



Proposed text amendments to the Ferndale Subdivision Ordinance

Redline Version

**August 6, 2025 Public Hearing of the
Ferndale Planning Commission**

**Project location of proposed text amendments: Citywide in the
City of Ferndale.**

Notes:

1. Proposed amendments to the following sections are shown in underlined text for additions and ~~striketrough~~ text for deletions.
2. All sub-sections not included in the below sections shall continue in full force, unamended by this Ordinance.

SECTION 1.5 SUBDIVISION MAPS (FIVE OR MORE PARCELS)

Section 1.502 Tentative Subdivision Maps

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1.502.8 Expiration and Extensions.

1.502.8.1 Expiration. Expiration of an approved or conditionally approved Tentative Subdivision Map shall be as provided by this section and the Subdivision Map Act.

The approval or conditional approval of a Tentative Subdivision Map shall expire 24 months-four (4) years from the effective date of the Planning Commission's adopted Resolution adoption of the Resolution by the Planning Commission approving or conditionally approving the Tentative Subdivision Map unless an extension is approved as provided in Section 1.502.8.2. An extension to the expiration date may be approved as provided in Section 1.502.8.2.

Expiration of an approved or conditionally approved Tentative Subdivision Map shall terminate all proceedings and no Final Map of all or any portion of the real property included within such expired Tentative Subdivision Map shall be filed without first processing a new Tentative Map.

1.502.8.2 Extensions.

(a) Request by Subdivider. ~~The subdivider or his/her engineer may request an extension of the expiration date of the approved or conditionally approved Tentative Subdivision Map by written application to the Planning Department. When a subdivider has not completed all Tentative Subdivision Map conditions of approval and filed a Final Map with the City within the time limits established in Section 1.502.8.1, time extensions may be granted in compliance with this Section.~~

1. The subdivider or their engineer shall file a written extension request. The application shall be filed with the City Clerk not less than forty-five (45) days before the map is to expire and shall state the reasons for requesting the

extension.

2. Pursuant to the Subdivision Map Act, upon receipt of the written application, the map shall ~~an~~ automatically be extended for sixty (60) days extension will be honored, or until the application for the extension is approved, conditionally approved, or denied, whichever occurs first. ~~until a decision is rendered on the extension.~~

(b) Planning Commission Action. The Planning Department shall review the request and submit the application for the extension, together with a report, to the Planning Commission for approval, conditional approval or denial. A copy of the Planning Department's report shall be forwarded to the subdivider prior to the Planning Commission meeting on the extension. An extension of time may be granted if the Planning Commission finds the subdivision, at the time the application for the extension of time is heard, conforms to the then-existing General Plan, is consistent with the zoning of the parcels and conforms to the improvement standards that are being imposed upon similar new subdivisions. The Resolution adopted by the Planning Commission approving or conditionally approving an extension shall specify the new expiration date of the Tentative Subdivision Map.

(c) Time Limit of Extension. ~~The approved "discretionary" extension shall not exceed 12 months. The approved new expiration date shall not extend more than three (3) years beyond the date of the Resolution adopted by the Planning Commission approving or conditionally approving the Tentative Subdivision Map. The Planning Commission may approve or conditionally approve the time when an approved or conditionally approved Tentative Subdivision Map expires. The Planning Commission may approve up to three (3) separate extension requests in increments of twenty-four (24) month periods. The expiration date may be extended but the total expirationextension period shall not exceed six (6) years from the effectiveexpiration date of the Planning Commission's adopted resolution approving or conditionally approving the Tentative Subdivision Map.~~

~~(e)~~(d) Conditions of Approval. As a condition of the extension of the Tentative Subdivision Map, the Planning Commission may impose new conditions or revise existing conditions on the approved Tentative Map as recommended by the Planning Department in its report or as it may find necessary. The Planning Commission may condition its approval by subjecting the subdivider to any increase in applicable development fees or to new development fees which have occurred since the approval of the map.

~~Note: Conditioning of extensions of Tentative Maps is limited, but allowed, providing it is based upon the reasonable and necessary findings, and should be thoroughly investigated, pursuant to the Subdivision Map Act and any applicable case law, prior to implementation.~~

~~(d)~~(e) Appeal of Conditions of Extension. The subdivider may appeal any action of

the Planning Commission on the extension to the City Council within ~~ten~~fifteen (105) days of such action in accordance with Section 1.502.7.1 of this Ordinance.

~~(e)~~(f) Fee. The fee for processing an extension shall be at actual cost. A deposit to be applied toward this fee may be required.

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SECTION 1.6 PARCEL MAP SUBDIVISIONS (FOUR OR FEWER PARCELS)

Section 1.601 Tentative Parcel Maps

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1.601.12 Expiration and Extensions.

1.601.12.1 Expiration. Expiration of an approved or conditionally approved Tentative Map shall be as provided by this Section and the Subdivision Map Act. Approval or conditional approval of the Tentative Parcel Map shall expire ~~24 months~~four (4) years from the effective date of the Planning Commission's adopted resolution approving or conditionally approving the Tentative Parcel Map Subdivision of its approval. unless an extension is approved as provided in Section 1.601.12.2.

The expiration of the approved or conditionally approved Tentative Parcel Map shall terminate all proceedings and no Final Map of all or any portion of the real property included within such expired Tentative Parcel Map shall be filed without first processing a new Tentative Parcel Map.

1.601.12.2 Extensions

The request for extensions of the expiration date of an approved or conditionally approved Tentative Parcel Map, and any subsequent Planning Commission action, time limit of extension(s), conditions of approval of extension(s), appeals to Planning Commission action or conditions of approval of extension(s), and any associated processing fees shall be guided by, pursuant to and conform with, Section 1.502.8.2 of this Ordinance. The extension of time shall commence with the expiration date of the approved or conditionally approved Tentative Parcel Map.

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SECTION 1.7 LOT LINE ADJUSTMENTS

Section 1.701 General.

~~The~~ Lot lines between ~~four or fewer existing two or more adjacent adjoining~~ parcels ~~or lots~~ may be adjusted pursuant to the provisions of this Section and the Subdivision Map Act. It is the City of Ferndale's policy to provide for the adjustment of property boundaries between contiguous parcels in a manner consistent with state law. The ~~Planning Department City Planner~~ shall limit its review and approval to the following determinations:

- (1) The proposed Lot Line Adjustment occurs between ~~two-four~~ or ~~more-fewer~~ ~~“existing”~~ and ~~“adjacent”~~ parcels, as defined by the Subdivision Map Act.
- (2) No new parcels are created.
- (3) Parcels ~~involved in resulting from~~ the Lot Line Adjustment will conform to the City's general plan, any applicable specific plan, and zoning and building ~~and zoning~~ ordinances.
 - (a) The proposal neither causes non-conformance nor increases the severity of preexisting nonconformities with zoning and building ordinances. Providing compliance with this subsection, the approval shall not be conditioned on correction of preexisting non-conformities with zoning and building ordinances.
- ~~(3)~~(4) Complies with the requirements of the California Environmental Quality Act.

The City shall not impose conditions or exactions on ~~it's-its~~ approval of a Lot Line Adjustment except: a) to conform to the City's general plan, any applicable specific plan, and zoning and local ~~building and zoning~~ ordinances, b) to facilitate the relocation of existing utilities, infrastructure or easements, and c) to require the prepayment of real property taxes prior to the approval of the Lot Line Adjustment. No Tentative Map, Parcel Map, or Final Map shall be required as a condition of approval. The Lot Line Adjustment shall be reflected in a Notice of Lot Line Adjustment and Certificate of Subdivision Compliance, Deed, and a Record of Survey or Lot Line Adjustment Plot Plan exhibit which shall be recorded.

If there is more than one ownership involved, and a Lot Line Adjustment is approved, along with a Record of Survey or Lot Line Adjustment Plot Plan exhibit, Notices of Lot Line Adjustment and Certificates of Subdivision Compliance, and Deed or Deeds for the areas to establish ownership of record for each parcel must be recorded. When parcels being adjusted are held in common ownership, no new Deeds shall be required. However, a Lot Line Adjustment Plot Plan exhibit shall be required. No record of survey shall be required for a Lot Line Adjustment unless required by Section 8762 of the Business and Professional Code.

Section 1.702 Initiation of Proceedings

Proceedings for a Lot Line Adjustment shall be initiated by application of all the owners of record of the affected properties. The application shall be in a form prescribed by the Planning Department. A certificate, signed and acknowledged by all parties having record title interest in the effected land, excepting those parties having rights-of-way, easements, or other interest which cannot ripen into a fee, consenting to the ~~lot line adjustment~~ Lot Line Adjustment. ~~If there is more than one ownership involved, and a Lot Line Adjustment is approved, along with a Record of Survey or Notice of Lot Line Adjustment Plot Plan, a Deed or Deeds for the areas to establish ownership of record for each parcel must be recorded.~~

Section 1.703 Information to Accompany Application

The following information shall be submitted along with the Application for Lot Line Adjustment.

- (1) ~~Three~~ One (1) ~~copies~~ of the present owners of record's Vesting Deeds and a Title Report for each lot to be adjusted ~~(that have been prepared within six (6) months of submittal).~~
- (2) ~~Three~~ One (1) ~~copies~~ of a legible Lot Line Adjustment Plot Plan accurately drawn to scale, ~~not to exceed 8 1/2" x 14" in size,~~ that shows all of the following information for each lot to be adjusted:
 - (a) All exterior and interior lines shall be shown on the plat and dimensioned based on information of record.
 - (b) Proposed new lines and lines to be eliminated shall be so identified by written notation or by legend and shall be readily distinguishable from each other and other lines.
 - (c) Areas of the initial and resulting parcels shall be identified in square footage or acreage.
 - (d) All existing structures, their uses, and other constructed improvements, located within 50 feet of the existing boundaries or the proposed new boundaries shall be accurately located and shown with dimensions from the property lines.
 - (e) The names, county road numbers, and widths of abutting rights-of-way and their locations.
 - (f) The locations, purpose, and width of all proposed and existing easements, streets, and appurtenant utilities located within 100 feet of the existing boundaries or the proposed new boundaries.

(g) The approximate location of all water courses, drainage channels, and existing drainage structures located within 100 feet of the existing boundaries or the proposed new boundaries.

(h) Approximate high water lines of all areas subject to inundation located within 100 feet of the existing boundaries or the proposed new boundaries, and the Federal Emergency Management Agency (FEMA) flood zones.

(i) Assessed owners and parcel numbers.

(j) North arrow, and scale.

(k) Vicinity map.

(3) Location of wells, septic tanks and primary and reserve leach fields within 100 feet of the existing boundaries or the proposed new boundaries.

(4) Fees per the applicable City of Ferndale Fee Schedule, or as otherwise established or directed by the City Council.

(5) A written statement from the ~~Applicant~~applicant explaining the reason(s) for the proposed Lot Line Adjustment.

~~(6) "Current Parcel Map Guarantee" for all properties affected.~~

~~(7) Traverse closure and legal description (if required for deeds) of proposed parcel configurations prepared by a registered Civil Engineer or Land Surveyor.~~

~~(8) Written confirmation of written request to the County Assessor for Boundary Line Adjustment.~~

Section 1.704 ~~Submittal to City Engineer~~ Lot Line Adjustment Application Review Process

The following steps shall be followed for the review and approval of a Lot Line Adjustment application:

(1) The City Engineer shall determine the completeness of the application within thirty (30) days of its submittal. The Plot Plan for the Lot Line Adjustment together with all other data as required by this Ordinance shall be submitted to the City Engineer for review. Should the City Engineer determine the application is incomplete, the applicant shall be notified in writing within thirty (30) days from the date the application was accepted for filing by the City.

(2) Once the application has been determined to be complete, the City Engineer shall

forward the Lot Line Adjustment application to the City Planner. The City Planner, or their designee, shall review the application and related documents to verify compliance with the general plan, any applicable specific plans, zoning and building ordinances, and compliance with the California Environmental Quality Act. The City Planner shall recommend to the City Engineer approval, conditional approval, or denial of the application based on the criteria outlined in Section 1.7. The City Planner shall prepare a report with recommendations of approval or conditional approval of the Lot Line Adjustment. The City Planner shall submit their report to the City Engineer and applicant within fifteen (15) days of receipt of the complete Lot Line Adjustment application.

(3) Referral to Interested Agencies. Lot line adjustment applications shall be referred to such departments and agencies as the City Engineer and City Planner deem to be appropriate. Such departments and agencies shall be allowed 15 days to respond with recommendations and comment, from the date of distribution to such departments and agencies.

(4) Within sixty (60) days of a determination that a Lot Line Adjustment application is complete, the City Engineer shall approve, conditionally approve or deny the Lot Line Adjustment if the application is determined to be exempt from environmental review pursuant to the California Environmental Quality Act.

~~Upon finding that the application meets with the requirements of this Ordinance and the Subdivision Map Act, the City Engineer shall submit the Lot Line Adjustment Plot Plan, together with his report and recommendations of approval or conditional approval of the Lot Line Adjustment, to the City Planner for his consideration.~~

Section 1.705 Planning Department Action

~~The Planning Department, or other similar authorized representative shall review the Lot Line Adjustment application and Plot Plan for conformance with the City's building and zoning Ordinances. The Planning Department may refer the Lot Line Adjustment Plot Plan to the Planning Commission for their consideration when the proposed Lot Line Adjustment has the potential for arousing extraordinary public concern. The Planning Department shall also prepare a report, in conjunction with the City Engineers report, with recommendations of approval or conditional approval of the Lot Line Adjustment. The Planning Department shall report back to the City Engineer and shall submit the report(s) to the Applicant.~~

Section 1.706 Review and Notice of Public Hearing

~~Upon receipt of the Planning Departments report, the City Engineer or his authorized representative shall set the matter for public hearing. Notice of the hearing shall be given in accordance with the provisions of Section 1.502.6.1 of this Ordinance.~~

~~The City Engineer, at his discretion, may require that a public hearing be held by the Planning~~

~~Commission when the proposed adjustment arouses extraordinary public concern. Said hearing shall be in accordance with Section 1.502.6 of this Ordinance.~~

Section 1.705 Findings for Approval and/or Denial

In approving or conditionally approving the Lot Line Adjustment, the City Engineer shall find that the proposed Lot Line Adjustment complies with the requirements of the California Environmental Quality Act, and is consistent with the general plan, any applicable specific plan, and zoning and building ordinances.

The Lot Line Adjustment may be denied for any reason provided by the Subdivision Map Act, or other applicable State law.

Section 1.7076 Action by the City Engineer

~~Upon completion of the public hearing, the City Engineer shall approve, conditionally approve or deny the Lot Line Adjustment. If the Lot Line Adjustment is approved it shall be signed and dated by the City Engineer and City Attorney or their authorized representative. A letter of the action taken, along with any conditions imposed shall be sent to the applicant. If the Lot Line Adjustment is denied, the applicant shall be so notified in writing with a statement for the reasons of denial.~~

(1) The City Engineer has the authority to approve, conditionally approve, or deny a Lot Line Adjustment application. The City Engineer shall consider the written reports of other departments and agencies.

(2) If the Lot Line Adjustment is approved it shall be signed and dated by the City Engineer. A letter of the action taken, along with any conditions imposed shall be sent to the applicant. If the Lot Line Adjustment is denied, the applicant shall be so notified in writing with a statement for the reasons of denial. A letter of action taken for approval or denial of the Lot Line Adjustment shall be provided to the applicant within five (5) days of the City Engineer's action.

(3) Within five (5) days of the City Engineer's approval of a Lot Line Adjustment, the City shall provide written notice of the City Engineer's approval of the Lot Line Adjustment shall be mailed through the United States mail to each owner of property within three hundred feet of the properties which are the subject of the Lot Line Adjustment application. The notice shall include the procedures for filing an appeal and indicate the last day to file an appeal.

(4) The City Engineer's approval of a Lot Line Adjustment application shall become effective and final upon expiration of the fifteen (15) day appeal period unless an appeal is filed in accordance with Section 1.709 Appeal of City Engineer Action. In the event that an appeal is filed, the Lot Line Adjustment approval shall be stayed until approval is

obtained from the Planning Commission, or from the City Council on further appeal.
Section 1.708 Approval and/or Denial

~~In approving or conditionally approving the Lot Line Adjustment, the City Engineer or authorized representative shall find that the proposed Lot Line Adjustment is consistent with local zoning and building ordinances.~~

~~The Lot Line Adjustment may be denied for any reason provided by the Subdivision Map Act, or other applicable State law.~~

Section 1.707 When An Application is Denied

When a Lot Line Adjustment application is denied, the applicant shall be notified in writing by the City Engineer within sixty (60) days from when the application is deemed complete. The applicant shall be given the opportunity to correct the map. The applicant may file a revised Lot Line Adjustment application along with any additional fees required. Failure to file a revised Lot Line Adjustment within six (6) months from the date of the denial of the original application shall terminate all proceedings.

Section 1.7098 Conditions of Approval.

In approving the Lot Line Adjustment, the City Engineer may impose as conditions any of the following requirements:

- ~~(a)~~(1) Payment of all Applicable Fees.
- ~~(b)~~(2) Conditions to make the findings that, and to assure that, the Lot Line Adjustment conforms to and meets the requirements of this Ordinance and the Subdivision Map Act.
- ~~(c)~~(3) Conditions to make the findings that, and to assure that, the Lot Line Adjustment conforms to and meets the requirements of the General Plan, any applicable specific plan, local building and zoning ordinances. A Lot Line Adjustment that does not increase the severity of preexisting nonconformities with zoning and building ordinances, shall not be conditioned on correction of preexisting non-conformities with zoning and building ordinances.
- ~~(d)~~(4) Recordation of “Lot Line Adjustment Plot Plan exhibit” if a record of survey is not required.
- ~~(e)~~(5) Conditions to facilitate the relocation of existing affected utilities, infrastructure or easements.
- ~~(f)~~(6) Require the payment of real property taxes prior to the approval of the Lot Line

Adjustment.

(7) Traverse closure and legal description (if required for deeds) of proposed parcel configurations prepared by a California licensed Land Surveyor or a California registered Civil Engineer qualified to practice land surveying.

(8) Preparation of Notices of Lot Line Adjustments and Certificates of Subdivision Compliance.

These requirements shall be in accordance with the provisions of this Ordinance and the Subdivision Map Act. The applicants shall be notified in writing of all conditions imposed.

Section 1.710-709 Appeal of City Engineer Action.

1.710709.1 By Applicant. If the ~~applicant~~applicant(s) disagree with any action by the City Engineer with respect to the Lot Line Adjustment, they may, within ~~ten~~fifteen (~~10~~15) days of receipt of such decision, appeal such action to the Planning Commission, in accordance with the below Section 1.710709.2 of this Ordinance.

1.710709.2 By Interested Persons Adversely Affected. Any ~~interested~~ person adversely affected by a decision of the City Engineer with respect to the Lot Line Adjustment may, file an appeal of such action to within ten (10) days of such decision, ~~file an appeal with the secretary of~~ the Planning Commission. The appeal shall be filed with the City Clerk within fifteen (15) days of the date of the notice of the City Engineer's approval of the Lot Line Adjustment. The appeal shall be in writing, and accompanied by the filing fee as established by the City Council. The appellant shall state in their written appeal specifically why the approval of the City Engineer is not in accord with the standards and regulations of the Lot Line Adjustment ordinance, the Subdivision Map Act, or other applicable State law, or why it is believed that there was an error or an abuse of discretion by the City Engineer.

The Planning Commission shall consider the appeal within thirty (30) days, or at their next regular meeting. This appeal shall be a public hearing with notice being given pursuant to Section 1.502.6.1 with additional notices to be given to the ~~petitioners-appellant~~and to the affected interested persons. Upon the conclusion of the public hearing, or any continuance of said hearing agreed to between the Planning Commission and the applicant, the Planning Commission shall within ten (10) days declare its findings. The Planning Commission may sustain, modify, reject, or overrule any recommendations or rulings of the City Engineer and may make such findings as are not inconsistent with the provisions of this Ordinance or the Subdivision Map Act.

The applicant, or any other interested person adversely affected by the decision of the Planning Commission with respect to the Lot Line Adjustment may file an appeal with the City Council concerning such decision. The procedure contained in Section 1.502.7

shall apply.

Section 1.711-710 Expiration and Extension.

1.711-710.1 Expiration. The approval or conditional approval of the Lot Line Adjustment shall expire twenty-four (24) months from the effective date of its approval.

The expiration of the approved or conditionally approved Lot Line Adjustment shall terminate all proceedings, and no adjustment of the real property included in said Lot Line Adjustment such shall be filed without first processing a new Lot Line Adjustment application.

1.711-710.2 Extension.

(1) Request by Petitioners. The applicants for the Lot Line Adjustment may request an extension of the expiration date of the approved or conditionally approved Lot Line Adjustment by ~~written filing an~~ application ~~to with~~ the ~~Planning Department~~ City Clerk. The application shall be filed not less than thirty (30) days prior to the expiration date and shall state the reasons for requesting the extension.

(b2) Application Review and City Engineer and Planning Department Action.

(a) ~~The review of City Engineer shall review~~ the request for extension shall be in accordance with Section 1.704.

(b) The Action by the City Engineer shall be in accordance with Section 1.706.

(3) Time limit of Extension. No more than two extensions shall be approved for a Lot Line Adjustment and the period of each extension shall not exceed twelve (12) months. The extension of time shall commence with the expiration of the approved or conditionally approved Lot Line Adjustment. The approved new expiration date shall not extend more than ~~three-four~~ (43) years beyond the date of initial approval by the City Engineer.

(e4) Conditions of Approval. As a condition of extension, the City Engineer may impose new conditions or revise existing conditions on the approved Lot Line Adjustment, as recommended by the ~~City Planner Planning Department~~ in ~~its~~ their report, or as ~~he/she~~ they may find necessary. These conditions shall be in accordance with Section 1.7098 of this Ordinance, the Subdivision Map Act and any other applicable State law.

(d5) Appeal Conditions of Extension. The applicants, or ~~any~~ other persons adversely affected, may appeal any action of the City Engineer on the extension, to the Planning Commission within ten (10) days of such action. Appeals shall be in accordance with

Section 1.~~710~~709 of this Ordinance.

~~(e6)~~ Fee. The fee for processing an extension shall be at actual cost. A deposit to be applied toward this fee may be required.

Section 1.712 ~~Correction or~~ Amendments to an Approved Lot Line Adjustment.

Amendments to an approved Lot Line Adjustment or conditions of approval thereof may be approved by the City Engineer, upon written application of the applicants provided:

- (1) Such changes are consistent with the intent of the original Lot Line Adjustment approval, and
- (2) There are no resulting violations of the Ferndale City Ordinances, and
- (3) Such changes conform to all the provisions of Section 1.7 of this Ordinance.

The fee for processing an amendment to an approved Lot Line Adjustment shall be at actual cost. A deposit to be applied toward this fee may be required.

Any ~~revisions-corrections or amendments~~ shall be approved by the City Engineer and City Planner. The amendment shall be indicated on the approved Plot Plan, and certified by the City Engineer and City Planner, and shall be reflected within a recorded document as directed by the City Engineer.

Section 1.713 Boundary Corrections Exemption

Boundary Corrections. The adjustment of property lines for the corrections of record title descriptions or real property is exempt from the Lot Line Adjustment requirements of this Section 1.7, provided that the City Surveyor finds:

- ~~(a1)~~ That the correction is necessary to correct deed descriptions to coincide with the physical conditions and/or occupation lines of the properties
- ~~(b2)~~ That such physical conditions and/or occupancy lines have existed for a minimum of five (5) years.
- ~~(e3)~~ That all affected property owners consent to the correction, ~~and~~
- ~~(a) — That the parcels resulting from the Lot Line Correction will conform to the local general plan and zoning and building ordinances.~~

A written statement declaring the purpose of the correction shall be submitted to the City Surveyor by a Licensed Land Surveyor or a Registered Civil Engineer qualified to practice land

surveying along with a Record of Survey or Subdivision Map for recordation showing the monumentation of the new property line.

A deed or deeds must be recorded to correct the descriptions and must have a note on the first page as follows: “The recordation of this deed is to correct record title to coincide to the physical occupation of the property. This correction is exempt from the provisions of the Subdivision Map Act and local ordinances enacted pursuant thereto. No new or additional parcels are created by this correction.” Legal descriptions within these deeds must be prepared by a California ~~L~~icensed Land Surveyor or a ~~r~~Registered Civil Engineer qualified to practice land surveying.”

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SECTION 1.11 PARCEL MERGERS

This Section is enacted under the authority of Section 66499.20.3 of the Government Code.

Under certain circumstances, contiguous legal parcels owned by one and the same owner can be combined into one parcel, thus constituting a “Merger”. Section 1.1102 through to Section 1.1104 specify the provisions that apply to reversion to acreage and resubdivision of contiguous parcels. Section 1.1105 specifies the provisions that apply to the voluntary merger of parcels of land

Mergers initiated by the City are strictly governed by the provisions of Article 1.5 of the Subdivision Map Act.

~~Mergers initiated by the same owner of contiguous parcels, for the purpose of merging the parcels, merging and re-subdividing the parcels, merging with out reverting to acreage and re-subdividing without reverting to acreage, are allowed and are governed by Section 66499.20-1/4, Section 66499.20-1/2, and Section 66499.20-3/4 of the Subdivision Map Act, and the provisions of this Ordinance. However, these procedures only apply to property on which a previously filed subdivision exists.~~

Section 1.1101 Mergers Not Required.

Two or more contiguous parcels or units of land which have been subdivided under the provisions of this Ordinance, or the Subdivision Map Act, shall not be deemed merged by the City or a property owner by virtue of the fact that such parcels or units are contiguous and held by the same ownership. No further proceedings under this Ordinance or the Subdivision Map Act shall be required for the purpose of sale, lease or financing of contiguous parcels: except as provided by this Section.

The sole and exclusive authority for a local agency to initiate or deem a merger of contiguous parcels is granted by, and shall proceed in strict accordance with, the provisions prescribed in Article 1.5 of the Subdivision Map Act. However, this does not abrogate or limit the authority of the City, to approve Lot Line Adjustments, Reversions to Acreage, or Parcel or Final Maps which combine lots or result in the creation of fewer parcels.

City initiated Mergers require the adoption of a specific Merger Ordinance, in conformance with Section 66451.11 of the Subdivision Map Act, prior to implementation or action.

Section 1.1102 Reversion to acreage and Resubdivision of Contiguous Parcels

A final map or parcel map may be reverted to acreage by the City Council pursuant to Section 1.10 of this Ordinance and Government Code Sections 66499.11 through 66499.20.

In addition, a parcel map may be recorded in accordance with Sections 1.1103 through 1.1104

and Government Code Section 66499.20.1 for the purpose of reverting to acreage land previously subdivided and consisting of four or less contiguous parcels under the same ownership. Subdivided lands may be merged and resubdivided without reverting to acreage in accordance with Sections 1.1103 through 1.1104 and Government Code Section 66499.20.2.

Section 1.1103 Filing of Parcel Merger Application for Reversion to Acreage and Resubdivision.

Any property owner of contiguous parcels requesting a merger of the parcels shall file an application with the City Engineer. Included with the applications shall be the following materials:

- (a1) Application form with signatures of all parties having title in the affected parcels.
- (b2) Information on current ownership of all affected parcels. This information shall be in the form of a Preliminary Title Report, ~~Lot Book Report or PIRT~~. The information shall be dated no more than sixty (60) days prior to the filing of the application, ~~and may be obtained from a title company.~~
- (e3) Materials required to process the Parcel Merger request as specified by the Planning Department City Planner and ~~or the City Engineer, or their authorized representative~~. Such materials may include documentation that affected departments, utilities, and local agencies have been contacted, and drafts of documents such as the action notice and notice of merger.
- (4) Submittal of Parcel Merger Map which shall include, and/or conform to, the following:
 - (1)(a) ~~Submittal number:~~ One (1) ~~original and three (3) copies~~ legible Parcel Merger Map drawn to scale, and of a size to accurately show the required detail.
 - (2) ~~Size: Eight and one-half by eleven inches (8 ½" x 11"), or eleven by seventeen inches (11" x 17").~~
 - (3) ~~Scale: Appropriate to the size of Map and amount of detail to be shown. Map may be reduced from a larger to scale Map if notation is made to show that Map is reduced.~~
 - (4)(b) Accurate location of all property lines including existing and proposed lot lines clearly labeled. Bearing and length of each line from existing recorded Maps. The areas of the existing parcels and the areas of the adjusted parcels. Notation of the latest recorded subdivision or Parcel Map from which the Parcel Merger Map is prepared, and/or bearing and distance to a known survey point.
 - (5)(c) Accurate location of all existing and proposed rights-of-way, easements,

existing and proposed structures, and adjacent streets and roads.

~~(6)~~(d) Assessor's Parcel numbers, General Plan Land Use Designations, and current zoning.

~~(7)~~(e) The name of the person who prepared the map. The map need not be prepared by a licensed engineer or surveyor unless the location of buildings or property corners or lines requires more accurate data. In such -instances the ~~property owner applicant~~ may be required to have such -buildings, corners and/or adjoining lot lines accurately located to determine the effect that a Parcel Merger would have on the existing surrounding development.

~~(e)~~(5) A legal description describing the resultant parcels following the Parcel Merger. The legal Description shall bear the original stamp of a California Licensed Land Surveyor or a California registered Civil Engineer qualified to practice land surveying.

~~(f)~~(6) Application fee in accordance to the City's Resolution establishing fees and charges, or as otherwise established or directed by the City Council.

Section 1.1103-1104 Processing and Approving a Parcel Merger for Reversion to acreage and Resubdivision.

(a1) The property owner of the ~~affected~~ parcels or lots proposed to be merged shall submit a complete application to the City Engineer in accordance with Section 1.1102~~3~~ of this Ordinance.

(b2) The City Engineer, upon receipt of an application for a Parcel Merger that is deemed to be complete, shall submit the Parcel Merger application to the Planning Department for review and response per the provisions enumerated in Section 1.1004 of this Ordinance. In addition, the City Engineer shall transmit the Parcel Merger application to those departments, utilities, and local agencies, which may have an effect on the proposal, for review and response. Note: The applicant may also submit evidence that such contacts and responses have occurred.

(e3) The City Engineer shall forward the Parcel Merger application and ~~his/her~~their findings, along with the ~~Planning Department-City Planner~~ findings, to the City Council for approval per the provisions enumerated in Section 1.1004 of this Ordinance.

(d4) The City Council shall approve all Parcel Merger applications per the provisions enumerated in Section 1.1005 of this Ordinance, as ~~supereeded~~superseded by, augmented by, and/or amended by, the specific provisions in Section 66499.20.1-1/4, and Section 66499.20.2-1/2, and ~~Section 66499.20-3/4~~ of the Subdivision Map Act.

(e5) The approved Parcel Merger application shall cause a Final and/or Parcel Map to be recorded by the County Recorder per the provisions enumerated in Section 1.1006 of

this Ordinance, as ~~supereeded~~superseded by, augmented by, and/or amended by, the specific provisions in Section ~~66499.20-1/4~~66499.20.1; and Section ~~66499.20-1/2~~66499.20.2; and Section ~~66499.20-3/4~~ of the Subdivision Map Act.

Section 1.1105 Voluntary Merger of Parcels by Property Owner Request

- (1) Upon written request of the legal owner of contiguous parcels, the City Engineer may approve the merger of the property. Such request shall be in writing and shall be accompanied by such data and documents as required by the City Engineer, and the application fee as established by the City Council.
- (2) A merger pursuant to the provisions of this section shall not be approved unless the City Engineer determines that the parcel resulting from the merger meets applicable health, building, and zoning requirements and that approving the merger would not create health and safety problems.
- (3) Upon approval of the City Engineer, a notice of merger shall be filed with the County Recorder. The form and content of the notice shall be as required by the City Engineer.
- (4) In approving such merger, the city may impose reasonable conditions. The reasonableness of such conditions may be appealed by the property owner within 15 days of the written notice of the conditions to the City Council in accordance with Section 1.502.7.1 of this Ordinance.