retrace the survey. At least one exterior boundary line shall be monumented prior to recording the final map. Other monuments shall be set as required by the County Surveyor.

16.16.200 Form.

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The form of the final map shall conform to the Subdivision Map Act and as follows:

The final map shall be legibly drawn, printed or reproduced by a process guaranteeing a permanent record in block on tracing cloth or polyester base film. Certificates, affidavits and acknowledgments may be legibly stamped or printed upon the map with opaque ink. If ink is used on polyester base film, the ink surface shall be coated with a suitable substance to assure permanent legibility.

The size of each sheet shall be eighteen inches by twenty-six inches. A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of one inch. The scale of the map shall be as necessary to show all details clearly and enough sheets shall be used to accomplish this end. The particular number of the sheet and the total number of sheets comprising the map shall be stated on each of the sheets and its relation to each adjoining sheet shall be clearly shown. When four or more sheets, including the certificate sheet, are used a key map shall be included.

All printing or lettering on the map shall be readily legible on prints and other reproductions made from the original drawings.

The final form of the final map shall be as approved by the County Surveyor.

16.16.210 Contents.

The contents of the final map shall conform to the Subdivision Map Act and as follows:

- (1) Boundary. The boundary of the subdivision shall be designated by a heavy black line in such a manner as not to obliterate figures or other data.
- (2) Title. Each sheet shall have a title block showing the subdivision number and name and the location of the property being subdivided with reference to maps which have been previously recorded, or by reference to the plat of a United States Survey. The following words shall appear in the title: "Lassen County."
- (3) Certification. The following certificates shall appear only once on the cover sheet.
 - (A) Owner's Certificate. A certificate, signed and acknowledged by all parties having any record title interest in the land subdivided, consenting to the preparation and recordation of the map and offering for dedication to the public certain specific parcels of land or easements. Exceptions are those parties having rights-of-way, easements or interests which cannot ripen into a fee, or as provided in the Subdivision Map Act.
 - (B) Trustee's Certificate. If required, a certificate, signed and acknowledged by any trustees or beneficiaries of record at the time

of Board of Supervisors approval of the final map, consenting to the recording of the map and any offers of dedications.

- (C) Surveyor's Certificate. A certificate signed by the engineer or surveyor responsible for the survey and final map as required by Section 66442.5 of the Subdivision Map Act. The certificate shall give the date of the survey, state that the survey and final map were made by or under the direction of the engineer or surveyor, is based upon a field survey in conformance with the requirements of the Subdivision Map Act and local ordinances and substantially conforms to the conditionally approved tentative map.

The certificate shall also state that all the monuments are of the character and occupy the positions indicated, or that they will be set in such positions on or before a specified later date and that the monuments are sufficient to enable the survey to be retraced.

- (D) Certificate of Soils and Geologic Report. When a soils report, a geologic report, or soils and geologic reports have been prepared specifically for the subdivision, such fact shall be noted on the final map, together with the date of such report or reports, along with the name of the engineer making the soils report and geologist making the geologic report and the location where the reports are on file.
- (E) County Surveyor's Certificate. A certificate signed by the County Surveyor as required by Section 66442 of the Subdivision Map Act stating that the map has been examined and that it is substantially the same as the approved tentative map and any approved alterations, that it complies with the Subdivision Map Act and the provisions of this chapter and is technically correct.
- (F) Planning Commission Certificate. A certificate signed by the Secretary of the Planning Commission stating that the tentative map was approved by the Planning Commission and that the final map complies with the conditions of the tentative map approval.
- (G) Supervisor's Certificate. A certificate for execution by the Chairman of the Board of Supervisors and attested by the County Clerk, stating that the Board of Supervisors approved the final map and accepted, subject to improvement or rejected on behalf of the public, any real property or easements offered for dedication for public use or other uses in conformity with the terms of the offer of dedication.
- (H) County Tax Collector's Certificate. A certificate for execution by the County Tax Collector stating that all taxes due have been paid

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or that security assuring the payment of all taxes listed in Section 66493 of the Subdivision Map Act has been received.

- (I) County Recorder's Certificate. A certificate for execution by the County Recorder that shows who requested the filing of the map, the time and date the map was filed and the Book and Page where the map was filed.
- (4) Scale, North Point and Basis of Bearings. There must appear on each map sheet a bar scale, a north point and a basis of bearings. The basis of bearings shall be approved by the County Surveyor.
- (5) Linear, Angular and Radial Data. Sufficient linear, angular and radial data shall be shown to determine the bearings and lengths of monument lines, street centerlines, the boundary lines of the subdivision, the boundary lines on every lot and parcel which is a part of the subdivision, and ties to existing monuments used to establish the boundary. Arc length, radius and total central angle of all curves shall be shown. Ditto marks shall not be used in the dimensions and data shown on the map.
- (6) Monuments. The location and description of all existing and proposed monuments shall be shown. Standard monuments shall be set at, or on County Surveyor approved offsets, from the following locations:
 - (A) All lot, street, alley corners, angle points of boundary lines and points of beginning/ending of curves and change of curvature;
 - (B) Street centerline monumentation as may be required by the County Surveyor;
 - (C) At other locations as may be required by the County Surveyor to perpetuate or facilitate the re-establishment of any point or line of the survey;
 - (D) Monumentation shall be in compliance with Section 8772 of the Professional Land Surveyors' Act. Survey monuments shall, at a minimum, consist of ½ inch (#4) rebar 18 inches in length or ¾ inch metal pipes 18 inches in length, either of which shall be marked with a permanent cap or tag stamped with the license number of the engineer or land surveyor responsible for the survey. Where a corner position falls in impervious material, and a witness corner is not set, a nail and tag shall be set where the tag is stamped with the license number of the licensed engineer or surveyor responsible for the survey. If any untagged pipe or monument is recovered and used as part of a survey, it shall be tagged or marked with the license number of the licensed engineer or surveyor responsible for the survey.

- (7) Lot Numbers. Lot numbers shall begin with the number one in each subdivision and shall continue consecutively with no omissions or duplications. Each lot shall be shown entirely on one sheet of the final map, unless approved by the County Surveyor.
- (8) City Boundaries. City or district boundaries which cross or join the subdivision shall be clearly designated.
- (9) Street Names. The names of all streets, alleys, or highways within or adjoining the subdivision shall be shown along with the widths of said streets, alleys or highways.
- (10) Easements. Easements for roads or streets, paths, stormwater drainage, sanitary sewers or other public use as may be required, shall be dedicated to the public for acceptance by the County or other public agency, and the use shall be specified on the map. If, at the time the final map is approved, any streets, paths, alleys or storm drainage easements are not accepted by the Board of Supervisors, the offer of dedication shall remain open and the Board of Supervisors may, by resolution at any later date, accept and open the streets, paths, alleys or storm drainage easements for public use, which acceptance shall be recorded in the office of the County Recorder.

The Board of Supervisors may accept any dedications lying outside the subdivision boundary which require a separate grant deed. The acceptance shall be recorded in the office of the County Recorder.

All easements of record shall be shown on the map, together with sufficient recording data to identify the conveyance, e.g., Recorder's Serial Number and date, or Book and Page of Official Records.

The sidelines of all easements of record shall be shown by dashed lines on the final map with the widths, lengths and bearings of record. The width and location of all proposed easements shall be approved by the County Surveyor.

16.16.220 Additional Information.

- (1) The advisory agency may deem that additional information be required to be filed or recorded simultaneously with the final map pursuant to Section 66434.2 of the Subdivision Map Act.
- (2) The additional information shall be in the form of a separate document or an additional map sheet and shall indicate its relationship to the final map. A statement shall be added which states that the additional information is for informational purposes, describing conditions as of the date of filing, and is not intended to affect record title interest. The document or additional map sheet may also contain a notation that the additional information is derived from public records or reports, and does not imply

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the correctness or sufficiency of those records or reports by the preparer of the document or additional map sheet.

- (3) Additional survey and map information may include, but need not be limited to: building setback lines, flood hazard zones, seismic lines and setbacks, geologic mapping, and archaeological sites.

16.16.230 Preliminary Submittal for County Approval.

The subdivider shall submit two sets of prints of the final map to the County Surveyor for review along with the applicable review fee listed in Chapter 3.18 of the Lassen County Code. The preliminary prints shall also be accompanied by the following data, plans, reports and documents in a form as approved by the Director of Public Works, or designated representative, and County Surveyor.

- (1) Title Report. A preliminary title report or Condition of Title report, issued within thirty (30) days of the submittal date, showing the legal owners of the property or properties shown on the tentative map;
- (2) Improvement Plans. Improvement plans as required by Sections 16.32.210 through 16.32.230 of this title;
- (3) Soils Report. A soils report prepared in accordance with the Subdivision Map Act unless waived by the Director of Public Works or designated representative;
- (4) Construction Cost Estimate. The construction cost estimate shall include all improvements within public rights-of-way, easements, or private common areas and utility trench backfill as provided by the developer, except for those utility facilities installed by a utility company under the jurisdiction of the California Public Utilities Commission;
- (5) Deeds for Easements or Rights-of-Way. Deeds for off-site easements or rights-of-way required for road or drainage purposes which have not been dedicated on the final map. Written evidence acceptable to the County in the form of rights of entry or permanent easements across private property outside of the subdivision permitting or granting access to perform necessary construction work and permitting the maintenance of the facility;
- (6) Traverse Closures. Traverse closures for all boundary blocks, lots, easements, street centerlines and monument lines;
- (7) Hydrology and Hydraulic Calculations. Hydrology and hydraulic calculations of all storm drains;

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- (8) Organization Documents. All documents may be subject to review by the Director of Public Works or designated representative, County Surveyor and County Counsel;
- (9) Any additional data, reports or information as required by the Director of Public Works or designated representative, County Surveyor, or County Counsel.

16.16.240 Review by County Surveyor.

The County Surveyor shall review the final map and the subdivider's engineer or surveyor shall make corrections and/or additions until the map is acceptable to the County Surveyor.

16.16.250 Approval by County Surveyor.

The subdivider's engineer or surveyor shall submit an original tracing of the map, corrected to its final form and signed by all parties required to execute the certificates on the map, to the County Surveyor. This submittal shall include a Subdivision Map Guarantee, issued within ten (10) days of the submittal date, along with the appropriate fees for recordation of all documents.

The County Surveyor and Secretary of the Planning Commission shall sign the appropriate certificates after all conditions of the tentative map have been satisfied and shall transmit the original to the County Clerk.

16.16.260 Filing with County Recorder.

Upon approval of the final map by the Board of Supervisors, the County Clerk shall execute the appropriate certificate on the certificate sheet and forward it to the County Surveyor who shall ultimately transmit the map to the County Recorder.

Chapter 16.20 Parcel Map Requirements

Article I. Tentative Parcel Maps

16.20.010 General.

The form, contents, submittal and approval of tentative maps shall be governed by the provisions of this article.

16.20.020 Form and Contents.

The tentative map shall be prepared in a manner acceptable to the Department of Planning and Building Services and shall be prepared by a California registered civil engineer authorized to practice land surveying, or by a California licensed land surveyor, or by a qualified person. The subdivider shall file with the Department of Planning and

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Building Services the number of tentative maps the department may deem necessary, but not less than five.

The tentative map shall be clearly and legibly drawn on one or more sheets, each one no more than eleven inches by seventeen inches unless such standards are waived by the Director of Planning and Building Services, and shall include but not be limited to the following information:

- (1) Boundary line(s) and dimensions of parcel or parcels being divided;
- (2) Proposed division lines shown for each parcel being created by using dashed lines;
- (3) All existing structures together with their dimensions, distance between structures and approximate distance from boundary lines. Any structures to be removed shall be clearly marked as such;
- (4) The approximate area of the original parcel and the minimum area of each proposed new parcel;
- (5) Names, locations and widths of all existing streets, or rights-of-way known to the owner, located on or near the property, by reference to the recording information thereof in the office of the County Recorder;
- (6) Approximate location and dimensions of all existing easements, wells, leach lines, seepage pits or other underground structures;
- (7) Approximate location and dimensions of all easements for utilities and drainage;
- (8) Approximate location of all creeks and drainage channels and general indication of slope of the land;
- (9) North arrow and approximate scale of drawing;
- (10) Vicinity map or other data sufficient to locate the site.

16.20.030 Accompanying Data and Reports.

The tentative map shall be accompanied by the following data or reports:

- (1) Name, address and telephone number of the person who drew the map;
- (2) Names, addresses, and telephone numbers of the applicant(s) and the owner(s) of record of the parcel if different;
- (3) Date present owner purchased property;

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- (4) Legal description of the original parcel. It shall be sufficient to give the recording information and Assessor's Parcel Number(s);
- (5) Present zoning;
- (6) Number of parcels to be created and proposed use for each;
- (7) Source of proposed water supply for each parcel;
- (8) Method of sewage disposal proposed for each parcel;
- (9) Photograph(s) of the parcels being divided at the applicant's option;
- (10) All official record references relating to existing easements for right-of-way and utility purposes;
- (11) Evidence of legal right-of-way for access from the project site to an appropriate maintained public road;
- (12) Evidence of consent of the record owners filing the tentative map;
- (13) Environmental Review. The various time limits set forth in this chapter for taking action on tentative maps shall not be deemed to commence until the subdivision is found exempt or an initial study is completed and a negative declaration or environmental impact report, as appropriate, is prepared, processed and considered in accordance with the provisions of the California Environmental Quality Act. The subdivider shall provide such additional data and information and deposit and pay such fees as may be required for the preparation and processing of environmental review documents;
- (14) Proposed covenants, codes, and restrictions and organizational document(s) may be included with applications;
- (15) Title Report. A preliminary title report or Condition of Title report showing the legal owners of the property or properties shown on the tentative map at the time of filing the tentative map, unless waived by the County Surveyor.
- (16) Other Reports. Any other data or reports deemed necessary by the Department of Planning and Building Services.

16.20.040 Submittal to Department of Planning and Building Services.

The tentative map shall be considered for filing only when such map conforms to Section 16.20.020 and when accompanying data or reports, as required by Section 16.20.030, have been submitted and accepted by the Department of Planning and Building Services.

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The tentative map shall also be accompanied by the applicable fees listed in Chapter 3.18 of the Lassen County Code.

16.20.050 Department of Planning and Building Services Review.

The Department of Planning and Building Services shall forward copies of the tentative map to affected public agencies and utilities which may, in turn, forward to the Department of Planning and Building Services their findings and recommendations.

Upon completion of review by the Department of Planning and Building Services and prior to the date the tentative map is scheduled for Planning Commission action, the Department of Planning and Building Services shall develop findings and recommendations for the project with input from the County Surveyor, other departments and outside agencies. The findings and recommendations of the Director of Planning and Building Services or designated representative shall be reported to the Planning Commission. A copy of the report shall be served to the subdivider at least three (3) days prior to any hearing or action on the map by the Planning Commission.

Any requests for exceptions to the various conditions to be considered by the Planning Commission may be filed, in writing, with the Director of Planning and Building Services, prior to the scheduled consideration of the Planning Commission.

16.20.060 Planning Commission Action—Notice of Public Hearing – Decision.

Upon receipt of a valid application and upon completion of the Director of Planning and Building Services or designated representative's review, the Secretary of the Planning Commission shall set the matter for public hearing. At least ten (10) calendar days before the public hearing, a notice shall be given of the time, date and place of said hearing including a general explanation of the matter to be considered, a general description of the area affected and the street address, if any, of the property involved.

The notice shall be published at least once in a newspaper of general circulation which is published within the jurisdiction of the local agency conducting the public hearing at least ten (10) days prior to the hearing, or if there is no such newspaper of general circulation, the notice shall be posted at least ten (10) days prior to the hearing in at least three public places within the jurisdiction of the local agency conducting the public hearing, pursuant to Section 65090 of the Government Code.

In addition to notice by publication, the Department of Planning and Building Services shall give notice of the hearing by mail or delivery to all persons, including businesses, corporations or other public or private entities shown on the last equalized assessment roll as owning real property within three hundred (300) feet of the property which is the subject of the proposed application.

In the event that the proposed application has been requested by a person other than the property owner, as the property owner is shown on the last equalized assessment roll, the County shall also give mailed notice to the owner of the property as shown on the last equalized assessment roll.

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In addition, notice shall be given by first class mail to any person who has filed a written request with the Secretary of the Planning Commission. The request may be submitted at any time during the calendar year and shall apply for the balance of the calendar year. The County may impose a reasonable fee on persons requesting the notice for the purpose of recovering the cost of the mailing.

Substantial compliance with these provisions for notice shall be sufficient and a technical failure to comply shall not affect the validity of any action taken pursuant to the procedures set forth in this article.

The Planning Commission shall approve, conditionally approve or deny the tentative map and shall report its decision to the Board of Supervisors and the subdivider within fifty (50) days after the tentative map has been accepted for filing. If an Environmental Impact Report is prepared, the decision shall be made within forty-five (45) days after certification of the Environmental Impact Report.

16.20.070 Planning Commission Action—Approval.

In approving or conditionally approving the tentative map, the Planning Commission, acting in the capacity of the Advisory Agency, shall find that the proposed parcel map, together with its provisions for its design and improvements, is consistent with applicable general or specific plans adopted by the County of Lassen.

The Planning Commission may modify or delete any of the conditions of approval recommended in the Director of Planning and Building Services or designated representative's report, except conditions required by County ordinances. The Planning Commission may add additional requirements as a condition of its approval.

If no action is taken by the Planning Commission within the time limit as specified, the tentative map as filed shall be deemed to be approved, insofar as it complies with other applicable provisions of the Subdivision Map Act, this chapter or other County ordinances, and it shall be the duty of the County Clerk to certify the approval.

16.20.080 Planning Commission Action—Denial.

The tentative map may be denied by the Planning Commission on any of the grounds provided by County ordinances or the Subdivision Map Act.

The Planning Commission shall deny approval of the tentative map if it makes any of the following findings:

- (1) That the proposed map is not consistent with applicable general and specific plans;
- (2) That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans;
- (3) That the site is not physically suitable for the type of development;

- (4) That the site is not physically suitable for the proposed density of development;
- (5) That 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;
- (6) That the design of the subdivision or the type of improvements is likely to cause serious public health problems;
- (7) That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements for access or for use will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.

16.20.090 Planning Commission as Advisory Body.

If a tentative parcel map application is to be considered by the County in conjunction with an application for a General Plan Amendment, a rezoning, a variance and/or a development agreement, the Planning Commission's action pursuant to either Section 16.20.070 or 16.20.080 shall be advisory to the Board of Supervisors. The Board shall have the authority to approve, conditionally approve or deny the tentative parcel map application. Public notice requirements for Board of Supervisors' action shall be as set forth in Section 16.20.060.

16.20.100 Extension of Time for Planning Commission Action.

The time limits set forth in this article for acting on the tentative map may be extended by mutual consent of the subdivider and the Planning Commission.

16.20.110 Appeals of Planning Commission Action.

- (1) By Subdivider. If the subdivider disagrees with any action by the Planning Commission with respect to the tentative parcel map, the subdivider may, within ten (10) days of the decision, file an appeal with the County Clerk. The Board of Supervisors shall consider the appeal within thirty (30) days or at its first regular meeting subsequent to such appeal, unless the subdivider consents to a continuance. This appeal shall be a public hearing after notice has been given pursuant to Section 16.20.060. In addition, notice shall be given to the subdivider and the Planning Commission and upon conclusion of the public hearing, the Board of Supervisors may

sustain, modify, reject or overrule any recommendations or ruling of the Planning Commission and Director of Planning and Building Services or designated representative and shall make findings and conditions which are consistent with the provisions of this chapter or the Subdivision Map Act.

- (2) By Interested Persons Adversely Affected. Any interested person adversely affected by a decision of the Planning Commission may file an appeal with the Board of Supervisors concerning such decision. Any such appeal shall be filed with the Board of Supervisors within ten (10) days after the action which is the subject of the appeal. No appeal shall be considered after the ten (10) day period. The Board of Supervisors may, at its discretion, reject the appeal within fifteen (15) days or set the matter for hearing. If the Board of Supervisors rejects the appeal, the appellant shall be notified of such action. If the matter is set for hearing, a public hearing shall be held within thirty (30) days after filing of the appeal pursuant to the procedures contained in subsection (1) of this section with additional notice being given to the affected interested persons.
- (3) For General Plan and Specific Plan Conformity. Any interested person may appeal any decision of the Planning Commission relative to conformity to the General Plan or any specific plan of the County to the Board of Supervisors. Such appeal and hearing thereon shall be in accordance with subsection (1) of this section, with additional notice to be given to the appellant.
- (4) Any appeal shall be accompanied by the applicable appeal fee listed in Chapter 3.18 of the Lassen County Code.

16.20.120 Expiration.

The approval or conditional approval of a tentative parcel map shall expire twenty-four (24) months from the date the Planning Commission approves or conditionally approves the map or from the date of Board of Supervisors' review, if any. An extension to the expiration date may be approved as provided in Section 16.20.130(2). Any extension request shall be accompanied by the applicable fee listed in Chapter 3.18 of the Lassen County Code.

The period of time specified above shall not include any period of time during which a lawsuit has been filed and is pending in a court of competent jurisdiction involving the approval or conditional approval of a tentative map, only if a stay of the time period is approved by the Board of Supervisors. Within ten (10) days of the service of the initial petition or complaint upon the County, the subdivider shall, in writing, to the Director of Planning and Building Services, request a stay in the time period of the tentative map. Within forty (40) days after receiving the request, the Board of Supervisors shall either stay the time period for up to five (5) years or deny the requested stay. The request for the stay shall bear hearing with notice to the subdivider and to the appellant, and upon

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conclusion of the hearing, the Board of Supervisors shall, within ten (10) days, declare its findings.

The period of time specified shall not include any period of time during which a development moratorium is in effect according to Section 66452.6 of the Subdivision Map Act.

Expiration of an approved or conditionally approved tentative map shall terminate all proceedings and no parcel map of all or any portion of the real property included within the tentative map shall be filed without first processing a new tentative map.

16.20.130 Extensions.

- (1) Request by Subdivider. The subdivider or his/her agent may request an extension of the expiration date of the approved or conditionally approved tentative map by written application to the Department of Planning and Building Services. The application shall be filed not less than thirty (30) days before the map is to expire and shall state the reasons for requesting the extension. The application shall be accompanied by the applicable extension request fee listed in Chapter 3.18 of the Lassen County Code.
- (2) Planning Commission Action. The Director of Planning and Building Services or designated representative shall review the request and submit the application for the extension, together with a report, to the Planning Commission for approval, conditional approval or denial at the next scheduled Planning Commission meeting. A copy of the Director of Planning and Building Services' report shall be forwarded to the subdivider prior to the Planning Commission meeting on the extension. The resolution adopted by the Planning Commission approving or conditionally approving an extension shall specify the new expiration date of the tentative map.
- (3) Time Limit of Extension. The approved extension shall not exceed three (3) extensions of a maximum of sixteen (16) months each. No new expiration date shall extend more than six (6) years beyond the date of approval of the tentative map by the Planning Commission or Board of Supervisors approving or conditionally approving the tentative map. These extensions shall be in addition to any automatic extensions that are granted by the State of California.

16.20.140 Amendments to Approved Tentative Map.

Minor changes in the tentative map may be approved by the Department of Planning and Building Services upon application by the subdivider or on its own initiative, provided:

- (1) No lots, units or building sites are added;

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- (2) Such changes are consistent with the intent and spirit of the original tentative map approval and are substantially in conformance with the approved tentative map;
- (3) There are no resulting violations of this code.

Any revision shall be approved by the Director of Planning and Building Services or designated representative.

Amendments of the tentative map other than minor shall be presented to the Planning Commission for approval. Processing shall be in accordance with Sections 16.20.050 through 16.20.090.

Any approved amendment shall not alter the expiration date of the tentative map.

Article II. Parcel Maps

16.20.150 General.

A parcel map shall be required pursuant to the provisions of this chapter, unless a parcel map waiver has been approved pursuant to Section 16.20.250. The form, contents, accompanying data and filing of the parcel map shall conform to the provisions of this article.

The parcel map shall be prepared by or under the direction of a California registered civil engineer authorized to practice land surveying or by or under the direction of a California licensed land surveyor.

16.20.160 Submittal by Units.

Multiple parcel maps relating to an approved or conditionally approved tentative map may be filed prior to the expiration of the tentative map if:

- (1) The subdivider, at the time the tentative map is filed, requests the Planning Commission's approval for filing multiple parcel maps on such tentative map; or
- (2) After approval of the tentative map, the Planning Commission and the subdivider concur in the filing of multiple parcel maps.

The subdivider shall be required to define the configuration and number of proposed multiple parcel maps. The filing of a parcel map on a portion of an approved or conditionally approved tentative map shall not invalidate any part of such tentative map. The right of the subdivider to file multiple parcel maps shall not limit the authority of the Planning Commission to impose reasonable conditions relating to the filing of multiple parcel maps. The sequence of map approval shall provide for the construction of improvements as required to constitute a logical and orderly development of the whole subdivision.

16.20.170 Survey Required.

An accurate and complete survey of the land to be subdivided shall be made by a California registered civil engineer authorized to practice land surveying or by a California licensed land surveyor. All monuments, property lines, centerlines of streets, alleys and easements adjoining or within the subdivision shall be tied into the survey. The allowable error of closure on any portion of the parcel map shall not exceed 1/10,000 for field closures and 1/20,000 for calculated closures.

At the time of making the survey for the parcel map, the engineer or surveyor shall set sufficient durable monuments to conform with the standards described in Section 8771 of the Business and Professions Code so that another engineer or surveyor may readily retrace the survey.

16.20.180 Form.

The form of the parcel map shall conform to the Subdivision Map Act and as follows:

The parcel map shall be legibly **drawn**, printed or reproduced by a process **guaranteeing** a permanent record in block on tracing cloth or polyester base film. Certificates, affidavits and acknowledgments may be legibly stamped or printed upon the map with opaque ink. If ink is used on polyester base film, the ink surface shall be coated with a suitable substance to assure permanent legibility.

The size of each sheet shall be eighteen inches by twenty-six inches. A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of one inch. The scale of the map shall be as necessary to show all details clearly and enough sheets shall be used to accomplish this end. The particular number of the sheet and the total number of sheets comprising the map shall be stated on each of the sheets and its relation to each adjoining sheet shall be clearly shown. When four or more sheets, including the certificate sheet, are used a map key shall be included.

All printing or lettering on the map shall be readily legible on prints and other reproductions made from the original drawings.

The final form of the parcel map shall be as approved by the County Surveyor.

16.20.190 Contents.

The contents of the parcel map shall conform to the Subdivision Map Act and as follows:

- (1) Boundary. The boundary of the subdivision shall be designated by a heavy black line in such a manner as not to obliterate figures or other data.
- (2) Title. Each sheet shall have a title block identifying the legal owner(s) and subdivider, parcel map number and the location of the property being subdivided with reference to maps which have been previously recorded,

or by reference to the plat of a United States Survey. The following words shall appear in the title: "Lassen County."

- (3) Certification. The following certificates shall appear only once on the cover sheet.
 - (A) Owner's Certificate. A certificate signed and acknowledged by all parties having any record title interest in the land subdivided, consenting to the preparation and recordation of the map and offering for dedication to the public certain specific parcels of land or easements. Exceptions are those parties having rights-of-way, easements, or interests which cannot ripen into a fee, or as provided in the Subdivision Map Act.
 - (B) Trustee's Certificate. If required, a certificate signed and acknowledged by any trustees or beneficiaries of record at the time of Board of Supervisors approval of the parcel map, **consenting** to the recording of the map and any offers of dedications.
 - (C) Surveyor's Certificate. A certificate signed by the engineer or surveyor responsible for the survey and parcel map as required by Section 66449 of the Subdivision Map Act. The certificate shall give the date of the survey, state that the survey and parcel map were made by or under the direction of the engineer or surveyor, is based upon a field survey in conformance with the requirements of the Subdivision Map Act and local ordinances and substantially conforms to the conditionally approved tentative map. The parcel map shall also contain a statement by the engineer or surveyor responsible for the survey as required by Section 66445(i) of the Subdivision Map Act that states all monuments are of the character and occupy the positions indicated, or that they will be set in those positions on or before a specified date, and that the monuments are, or will be, sufficient to enable the survey to be retraced.
 - (D) Certificate of Soils and Geologic Report. When a soils report, a geologic report, or soils and geological reports have been prepared specifically for the parcel map, such fact shall be noted on the parcel map, together with the date of such report or reports, along with the name of the engineer making the soils report and geologist making the geologic report and the location where the reports are on file.
 - (E) County Surveyor's Certificate. A certificate signed by the County Surveyor as required by Section 66450 of the Subdivision Map Act stating that the map has been examined and that it is substantially the same as the approved tentative map and any approved alterations, that it complies with the Subdivision Map Act and the provisions of this chapter and is technically correct.

- (F) Planning Commission Certificate. A certificate signed by the Secretary of the Planning Commission stating that the tentative map was approved by the Planning Commission and that the parcel map complies with the conditions of the tentative map approval.
 - (G) Supervisor's Certificate. A certificate for execution by the Chairman of the Board of Supervisors stating that the Board of Supervisors approved the parcel map and accepted, subject to improvement or rejected on behalf of the public, any real property or easements offered for dedication for public use or other uses in conformity with the terms of the offer of dedication.
 - (H) County Tax Collector's Certificate. A certificate for execution by the County Tax Collector stating that all taxes due have been paid or security assuring the payment of all taxes listed in Section 66493 of the Subdivision Map Act has been received.
 - (I) County Recorder's Certificate. A certificate for execution by the County Recorder that shows who requested the filing of the map, the time and date the map was filed and the Book and Page where the map was filed.
- (4) Scale, North Point and Basis of Bearings. There must appear on each map sheet a bar scale, a north point and a basis of the bearings. The basis of bearings shall be approved by the County Surveyor.
 - (5) Linear, Angular and Radial Data. Sufficient linear, angular and radial data shall be shown to determine the bearings and lengths of monument lines, street centerlines, the boundary lines of the subdivision, the boundary lines on every lot and parcel which is a part of the subdivision, and ties to existing monuments used to establish the boundary. Arc length, radius and total central angle of all curves shall be shown. Ditto marks shall not be used in the dimensions and data shown on the map.
 - (6) Monuments. The location and description of all existing and proposed monuments shall be shown. Standard monuments shall be set at, or on County Surveyor approved offsets, from the following locations:
 - (A) All lot, street, alley corners, angle points of boundary lines and points of beginning/ending of curves and change of curvature;
 - (B) Street centerline monumentation as may be required by the County Surveyor;
 - (C) At other locations as may be required by the County Surveyor to perpetuate or facilitate the re-establishment of any point or line of the survey;

- (D) Monumentation shall be in compliance with Section 8772 of the Professional Land Surveyors' Act. Survey monuments shall, at a minimum, consist of ½ inch (#4) rebar 18 inches in length or ¾ inch metal pipes 18 inches in length, either of which shall be marked with a permanent cap or tag stamped with the license number of the engineer or land surveyor responsible for the survey. Where a corner position falls in impervious material, and a witness corner is not set, a nail and tag shall be set where the tag is stamped with the license number of the licensed engineer or surveyor responsible for the survey. If any untagged pipe or monument is recovered and used as part of a survey, it shall be tagged or marked with the license number of the licensed engineer or surveyor responsible for the survey.
- (7) Parcel Numbers. Parcels shall be lettered or numbered as required by the County Surveyor. Each parcel shall be shown entirely on one sheet of the parcel map, unless approved by the County Surveyor.
- (8) City Boundaries. City or district boundaries which cross or join the subdivision shall be clearly designated.
- (9) Street Names. The names of all streets, alleys, or highways within or adjoining the subdivision shall be shown along with the widths of said streets, alleys or highways.
- (10) Easements. Easements for roads or streets, paths, stormwater drainage, sanitary sewers or other public use as may be required, shall be offered for dedication to the public but not accepted unless and until acceptance is deemed to be in the public interest by the County or other public agency, and the use shall be specified on the map. If, at the time the parcel map is approved, any streets, paths, alleys or storm drainage easements are not accepted by the Board of Supervisors, the offer of dedication shall remain open and the Board of Supervisors may, by resolution at any later date, accept and open the streets, paths, alleys or storm drainage easements for public use, which acceptance shall be recorded in the office of the County Recorder.

The Board of Supervisors may accept any dedications lying outside the subdivision boundary which require a separate grant deed. The acceptance shall be recorded in the office of the County Recorder.

All easements of record shall be shown on the map, together with sufficient recording data to identify the conveyance, e.g., Recorder's Serial Number and date, or Book and Page of Official Records.

The sidelines of all easements of record shall be shown by dashed lines on the parcel map with the widths, lengths and bearings of record. The width

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and location of all proposed easements shall be approved by the County Surveyor.

16.20.200 Additional Information.

- (1) The advisory agency may deem that additional information be required to be filed or recorded simultaneously with the parcel map pursuant to Section 66434.2 of the Subdivision Map Act.
- (2) The additional information shall be in the form of a separate document or an additional map sheet and shall indicate its relationship to the parcel map. A statement shall be added which states that the additional information is for informational purposes, describing conditions as of the date of filing, and is not intended to affect record title interest. The document or additional map sheet may also contain a notation that the additional information is derived from public records or reports, and does not imply the correctness or sufficiency of those records or reports by the preparer of the document or additional map sheet.
- (3) Additional survey and map information may include, but need not be limited to: building setback lines, flood hazard zones, seismic lines and setbacks, geologic mapping, and archaeological sites.

16.20.210 Preliminary Submittal for County Approval.

The subdivider shall submit two sets of prints of the parcel map to the County Surveyor for review along with the applicable review fee listed in Chapter 3.18 of the Lassen County Code. The preliminary prints shall be accompanied by the following data, plans, reports and documents in a form as approved by the Director of Public Works, or designated representative, and County Surveyor.

- (1) Title Report. A preliminary title report or Condition of Title report, issued within thirty (30) days of the submittal date, showing the legal owners of the property or properties shown on the tentative map;
- (2) Improvement Plans. Improvement plans as required by Sections 16.32.210 through 16.32.230 of this title;
- (3) Deeds for Easements or Rights-of-Way. Deeds for off-site easements or rights-of-way required for road or drainage purposes which have not been dedicated on the parcel map. Written evidence acceptable to the County in the form of rights of entry or permanent easements across private property outside of the subdivision permitting or granting access to perform necessary construction work and permitting the maintenance of the facility;
- (4) Traverse Closures. Traverse closures for all boundary blocks, lots, easements, street centerlines and monument lines;

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- (5) Hydrology and Hydraulic Calculations. Hydrology and hydraulic calculations of all storm drains;
- (6) Any additional data, reports or information as required by the Director of Public Works or designated representative, County Surveyor, or County Counsel.

16.20.220 Review by County Surveyor.

The County Surveyor shall review the parcel map and the subdivider's engineer or surveyor shall make corrections and/or additions until the map is acceptable to the County Surveyor.

16.20.230 Approval by County Surveyor.

The subdivider's engineer or surveyor shall submit an original tracing of the map, corrected to its final form and signed by all parties required to execute the certificates on the map, to the County Surveyor. This submittal shall include a Parcel Map Guarantee, issued within ten (10) days of the submittal date, along with the appropriate fees for recordation of all documents.

The County Surveyor and Secretary of the Planning Commission shall sign the appropriate certificates after all conditions of the tentative map have been satisfied and shall transmit the original to the County Clerk.

16.20.240 Filing with County Recorder.

Upon approval of the parcel map by the Board of Supervisors, the County Clerk shall have the Chairman execute the appropriate certificate on the certificate sheet and then forward it to the County Surveyor who shall ultimately transmit the map to the County Recorder.

16.20.250 Parcel Map Waiver.

In all instances in which an applicant desires that a waiver of the requirement of a parcel map be granted, a tentative parcel map of each proposed division shall be filed with the Department of Planning and Building Services as required by Article I of this chapter, together with a written request for a waiver of Section 16.20.150. The tentative map shall also be accompanied by the applicable fees for a parcel map as listed in Chapter 3.18 of the Lassen County Code.

The tentative parcel map shall conform to the requirements of Section 16.20.020 and contain sufficient written information necessary to make the findings required by Section 66428(2)(b) of the Subdivision Map Act, and all other matters regulated by the Subdivision Map Act and this chapter. A preliminary title report or Condition of Title report showing the legal owners of the property or properties shown on the tentative map at the time of filing the tentative map may be required as determined by the Director of the Department of Planning and Building Services or designated representative.

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A finding that the proposed division complies with all requirements of state law and this title as to area, improvement and design, floodwater drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection and other requirements of state law and this title, shall be made by the Planning Commission.

Upon approval by the Planning Commission, the subdivider shall submit two copies of a Consent of Record Owners document, that has been prepared by a California registered civil engineer authorized to practice land surveying, or by a California licensed land surveyor, and which includes legal descriptions for the resultant subject parcels, to the County Surveyor for review. This submittal shall also include the applicable review fee for a parcel map as listed in Chapter 3.18 of the Lassen County Code. The preliminary copies shall be accompanied by a preliminary title report or Condition of Title report, issued within thirty (30) days of the submittal date, showing the legal owners of the property or properties shown on the tentative map;

A Consent of Record Owners document shall also include the following certifications:

- (A) Owner's Certificate. A certificate signed and acknowledged by all parties having any record title interest in the land subdivided, consenting to the preparation and recordation of the parcel map waiver and offering for dedication to the public certain specific parcels of land or easements. Exceptions are those parties having rights-of-way, easements, or interests which cannot ripen into a fee, or as provided in the Subdivision Map Act.
- (B) Trustee's Certificate. If required, a certificate signed and acknowledged by any trustees or beneficiaries of record at the time of Board of Supervisors approval of the parcel map waiver, consenting to the recording of the parcel map waiver and any offers of dedications.
- (C) Surveyor's Certificate. A certificate signed by the engineer or surveyor responsible for preparation of the Consent of Record Owners document and the legal description(s) of the resultant parcels shown thereon. The form of this certificate shall be the same as required for parcel maps by Section 66449 of the Subdivision Map Act.
- (D) County Surveyor's Certificate. A certificate signed by the County Surveyor as required for parcel maps by Section 66450 of the Subdivision Map Act.
- (F) Planning Commission Certificate. A certificate signed by the Secretary of the Planning Commission stating that the tentative map was approved by the Planning Commission and that the parcel map waiver complies with the conditions of the tentative map approval.
- (G) Supervisor's Certificate. A certificate for execution by the Chairman of the Board of Supervisors stating that the Board of Supervisors approved the parcel map waiver and accepted, subject to improvement or rejected on

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behalf of the public, any real property or easements offered for dedication for public use or other uses in conformity with the terms of the offer of dedication.

- (H) County Tax Collector's Certificate. A certificate for execution by the County Tax Collector stating that all taxes due have been paid or that security assuring the payment of all taxes listed in Section 66493 of the Subdivision Map Act has been received.

Easements for roads or streets, paths, stormwater drainage, sanitary sewers or other public use as may be required, shall be offered for dedication to the public but not accepted unless and until acceptance is deemed to be in the public interest by the County or other public agency, and the use shall be specified. If, at the time the parcel map waiver is approved, any streets, paths, alleys or storm drainage easements are not accepted by the Board of Supervisors, the offer of dedication shall remain open and the Board of Supervisors may, by resolution at any later date, accept and open the streets, paths, alleys or storm drainage easements for public use, which acceptance shall be recorded in the office of the County Recorder.

The Board of Supervisors may accept any dedications lying outside the subdivision boundary which require a separate grant deed. The acceptance shall be recorded in the office of the County Recorder.

All easements of record shall be shown on the Consent of Record Owners document, together with sufficient recording data to identify the conveyance, e.g., Recorder's Serial Number and date, or Book and Page of Official Records.

The County Surveyor shall review the Consent of Record Owners document and the subdivider's engineer or surveyor shall make corrections and/or additions until it is acceptable to the County Surveyor. The subdivider's engineer or surveyor shall then submit an original copy of the Consent of Record Owners document, corrected to its final form and signed by all parties required to execute the certificates, to the County Surveyor. This submittal shall include a Parcel Map Guarantee, issued within ten (10) days of the submittal date, along with the appropriate fees for recordation of all documents.

Upon satisfaction of all conditions and approval of the project by the Board of Supervisors, the County Clerk shall have the Chairman execute the appropriate certificate on the Consent of Record Owners document and then forward it to the County Surveyor, who shall ultimately transmit the document to the County Recorder for recording in the Official Records of Lassen County.

The land division shall be deemed complete when the Consent of Record Owners document and any other supporting documents have been recorded in the office of the County Recorder.

Chapter 16.24 Dedications and Reservations

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16.24.010 General.

The Director of Planning and Building Services or designated representative shall recommend and the Planning Commission shall require appropriate dedications and reservations as deemed necessary to comply with the General Plan or any applicable area or specific plan or ordinance as provided by California Code or any other dedications and/or reservations found to be necessary.

Chapter 16.28 Condominium Conversion

16.28.010 General.

Condominium conversions shall be processed in the same manner as a tentative final map (subdivision) as set forth by Chapter 16.16 of this title and as deemed applicable by the Director of Planning and Building Services or designated representative pursuant to state law.

Chapter 16.32 Subdivision Improvement Requirements

16.32.010 General.

The subdivider shall construct all required improvements both on and off-site according to approved standards or approved conditions of approval, as determined by the Planning Commission.

No final map or parcel map shall be filed with the County Recorder until the subdivider either completes the required improvements, or enters into an improvement agreement with the County agreeing to do such work.

16.32.020 General Land Development Intent.

Proper subdivision improvements ensure that important social and economic interests of Lassen County and its citizens will be protected. Safe and adequate access for vehicular and pedestrian traffic is a fundamental part of land development projects and a requirement for County approval. To ensure these basic principles, the County has developed and implemented minimum standards commensurate with various land uses and road locations.

16.32.030 Design and Improvement Defined.

“Design” means:

- (1) Street alignments, grades and widths;
- (2) Drainage and sanitary facilities and utilities, including alignments and grades thereof;
- (3) Location and size of all required easements and rights-of-way;

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- (4) Fire roads and firebreaks;
- (5) Lot size and configuration;
- (6) Traffic access;
- (7) Grading;
- (8) Land to be dedicated for park or recreational purposes; and
- (9) Such other specific physical requirements in the plan and configuration of the entire subdivision as may be necessary to ensure consistency with, or implementation of, the General Plan or any applicable specific plan.

“Improvement” refers to:

- (1) Any street work and utilities to be installed, or agreed to be installed, by the subdivider on the land to be used for public or private streets, highways, ways, and easements, as are necessary for the general use of the lot owners in the subdivision and local neighborhood traffic and drainage needs as a condition precedent to the approval and acceptance of the final map or parcel map thereof; and
- (2) Any other specific improvements or types of improvements, the installation of which, either by the subdivider, by public agencies, by private utilities, by any other entity approved by the local agency, or by a combination thereof, is necessary to ensure consistency with, or implementation of, the General Plan or any applicable specific plan.

16.32.040 General Land Development Standards.

Road patterns must be planned in accordance with area-wide plans of the County, affected cities and the State. The Department of Planning and Building Services, Department of Public Works, the Transportation Commission and City and/or State officials are involved in approving public street patterns. The coordination of approvals for road improvement plans by the various agencies and signing of individual plans is the responsibility of the subdivider or consulting engineer.

16.32.050 County Road Paving.

Certain areas of the County have been identified by the County zoning title (Title 18 of the Lassen County Code) as being appropriate for residential and agricultural-residential development, which are not presently served by paved County maintained access routes. In an effort to increase safe and adequate access opportunities for residents of the County who reside in established or designated residential or agricultural-residential areas, the Board of Supervisors has established the following policies:

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- (1) Existing and future paved County maintained roads will be maintained in a reasonable manner by the County if currently maintained by the County or if accepted into the County maintained road system.
- (2) The Public Works Department/Road Division may recommend to the subdivider that participation in the maintenance of unpaved County maintained roads may be required when such roads are to be used for access to the subdivision, regardless of the required road standard for circulation within the proposed subdivision.

16.32.060 Completion of Improvements.

Completion of improvements shall be in accordance with Section 16.32.370 of this chapter. The construction of improvements shall conform to current standards adopted by the County of Lassen, which may include but not be limited to the following:

- (1) Street and Frontage Improvements. The street and frontage for each lot shall be improved in conformance with currently adopted County standards, including street structural section, curbs, sidewalk and driveways. Such improvements shall be required for all project streets.
- (2) Drainage. In all cases, regardless of proposed lot or parcel areas, natural or engineered drainage shall be sufficient to eliminate any threat to the public health and safety. Stormwater runoff from the subdivision shall be collected and conveyed by an approved storm drain system. The storm drain system shall be designed for the foreseeable total development of the watershed. The storm drain system shall also provide for the protection of abutting and off-site properties that would be adversely affected by any increase in runoff attributed to the development; off-site storm drainage improvements may be required to satisfy this requirement.
- (3) Sanitary Sewers. Each unit or lot within the subdivision shall be served by an approved individual or community sanitary sewer system.
- (4) Community Sewer Systems. All community sewer systems shall be reviewed and approved by the Director of Public Works or designated representative and the County Environmental Health Department.
- (5) Water Supply. Each unit or lot within the subdivision shall be served by an approved individual or community domestic water system.

If a community water system is to be established or if the subdivision is to be served by an existing mutual, community water system, all new improvements must be constructed to the standards of the appropriate governmental agency. Plans for such water systems shall be reviewed and approved by the Director of Public Works or designated representative for local requirements.

- (6) Utilities. Public electric and telephone facilities shall be available to each unit or lot within the subdivision. Except in the case of a segregated homesite and the creation of agricultural parcels in excess of one hundred sixty acres, when a proposed subdivision is located in an area where public telephone and electric utilities are not available, the project may be approved provided that it shall be a condition of approval that a statement of ineligibility for construction of any residential, commercial or industrial structure or building (excluding agricultural buildings), on any such parcel which sets forth remedial action required to rectify such deficiency shall appear upon the map or map waiver document and deed or other instrument transferring ownership of any such parcel.

When a subdivision is located within the service area of one or more cable television services, the design of the subdivision shall provide an opportunity for one or more cable television systems to construct, install and maintain, on land identified on the map as dedicated or to be dedicated to public utility use, any equipment necessary to extend cable television services to each residential parcel in the subdivision.

- (7) Underground Utilities. All utilities within a subdivision designated by the General Plan for urban residential, estate residential, rural residential, commercial or industrial land use, or identified by the Planning Commission as being consistent with such designations, shall be placed underground. Undergrounding may be required along peripheral streets.

The developer may request that the undergrounding requirement be waived by the Planning Commission for parcels larger than three acres in size in those instances where the utility company, which is responsible to provide electrical or telephone service to the project, certifies to the Planning Commission at the public hearing held to consider approval of the project that, due to technical or physical limitations relating to the site or the utility system, the undergrounding of on-site utilities would be impractical. As a condition of waiving the undergrounding requirement the Planning Commission may accept a fee in lieu of undergrounding such utilities or require other appropriate action.

- (8) Landscaping. Landscaping shall be required as follows:

For projects located:

- (A) In Design Review Districts, as specified in Title 18 of this code, and where the Architectural Review Committee has adopted standards for landscape improvement; or
- (B) In commercial or industrial districts which require design review pursuant to Title 18 of this code and where the Architectural Review Committee has adopted standards for landscape improvement; or

- (C) In areas designated for density of over one residential dwelling unit per acre, front yard landscaping, as approved by the Architectural Review Committee. The subdivider may ensure the future construction of such landscaping by any means approved by the Architectural Review Committee, including a recorded statement of covenants, conditions and restrictions.
- (9) Street Names and Street Signs. All roads and streets with an improvement shall be named by the developer subject to the approval of the Director of Public Works or designated representative. Street name signs shall be furnished and erected by the developer and shall conform to the requirements of the Lassen County Department of Public Works.

16.32.070 Right-of-Way and Access Standards.

“Right-of-way” means a recorded road easement connecting a newly created parcel with an existing publicly maintained street or highway. Such deeded road easement shall be secured prior to submittal of an application for division of real property. Widths of required road easements shall be consistent with the requirements of this chapter. An application for the subdivision of property which is contiguous to existing substandard road easements or which propose to utilize such an existing easement for access to the project shall be required to add sufficient property to said road easement to create an easement which meets the minimum applicable standard.

Rights-of-way within or through the parcel(s) created shall be offered for dedication to the County. Such rights-of-way may not be accepted by the County unless and until such time as the roads are improved to the required County Road Standard. Nothing contained herein shall be construed to require approval or acceptance of any roads into the County maintained road system.

- (1) A variance may be granted from the right-of-way width requirements of this chapter by the Planning Commission upon making a finding that the strict application of the right-of-way standards would create easements in excess of what is necessary for the maximum potential improvement of the project site and surrounding properties, when the current County General Plan is considered.
- (2) A variance from the road construction standards contained in this chapter may be granted by the Planning Commission:
 - (A) After conducting a public hearing on the project, finding that the weight of the evidence contained in the record indicates that the granting of such a variance would not be detrimental to the health, safety or general welfare of the citizens of Lassen County and that the approval of the requested variance would not be inconsistent with the County General Plan.

Should the Board of Supervisors consider a request for variance of the road standards set forth in this chapter upon an appeal of the decision of the Planning Commission, it shall be required to make the findings set forth in the section. Appeals shall be limited to a review of the record which was presented to the Planning Commission and other evidence which could not have been presented to the Planning Commission.

- (3) No approval shall be given for access based on a claim of prescriptive right, where such right does not appear of record, provided that where the fact of unapproved access to each parcel affected is disclosed upon the final map or parcel map, this defect shall not by itself, constitute grounds for disapproval of such map, where each resulting parcel served by such unapproved access is not less than forty acres in gross area. In such cases, it shall be a condition of approval that a statement of ineligibility for construction of any residential, commercial, or industrial structure or building on any such parcel which provides for remedial action shall appear upon the map or map waiver document and deed or other instrument transferring ownership of any such parcel.

16.32.080 Road Design Standards and Specifications.

- (1) General. The subdivider shall design and construct all subdivision roads and streets in conformance with (1) the current Standard Specifications and Highway Design Manual of the State of California, Department of Public Works, Division of Highways; (2) Special provisions provided by the County; (3) Special provisions provided by the subdivider's engineer and approved by the County; or (4) any combination of the above as required by the County. Where guidance is provided in the County General Plan or any area plan thereto, road and street standards shall conform to the level of improvement designated therein.
- (2) Relation to Topography. Topographic conditions shall, to the greatest extent possible, determine the general pattern of blocks and alignment of streets, highways and ways.
- (3) Relation to Adjoining and Adjacent Street System. The arrangement of streets shall provide for the direct continuation of the centerline of the principal existing streets or highways. In general, such streets shall be improved to a standard consistent with existing streets and roads in the adjoining area. However, new streets may be required to be constructed to higher standards.
- (4) Street Grades. Street grades for newly proposed parcels shall generally not exceed eight percent unless topographical conditions make grades in excess of eight percent necessary and appropriate, and such grades are approved of by the Director of Public Works or designated representative. In accordance with Section 9.16.140 of the Lassen County Code, road and

street grades no greater than sixteen percent shall be allowed for existing legally created parcels.

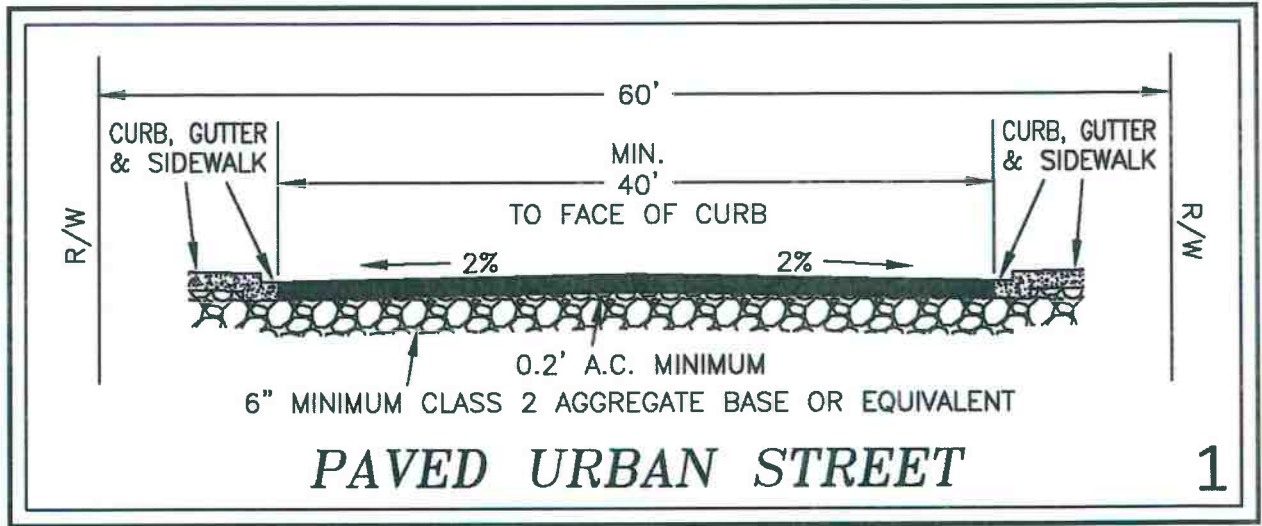
- (5) Curves. The minimum radii of curves, measured on centerline, shall be as follows: County select and minor highways: five hundred feet, except in mountainous areas where a minimum radius of two hundred fifty feet will be accepted. Local roads and streets: one hundred feet except where topographic or other conditions make the enforcement of this minimum impractical in the opinion of the Director of Public Works or designated representative. For central angles smaller than thirty minutes no curve is required.
- (6) Intersections. The intersections of streets shall be at an angle of ninety degrees or as close to such an angle as is practicable, but in no case shall an intersection be at an angle less than sixty degrees.

16.32.090 Street Requirements and Definitions.

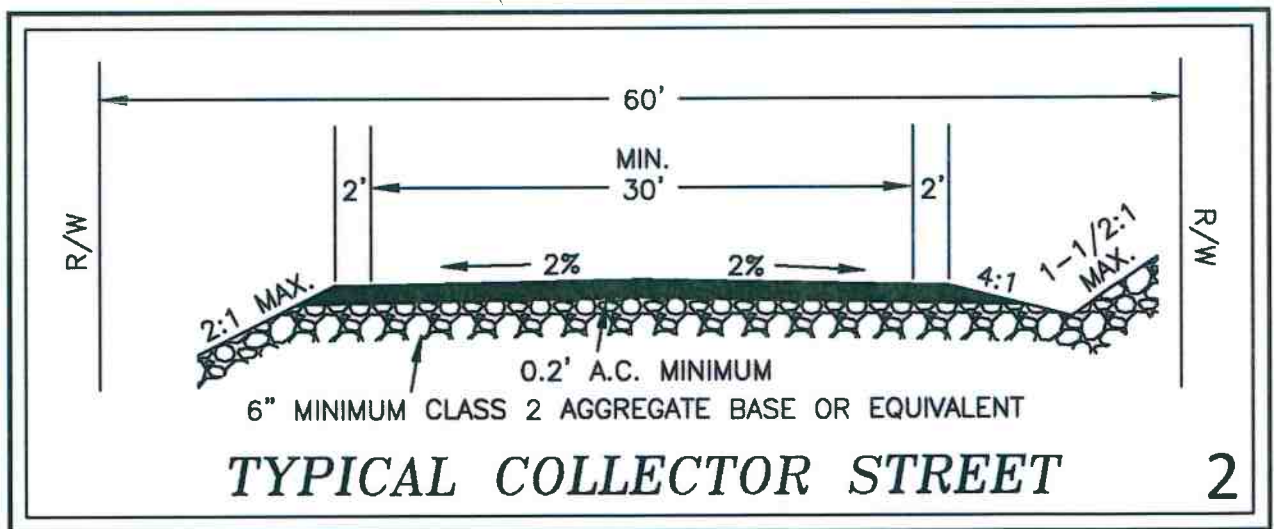
The following **standards** represent the County minimum standards for public and private road and street construction necessary to subdivide land within the jurisdictional boundary of the County of Lassen. If, based on the record of the proceedings, it is determined to be in the public interest, the Board of Supervisors or Planning Commission may, at their discretion, require street improvements in excess of those specified herein.

- (1) Paved Urban Streets. Paved Urban Streets shall be required:
 - (A) For land division applications in existing or proposed zoning districts which allow the creation of parcels of one acre or less, excepting those parcels created by Segregation of Homesite under Section 18.108.250 of the Lassen County Code; or
 - (B) Where the project site has been designated as Urban Residential by the current County General Plan.

Construction of Paved Urban Streets shall be in conformance with the standards for Road Section Number 1, as illustrated in the diagram below, and will be considered for acceptance into the County maintained road system. The requirement for curbs, gutters and sidewalks may be met by the provision of appropriate class bicycle/pedestrian paths. Where opportunities exist within the proposed subdivision for alternative off-street parking areas, consideration may be given to a request to modify the required width.



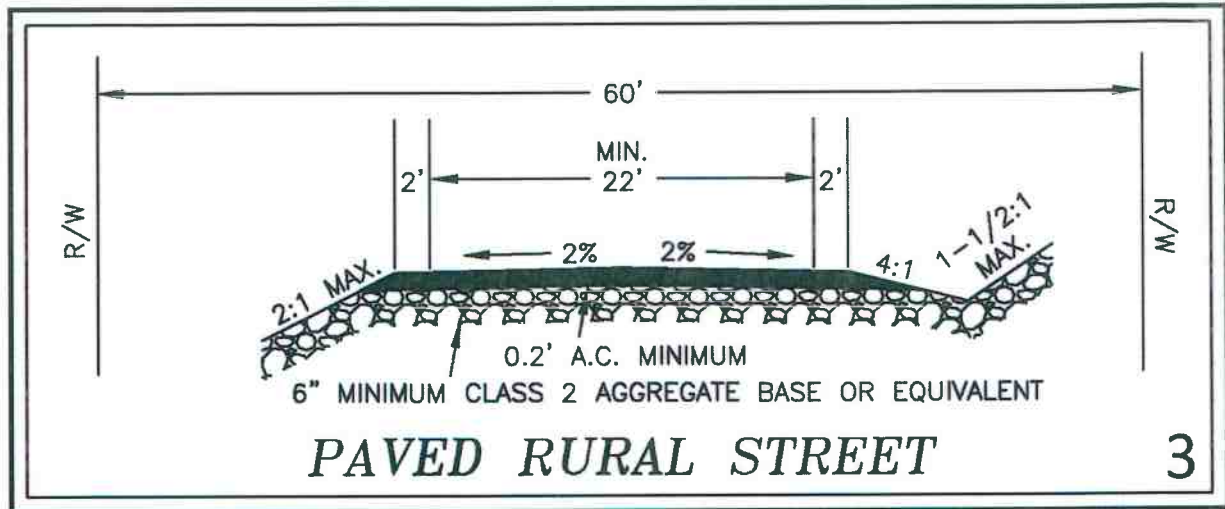
- 2) Typical Collector Streets. Typical Collector Streets will normally be designed through the Special Designed Streets provisions of this title. Generally, a Typical Collector Street would be required for project streets which are to serve development on surrounding properties, either at present or in the future. Construction of Typical Collector Streets shall conform with the standards for Road Section Number 2, as illustrated in the diagram below, and will be considered for acceptance into the County maintained road system.



- (3) Paved Rural Streets. Paved Rural Streets shall be required:
- (A) Where it is anticipated that, due to the General Plan designation of the property or lands in the area, the ultimate road standard necessary to serve the area would be a paved street; or
 - (B) For divisions of property where more than ten (10) parcels are, or will be, served by the access road for the project.

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Construction of Paved Rural Streets shall be in conformance with the standards for Road Section Number 3, as illustrated in the diagram below, and will be considered for acceptance into the County maintained road system.



(4) Unpaved Rural Streets. This classification of roadway is intended to serve projects which are located in areas where it is determined by the approving body, through the discretionary consideration of the project, that it is not necessary to improve the road to a paved standard. Unpaved Rural Streets shall meet all of the following requirements:

(A) Unpaved Rural Streets shall be permitted for divisions of property where ten (10) or fewer existing or proposed parcels will be served by the access road after recordation of the final map, parcel map or parcel map waiver.

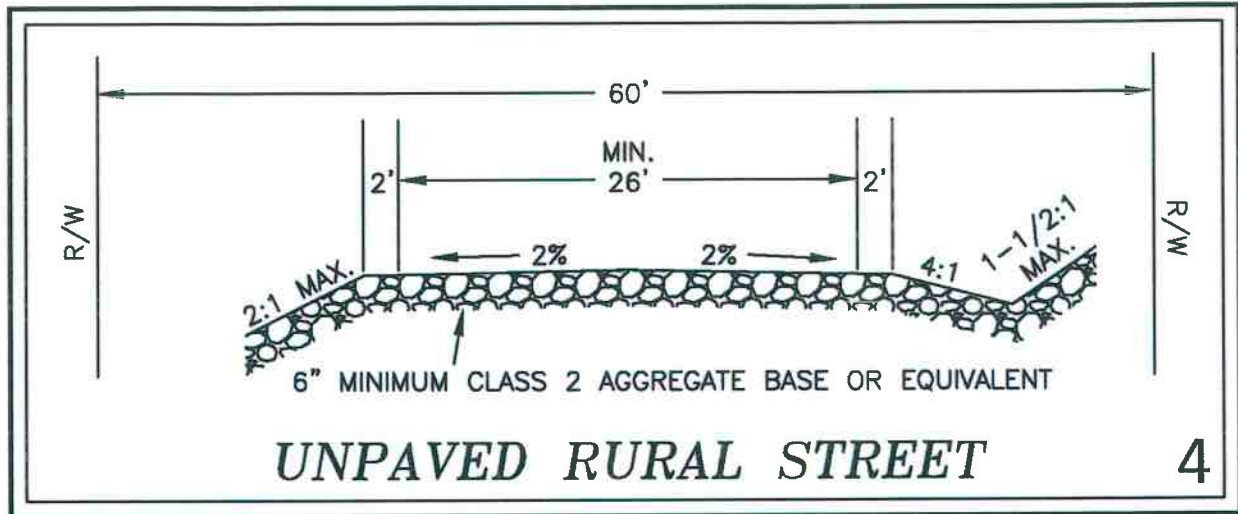
(B) The required width shall be determined by the approving body, in accordance with the following:

(i) When it is not anticipated that the future density of property or the surrounding area would require improvement of the roadway to a paved standard, a twenty-six foot width shall be applied.

(ii) When the approving body determines that there is a reasonable possibility that the roadway will require improvement to a paved standard, a twenty-eight foot width shall be applied, pursuant to the standards set forth in this chapter.

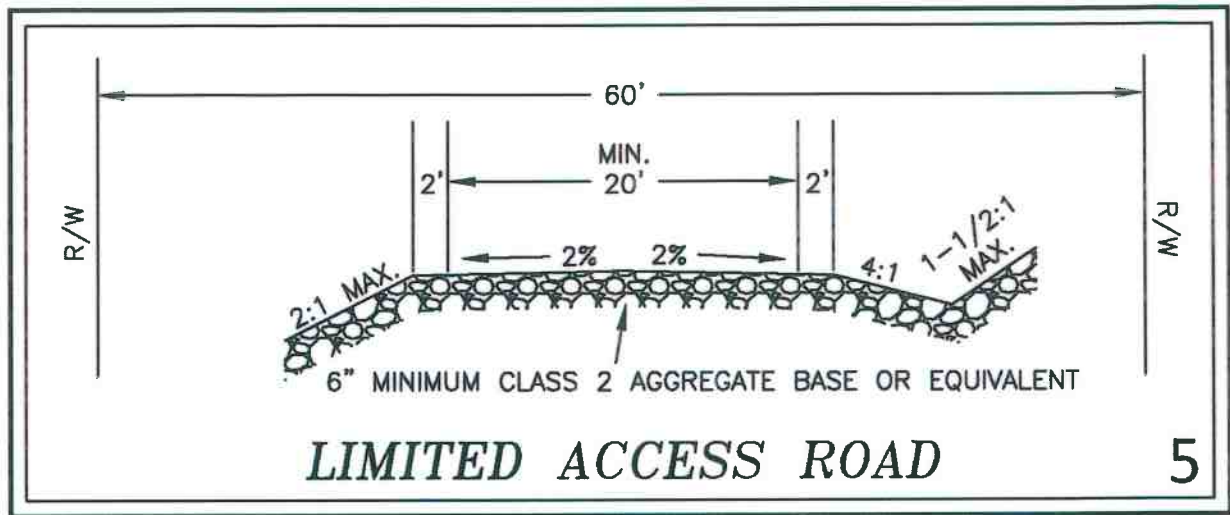
Construction of Unpaved Rural Streets shall be in conformance with the standards for Road Section Number 4 as illustrated in the diagram below. Roads of this type shall be privately maintained in accordance with Section 845 of the Civil Code, State of California. Prior to recordation of the final map, parcel map or parcel map

waiver, an agreement must be appropriately executed in accordance with said Section 845 detailing road maintenance requirements, snow removal, and other requirements of said section for each parcel being created that will utilize said road. The applicant may request waiver of this requirement, if such a request is submitted prior to conditional approval of the project. The approving body may either approve or disapprove the request based on the record.



- (5) Limited Access Roads. Limited Access Roads may be allowed for divisions of property where all of the following requirements are met:
- (A) The project meets all applicable requirements of Chapter 9.16 (Fire Hazards) of the Lassen County Code.
 - (B) The Limited Access Road may serve no more than four (4) parcels after approval of the project (excluding any remainder). To allow a Limited Access Road, the approving body must make a determination that the ultimate build-out of the road will serve no more than four (4) parcels based on zoning, General Plan designation, topography, or other features.

Construction of Limited Access Roads shall be in conformance with the standards for Road Section Number 5 as illustrated in the diagram below. Roads of this type shall be privately maintained in accordance with Section 845 of the Civil Code, State of California. Prior to recordation of the final map, parcel map or parcel map waiver, an agreement must be appropriately executed in accordance with said Section 845 detailing road maintenance requirements, snow removal, and other requirements of said section for each parcel being created that will utilize said road. The applicant may request waiver of this requirement, if such a request is submitted prior to conditional approval of the project. The approving body may either approve or disapprove the request based on the record.



- (6) Any road, or portion of a road, located entirely on the parcel it serves shall satisfy the applicable road and driveway requirements detailed in Chapter 9.16 (Fire Hazards) of the Lassen County Code prior to recordation of a final map, parcel map or parcel map waiver.
- (7) Special Designed Streets. Special Designed Streets shall be required for divisions of property which are zoned for commercial or industrial use, or where use of the property is to be for commercial or industrial purposes, or where the current County General Plan has designated the property as commercial or industrial. Special designed streets shall also be required for streets which are identified by the Planning Commission or designated by the County General Plan or any area plan as highways, major collectors, collectors, or arterial roadways or alleys. Standards for traffic index, structural section, right-of-way, maximum grade and all other technical aspects of road improvements are to be as approved on a case-by-case basis. Special Designed Streets shall be paved unless otherwise approved.
- (8) Partially Paved Roads (Incremental Road Improvement). This subsection is applicable in situations where parcels are proposed to be created that would utilize an existing road that does not meet the road requirements detailed in this section at the time an application is submitted. It is the intent of this subsection for any such projects to make appropriate improvements to the access road proportional to the number of parcels proposed as compared to the number of parcels currently utilizing said road.

For land division projects which utilize roads or road networks which connect to a paved publicly maintained street or highway, and which serve more than ten (10) existing parcels at the time an application is submitted, the project access road shall be improved to the appropriate paved standard as specified below:

- (A) Unpaved project access road(s) shall be improved to the appropriate paved street standard detailed in this section from the paved publicly maintained street or highway to a point along the project access road where ten (10) or fewer parcels are served by the road. The remaining section of the roadway shall be constructed to an appropriate alternate road standard; or
 - (B) If it is determined that it is not prudent to partially pave the access road as detailed above, the applicant may propose other suitable improvements to said access road. Any such proposal must be explicitly detailed in the application and be specifically approved by the approving body, otherwise the incremental road improvement requirements detailed above are applicable.
- (9) Extent of Road Improvement. Project access roads shall be improved to the appropriate standard, as required by this title, from a publicly maintained street or highway to the project site, and shall serve all proposed parcels. In no instance shall an applicant for a land division project be required to improve a project access road from a paved publicly maintained street or highway to a point beyond the boundaries of the proposed project site in order to satisfy the minimum standards found in this chapter.

For land division applications which require paved streets and where there are two or more accesses to paved publicly maintained streets or highways are proposed or required, at least one project access road shall be improved to the appropriate paved street standard.

The applicant shall construct other project access roads to the appropriate alternate standard unless the Planning Commission finds that, because of public health and safety concerns, a paved public street shall be required.

16.32.100 Road Standards Deviation.

Upon application by the applicant, the Planning Commission may deviate from the road standards of this chapter. Such deviation may be considered only in conjunction with a Planned Development Permit application where a homeowners' association is to be formed, which has, as one of its responsibilities, charge of all road construction and maintenance responsibility.

16.32.110 Structural Sections of Road Construction.

Structural section design shall be in conformance with the latest edition of the California Department of Transportation Highway Design Manual. A minimum traffic index of 5.0 shall be used in the design criterion. In the case of unpaved standards, a minimum A.C. (asphalt concrete) section of 0.2 ft. shall be assumed to achieve the minimum traffic index once paved.

16.32.120 Parcel Map Improvement Agreements.

Improvement agreements for parcel map improvements which are valued at less than ten thousand dollars shall be reviewed and approved by the Director of Public Works or designated representative together with acceptable security. Improvement agreements in excess of ten thousand dollars shall be processed in accordance with Section 16.32.130.

16.32.130 Subdivision Improvement Agreement.

A Subdivision Improvement Agreement shall be prepared and signed by the Director of Public Works or designated representative, signed by the subdivider, approved as to form by the County Counsel and approved by the Board of Supervisors. The agreement shall provide for:

- (1) Construction of all improvements according to the approved plans and specifications on file with the Director of Public Works or designated representative;
- (2) Completion of improvements within the time specified by Section 16.32.350;
- (3) Right of the County to modify plans and specifications to ensure public health, safety and welfare;
- (4) Warranty by subdivider that construction will not adversely affect any portion of any adjacent properties;
- (5) Payment of inspection fees in accordance with the County's resolution establishing fees and charges;
- (6) Payment of in-lieu fees for undergrounding of utilities on peripheral streets, payment of in-lieu fees for parkland dedication;
- (7) Payment of drainage district or area fees;
- (8) Improvement security as required by this title;
- (9) Maintenance and repair of any defects or failures and causes thereof;
- (10) Release of the County from all liability incurred by the development and payment of all reasonable attorney's fees that the County may incur because of any legal action arising from the development;
- (11) Any other deposits, fees or conditions as required by County ordinance or resolution and as may be required by the Director of Public Works or designated representative.

16.32.140 Remainders.

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Where remainders are made part of a final map or parcel map, the subdivider may enter into an agreement with the County to construct improvements within the remainder at some future date and prior to the issuance of a permit or other grant of approval for the development of a remainder parcel. The improvements shall be at the subdivider's expense. In the absence of an agreement, the County may require fulfillment of the construction requirements within a reasonable time following approval of the map, upon a finding that fulfillment of the construction requirements is necessary for reasons of:

- (1) The public health and safety; or
- (2) The required construction is a necessary prerequisite to the orderly development of the surrounding area.

In accordance with Section 66424.6(d) of the Subdivision Map Act, a designated remainder or any omitted parcel may subsequently be sold without any further requirement of the filing of a final map or parcel map, but the local agency may require a certificate of compliance or a conditional certificate of compliance.

16.32.150 Design—Generally.

The design and layout of all required improvements both on and off-site, private and public, shall conform to generally acceptable engineering standards and to such standards as approved by the Director of Public Works or designated representative.

16.32.160 Energy Conservation.

The design of a subdivision for which a tentative map is required, pursuant to Chapter 16.12 of this title, shall provide, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision.

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 to take advantage of shade or prevailing breezes.

In providing for future passive or natural heating or cooling opportunities in the design of a subdivision, consideration shall be given to local climate, to contour, to configuration of the parcel to be divided, to other design and improvement requirements, and such provisions shall not result in reducing allowable densities or the percentage of a lot which may be occupied by a building or structure under applicable planning and zoning in force at the time the tentative map is filed.

The requirements of this section do not apply to condominium projects which consists of the subdivision of airspace in an existing building when no new structures are added.

For the purposes of this section, "feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account environmental, social and technological factors.

16.32.170 Improvement Plans—Generally.

Improvement plans shall be prepared under the direction of and signed by a registered civil engineer licensed by the State of California and submitted to the Director of Public Works or designated representative for approval. Improvement plans may include, but not be limited to, grading, drainage, landscaping, streets, utilities, rights-of-entry and related facilities. The consulting engineer is responsible for obtaining the approval and necessary permits of governmental or municipal agencies when their facilities are involved.

Improvement plan standards required for plan approval by the Director of Public Works or designated representative will be available in the Director of Public Works' office. The standard to which the plans will be judged as acceptable will be based on the construction requirements of the improvements with respect to the California Department of Transportation's Standard Plans, Highway Design Manual, and Standard Construction Specifications and to generally recognized standards of the profession.

16.32.180 Contents.

The improvement plans shall show complete plans, profiles and details for all required improvements to be constructed, both public and private, including common areas. Reference may be made to the County of Lassen, State, or other local agency standard specifications in lieu of duplicating the specific details at the Director of Public Works or designated representative's discretion.

16.32.190 Supplementary Plans and Calculations.

Hydrology, hydraulic plans and calculations, bond estimates and any structural calculations as may be required, shall be submitted with the improvement plans to the Director of Public Works or designated representative. All calculations shall be legible, systematic and signed, dated and stamped by a registered civil engineer licensed by the State of California and in a form approved by the Director of Public Works or designated representative.

16.32.200 Review by the Director of Public Works.

The subdivider shall submit a minimum of two sets of the improvement plans and all computations to the Director of Public Works or designated representative for review. Upon completion of the review, one set of the preliminary plans, with the required revisions indicated, will be returned to the subdivider's engineer.

16.32.210 Approval by the Director of Public Works.

After completing all required revisions, the subdivider's engineer shall transmit the originals of the improvement plans to the Director of Public Works or designated representative for signature.

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Upon finding that all required revisions have been made and that the plans conform to all applicable County ordinances, design review requirements and conditions of approval of the tentative map, including signed approval by agencies as identified by those conditions, the Director of Public Works or designated representative shall sign and date the plans. The originals will be returned to the subdivider's engineer.

Approval of the improvement plans shall not be construed as approval of the sanitary sewer, water, gas or electric service construction plans, specifically non-County owned and maintained facilities.

Approval by the Director of Public Works or designated representative shall in no way relieve the subdivider or the subdivider's engineer from responsibility for the design of the improvements and for any deficiencies resulting from the design or from any required conditions of approval of the tentative map.

16.32.220 Revisions to Approved Plans.

- (1) By Subdivider. Requests by the subdivider or by the subdivider's engineer for revisions to the approved plans appearing necessary or desirable during construction shall be submitted in writing to the Director of Public Works or designated representative and shall be accompanied by revised drawings showing the proposed revisions. The original proposal shall not be eradicated from the plans, but shall be lined out. In the event that eradicating the original proposal is necessary to maintain clarity of the plans, approval must first be obtained from the Director of Public Works or designated representative. If the revision is acceptable, the originals shall be submitted to the Director of Public Works' office for initialing. The originals shall be returned to the subdivider's engineer and the revised plans shall be immediately transmitted to the Director of Public Works or designated representative. Construction of any proposed revision will not be permitted to commence until revised plans have been received and forwarded to the Director of Public Works or designated representative. Minor changes which do not affect the basic design or contract may be made upon the authorization of the Director of Public Works or designated representative, but said changes must be shown on "record" plans when the contract is completed.
- (2) By Director of Public Works. When revisions are deemed necessary by the Director of Public Works or designated representative to protect public health and safety, or as field conditions may require, a request in writing shall be made to the subdivider and the subdivider's engineer. The subdivider's engineer shall revise the plans and transmit the originals to the Director of Public Works or designated representative for initialing within the time specified by the Director of Public Works or designated representative.

Upon receipt of the initialed originals, the subdivider's engineer shall immediately transmit revised drawings to the Director of Public Works or

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designated representative. Construction of all or any portion of the improvements may be stopped by the Director of Public Works or designated representative until revised drawings have been submitted.

The subdivider may appeal revisions required by the Director of Public Works or designated representative to the Board of Supervisors by filing an appeal with the County Clerk within two working days following receipt of the request to revise the plans.

16.32.230 Plan Checking and Inspection Costs for Revisions.

Costs incurred by the County for the checking of plans or calculations or inspection as a result of revisions to the approved plans shall be borne by the subdivider at actual cost. A deposit, when required, shall be submitted with the revised prints and applied toward the actual costs.

16.32.240 Record (As-Built) Plans.

The consulting engineer shall keep an accurate record of all approved deviations from the plans and shall provide two copies of these records to the Director of Public Works or designated representative upon completion of the work before final approval of the completed subdivision improvements.

16.32.250 Improvement Security Generally.

Any improvement, agreement, contract or act required or authorized by the Government Code of the State of California for which security is required, shall be secured in accordance with Section 66499 of the Government Code and as provided below.

No final map or parcel map shall be recorded until all improvement securities required by this section have been received and approved.

16.32.260 Form of Security.

The form of security shall be one or the combination of the following at the option of and subject to the approval of the County:

- (1) Bond or bonds by one or more duly authorized corporate sureties;
- (2) An instrument of credit from one or more financial institutions subject to regulation by the state or federal government and pledging that the funds necessary to carry out the act or agreement are on deposit and guaranteed for payment;
- (3) Cash deposit.

The provisions of the bond or bonds shall be in accordance with Sections 66499.1 and 66499.2 of the Government Code.

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16.32.270 Amount of Security.

A performance bond or security in the amount of one hundred percent of the estimated construction cost to guarantee the construction or installation of all improvements shall be required of all subdivisions.

The estimate of improvement costs shall be as approved by the Director of Public Works or designated representative and shall provide for:

- (1) Twenty-five percent of the total construction cost for contingencies;
- (2) Increase for projected inflation computed to the estimated midpoint of construction;
- (3) All utility installation costs or a certification acceptable to the Director of Public Works or designated representative from the utility company that adequate security has been deposited to ensure installation;
- (4) In addition to the full amount of the security, there shall be included costs and reasonable expenses and fees, including attorney's fees, incurred in enforcing the obligation secured.

16.32.280 Warranty Security.

Upon acceptance of the subdivision improvements by the County, the subdivider shall provide security in the amount as required by the Director of Public Works or designated representative to guarantee the improvements throughout the warranty period. The amount of the warranty security shall be not less than ten percent of the cost of the construction of the improvements, including the cash bond which shall be retained for the one year warranty period.

16.32.290 Reduction in Performance Security.

The Director of Public Works or designated representative may authorize in writing the release of a portion of the security in conjunction with the acceptance of the satisfactory completion of a part of the improvements as the work progresses upon application by the subdivider, but in no case shall the security be reduced to less than ten percent of the total improvement security given for faithful performance. The amount of reduction of the security shall be determined by the Director of Public Works or designated representative, however, in no event shall the Director of Public Works or designated representative authorize a release of the improvement security which would reduce security to an amount below that required to guarantee the completion of the improvements and any other obligation imposed by this ordinance, the State of California Government Code, or the improvement agreement.

16.32.300 Release of Improvement Securities.

- (1) Performance Security. The performance security shall be released only upon acceptance of the improvements by the County and when an approved warranty security has been filed with the Director of Public Works or designated representative. If warranty security is not submitted, performance security shall be released twelve months after acceptance of improvements and correction of all warranty deficiencies.
- (2) Material and Labor Security. Security given to secure payment to the contractor, subcontractors and to persons furnishing labor, materials or equipment may, ninety days after the completion and acceptance of the improvements by the Director of Public Works or designated representative, be reduced to an amount equal to the amount of all claims previously filed and of which notice has been given to the Director of Public Works or designated representative. The balance of the security shall be released upon the settlement of all such claims and obligations for which the security was given.
- (3) Warranty Security. The warranty security shall be released upon satisfactory completion of the warranty period provided:
 - (A) All deficiencies appearing on the warranty deficiency list for the subdivision have been corrected;
 - (B) Not less than twelve months have elapsed since the acceptance of the improvements by the Director of Public Works or designated representative.

16.32.310 Construction.

The construction methods and materials for all improvements shall conform to the Standard Specifications of the Department of Transportation, State of California, and applicable County and local standards. The general provisions of the standard specifications shall apply to the subdivider where applicable. All construction methods and materials for all improvements shall conform to Subchapter 4, Construction Safety Orders, Chapter 4, Division of Industrial Safety, Division 1 Department of Industrial Relations, Title 8 Industrial Relations, of the California Code of Regulations.

Construction shall not commence until required improvement plans have been approved by the Director of Public Works or designated representative subject to requirements of Section 16.32.350.

16.32.320 Special Notices and Permits.

The consulting engineer shall be responsible for advising the contractor to give the following notices and have in his/her possession the following permits and plans:

- (1) Contractor shall be in receipt of official County approved plans prior to construction;

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- (2) Contractor shall notify all utility companies involved in the development prior to beginning of work;
- (3) Contractor shall notify "Underground Service Alert of Northern California" (USA North, phone 811) two working days in advance before any digging;
- (4) Contractor shall be responsible for the protection of all existing survey monuments as required by Section 8771(a-f) of the Business and Professions Code (Professional Land Surveyors' Act) and shall notify the County Surveyor of any damaged or removed County, State or Bureau monuments. If any monument is disturbed by construction activities, it shall be reset by or under the direction of a California registered civil engineer authorized to practice land surveying or by a California licensed land surveyor.
- (5) The contractor shall verify all street names with the Department of Public Works and County Surveyor before ordering street signs;
- (6) Contractor shall be responsible for conducting operations entirely outside of any floodplain boundaries unless it is part of the plan. Floodplain boundaries shall be clearly delineated in the field prior to construction;
- (7) Contractor shall be responsible for conducting operations entirely outside of any no-grading area. These areas shall be clearly delineated in the field prior to construction;
- (8) Where work is being done within an off-site easement, the contractor shall notify the property owner forty-eight (48) hours prior to commencing work.

16.32.330 Construction Inspection.

- (1) Inspection Requirements. Any improvements intended for County assumption of maintenance responsibility shall be inspected during construction by the Director of Public Works or designated representative. Each phase of construction shall be inspected and approved prior to proceeding to subsequent phases.
 - (A) Pre-construction Conference. Prior to commencing any construction, the subdivider shall arrange for a pre-construction conference with the Director of Public Works or designated representative.
 - (B) Private on-site grading and drainage shall be inspected during construction by the Director of Public Works or designated representative.

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Any improvements constructed without inspection as provided above or constructed contrary to the order or instructions of the Director of Public Works or designated representative will be deemed as not complying with County standards and will not be accepted by the County of Lassen for maintenance purposes.

- (2) The subdivider's engineer shall notify the Director of Public Works or designated representative when the contractor first calls for grades and staking and shall provide the Director of Public Works or designated representative with a copy of all cut sheets.

16.32.340 Final Inspection and Deficiency List.

Upon completion of the subdivision improvements, the developer shall apply in writing to the Director of Public Works or designated representative for a preliminary final inspection. The Director of Public Works or designated representative shall schedule a preliminary final inspection.

A deficiency list shall be compiled during the inspection, noting all corrections or any additional work required. If the number of items is excessive or the subdivision appears incomplete, the preliminary final inspection may be halted and rescheduled on a date as determined by the Director of Public Works or designated representative.

When the preliminary final inspection has been completed, a copy of the deficiency list shall be transmitted to the subdivider for correction.

Upon having completed all corrections or additional work as outlined by the deficiency list, the subdivider shall certify in writing that all corrections have been completed satisfactorily and request a final inspection. The Director of Public Works or designated representative shall then make a final inspection.

Upon finding that all items on the deficiency list have been corrected and upon receipt of as-built improvement plans, the improvements may be placed on the Board of Supervisors agenda for acceptance.

The completion of corrections indicated by the deficiency list shall not relieve the subdivider from the responsibility of correcting any deficiency not shown on the list that may be subsequently discovered within the warranty period.

16.32.350 Completion of Improvements.

The subdivision improvements shall be completed by the subdivider within twenty-four months, or such time as approved by the Director of Public Works or designated representative, not to exceed a period of thirty-six months, from the execution of agreement, unless an extension is granted by the Board of Supervisors.

Should the subdivider fail to complete the improvements within the specified time, the Board of Supervisors may, by resolution and at its option, cause any or all uncompleted

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improvements to be completed and the parties executing the surety or sureties shall be firmly bound for the payment of all necessary costs.

16.32.360 Extensions.

The completion date may be extended by the Director of Public Works or designated representative upon written request by the developer and the submittal of adequate evidence to justify the extension. The request shall be made not less than thirty days prior to expiration of the subdivision improvement agreement.

The subdivider shall enter into a subdivision improvement agreement extension with the County. The agreement shall be prepared and signed by the Director of Public Works or designated representative, approved as to form by the County Counsel, executed by the subdivider and surety and transmitted to the Board of Supervisors for their consideration. If approved by the Board of Supervisors, the chairman shall execute the agreement on behalf of the County.

In consideration of a subdivision improvement agreement extension, the following may be required:

- (1) Revision of improvement plans to provide for current design and construction standards when required by the Director of Public Works or designated representative;
- (2) Revised improvement construction estimates to reflect current improvement costs as approved by the Director of Public Works or designated representative;
- (3) Increase of improvement securities in accordance with revised construction estimates;
- (4) Inspection fees may be increased to reflect current County costs.

The Board of Supervisors may impose additional requirements as recommended by the Director of Public Works or designated representative, or as it may deem necessary as a condition to approving any time extension for the completion of improvements.

The costs incurred by the County in processing the agreement shall be borne by the subdivider at actual cost.

16.32.370 Acceptance of Improvements - General.

When all improvement deficiencies have been corrected and as-built improvement plans filed, the subdivision improvements shall be considered by the County for acceptance.

Improvements for subdivisions of five or more parcels must be accepted by the Board of Supervisors. The Director of Public Works or designated representative shall be responsible for the acceptance of improvements for subdivisions of four or less parcels.

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Acceptance of the improvements shall imply only that the improvements have been completed satisfactorily and that public improvements have been accepted for public use.

16.32.380 Notice of Completion.

If the subdivision has been accepted by the County, the Clerk shall cause to be filed with the County Recorder a Notice of Completion.

16.32.390 Acceptance of a Portion of the Improvements.

When requested by the subdivider in writing, the County may consider acceptance of a portion of the improvements as recommended by the Director of Public Works or designated representative. The improvements will be accepted by the County only if it finds that it is in the public interest and such improvements are for the use of the general public.

Acceptance of a portion of the improvements shall not relieve the subdivider from any other requirements imposed by this chapter.

Chapter 16.36 Reversions to Acreage

16.36.010 General.

Subdivided property may be reverted to acreage pursuant to provisions of this chapter and the Subdivision Map Act. This chapter shall apply to final maps, parcel maps and parcel map waivers.

16.36.020 Initiation of Proceedings.

- (1) By Owners. Proceedings to revert subdivided property to acreage may be initiated by petition of all of the owners of record of the property. The petition shall be in a form prescribed by the County Surveyor and/or the Planning and Building Services Department. The petition shall contain the information required by Section 16.36.030 and any other information as required by the County Surveyor and/or the Planning and Building Services Department.
- (2) By Board of Supervisors. The Board of Supervisors, at the request of any person or on its own motion may, by resolution, initiate proceedings to revert property to acreage. The Board of Supervisors shall direct the County Surveyor and/or the Planning and Building Services Department to obtain the necessary information to initiate and conduct the proceedings.

16.36.030 Contents of Petition.

The petition shall contain but not be limited to the following:

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- (1) Evidence of title to the real property; and
- (2) Evidence of the consent of all of the owners of an interest in the property;
or
- (3) Evidence that none of the improvements required to be made have been made within two years from the date the final map or parcel map was filed for record, or within the time allowed by agreement for completion of the improvements, whichever is later; or
- (4) Evidence that no lots shown on the final map, parcel map or parcel map waiver have been sold within five years from the date such final map, parcel map or parcel map waiver was filed for record;
- (5) A tentative map in the form prescribed by Article II of Chapter 16.16 or Article I of Chapter 16.20 of this title;
- (6) A final map or parcel map in the form prescribed by Article III of Chapter 16.16 or Article II of Chapter 16.20 of this title, which delineates dedications which will not be vacated and dedications required as a condition to reversion. Final maps or parcel maps shall be conspicuously designated with the title, "The Purpose of this Map is a Reversion to Acreage";
- (7) Applicable fees for a tentative map application and subsequent review of a final map or parcel map shall be submitted as listed in Chapter 3.18 of the Lassen County Code.

16.36.040 Submittal of Petition to County Surveyor.

The final map or parcel map for the reversion, together with all other data as required by this chapter, shall be submitted to the County Surveyor for review.

Upon finding that the petition meets with all the requirements of this chapter and the Subdivision Map Act, the County Surveyor shall submit the final map or parcel map, together with a report and recommendations of approval or conditional approval of the reversion to acreage, to the Board of Supervisors for their consideration.

16.36.050 Board of Supervisors Action.

A public hearing shall be held by the Board of Supervisors on all petitions for initiations for reversions to acreage. Notice of the public hearing shall be given as provided in Section 16.16.080. The County Surveyor and/or the Planning and Building Services Department may give such other notice that is deemed necessary or advisable.

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

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

16.36.060 Filing with County Recorder.

Upon approving the reversion to acreage, the County Surveyor shall transmit the final map or parcel map, together with the Board of Supervisors resolution approving the reversion, to the County Recorder for recordation.

The transmittal to the County Clerk shall also include a Subdivision Map Guarantee or Parcel Map Guarantee, issued within ten (10) days of the submittal date, along with the appropriate fees for recordation of all documents. The pre-payment of property taxes shall also be required pursuant to Section 66493 of the Subdivision Map Act.

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

Chapter 16.40 Parcel Mergers

16.40.010 General.

The County of Lassen may provide for the merger of a parcel or unit with a contiguous parcel or unit held by the same owner if any one of the contiguous parcels or units held by the same owner does not conform to standards for minimum parcel size, under the

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zoning ordinance of Lassen County applicable to the parcels or units of land and if all of the following requirements are satisfied:

- (1) At least one of the affected parcels is undeveloped by any structure for which a building permit was issued or for which a building permit was not required at the time of construction, or is developed only with an accessory structure or accessory structures, or is developed with a single structure, other than an accessory structure, that is also partially sited on a contiguous parcel or unit.
- (2) With respect to any affected parcel, one or more of the following conditions exists:
 - (A) Comprises less than five thousand square feet in area at the time of determination of merger;
 - (B) Was not created in compliance with applicable laws and ordinances in effect at the time of its creation;
 - (C) Does not meet current standards for sewage disposal and domestic water supply;
 - (D) Does not meet slope stability standards;
 - (E) Has no legal access which is adequate for vehicular and safety equipment access and maneuverability;
 - (F) Its development would create health or safety hazards;
 - (G) Is inconsistent with the applicable General Plan and any applicable specific plan, other than minimum lot size or density standards.

16.40.020 Determination of Contiguous Parcels.

For purposes of determining whether contiguous parcels are held by the same owner, ownership shall be determined as of the date that a Notice of Intention to Determine Status is recorded.

This section shall not apply if one of the following conditions exists:

- (1) On or before July 1, 1981, one or more of the contiguous parcels or units of land is enforceably restricted open-space land pursuant to a contract, agreement, scenic restriction, or open-space easement;
- (2) On July 1, 1981, one or more of the contiguous parcels or units of land is timberland or is land devoted to an agricultural use;

- (3) On July 1, 1981, one or more of the contiguous parcels or units of land is located within two thousand feet of a future commercial mineral resource extraction use being made, whether or not the extraction is being made pursuant to a use permit issued by the Planning Commission;
- (4) On July 1, 1981, one or more of the contiguous parcels or units of land is located within two thousand feet of a future commercial mineral extraction site as shown on a plan for which a use permit or other permit authorizing commercial mineral resource extraction has been issued by the Planning Commission.

For purposes of subdivisions (3) and (4) of this section, “mineral resource extraction” means gas, oil, hydrocarbon, gravel or sand extraction, geothermal wells, or other similar commercial mining activity.

16.40.030 Notice of Merger.

A merger of parcels becomes effective when the Department of Planning and Building Services causes to be filed for record with the Recorder of Lassen County a Notice of Merger specifying the names of the record owners and particularly describing the real property.

16.40.040 Notice of Intention to Merge; Determination of Status and Opportunity for Hearing.

Prior to recording a Notice of Merger, the Department of Planning and Building Services shall cause to be mailed by certified mail to the then current record owner of the property a Notice of Intention to Determine Status, notifying the owner that the affected parcels may be merged and advising the owner of the opportunity to request a hearing on determination of status and to present evidence at the hearing that the property does not meet the criteria for merger. The Notice of Intention to Determine Status shall be filed for record with the Recorder of the County in which the real property is located on the date that notice is mailed to the property owner.

16.40.050 Request for Hearing by Property Owner.

At any time within thirty (30) days after recording of the Notice of Intention to Determine Status, the owner of the affected property may file with the Department of Planning and Building Services a request for a hearing on determination of status.

16.40.060 Planning Commission Hearing.

Upon receiving a request for a hearing on determination of status, the Director of Planning and Building Services or designated representative shall fix a time, date, and place for a hearing to be conducted by the Planning Commission, and shall so notify the property owner by certified mail. The hearing shall be conducted not less than thirty (30) days following the local agency’s receipt of the property owner’s request therefor, but may be postponed or continued with the mutual consent of the local agency and the

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property owner. At the hearing, the property owner shall be given the opportunity to present any evidence that the affected property does not meet the standards for merger. At the conclusion of the hearing, the Planning Commission shall make a determination that the affected parcels are to be merged or are not to be merged and shall so notify the owner of its determination. A Notice of Merger shall be recorded within thirty (30) days after conclusion of the hearing if a determination is made that parcels are to be merged.

16.40.070 Determination of Merger.

If, within the thirty (30) day period after recordation of the Notice of Intention to Determine Status, the owner does not file a request for a hearing in accordance with this chapter, the Director of Planning and Building Services or designated representative may, at any time thereafter, make a determination that the affected parcels are to be merged or are not to be merged. A Notice of Merger shall be recorded as provided for in this chapter no later than ninety (90) days following the mailing of a Notice of Intention to Determine Status if a determination is made that the parcels are to be merged.

16.40.080 Clearance.

If a determination is made that the subject parcels shall not be merged, the Director of Planning and Building Services or designated representative shall cause to be recorded a release of the Notice of Intention to Determine Status and shall mail a clearance letter to the then current owner of record.

16.40.090 Mergers Not Required.

Any parcels or units of land for which a Notice of Merger had not been recorded on or before January 1, 1984, shall be deemed not to have merged if on January 1, 1984:

- (1) The parcel meets each of the following criteria:
 - (A) Comprises at least five thousand square feet in area;
 - (B) Was created in compliance with applicable laws and ordinances in effect at the time of its creation;
 - (C) Meets current standards for sewage disposal and domestic water supply;
 - (D) Meets slope density standards;
 - (E) Has legal access which is adequate for vehicular and safety equipment access and maneuverability;
 - (F) Development of the parcel would create no health or safety hazards;

(G) The parcel would be consistent with the applicable General Plan and any applicable specific plan, other than minimum lot size or density standards.

(2) And, with respect to such parcel, none of the following conditions exist:

(A) On or before July 1, 1981, one or more of the contiguous parcels or units of land is enforceably restricted open-space land pursuant to a contract, agreement, scenic restriction, or open-space easement;

(B) On July 1, 1981, one or more of the contiguous parcels or units of land is timberland or is land devoted to an agricultural use;

(C) On July 1, 1981, one or more of the contiguous parcels or units of land is located within two thousand feet of the site on which an existing commercial mineral resource extraction use is being made, whether or not the extraction is being made pursuant to a use permit issued by the Planning Commission;

(D) On July 1, 1981, one or more of the contiguous parcels or units of land is located within two thousand feet of a future commercial mineral extraction site as shown on a plan for which a use permit or other permit authorizing commercial mineral resource extraction has been issued by the Planning Commission.

For purposes of paragraphs (2)(C) and (2)(D) of this section, “mineral resource extraction” means gas, oil, hydrocarbon, gravel or sand extraction, geothermal wells, or other similar commercial mining activity.

16.40.100 Request by Property Owner.

Upon application made by the property owner, the Director of Planning and Building Services or designated representative shall make a determination that the affected parcels have merged or, if meeting the criteria of Section 16.40.090, are deemed not to have merged.

(1) Upon a determination that the parcels meet the standards specified in Section 16.40.090, the Director of Planning and Building Services or designated representative shall issue to the owner and record with the County Recorder a notice of the status of the parcels which shall identify each parcel and declare that the parcels are unmerged pursuant to this chapter.

(2) Upon a determination that the parcels have merged and do not meet the criteria specified in Section 16.40.090, the Director of Planning and Building Services or designated representative shall issue to the owner and record with the County Recorder, a Notice of Merger as provided in Section 16.40.030.

16.40.110 Voluntary Merger Requested by Property Owner.

A property owner may request a voluntary merger of a parcel or unit with a contiguous parcel or unit held by the same owner. Applications for voluntary mergers shall be directed to the Department of Planning and Building Services on forms supplied by it and shall be accompanied by the applicable fees listed in Chapter 3.18 of the Lassen County Code. The Director of Planning and Building Services or designated representative, with input from the County Surveyor and other departments, shall determine whether the project constitutes a merger and shall approve, conditionally approve, or disapprove the application. Any appeal of this decision shall be in accordance with the procedures outlined in Section 16.08.290 of this title.

When any and all conditions that have been determined by the Director of Planning and Building Services or designated representative have been satisfied by the applicant, a Certificate of Merger shall be prepared by a California registered civil engineer authorized to practice land surveying or by a California licensed land surveyor and be submitted to the County Surveyor for review and recording. The certificate shall be accompanied by the applicable review fee listed in Chapter 3.18 of the Lassen County Code. The Certificate of Merger shall describe the resultant parcel boundary and shall be executed by all record owners of interest in the properties involved. Any required Record of Survey maps and Deeds of Trust that require modification shall be recorded concurrently with the Certificate of Merger. The final submittal shall include appropriate fees for recordation of all documents and the pre-payment of property taxes shall also be required pursuant to Section 66493 of the Subdivision Map Act.

If the Certificate of Merger is not recorded within twenty-four (24) months of the date of approval or conditional approval, the merger shall be considered null and void. One extension of six (6) months may be granted by the County Surveyor upon good cause shown by the applicant. The certificate evidencing such extension shall be recorded with the Certificate of Merger.

Chapter 16.42 Modification of Final Maps and Parcel Maps

16.42.010 Purpose.

The purpose of this chapter is to establish a process for modifications to conditions of approval for final maps and parcel maps where legislative changes in ordinances, statutes, policies, rules and/or subdivision standards are enacted subsequent to approval of a tentative map.

16.42.020 Definitions.

The definitions contained in the Subdivision Map Act (Government Code Section 66410 et seq.) are incorporated and utilized in this chapter.

16.42.030 Consistency.

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It is the intent of the Lassen County Board of Supervisors that the provisions contained in this chapter be consistent with the Subdivision Map Act (Government Code Section 66410 et seq.). The provisions of this chapter shall be interpreted and applied in such a manner as to achieve such consistency, but in the event of any apparent inconsistency, the provisions of the Subdivision Map Act shall apply.

16.42.040 Applications.

Any person who has an approved map seeking to modify a condition of approval shall submit to the Department of Planning and Building Services all of the forms, information, appropriate CEQA fee and an application fee of six hundred and ten dollars (\$610.00), plus any costs incurred that are over this amount, required for evaluation of environmental effects and full consideration and review of the requested modifications. The Department of Planning and Building Services shall provide each applicant with the forms and information required for submittal of a completed application.

16.42.050 California Environmental Quality Act (CEQA).

All applications shall be subject to the provisions of CEQA and the State guidelines.

16.42.060 Approval.

Applications shall be approved if, subsequent to a duly noticed public hearing, the Planning Commission makes all of the following findings:

- (1) The modifications are directly related to legislative changes in ordinances, statutes, policies, rules and/or subdivision standards enacted subsequent to approval of the tentative map; and
- (2) The modifications are compatible with surrounding land uses and not detrimental to health, safety and welfare of the community; and
- (3) The proposed modifications do not significantly effect the design of the project and are consistent with the spirit and intent of the tentative map; and
- (4) The proposed modifications do not compromise the intent or effect of any other condition of approval not eligible for modification; and
- (5) The tentative map, as modified, is consistent with the applicable General Plan and any adopted Area Plan; and
- (6) All modifications have been fully considered pursuant to the provisions of CEQA.

16.42.070 Findings.

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Subsequent to the public hearing, the Planning Commission shall adopt a resolution making written findings to support its decision to either approve, conditionally approve, or deny the application.

16.42.080 Appeal.

The decision of the Planning Commission shall be final unless appealed within ten (10) days to the Board of Supervisors. The appeal shall be in writing and submitted to the Clerk of the Board of Supervisors along with the applicable appeal fee listed in Chapter 3.18 of the Lassen County Code. The Board of Supervisors shall consider the appeal at a regularly scheduled meeting within thirty (30) days of its submission.

Chapter 16.44 Correction and Amendment of Final Maps and Parcel Maps

16.44.010 Requirements.

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 any of the following purposes:

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

- (8) To make modifications when there are changes in circumstances which make any or all of the conditions of the map no longer appropriate or necessary and that the modifications do not impose any additional burden on the present fee owners of the real property, and if the modifications do not alter any right, title or interest in the real property reflected on the recorded map, and the local agency finds that the map as modified conforms to Section 66474 of the Subdivision Map Act. The modification shall be set for public hearing by the Planning Commission in accordance with Section 16.16.080 or Section 16.20.060 of this title. The Planning Commission shall confine the hearing to consideration of, and action on, the proposed modification.

16.44.020 Form and Contents.

The amending map or certificate of correction shall be prepared by a California registered civil engineer authorized to practice land surveying or by a California licensed land surveyor. The form and contents of the amending map shall conform to the applicable requirements of Article III of Chapter 16.16 if a final map, or Article II of Chapter 16.20 if a parcel map. The certificate of correction shall set forth in detail the corrections made and show the names of the present fee owners of the property affected by the correction.

16.44.030 Submittal and Approval by County Surveyor.

The amending map or certificate of correction, complete as to final form, shall be submitted to the County Surveyor for review and approval. If an amending map is submitted, it shall be accompanied by an applicable map review fee, dependent upon the type of map submitted, as the map review fees are listed in Chapter 3.18 of the Lassen County Code. Appropriate fees for the recording of all documents shall also be submitted.

The County Surveyor shall examine the amending map or certificate of correction and, if the only changes made are those set forth in Section 16.44.010, this fact shall be certified on the amending map or certificate of correction.

16.44.040 Filing with the County Recorder.

The amending map or certificate of correction certified by the County Surveyor shall be filed in the office of the County Recorder in which the original map was filed. Upon such filing, the County Recorder shall index the names of the fee owners and the appropriate subdivision designation shown on the amending map or certificate of correction in the general index and map index respectively. The original map shall be deemed to have been conclusively so corrected and shall impart constructive notice of all the corrections in the same manner as though upon the original map.

Chapter 16.48 Enforcement of Title Provisions

16.48.010 Prohibition.

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- (1) No person shall sell, lease, or finance any parcel or parcels of real property or commence construction of any building for sale, lease or financing except for model homes, or allow occupancy for which a final map is required by this title or the Subdivision Map Act, until a map, in full compliance with the provisions of this title and the Subdivision Map Act, has been filed for record with the County Recorder.
- (2) No person shall sell, lease or finance any parcel or parcels of real property or commence construction of any building for sale, lease or financing, except for model homes, or allow occupancy for which a parcel map is required by this title or the Subdivision Map Act, until a map, in full compliance with the provisions of this title and the Subdivision Map Act, has been filed for record by the County Recorder.
- (3) Conveyances of any part of a division of real property for which a final map or parcel map is required shall not be made by parcel number, letter or other designation, unless and until the map has been filed for record with the County Recorder.
- (4) Nothing contained in subsections (1) and (2) of this section shall prohibit an offer or contract to sell, lease or finance real property or to construct improvements where the sale, lease or financing, or the commencement of construction is expressly conditioned upon the approval and filing of a final map or parcel map.

16.48.020 Remedies.

- (1) Any deed of conveyance, sale or contract to sell real property which has been divided, or which has resulted from a division in violation of the provisions of this title or Subdivision Map Act, is voidable at the sole option of the grantee, buyer or person contracting to purchase, any heir, personal representative or trustee in insolvency or bankruptcy within one (1) year after the date of discovery of the violation. The deed of conveyance, sale or contract to sell is binding upon any successor in interest of the grantee, buyer or person contracting to purchase, other than those above enumerated, and upon the grantor, vendor or person contracting to sell, or any assignee, heir or devisee.
- (2) Any grantee, or successor in interest, of real property which has been divided, or which has resulted from a division, in violation of the provisions of this title or the Subdivision Map Act may, within one year of the date of discovery of such violation, bring an action in the superior court to recover any damages suffered by reason of the division of property. The action may be brought against the person who divided the property in violation and against any successors in interest who have actual or constructive knowledge of such division of property.

- (3) The provisions of this section shall not apply to the conveyance of any parcel of real property identified in a Certificate of Compliance filed pursuant to Section 16.48.030 or identified in a recorded final map or parcel map from and after the date of recording.

The provisions of this section shall not limit or affect in any way the rights of a grantee or successor in interest under any other provision of law.

- (4) This section does not bar any legal, equitable or summary remedy to which the County or other public agency, or any person, firm or corporation may otherwise be entitled, and the County or other public agency or any person, firm or corporation may file a suit in the Superior Court of Lassen County to restrain or enjoin any attempted or proposed subdivision for sale, lease or financing in violation of this chapter.
- (5) The County shall not issue a permit or grant any approval necessary to develop any real property which has been divided, or which has resulted from a division in violation of the provisions of this title or the Subdivision Map Act, if it finds that development of the real property is contrary to the public health or the public safety. The authority to deny a permit or approval shall apply whether the applicant was the owner of the real property at the time of the violation or whether the applicant is the current owner of the real property with, or without, actual or constructive knowledge of the violation at the time of the acquisition of interest in the real property.

The County, in issuing a permit or granting approval for the development of any real property illegally subdivided, may impose those additional conditions which would have been applicable to the division of the property at the time the current owner of record acquired the property. If the property has the same owner of record as at the time of the initial violation, the County may impose conditions applicable to a current division of the property. If a Conditional Certificate of Compliance has been filed for record, only those conditions stipulated shall be applicable.

16.48.030 Certificate of Compliance.

- (1) Any person owning real property may request that the County determine whether the real property complies with the provisions of this title and the Subdivision Map Act.
- (2) Application for a Certificate of Compliance shall be made to the Director of Planning and Building Services or designated representative on a form provided by that office and shall contain such information, as determined by the Director of Planning and Building Services or designated representative, necessary to evaluate the applicant's request, along with a fee as listed in Chapter 3.18 of the Lassen County Code. Upon examination of the application, the Director of Planning and Building

Services or designated representative shall, within thirty (30) days, either accept the application as complete for processing, or advise the applicant of any deficiencies in writing.

- (3) Upon acceptance as complete, the application will be reviewed by the County Surveyor to determine whether the subject property complies with the provisions of this title and the Subdivision Map Act.
 - (A) Upon making a positive determination, the County Surveyor shall cause a Certificate of Compliance to be filed for recordation with the County Recorder. The applicant(s) shall be responsible for the payment of applicable fees for recordation of all documents. The Certificate of Compliance shall identify the real property and shall state that the division of land which created the subject parcel complies with applicable provisions of the Lassen County Code and the Subdivision Map Act.
 - (B) If the County Surveyor determines that the real property does not comply with the provisions of this title or the Subdivision Map Act, the County Surveyor shall request review by the Director of Planning and Building Services or designated representative. Upon making a determination that the real property does not comply with the provisions of this title or the Subdivision Map Act, conditions shall be established as recommended by the County Surveyor and other departments, in accordance with the provisions outlined in Section 66499.35(b) of the Subdivision Map Act, and the Director of Planning and Building Services or designated representative shall authorize a Conditional Certificate of Compliance to be filed by the County Surveyor for recordation with the County Recorder. Any appeal of this decision shall be made in accordance with the procedures outlined in Section 16.08.290 of this title. The applicant(s) shall be responsible for the payment of applicable fees for recordation of all documents.
 - (C) A recorded Conditional Certificate of Compliance shall serve as notice to the property owner who has applied for the certificate, a grantee of the property owner, or any subsequent transferee or assignee of the property, that the fulfillment and implementation of the conditions shall be required prior to subsequent issuance of a permit or other grant of approval for development of the property.
- (4) A recorded final map or parcel map shall constitute a Certificate of Compliance with respect to the parcels of real property described therein.

16.48.040 Notice of Violation.

If the County Surveyor or authorized representative has knowledge that real property may have been divided in violation of the provisions of this title or the Subdivision Map Act,

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the County Surveyor shall cause to be mailed by certified mail, to the then current owner of record of the property, a Notice of Intention to Record a Notice of Violation describing the real property in detail, naming the owners thereof, describing the violation and stating that an opportunity will be given to the owner to present evidence to the Director of Planning and Building Services or designated representative. The notice shall specify a time, date and place for a meeting at which the owner may present evidence why the notice should not be recorded.

The meeting shall take place no sooner than thirty (30) days and no later than sixty (60) days from the date of mailing. If, after the owner has presented evidence, it is determined that there has been no violation, the Director of Planning and Building Services or designated representative shall mail a clearance letter to the then current owner of record. If, however, after the owner has presented evidence, the Director of Planning and Building Services or designated representative determines that the property has in fact been illegally divided, the Director of Planning and Building Services or designated representative shall authorize the County Surveyor to record a Notice of Violation with the County Recorder. Any appeal of this decision shall be made in accordance with the procedures outlined in Section 16.08.290 of this title. The County Recorder shall index the names of the fee owners in the general index.

SECTION FIVE: Section 18.112.030 (Technical Advisory Committee Review) and Section 18.116.060 (Technical Advisory Committee) within Title 18 (Zoning) of the Lassen County Code are hereby repealed.

SECTION SIX: If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional and invalid, such decision shall not affect the validity of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and every section, subsection, sentence, clause or phrase thereof, irrespective of the fact any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

SECTION SEVEN: CEQA. This ordinance is exempt from the provisions of the California Environmental Quality Act pursuant to Sections 15308 and 15321 of the CEQA Guidelines based on the findings made at the public hearing at which this ordinance was adopted.