

PARCEL MAP WAIVER

AN INFORMATIONAL GUIDE



PLANNING DEPARTMENT

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WHAT IS A PARCEL MAP WAIVER (PMW)?

A PMW is a legal mechanism to subdivide real property into smaller parcels. There is a limit to the number of parcels that can be created by using the parcel map waiver process. A maximum of four (4) parcels can be created. This process is similar, yet less complicated, than the parcel map process.

The criteria for using the PMW process is fairly narrow. It can only be used in very specific circumstances. The California City Municipal Code states:

Sec.9-3.305 Parcel Map Waiver (PMW): Criteria and Application.

(a) The filing of a tentative or final parcel map may be waived at the discretion of the Planning Director if Each parcel created by the division has a gross area of not less than 40 acres or is not less than a quarter of a quarter section.

(b) The application for a waiver of parcel map shall include the following information on the form more specifically required by the Planning Director:

(1) A completed City of California City Subdivision Application, grant deed, legal description and map of the parcel;

(2) Legal description of each of the proposed parcels prepared by a licensed land surveyor or registered civil engineer, authorized to perform land surveying, containing original signature and seal;

(3) Two copies of a preliminary title report for the affected property;

(4) Hazardous Waste Verification Statement; and.

(5) A legible, recordable map showing the proposed land division. The map shall be submitted on a minimum 8½" x 11" sheet and shall contain the following statement: "This map is provided for illustrative purposes only."

(c) The application shall be accompanied by the fee established by resolution of the Council.

(d) The request for the waiver shall be denied if:

(1) The proposed waiver is inconsistent with the General Plan, applicable specific plan, or applicable provisions of the Municipal Code;

(2) The site is not physically suitable for the proposed type of development;

(3) The site is not physically suitable for the proposed density of development;

(4) The design of the project or the proposed improvements are likely to cause serious public health problems; and

(5) The design of the project or the proposed improvements will conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision, but the Planning Director may approve a request for waiver if the Planning Director finds alternate easements for access or for use will be provided which are substantially equivalent to the easements previously acquired by the public. This section shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction, and no authority is hereby granted to the Planning Director to determine the public at large has acquired easements for access through or use of property within the proposed project.

(e) The Planning Director shall report to the applicant and the Planning Commission on the application at least fifteen days prior to the proposed effective date of the Planning Director's decision. The decision of the Planning Director may be appealed to the Planning Commission by a written appeal filed with the Planning Secretary during the fifteen-day period.

(f) When the decision is final, the City Planning Director shall record a Certificate of Compliance (COC) and appropriate attachments reflecting the approved waiver if the following conditions have been met:

(1) The applicant has submitted grant deed or deeds for the land proposed to be conveyed for the waiver, in recordable form, and the Planning Director has determined the grant deed or deeds are in substantial compliance with the approved waiver, and the grant deed or deeds contain the words "FOR PURPOSES OF PARCEL MAP WAIVER NO. _____." In lieu of submitting the grant deed or deeds, the applicant's title company may issue a "Letter of Intent" to arrange simultaneous recording of deeds with the Certificate of Compliance.

(2) The grant deed or deeds, and beneficiary consent, if applicable, shall be recorded concurrently and shall constitute constructive notice of the parcel map waiver.

(3) A guarantee of title or a preliminary title report dated ten or less days prior to concurrent recording of deeds and Certificate of Compliance, has been issued by a title company authorized to do business in California,

showing all parties having record title interest in the land to be subdivided, or any part thereof, including, but not confined to, leaseholders, lien holders, and owners of rights-of-way, showing the nature of each respective interest and reference thereto in the Official Records, by book and page, as of the date the waiver of parcel map is filed with the County for recording. The liability of such guarantee of title, if one is issued, shall be not less than \$1,000.00. In lieu of an updated preliminary title report, the title company may submit a written statement (letter of continuation) which certifies that no changes affecting the title of the subject property have occurred since the original issuance of the preliminary title report.

(4) Applicable recording fees have been paid, or arrangements have been made for all documents to be recorded by the title company.

(5) Other conditions of approval for the parcel map waiver have been satisfied.

(g) An approval or conditional approval of a waiver shall expire one year from the date of approval of the waiver. The property owner may request an extension of the expiration date of the approved parcel map waiver by written application to the Planning Director. The application shall be filed prior to the expiration date and shall state the reasons for requesting the extension and the amount of time requested. The Planning Director shall approve or deny the request for extension. The maximum amount of time for each extension request shall not exceed one year. Not more than three extensions shall be approved for a parcel map waiver, and the total period of all extensions shall not exceed thirty-six months.

(h) Minor revisions to an approved waiver of parcel map may be approved by the Planning Director upon application by the property owner or authorized agent, provided: such changes are consistent with the intent of the original approval; the original conditions need not be modified; and there are no resulting violations of the Municipal Code. Approved revisions shall be denoted on the approved waiver map and/or in writing to the property owner, whichever is appropriate. No revision shall affect the original expiration date of the approved waiver. The Planning Director may require a new application in lieu of the above procedure when, in the Planning Director's opinion, requested changes are substantial enough to warrant refiling and reprocessing.

Sec. 9-3.306. Parcel Map Waiver: Appeal.

(a) The decision of the Planning Director may be appealed to the Planning Commission. A public hearing shall be conducted by the Commission within sixty days from the date the application is approved by the Planning Director. At least ten days' notice of the public hearing shall be given by publication and by mail to: the property owner, the applicant, each local agency expected to provide water, sewage, streets, roads, schools, or other essential facilities or services, the owners of property within three hundred feet of the exterior boundaries of the subject property, and any person who has filed a written request for such notice. In lieu of mailed notice, notice may be posted not more than three hundred feet apart along each street upon which the subject property abuts for a distance of not less than three hundred feet in each direction from the exterior limits of the subject property.

(b) The applicant or authorized representative and interested persons may appear at the hearing and be heard. The hearing may be continued, if, prior to adjournment or recess, the Planning Director or designated representative, announces the time and place to which the hearing will be continued.

(c) The Planning Commission may approve, conditionally approve, or deny the application following the close of the public hearing. The decision shall be final ten days after notice unless appealed to the council. Written notice of the decision shall be given by mail within seven calendar days after the date of the decision to the applicant and persons filing a written request for notice of the decision.

(d) The applicant or other aggrieved person may appeal to the Council from the decision of the Commission by filing a written notice of appeal with the Planning Director within ten days of notice of the decision. The Planning Director shall forward the appeal to the Clerk of the City Council who shall set the matter for hearing within thirty days after the date of filing the appeal. Notice of the hearing on the appeal shall be given in the same manner as notice for the hearing before the Commission. The City Council may reverse, affirm wholly or partly, modify, or attach other or additional conditions to the decision appealed from. The decision of the City Council shall be final upon adoption of a resolution containing its determination, and no further notice need be given.

HOW CAN I OBTAIN AN APPLICATION?

You may visit the Planning Department to pick up the application, have one mailed to you or email your request. Emailed requests will receive a pdf version that you may print out. An application packet is available on the City website at <http://www.CaliforniaCity.com>

APPLICATION FEES

The application fees for a PMW is \$350.00 Certificate of Compliance (COC): \$300.00 plus \$25.00 per lot (each land division) contiguous lot or parcel (maximum of 4). The COC fee will be collected once the initial review by the City Engineer is complete and prior to the scheduling of a public hearing. These fees are not refundable. Payment options: Applicants may pay by cash, credit card or check made payable to the City of California City.

WHAT HAPPENS AFTER THE APPLICATION IS ACCEPTED?

The application will follow the process outlined in the California City Municipal Code.

WHAT HAPPENS DURING THE CERTIFICATE OF COMPLIANCE (COC) PROCESS?

The COC will be recorded by the City Engineer's office. A minimum of one (1) week is needed to prepare the COC for recording. The COC is a legal document certifying that the newly configured parcels have been legally created through the PMW process. It will take several weeks for the County's records (assessor's maps, surveyor's case maps, etc.) to actually be updated. Title companies and financial institutions recognize a COC as being verification of the legal parcel configuration. See the COC Informational Guide for more details.

CEQA REQUIREMENTS

The California Environmental Quality Act (CEQA) requires that an environmental study be prepared for some types of projects. A PMW is normally exempt from the requirements of CEQA. Typically, a Notice of Exemption is filed for a PMW with the County Clerk. There is a \$50.00 document handling fee imposed by the Kern County Clerk's Office. The County Clerk's Office will accept a money order or cashier's check, made payable to the Kern County Clerk's Office. You will be advised by the Planning Technician when to bring in your \$50.00 money order or cashier's check.

The Planning Technician will attach your money order or cashier's check to the completed Notice of Exemption and forward it to the County Clerk's Office for recording.

ADDITIONAL INFORMATION

No Development Review Committee (DRC) meeting is required.