

- c. If the Director determines that such real property does not comply with the provision of this Article, the Director shall impose all the access requirements of this Article before issuing a conditional Certificate of Subdivision Compliance, impose those additional improvement requirements and Tentative or Parcel Map requirements provided in this Article. Such conditions may be fulfilled and implemented by the property owner who has applied for a Certificate of Subdivision Compliance pursuant to this section, or by a grantee of such property owner. If such conditions are not fulfilled or implemented by the applicant, property owner, or grantee, the Certificate of Subdivision Compliance shall have no force or effect upon any subsequent transfer of the property and any subsequent transferee or assignee shall make a new applicant for a Certificate of Subdivision Compliance pursuant to this Article, and the Director may impose such conditions as would have been applicable at the time such assignee or transferee acquired the property.
2. All Certificates of Subdivision Compliance shall be reviewed and approved by the Town Engineer prior to recordation. A record of survey may be required by the Town Engineer in order to facilitate the preparation of new legal descriptions or to ensure the elimination of any encroachment.
3. A Certificate of Subdivision Compliance shall be issued for any real property which has been approved for development.
4. A recorded final subdivision map, or Parcel Map, or recorded lot merger shall constitute a Certificate of Subdivision Compliance with respect to the parcels of real property described herein.
5. An official map prepared pursuant to subdivision (b) of Section 66499.52 of the Government Code shall constitute a Certificate of Subdivision Compliance or a conditional Certificate of Subdivision Compliance with respect to the parcels of real property described therein and may be filed for the record, whether or not the parcels are contiguous, so long as the parcels are within the same section or, with the approval of the Town Engineer, within contiguous sections of land.

9.93.030 – Lot Line Adjustments

A. Conditions for Allowing Lot Line Adjustments

1. Compliance with Government Code Section 66412(d). Lot line adjustments shall be allowed in compliance with Government Code Section 66412(d); provided, all of the following provisions are complied with.
2. Four or Fewer Parcels. A lot line adjustment is 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 are not created.
3. Who Shall Prepare Application. An application for a lot line adjustment shall be prepared by a licensed land surveyor or civil engineer authorized to practice land surveying by the State.

4. Application Requirements

- a. An application for a lot line adjustment shall be filed and processed in compliance with Chapter 9.61 *Application Processing Procedures*.
- b. The application shall include the information and materials specified in the Department handout for lot line adjustment applications, together with the required fee in compliance with the planning fee schedule.
- c. It is the responsibility of the applicant to provide evidence in support of the findings required by Subsection C, *Processing of Lot Line Adjustment Application - Findings Required for Approval*, below.
- d. All lien holders, record owners, and trust deed holders consent in writing to the lot line adjustment; and
- e. A title report prepared by a title insurer, with the title report required to be dated no older than within 90 days of the filing date of the lot line adjustment application, is submitted.

5. Survey May Be Required. The Director may, at the Director's sole discretion, require a survey of the properties involved, if the Director finds the survey necessary in order to provide an adequate description of the subject properties.

B. Review Authority. The Director shall be the review authority for reviewing and either approving or denying lot line adjustments.

C. Processing of Lot Line Adjustment Application - Findings Required for Approval

1. The Director may approve a lot line adjustment only after first making all of the following findings:
 - a. No street dedication or improvements are necessary to properly service the properties involved in the proposed lot line adjustment;
 - b. The parcels, as proposed by the lot line adjustment, will conform, in all respects, to the provisions of this Article and those of this Development Code;
 - c. A greater number of parcels than originally existed are not created;
2. Where the Director finds all of the above facts to be present, the Director shall approve the lot line adjustment; and thereafter, the owner(s) of the parcels involved shall cause a map, in a form approved by the Director, to be recorded.
3. If the Director finds any of the foregoing facts specified in Subparagraph 1. above, not present, the lot line adjustment shall be denied.
 - a. The applicant shall be advised of the Director's action.

- b. In case of denial, the applicant shall have the option of:
 - (1) Appealing the decision to the Commission in compliance with Chapter 9.81 *Appeals*; or
 - (2) Filing a parcel or tract map in compliance with this Article.
 - (3) Modify the application to comply with the requirements and resubmit.

9.93.040 – Lot Mergers

A. Purpose

- 1. This Section is provided in compliance with Government Code Chapter 3, Article 1.5 (Merger of Parcels) for the purpose of establishing the authority of the Town to merge two or more parcels or units of land held by the same owner.
- 2. Lot mergers may be voluntary mergers initiated by the property owner(s) or mandatory mergers initiated by the Town.
- 3. Parcels may also be merged in compliance with Government Code Sections 66499.20.2, or 66499.20.3 pertaining to the reversion to acreage.

B. Voluntary Merger of Contiguous Parcels

- 1. Description and Purpose. It is the purpose of this Subsection to allow property owners to request a voluntary merger of contiguous parcels that are under the same ownership.
- 2. Review Authority. The Director shall be the review authority for reviewing and either approving or denying lot mergers.
- 3. Process
 - a. The property owner shall file an application for a Lot merger.
 - b. The merger of the subject parcels become effective when the Director causes a notice of merger specifying the names of the record owners and a description of the real property to be filed for recordation with the County Recorder.
- 4. Requirements. A parcel may be voluntarily merged with one or more contiguous parcels held by the same owner: if any one of the contiguous parcels held by the same owner does not conform to standards for minimum parcel size or dimension specified by the applicable zone; if the property owner wishes to construct a structure across the property line(s) of two or more contiguous parcels; or, if at least one of the parcels meet one or more of the requirements specified in the Government Code Section 66451.11(b).