

**AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF  
TEHAMA ADDING SECTION 16.12.060 TO THE TEHAMA COUNTY CODE  
PERTAINING TO VOLUNTARY MERGER OF CONTIGUOUS PARCELS**

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

**SECTION 1.** Section 16.12.060 is hereby added to the Tehama County Code to read:

16.12.060 Voluntary Merger of Contiguous Parcels.

- A. The provisions of this section are intended to provide criteria for the evaluation of and procedures for voluntary mergers pursuant to Section 66499.20.3 of the Government Code. Two or more contiguous parcels or units of land under common ownership which have been created under provisions of this title or any previous law regulating the division of land or which were not subject to such provisions at the time of their creation may be merged without reverting to acreage pursuant to the provisions of this section. For purposes of this section, "contiguous" means touching on a common line or lines.
- B. An application for merger into a single lot or parcel shall be made to the Planning Department on a county form approved by the Director of Planning. At the time of filing, the following information and documents are required:
  1. Legal Description. The application shall contain a legal description signed and sealed by a registered civil engineer or licensed land surveyor for the resulting parcel proposed by the voluntary merger.
  2. Owner's Consent. A certificate prepared according to the standards set forth in Government Code Section 66436, signed and notarized, acknowledged by all parties having any record title interest in the real property proposed to be merged, consenting to the preparation and recordation of the notice of merger and to the waiver of notice of said merger.
  3. Chain of Title. Provide legible copies of all deeds affecting the property beginning with the deed that described the property prior to its current configuration from that time to the present, unless the parcels were created through a recorded tract map, parcel map, or

official map or unless waived by the Director of Planning. A typed copy of all handwritten deeds and copies of earlier deeds in the chain of title or deeds describing adjacent property shall be submitted by the applicant if requested by the Director of Planning.

4. Preliminary Title Report. A preliminary title report concerning the property, showing current property owners, and which is not more than thirty (30) days old. The preliminary title report shall include the legal descriptions of the existing parcels proposed to be merged.
  6. Any additional or supplemental information which the Director of Planning determines is reasonably necessary to determine whether to approve a voluntary merger application pursuant to the provisions of this chapter.
- C. The Planning Department shall refer the application for merger to other affected county departments, including, but not limited to, the Department of Public Works, the County Counsel, and the Environmental Health Department. Such departments shall review the application and submit their comments pertaining thereto to the Director of Planning in writing.
- D. Within a reasonable time after receipt of a complete voluntary merger application and all necessary accompanying information, the Director of Planning shall approve the application and cause a Certificate of Merger to be recorded if there are no grounds for denial under subsection (E) of this section.
- E. The Director of Planning shall deny any voluntary merger application if they find any of the following:
1. The application is not in compliance with this section.
  2. The lots or parcels proposed to be merged are not, as of the date of the application, authorized to be separately sold under the Subdivision Map Act (Division 2 (commencing with Section 66410) of Title 7 of the Government Code).
  3. The parcel resulting from the voluntary merger will not conform to the Tehama County General Plan, any applicable specific plan, or any applicable zoning or building ordinances.
  4. The voluntary merger results in a nonconforming parcel (including a parcel that does not meet the minimum lot area and lot width for the zone in which it is located), or in the enlargement of a parcel containing an existing nonconforming use or structure, unless the

Director of Planning finds that such merger will reduce the degree of nonconformity of the preexisting parcels, will not lead to an increase in the density or intensity of use, and will not give permanency to, intensify, or expand the nonconforming use.

- F. The Director of Planning may impose any conditions upon approval of a voluntary merger that are necessary to achieve conformance with the Tehama County General Plan, any applicable specific plan, and any applicable zoning or building ordinances.
- G. The Director of Planning shall give written notice of his action on the application as follows: by mail to the applicant and owner(s) and representative, if any. Approval of the application does not constitute assurance that future applications for building permits or other land use entitlements on the resulting merged lot or parcel will be approved by the County of Tehama.
- H. Decisions of the Director of Planning made under the provisions of this section are final unless appealed by an applicant or any aggrieved person to the Planning Commission within fourteen days after the date of the decision.

A decision by the Planning Commission may be appealed to the board of supervisors within fourteen days of such action. The decision of the board of supervisors on the appeal shall be final and conclusive.

- I. As to a finally approved application, the Director of Planning shall record a Certificate of Merger, including the owner's consent to merger, to evidence the merger of parcels. The Certificate of Merger shall be in a form approved by the Director of Planning, and shall include a statement of any conditions imposed upon the approval of the merger. The Certification shall further include notations to the effect that:
  - 1. Approval of the merger does not guarantee that the resulting lot or parcel is developable; and
  - 2. The previously existing individual lots or parcels, which have been merged, are not separately available for sale, lease or financing purposes, except as allowed pursuant to the provisions of the Subdivision Map Act and local ordinance.
- J. Prior to the recordation of the Certificate of Merger, all encumbrances, including bonded indebtedness, shall be modified to apply uniformly to the resulting parcel, rather than to the portions of the resulting parcel corresponding to the separate parcels prior to the merger.

- K. Development of the parcel resulting from merger pursuant to this section must be in compliance with any and all applicable State and County statutes, ordinances and regulations.
- L. The Board of Supervisors may, by resolution, establish fees for applications for voluntary merger, and for appeals from *such* decisions, in accordance with all applicable legal requirements.

**SECTION 2.** This ordinance shall take effect thirty (30) days from the date of its adoption, and prior to the expiration of fifteen (15) days from the adoption thereof shall be published at least one time in the *Red Bluff Daily News*, a newspaper of general circulation in Tehama County.

The foregoing ordinance was duly passed and adopted by the Board of Supervisors of the County of Tehama, State of California, at a regular meeting of the Board of Supervisors on the 22nd day of Oct, 2013 by the following vote:

AYES: Supervisors Chamblin, Bruce, Williams, Bundy and Garton  
 NOES: None  
 ABSENT OR NOT VOTING: None

  
 CHAIRMAN, Board of Supervisors

STATE OF CALIFORNIA    )  
   ) ss  
 COUNTY OF TEHAMA     )

I, BEVERLY ROSS, County Clerk and ex-officio Clerk of the Board of Supervisors of the County of Tehama, State of California, hereby certify the above and foregoing to be a full, true and correct copy of an ordinance adopted by said Board of Supervisors on the 22nd day of October, 2013.

DATED: This 22nd day of October, 2013.

BEVERLY ROSS, County Clerk and ex-officio Clerk of the Board of Supervisors of the County of Tehama, State of California.

By   
 Deputy