

Chapter 4

DIVISION OF LAND PROCEDURES

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83.040105 General Provisions.

The provisions defining and regulating the review and approval of tentative, final, and parcel maps; lot line adjustments; lot mergers; reversions to acreage; certificates of subdivision compliance; and official maps shall be governed by this Division, except as otherwise indicated by this section.

(a) Authority for Local Regulations. Pursuant to the provisions of California Government Code, Title 7, Division 2, referred to herein as the Subdivision Map Act, and in addition to any regulations otherwise provided by law, the regulations contained in this division shall apply to all subdivisions, parts of subdivisions, lot line adjustments, lot mergers, reversions to acreage, certificates of compliance, and official maps hereafter made entirely or partially within the unincorporated territory of San Bernardino County.

(b) The designation, establishment, duties, and meeting dates of the reviewing authorities, including the Planning Agency and the Development Review Committee, shall be as specified by Division 2 of this Title.

(c) Review procedures and findings for approval shall be as specified by this Division.

(d) Terms used within this Division are defined as specified in Division 12 of this Title.

### **83.040110 Review Procedures.**

#### **(a) Tentative Tract Map and Vesting Tentative Map Procedures.**

(1) The Planning Officer shall utilize the Administrative Review Procedures, in accordance with the provisions of Subsection 83.010215(b), when acting upon any: Tentative Map proposing five (5) or more lots; all Vesting Tentative Maps; and any Tentative Map which requires a Final Map for recordation. However, when such map is referred to the Planning Commission for action, the Public Hearing Procedures shall be utilized.

(2) Reviewing Authority: The Planning Officer shall be the decision-making authority except that under any of the following circumstances, the project may be referred to the Planning Commission:

(A) Where there has been substantial public opposition to the proposal.

(B) Where the proposal is filed concurrently with an application subject to public hearing review procedures.

(C) Where any member of the Development Review Committee objects to the proposal.

#### **(b) Tentative Parcel Map/Minor Subdivision Procedures.**

(1) Procedure: Staff Review with Notice procedures shall be used except that Development Review procedures shall also be used when the project is of the type described in California Government Code Section 66426(a), (b), (c) or (d).

(2) Reviewing Authority: The Planning Officer shall be the decision-making authority except, when in the opinion of the Planning Officer, the proposal is controversial or when the proposal is filed concurrently with an application subject to public hearing procedures at which time the proposal shall be referred to the Planning Commission and the Public Hearing Procedures shall be followed.

(c) Findings. Prior to approving an application for a tentative map or a vesting tentative map, a parcel map or a minor subdivision plot plan, the Planning Agency shall find the following to be true:

(1) The proposed subdivision, together with the provisions for its design and improvements is consistent with the General Plan and any applicable specific plan.

(2) The site is physically suitable for the type and proposed density of development.

(3) The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially or avoidably injure fish or wildlife or their habitat.

(4) The design of the subdivision or type of improvements are not likely to cause serious public health problems.

(5) The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.

(6) The design of the subdivision provides to the extent feasible, passive or natural heating and cooling opportunities.

(7) The proposed subdivision, its design, density and type of development and improvements conform to the regulations of the Development Code and the regulations of any public agency having jurisdiction by law.

(8) If the proposed subdivision is a conversion of residential real property into a condominium project, a community apartment project or a stock cooperative project, the Planning Agency must make the additional finding that the proposed subdivision shall comply with the requirements of California Government Code Sections 66427.1(a) and 66452.10 prior to approving the proposed subdivision.

(9) In the event that the land within a proposed subdivision is subject to a contract entered into pursuant to the California Land Conservation Act of 1965 (commencing with Section 51200 of Chapter 7 of Division 1 of Title 5 of the California Government Code), and the lot areas are less than that required in Subsection 83.040220(a)(2)(C), the Planning Agency must make the following additional findings in order to approve the subdivision.

(A) The lots created can sustain an agricultural use permitted under the contract, or are subject to a written agreement for joint management pursuant to California Government Code Section 51230.1, and the parcels which are jointly managed total at least ten (10) acres in size, in the case of prime agricultural land, or forty (40) acres in size, in the case of land which is not prime agricultural land; or

(B) One of the parcels contains a residence and is subject to Section 428 of the California Revenue and Taxation Code; the residence has existed on the property for at least five (5) years; the landowner has owned the parcels for at least ten (10) years; and the remaining parcels shown on the map are at least ten (10) acres in size, if the land is prime agricultural land; or at least forty (40) acres in size, if the land is not prime agricultural land.

(10) Land Project Determination.

(A) The proposed subdivision is not a land project; or

(B) The proposed subdivision is a land project; a specific plan covering the area proposed to be included within the project has been adopted by the Board of Supervisors; and the proposed subdivision together with the provisions for its design and improvement are consistent with the adopted specific plan.

(d) Notwithstanding Subsection 83.040110(c)(3), the Planning Agency may approve a tentative map, or a parcel map for which a tentative map was not required, if an Environmental Impact Report was prepared with respect to the project and a finding is made pursuant to Subdivision (c) of Section 21081 of the California Public Resources Code that specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the Environmental Impact Report.

## Article 2. Tentative and Final Map.

## Sections:

83.040201	Filing Criteria for Tentative and Final Maps.
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83.040210	Final Map Format.
83.040220	Tentative Maps.
83.040225	Final Maps.
83.040230	Conditions of Map Approval.

**83.040201 Filing Criteria for Tentative and Final Maps.**

The provisions of this section and the Subdivision Map Act shall govern the necessity for Tentative and Final Maps.

(a) Tentative and Final Maps shall be required for all subdivisions creating five (5) or more parcels, five (5) or more condominiums as defined in Section 783 of the California Civil Code, a community apartment project containing five (5) or more parcels, or for the conversion of a multiple dwelling containing five (5) or more dwelling units to a stock cooperative except where:

(1) A condominium is constructed or an existing structure is converted to a condominium on a single parcel shown on a Final Map or Parcel Map recorded after January 1, 1960. Provided, however, that the Planning Officer may require a Tentative and Final Map for the purposes of obtaining improvements, additional easements and dedications, or for other circumstances which warrant the filing of a new map; or

(2) 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

(3) Each lot 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

(4) 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 with a land use district which allows for industrial or commercial development, and which has the approval of the governing body as to street alignments and widths; or

(5) Each lot created by the division has a gross area of forty (40) acres or more, or each of which is a quarter of a quarter section or larger.

(b) A Parcel Map shall be required for those subdivisions described in this Division as being exempt from the requirement for Tentative and Final Maps.

(c) Should a subdivider wish to file multiple Final Maps for a development project that will be phased, then one of the following shall be completed:

(1) The subdivider, at the time the Tentative Map is filed, shall inform the Planning Agency of the subdivider's intention to file multiple Final Maps on such Tentative Map; or

(2) After filing of the Tentative Map, the Planning Agency and the subdivider concur in the filing of multiple Final Maps.

(3) A subdivider filing multiple Final Maps shall show the boundary limits of each phase and designate the sequence of filing to the satisfaction of the Development Review Committee.

(d) A Final Map shall be required for a cemetery and shall be recorded only with the approval of the County Surveyor, subject to the requirements imposed by Division 3, Chapter 4 of this Title and Division 8 of the State of California Health and Safety Code.

(e) Notices of intention to convert residential real property into a condominium project, a community apartment project, or a stock cooperative project shall be made as required by California Government Code Sections 66427.1, 66452.8 and 66452.9 prior to the filing of such map.

(f) At the time of filing a map for a subdivision to be created from the conversion of a mobilehome park to another use, the subdivider shall also file a report on the impact of the mobilehome park conversion pursuant to California Government Code Section 66427.4. At least 30 days prior to public hearing for such a conversion, the County shall inform the applicant in writing of the provisions of Section 798.56 of the California Civil Code and all applicable local requirements which impose upon the applicant a duty to notify residents and mobilehome owners of the mobilehome park of the proposed change in use.

(g) At the time of filing a map for the conversion of a stock cooperative or a community apartment project to a condominium, the subdivider shall submit documents showing that the requirements of California Government Code Section 66452.10 have been met.

#### 83.040205 Tentative Map Format.

The content and form of Tentative Maps shall be governed by the provisions of this section.

(a) Standards and Preparation: The Tentative Map shall be prepared by or under the direction of a registered Civil Engineer licensed to practice surveying or licensed Land Surveyor in accordance with the Subdivision Map Act, the San Bernardino County Code, and any other County ordinance, statute or law, or any amendments thereto, pertaining to the use, sale, or lease of land. The Tentative Map shall be prepared in compliance with the officially adopted General Plan, and any applicable specific plan or any amendments thereto, adopted pursuant to the State Planning and Zoning Law and in accordance with the Standard Streets and Highways Plan adopted by the Board of Supervisors, as amended. The Tentative Map shall show the location of streets and property lines bounding the property and shall conform to all of the following provisions and the standards found on record as prescribed by the Office of Planning:

(1) Each Tentative Map shall be drawn to an engineer's scale and clearly show the details of the plan thereon. Wherever practicable, such scale shall be one (1) inch to one hundred (100) feet or less, and in no case shall the scale be smaller than one (1) inch to two hundred (200) feet.

(2) The Tentative Maps shall show or be accompanied by the following information:

(A) Development proposed on the subdivision (lot sale or building program).

(B) Source, name of supplier, quality and an estimate of available quantity of water, or, if to be served by an established mutual water company or an established public utility, a letter shall be furnished to indicate that satisfactory arrangements have been made or can be made for water supply.

(C) Type of street improvements, utilities, and street lights which are proposed to be installed. Pursuant to California Government Code Section 66473.3, and this Title, this information shall include the type of cable television systems to be installed, if any cable television system is available.

(D) Proposed Method of Sewage Disposal. If utilizing sewers, the applicant must furnish a letter from an authorized representative of the entity or agency which will provide such sanitary sewer service, assuring that such entity or agency can and will accept for disposal sewage generated on the land under consideration after its improvement. The Office of Planning shall give written notice to the entity or agency which owns the related sewage treatment plant prior to issuance of the written determination of filing of the proposed subdivision. This filing requirement need not be met when, within fourteen (14) days from the date of providing of the above requirement notice, the entity or agency which owns the related sewage treatment plant has submitted an independently certified engineering report to the Office of Planning which demonstrates that adequate sewage treatment plan capacity is not available.

(E) The drainage area tributary to the subdivision and a statement setting forth in detail the manner in which storm runoff will enter the subdivisions, the manner in which it will be carried through the subdivision, and the manner in which disposal beyond the subdivision boundaries will be accomplished.

(F) Topographical and contour data shall be shown pursuant to adopted County standards.

(G) The widths and locations of all recorded easements which are to remain.

(H) Names, addresses and telephone numbers of utilities, school districts, fire protection agencies, and cable television services serving the tract.

(I) Remainder parcels shall be indicated as a "remainder parcel" and shall be subject to review for design access, water and sewer availability and other such improvements as may be necessary to protect the public health, safety and welfare and are consistent with the intent of this Division. Waiver of improvements may be granted for remainder parcels where the size exceeds five (5) acres.

(J) When any change is made by the subdivider in the statement given in pursuance of this section, such change or changes shall be submitted in writing to the Planning Agency, and approved prior to the recording of the Final Map.

(K) In the case of a subdivision to convert a mobilehome park to another use, the subdivider shall file a report on the impact of the conversion upon the displaced residents of the mobilehome park to be converted. The report shall discuss the availability of adequate replacement space in mobilehome parks in

determining the impact of the conversion on displaced mobilehome park residents. The subdivider shall make a copy of the report available to each resident of the mobilehome park fifteen (15) days prior to the date of the hearing on which the Planning Agency is to take action upon the Tentative Map.

(L) In the case of a Vesting Tentative Map, at the time it is filed it shall have printed conspicuously on its face the words "Vesting Tentative Map."

(3) Tract Number. Prior to filing a Tentative Map of a subdivision or Reversion to Acreage, a licensed engineer or surveyor shall obtain a tract number or numbers from the County Recorder. When a number has been assigned by the County Recorder for the subdivision of a particular parcel of land, the subdivider shall place this same number upon each Tentative Map of the subdivision, and the number issued shall not thereafter be changed or altered in any manner upon the Tentative Map of the subdivision unless and until a new number shall have been assigned by the County Recorder.

#### 83.040210 Final Map Format.

The content and form of Final Maps shall be governed by the provisions of this subsection.

(a) Standards and Preparation. The Final Map shall be prepared by, or under the direction of, a registered Civil Engineer licensed to practice land surveying or licensed Land Surveyor; shall be based upon a survey; and shall conform to all of the following provisions, the California Subdivision Map Act and the County Surveyor's standards as adopted by the Board of Supervisors:

(1) It shall be legibly drawn, printed or reproduced by a process guaranteeing a permanent record in black on tracing cloth or polyester-base film. Certificates, affidavits and acknowledgements may be legibly stamped or printed upon the map with opaque ink. If ink is used on a polyester-base film, the ink surface shall be coated with a suitable substance to assure permanent legibility.

(2) The size of each sheet shall be eighteen (18) by twenty-six (26) inches. A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of one (1) inch. The scale of the map shall be large enough 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.

(3) All survey and mathematical information and data necessary to locate all monuments, and to locate and retrace any and all interior and exterior

boundary lines appearing thereon shall be shown, including bearings and distances of straight lines, and radii and area length or chord bearings and length of all curves, and such information as may be necessary to determine the location of the centers of curves and ties to existing monuments used to establish the subdivision boundaries.

(4) Each lot shall be numbered. Each street shall be named.

(5) The exterior boundary of the land included within the subdivision shall be indicated by an opaque ink line three (3) times as wide as the widest line on the map, excluding the border line. The map shall show the definite location of the subdivision, and particularly its relation to surrounding surveys.

(6) If the map includes a remainder parcel, and the gross area of the remainder parcel or similar named parcel is five (5) acres or less, it shall be surveyed and mapped. If the remainder parcel or similar named parcel is more than five (5) gross acres, that parcel shall show record information and parcel size only.

(7) Proposed public areas and drainage easements shall be shown.

(8) Additional notes which do not affect record title interests shall not be shown on the Final Map. Where a Composite Development Plan has been required, a prominent note shall be placed below the Surveyor's Notes on the final map in one-quarter ( $\frac{1}{4}$ ) inch high, bolded block letters, stating:

**COMPOSITE DEVELOPMENT PLAN NOTE;**

A Composite Development Plan (C.D.P.) affecting this map is on  
file in the San Bernardino County Office of Building and Safety in  
C.D.P. Book            Page

(b) Title Sheets. Prior to filing, those certificates and acknowledgements set forth in this Division shall appear on the title sheet of the Final Map and may be combined where appropriate. The title sheet shall also contain a certificate, signed and acknowledged by all parties having any record title interests in real property subdivided, consenting to the preparation and recordation of the Final Map, and is required except as provided by the Subdivision Map Act.

Each sheet of Final Map shall also contain a title, consisting of the number of the subdivision and a subtitle consisting of a description of all property being subdivided by reference to such map or maps of the property shown thereon, as shall have been previously recorded or filed with the County Clerk pursuant to a final judgment in any action in partition, or shall have been previously filed in the Office of the County Recorder, or by reference to the plat of any United States Survey. The title sheet shall also show, in a form acceptable to the County Surveyor, such appropriate certificates and acknowledgements as required in the Subdivision Map Act, or any additional certificates as required by the County Surveyor or County standards.

(c) Certificates on Final Maps. The certificates on Final Maps shall be governed by the provisions of the Subdivision Map Act and the Final and Parcel Map standards established by the County Surveyor's Office and as adopted and amended by the Board of Supervisors.

(1) Dedications of, or offers to dedicate interests in real property for specified public purposes shall be made by a certificate on the title page of the Final Map, signed and acknowledged by those parties having any record title interest in

the real property being subdivided, subject to the provisions of the Subdivision Map Act.

In the event that any street shown on a subdivision map is not offered for dedication, the certificate may contain a statement to this effect. If such statement appears on the map and if the map is approved by the Board of Supervisors, the use of any such street or streets by the public shall be permissive only.

Any offer of dedication of real property for street or public utility easement purposes shall be deemed not to include any public utility facilities located on or under such real property unless an intent to dedicate such facilities is expressly stated in the certificate, and then only to the extent so stated.

Any dedication or agreements required within the remainder parcel of a Final Map shall be executed by the legal owners of record and any holder in a beneficial interest in a trust deed.

(2) The Final Map shall contain a certificate for execution by the Clerk of the Board, stating that the Board of Supervisors approved the map and accepted, subject to improvement, or rejected on behalf of the public, any real property offered for dedication or public use in conformity with the terms of the offer of dedication.

(3) A certificate is required indicating the engineer or surveyor responsible for the survey and Final Map. This certificate shall give the date of the survey, state that the survey and Final Map were made by the engineer or surveyor, and indicate that the survey is true and complete as shown.

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. The certificate shall also state that the monuments are, or will be, sufficient to enable the survey to be retraced.

At least one exterior boundary line of the land being subdivided shall be adequately monumented or referenced before the map may be recorded.

(4) The County Surveyor shall issue a certificate, if all of the following requirements have been met:

(A) The Surveyor has examined the map.

(B) The subdivision as shown is substantially the same as it appeared on the Tentative Map and any approved alterations thereof.

(C) All provisions of this Article and any local ordinances applicable at the time of approval of the Tentative Map have been complied with.

(D) The County Surveyor is satisfied that the map is technically correct.

(5) The County Surveyor shall complete and file, with the Clerk of the Board, the certificate as required by this section within twenty (20) days from the time the Final Map is submitted to the County Surveyor by the subdivider for approval.

(6) At the time the subdivider presents the Final Map, there shall be presented releases executed by the various public utilities, including cable television services, as to location of their facilities and that satisfactory arrangements have been made for the establishment of any easements required for such facilities. The failure

of any said public utility to notify the County Surveyor of the need for such easements within twenty (20) days of receipt of the advance copy of the Final Map shall be deemed notice that said provisions and arrangements have been made and no further release shall be required.

**83.040220 Tentative Map.**

The following provisions shall govern the review of Tentative and Vesting Tentative Maps.

(a) Action on Tentative Map.

(1) The Planning Agency shall approve, conditionally approve, extend, or disapprove the map or maps of the proposed subdivision within fifty (50) days after an application for a Tentative Map has been filed, deemed completed and accepted for filing except as otherwise provided by the Subdivision Map Act. An official copy of the Planning Agency's action shall be filed with the Tentative Map, and be reported directly to the subdivider and to the Real Estate Commission of the State of California. If no action is taken upon a Tentative Map by the Planning Agency within the time limits specified in this Division, or any authorized extension thereof, the Tentative Map as filed shall be deemed to be approved insofar as it complies with other applicable requirements of this Division, other applicable ordinances of the County of San Bernardino, and all applicable State laws, and it shall be the duty of the Clerk of the Board and the Secretary of the Planning Agency to certify such approval. This section shall be inapplicable to extensions of time which are reasonable and required in order to comply with any provision of State law, including the requirements for compliance with the California Environmental Quality Act of 1970. Provided, however, if an Environmental Impact Report (EIR) is prepared, the fifty (50) day period specified in this section shall not be applicable and the Planning Agency shall take action upon the Tentative Map within forty-five (45) days after certification of the EIR. Any revised Tentative Map or portion thereof filed with the Planning Agency shall comply with the requirements in effect at the time such revised map is considered by the Planning Agency.

(2) A Tentative Map shall not be approved in the following cases:

(A) In the case of a conversion of residential real property to a condominium project, community apartment project or stock cooperative, the Planning Agency shall not approve the Tentative Map unless evidence is provided by the subdivider, as required by Section 66452.9 of the California Government Code, that proper notification has been given to each of the tenants of the proposed conversion notifying of the subdivider's intent to convert.

(B) In the case of a conversion of a stock cooperative or a community apartment project to a condominium, the Planning Agency shall not approve a Tentative Map unless evidence is provided by the subdivider, as required by Section 66452.10 of the California Government Code, that the required number of owners in the cooperative or project, as specified in the bylaws or other organizational documents, have voted in favor of such conversion.

(C) The Planning Agency shall not approve a Tentative Map, or a Parcel Map for which a Tentative Map was not required, if it finds that the land is subject to a contract entered into pursuant to the California Land Conservation Act of 1965 (California Government Code Section 51296) and that the resulting parcels following a subdivision of that land would be too small to sustain their agricultural use. For purposes of this section, land shall be presumed to be in parcels too small to sustain their agricultural use if the land is: (1) less than ten (10) acres in size in the case of prime agricultural land; (2) less than forty (40) acres in size in the case of land which is not prime agriculture land. For purposes of this section agricultural land shall be presumed to be in parcels large enough to sustain their agricultural use if the land is (1) at least 10 acres in size in the case of prime agricultural land, or (2) at least 40 acres in size in the case of land which is not prime agricultural. The Planning Agency may approve a subdivision with parcels smaller than those listed above if the findings in Subsections 83.040115(c)(8)(B)(i) and (ii), along with the other applicable findings listed in Section 83.040115, are made or the land within the subdivision is subject to a contract when one of the following has occurred:

(I) The Local Agency Formation Commission has approved the annexation of the land to a city and the city will not succeed to the contract as provided in California Government Code Sections 51243 and 51243.5.

(II) Written notice of nonrenewal of the contract has been served prior to March 7, 1985, as provided in California Government Code Section 51245.

(III) Written notice of nonrenewal of the contract has been served on or after March 7, 1985, as provided in California Government Code Section 51245, and, as a result of that notice, there are no more than three (3) years remaining in the term of the contract.

(IV) The Board has granted tentative approval for cancellation of the contract as provided in California Government Code Section 51282.

(3) The approval or conditional approval by the Advisory Agency of any revised or new Tentative Map shall annul all previous designs and approvals thereof.

(4) When modifications in design are conditions of approval of a Tentative Map, the subdivider shall, at least thirty (30) days prior to the submission of Final Maps, submit the ten (10) copies of the Tentative Map as modified to the Planning Agency for distribution to the Development Review Committee representatives.

(b) Planning Officer Referral. When acting as the Planning Agency for subdivisions where a Tentative and Final Map are required, the Planning Officer shall determine, prior to taking an action to approve, conditionally approve, extend, or deny the application, that the project is noncontroversial. For the purpose of this section, "noncontroversial" shall mean: (1) that no member of the Development Review Committee objects to the project or any portion thereof; (2) no specific written request has been received requesting public hearing review of the project from person(s) notified in accordance with the provisions of Subsection 83.010330(b); and (3) in the opinion of the Planning Officer, there has been no substantial objection to the proposed project from members of the public. If the Planning Officer determines the project to be controversial, the project may be referred by Planning Officer to the Planning Commission for action.

(c) Review of Tentative Maps by Other Agencies. When a Tentative Map has been properly filed and the subdivider has furnished the required number of copies, the Office of Planning shall, within three (3) County business days of the filing and review cycle deadlines (Saturdays, Sundays and holidays excluded) forward a copy or copies thereof to the following:

- (1) County Assessor.
- (2) County Fire Warden, who shall distribute to the appropriate fire jurisdiction.
- (3) County Surveyor.
- (4) Building Official.
- (5) Director of the Department of Environmental Health Services.
- (6) Director of Transportation/Flood Control/Airports and Road Commissioner.
- (7) District Engineer of the California Department of Transportation, Business and Transportation Agency, State of California, if a Federal or State highway is involved.
- (8) Regional Planning Team.
- (9) Office of Special Districts.
- (10) Any municipality entitled thereto.
- (11) Other public agencies or officers who, as determined by the Planning Agency, have an interest in the proposed subdivision.
- (12) Any appropriate public utilities and cable television system.
- (13) Chino Valley Regional Manager.

(d) Reports on Tentative Map. Any report or recommendation on a Tentative Map by the staff of the Planning Agency or the Development Review Committee to the Planning Agency shall be in writing and a copy thereof sent to the subdivider, or any tenant of the subject property in the case of a proposed conversion of residential

real property to a condominium project, community apartment project or stock cooperative project, at least three (3) days prior to any hearing or action on such map by such Planning Agency. In the event of failure of any officer, department, municipality, district, or agency to report to the Planning Agency in writing within twenty (20) days after the filing deadline of the Tentative Map, it shall be deemed that said officer, department, municipality, district or agency has no objections to the proposed map.

Wherever possible, the reports and recommendations of County departments shall be uniform in content and form and shall be presented to the Planning Agency by the Chairperson of the Development Review Committee or designee.

(1) Required action in the case of waste discharge violations. The Development Review Committee shall report to the Planning Agency as to whether the discharge of waste from the proposed subdivision into an existing community sewer system will result in the violation of existing requirements prescribed by a California Regional Water Quality Control Board pursuant to Division 7 (commencing with Section 13000) of the California Water Code. In the event that the Planning Agency finds that the proposed waste discharge would result in or add to violation of the requirements of such Board, it may disapprove the Tentative Map or maps of the subdivision, or take such other action as may be permitted by the policies of the Board of Supervisors.

(e) Expiration of Approval. The initial approval period of an approved or conditionally approved Tentative Map and any associated development application shall expire thirty-six (36) months after its approval or conditional approval unless an extension is granted as hereinafter provided or as otherwise provided by the Development Code. The expiration of the approved or conditionally approved Tentative Map shall terminate all proceedings and no Final or Parcel Map of all or any portion of the real property included within such Tentative Map shall be filed without first processing a new Tentative Map.

This initial approval period may be extended in the following circumstances:

(1) If the subdivider is subject to a requirement of one hundred thousand dollars (\$100,000) or more to construct or improve or finance the construction or improvement of public improvements outside the boundaries of the Tentative Map in order to obtain a Final Map, each filing of a Final Map that is part of a series of multiple Final Maps authorized by Subsection 83.040201(c) of this Code and California Government Code Section 66456.1 shall extend the expiration of the approved or conditionally approved Tentative Map and any associated development project by thirty-six (36) months from the date of its expiration as provided in this section, or the date of the previously filed Final Map, whichever is later. Such extensions shall not extend the Tentative Map more than ten (10) years from its approval or conditional approval. However, a Tentative Map on property subject to a development agreement authorized by Article 2.5 (commencing with Section 65864) of Article 4 of Division 1 of the California Government Code may be extended

for the period of time provided for in the agreement, but not beyond the duration of the agreement. The number of phased Final Maps which may be filed shall be determined by the Planning Agency at the time of the approval or conditional approval of the Tentative Map. It shall be the responsibility of the developer to notify the Office of Planning of the filing of the Final Map so that appropriate arrangements may be made to document such extension.

"Public improvements," as used in this section, includes traffic controls, streets, roads, highways, bridges, overcrossings, street interchanges, flood control or storm drain facilities, sewer facilities, water facilities, and lighting facilities.

(2) This period of time shall not include any period of time during which a moratorium, imposed after approval of the Tentative Map, is in existence, provided however that the length of the moratorium does not exceed five (5) years.

Once a moratorium is terminated, the map shall be valid for the same period of time as that which remained of the map approval period at the time that the moratorium was imposed. However, if the remaining time is less than one hundred twenty (120) days, the map shall be valid for one hundred twenty (120) days following the termination of the moratorium.

(3) In addition, this period of time, including any extension granted pursuant to Subsection (f), 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 if a stay of the time period is approved by the County pursuant to this section. Within ten (10) days of the service of the initial petition or complaint in the lawsuit upon the County, the subdivider may apply to the County for a stay pursuant to the County's adopted procedures. Within forty (40) days after receiving the application, the County shall either stay the time period for up to five (5) years or deny the requested stay.

(f) Time Extensions on Approved Tentative Maps and/or any related development applications. The Planning Officer may approve extensions of time for a period or periods not exceeding a total of thirty-six (36) months unless otherwise provided by the Development Code. Any application of a subdivider for such extension of time shall be made in writing to the Planning Officer not less than thirty (30) days prior to the expiration date. Such extension of time is subject to an extension fee as found in the County Schedule of Fees. If the Final Map is not recorded within the approved extension, then the subdivision must be refiled in accordance with all provisions of this Division.

(g) Withdrawal of Tentative Maps. Any subdivider or record owner of property upon which a Tentative Map has been filed may withdraw such map at any time until the recordation of the appropriate Final Map. Notice of such withdrawal shall be made in writing to the Planning Agency. Refund in filing fees for any such map withdrawn shall be made in accordance with the County Schedule of Fees.

(h) Appeal by Subdivider. The subdivider, or any tenant of the subject property in the case of a proposed conversion of residential real property to a condominium project, community apartment project, or stock cooperative project, may appeal any action of the Planning Agency with respect to a Tentative Map. Any such appeal shall be filed with the Office of Planning for an action taken by the Planning Officer, or with the Clerk of the Board for an action taken by the Planning Commission. Such appeals shall be filed within ten (10) days after the action of the Planning Agency to deny a request for extension of time for an approved or conditionally approved Tentative Map. After the filing of an appeal, the appeal body shall set the matter for public hearing. Such hearing shall be held within thirty (30) days after the date of a request filed by the subdivider or the appellant. Notice of the public hearing shall be provided. Within ten (10) days following the conclusion of the hearing, the appeal hearing body shall render its decision. The decision of the appeal hearing body shall comply with the provisions of this Division and shall include all findings required by this Division. If the appeal hearing body fails to act upon an appeal within the time limit specified in this Division, the action of the Planning Agency shall be deemed to be upheld, and it shall be the duty of the Secretary of the Planning Commission or the Clerk of the Board, whichever body has heard the appeal, to certify such action. The fee for filing of an appeal shall be established in the County Schedule of Fees.

(i) Complaint by Interested Person. Any interested person adversely affected by a decision of the Planning Agency may file a complaint with the appropriate appeal body concerning any decision of the Planning Agency. Any such complaint shall be filed with the Secretary of the Planning Commission or Clerk of the Board, depending upon the reviewing authority taking action. Such appeals shall be filed within ten (10) days after the action of the Planning Agency which is the subject of the complaint. Upon the filing of the complaint, the appeal hearing body shall set the matter for public hearing. Such hearing shall be held within thirty (30) days after the filing of the complaint. Notice of the public hearing shall be provided.

Upon conclusion of the hearing, the appeal body shall within ten (10) days declare its findings, based upon the testimony and documents produced before it, or sustain, modify, reject, or overrule any recommendations or rulings of the Planning Agency and make such findings as are consistent with the provisions of this Division.

The fee for filing of a complaint shall be the same as that required for an appeal of a subdivision.

**83.040225 Final Map.**

The following provisions shall govern the filing and recording of the Final Map:

(a) Filing the Advance Copy of the Final Map. After receipt of the report of the Planning Agency approving or conditionally approving the Tentative Map, and at least fifty (50) days prior to the expiration of the approval or conditional approval or any approved extension of time as provided by this Division, the subdivider may cause the real property included within the map, or any part thereof, to be surveyed and a Final Map thereof prepared in accordance with the approved or conditionally approved Tentative Map, and an advance copy of the Final Map to be submitted to the County Surveyor. The advance copy of the Final Map shall be accompanied by the following information:

(1) Traverse sheets showing closures with allowable limits of exterior boundary and of irregular blocks and lots in subdivision.

(2) Preliminary title report.

(3) Fees for examining Final Map in amount specified in the County Schedule of Fees adopted by the Board of Supervisors.

(4) In the case of the conversion of residential property to a condominium, community apartment, or stock cooperative, evidence shall be submitted that the notices of intention to convert to prospective tenants, as required by California Government Code Section 66427.1, have been given.

(5) Composite Development Plan as subject to the provisions of Article 5 of this Division.

(6) Any additional information as may be required by the Planning Agency or County standards shall be submitted to the appropriate County department.

(b) The County Surveyor shall be the primary coordinator in seeing that the conditions of approval of the Tentative Map have been fulfilled. The County Surveyor shall transmit maps to and request written reports from the County departments and public utilities, including any cable television systems, which have submitted recommendations on the Tentative Map. Within twenty (20) days after receipt of such an advance copy of the Final Map, said Department or utility shall issue a preliminary written report as to the compliance or noncompliance of the advance Final Map as to the matters under its jurisdiction.

(c) Filing Official Copy of the Final Map. If the advance copy of the Final Map has been found satisfactory by the County Surveyor, the subdivider shall cause the Final Map to be officially filed with the County Surveyor at least twenty (20) days prior to expiration of the approval or conditional approval or any approved extension of time as provided by this Division. The Final Map shall not be officially filed until the engineer or surveyor has received notification from the County Surveyor that all provisions of the Tentative Map approval, the Subdivision Map Act, County Code and County standards have been complied with. The official filing of the Final Map with the County Surveyor will constitute the Final Map filing date.

(d) Checking and Reports to the Board of Supervisors. After the issuance of a receipt for the official filing of the Final Map, the County Surveyor shall examine

it as to sufficiency of affidavits and acknowledgements, correctness of surveying data, mathematical data and computations, and other matters which may require checking to insure compliance with the provisions of the Subdivision Map Act and this Division.

If the Final Map is found to be in substantial compliance with the Tentative Map and is in correct form and the matters shown thereon are sufficient and the County Surveyor is satisfied that all of the conditions of approval have been met, the County Surveyor shall endorse approval thereon. The County Surveyor shall combine with the Final Map the agreements, easements, and securities as required by this Division. Such material shall be transmitted by the Environmental Public Works Agency to the Board of Supervisors for its consideration of the Final Map.

(e) Approval of Final Map by the Board of Supervisors.

(1) The Board of Supervisors shall, within a period of ten (10) days after the filing of the Final Map for approval or at its next regular meeting after the meeting at which it receives the map, whichever is later, approve the map if it conforms to all the requirements of the Subdivision Map Act and this Division applicable at the time of approval or conditional approval of the Tentative Map and any rulings made thereunder or, if it does not so conform, disapprove the map.

(2) If the Board does not approve or disapprove the map within the prescribed time, or any authorized extension thereof, and the map conforms to all said requirements and rulings, it shall be deemed approved, and the Clerk of the Board of Supervisors shall certify its approval thereon.

(f) Time Limit for Filing Final Map. If the subdivider fails to file the Final Map with the County Recorder and the required accompanying data with the appropriate County departments within thirty-six (36) months after the date of first approval by the Planning Agency or within any authorized extension of time, the Tentative Map approval or conditional approval shall become void. In such a case, a new filing fee shall be paid and a new Tentative Map approval shall be obtained.

(g) Improvement Agreement. If at the time of approval of the Final Map by the Board of Supervisors, any improvements required by local ordinance or as a condition of the approval of the Tentative Map have not been completed in accordance with County standards applicable at the time of the approval or conditional approval of the Tentative Map, the Board of Supervisors, as a condition precedent to approval of the Final Map, shall require the subdivider to enter into an agreement with the Board of Supervisors upon mutually agreeable terms to thereafter complete such improvements at the subdivider's expense. The Board of Supervisors shall require that performance of such agreement is guaranteed by appropriate securities.

(h) If sixty (60) days prior to the submittal of a Final or Parcel Map, the subdivider has failed to comply with the Tentative Map or minor subdivision plot plan conditions which require the subdivider to construct or install offsite improvements on land in which neither the subdivider nor the County has sufficient title or interest, including an easement or license, then at the time the Parcel or Final Map is filed with the local agency, to permit the improvements to be made, the subdivider shall enter into an agreement with the County through its Department of Engineering Contract Services to pay all costs of the County in acquiring such property. The County shall have one hundred and twenty (120) days from the filing of the Final Map or Parcel Map, pursuant to Section 66457 of the Subdivision Map

Act, to obtain interest in the land to permit the improvement(s) to be made by negotiation or proceedings pursuant to Title 7 (commencing with Section 1230.010) of Part 3 of the California Code of Civil Procedure, including proceedings for immediate possession of the property under Article 3 (commencing with Section 1255.410) of Article 6 of such Title. In the event the County fails to meet the one hundred twenty (120) day time limitation, the condition for construction of offsite improvements shall be conclusively deemed to be waived. Prior to approval of the Final Map, the County may require the subdivider to enter into an agreement to complete the improvements pursuant to Subsection (6) above at such time as the County acquires an interest in the land which will permit the improvements to be made.

"Off-site improvements," as used in this subsection, do not include improvements which are necessary to assure replacement or construction of housing for persons and families of low or moderate income, as defined in Section 50093 of the California Health and Safety Code.

**83.040230 Conditions of Map Approval.**

The conditions of map approval shall be as follows:

(a) Subdivisions for which a Tentative and Final Map are required. As a condition of approval of a map of five (5) or more parcels, the Planning Agency may require such dedications and improvements as are necessary to insure that the lots to be created are provided with adequate public services and utilities, possibly including any appropriate cable television services, to meet the needs of future residents or users; are of adequate design in all respects; act to mitigate any potential environmental impacts identified in the Environmental Impact Report or by other means; and provide for proper grading and erosion control, including the prevention of sedimentation or damage to off-site property. All improvements shall be in accordance with adopted County standards.

(b) Access.

(1) Except as provided below, lots created by a subdivision of land shall abut upon a recorded dedicated public right-of-way of a width as established by the County Master Plan of Highways or County Highway Right-of-Way Standards, or shall be assured of access to the County road system by an approved access which connects a lot or lots to a maintained public street or state highway.

(2) The Planning Agency may waive the requirements for approved access to subdivisions having lot sizes of forty (40) gross acres or more when all of the following findings are made:

(A) The applicant is or will be subject to severe hardship unless the waiver is approved; and

(B) There is an existing traveled roadway which has been in existence for at least five (5) years which roadway is at least twenty (20) feet in width at all points; and

(C) The roadway has capability for normal passenger car use to each lot in the subdivision.

(3) Private road easements may be approved for access to each lot if it is determined that public street access cannot be provided due to certain title limitations or topographical conditions.

(4) Road easements of record established prior to the effective date of this Article shall be recognized as legal access to each lot of the subdivision.

(5) Existing traveled roads for which a court has determined that a prescriptive right by users exists for public use shall be recognized as legal access to each lot of the subdivision.

(c) In determining whether to approve or disapprove an application for a Tentative Map, the County shall apply only those ordinances, policies, and standards in effect at the date the proposal for the subdivision was accepted as complete, as provided in California Government Code Section 66474.2.

**Article 3. Parcel Map and Minor Subdivision Plot Plan**

**Sections:**

- 83.040301 Filing Criteria for Tentative and Parcel Maps, and Minor Subdivision Plot Plans.
- 83.040305 Subdivision Plot Plan Content.
- 83.040310 Parcel Map Content.
- 83.040320 Minor Subdivision Procedures.
- 83.040325 Parcel Map Procedures.

**83.040301 Filing Criteria for Tentative and Parcel Maps, and Minor Subdivision Plot Plans.**

(a) The provisions of this section and the Subdivision Map Act shall govern the necessity for Parcel Maps and Minor Subdivisions.

(1) A Tentative Map may be required and a Parcel Map shall be required for subdivisions where a Final Map is not otherwise required by this Division, unless waived pursuant to this Division. A Parcel Map shall not be required for subdivisions created, pursuant to California Government Code 66428, by short-term leases of a portion of the operating right-of-way of a railroad corporation defined as such by Section 230 of the California Public Utilities Code, or land conveyed to or from a governmental agency, public entity, common carrier, public utility, or for land conveyed to a subsidiary of a public utility for conveyance to such public utility for rights-of-way. A Parcel Map may be required if a showing is made in individual cases, upon substantial evidence, that public policy necessitates such a Parcel Map.

(2) A Parcel Map shall not be required for the construction of a condominium project or for the conversion of an existing structure to a condominium on a single parcel shown on a Final Map or Parcel Map recorded after January 1, 1960. Provided, however, the Planning Officer may require that a Parcel Map be filed for the purposes of obtaining improvements, additional easements and dedications, or other circumstances which warrant the filing of a new map.

(3) The Director of the Department of Land Management except as otherwise provided may waive the requirement for a Parcel Map, where two (2), three (3), or four (4) parcels and any remainder parcel are involved, and the smallest parcel created is two and one-half (2½) gross acres or a two and one-half (2½) acre aliquot part of a section or greater; provided said Director has made a finding that the proposed division of land complies with the requirements as to: (A) area; (B) improvement and design; (C) flood water drainage control; (D) appropriate improved public roads; (E) sanitary disposal facilities; (F) potable water supply availability; (G) environmental protection; (H) other requirements of this Division; (I) the Subdivision Map Act; (J) other applicable ordinances of the County of San Bernardino; and (K) adequate survey data exists to identify the property as determined by the County Surveyor. A record of survey recorded after January 1, 1983, shall not constitute adequate survey data to permit a waiver of the requirement for a Parcel Map. Said finding shall be based upon evidence, information, and recommendations of the Development Review Committee or individual Development Review Committee member acting within the departmental area of expertise.

(4) The Director of the Department of Land Management shall not waive a Parcel Map as a condition of approval of a Vesting Tentative Parcel Map.

(5) Where the requirement for a Parcel Map is waived pursuant to provisions of this section, a Tentative Map may be required by the Planning Officer. The Planning Officer may establish application procedures for subdivisions which are not subject to the requirement for Tentative and Final maps.

(6) When a Parcel Map rather than a Final Map is required by this Division, the subdivider has the option of submitting a Tentative Map.

(7) The subdivider shall submit a Tentative Map in place of a minor subdivision plot plan to obtain the rights conferred by the Subdivision Map Act and this Division for a Vesting Tentative Map.

(8) The requirements of Section 83.040201(e), (f), and (g) shall apply to the filing of Parcel Maps for the conversion of residential real property to another use.

**83.040305 Subdivision Plot Plan Content.**

The content and form of the Minor Subdivision Plot Plan and applications shall be prepared in conformance with the Subdivision Map Act and any procedures established by the Land Management Department.

**83.040310 Parcel Map Content.**

The content and form of Parcel Maps shall be governed by the provisions of this section.

(a) **Standards and Preparation.** The Parcel Map shall be prepared by, or under the direction of, a registered Civil Engineer licensed to practice land surveying or licensed Land Surveyor; shall show the location of streets and property lines bounding the property; and shall conform to all of the following provisions and adopted County standards.

(1) The Parcel Map shall be legibly drawn, printed, or reproduced by a process guaranteeing a permanent record in black on tracing cloth or polyester-based film. Certificates, affidavits, and acknowledgments shall be legibly stamped or printed upon the map with opaque ink. If ink is used on polyester-based film, the ink surface shall be coated with a suitable substance to assure permanent legibility.

(2) The size of each sheet shall be eighteen (18) by twenty-six (26) inches. A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of one (1) inch. The scale of the map shall be large enough 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.

(3) Each lot shall be numbered and each street shall be named.

(4) The exterior boundary of the land included within the subdivision shall be indicated as an opaque ink line three (3) times as wide as the widest line on the map excluding the border line. The map shall show the location of each parcel and its relation to surrounding surveys.

(5) If the map includes a remainder parcel and the gross area of the remainder parcel or similar named parcel is five (5) acres or less, it shall be surveyed and mapped. If the remainder parcel or similar named parcel is more than five (5) acres, that parcel shall show record information and parcel size only.

(6) Existing natural drainage courses and proposed drainage easements, as necessary, shall be shown on the Parcel Map.

(7) Additional notes which do not affect record title interests shall not be shown on the Parcel Map. Where a Composite Development Plan has been required, a prominent note shall be placed below the Surveyor's Notes on the Parcel Map in one-quarter ( $\frac{1}{4}$ ) inch high, bold block letters, stating:

**COMPOSITE DEVELOPMENT PLAN NOTE:**

**A Composite Development Plan (C.D.P.) affecting this map is on file in the San Bernardino Office of Building and Safety in C.D.P.  
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(8) In the case of a Vesting Tentative Map for a Parcel Map, at the time it is filed it shall have printed conspicuously on its face "Vesting Tentative Parcel Map."

(b) Parcel Number. Prior to filing a Parcel Map, a licensed engineer or surveyor shall obtain a number or numbers from the County Recorder.

(c) Certificates on Parcel Maps. The statements on Parcel Maps shall be as required by the County Surveyor's standards and adopted by the County Board of Supervisors.

(1) Subject to the provisions of the Subdivision Map Act, a statement, signed and acknowledged by the legal owner of record in the real property subdivided, consenting to the preparation and recordation of the Parcel Map is required.

(2) Offers to dedicate interest in real property for specified public purposes shall be made by a statement on the Parcel Map, signed and acknowledged by the legal owner of record in the real property being subdivided, subject to the provisions of the Subdivision Map Act. The signature of either the holder of beneficial interests under trust deeds or the trustee under such trust deeds, but not both, may be omitted. The signature of either shall constitute a full and complete subordination of the lien of the Deed of Trust to the map and any interest created by the map.

However, with respect to a division of land into four (4) or fewer parcels, where dedications or offers of dedications are not required, the statement shall be signed and acknowledged by the legal owner of record only.

(3) In all cases where a Parcel Map is required, such map shall be based upon a field survey made in conformance with the Land Surveyors Act, except in the case of Reversion to Acreage.

(4) The Parcel Map shall contain a certificate for execution by the County Surveyor, stating that the Surveyor approved the map and accepted, subject to improvement, or rejected on behalf of the public, any real property offered for dedication for public use in conformity with the terms of the offer of dedication. The County Surveyor is hereby empowered to accept such dedications on behalf of the County Board of Supervisors and County Flood Control District.

#### **83.040320 Minor Subdivision Procedures.**

The provisions for the review of minor subdivision, plot plans, Tentative and Parcel Maps shall be as required in Section 83.040220 of this Code, unless otherwise indicated in that section.

#### **83.040325 Parcel Map Procedures.**

This section shall govern the procedures for the processing, approval, conditional approval, and disapproval of an application to subdivide land into four (4) lots or less with or without a remainder parcel, or more when a Parcel Map has been required in lieu of a Final Map and filing Parcel Maps.

(a) Filing Advance Copy of Parcel Map. Where the filing of a Parcel Map is required pursuant to this Division after the approval or conditional approval of the Tentative Parcel Map or minor subdivision plot plan application as provided

by this Division, the subdivider may cause the real property included within the map to be surveyed and a Parcel Map thereof shall be prepared in accordance with the approved Tentative Parcel Map or minor subdivision plot plan application. An advance copy of said Parcel Map shall be filed with the County Surveyor.

The advance copy of the Parcel Map shall be accompanied by the following information:

- (1) Preliminary title report.
- (2) Fees in the amount specified in the County Schedule of Fees.
- (3) Composite Development Plan.
- (4) Such additional information as required by the Planning Agency or approved County standards.

(b) Filing Official Copy of Parcel Map. The Parcel Map shall not be officially filed until the engineer or surveyor has received notification that all provisions of the Tentative Parcel Map or minor subdivision plot plan approval, the Subdivision Map Act, and County standards have been complied with and an advance copy of the Parcel Map has been approved by the County Surveyor in accordance with the provisions of this Article.

(c) The filing and recording of a Parcel Map shall be subject to the requirements of Subsection 83.040225(g).

#### Article 4. Vesting Tentative Map

**Sections:**

- 83.040401 Filing Criteria for Vesting Tentative Maps.
- 83.040405 Content.
- 83.040410 Procedures.
- 83.040415 Development Rights.

**83.040401 Filing Criteria for Vesting Tentative Maps.**

(a) Whenever a provision of the Subdivision Map Act, as implemented and supplemented by this Division, requires the filing of a Tentative Map or a Tentative Parcel Map for a residential development, a Vesting Tentative Map may instead be filed in accordance with the provisions hereof.

(b) If a subdivider does not seek the rights conferred by the Vesting Tentative Map Statute, the filing of a Vesting Tentative Map shall not be a prerequisite to any approval for any proposed subdivision permit for construction, or work preparatory to construction.

(c) Except as otherwise set forth, the provisions of this Division shall apply to Vesting Tentative Maps.

**83.040405 Content.**

The content and form of Vesting Tentative Maps shall be governed by the provisions of this section.

(a) At the time a Vesting Tentative Map is filed, it shall have printed conspicuously on its face the words "Vesting Tentative Map."

(b) A Vesting Tentative Map shall be filed in the same form and have the same contents, accompanying data, and reports as set forth in this Division for a Tentative Map except as hereinafter provided.

**83.040410 Procedures.**

The following provisions shall govern the filing, processing and review of Vesting Tentative Maps.

(a) A Vesting Tentative Map shall be processed and reviewed in the same manner as set forth in this Division for a Tentative Map, except as hereinafter provided.

(1) Prior to filing a Vesting Tentative Map, the subdivider shall have a preapplication conference with the Development Review Committee to determine if any additional information should be filed with the Vesting Tentative Map application. The applicant shall submit to the Development Review Committee prior to the preapplication conference all information that is required of a Tentative Map application. This information will be reviewed by the Committee and additional information may be required by the Committee to be submitted with the Vesting Tentative Map application. Preliminary Environmental Review of the proposed project shall be completed prior to the preapplication conference.

The minutes of the preapplication conference shall dictate the filing requirements for the Vesting Tentative Map, and shall accompany the filing of said map. The information required by the Development Review Committee for formal submission of the proposed project may include, but is not limited to the following:

(A) Drainage plan for control of both on-site and off-site storm runoff, water courses, channels, existing culverts, and drainpipes including existing and proposed facilities for control of storm waters, data as to the amount of runoff and the approximate grade, and dimension of proposed facilities for control of storm waters.

(B) Building envelopes.

(C) Proposed land use and types of structures.

(D) Detailed circulation information (existing and proposed).

This information may include area-wide traffic data sufficient for the County to determine future needs.

(E) Detailed grading plans.

(F) Geological studies.

(G) Any information required by the Development Review Committee shall be clearly detailed and listed with an anticipated review period so that it can be acted upon within reasonable time. The department/office which requires any additional information shall approve the acceptability of this information from the applicant prior to the filing of the Vesting Tentative Map.

(H) The Development Review Committee may require the filing and concurrent review of other related development applications where it is necessary for the review and implementation of the Vesting Tentative Map.

(2) An approving action on a Vesting Tentative Map shall not occur prior to the effective date of approval of the associated discretionary permit or action.

(3) Upon filing a Vesting Tentative Map, the subdivider shall pay the fees required as established in the County Schedule of Fees for the filing and processing of a Vesting Tentative Map.

(4) The approval or conditional approval of a Vesting Tentative Map shall expire at the end of the same time period, and shall be subject to the same extensions, established by this Division for the expiration of the approval or conditional approval of a Tentative Map.

(5) Any time prior to the expiration of a Vesting Tentative Map, the subdivider or assignee may apply for an amendment to the Vesting Tentative Map. No application for amendment shall be required when the reviewing authority finds that such amendment is a minor modification that is in substantial compliance with the original approval and no new conditions of approval are required.

(6) For a subdivision whose intended development is inconsistent with the land use district or Specific Plan in existence at that time, that inconsistency shall be noted on the map. The Planning Agency may deny such a Vesting Tentative Map or approve it conditioned on the subdivider, or his or her designee, obtaining the necessary change in the land use district or Specific Plan to eliminate the inconsistency. If the change in the pertinent ordinance is obtained, the approved or conditionally approved Vesting Tentative Map shall confer the right to proceed with the development as approved.

(7) Fees for development permits (e.g., building and grading permits) filed per an approved Vesting Tentative Map or a recorded Vesting Final/Parcel Map shall be the fees in effect at the time of issuance of such permit.

#### **83.040415 Development Rights.**

(a) When the designated Planning Agency approves or conditionally approves a Vesting Tentative Map, that approval shall confer a vested right to proceed with the development in substantial compliance with the ordinances, policies, and standards in effect at the date the application for the subdivision has been determined to be complete and pursuant to California Government Code Section 66474.2. If Section 66474.2 is repealed, that approval shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies, and standards in effect at the time the Vesting Tentative Map is approved or conditionally approved.

(b) Notwithstanding subdivision (a), the Planning Agency may condition or deny a permit, approval, extension, entitlement, or require an amendment to the map if it determines any of the following:

(1) A failure to do so would place the residents of the subdivision or the immediate community, or both, in a condition dangerous to their health or safety, or both.

(2) The condition or denial is required in order to comply with State or Federal law.

(c) The Planning Agency may alter any condition of a Vesting Tentative Map through an amendment pursuant to Subsections 83.041105(a)(5) and (6) in order to protect against conditions dangerous to public health and safety or to comply with State or Federal law.

(d) The rights conferred by this section shall expire if a Final or Parcel Map is not recorded prior to the expiration of the Vesting Tentative Map as provided in Subsection 83.040410(a)(4). If the Final or Parcel Map is recorded, these rights shall last for the following periods of time:

(1) An initial time period of one (1) year. Where several Final Maps are recorded on various phases of a project covered by a single Vesting Tentative Map, this initial time period shall begin for each phase when the Final Map for that phase is recorded.

(2) The initial time period set forth in this Code shall be automatically extended by any time used for processing a complete application for a grading permit or for design or architectural review, processing exceeds thirty (30) days from the date a complete application is filed.

(3) A subdivider may apply for a one (1) year extension at any time before the initial time period set forth in Subsection 83.040415(d)(1) expires. If the extension is denied, the subdivider may appeal that denial to the County Board of Supervisors within fifteen (15) days.

(4) If the subdivider submits a complete application for a building permit during the periods of time specified in this section, the rights referred to herein shall continue until the expiration of that permit, or any extension of that permit.

## Article 5. Composite Development Plan.

### Sections:

83.040501	Filing Criteria for Composite Development Plans.
83.040505	Content.
83.040510	Procedures.
83.040515	Amendment to Composite Development Plan.

### 83.040501 Filing Criteria for Composite Development Plans.

(a) The Planning Agency may require the filing of a Composite Development Plan at the time a Final or Parcel Map is accepted for recordation. These maps will reflect the information required by the Planning Agency and shall be filed with the Office of Building and Safety concurrent with the recordation of the Final or Parcel Map.

(b) Wherever a Composite Development Plan is required, these plans shall be submitted prior to recordation of the Final or Parcel Map.

**83.040505 Content.**

The content and form of Composite Development Plans shall be governed by the provisions of this section and Composite Development Plan Standards established by the County Surveyor's Office and adopted by the County Board of Supervisors.

(a) Standards and Preparation. A reproduction shall be made on linen or mylar of the map sheets of the Final or Parcel Map which shall conform to the following provisions and adopted County standards.

(1) In the top margin of all the map sheets, there shall be prominently labeled "Composite Development Plan." Advance copies shall be submitted for approval by the County Surveyor and Building Official prior to submittal of the linen or mylar of the Final or Parcel Map.

(2) Notes on Composite Development Plans.

(A) The plan shall contain a section titled "Composite Development Plan Notes." The County may list here any conditions or mitigating measures stipulated for the development of the subject property. Any explanatory notes related to criteria delineated on the map shall also be listed within this section. In addition, any related reports regarding development criteria shall be listed, including the following information:

(I) Title and date of the report.

(II) Name and credentials of person or firm preparing report.

(III) The location where the reports are on file.

(B) The plan may delineate and note applicable criteria to the development of the subject property. These criteria are limited to:

(I) Building Criteria (e.g., Building Setback Lines). Any yard setback lines that are delineated on Composite Development Plans shall be the street and yard setback distances required on the property within said Composite Development Plan.

(II) Geological, Paleontological and Seismic Criteria.

(III) Grading Criteria.

(IV) Flood Control Criteria (e.g., setbacks).

(V) Environmental Criteria.

(VI) Incorporation of Special Map Requirements referenced in Article 11 beginning at Subsection 83.041115(b) of this Division.

(VII) All easements of record shall be delineated on the plan. Where the only information to be detailed by the Composite Development Plan are the minimum yard setbacks established by a land use district, then a Composite Development Plan will not be required.

(C) The following statement shall be prominently displayed on each map sheet:

**COMPOSITE DEVELOPMENT PLAN**

NOTES ON THIS PLAN ARE FOR INFORMATIONAL PURPOSES, TO INDICATE CONDITIONS AND CRITERIA THAT EXIST ON THIS PROPERTY THAT WERE KNOWN AND IDENTIFIED AS OF THE DATE THIS PLAN WAS FILED. THIS INFORMATION IS

DERIVED FROM PUBLIC RECORDS OR REPORTS AND  
IS NOT INTENDED TO AFFECT RECORD TITLE  
INTEREST.

**83.040510 Procedures.**

This subsection shall govern the procedures for the processing, approval or disapproval of a Composite Development Plans.

(a) Filing Advance Copy. At least three (3) weeks prior to the recordation of the Final or Parcel Map, the Composite Development Plan shall be submitted for coordination of review to the County Surveyor.

(b) Filing Official Copy of Composite Development Plan. Concurrent with the filing for recordation of the Final or Parcel Map, the Composite Development Plan, as approved by the Office of Planning and County Surveyor in accordance with the provisions of this Division, shall be filed with the Office of Building and Safety.

**83.040515 Amendment to Composite Development Plan.**

(a) Should an error be made on the Final or Parcel Map which affects the Composite Development Plan as authorized by Section 83.041105(a)(5) and (6) of this Division, the Final Map and the Composite Development Plan may be amended as approved by the County Surveyor and Office of Planning. A minor variance is required for all other changes to the Composite Development Plan.

The Building Official is authorized to approve amended maps when they do not adversely impact the conditions of other departments and the amendment is in substantial compliance with the conditions of approval of the Tentative or Parcel Map.

(b) Any request to modify or deviate from the standards that are shown on a Composite Development Plan shall be made in accordance with the provisions for variances except as otherwise provided by this section.