



County of Orange SUBDIVISION CODE

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SUBARTICLE 1. GENERAL PROVISIONS

Sec. 7-9-200. Title.

This article may be cited as the County of Orange Subdivision Code.

Sec. 7-9-201. Purposes.

- a. The purpose of this article is to provide regulations and control of the design and improvement of subdivisions in the unincorporated territory of the County of Orange, in accordance with the Subdivision Map Act.
- b. Other purposes of this article are:
 - (1) To implement the County of Orange General Plan;
 - (2) To provide regulations and controls, within the law, over the use of land in the unincorporated territory of the County of Orange for the health, safety and welfare of present and future residents of the County of Orange; and
 - (3) To provide a procedure for lot line adjustments and waivers in the unincorporated territory of County of Orange.

Sec. 7-9-202. Prohibitions.

- a. 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 thereon, except for model homes, or allow occupancy thereof, for which a parcel or tract map is required by this article, until such map thereof, in full compliance with the provisions of this article and the Subdivision Map Act, has been filed for record by the County Recorder.
- b. No permit to develop any real property which has been divided or which has resulted from a division in violation of the Subdivision Map or this article shall be granted by any officer or employee of the County of Orange or by the Planning Commission or the Board of Supervisors unless a certificate of compliance has been issued and recorded for the property to be developed in accordance with Subarticle 15 of this article.

Sec. 7-9-203. Director.

Any reference to “the Director” in this article shall be to the Director of OC Public Works or his/her authorized representative. The Director shall be responsible for enforcing the provisions of this article.

Sec. 7-9-204. Subdivision Manual.

The Director shall formulate the rules, procedures, and interpretations as may be necessary or convenient to administer this article. Such rules, procedures and interpretations shall be referred to as the “County of Orange Subdivision Manual” or the “Subdivision Manual.” Copies of the Subdivision Manual shall be made available to the public at a cost sufficient to pay for printing.

Sec. 7-9-205. Subdivision Committee.

- a. There is hereby established a Subdivision Committee, hereinafter referred to as “Committee”. Said Committee shall consist of the following members or their duly authorized representatives:
 - (1) Up to six members appointed by the Director;
 - (2) One member appointed by the Fire Chief, Orange County Fire Authority.
- b. The Director shall designate a chairman and vice-chairman of the Committee.
- c. The Director shall designate an authorized representative for each committee member with the right to vote on behalf of the committee member at his/her absence.
- d. The County of Orange Subdivision Committee is hereby designated as an advisory agency as that term is used in the Subdivision Map Act, and shall have the authority to review and approve, conditionally approve, or disapprove tentative tract maps and tentative parcel maps.
- e. The Subdivision Committee shall review and make recommendations to the Board of Supervisors on petitions for reversions to acreage.
- f. The Subdivision Committee shall perform such other duties as may be specified by the Director or the Board of Supervisors.
- g. The Director shall designate a Subdivision Committee secretary.

Sec. 7-9-206. Reserved.

Sec. 7-9-207. Processing and Filing Fees.

Fees to cover the costs incurred by the County in processing maps, plans and requests filed pursuant to the provisions of the Subdivision Map Act and this article shall be paid to the County of Orange in compliance with the fee resolutions adopted by the Board of Supervisors.

Sec. 7-9-208 and 7-9-209. Reserved.

SUBARTICLE 2. DEFINITIONS

Sec. 7-9-210. Map Act Prevails

The definitions in the Subdivision Map Act shall govern the meaning of words in this article, except as follows:

<u>Terms used in this article:</u>	<u>Equivalent terms in Subdivision Map Act:</u>
Tract map	Final map
Parcel map	Parcel map
Tentative tract map	Tentative map
Tentative parcel map	Tentative map
Vesting tentative tract map	Vesting tentative tract map
Vesting tentative parcel map	Vesting parcel map

Sec. 7-9-211. Zoning Code, Grading Code. Map Act Definitions Apply

Unless otherwise defined in this article, words and phrases used in this article shall be deemed to have the same meaning applied to them in the County of Orange Zoning Code, County of Orange Grading and Excavation Code and the Subdivision Map Act.

Sec. 7-9-212. Subdivision Code Definitions

Advisory Agency: See Section 7-9-205 of this article.

Appeal Board: See Section 7-9-259 of this article.

Board: Refers to the Orange County Board of Supervisors, which is the governing body of the County of Orange.

Easement: An interest in land owned by another that entitles its holder to a specific limited or permanent use or enjoyment. It is a right to use the real property of another without possessing it. It is best displayed in the right of way which one landowner, A, may enjoy over the land of another, B.

See Section 66439 (d) of the Subdivision Map Act for dedication of easements for public purposes.

Grading Code: Refer to the Grading and Excavation Code of the County of Orange.

Inundation: Ponded water or water in motion of sufficient depth to damage property due to the mere presence of water or to deposition of silt.

Master Plan of Drainage: Refer to the County of Orange Local Drainage Manual, page 3-2.

Right-of-Way: A specifically defined area or strip of land, either public or private, on which a right of passage or use has been established by record.

Vehicular Access Rights: Refers to the right of persons to gain entry or exit with a vehicle to or from a street or driveway to or from abutting land.

Drainage and Erosion Control: Refer to the latest adopted versions of the County of Orange Local Drainage Manual, County of Orange Standard Plans, County of Orange Grading Code, and County of Orange Grading Manual. For Erosion and Sediment Control Plan, refer to BMP Handbooks published by California Stormwater Quality Association (CASQA).

Substantial Conformance with the requirements of a tentative tract and parcel map condition means (1) that the purpose and objectives of a tentative map condition are satisfied, and (2) that any identified deficiencies on the map pose no greater risk of harm (or cause only minimal harm) to the general public, property owners, users or approving governmental bodies by any identified deficiencies on the map. (Refer to Subdivision Manual for additional information)

“A” Tentative and Tract Map: Practical terms historically used in the County of Orange for a Tentative, Vesting Tentative, or a Tract Map prepared by a master developer as a first “parent map” subdividing master development lots, showing major infrastructure improvements, and providing general access to the master development. In general, “A” maps would refer to a master developer’s division of land.

“B” Tentative and Tract Map: Practical terms historically used in the County of Orange for Tentative, Vesting Tentative, or a Tract Map that further subdivides master developer lots created by a parent “A” map and that results mostly in individual single or multi-family residential legal lots. In general, “B” maps would refer to builder’s subdivision, (further subdividing an “A” map).

Sec. 7-9-213 - Sec. 7-9-229 Reserved

SUBARTICLE 3. TYPES OF MAPS PERMITTED

Sec. 7-9-230. Finance/Conveyance Maps

This type of map may be used when a subdivision is proposed to be created solely for the purposes of financing, or conveying fee title to all or a portion of the property. This process can be used to streamline and minimize the conditions of approval, with the understanding that development rights will not be granted through this subdivision process. In certain instances, proceeding with this option could, in fact, remove development rights for an existing project.

- a. No proposed subdivision shall be complete until a parcel map or tract map has been filed or recorded with the County of Orange.
- b. Each lot or parcel on such map shall be identified by letter and shall not be considered to be a separate building site.
- c. No conditions of approval having to do with property improvements shall be placed on the map except as they may relate to public safety and zoning.
- d. All lots or parcels will have access to a public street either by lot configuration or by a separate document to be recorded concurrently with a parcel map or tract map. A concept level engineering effort must be submitted with the tentative map to provide assurance that access can be designed and constructed.
- e. At such time as the property owner desires to obtain a permit to improve any of the lots/parcels created by this process, a separate tentative map and parcel map or tract map will be required to obtain those development rights.
- f. The Director shall make the determination relative to items c and d above prior to the approval of the proposed map.
- g. All property taxes and monument bonds are required for a Finance and Conveyance Map.

Sec. 7-9-231. Tentative Tract Maps

A tentative tract map is a preliminary map that is used whenever a parcel or a number of contiguous parcels of land is proposed to be subdivided for the purpose of creating five (5) or more lots, five (5) or more condominium units, the conversion of five (5) or more existing dwelling units to a stock cooperative, or a community apartment project containing five (5) or more apartment units, except as otherwise specified by Section 7-9-232 or Section 7-9-235.

Tentative tract map refers to a map made for the purpose of showing design and improvements of a proposed subdivision for five or more lots or condominium units with all existing and proposed conditions in and around it.

Vesting tentative tract map refers to a map that meets the requirements of a tentative map above and shall have printed conspicuously on its face the words “vesting tentative tract map.”

Sec. 7-9-232. Tentative Parcel Maps

A tentative parcel map is a preliminary map that is used whenever a parcel or contiguous parcels of land is proposed to be subdivided for the purpose of creating four or fewer parcels or condominium units, or where:

- a. The land before division contains less than five (5) acres, each parcel proposed to be created by the subdivision will abut upon a maintained public street or highway, and all dedications and improvements required by County standards will have been previously complied with, or
- b. Each parcel proposed to be created by the subdivision will have a gross area of twenty (20) acres or more and a right of vehicular access for a continuous width of not less than twenty (20) feet to a maintained public street or highway; or
- c. The parcel of land proposed to be subdivided is within a tract of land zoned for commercial or industrial uses and abuts streets or highways which have been approved by the County as to alignment and width and to which it has a right of vehicular access for a minimum continuous width of not less than twenty-eight (28) feet; or
- d. Each parcel proposed to be created by the subdivision will have a gross area of not less than forty (40) acres or not less than a quarter of a quarter section.
- e. The land being subdivided is solely for the creation of an environmental subdivision pursuant to Section 66418.2, of the Subdivision Map Act.

Tentative parcel map refers to a map made for the purpose of showing design and improvements of a proposed subdivision for four or fewer parcels or condominium units with all existing and proposed conditions in and around it.

Vesting tentative parcel map refers to a map that meets the requirements of a tentative parcel map above and shall have printed conspicuously on its face the words “vesting tentative parcel map.”

Sec. 7-9-233. Tract Maps

A subdivision may be created by the recordation of a tract map that has been examined and found to be in substantial conformance with all or part of the approved tentative tract map as approved by the Chief Engineer or his/her designee. The tract map shall be prepared in compliance with those provisions of the Subdivision Map Act, the Subdivision Manual and this article as approved by the Chief Engineer or his/her designee with respect to engineering review. The County Surveyor will review the tract map with respect to the technical correctness of surveying related items.

Sec. 7-9-234. Parcel Maps

- a. A subdivision may be created by the recordation of a parcel map that has been examined and found to be in substantial conformance with an approved tentative parcel map or with a portion of an approved tentative parcel map as approved by the Chief Engineer or his/her designee. The parcel map shall comply with the provisions of Section 7-9-232(c). A parcel map may also be recorded on portions of a tentative tract map when such portions comply with the specifications of Section 7-9-232(b), (c), or (d). The parcel map shall be filed in compliance with the provisions of the Subdivision Map Act, the Subdivision Manual, and this article as approved by the Chief Engineer or his/her designee with respect to engineering review. The County Surveyor will review the parcel map with respect to technical correctness of surveying related items.
- b. A parcel map shall be based upon a field survey. No record data maps will be permitted.

Sec. 7-9-235. Exceptions

Certain types of land divisions and transactions may be completed without complying with the entire tentative and tract or parcel map procedure, as specified.

- a. Neither a tentative nor tract nor parcel map is necessary for those exclusions listed in Section 66412 et al of the Subdivision Map Act.
- b. A parcel map is not required when waived pursuant to the provisions of Subarticle 13 of this article.

Sec. 7-9-236. Vesting Tentative Tract and Parcel Maps

A vesting tentative map is a map which confers a vested right to proceed with development for a specified time after recordation.

- a. A vesting tentative map is at the option of the subdivider and shall not be a prerequisite to any proposed subdivision or application for development.
- b. A vesting tentative map shall be identified on the submittal as a "Vesting Tentative Map."

- c. A vesting tentative map is limited to development of the property per the applicable regulations in existence at the time of approval of the vesting tentative map or per “d” below.
- d. Whenever a subdivider files a vesting tentative map whose intended development is inconsistent with the zoning ordinance in effect at that time, the inconsistency shall be noted on the vesting tentative map, and the vesting tentative map shall be processed subject to the provisions of Subdivision Code Section 7-9-254 (Zoning Conformance).
- e. A vesting tentative map shall be processed in the same manner as a tentative map. However, previously approved tentative maps which were not approved as vesting tentative maps may be so approved only if refiled and processed in compliance with all requirements herein.
- f. The provisions of Subdivision Code Section 7-9-258 (Period of Validity; Extensions) shall apply to an approved or conditionally approved vesting tentative map.
- g. The vested right for a recorded subdivision map shall be for a period of one year beyond the recording date of the tract map or parcel map, and shall confer on such maps all rights described in Subdivision Map Act Sections 66498.1 through 66498.8. Where several tract maps or parcel maps are recorded on various phases of a project covered by a single vesting tentative map, the one-year period shall begin when the tract map or parcel map for that phase is recorded. Prior to the expiration of the initial one-year period, the developer may apply for a one-year extension of the period of the vested right to the Planning Commission.
- h. The provisions of Subdivision Code Section 7-9-257 (Modification of Maps and Conditions of Approval) shall apply to an approved or conditionally approved vesting tentative map.
- i. Fees for the filing and processing of vesting tentative maps shall be the same as the fees established for the filing and processing of tentative maps. However, the Board of Supervisors may establish by resolution an additional fee to cover additional costs incurred by the processing of vesting tentative maps including extension of time.
- j. Fees for development permits (e.g., building and grading permits) filed per an approved vesting tentative map or a recorded vesting tract or parcel map shall be the fees in effect at the time of issuance of such permit.

SUBARTICLE 4. REQUIREMENTS FOR FILING TENTATIVE MAPS

Sec. 7-9-237. Types of Maps Covered

This subarticle pertains to tentative parcel maps and tentative tract maps.

Sec. 7-9-238. Form and Contents

Tentative maps shall conform as to form and contents as may be specified by the Director in the Subdivision Manual.

Sec. 7-9-239. Who May File

Any property owner who proposes to subdivide his/her property may file a tentative map. Any person who proposes to subdivide property that is legally owned by another person may file a tentative map for such property with the written consent of the legal owner of record.

Sec. 7-9-240. Certification of Ownership and Irrevocable Offers of Dedication

- a. Each tentative map shall be signed by the property owner or owners of record, and shall be accompanied by evidence of the real property proposed for subdivision.
- b. When any portion of a tentative map includes property that is owned by a public agency, the certification of ownership need not include the signatures for such ownerships, provided such portions are clearly identified on the map.
- c. When any portion of a tentative map includes property on which an irrevocable offer of dedication has been made to a public agency, such portion shall be clearly identified on the tentative map.
- d. Any agency to which an irrevocable offer of dedication has been made shall sign the tract/parcel map which includes the area over which the irrevocable offer has been made.

Sec. 7-9-241. Title Report

Tentative maps shall be accompanied by a preliminary title report which discloses all possessory interests and interests of record in the land being subdivided when determined to be necessary by the Director.

Sec. 7-9-242. Environmental Documents

Tentative maps shall be accompanied by appropriate environmental documents in accordance with the California Environmental Quality Act.

Sec. 7-9-243. Soils Report

- a. Unless the requirement is waived by the Director pursuant to subsection (b) or deferred pursuant to subsection (c), tentative maps shall be accompanied by a preliminary soils report based upon adequate test borings and prepared by a registered civil engineer. If the preliminary soils report indicates the presence of critically expansive soils or other soils problems which, if not corrected, would lead to structural defects, a soils report on each proposed lot in the subdivision containing any such soils problem shall accompany the tentative map. Such reports shall include recommended corrective action which is likely to prevent structural damage.
- b. The Director may waive the preliminary soils report required by subsection (a) for tentative tract maps (and tentative parcel maps) where he/she determines that it is unnecessary because the County already has sufficient information as to the qualities of the soils in the proposed subdivision.
- c. The Director may defer the requirement for a preliminary soils report until the submission of a tract or parcel map.

Sec. 7-9-244. Additional Information

- a. Tentative maps shall be accompanied by such additional information as may be specified by the Director. The Director shall have the authority to include among such requirements geologic, seismic and hydrology reports; aerial photographs and transparent overlays; grading, site development and landscaping plans, including building setback lines; evidence from the proposed sewerage agency and water supplier with respect to their capacity of serving the proposed subdivision; fire protection and fuel modification reports; and any other information reasonably relevant to proposed subdivisions. The County of Orange Subdivision Manual, Sections 2.1, 2.3 and 2.4, provides subdivision applicants with a listing of information that must accompany tentative map applications, including precise guidance regarding the information that should be on the map, and other materials that must accompany the application.
- b. The Director may require differing amounts of supplementary information, depending upon the type of map involved, the scope of the proposed subdivision, and the anticipated environmental impacts of the subdivision.
- c. The Director may require the submission of additional information after the filing of tentative maps as necessary.

Sec. 7-9-245. Filing.

Tentative maps submitted for approval shall be filed with the Director, who shall accept such maps only when he/she determines that the requirements for filing a tentative map established by this article and the Subdivision Map Act have been satisfied. The date the

tentative map is filed shall be the date that the Director determines that the application is complete and can be accepted for processing. If the application is not complete, the applicant shall be notified in writing within ten days of the date the processing fees were collected of that fact and of the matters necessary to complete the application. Each tract and parcel map shall be identified by a number prominently displayed on the face of the map issued by the County Surveyor. The time for processing tentative maps, as set forth in Subdivision Map Act sections 66452, 66452.1 and 66452.2 begins when the application is complete.

SUBARTICLE 5. PROCESSING PROCEDURES FOR TENTATIVE MAPS

Sec. 7-9-246. Types of Maps Covered

This subarticle pertains to processing procedures for tentative tract maps and tentative parcel maps after they have been filed.

Sec. 7-9-247. Reserved

Sec. 7-9-248. Copies to Concerned Agencies

- a. Where a local agency has filed a territorial map with the Director pursuant to the Subdivision Map Act, the Director shall forward a copy of any filed tentative map which is located wholly or partially within the territory outlined on the territorial map to said local agency within three (3) days of the date the tentative map is filed.
- b. When the State Department of Transportation has filed with the Board of Supervisors a map of territory within one mile on either or both sides of any state highway routing pursuant to the Government Code, the Director shall forward a copy of any filed tentative map which is located wholly or partially within the territory outlined on the territorial map to the district office of the Department of Transportation within three (3) days of the date the tentative map is filed.
- c. Within three (3) days of the date a tentative map is filed, the Director shall give notice of the filing to the governing boards of the school district or districts within which the proposed subdivision is located pursuant to the Government Code.

Sec. 7-9-249. Time for Action

The Subdivision Committee shall act upon a tentative map within the time specified in the Subdivision Map Act unless:

- a. An extension of time for action is mutually consented to by the subdivider and the Subdivision Committee, in which case the map shall be acted upon within the time agreed upon or
- b. The subdivider withdraws the map.

Sec. 7-9-250. Reports and Recommendations

Reports and recommendations on tentative maps shall be in writing and shall be served on the subdivider at least three (3) days prior to the date action on the map is scheduled, providing that a subdivider:

- a. May waive this requirement; and

- b. May consent to the receipt by the Subdivision Committee of additional recommendations; and provided further that a subdivider shall be deemed to have so consented unless the subdivider specifically objects to the form and timeliness of such additional recommendations prior to the time the Subdivision Committee takes action on the tentative maps.

Sec. 7-9-251. Review of Tentative Maps

Each tentative map shall be reviewed by the Subdivision Committee, which shall approve, conditionally approve, or disapprove it.

Sec. 7-9-252. Substitution of Revised Map

A revised tentative map may be submitted at any time prior to action on the map by the Subdivision Committee. The time for action on a tentative map specified in Subdivision Code Section 7-9-249 shall recommence upon the acceptance by the Director of a revised tentative map.

Sec. 7-9-253. Meetings and Hearings

- a. The Subdivision Committee shall act on tentative maps at regularly scheduled meetings when the matter has been duly placed upon the Committee's agenda. Public hearings shall not be required for the consideration of tentative maps. The Director may set any map for public hearing before the Subdivision Committee when it has been determined that it would be in the public interest to do so. The Subdivision Committee shall conduct its meetings in the same manner as public hearings, and all interested persons shall be given an opportunity to address the Subdivision Committee on any matter pertaining to a proposed subdivision without regard to whether the matter is identified as a public hearing.
- b. Where approval of a tentative map will constitute a substantial or significant deprivation of the property rights of other landowners, notice shall be given to all persons shown in the latest equalized assessment roll as owning property within three hundred (300) feet of the property proposed to be subdivided by at least one of the following methods:
 - (1) Direct mailing to the owners
 - (2) Posting of notice on and off the site in the area where the project is to be located.
 - (3) Delivery of notice by any means other than mail to the owners.
 - (4) Any other methods reasonably determined to provide actual notice.

Sec. 7-9-254. Zoning Conformance

- a. The Subdivision Committee shall not approve or conditionally approve a tentative map which does not conform with applicable zoning except as provided in subsection (b) below
- b. A tentative map may be approved when it conforms with zoning which has been recommended for adoption by the Planning Commission on the condition that the zoning must become effective prior to recordation of the tract or parcel map.
- c. A tentative map shall not be approved if it is apparent that any proposed parcel cannot be developed to its intended use without the modification of site development standards.

Sec. 7-9-255. Findings Required

A tentative parcel map or tentative tract map shall be approved or conditionally approved only if the Subdivision Committee makes the following findings:

- a. That the design and improvements of the proposed map are consistent with the County of Orange General Plan;
- b. That the design and improvements of the proposed subdivision are suitable for the uses proposed and the subdivision can be developed in compliance with the applicable zoning regulations pursuant to the Subdivision Code Section 7-9-254, including applicable regulations of the County of Orange General Plan, Specific Plan, Area Plan, and/or any other document approved by the Planning Commission if applicable;
- c. That the site is physically suitable for the proposed type of development;
- d. That the requirements of the California Environmental Quality Act have been satisfied;
- e. That the site is physically suitable for the proposed density of development;
- f. That the design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantial and avoidable injury to fish or wildlife or their habitat;
- g. That the design of the subdivision and the type of improvements proposed are not likely to cause serious public health problems; and
- h. That the design of the subdivision and the type of improvements proposed will not conflict with easements of record or established by court judgment acquired by the public at large for access through or use of property within the proposed subdivision;

or, if such easements exist, 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.

Sec. 7-9-256. Additional Findings Required

- a. The Subdivision Committee shall determine whether the discharge of waste from the proposed subdivision into an existing community sewer system, where such a system exists, would result in or add to a violation of existing requirements prescribed by either the Santa Ana or San Diego Regional Water Quality Control Boards. In the event it is determined that the proposed waste discharge would result in or add to such a violation, the Subdivision Committee shall disapprove the tentative map unless there are extenuating or overriding considerations, in which case these shall be stated.
- b. In the event a subdivision fronting upon the coastline or shoreline or upon a public waterway, river or stream or upon a lake or reservoir owned in part or entirely by a public agency does not provide public access to such public resources through the subdivision itself in accordance with the requirements of Subdivision Code Sections 7-9-287 and 7-9-298, the Subdivision Committee shall find that reasonable public access to the resource in question is otherwise available within a reasonable distance from the subdivision. If this finding cannot be made, the map shall be disapproved.
- c. If the Subdivision Committee approves or conditionally approves a tentative map which deviates from any standard of design as allowed by Subdivision Code Section 7-9-291, the Committee shall make a finding or findings that each such deviation has been individually considered and found to be justified based upon specific special circumstances which apply.

Sec. 7-9-257. Modification of Maps and Conditions of Approval.

- a. Upon the request of the subdivider, approved tentative maps may be modified and conditions of approval may be modified or deleted by the Subdivision Committee. In all cases, the Director shall attempt to notify any third parties who have previously indicated an interest in the matter of the Subdivision Committee's scheduled consideration of the modification. Modifications shall be considered by the Subdivision Committee in the manner, and in accordance with the notice requirements, where applicable, set forth in Subdivision Code Section 7-9-253(b). Mandatory and automatic extensions of time as are provided for in the Subdivision Map Act are not affected by this provision.
- b. If the Director determines that the proposed modification is a minor modification of no significant effect and it complies with the spirit and intent of the original approving action, he/she may approve the modification without further compliance with this article.

- c. If the Director determines that the proposed modification is significant and it does not comply with the spirit and intent of the original approval, he/she may require going back to the Subdivision Committee for re-approval.

Sec 7-9-258. Period of Validity; Extension.

- a. An approved or conditionally approved tentative map shall expire thirty-six (36) months after its approval or conditional approval, unless prior to the expiration date a subdivider requests an extension of time to record said map.
- b. The Subdivision Committee may grant an extension of time for the map to be recorded for a period or periods not exceeding a total of five (5) years beyond the original date of expiration. In cases where the Director determines that a request for an extension of time to record involves no new significant environmental effects in addition to those considered during the original approval and that there have been no changes in the underlying zoning regulations applicable to the subject site that are inconsistent with the approved map, he may grant an extension of time for the map to be recorded for a period not exceeding five (5) years beyond the original date of expiration without submitting the matter to the Subdivision Committee.
- c. An extension may be granted only where it will not result in conditions or circumstances contrary to the public health and safety and the general welfare.
- d. Mandatory and automatic extensions of time as are provided for in the Subdivision Map Act are not affected by this provision.
- e. Other remedies on time limits and extension of times might be available per Section 66452.6 of the Subdivision Map Act.

Sec. 7-9-259. Appeal of Tentative Map to Planning Commission.

- a. Any interested person may appeal to the Planning Commission from any action of the Subdivision Committee by filing an appeal with the Director within ten (10) days of the action.
- b. The appeal shall identify the action being appealed, specify why the appellant is dissatisfied with the action, and suggest alternative action.
- c. The Director shall bring the matter before the Planning Commission for hearing within thirty (30) days after the date of filing the appeal. The subdivider, the appellant, and other property owners, shall be given at least ten (10) days notice of the Planning Commission's hearing as provided in Government Code section 65090.
- d. The Planning Commission may affirm, reverse or modify any recommendations or rulings of the Subdivision Committee and may make such findings as it deems appropriate. If only one or a limited number of conditions are being appealed, the

Planning Commission need not limit its review to those specific conditions but may review the whole action taken by the Subdivision Committee.

- e. An appeal, once filed, may be withdrawn by the appellant.
- f. If requested by the subdivider and if the Director determines that the public interest would be better served, an appeal of the Subdivision Committee action may be forwarded directly to the Board of Supervisors for action.

Sec. 7- 9-260. Appeal to Board of Supervisors.

- a. Any interested person may appeal to the Board of Supervisors from any action of the Planning Commission by filing an appeal with the Director within ten (10) days of the action.
- b. The appeal shall identify the action being appealed, specify why the appellant is dissatisfied with the action, and recommend an alternative action.
- c. The Clerk of the Board of Supervisors shall set the matter for hearing before the Board of Supervisors within thirty (30) days of the date of filing the appeal. The Director, the subdivider, the appellant, and other property owners, shall be given at least ten (10) days notice of the Board's hearing, as provided in Government Code section 65090.
- d. The Board of Supervisors may affirm, reverse or modify any recommendations or rulings of the Subdivision Committee or Planning Commission and may make such findings as it deems appropriate. If only one or a limited number of conditions are being appealed, the Board need not limit its review to those specific conditions, but may review the whole action taken by the Subdivision Committee or Planning Commission.
- e. An appeal, once filed, may be withdrawn by the appellant.

Sec. 7- 9-261, 7-9-262. Reserved

SUBARTICLE 6. STANDARDS OF DESIGN

Sec. 7-9-263. Conformance with Standards of Design.

Subdivisions shall be designed in conformance with the following standards of design. Deviations from these standards may be requested pursuant to Subdivision Code Section 7-9-291.

Sec. 7-9-264. Reserved.

Sec. 7-9-265. Reserved.

Sec. 7-9-265.1. Compliance with Grading Code.

No tentative tract map or tentative parcel map shall be approved for property on which a violation of the provisions of the Grading and Excavation Code exist, including work performed not in accordance with approved grading plans, unless conditioned to require such violation to be corrected or mitigated to the satisfaction of Building Official prior to recordation.

Sec. 7-9-266. Boundary Lines.

- a. Tentative map boundaries shall be drawn so as to include all of the area of all abutting parcels which are owned by the same property owner and proposed for boundary alteration. However, when any land is proposed to be divided in such a way that the subdivision will include a portion of such land, any portion with a contiguous gross area of five (5) acres or more which is not proposed to be included within the subdivision may be identified by reference on the tentative map.
- b. Tract and Parcel map boundaries will show the exterior boundaries with a distinctive line, and will label all adjoining parcels with either a Tract/Parcel Map, or Grant Deed recording reference. If the map includes a “designated remainder” parcel, the boundaries of the “designated remainder” will be shown in its entirety with bearings and distances, along with references to adjoining parcels or right-of-ways. If the “designated remainder” is five (5) acres or more, the County Surveyor will determine if the “designated remainder” is to be shown in its entirety on the tract or parcel map, or will allow an additional map sheet which shall indicate its relationship to the tract or parcel map. If an additional map sheet is allowed, the map sheet shall contain a statement that the additional information is for informational purposes, and is required to identify the relationship of the “designated remainder” to the tract or parcel map boundary.
- c. Whenever a parcel of real property lies partially within a city and partially within an unincorporated territory of the County of Orange, any proposal to subdivide such real property shall be consistent with existing city boundaries. No lot or parcel, except proposed public or private street rights-of-way, shall be partially within a city and

partially within an unincorporated area. Any portion of such real property lying within any city or any other county shall be included on the tentative map for the purpose of showing the remainder parcel, but any approving action on the tentative map by the County of Orange shall not be construed as approval of any design or improvements shown within the city or county.

- d. Regardless of its size, no portion of any property shown on the latest equalized County assessment roll as a unit or contiguous units shall be excluded from within the boundaries of a subdivision for the purpose of avoiding dedication or improvement of any street, drainage or flood control facility.

Sec. 7-9-267. Lots/Parcels.

- a. Each lot or parcel being created by a subdivision shall be either numbered or lettered. If it is numbered, it must comply with the requirements of a building site as defined in the Zoning Code.
- b. Lettered lots or parcels may not be used as building sites and need not comply with the requirements of a building site.
- c. Lettered lots or parcels, other than streets, shall be labeled as their intended use.
- d. A numbered lot or parcel which is shown so that it is in more than one zoning district shall comply with area and width requirements of the zoning district having the greater requirements.

Sec. 7-9-268. Arterial Highways.

If an existing or proposed arterial highway or transportation corridor as shown on the Master Plan of Arterial Highways (a component of the Circulation Element of the County of Orange General Plan) is located so that any portion of such highway lies within or adjacent to a subdivision, the highway or corridor shall be shown on the map in a width and in an alignment corresponding to the Master Plan of Arterial Highways, and the highway or corridor shall be designed in accordance with the Standard Plans or applicable specific plan adopted by the Board of Supervisors and the County of Orange Highway Design Manual.

Sec. 7-9-269. Private Streets.

Private streets shall be permitted, pursuant to conditions specified in the Subdivision Manual, only when the local agency finds that the occupants of the subdivision will be better served and the welfare of the general public will not be impaired thereby.

Sec. 7-9-270. Restricted Access to Highways.

Subdivisions shall be designed so as to limit vehicular access in accordance with the County of Orange Highway Design Manual.

Sec. 7-9-271. Street Widths.

Street widths within subdivisions shall be designed in conformance with the Standard Plans adopted by the Board of Supervisors, except:

- a. Streets in residential districts requiring a building site area of fifteen thousand (15,000) square feet or more and where no sidewalks are to be installed, shall have a right-of-way that will provide a parkway width of at least four (4) feet.
- b. Private streets serving four (4) or less parcels as access to a public street shall provide for a minimum pavement width of sixteen (16) feet within a minimum twenty-foot-wide-right-of-way.
- c. Private streets serving five (5) parcels or more as access to a public street shall provide for a minimum pavement width of twenty-eight (28) feet within a minimum forty-foot-wide-right-of-way.
- d. Streets in a subdivision which provides an approved alternate pedestrian circulation system shall have a right of way that will provide a minimum parkway width of at least four (4) feet.
- e. Unless otherwise approved.

Sec. 7-9-272. Reserved.

Sec. 7-9-273. Reserved.

Sec. 7-9-274. Curved Local Street and Highway Radii.

The centerline radii of curves on local streets or highways shall be designed in conformance with County of Orange Highway Design Manual as adopted by the Board of Supervisors.

Sec. 7-9-275. Local Street Lengths.

Local streets shall not exceed one thousand (1,000) feet in length without a significant change in alignment.

Sec. 7-9-276. Local Street and Highway Corner Cutoffs and Corner Radii.

All local street and highway corner cutoffs and corner radii shall be designed in conformance with the Standard Plans as adopted by the Board of Supervisors unless otherwise approved.

Sec. 7-9-277. Sidewalks and Pedestrianways.

- a. Sidewalks shall be designed in accordance with the Standard Plans adopted by the Board of Supervisors and located as follows:
 - (1) along both sides of arterial highways.
 - (2) along all commercial and industrial frontage;
 - (3) along both sides of collector streets;
 - (4) along residential frontage where the required minimum building site area is less than fifteen thousand (15,000) square feet and the lots have access to the street, except in those instances where an alternate pedestrian circulation system is proposed;
 - (5) along all streets leading directly to a school, a designated school bus stop or a park;
 - (6) where the sidewalk will provide a continuation or link between other sidewalks.
- b. Additional pedestrian ways not abutting a street shall be provided when necessary for access to schools, recreation and other public areas. These pedestrian ways shall not be less than six (6) feet in width.

Sec. 7-9-278. Bicycle and Riding & Hiking Trails.

Where the County Bikeway Plan (for street bicycles) or the Master Plan of Regional Riding and Hiking Trails (for mountain bicycles, hikers, and equestrians) or any officially adopted specific or precise plan designates such trails as lying wholly or partially within any proposed subdivision, the necessary right-of-way for such trails shall be shown on the map in compliance with such adopted plans, and shall be designed in accordance with the County of Orange Highway Design Manual and the Riding and Hiking Trails Design Manual.

Sec. 7-9-279. Street Lighting.

Street lighting shall be provided along, and at the intersections of all arterial highways and local streets in accordance with the illumination levels specified in the Standard Plans except as otherwise approved by the Director.

Sec. 7-9-280. Underground Utility Lines.

- a. Utility lines, including, but not limited to, electric, communications, street lighting, gas transmission and cable television, shall be required to be placed underground within any new, revised or reactivated residential subdivision. The subdivider is responsible for making the necessary arrangements with the utility companies for the installation of such facilities. For the purpose of this subsection, appurtenances and associated equipment such as, but not limited to, surface-mounted transformers, pedestal mounted terminal bases and meter cabinets, and concealed ducts in an underground system may be placed aboveground within the street right-of-way where sufficient right-of-way width exists so as not to pose a serious hazard to pedestrian traffic. If approved by the Director, utility lines, the main purpose of which is to provide service to customers outside of the original boundaries of the subdivision, and those utility lines which were in service in the area covered by the tentative tract or tentative parcel map prior to the filing of the tentative map may be placed aboveground.
- b. Required underground utility lines may be located in street or alley right-of-way or along any lot line, provided a properly executed and recorded easement is in place for the utility facility, dedicated by final map or by a separate instrument.
- c. Above ground installation of utilities shall be permitted on a temporary basis when such utilities are required during construction; provided, however, that such temporary utilities shall be removed or placed permanently underground prior to the final exoneration of street improvement bonds.

Sec. 7-9-281. Sewers.

All lots intended for development shall be connected to a sanitary sewer system unless the Director has determined that each lot is adequate to accept a private septic system.

Sec. 7-9-282. Drainage and Erosion Control.

- a. Tentative maps shall illustrate the existing and proposed manner in which water drains onto, across and off of the land being subdivided, including the facilities and easements necessary to accommodate the drainage.
- b. In the event a subdivider unnaturally concentrates or diverts surface water running onto adjacent land, the map shall illustrate the manner in which such water will be accepted and disposed of.

- c. If an existing or proposed flood control channel, as shown on an officially adopted flood control plan, is located so that any portion of it lies within (or adjacent to) a subdivision, the channel shall be illustrated on the map in a width and in an alignment corresponding to the floor control plan.
- d. Where any lot is designed in such a manner that it will not drain with a minimum one (1) percent grade directly to a street or common drainage facility, it shall be designed in a manner that will conform to the following criteria:
 - (1) Lots shall be designed in such a manner that man-made slopes are not subject to sheet flow or concentrated runoff from either the same or an adjacent lot.
 - (2) All water flowing down man-made slopes, except that falling on each slope, shall be constrained within an approved drainage device.
 - (3) All water flowing from one lot to or across another lot shall be within an approved drainage device located within a properly executed easement, where appropriate.

Sec. 7-9-283. Man-Made Slopes.

- a. Man-made slopes shall be designed so that they can be conveniently maintained so as to minimize erosion, slope failure and unsightly conditions.
- b. This section does not apply to man-made slopes five (5) feet in height or less.
- c. All man-made slopes shall be shown on tentative maps and shall be classified, labeled and designed as follows:

Type “A”: Those proposed to be maintained by a public agency or by a group, such as a homeowners association, and which are located either adjacent to an arterial highway or within a park, greenbelt, or other public or common open space area.

Type “B”: Those proposed to be maintained by a group, such as a homeowners association, and which are located within or adjacent to individual owners and which are not within a park, greenbelt, or other public or common open space area.

Type “C”: Those proposed to be maintained by individuals and which are located within individual lots in such a manner that they are inappropriate for maintenance by a group such as a homeowners association.

- d. Man-made slopes shall be no steeper than allowed by the County of Orange Grading and Excavation Code.

- e. The maximum height of man-made slopes steeper than five (5) feet horizontal to one (1) foot vertical shall be as follows:

Type “A” and Type “B”: No maximum

Type “C”: Twenty (20) feet.

- f. Man-made slopes shall not be constructed one on top of another or combined in such a manner so that they exceed the maximum heights specified in (e) above. However, this limitation shall not apply to adjacent slopes on land abutting the subdivision, provided there is a visual and physical break of at least ten (10) usable feet, exclusive of drainage facilities, between the top of the lower slope and the toe of the upper slope.
- g. Lettered lots shall not include Type “C” slopes, unless such slopes will be directly visible from the probable building pad on the lot.
- h. Automatic irrigation systems shall be incorporated into the design of Type “A” and Type “B” slopes. An irrigation system connected to the water system serving the main use of the lot shall be incorporated into the design of Type “C” slopes.
- i. The design of man-made slopes shall include landscaping in accordance with the requirements of Subdivision Code Section 7-9-285.

Sec. 7-9-284. Parks.

Local parks shall be shown on the tentative map as required by the Local Park Implementation Program or other approved document and in a manner consistent with the General Plan such as dedication or any other approved method.

Sec. 7-9-285. Landscaping and Screening.

The design of the area listed below shall include appropriate landscaping for aesthetic, noise suppression, fire protection and/or erosion control purposes:

- a. Man-made slopes greater than five (5) feet in height;
- b. Common areas;
- c. Roadway median and parkway areas;
- d. Lots containing existing significant trees or other plants proposed to be preserved;
- e. Fuel modification areas
- f. Other open space areas

Sec. 7-9-286. Reserved.

Sec. 7-9-287. Rivers and Streams.

- a. Any proposed subdivision fronting upon a public waterway, river or stream shall be designed so as to provide reasonable public access by fee or easement from a public highway to and along that portion of the bank of the river or stream bordering or lying within the proposed subdivision. The extent, width and character of the public easement shall be reasonably defined to achieve reasonable public use of the public waterway, river or stream consistent with public safety.
- b. The governmental entity to which the access route will be offered for dedication shall be indicated on the map.
- c. In determining what is reasonable public access, the following factors shall be considered:
 - (1) That access may be highway, foot trail, bike trail, horse trail, or any other means of travel acceptable to the Director or his/her designee;
 - (2) The size of the subdivision;
 - (3) The type of riverbank and the various appropriate recreation, educational and scientific uses, including but not limited to, swimming, boating, diving, fishing, water skiing, scientific collection and teaching.
 - (4) The likelihood of trespass on private property and reasonable means of avoiding such trespass.

Sec. 7-9-288. Lakes and Reservoirs.

- a. Any proposed subdivision fronting upon any lake or reservoir which is owned in part or entirely by a public agency may be designed so as to provide reasonable public access by fee or easement from a public highway to the water of the lake or reservoir upon which the subdivision borders, either within the subdivision or a reasonable distance from the subdivision.
- b. The governmental entity to which the access route will be offered for dedication shall be indicated on the map.
- c. In determining what is reasonable public access, the following factors shall be considered:
 - (1) That access may be highway, foot trail, bike trail, horse trail, or any other means of travel;
 - (2) The size of the subdivision;

- (3) The type of shoreline and the various appropriate recreational, educational and scientific uses, including, but not limited to, swimming, diving, boating, fishing, water skiing, scientific explorations and teaching;
- (4) The likelihood of trespass on private property and reasonable means of avoiding such trespass.

Sec. 7-9-289. Fire Protection.

- a. Any subdivision proposed to be located in an area shown on the Safety Element to be a State designated Local Responsibility Area (LRA) or State Responsibility Area (SRA), Very High Fire Hazard Severity Zone, High Fire Hazard Severity Zone, or Moderate Fire Hazard Severity Zone, and including areas not designated by the State that are subject to brush fires or wildfires, shall provide appropriate fire protection by means of firebreaks, fuel modification programs, access and egress roads, gates, sufficient water supply, secured fire protection agreements, landscaping and open spaces, and such other methods that the Fire Chief has determined will insure the public health, safety and welfare of the future occupants of the subdivision and the adjacent area.
- b. The designing of any required fuel modification program shall include landscape architectural planning encompassing visual quality standards, watershed impact and erosion control, and wildlife impact and other design features described in the fire hazard reduction design criteria. Results of wildlife impacts shall be sufficiently mitigated by the subdivider to only occur outside of the approved fuel modification zone. Said program shall include provisions for landscape architectural construction observation, inspection and maintenance.
- c. The cost of the design and implementation of any fuel modification program shall be the responsibility of the subdivider.
- d. A method or procedure for assuring continued maintenance of any required fuel modification program shall be provided by the subdivider and approved by the Fire Chief and the Director.

Sec. 7-9-290. Dangerous Areas to be Removed or Controlled.

- a. Areas proposed to be subdivided which are known to be dangerous by reason of geological conditions, unstable subsurface conditions, groundwater or seepage conditions, flood hazard, inundation or erosion by the ocean, or any other dangerous conditions, shall be approved for subdivision only when the Subdivision Committee finds that such conditions or hazards are to be removed or that appropriate measures or controls will be applied which will assure adequate protection to the subject property and to surrounding uses and improvements.

- b. Areas proposed for subdivision in (FP-1), (FP-2) and (FP-3) Districts, as defined in Zoning Code Section 7-9-113, FP “Floodplain” District Regulations, shall provide for flood protection meeting the criteria set forth in the said regulations for all building sites. Flood elevation data and engineering studies adequate for such determination shall be provided for all subdivision proposals adjacent to or encroaching into FP Districts as provided in Zoning Code Section 7-9-113.

Sec. 7-9-291. Deviations From Standards of Design.

- a. The Subdivision Committee may approve tentative maps which deviate from the standards of design contained in this section with the approval of the Chief Engineer.

7-9-267	Lots/parcels
7-9-268	Arterial Highways
7-9-270	Restricted Access to Highways
7-9-271	Street Widths
7-9-274	Curved Local Street and Highway Radii
7-9-276	Local Street and Highway Corner Cutoffs and Corner Radii
7-9-277	Sidewalks and Pedestrianways
7-9-278	Bicycle and Equestrian Trails
7-9-279	Street Lighting
7-9-280	Underground Utility Lines
7-9-283	Man-Made Slopes
7-9-285	Landscaping and Screening
7-9-289	Fire Protection

- b. The deviations from the standards of design contained in sections listed in Subsection (a) shall be identified by a note on the face of the tentative map, and the subdivider shall submit evidence of justification for each deviation.
- c. Special circumstances which may be cited to justify a deviation from the standards of design listed in Subsection (a) include, but are not limited to, the character of the community, alternative means of pedestrian circulation, environmental considerations, physical constraints, existing nearby uses and a limited amount of ultimate traffic.
- d. The Subdivision Committee shall take specific action on each requested deviation. Deviations not specifically approved shall be considered to be disapproved.

Sec. 7-9-292. Floodplain.

Areas proposed for subdivision in floodplains, as defined by Zoning Code Section 7-9-113, shall comply with the following:

- a. All subdivision proposals shall be consistent with Zoning Code Section 7-9-113.

- b. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage, with their structural supports designed to withstand hydrodynamic loading.
- c. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.
- d. Base flood elevation data shall be provided for subdivision proposals and other development proposed within the floodplain.

Sec. 7-9-293, 7-9-294. Reserved.

SUBARTICLE 7. DEDICATION

Sec. 7-9-295. Required Dedication for Public Use or Benefit.

Subject to applicable law, the Subdivision Committee may require the dedication to the public, to the County of Orange or to such other public agency as may be appropriate (of) all real property (or interest therein) in fee or an easement interest, both on or off site required for public use or benefit, including, but not limited to, the following:

- a. Local streets, arterial highways, and transportation corridors,
- b. Alleys,
- c. Trails, paths, and pedestrian ways,
- d. Flood-control facilities,
- e. Parks,
- f. Easements for landscaping maintenance,
- g. Public utility easements,
- h. Public transit facilities,
- i. Other public easements,
- j. Accessways to the ocean shoreline, bay shoreline, lakes, reservoirs, rivers, or streams as provided in Subdivision Code Sections 7-9-287 and 7-9-288.

Sec. 7-9-296. Transfer of Ownership Required for Private Use or Benefit.

The Subdivision Committee may require that the items listed in Subdivision Code Section 7-9-295 be deeded for private use or benefit to a homeowners association or other responsible body.

Sec. 7-9-297. Vehicular Access Rights and Abutters' Rights to Arterial Highways and Local Streets.

Whenever specified by the Subdivision Committee, offers of dedication of arterial highways shall include the release and relinquishment of vehicular access rights to and from such arterial highways from any property shown within a tract or parcel map abutting thereon. When the local agency finds that there is a particular circulation problem on a local street, release and relinquishment of access rights to and from said street may be required on the tract map or parcel map.

Sec. 7-9-298 School Sites.

The County may request a subdivider, who develops or completes the development of one or more subdivisions in one or more school districts maintaining an elementary school to dedicate to the school district, or districts, within which such subdivisions are to be located, such land as the County deems necessary for the purpose of constructing thereon such elementary schools as are necessary to assure the residents of the subdivision adequate public school service. In no case shall the County require the dedication of an amount of land which would make development of the remaining land held by the subdivider economically unfeasible or which would exceed the amount of land ordinarily allowed under the procedures of the State Allocation Board.

This section shall not be applicable to a subdivider who has owned the land being subdivided for more than 10 years prior to the filing of the tentative maps in accordance with Article 2 (commencing with Section 66452) of Chapter 3 of the California Government Code. The requirement of dedication shall be imposed at the time of approval of the tentative map. Prior to the approval of the tentative map, the subdivider shall provide adequate proof to the Subdivision Committee or the Director or their designee, that the school district is aware that the dedication will be imposed. If, within 30 days after the requirement of dedication is imposed by the city or county, the school district does not offer to enter into a binding commitment with the subdivider to accept the dedication, the requirement shall be automatically terminated. The required dedication may be made any time before, concurrently with, or up to 60 days after the filing of the final map on any portion of the subdivision. The school district shall, in the event that it accepts the dedication, repay the subdivider or his/her successors the original cost to the subdivider of the dedicated land, plus a sum equal to the total of the following amounts:

- (a) The cost of any improvements to the dedicated land since acquisition by the subdivider.
- (b) The taxes assessed against the dedicated land from the date of the school district's offer to enter into the binding commitment to accept the dedication.
- (c) Any other costs incurred by the subdivider in maintenance of such dedicated land, including interest costs incurred on any loan covering such land.

If the land is not used by the school district, as a school site, within 10 years after dedication, the subdivider shall have the option to repurchase the property from the district for the amount paid therefor.

The school district to which the property is dedicated shall record a certificate with the County Recorder. The certificate shall contain the following information:

- (1) The name and address of the subdivider dedicating the property.
- (2) A legal description of the real property dedicated.
- (3) A statement that the subdivider dedicating the property has an option to repurchase the property if it is not used by the school district as a school site within 10 years after dedication.
- (4) Proof of the acceptance of the dedication by the school district and the date of the acceptance. The certificate shall be recorded not more than 10 days after the date of acceptance of the dedication. The subdivider shall have the right to compel the school district to record such certificate, but until such certificate is recorded, any rights acquired by any third party dealing in good faith with the school district shall not be impaired or otherwise affected by the option right of the subdivider.

If any subdivider is aggrieved by, or fails to agree to the reasonableness of any requirement imposed pursuant to this section, he may bring a special proceeding in the superior court pursuant to Section 66499.37 of the California Government Code.

Sec. 7-9-299. Method of Dedication.

Dedications and offers of dedication shall be made by a certificate on the tract map or parcel map. Separate instruments may be used within the approval of the Director, when permitted by law and when the subdivider intends to dedicate or offer for dedication real property prior to the approval of a tract or parcel map.

Sec. 7-9-300. Exceptions.

Dedications required by Subdivision Code Section 7-9-295 shall not be required for any remainder parcel that is sufficient as to size and shape to be further divided in compliance with applicable zoning regulations provided the Subdivision Committee determines that such dedications and improvements are not necessary immediately for public use or benefit and that the property owner will not be excused from a requirement to dedicate and install necessary improvements at a later date.

Sec. 7-9-301. Reserved.

SUBARTICLE 8. IMPROVEMENTS, MONUMENTATION AND SECURITY

Sec. 7-9-302. Improvements Required (Tract Maps).

- a. The Subdivider shall grade and improve or agree to grade and improve all land shown on the tract map for those dedications listed in Subdivision Code Section 7-9-295 in compliance with the requirements of the approved tentative map in such a manner and with such improvements as are necessary for the general use of the lot or parcel owners in the subdivision and local neighborhood traffic and drainage needs as a condition precedent to the approval and acceptance of the tract map.
- b. The subdivider may be required to improve or agree to improve those dedications which are necessary for the subdivision project or convenient to ensure conformity to or implementation of the General Plan.

Sec. 7-9-303. Subdivision of Four or Less Parcels (Parcel Maps).

- a. Required improvements shall be noticed by a certificate on the parcel map or the instrument evidencing waiver of the parcel map. Except as otherwise specified in Subdivision Code Section 7-9-303(c), the certificate shall include a requirement for fulfillment of such improvements prior to issuance of any building permit or other grant of approval for development of the parcel, or for installation of the improvements at such earlier time as provided in the agreement.
- b. The agreement required by Subdivision Code Section 7-9-306 shall be entered into prior to the County Surveyor's approval of the parcel map for recordation, or prior to granting a waiver of the parcel map. Except as otherwise specified in Subdivision Code Section 7-9-303(c), the agreement shall provide for installation of the improvements prior to the granting of any building permit or other grant of approval for development of the parcel, or for the installation of the improvements at such earlier time as provided in the agreement.
- c. The requirements for installation of the improvements prior to issuance of building permits may be omitted from a parcel map when such a requirement is not a condition of approval of the parcel map or waiver of parcel map.

Sec. 7-9-304. Design Standards.

Improvements shall be designed and constructed in accordance with the standards of design contained in Subarticle 6 of this article, the Standard Plans, and any other applicable standards adopted by the Orange County Board of Supervisors.

Sec. 7-9-305. Improvements Plans.

All improvement plans of improvements to be installed within or supplemental to the tract or parcel map must be approved by the appropriate agency prior to approval of the tract or parcel map.

Sec. 7-9-306. Agreements in Lieu of Improvements.

If any improvements, public or private, are not completed satisfactorily or any monuments not set before the tract or parcel map is approved, the subdivider shall enter into an agreement with the County whereby, in consideration of the approval of the County of the tract or parcel map, the subdivider agrees to perform and to furnish the equipment and material necessary to complete the required work within the time specified in the agreement. Such agreement shall be accompanied by security as provided in Subdivision Code Sections 7-9-306 (Improvement Security) and 7-9-310 (Monumentation).

Sec. 7-9-307. Plan Checking, Engineering and Inspection Fees.

Subdividers submitting detailed plans and specifications for approval required by Subdivision Code Section 7-9-305 shall pay plan checking, engineering, and inspection fees as established by resolution of the Board of Supervisors.

Sec. 7-9-308. Improvement Security.

Security in the form specified by Subdivision Map Act shall be furnished with every improvement agreement. The amount of the security shall be as follows:

- a. If bonds are furnished by one of the authorized corporate sureties:
 - (1) A performance bond in the amount of one hundred (100) percent of the estimated cost of the improvement.
 - (2) A labor and material bond in the amount of one hundred (100) percent of the estimated cost of the improvement.
- b. If money, instrument of credit or negotiable bonds are furnished, one hundred (100) percent of the estimated cost of the improvement must be covered. Said money, instrument of credit or negotiable bonds shall apply to both faithful performance and payment to the contract, subcontractors, laborers, material men and other persons employed in the performance of the agreement.

Sec. 7-9-309. Release of Security.

The Director is authorized to release security in accordance with the provisions of the Subdivision Map Act. Partial release of security based on partial completion of work is possible when allowed pursuant to Section 66499.7 of the Subdivision Map Act.

Sec. 7-9-310. Monumentation.

- a. Monuments shall be set for each tract map, parcel map, and lot line adjustment in accordance with the provisions of the Subdivision Map Act and in accordance with the current rules and procedures shown in the Subdivision Manual.
- b. The agreement referred to in Subdivision Code Section 7-9-306 shall be accompanied by security in the sum not less than the cost of setting such monuments. The surveyor or engineer will provide the County Surveyor with an estimate to set the final monuments with Corner Records for each centerline monument.

Sec. 7-9-311. Extension of Time.

The Director is authorized to grant an extension of time to the agreement as specified in Subdivision Code Section 7-9-306, if in his/her opinion a delay in the completion of the improvements is justified and the delay will not cause substantial inconvenience to the general public.

Sec. 7-9-312. Types of Security Bonds and Agreements

The types of security bonds and agreements required by tract and parcel maps in lieu of improvements are for:

1. Grading
2. Landscaping/slopes
3. Street improvements/storm drain
4. Water
5. Sewer
6. Street lights
7. Survey monuments
8. Any other project specific bond

SUBARTICLE 9. FEES IN LIEU OF DEDICATION OR IMPROVEMENT

Sec. 7-9-314. Local Park Fees.

Local park fees shall be paid as required by the Local Park Implementation Program or other approved document, unless otherwise agreed under a Development Agreement or a specific agreement with local park agencies.

Sec. 7-9-315. Drainage Fees.

- a. The Board of Supervisors may, from time to time after a public hearing and written notice to the owners of property therein, adopt master plans of drainage for various areas of the County. Such plans shall contain an estimate of the total costs of constructing the local drainage facilities required by the plan and a map of the area showing its boundaries and the location of the planned facilities.
- b. Upon filing of a tract or parcel map and as a condition of approval of said tract or parcel map, a drainage fee shall be paid to the Director for deposit in a local drainage facilities fund in the amount set forth in the legislative action adopting and establishing a Master Plan of Drainage, if any, within which any portions of the subdivision may lie. Such charges and fees collected as a condition of subdivision approval shall hereinafter be referred to as drainage fees. In the event local drainage facilities are being constructed by the subdivider in conjunction with the subdivider's improvements, an agreement to construct said local drainage facilities may be accepted in lieu of part or all payment of drainage fees.
- c. The funds derived from the drainage fees shall be used for purposes of defraying the cost of designing and constructing planned local drainage facilities for the removal of surface and storm waters from the local drainage area described in such Master Plan of Drainage.
- d. The Board of Supervisors, in adopting a Master Plan of Drainage, shall find and determine that the subdivision and development of property will require construction of the facilities described in said Master Plan and that the drainage fees are fairly apportioned within the local drainage area, both on the basis of benefits conferred on property proposed for subdivision and on the need for local drainage facilities within such area which would be assessable on such property if such costs were apportioned uniformly on a per-acre basis.
- e. The fee as to any property proposed for subdivision within an area covered by a Master Plan of Drainage shall not exceed the pro rata share of the amount of the total estimated cost of all facilities within such area would be assessable on such property if such costs were apportioned uniformly on a per-acre basis.
- f. Drainage fees required by this section shall be paid into a local drainage facilities fund. A separate fund shall be established within each local drainage area. Moneys in

such funds shall be expended for engineering and administrative services to obtain construction; engineering and administrative services to obtain design of local drainage facilities by a duly registered civil engineer of those local drainage facilities within the planned local drainage area from which the fees comprising the fund were collected.

- g. At the discretion of the Board of Supervisors, rights-of-way dedication, actual construction and design by a duly registered civil engineer, and payment of plan check, engineering and inspection fees for the improvement of local drainage facilities described in a duly adopted Master Plan of Drainage may be accepted in lieu of the payment of drainage fees.
- h. Moneys may be advanced by the County from its General Fund or other sources to pay the cost of local drainage facilities within a local drainage area having a duly adopted Master Plan of Drainage, and subsequently such moneys advanced may be reimbursed from the local drainage facilities fund for the local drainage area in which the drainage facilities described in the Master Plan were constructed.
- i. When required for the implementation of a duly adopted Master Plan of Drainage (so) as to provide adequate drainage for a subdivision, an agreement may be entered into between the subdivider and County whereby the subdivider may advance funds for local drainage facilities within a local drainage area, provided that the sole security for payment of funds or other consideration advanced shall be moneys subsequently accruing to a local drainage facilities fund for said local drainage area in which the facilities are constructed. Reimbursement shall be for the amount advanced only and shall not include interest or other charges.
- j. After completion of the facilities and the payment of all claims from any planned local drainage facilities fund, the Board of Supervisors shall determine by resolution the amount of surplus, if any, remaining in any of such funds. Any such surplus shall be used, in such amounts as the Board may determine, for one or more of the following purposes:
 - (1) For transfer to the General Fund of the County, provided that the amount of such transfer shall not exceed five (5) percent of the total amount expended from the particular fund;
 - (2) For the construction of additional or modified facilities within the particular drainage or sanitary sewer area; or
 - (3) As a refund in the manner provided in Subsection (k) below.
- k. Any surplus remaining in a planned local drainage facilities fund shall be refunded as follows:

- (1) The balance of such moneys shall be refunded to the current owners of property for which a fee was previously collected in the same proportion which each individual fee collected bears to the total of all individual fees collected from the particular drainage or sewer area.
- (2) Where property for which a fee was previously collected has subsequently been divided into more than one lot, each current owner of a lot shall share in the refund payable to the owners of the property for which a fee was previously collected in the same proportion which the area of each individual lot bears to the total area of the property for which a fee was previously collected.
- (3) There shall be transferred to the General Fund of the County any remaining portion of the surplus which has not been paid to or claimed by the persons entitled thereto within two (2) years from the date of either the completion of the improvements or the date the Board adopts a resolution declaring a surplus, whichever occurs last.

Sec. 7-9-316. Major Thoroughfare and Bridge Fees.

- a. A subdivider, as a condition of approval of a tentative map, or a building permit applicant, as a condition of issuance of a building permit, shall pay a fee as hereinafter established to defray the costs of constructing bridges over waterways, railways, freeways and canyons, or constructing major thoroughfares.
- b. Definitions.
 - (1) The term “construction” as used in this section includes preliminary studies, design, acquisition of right of way, administration of construction contracts, and actual construction.
 - (2) The term “major thoroughfare” means those roads designated as transportation corridors and major, primary, secondary, or commuter highways on the Master Plan of Arterial Highways, the circulation element of the General Plan. The primary purpose of such roads is to carry through traffic and provide a network connecting to the State highway system.
 - (3) “Bridge facilities” mean those locations identified in the transportation or flood control provisions of the circulation element or other element of the General Plan as requiring a bridge to span a waterway, a railway, freeway, or canyon.
 - (4) “Area of benefit” means a specified area wherein it has been determined that the real property located therein will benefit from the construction of a major thoroughfare or bridge project.

- c. The provisions herein for payment of a fee shall apply only if the major thoroughfare or bridge facility has been included in an element of the General Plan adopted by the Board of Supervisors at least thirty (30) days prior to the filing of a map or application for a building permit and on land located within the boundaries of the area of benefit.
- d. Payment of fees shall not be required unless any planned bridge facility in a new bridge serving the area or an addition to an existing bridge facility serving the area at the time of the adoption of the boundaries of the area of benefit.
- e. Payment of fees shall not be required unless any planned bridge facility in a new bridge serving the area or an addition to an existing bridge facility serving the area at the time of the adoption of the boundaries of the area of benefit.
- f. Action to establish an area of benefit may be initiated by the Board of Supervisors upon its own motion or upon the recommendation of the Director. The proposal will be forwarded to the Planning Commission for its review and recommendations at a regular, adjourned or special meeting. The Planning Commission's comments and recommendations and the Director's report, shall be transmitted to the Board of Supervisors. The Board of Supervisors will set a public hearing for each proposed area benefited. Notice of the time and place of said hearing including preliminary information related to the boundaries of the area of benefit, estimated costs and the method of fee appointment shall be given in the following manner:
 - (1) If there are one hundred (100) or fewer property owners within the proposed area of benefit, notice shall be given at least ten (10) calendar days before the hearing by first-class mail addressed to each property owner within the boundary of the proposed area of benefit.
 - (2) If there are more than one hundred (100) property owners within the proposed area of benefit, notice shall be given at least ten (10) calendar days before the hearing by the following:
 - A. Notice published at least once in a newspaper of general circulation within the proposed area of benefit.
 - B. Notices posted throughout the proposed area of benefit with at least three (3) notices posted at arterial highway intersections within the proposed area of benefit.
 - C. Notices sent by first-class mail to all Municipal Advisory Committees and known homeowners associations within the proposed area of benefit.

- D. Notice by first-class mail to any person who has filed a written request therefor with the Director, OC Public Works. Such request shall apply for the calendar year in which it is filed.
- g. (1) At the public hearing the Board of Supervisors will consider the testimony, written protests, and other evidence. At the conclusion of the public hearing, the Board of Supervisors may, unless a majority written protest is filed and not withdrawn as specified in section g(3), determine to establish an area of benefit. If established, the Board of Supervisors shall adopt a resolution describing the boundaries of the area of benefit, setting forth the cost, whether actual or estimated, and the method of fee apportionment. A certified copy of such resolution shall be recorded with the County Recorder of the County of Orange,
- (2) Such apportioned fees shall be applicable to all properties within the area of benefit and shall be payable as a condition of approval of a final map or as a condition of issuing a building permit for such property or portions thereof. Where the area of benefit includes lands not subject to the payment of fees pursuant to this section, the Board of Supervisors shall make provisions for payment of the share of improvement cost apportioned to such lands from other sources.
- (3) Written protest will be received by the Clerk of the Board of Supervisors at any time prior to the close of the public hearing. If written protests are filed by the owners of more than one-half of the area of the property to be benefited by the improvement, and sufficient protests are not withdrawn so as to reduce the area represented by the protests to less than one-half of the area to be benefited, then the proposed proceedings shall be abandoned, and the Board of Supervisors shall not, for one year from the filing of said written protests, commence or carry on any proceedings for the same improvement under the provisions of this section. Any protests may be withdrawn by the owner making the same, in writing, at any time prior to the close of the public hearing.
- (4) If any majority protest is directed against only a portion of the improvement, then all further proceedings under the provisions of this section to construct that portion of the improvement so protested against shall be barred for a period of one year, but the Board of Supervisors shall not be barred from commencing new proceedings not including any part of the improvement so protested against. Such proceedings shall be commenced by a new notice and public hearing as set forth in subsection (f) above.
- (5) Nothing in this section shall prohibit the Board of Supervisors, within such one-year period, from commencing and carrying on new proceedings for the construction of an improvement or portion of improvements so protested against if it finds, by the affirmative vote of four-fifths of its members, that the

owners of more than one-half of the area of the property to be benefited are in favor of going forward with such improvement or portion thereof.

- h. Fees paid pursuant to this section shall be deposited in a planning bridge facility or major thoroughfare fund. A fund shall be established for each planned bridge facility project or each planned major thoroughfare project. If the area of benefit is one in which more than one bridge or major thoroughfare is required to be constructed, a separate fund may be established covering all of the bridge projects or major thoroughfares in the area of benefit. If the area of benefit encompasses one or more bridges and one or more thoroughfares and all lands within the area of benefit are subject to the same proportionate fee for all bridges and thoroughfares, a single fund may be established to account for fees paid. Moneys in such fund shall be expended solely for the construction or reimbursement for construction of the improvements serving the area to be benefited and from which the fees comprising the fund were collected, or to reimburse the County of Orange for the costs of constructing the improvement.
- i. The Board of Supervisors may approve the acceptance of considerations in lieu of the payment of fees established herein.
- j. The Board of Supervisors may approve the advancement of money from the General Fund or Road Fund to pay the costs of constructing the improvements covered herein and may reimburse the General Fund or Road Fund for such advances from planned bridge facility or major thoroughfare funds established pursuant to this section.
- k. If the subdivider, as a condition of approval of the subdivision, is required or desires to construct a bridge or major thoroughfare, the Board of Supervisors may enter into a reimbursement agreement with the subdivider. Such agreement may provide for payments to the subdivider from the bridge facility or major thoroughfare fund covering that specific project to reimburse the subdivider for costs not allocated to the subdivider's property in the resolution establishing the area of benefit. If the bridge or major thoroughfare fund covers more than one project, reimbursements shall be made on a pro-rata basis reflecting the actual or estimated costs of the projects covered by the fund.

Sec. 7-9-317-7-9-319. Reserved.

SUBARTICLE 10. TAXES AND ASSESSMENTS

Sec. 7-9-320. Certificate from Tax Collector-Treasurer.

Prior to the filing of a tract map or parcel map with the Board of Supervisors, the subdivider shall cause to be issued and filed by and with the Treasurer-Tax Collector, a certificate stating that, according to the records of such office, there are no liens against the subdivision or any part thereof for unpaid State, County, municipal or local taxes or special assessments collected as taxes, except taxes or special assessments collected as taxes not yet payable. As to taxes or special assignments collected as taxes which are a lien but not yet payable, the subdivider shall cause to be issued and filed with the Treasurer-Tax Collector a certificate giving his/her estimate of the amount of taxes and special assessments collected as taxes which are a lien but not yet payable.

Sec. 7-9-321. Security.

Whenever any part of the subdivision is subject to a lien for taxes or special assessments collected as taxes which are not yet payable, the tract map or parcel map shall not be recorded until the owner or subdivider executes and files with the Treasurer-Tax Collector security conditioned upon the payment of all State, County, Municipal and local taxes and the current installment of principal and interest of all specific assessments collected as taxes, which at the time the tract map or parcel map is recorded are a lien against the property, but which are not yet payable. The Treasurer-Tax Collector is authorized to approve the security for payment of taxes required by this section.

Sec. 7-9-322. Apportionment.

The apportionment of security and delinquencies shall be handled in accordance with the provisions of the Subdivision Map Act.

Sec. 7-9-323. Release.

The Treasurer-Tax Collector is authorized to release security required by this article when the secured taxes and assessments have been paid.

Sec. 7-9-324. Taxes.

If a tract map or parcel map is to be recorded between November 1st and December 31st of a calendar year, the subdivider is required to pay in full all State, County, municipal or local taxes and deposit security taxes for next calendar/fiscal year that are not yet due or payable at the time of map recordation.

SUBARTICLE 11. PARCEL MAP REQUIREMENTS AND PROCEDURES

Sec. 7- 9-325. Content and Form

The content and form of parcel maps shall be governed by the provisions of the Subdivision Map Act and guided by the Subdivision Manual. Refer to the Subdivision Manual for parcel map checklist and requirements.

The Surveyor\Engineer preparing the map must make a statement on the Parcel Map that the map meets the Minimum Standards for Surveying as defined in the County of Orange Subdivision Mapping Manual (current version), and has a minimum Relative Positional Accuracy as stated in the manual.

Sec. 7- 9-326. Parcel Map Required

- a. When a subdivision is proposed to be created through the tentative parcel map process, a parcel map shall be filed for record with the County Recorder. No proposed subdivision shall be complete until such parcel map has been filed for record, unless a waiver has been approved.
- b. A parcel map, within commercial or industrial zoned areas, identifying lease lines or lines for tax purposes, may be filed for record with the Country Recorder without being required to comply with the tentative parcel map requirements of this article. Each parcel on such map shall be identified by letter and shall not be considered to be a separate building site. No transfers of fee title may be made in connection with such map. Identification shall be shown on the face of such map as to its purpose restricting building sites and prohibiting transfer of fee title of any new parcel.

Sec. 7- 9-327. Signatures Required

- a. When dedications or offers of dedications, either limited or irrevocable, are made on the parcel map, all parties having any record title interest in the real property being subdivided, including parties to which an irrevocable offer of dedication has been made over the property, or any portion thereof, shall consent to the preparation and recordation of the parcel map by signing the required certificate. Such signatures shall be properly acknowledged. The certificate need not be signed by public entities and public utilities which own rights-of-way, easements or other interests which cannot ripen into a fee, provided that:
 - (1) The Subdivision Committee determines that division and development of the property in the manner set forth on the tentative parcel map will not unreasonably interfere with the free and complete exercise of the public entity or public utility right-of-way or easement;
 - (2) The map contains a statement that the Subdivision Committee has determined that the division and development of the property in the manner set forth on

the map will not unreasonably interfere with the free and complete exercise of the public entity or public utility right-of-way or easement; and

- (3) The public entity or utility has been given the opportunity to object to such a determination in accordance with the provisions of the Subdivision Map Act.
- b. When dedication offers of land or easements are not being made on the map, with all improvements in place and monuments set, no bonds or agreements are required on the parcel map. Such parcel map can be recorded with acceptance of County Surveyor and designated Director, without Board of Supervisor's approval.

Sec. 7-9-328. Method of Approval.

- a. Notwithstanding any other provision hereof, the subdivider may submit a parcel map at any time to the County Surveyor for his/her preliminary review. Submission of a parcel map to the County Surveyor for preliminary review shall not be deemed to constitute "timely filing" within the meaning of Subdivision Map Act section 66452.6.
- b. In order to be approved, a parcel map must demonstrate the following:
 - (1) Compliance with all conditions imposed on the approval of the tentative parcel map;
 - (2) Substantial conformance with the approved tentative parcel map and any approved alterations thereof.
 - (3) Substantial completeness of the parcel map submitted.
- c. The map shall be deemed "timely filed" within the meaning of Subdivision Map Act section 66452.6 when delivered to the County Surveyor. Acceptance of a map for filing pursuant to this subsection shall not be deemed to be acceptance of the map as having met the requirements of subsection "b" above. The map shall be subject to such processing, approving, and other actions to prepare the map for approval and recording.
- d. Parcel maps, together with any required improvement agreements and security, shall be submitted to the Director for review and preliminary determination as to satisfaction of the requirements of "b" above. In the event the Director determines that the parcel map is not acceptable for further processing, the Director shall, within ten (10) days of the date the processing fees were collected, advise the subdivider in writing of his/her preliminary determination and of the matters necessary to be satisfied in order to continue processing the parcel map. In the event the subdivider fails to make reasonable progress in meeting the requirements identified by the Director for continued processing of the parcel map, as set forth in subsection "b" above, the map shall be presumed not to conform to the tentative parcel map and not

to have satisfied the conditions of approval and no further processing of the map shall be required. However, the Director may cause the map to be forwarded to the Board of Supervisors with a recommendation that the map be denied for failure to comply with the requirements of the Subdivision Map Act and this ordinance.

- e. If and when the parcel map submittal complies with the requirements of subsection “b”, the Director shall notify the subdivider and the County Surveyor of his/her preliminary decision within ten (10) days of receipt of the parcel map submittal.
- f. The subdivider may submit additional information in response to the notice provided by the Director. If the subdivider does not believe that additional information is necessary, the subdivider may request that the parcel map, as originally submitted, be presented to the Board of Supervisors for consideration.
- g. Within twenty (20) days (or more if requested by the subdivider) after the Director notifies the County Surveyor that all conditions required for approval of the parcel map have been satisfied and any required improvement agreements and security are in order, the County Surveyor shall examine the map and, if appropriate, shall execute the certificate required by the Subdivision Map Act.
- h. After the County Surveyor executes his/her certificate, the Director shall transmit the parcel map to the Clerk of the Board of Supervisors. The Clerk of the Board shall present the map and any required agreements, securities and approvals to the Board of Supervisors for their approval. The Clerk shall sign the Clerk of the Board of Supervisors’ certificate on the parcel map after the Board’s approval. When dedication offers of fee or easements are not being made on the map, and all improvements are in place and monuments set, no bonds or agreements are required on the parcel map. Such parcel map can be recorded with acceptance of County Surveyor and designated Director, without the Board of Supervisor’s approval.

Sec. 7-9-329. Filing with the County Recorder.

The County Surveyor shall transmit the approved parcel map to the County Recorder for filing, unless the surveyor/engineer/subdivider requests an alternate time schedule for recordation.

Sec. 7-9-330. Ties to Horizontal Control/Digital Map Submission.

- a. The County Surveyor maintains a horizontal control network within the developed areas of the county. This network also includes the Orange County Real Time Network (OCRTN). Any of these stations may be utilized as the control ties to the boundary of the parcel map. State Plane Coordinates for these stations will be the California Coordinate System of 1983 (CCS83), Zone VI, OCS 2007.00 Epoch Adjustment or current adjustment as approved by the County Surveyor.

- b. All data pertaining to these control stations will be published on a Horizontal Control Data Sheet by the County Surveyor and made readily available to the public.
- c. The County shall require the surveyor or engineer to show on the Parcel Map those control ties made by the surveyor or engineer to such control stations and those coordinates for each control station that are published by the County.
- d. The County shall require the surveyor or engineer preparing the Parcel Map to tie either the boundary of said map or the centerline of any major road adjacent to said boundary into the California Coordinate System (CCS83) in at least two locations. These two locations should be as far apart as possible or as mutually agreed upon by the surveyor or engineer and the County Surveyor.
- e. The Basis of Bearings of all Parcel Maps shall be the California Coordinate System (CCS 83), Zone VI, OCS 2007.00 Epoch Adjustment or current adjustment as directed by the County Surveyor as established by the use of the horizontal control network as defined in Paragraph a (above).
- f. The County Surveyor shall require the surveyor or engineer preparing a Parcel Map to submit to the County, in addition to the material currently being submitted for map checking and recordation purposes, a digital CADD file containing the boundary, street centerline, right-of-way and lot/parcel line data necessary to facilitate transferring the file into the County Landbase in an acceptable format as determined by the Country Surveyor.
- g. If the boundary of the Parcel Map being submitted is a lot or parcel of a map already tied to the California Coordinate System, CCS83, Zone VI, OCS 2007.00 Epoch Adjustment or current adjustment as directed by the County Surveyor, the requirements in Paragraph e (above) may be waived.

SUBARTICLE 12. TRACT MAP REQUIREMENTS AND PROCEDURES

Sec. 7-9-331. Content and Form.

The content and form of tract maps shall be governed by the provisions of the Subdivision Map Act and guided by the Subdivision Manual. Refer to the Subdivision Manual for tract map checklist and requirements.

Sec. 7-9-332. Tract Map Required.

When a subdivision is proposed to be created through the tentative tract map process, a tract map shall be filed with the County Recorder. No proposed subdivision shall be complete until the tract map has been recorded.

Sec. 7-9-333. Signatures Required.

All parties having any record title interest in the real property being subdivided, including parties to which an irrevocable offer has been made over the property, or any portion thereof, shall consent to the preparation and recordation of the tract map by signing the required certificate. Such signatures shall be properly acknowledged. The certificate need not be signed by public entities and public entities which own rights-of-way, easements or other interests which cannot ripen into a fee, provided that:

- a. Division and development of the property in the manner set forth in the map will not unreasonably interfere with the free and complete exercise of the public entity holding public utility rights-of-way or easements;
- b. The Subdivision Committee has determined that the division and development of the property in the manner set forth on the tentative tract map will not unreasonably interfere with the free and complete exercise of the public entity or public utility right-of-way or easement; and
- c. The public entity or utility has been given an opportunity to object to such a determination in accordance with the provisions of the Subdivision Map Act.

Sec. 7-9-334. Method of Approval.

- a. Notwithstanding any provision hereof, the subdivider may submit a tract map at any time to the County Surveyor for his/her preliminary review. Submission of a tract map to the County Surveyor for preliminary review shall not be deemed to constitute "timely filing" within the meaning of Subdivision Map Act section 66452.6.
- b. In order to be approved, a tract map must demonstrate the following:
 - (1) Compliance with all conditions imposed on the approval of the tentative tract map.

- (2) Substantial conformance with the approved tentative tract map and any approved alterations thereof.
 - (3) Substantial completeness of the tract map submitted.
- c. The map shall be deemed “timely filed” within the meaning of Subdivision Map Act section 66452.6 when delivered to the County Surveyor. Acceptance of a map for filing pursuant to this subsection shall not be deemed to be acceptance of the map as having met the requirements of subsection “b” above. The map shall be subject to such processing, approving, and other actions necessary to prepare the map for approval and recording.
 - d. Tract maps, together with any required improvement agreements and security, shall be submitted to the Director for review and preliminary determination as to satisfaction of the requirements of “b” above. In the event the Director determines that the tract map is not acceptable for further processing, the Director shall, within ten (10) days of the date the processing fees were collected, advise the subdivider in writing of his/her preliminary determination and of the matters necessary to be satisfied in order to continue processing the final tract map. In the event the subdivider fails to make reasonable progress in meeting the requirements identified by the Director for continue processing of the final tract map, as forth in subsection “b” above, the map shall be presumed not to conform to the tentative tract map and not to have satisfied the conditions of approval and no further processing of the map shall be required. However, the Director may cause the map to be forwarded to the Board of Supervisors with a recommendation that the map be denied for failure to comply with the requirements of the Subdivision Map Act and this ordinance.
 - e. If and when the tract map submittal complies with the requirements of subsection “b”, the Director shall notify the subdivider and the County Surveyor of his/her preliminary decision within ten (10) days of receipt of the tract map submittal.
 - f. The subdivider may submit additional information in response to the notice provided by the Director. If the subdivider does not believe that additional information is necessary, the subdivider may request that the final tract map, as originally submitted, be presented to the Board of Supervisors for consideration.
 - g. Within twenty (20) days (or more if requested by the subdivider) after the Director notifies the County Surveyor that all conditions precedent to the approval of the tract map have been satisfied and any required improvement agreements and security are in order, the County Surveyor shall examine the map and, if appropriate, shall execute the certificate required by the Subdivision Map Act.

Sec. 7-9-335. Filing with the Board of Supervisors.

After the County Surveyor executes his/her certificate, the Director shall transmit the tract map to the Clerk of the Board of Supervisors. The Clerk of the Board shall present the tract map and any required agreements, securities and approvals to the Board of Supervisors for their approval. The Clerk shall sign the Clerk of the Board of Supervisors' certificate on the tract map after the Board's approval.

Sec. 7-9-336. Filing with the County Recorder.

The County Surveyor shall transmit the approved tract map to the County Recorder upon receipt of the map from the Clerk of the Board, for recordation, unless the surveyor/engineer/subdivider requests an alternate time schedule for recordation.

Sec. 7-9-337. Ties to Horizontal Control/Digital Map Submission

- a. The County Surveyor maintains a horizontal control network within the developed areas of the county. This network also includes the Orange County Real Time Network (OCRTN). Any of these stations may be utilized as the control ties to the boundary of the tract map. State Plane Coordinates for these stations will be the California Coordinate System of 1983 (CCS83), Zone VI, OCS 2007.00 Epoch Adjustment or current adjustment as directed by the County Surveyor.
- b. All data pertaining to these control stations will be published on a Horizontal Control Data Sheet by the County Surveyor and made readily available to the public.
- c. The County shall require the surveyor or engineer to show on the tract map, those control ties made by the surveyor or engineer to such control stations and those coordinates for each control station that are published by the County.
- d. The County shall require the surveyor or engineer preparing the tract map to tie either the boundary of said map or the centerline of any major road adjacent to said boundary into the California Coordinate System (CCS83) in at least two locations. These two locations should be as far apart as possible or as mutually agreed upon by the surveyor or engineer and the County Surveyor.
- e. The Basis of Bearings of the tract map shall be the California Coordinate System (CCS 83), Zone VI, OCS 2007.00 Epoch Adjustment or current adjustment as directed by the County Surveyor as established by the use of the horizontal control network as defined in Paragraph a (above).
- f. The County shall require the surveyor or engineer preparing the tract map to submit to the County, in addition to the material currently being submitted for map checking and recordation purposes, a digital CADD file containing the boundary, street centerline, right-of-way and lot line data necessary to facilitate transferring the file

into the County Landbase in an acceptable format as determined by the County Surveyor.

- g. If the boundary of the tract map being submitted is a lot or parcel of a map already tied to the California Coordinate System, CCS83, Zone VI, OCS 2007.00 Epoch Adjustment or current adjustment as directed by the County Surveyor, the requirements in Paragraph e (above) may be waived.

SUBARTICLE 13. WAIVERS AND EXCEPTIONS

Sec. 7-9-338. Waivers and Exceptions Permitted.

When requested by the subdivider or by a governmental agency, waivers from the requirement for recording a tract map or parcel map or filing a tentative and tract map for the construction of a condominium project on a single parcel may be approved by the Subdivision Committee in compliance with the provisions of this subarticle. The requirement for recording a tract map or parcel map shall not be waived when the County Surveyor finds that a survey and/or monumentation is necessary.

Sec. 7-9-339. Types of Subdivisions Eligible.

The following types of subdivision are eligible to receive a waiver from the requirement for recording a map:

- a. Parcel maps listed in Subdivision Code Section 7-9-232 (a, b, c, and d). See Subdivision Code Sections 7-9-340 through 7-9-342 for applicable waiver procedure and requirements.
- b. Subdivisions involving the construction of a condominium project on a single parcel. See Subdivision Code Section 7-9-343 for applicable waiver procedure and requirements. This waiver is not applicable to an existing rental (apartment) development project which is being converted to a condominium project.

Sec. 7-9-340. Waiver Procedure.

A waiver from the requirement for recording an eligible map per Subdivision Code Section 7-9-339 may be approved in compliance with the following procedure:

- a. A tentative map, accurately describing the existing legally created parcel and each proposed parcel, shall be submitted. Such tentative map shall be processed in compliance with the tentative map procedures outlined in Subarticle 5 of this code.
- b. A waiver request shall be made by the subdivider and accompany the tentative map. This waiver is not applicable to an existing rental (apartment) development project which is being converted to a condominium project.
- c. Prior to any action to approve a waiver, the Subdivision Committee shall make findings that the subdivision:
 - (1) Will comply with County requirements as to area, improvement and design, floodwater drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability [and] environmental protection for a specific project;

- (2) Will satisfy any other requirements pertaining to the subdivision of land as specified in the Subdivision Map Act, this code and any other applicable County ordinance; and
 - (3) Will not create any unnecessary conditions or situations that will be incompatible with existing and possible future uses of adjacent properties.
- e. Conditions of approval shall be imposed as to required improvements, easements and utilities, as required for the development of the specific project.
 - f. If a new private street name is proposed, the Board of Supervisors designates the Subdivision Committee as the official approving authority, and the request for the new street name will accompany the waiver application.
 - g. If easements are proposed, the Board of Supervisor designates the Director as the authority to accept easements for the purposes of emergency access, public utilities, and any other public easements that may be required for the development of the project.

Sec. 7-9-341. Waiver Does Not Establish Parcels.

The approval of a waiver of the requirement to record a parcel map does not create subdivision or satisfy the requirements applicable to the division of a parcel of land. Any parcels shown on a tentative map for which a parcel map has been waived shall not be considered to be legally established until a certificate of compliance for such parcels has been recorded in the office of the County Recorder.

Sec. 7-9-342. Time to Record a Certificate of Compliance

A waiver of the requirement to record a parcel map is valid only for such time as the subject tentative map is valid, and a waiver approval shall expire concurrently with the expiration of the tentative map approval. After a waiver has been approved and within the period of validity of a tentative map, and when the Director has determined that all conditions and requirements of the tentative map have been satisfied, he/she shall cause a certificate of compliance to be recorded within the specified time period. In the event any required conditions have not been satisfied, a conditional certificate of compliance may be recorded within the specified time period. Such conditional certificate of compliance shall contain a notice of the conditions that are required to be satisfied prior to the recordation of a certificate of compliance.

Sec. 7-9-343. Waiver for the Construction of a Condominium Project on a Single Parcel.

Pursuant to Section 66428 (b) of the Subdivision Map Act, the requirement for a tentative and tract map for the construction of a condominium project on a single parcel may be waived in accordance with the following procedure:

- a. A Site Development Permit, accurately depicting the proposed project, shall be submitted to the Subdivision Committee for review. The Site Development Permit shall be prepared in compliance with the Site Development Permit procedures adopted by the Director.
- b. A waiver request shall be made by the subdivider and shall accompany the Site Development Permit.
- c. Prior to any action to approve a waiver, the Subdivision Committee shall make findings that the proposed project depicted on the Site Development Permit complies with the following items:
 - (1) Will comply with County requirements as to area, improvement and design, floodwater drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability [and] environmental protection for a specific project;
 - (2) Will satisfy any other requirements pertaining to the subdivision of land as specified in the Subdivision Map Act, this code and any other applicable County ordinance; and
 - (3) Will not create any unnecessary conditions or situations that will be incompatible with existing and possible future uses of adjacent properties.
- d. Conditions of approval shall be imposed as to required improvements, easements, utilities, and any security bonding as required for the construction of the specific project.
- e. If a new private street name is proposed, the Board of Supervisor designates the Subdivision Committee as the official approving authority, and the request for the new street name will accompany the waiver application.
- f. If easements are proposed, the Board of Supervisors designates the Director as the authority to accept easements for the purposes of emergency access, public utilities, and any other public easements that may be required for the development of the project.

This waiver is not applicable to an existing development project which is converted to a condominium project.

SUBARTICLE 14. REVERSIONS TO ACREAGE

Sec. 7-9-344. Reversion Authorized.

Subdivided real property may be reverted to acreage pursuant to the provisions of the Subdivision Map Act, this subarticle and the Subdivision Manual.

Sec. 7-9-345. Content and Form of Petitions for Reversion to Acreage.

Petitions shall conform with such requirements as to form and content as may be specified in the Subdivision Manual and shall include a final tract map. If the land to be reverted consists of four (4) or less contiguous parcels under the same ownership, a parcel map may be submitted in lieu of the tract map. No reversion shall be complete until such map has been recorded with the County Recorder.

Sec. 7-9-346. Subdivision Committee Review.

Petitions for reversion to acreage shall be reviewed by the Subdivision Committee. They shall make recommendations thereon to the Director within thirty (30) days of the date the petition was filed with the Director. Thereafter, the Director shall transmit the petition and the Subdivision Committee's recommendations through the Planning Commission to the Clerk of the Board of Supervisors, who shall set the matter for public hearing before the Board. The Clerk shall publish a notice of the time and place of said hearing in accordance with the provisions of the Subdivision Map Act and give written notice of the hearing of the petitioners.

Sec. 7-9-347. Board Hearing.

At the conclusion of the public hearing, the Board of Supervisors may make such findings, including those set forth in the Subdivision Map Act, as the Board deems appropriate. If the Board intends to approve the reversion to acreage, it shall impose the conditions required by the Subdivision Map Act.

If the proposed tract or parcel map has been approved by the County Surveyor, the Board may approve the reversion and authorize transmitting the map to the County Recorder for recordation. The Board may disapprove the proposed reversion or may continue the matter until the tract map or parcel map has been approved by the County Surveyor. Thereafter the Board may approve the reversion and authorize transmitting the map to the County Recorder for recordation. The County Surveyor shall then transmit the approved tract or parcel map to the County Recorder for filing, unless the surveyor/engineer/subdivider requests an alternate time schedule for recordation.

Sec. 7-9-348. Reserved.

SUBARTICLE 15. CERTIFICATE OF COMPLIANCE

Sec. 7-9-349. Reserved.

Sec. 7-9-350. Reserved.

Sec. 7-9-351. Approval.

Certificates of compliance shall be approved by the Director. The Director may require a tentative map, if it is determined that the land was subdivided or created in violation of the Subdivision Map Act.

Sec. 7-9-352. Procedure.

Requests for a certificate of compliance shall be processed and reviewed in compliance with the provisions and procedures set forth in the Subdivision Manual. No certificate of compliance or conditional certificate of compliance shall be valid until it has been recorded with the County Recorder.

Sec. 7-9-353. Reserved.

Sec. 7-9-354. Reserved.

SUBARTICLE 16. LOT LINE ADJUSTMENTS

Sec. 7-9-355. Criteria.

- a. Person(s) owning four (4) or fewer existing adjoining parcels who propose to adjust the boundaries of said parcels in a manner so that the land taken from one parcel is added to an adjoining parcel and a greater number of parcels than originally existed is not thereby created may apply for a lot line adjustment.
- b. The application for lot line adjustment shall be prepared by a person authorized to practice land surveying pursuant to the Professional Land Surveyors Act.

Sec. 7-9-356. Application, Review, and Recordation.

- a. Applications for a lot line adjustment and the review and recordation thereof shall conform with such requirements as to form, content, and process as may be specified by the Director in Chapter 7 of the Subdivision Manual.
- b. Applications for lot line adjustments shall be reviewed by the Director or designee, for compliance with the Subdivision Manual. The Director may place conditions as defined in Section 66412 (d) of the Subdivision Map Act on the lot line adjustment.
- c. When all parcels are contiguous and under the same ownership:
After the proposed lot line adjustment is approved by the Director for compliance with the Subdivision Manual, the owner(s) shall prepare deeds to convey the newly adjusted parcels to the existing owner(s).
- d. When all parcels are contiguous but not under the same ownership:
After the proposed lot line adjustment is approved by the Director for compliance with the Subdivision Manual, the owners shall prepare deeds to convey the appropriate portions to or from the adjoining parcel, and/or shall prepare deeds to convey the adjusted parcels to the existing owners.
- e. When improvements exist, and are shown in compliance with the Subdivision Manual, monuments may be required to adequately delineate the adjusted parcel lines. If monuments are placed or the adjusted parcel lines are not shown on a previously recorded tract map, parcel map or Record of Survey, a Corner Record or Record of Survey will be required in compliance with the Professional Land Surveyors Act, § 8762. The County Surveyor shall review the legal descriptions and exhibits, new grant deeds and Corner Record or Record of Survey. Upon the approval from the County Surveyor, the deeds will be submitted to the County Recorder for recordation. After the deeds are recorded, the recording information will be shown on a Corner Record, filed with the County Surveyor, or a Record of Survey, filed with the County Recorder.

- f. When a lot line adjustment is prepared for a recorded tract or parcel map, and monuments have not been placed for which a security bond exists, the monuments shall be placed at the new adjusted parcel lines (per the lot line adjustment). A Record of Survey will be required in compliance with the Professional Land Surveyors' Act, § 8762. The monument bond for the adjusted lots or parcels will be released after a Record of Survey is filed with the County Surveyor's Office. A Certificate of Correction shall be filed with the County Surveyor's Office and shall state that the boundary lines of the tract or parcel map affected by the lot line adjustment will be monumented per said lot line adjustment and not per the tract or parcel map. The Certificate of Correction shall also reference the Record of Survey that is filed as a result of the lot line adjustment.

Sec. 7-9-357. Reserved

SUBARTICLE 17. NOTICES OF VIOLATION

Sec. 7-9-358. Tentative Notices of Violation.

Whenever the Director has information indicating that real property has been divided in violation of the Subdivision Map Act or the Subdivision Code, he shall file for record with the County Recorder a tentative 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 on the issue whether the property has been divided in violation of the Subdivision Map Act or the Subdivision Code.

Sec. 7-9-359. Receipt of Evidence.

Upon recordation of a tentative notice of violation, the Director shall bring the matter before the Subdivision Committee, which shall schedule a meeting at which evidence as to why a final notice of violation should not be recorded may be presented. The owner of the land in question shall be given at least thirty (30) days written notice of said meeting, unless the owner requests an earlier determination.

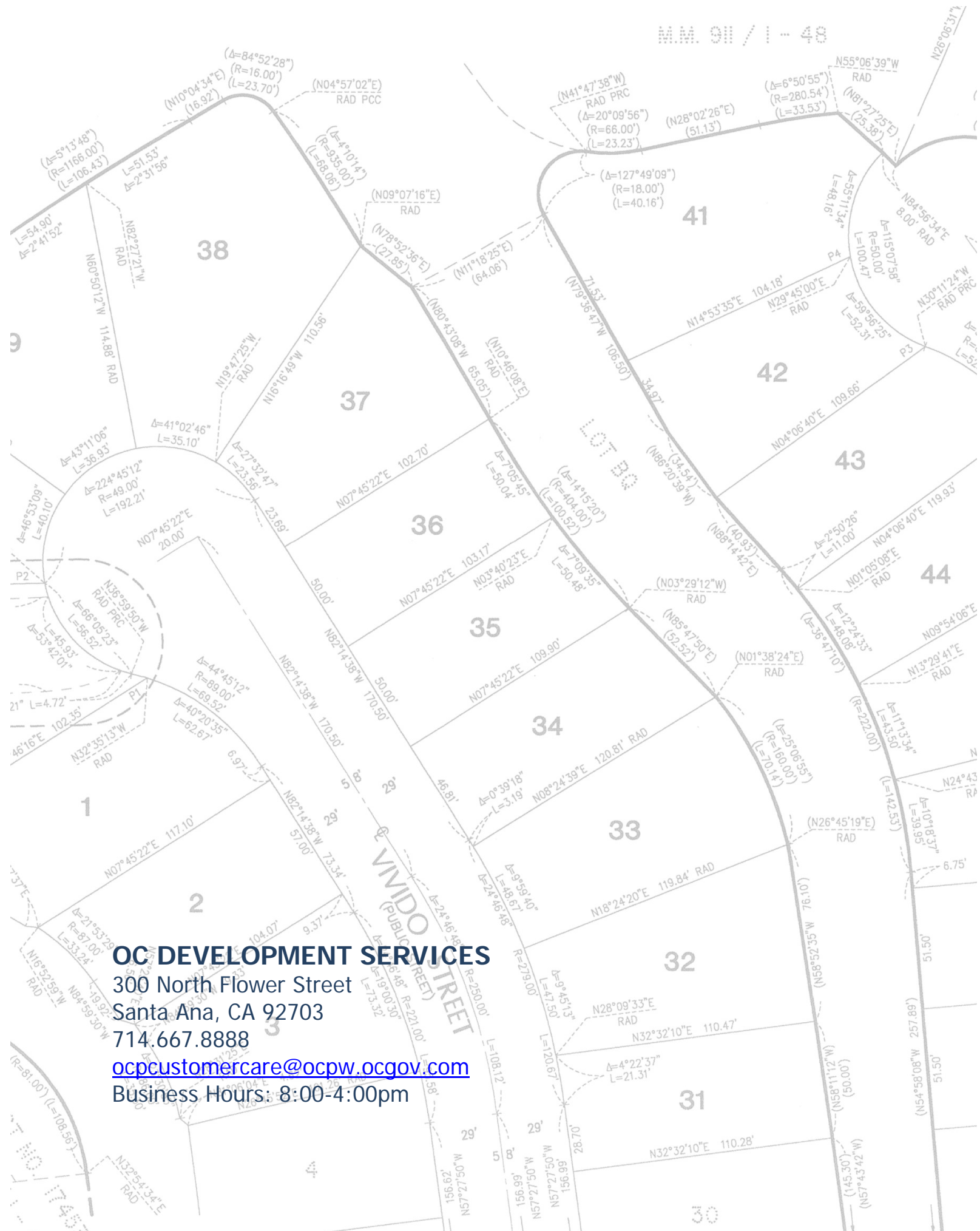
Sec. 7-9-360. Subdivision Committee Determination.

- a. If the Subdivision Committee determines that there has been no violation, the Director shall file for record a release of the tentative notice of violation with the County Recorder.
- b. If the Subdivision Committee determines that there has been a violation, or if whether sixty (60) days of receipt of such copy, the owner of such real property fails to inform the Director of his objection to recording the notice of violation, the Director shall file a final notice of violation with the County Recorder.

Sec. 7-9-361. Release by Certificate of Compliance.

A notice of violation may be released by a certificate of compliance pursuant to Subarticle 15 of this article.

Section 7-9-362 – 7-9-399. Reserved.



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