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**Temporary Changes in County Services Due to COVID-19 Pandemic**

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[Please check for office closures, limited hours or changes in service.](#)

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## Ordinance No. SCC 97-3

[Home](#) › [Resource Management](#) › [Planning Division](#) › [Subdivision Ordinance](#) › Ordinance No. SCC 97-3

### AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SHASTA AMENDING TITLE 15 OF THE SHASTA COUNTY CODE CONCERNING SUBDIVISIONS.

THE BOARD OF SUPERVISORS OF THE COUNTY OF SHASTA ORDAINS AS FOLLOWS:

#### Section 1

Chapter 15.04 shall be amended to read as follows:

##### 15.04.010 Purpose

It is the intention of the board of supervisors to implement and supplement the Subdivision Map Act (Government Code Section 66410 et seq.) in this title. Consistent with enabling statutes, this Title is therefore intended to encourage orderly community development by providing for the regulation and control of the design and improvement of the subdivision, with proper consideration of its relation to adjoining areas; to ensure that the areas within the subdivision that are dedicated for public purposes will be properly improved by the subdivider so that they will not become an undue burden on the community; to implement the objectives established for development of the county in conformance with the goals and policies of the general plan and adopted development policies; to limit undue fiscal impacts to the county; and to protect the public and transferee of parcels created through the subdivision process.

Proposed subdivisions shall provide for the creation of reasonable building sites by constructing roads to county standards on proper alignments; providing adequate lot sizes, adequate drainage facilities and adequate means of ingress and egress to each building site. Proposed subdivisions shall also provide for control of the detrimental effect of flooding, erosion, dangerous or unstable soil conditions, wildland fire threat, significant environmental impacts or any other impediments affecting the beneficial use of the land or having a similar detrimental effect on surrounding land.

##### 15.04.020 Definitions

The definitions set forth in the Subdivision Map Act ("Map Act") and are incorporated by reference and supplemented as set forth herein. The following words and terms are used and defined as follows for purposes of this title, unless the context in which a word or term is used requires another usage or meaning:

- A. "Advisory agency" means a designated official or an official body charged with the duty of making investigations and reports on the design and improvement of proposed divisions of real property, imposing of requirements or conditions thereon, or having the authority by local ordinance to approve, conditionally approve or disapprove maps.
- B. "CEQA" means the California Environmental Quality Act.
- C. "Certificate of Compliance" means that certificate which may be issued by the county under authority of Government Code Section 66499.35. A recorded final map or parcel map shall constitute a certificate of compliance with respect to the subdivision of real property described therein.
- D. "Clearing" means the removal of vegetative growth such as trees, logs, upturned stumps, roots of downed trees, brush, grass, and weeds above the natural ground surface, in such a manner that any natural erosion, including sedimentation, will not be increased and damage to off-site property will not result.

- E. "Contiguous" means properties sharing a common boundary line or point or are physically so situated with respect to each other that they can reasonably be developed as one subdivision project. Property may be comprised of contiguous units even if portions of the property are separated by roads, streets, utility easements, canals or railroad rights-of-way.
- F. "Department" shall mean the Department of Resource Management.
- G. "Development agreement" means a contract entered into with the Shasta County board of supervisors that provides assurances to the applicant of the ability to proceed with a project in accordance with the policies, rules, regulations, special provisions and conditions of approval in effect at the time of project approval, as more specifically provided in Government Code Section 65860 et seq.
- H. "Development standards" means those standards adopted by the board of supervisors by resolution.
- I. "Director" shall mean the Director of Resource Management or the Director's designee.
- J. "Final Map" means a map which is recorded for the creation of five or more lots or parcels, either by itself, or in combination with previous land divisions that have been recorded by or implemented (as in the case of a parcel map waiver) by the applicant (or other holder of record interest) either on the same project area or contiguous to the current project area, which substantially conforms to an approved tentative map.
- K. "Fiscal impact assessment" means a fiscal analysis of the impacts a project may have (positive and/or negative) on county facilities, operations, staffing and general fund programs administered by Shasta County and/or a special district(s) where the project may be located in or proposing to annex to as part of the overall development of the project.
- L. "Flag lot" means a lot that is L-shaped in which one arm or pole of the lot, a minimum of twenty (20) feet in width (pole portion), fronts on a street and is used solely as a driveway for the lot. The pole portion of a flag lot shall not be counted toward the minimum lot area requirement of the underlying zone district. When the pole portion of two (2) flag lots are proposed side by side, the minimum street frontage shall be twenty (20) feet each. A reciprocal driveway easement shall be recorded for both lots to the benefit of both lots.
- M. "Land project" - A land project is a land division as defined in Section 11000.5 of the Business and Professions Code.
- N. "Owner's statement" means a statement submitted with every tentative map for a proposed division of land, containing such information as this title may require, and executed under penalty of perjury by the record title owners of the land affected, as provided in Code of Civil Procedure Section 2015.5.
- O. "Parcel map" means a map which is recorded for the creation of four or fewer parcels and which substantially conforms to requirements for an approved tentative map.
- P. "Parcel map waiver" refers to a procedure whereby certain lots can be created without having to record a parcel map. In lieu of a recorded map, waiver of parcel map documents are recorded. A parcel map waiver may create four or fewer parcels, but may create more than four parcels if all parcels are forty acres in size or greater, or are not less than a quarter of a quarter section.
- Q. "Professional land use planner" means those individuals that have demonstrated that they have acquired the education and experience necessary to act as a consultant involving environmental review, planning and subdivision design as determined by the Director.
- R. "Property line adjustment" means the resubdivision of two or more adjoining parcels by a relocation of the boundary line between them so that the land taken from one parcel is merged with the land of the parcel to which it is added. A property line adjustment shall not result in a significant reconfiguration of the original parcels and shall not result in a greater number of parcels than originally existed.
- S. "Referral agencies" means the Department of Resource Management, the department of public works, the county fire department and other departments, as determined by the Director, that shall receive referrals of development applications for review and comment as to project completeness, design, environmental determination and formation of recommended mitigation measures and conditions.
- T. "Remainder parcel" means any portion of any unit or units of improved or unimproved land designated by a subdivider as that single portion on a tentative map which is not divided for the purposes of sale, lease or financing. Only one remainder parcel is permitted per tentative map. A remainder parcel shall not be considered a parcel on which development can occur unless or until a parcel map, a final map, certificate of compliance or conditional certificate of compliance is recorded to provide for such development.

- U. "Resubdivision" means the simultaneous division of two or more adjoining parcels of real property that results in a reconfiguration of the parcels or an increase in the total number of parcels or building sites.
- V. "Specific plan" means an officially adopted document setting forth county policies, programs, standards and/or regulations for the implementation of the general plan in a particular community or area, as permitted pursuant to Government Code Section 65450 et. seq.
- W. "Subdivision" means the division, by any subdivider, of any unit or units of improved or unimproved real property, or any portion thereof, as shown on the latest equalized assessment roll as a unit or as contiguous units, for the purpose of sale, lease or financing, whether immediate or future, as more specifically defined in Government Code Section 66424.

For the purpose of this Title, real property owned or beneficially controlled by substantially the same persons, entities or interests shall be deemed to be in one ownership and part of the same subdivided real property or subdivision.

- X. "Tentative map" refers to a map made for the purpose of showing the design and improvements of a proposed subdivision and the existing conditions in and around the subdivision. The map need not be based upon an accurate or detailed field survey of the property, but shall be of form and contain the information required by this Title and the provisions of the Subdivision Map Act.
- Y. "Vesting Tentative Map" means a map which meets the requirements of Government Code Sections 66424.5, 66452 and 66498.1 et seq., thereby conferring on a subdivider a vested right to proceed with development in substantial compliance with those ordinances, policies and standards in effect at the time the application for the vesting tentative map is determined to be complete, except as provided in Government Code Sections 66474.2 or 66498.1(b).

## Section 2

Chapter 15.08 shall be amended to read as follows:

### 15.08.010 Generally

- A. Except as provided in Chapter 15.20, a tentative map is required for all subdivisions and shall show or be accompanied by such information, documents and data as the Map Act and this chapter may require. Application for approval of a tentative map or vesting tentative map shall be made to the Department.
- B. Any conveyance of land to a governmental agency, public agency or public utility shall not be considered a division of land for purposes of computing number of parcels.
- C. No application for approval of a tentative map or vesting tentative map shall be accepted as complete unless and until the required fee and all required maps, documents and information are submitted to and accepted by the Department. Every application shall include sufficient information to permit the determination of whether an environmental impact report, mitigated negative declaration or negative declaration is required under the California Environmental Quality Act (CEQA).
- D. The Director may request an applicant to waive in writing the time limits of Chapter 3 (commencing with Government Code Section 66451) of the Map Act for the purpose of permitting concurrent processing of related approvals on the same development project.
- E. Within thirty days after receiving the application and related information, the Department shall determine in writing whether the application is complete and the Director shall cause that determination to be transmitted to the applicant or his agent. Failure of any applicant to respond, within thirty days of mailing, to any request to clarify, amplify, correct or otherwise supplement the application so as to make it complete shall be deemed an abandonment by the applicant of the proposed land division and no further action shall be taken on it unless a new application is first made.

### 15.08.020 Application requirements

- A. Tentative or vesting tentative maps shall be eighteen inches by twenty-six inches in size and shall be drawn to a scale of not less than one inch equals one hundred feet, or one centimeter equals ten meters, unless the Director determines that an alternate scale will permit presentation of map data of acceptable completeness and clarity. The tentative map or vesting tentative map submittal shall also contain all information listed on the tentative map application completeness checklist, prepared pursuant to Government

Code Section 65940 et seq. Tentative maps or vesting tentative maps shall be prepared by a registered civil engineer, licensed land surveyor, or professional land use planner, except as expressly permitted by state law.

- B. A tentative map or vesting tentative map and the application for approval of it shall contain such information and be submitted in such quantities as required by the tentative map application completeness checklist referred to in this section.
- C. An environmental analysis, prepared pursuant to provisions that the board of supervisors may establish for administration of CEQA, shall be prepared for each tentative map or vesting tentative map.

#### **15.08.030 Application - Copies to other administrators**

When an application is received, the Director shall forthwith transmit copies of the map and related documents to the county fire department, the department of public works and to other county departments and referral agencies as the Director determines appropriate.

#### **15.08.040 Application - CEQA review**

All applications shall be reviewed pursuant to and for compliance with the CEQA under procedures established by resolution of the board of supervisors. Mitigation measures recommended pursuant to the CEQA review shall be transmitted to the applicant and to the secretary of the appropriate advisory agency and shall be included in any staff report prepared for an advisory agency or board of supervisors.

#### **15.08.050 Interdepartmental review - Preparation of staff report**

- A. Each referral agency shall review and study each application and shall prepare his or her department's recommendations thereon, including proposed conditions for approval, recommendations for modifications or a recommendation for denial. A recommendation for denial shall include the reasons for that recommendation. If any referral agency finds that an application contains insufficient information to allow preparation of his or her recommendation, he or she shall promptly request that the Director provide the applicant with a notice of incompleteness pursuant to the provisions of Section 15.08.010(E.).
- B. Any referral agency may request that the Director schedule a meeting if he or she deems a meeting to be necessary or convenient for the proper review of any application. Any referral agency may request an applicant to attend the meeting, whether in person or by an agent familiar with the technical aspects of the application.
- C. The recommendations of the referral agencies shall be forwarded to the Director, acting in his or her capacity as secretary of the appropriate advisory agency. Whenever an advisory agency may consider both an environmental determination and action on the related tentative map or vesting tentative map at the same meeting of the agency pursuant to Section 15.08.060.D., the CEQA and referral agency recommendations shall be consolidated into a single staff report.
- D. Prior to scheduling a tentative map or vesting tentative map for public hearing, proposed mitigation measures of the CEQA determination shall be sent to the applicant for review and acceptance in accordance with CEQA regulations.
- E. A copy of any staff report shall be furnished to the applicant or his agent at least three days prior to the meeting of the advisory agency at which the CEQA determination or the tentative map or vesting tentative map will be considered.
- F. The Department shall forward the tentative map for a land project to the state office of intergovernmental management prior to referral of the map to the advisory agency.
- G. The Director upon recommendation of the referral agencies may approve, conditionally approve or disapprove property line adjustments, subject to provisions of Chapter 15.20.

#### **15.08.060 Advisory agency review**

- A. Upon receipt of the staff report, the secretary of the advisory agency shall schedule the application for review by the agency at its next available regular meeting.
- B. The advisory agency shall review the application and related documents. If a negative declaration or mitigated negative declaration has been prepared, the agency shall review it and may adopt it or require preparation of an Environmental Impact Report (EIR). If an EIR has been prepared, the agency shall review it and may certify it as complete or refer it back to county staff and the applicant, or his agent, for such amendment, revision or additional information as the agency may specify. The agency may, but is not required to, schedule a public hearing on any negative declaration, mitigated negative declaration or EIR.

- C. After acceptance of an application as complete pursuant to Section 15.08.010 and either adoption of a negative declaration, mitigated negative declaration or certification of an EIR, the tentative map or vesting tentative map shall be filed with the secretary of the advisory agency. The secretary shall set the map and application for hearing at the next regular meeting of the agency for which timely notice can be given. The date of filing of the tentative map or vesting tentative map shall be the date of the consideration of or hearing on the map by the agency.
- D. Notwithstanding subsection C of this section, an advisory agency may hold a hearing and act upon a tentative map or vesting tentative map at the same meeting at which it considers a negative declaration, mitigated negative declaration or an EIR pursuant to subsection B of this section; provided, that any notice required by law for the hearing has been given.

#### **15.08.070 Advisory agency - Hearing**

The advisory agency shall hold a public hearing on each tentative map or vesting tentative map. Notice of the hearing shall be given as provided in the Map Act and as directed by the board of supervisors by resolution. Any interested person may appear at the hearing and be heard. Failure of any person to receive the notice shall not invalidate any action taken on a tentative map or vesting tentative map.

#### **15.08.080 Advisory agency - Authority to approve or disapprove**

The advisory agency may approve, conditionally approve to the full extent permitted by law, or disapprove tentative maps or vesting tentative maps and may waive the filing of a parcel map pursuant to Chapter 15.12; provided, that prior to the approval, conditional approval or waiver, the advisory agency determines that the tentative map or vesting tentative map complies with applicable provisions of state law, this chapter, the zoning plan, the development standards, and with good planning and engineering practices. The advisory agency shall also consider any measures, consistent with state law and county policy, that will promote and protect the public health, safety, comfort, convenience and general welfare.

#### **15.08.090 Advisory agency - State and regional requirements**

The advisory agency shall not approve a tentative map or vesting tentative map if it makes any finding or determination which prohibits approval under Government Code Sections 66473, 66473.5, 66474, 66474.01 and 66474.2. If the advisory agency finds that the waste discharge from a proposed subdivision into a community sewer system would result in or add to a violation of existing waste discharge requirements of the Regional Water Quality Control Board, it may disapprove the tentative map or vesting tentative map.

#### **15.08.100 Dedication of land**

- A. The advisory agency may, to the full extent permitted by law, require as a condition of approval of a tentative map or vesting tentative map that interests in real property be dedicated, irrevocably offered for dedication or reserved for public purposes, including but not limited to those set forth in Government Code Sections 66475 through 66482.
- B. The amount of land required to be dedicated or irrevocably offered for dedication for park or recreational purposes shall not exceed one acre per 100 lots or a fraction thereof. In combination with or in lieu of such dedication or offer of dedication, the advisory agency may require payment of a fee for park and recreational purposes, in an amount as established by a resolution of the board of supervisors.
- C. The advisory agency may require that any dedication or offer of dedication of a street include a waiver of direct access rights to any such street from abutting property.

#### **15.08.110 Grading and erosion requirements**

Every approved tentative map or vesting tentative map shall be conditioned on compliance with requirements for grading and erosion control, including prevention of sedimentation or damage to off-site property, as set forth in this code and the adopted development standards.

#### **15.08.120 Action on application - Time limits**

- A. The advisory agency shall act on a tentative map or vesting tentative map within fifty days after certification of an EIR, adoption of a negative declaration or mitigated negative declaration, or a determination by the agency that the project is exempt from CEQA requirements, unless the time period is extended by mutual consent of the subdivider and the agency, or a waiver of time limits has occurred in accordance with Section 15.08.010.

- B. No application for a tentative map or vesting tentative map may be disapproved to allow the agency to comply with the time limits specified in this section, unless there are reasons for disapproval other than the failure of the agency to act in a timely manner.
- C. The provisions of subsections A and B of this section shall apply to any amended application refiled with the advisory agency.

#### **15.08.130 Grounds for disapproval**

- A. A tentative map or vesting tentative map shall be disapproved or deemed to be disapproved if any of the following findings are made, or in the case of inaction on the tentative map or vesting tentative map within the time required for action, any of the following circumstances exist:
  - 1. The tentative map or vesting tentative map, together with the provisions for its design and improvement, is not consistent with the general plan or any adopted specific plan (Government Code Section 66473.5);
  - 2. The proposed subdivision, when considering its potential effect on the housing needs of the region, and balancing these needs against the public service needs of its residents and available fiscal and environmental resources, is inappropriate or premature (Government Code Section 66412.3);
  - 3. The design of the subdivision for which a tentative map is required does not provide, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision (Government Code Section 66473.1);
  - 4. The site is not physically suited for the proposed type or density of development (Government Code Section 66474 (c) and (d));
  - 5. The design or proposed improvements are likely to cause substantial environmental damage, or substantially and avoidably injure fish, wildlife or their habitats, or cause serious public health problems, except as provided in Government Code Section 66474.1(e);
  - 6. The design or types of improvements of the subdivision will conflict with public easements for access through, or use of, property within the proposed subdivision, unless acceptable alternative public easements will be provided as determined by the decision-making body (Government Code Section 66474(g));
  - 7. The only practical use of the property included in the proposed subdivision is a use prohibited by law, or the map does not comply with this chapter, the Subdivision Map Act, other applicable provisions of law or with accepted planning or engineering standards;
  - 8. Required rezoning, to allow the type or density of development proposed, has not been finally adopted by the board of supervisors, except as provided in Government Code Section 66474.2, for a tentative map application;
  - 9. The land is subject to a contract entered into pursuant to the California Land Conservation Act (commencing with Government Code Section 51200), and the resulting parcels would be too small to sustain their agricultural use (Government Code Section 66474.4);
  - 10. There is insufficient information upon which to approve the tentative map or vesting tentative map based on the application submitted.
- B. The Director shall, by providing a copy of the advisory agency resolution denying the project, advise the applicant or his/her agent of the deficiencies upon which the disapproval is based.

#### **15.08.140 Appeal procedures**

- A. Any interested person may appeal any decision of an advisory agency on the merits of a tentative map or vesting tentative map, or any finding in support of a decision, to the board of supervisors within ten days of the decision.
- B. The appeal process is as follows:
  - 1. An appeal is initiated by filing a notice of appeal with the clerk of the board of supervisors. A notice of appeal shall identify by number the map which is the subject of the appeal; shall state the action, finding or determination of the advisory agency, and the date thereof, from which the appeal is taken; and shall specifically set forth the grounds upon which the appeal is based. No appeal shall be deemed to be filed unless any required filing fee is paid to the clerk of the board of supervisors.
  - 2. The clerk of the board of supervisors shall furnish copies of the notice of appeal to each county supervisor, the Director, the director of public works, county counsel and the subdivider.

- C. The filing of an appeal does not stay the decision appealed. When approval or conditional approval of a map is appealed, the board may stay the decision pending determination of the appeal if, in the board's opinion, a stay is in the public interest.
- D. If an appeal is filed, the following procedures apply:
  - 1. If the board sets the appeal for hearing, notice shall be given by the clerk of the board of supervisors to the same persons and in the same manner as notice was given for the hearing before the advisory agency. Any interested person may appear at the hearing and be heard;
  - 2. The board may dismiss any appeal at any time for failure of the appellant to comply with subsections A or B of this section;
  - 3. The board may at any time refer an application back to the advisory agency for further proceedings if it appears that matters will be raised or evidence presented before the board which was not considered by or presented to the agency.
- E. The record on appeal shall consist of a copy of the tentative map or vesting tentative map and all related documents; the environmental assessment, including any Environmental Impact Report (EIR) if one has been prepared; staff reports and recommendations; the minutes of the proceeding before the advisory agency, including a summary of all testimony received by the agency; and all documentary, pictorial or other physical evidence received into evidence by the advisory agency. The original of the record on appeal and an appropriate number of copies of those portions of the record which are reproducible shall be filed by the Director with the clerk of the board of supervisors within ten working days of the date the notice of appeal is filed.
- F. If an appeal is set for hearing, the following procedures apply:
  - 1. The board of supervisors shall review the grounds upon which the appeal is based, the record on appeal and any additional relevant information received at the hearing for the appeal to determine whether the advisory agency exceeded its authority, whether there was a fair hearing before the agency or whether the agency abused its discretion and the appellant was prejudiced by such abuse.
  - 2. Each appellant and the subdivider may appear at any hearing under this section and shall be heard. The board may, in its discretion, conduct a full or partial hearing de novo. Unless specifically authorized by the board, any hearing shall be limited to the grounds specifically stated in the notice of appeal. The board may by resolution adopt procedural rules it deems appropriate or convenient for conducting hearings under this section.
  - 3. When the board finds that the evidence supports any finding or determination which prohibits approval under Section 15.08.130, the board shall not affirm an approval or reverse a denial of approval of a tentative map or vesting tentative map, unless appropriate conditions sufficient to overcome all such findings are imposed.
  - 4. The board may continue any hearing under this section to a specific time, date and place.
  - 5. The board may sustain, modify, reject or overrule any action of the advisory agency which has been appealed and may, in its discretion, refer any application back to the advisory agency for further review and report.
  - 6. If the board determines that a further hearing should be held before the advisory agency, it may, with the applicant's consent, dismiss the appeal without prejudice and refer the application to the secretary of the agency for refiling pursuant to Section 15.08.060.

#### **15.08.150 Modification of tentative maps**

Upon application of the subdivider, an approved tentative map or vesting tentative map or its conditions of approval may be modified by the advisory agency if it finds that there are changes in circumstances which justify the modifications. The provisions of this chapter for review of and action on tentative maps or vesting tentative maps shall apply to any proposed modification, but the hearing before the advisory agency or board of supervisors shall be confined to consideration of and action on the proposed modifications and related conditions of approval as may be appropriate. Modification of an approved tentative map or vesting tentative map, or conditions of approval by the advisory agency or board of supervisors shall not extend the time limits imposed by Section 15.12.020.

#### **15.08.160 Extensions of time**

- A. Prior to the expiration of an approved tentative map or vesting tentative map and in lieu of filing a new map application, a subdivider may file with the Department an application for

an extension of time on the tentative map or vesting tentative map. An extension of time may be approved, conditionally approved or denied by the advisory agency. The provisions of this chapter for review of an action on new tentative maps shall apply to any proposed extension of time, but the hearing before the advisory agency or board of supervisors shall be confined to the consideration of and action on the proposed extension, including whether and for how long to grant the extension.

- B. The period of any extension that may be granted shall be set by the advisory agency consistent with Government Code Section 66452.6, and shall run from the date of the expiration of the tentative map or vesting tentative map. More than one extension of time may be granted, but the total of all extensions shall not exceed five (5) years.
- C. Any interested person may appeal a decision made under this section to the board of supervisors. The appeal shall be made pursuant to and shall be subject to the provisions of Section 15.08.140, except that it shall be filed within fifteen days of the decision.

### Section 3

Chapter 15.12 shall be amended to read as follows:

#### 15.12.010 Parcel map waiver

- A. The filing of a parcel map for record may be waived provided the advisory agency specifically finds that:
  - 1. The proposed land division complies with all development standards and all other county standards and requirements as to area, improvement and design, floodwater drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection and all other requirements of the Map Act and this chapter.
  - 2. The waiver map creates parcels of not less than 40 acres of gross acreage or a quarter of a quarter section.
- B. A waiver of the filing of a parcel map shall not be approved if:
  - 1. The project site has previously been surveyed.
  - 2. There are surveyed lands within a 1/2 mile radius of the project boundaries.
- C. Whenever an advisory agency approves a waiver of recordation of a parcel map, the Director shall issue a notice of waiver of parcel map which shall contain such information as required by the Subdivision Map Act. The Director shall cause the notice to be filed for record.
- D. A waiver of recordation of a parcel map shall expire concurrently with the approved tentative map upon which the waiver is based.
- E. Whenever a waiver of the filing of a tentative map is requested by a governmental agency, public utility, or subsidiary of a public utility, pursuant to Government Code Section 66428(a)(2), said request must include a narrative description of the purpose for the requested waiver. An exhibit detailing the proposed division and any appropriate filing fees, if such fee is established, shall also be submitted at the time of application submittal. Upon approval of such waiver, by the Director in consultation with the department of public works, the county fire department and other departments as determined by the Director, a record of survey shall be recorded at such time that the transfer of property ownership is recorded. If the Director refers the request to the advisory agency and the advisory agency makes a finding that substantial evidence exists to make recording of a parcel map desirable, a parcel map in lieu of a record of survey shall be recorded.

#### 15.12.020 Filing of maps

- A. All tentative maps and vesting tentative maps expire twenty-four months from the date of approval unless an extension of time is granted by the advisory agency. For a final map or parcel map, a tracing and five legible prints of the map in the required form, any agreements and security required under Sections 15.16.040, 15.16.050, 15.16.060 and 15.16.070, and any other evidence necessary to establish that all conditions of approval of the tentative map or vesting tentative map are satisfied shall be filed in the department of public works prior to expiration of the tentative map or vesting tentative map. Documents required to be submitted for the filing of a "Notice of Waiver to Record a Parcel Map", as specified on the list of required filing materials prepared by the Director pursuant to Government Code Section 66428 shall be filed with the Department with appropriate recording fees, prior to expiration of the tentative map and shall include



evidence that all conditions of approval of the tentative map are satisfied and any agreements, documents and security required under Sections 15.16.040, 15.16.050, 15.16.060 and 15.16.070 have been filed in the department of public works. No parcels identified within the "Notice of Waiver to Record a Parcel Map" document are created until or unless the vesting of the title of the parcel is transferred within the life of the tentative map.

- B. At the time of filing, map checking fees shall have been paid to the department of public works. The fee for recording a final or parcel map and any related documents shall be deposited with the department of public works prior to recordation.

#### **15.12.030 Review - Approval procedures**

- A. The Department and the department of public works shall review each parcel map or final map submitted for recordation and any related documents. Upon determining that a parcel map or final map substantially conforms to the approved tentative map or vesting tentative map and that all conditions of approval are satisfied, the director of public works, or his designee, shall make a determination that the map substantially conforms to the approved tentative map and consistent with Government Code Section 66462 relative to public improvements. A parcel map shall be filed for record by the department of public works. A final map shall be filed with the clerk of the board of supervisors and the director of public works shall recommend approval, conditional approval or disapproval to the board of supervisors.
- B. Any final map, parcel map or parcel map waiver which fails to meet the requirements of the Map Act, this chapter or the development standards may be approved when such failure of the map is a result of a technical and inadvertent error that the Director and the director of public works determine does not materially effect the validity of the map.
- C. If a map is determined not to substantially conform to the approved or conditionally approved tentative map or vesting tentative map, the map shall be returned to the applicant, or his agent, who shall be advised of deficiencies in the map. No final map for a land project shall be approved unless a specific plan for the area proposed to be included within the land project has been adopted and the board of supervisors finds that the proposed land project, together with provisions for its design and improvement, is consistent with that plan.

#### **15.12.035 Off-site improvements**

Approval of a final map shall not be postponed or refused if off-site improvements on land not owned by the subdivider are not constructed or installed, to meet a tentative map condition in accordance with Government Code Section 66462.5, so long as the subdivider has satisfied all of the following requirements:

- A. Prior to approval of the subdivision improvement plan by the director of public works for any improvements required off-site, the subdivider shall either acquire sufficient title or interest in the off-site land to allow the improvements to be made as required by the condition of approval or request, in writing to the director of public works, that the county initiate eminent domain proceedings to acquire the lands needed for off-site improvements.
- B. The subdivider shall bear all costs for such eminent domain proceedings that may be initiated pursuant to this section, including but not limited to attorneys' fees, court costs, and land cost(s). Accordingly, prior to recordation of the map, the subdivider shall either (1) provide the county with adequate evidence that he or she has acquired sufficient title or interest in the off-site land to allow the required improvements to be made, and enter into an agreement obligating the subdivider to complete the off-site improvements; or (2) enter into an agreement obligating the subdivider to perform the required off-site improvements upon county acquisition of the affected land. Additionally the subdivider shall provide adequate security to the county to insure performance of the subdivider's improvement and eminent domain proceeding cost obligations, as required by this section.
- C. The security required by this section shall be in the form of a letter of credit, bond, promissory note secured by deed of trust, or other type of security as determined by the director of public works, and the amount of the security shall be equal to the estimated total cost of the eminent domain proceedings to the county as determined by the director of public works.

#### **15.12.040 Conditions - Notations on map**

The Director shall cause appropriate conditions or notations to be written or printed on the final or parcel map attachment sheet or included in any notice of waiver of parcel map, when the advisory agency or board of supervisors has so directed. If the Director or the director of public works determines that a notation on any final or parcel map attachment sheet or in any notice of waiver of parcel map is necessary or desirable to protect the public interest with respect to the proposed land division, the Director or the director of public works shall, with the concurrence of the county counsel, make such notation.

#### **15.12.050 Certificate of ownership**

A certificate of ownership consenting to the preparation and recordation of a final map, parcel map, or notice of waiver of parcel map, shall be signed by all record title owners of property proposed for division by final map, parcel map or pursuant to a waiver of parcel map. The certificate and all dedications or offers of dedication shall appear on the face of the parcel map or final map or be attached as an exhibit to the map or notice of waiver of parcel map, or appear on separate instruments recorded concurrently with the map or notice.

#### **15.12.060 Soils investigation report**

If a soils investigation report has been prepared, the fact that the report has been made, the name and registration number of the engineer who prepared it and the date of the report shall be noted on the face of the final map. Approval of the final map does not constitute approval of the preliminary soils report, soils investigation report or the engineer's true statement of soil conditions.

#### **15.12.070 Reversion to acreage**

A final map or parcel map may be reverted to acreage by the board of supervisors pursuant to Government Code Section 66499.11 and following. In addition, a parcel map may be recorded pursuant to Government Code Section 66499.20-1/4 for the purpose of reverting to acreage land previously subdivided and consisting of four or less contiguous parcels under the same ownership.

#### **15.12.080 Resubdivision**

Subdivided lands may be merged and resubdivided without reverting to acreage pursuant to provisions of Government Code Section 66499.20-1/2.

#### **15.12.090 Modification of recorded maps**

A recorded final map or parcel map or the conditions applied to it may be modified as provided in Government Code Sections 66469 through 66472.1.

## **Section 4**

Chapter 15.13 shall be added as follows:

#### **15.13.010 Approval of a vesting tentative map**

A tentative map filed in compliance with the provisions of this chapter may be approved as a vesting tentative map if it is in conformity with the provisions of this chapter and with the applicable provisions of Government Code Section 66424.5(b). Such map shall have printed conspicuously on its face the words "vesting tentative map" in compliance with Government Code Section 66452. The purpose of vesting tentative maps is to provide an alternative to development agreements.

#### **15.13.020 Development rights**

A vesting tentative map approved pursuant to this division shall be subject to the provisions of Government Code Sections 66424.5(b), 66452(b) & (c), 66452.6(g) and 66498.1. The rights conferred by a vesting tentative map as provided herein shall last for an initial period of one year beyond the date of the recording of the final or parcel map. This one-year time period may be extended by the advisory agency in accordance with Government Code Section 66452.6 by filing a written request along with any fees established by the board of supervisors, with the Department prior to the expiration of the initial time period.

#### **15.13.030 Final development plan required**

No tentative map shall be approved as a vesting tentative map within any zoning district requiring a development plan, unless a final development plan in conformity with the provisions of Title 17 of the Shasta County Code is approved before or concurrently with the approval of the tentative map. A vesting tentative map may be approved without a final development plan in those zone districts in which there is no requirement for a development plan, except as may be required to determine the completeness of an application or to determine compliance with state or federal requirements. Projects within a zone district requiring a development plan for certain kinds of development will acquire vested rights to such development only for the improvements included in an approved development plan.

#### **15.13.040 Filing and processing**

A vesting tentative map shall be filed in the same form and have the same contents, accompanying data and reports and shall be processed in the same manner as set forth in this title for a tentative map. However, at the time a vesting tentative map is submitted for processing, the subdivider shall also provide the following information:

- A. A detailed grading plan.
- B. Geological studies if located within an area prone to slippage, having highly erodible soils or of known geologic hazards.
- C. Detailed drainage or flood control information as required by the department of public works.
- D. A final development plan if the project is located in a zone district that requires a final development plan.
- E. A noise analysis if the project is located in the vicinity of a high noise generating use.
- F. A signed statement by the applicant indicating whether the project is located on a site which is included on any of the local lists prepared by the California Integrated Waste Management Board of all solid waste disposal facilities from which there is a known migration of hazardous waste.

#### **15.13.050 Approval/Denial of a vesting tentative map.**

Approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies, and standards in effect at the time of project completeness. Notwithstanding the above, a development permit or entitlement based on the vesting tentative map may be conditioned or denied or an extension of time may be denied if any of the following were likely to occur:

- A. Failure to do so would place the residents of the subdivision or the immediate community, or both, in a condition dangerous to their health or safety, or both, as determined by the approving authority.
- B. The condition or denial is required, in order to comply with state or federal law as determined by the approving authority.

#### **15.13.060 Expiration of a vesting tentative map**

A vesting tentative map shall be subject to the same time limits as identified in Section 15.08.160 of this ordinance.

#### **15.13.070 Expiration of vested rights**

The rights conferred by this chapter shall expire if a final or parcel map is not approved for recording prior to the expiration of the vesting tentative map. If a final or parcel map is approved and recorded the rights conferred by this chapter shall be subject to the periods of time as set forth in Section 15.13.020 of this ordinance.

## **Section 5**

Chapter 15.16 shall be amended to read as follows:

#### **15.16.010 Map approval required before commencement of work**

No work of improvement, construction of any permanent structure or installation of a mobile home shall commence before the final map, parcel map, or notice of waiver of parcel map is filed for record unless the improvement is for the first residential unit on the entire property and the use is consistent with the underlying zone district. This section does not apply to clearing for purposes of surveying to prepare a map or to any construction or improvement approved

as a condition of approval of a tentative map or vesting tentative map, provided that improvement and construction plans have been checked and approved by the department of public works and any use permit, building permit, grading permit or other entitlement for use or other grant of approval for the work which may be required by law is first secured. As used in this chapter, "work" includes "improvement" and "construction" includes "installation".

#### **15.16.020 Tentative map approval - Conditions for commencement of work**

When a tentative map or vesting tentative map has been approved or conditionally approved, construction of improvements may begin if and only if:

- A. The estimated cost of construction plan checking and county inspection services, as determined by the director of public works, has been deposited with the director of public works and improvement and construction plans, in a form as required herein, have been approved in writing by the director of public works. The plans shall show the complete plans, profiles, and details for all street work and bridges, drainage channels and embankments, including sedimentation and erosion controls; the location of underground utilities which may control the location and elevation of storm drains and culverts; the location of fire hydrants and street monuments; curbs, gutters, sidewalks, fences, gates and driveways if constructed in conjunction with subdivision improvements; grading for streets, lots and improvements; and any other improvements or work which may be required. If the plans include five or more sheets, a key map showing the relationship among all sheets shall be included in the first sheet of plans;
- B. In the case of improvements which include sanitary sewers, storm drains or water systems to be accepted by or operated by a public agency, the plans are reviewed and approved by the accepting jurisdiction prior to approval of the remainder of the plans;
- C. The plans and profiles are submitted on sheets of uniform size, as determined by the director of public works; a border is provided with a suitable title block in the lower right-hand corner; and the scales for various portions of the drawings, and the north point where applicable, are shown on all sheets. Reference may be made to applicable county standard details in lieu of duplicating the drawings therein;
- D. After preparation of a required soils investigation report, a true statement of soil conditions is filed with the department of public works prior to approval of the plans. The statement shall indicate the maximum fill material used or proposed to be used on each lot and that the soil has been or will be prepared in accordance with the recommendations of a qualified registered civil engineer.

#### **15.16.030 Department of public works - Approval and inspection required**

- A. The department of public works and the Director shall approve, conditionally approve or disapprove, or specify necessary corrections to the plans not more than thirty days after submission of the plans to them and shall report their determinations to the subdivider or his agent. The director of public works may specify phases of construction and require appropriate inspections to be made at the end of a phase as a condition precedent to undertaking the next phase. When improvements are required, approval of the plans by the department of public works and the Department is a condition precedent to approval of a final map, parcel map or waiver of parcel map, pursuant to Sections 15.12.020 and 15.12.030.
- B. Construction of improvements shall be inspected by the department of public works or the Department, as appropriate.

#### **15.16.040 Conditional agreement for subdivision improvements**

- A. If any required improvements are not approved as complete by the department of public works at the time of approval of the final map, parcel map, or parcel map waiver the subdivider, as a condition precedent to approval of the map, shall enter into an agreement to construct the improvements within one year of the recordation of the map or waiver documents pursuant to Government Code Sections 66462 and 66462.5. The term of any such agreement for completion of required improvements may be extended by subsequent agreement(s) for a combined additional period not to exceed five years, subject to the following findings by the board of supervisors, prior to approving any such extension:
  1. The extension will not cause or contribute to public health or safety problems, or impede the orderly development of the surrounding area;
  2. All of the parcels created in the subdivision remain under common ownership; and

3. Performance security as of the date of the extension of time to complete the improvements is adequate to insure completion of the remaining improvements.
- B. An extension may be conditioned upon construction of the improvements to meet county standards in effect when the extension is approved, as set forth in the agreement extending the time of performance, and these standards shall then supersede any prior standards approved or agreed upon if made applicable.

#### **15.16.050 Dedication to public use**

Whenever improvements are to be dedicated for public use or accepted for maintenance by the county, the subdivider shall, prior to approval of the final map, parcel map or waiver of parcel map, enter into an agreement to maintain the improvements at no expense to the county against any defective work or labor done or defective materials used. As used in this section and Section 15.16.060, a defect in work, labor or materials includes, but is not limited to, the failure of an improvement, during the term of an agreement, to meet applicable county standards or to be fit for its intended use. The term of the agreement shall be one year from the date of acceptance of the dedication or of acceptance of the improvement for maintenance by the county unless the director of public works determines that the condition and circumstances in a particular case require a longer period. The county may, at its option, enter into an equivalent agreement with the contractor who performed the work to satisfy the maintenance agreement requirements of this section.

#### **15.16.060 Security - Required when**

- A. If any improvements are not approved as complete by the department of public works at the time of approval of the final map, parcel map or waiver of parcel map, the subdivider shall furnish good and sufficient security as set forth in Government Code Section 66499 and following:
1. In an amount not less than one hundred percent of the total estimated cost of the improvements or of the acts to be performed, conditioned upon faithful performance of the acts or agreements;
  2. In an additional amount of not less than fifty percent of the total estimated cost of the improvements or the performance of the required acts, to secure payment to the contractor, his subcontractors and others who furnish labor, materials or equipment to them for the improvements or performance of the required acts;
  3. In an additional amount, to be determined by the director of public works, necessary to guarantee and warranty the work for a period of one year, following the completion of the work and the acceptance of it for maintenance by the county, against any defective work or labor done or defective materials furnished. If the maintenance agreement is made with the contractor instead of the subdivider pursuant to subsection 2 of this section, the county may accept the security required by this section from the contractor.
- B. The extension of the term of an agreement for the construction of improvements in accordance with Section 15.16.040 shall be permitted only upon the developer's presentation of sufficient improvement security, as determined by the director of public works at the time of any such extension request.

#### **15.16.070 Determination of acceptance**

After the improvements are constructed or installed, and the subdivider has requested acceptance of them for maintenance by the county, the board of supervisors shall determine whether the improvements are satisfactory, based on a recommendation from the director of public works. After an agreement for maintenance is executed pursuant to Section 15.16.050, and adequate security is delivered to the department of public works in accordance with Section 15.16.060, the board of supervisors may accept satisfactory improvements for maintenance by the county. If improvements offered for acceptance are found to be unsatisfactory, the board of supervisors shall not accept them but shall instruct the director of public works to advise the subdivider or his agent in writing of the deficiencies.

#### **15.16.080 Determination of balance due**

Following the completion of improvements to be accepted by the county and prior to the filing of the final map, parcel map or waiver of parcel map, the director of public works shall determine the actual cost of construction plan review and county inspection services and advise the subdivider thereof. If that amount exceeds the estimate deposited with the

department of public works in accordance with Section 15.16.020, the subdivider shall pay the balance due to the department of public works, and if the actual cost is less than the estimate, the department of public works shall promptly refund the overpayment to the subdivider.

## Section 6

Chapter 15.20 shall be amended to read as follows:

### 15.20.010 Application approval

- A. The Director in consultation with the department of public works and other departments may approve or conditionally approve an application for a property line adjustment without submission of a tentative map; provided, that no parcel resulting from the adjustment will conflict with the requirements of the general plan, zoning plan, building ordinance, or the development standards. The decision of the Director may be appealed to the board of supervisors in the same manner and subject to the same procedures as established in Section 15.08.140 for tentative map applications. The scope of any appeal hearing on the merits of a proposed property line adjustment shall be limited to the substantive requirements of this section.
- B. Application for approval of a property line adjustment under this section shall be made to the Department and shall include an eight and one-half inch by eleven inch plat showing the proposed adjustment, any required fee, and such other information as the Director may require. The provisions of Section 15.08.010, except the requirement of the filing of a tentative map, apply to applications for approval of a property line adjustment. The owners of all parcels affected by the property line adjustment shall sign the application.

### 15.20.020 Alteration of boundary lines - Exhibit required

Whenever any boundary line(s) shown on a recorded parcel or final map would be altered as a result of a proposed property line adjustment, an accurate drawing, referred to herein as an exhibit, shall be prepared by a registered civil engineer or licensed surveyor, on an eight and one-half inch by eleven inch format, where feasible, and shall be an accurate representation of all adjusted boundary lines and shall include, but not be limited to, all property, mathematical or survey information such as courses, distances and bearings necessary to accurately reflect the adjusted property lines and parcels.

### 15.20.030 Notice of waiver - Other documents

After approval of the property line adjustment, a notice of waiver of parcel map shall be filed for recordation by the Department. A final version of the plat if required by Section 15.20.020 shall be attached to the notice as an exhibit and incorporated within the notice by reference. Any deed or other document required to comply with the requirements of this section shall be recorded simultaneously with the notice.

### 15.20.040 Deed recordation - Amendment of assessment district map

- A. As used in this subsection, "deed" includes a grant of fee title to the property affected and any other document necessary to relieve the property affected of any lien or encumbrance which, if foreclosed, released or reconveyed would conflict with a property line adjustment previously approved. Any deed filed for record pursuant to this section shall contain the words "for purposes of property line adjustment" in bold letters at least one-fourth inch high at the top center of each page and shall contain in the text the following language:

"This deed is for the purpose of adjusting property lines only and does not convey a separate parcel."

- B. When the property line adjustment affects any parcel which is part of a recorded map, the deed shall provide a space to record a reference to the recorder's book and page of all maps so affected. If any parcel affected by a property line adjustment is subject to a lien resulting from an assessment district proceeding or equivalent proceeding for the financing of public improvements, the applicant shall secure an amendment of the assessment district map and any other documents of record to reflect the adjusted property line.

### 15.20.050 Request for consolidation of parcels

The grantee of any real property conveyed to execute a property line adjustment pursuant to this chapter shall sign a request that the county assessor consolidate affected assessor's parcels in the grantee's or donee's ownership, as necessary, to prevent an increase in the number of assessor's parcels shown on the county assessment roll.

#### **15.20.060 Limitations of this chapter**

- A. Approval of a property line adjustment and recordation of a notice of waiver of parcel map pursuant to this chapter shall not be deemed or construed to be approval for development of any parcel affected by the property line adjustment.
- B. Nothing in this section shall be deemed or construed to prevent the filing of an application for approval of a tentative map for the purpose of adjusting one or more property lines of parcels shown on a recorded map.
- C. Nothing in this section shall be deemed or construed to prevent the use of a property line adjustment, as provided in this chapter, to merge contiguous lots or parcels of real property, unless the property line adjustment would require abandonment of dedicated rights-of-way which can only be accomplished through a reversion to acreage map.
- D. Approval of a property line adjustment shall expire according to the time limits identified in Section 15.08.160, unless an extension of time is requested with the filing of application fees in effect at the time that the extension request is submitted.

## **Section 7**

Chapter 15.24 shall be amended to read as follows:

#### **15.24.010 Establishment**

Pursuant to Government Code Section 66584, the board of supervisors may establish zones of benefit and levy fees therefor, as set out in Sections 15.24.020 through 15.24.070.

#### **15.24.020 Benefit fee - Purpose**

A benefit fee may be levied by the board of supervisors for the purpose of defraying the actual or estimated cost of constructing bridges over waterways, railways, freeways, and canyons or of constructing major thoroughfares when such are included in the circulation element, flood protection element or public facilities element of the general plan. No fee shall be levied for reimbursement or costs incurred for major thoroughfares or bridges constructed prior to the time of adoption of a zone of benefit, provided however, a fee may be levied for the addition to or reconstruction or relocation of an existing major thoroughfare or bridge.

#### **15.24.030 Notice - Hearing**

The boundaries of the zone of benefit, the actual or estimated costs and the method of allocation of such costs to the zone of benefit and fee apportionment shall be established by the board of supervisors after notice is given as required by law and a public hearing is held before the board. The notice shall contain preliminary information on the proposed boundaries of the area, estimated costs, the proposed method of fee apportionment and the date, time and place of the hearing.

#### **15.24.040 Hearing - Protest - Reconsideration**

If at the time the public hearing is opened written protests of the owners of more than one-half of the area included within the proposed zone of benefit have been filed with the clerk of the board of supervisors and sufficient protests are not withdrawn in writing prior to the conclusion of such public hearing, so as to reduce the area represented to less than one-half of that to be benefitted, the proceeding shall be abandoned and shall not be reconsidered for at least one year from the date of the abandonment, except as provided in Government Code Section 66484.

#### **15.24.050 Board resolution**

After the hearing, the board of supervisors may adopt a resolution establishing a zone of benefit and levying fees within the zone. The resolution shall include a description of the boundaries of the area of benefit, the total costs, whether actual or estimated, to be levied as fees and the method of fee apportionment. A certified copy of the resolution shall be filed for record with the county recorder.

#### **15.24.060 Payment of fees.**

- A. Fees levied pursuant to Section 15.24.050 are payable as a condition precedent to approval of a final map, parcel map or waiver of parcel map for real property within a zone of benefit. In the case of real property within the zone for which the fee has not been paid pursuant to approval of a final map, parcel map or waiver of parcel map, the fees are payable as a condition precedent to the issuance of a use permit, building permit, mobile home installation permit, or other development permit or entitlement for use.
- B. Payment of fees shall not be required unless the major thoroughfare is in addition to, or a reconstruction of, any existing major thoroughfares serving the area at the time the resolution establishing the zone of benefit is adopted or the planned bridge facility is an original bridge, or an addition to an existing bridge facility serving the area at the time the resolution is adopted.

#### **15.24.070 Condition for approval of tentative map**

Approval of a tentative map or vesting tentative map may be conditioned upon adoption by the board of supervisors of a resolution establishing a zone of benefit.

### **Section 8**

Chapter 15.28 shall be amended to read as follows:

#### **15.28.010 Administrative procedures**

Enforcement of this Title and the Subdivision Map Act shall be in accordance with applicable statutes, this code, and any implementing procedures established by resolution of the board of supervisors.

#### **15.28.020 Violation - Penalty**

- A. No person shall sell, lease, finance, convey, enter into a binding contract to sell, lease or finance or accept any deposit contingent upon parcel creation, or create by any means any parcel for which a final map or parcel map is required by the Map Act or this part until the map thereof fully complies with the provisions of the Map Act and this Title and has been filed for recordation with the county recorder.
- B. No person shall commence construction or installation of any building or mobile home within the boundaries of a tentative map unless:
  - 1. It is the first building or residential unit on the property;
  - 2. The building or unit is not located on a designated remainder parcel;
  - 3. The use complies with all policies, standards and regulations of the general plan and underlying zone district.
- C. Any person who violates any provision of this chapter is guilty of a misdemeanor, punishable by a fine of not more than ten thousand dollars or by imprisonment in the county jail for not more than one year, or by both, for each offense.

### **Section 9**

If any section, subsection, sentence, clause or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance.

### **Section 10**

This ordinance shall take effect thirty (30) days from and after its adoption. The Clerk of the Board of Supervisors shall cause this ordinance to be published as required by law.