

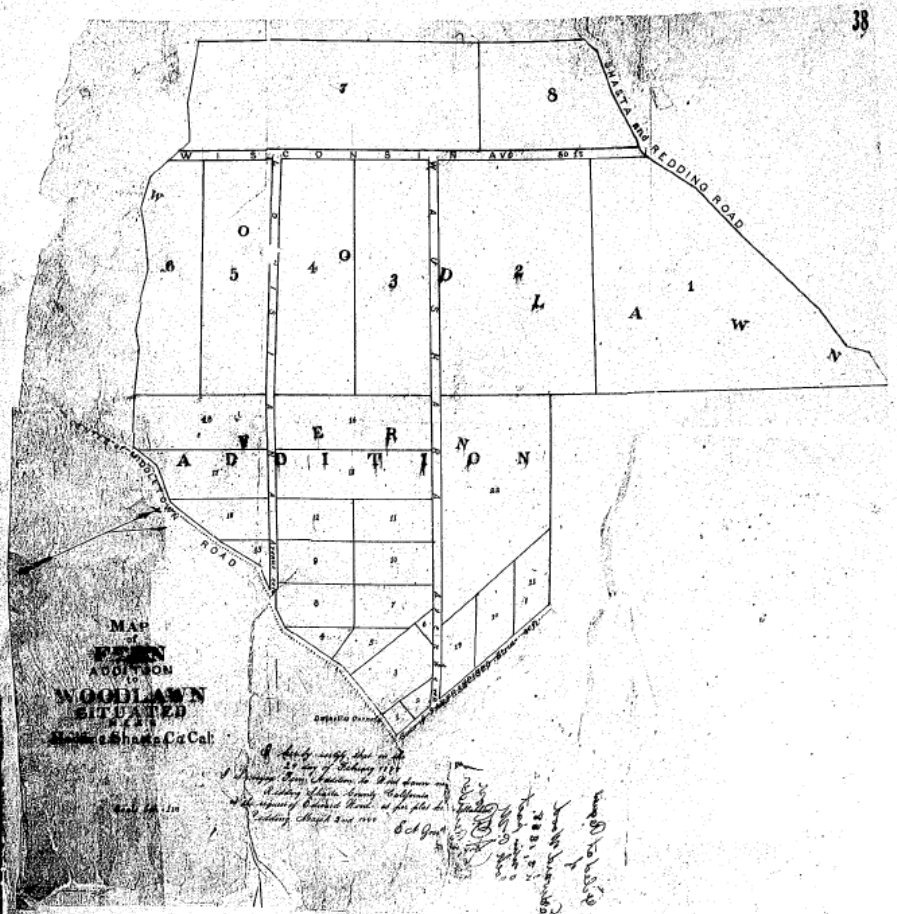
# **THE SUBDIVISION MAP ACT**

**NOVEMBER 1-4, 2022  
12:00 AM TO 12:00 AM**

**LIVE SESSION:  
TUESDAY, NOVEMBER 8, 2022  
1:00 – 3:00 PM**

Presented By:  
William W. Abbott, *Of Counsel*  
Abbott & Kindermann, Inc.  
2100 21<sup>st</sup> Street  
Sacramento, CA 95818  
(916) 456-9595  
(916) 456-9599 Fax  
[wabbott@aklandlaw.com](mailto:wabbott@aklandlaw.com)  
[www.aklandlaw.com](http://www.aklandlaw.com)  
<http://blog.aklandlaw.com>

# 38 1888 Recorded Map



# 2022 LEGISLATION

## **AB 2625 (Ch. 212) – Subdivision Map Act: exemption: Electrical Energy Storage System.**

Exempts from the Subdivision Map Act the leasing of, or the granting of an easement to, a parcel of land in conjunction with the financing, erection and sale or lease of an electrical energy storage system if the project is subject to discretionary action by the advisory agency or legislative body. These include wind powered electrical generation; solar electrical generation and biogas projects that uses, as party of its operation, agricultural waste or byproducts from the land where the project is located and reduces overall emissions of greenhouse gases from agricultural operations on the land if the project is subject to review under other local agencies ordinances regulating design and improvement or if the project is subject to discretionary action by the advisory agency or legislative body.

# 2022 LEGISLATION, CONT.

**Government Code 66434.1** addressing the notice of owner's development lien on face of final map. In addition to book and page number the recording instrument number of the resolution creating the owner's development lien was recorded shall be placed on the face of the final map recorded with the County Recorder's Office.

**Government Code section 66466** concerns the requirements of the County Recorder when examining whether to accept or reject the filing a Final or Parcel Map. Subsection (c) addresses how the map for filing shall be stored, and adds the following requirement:

*The map shall be stored in any other manner as will assure that the maps will be kept together, safe, and reproducible.*

Previously, the maps needed to be just secured fastened in a book of subdivision maps, in a book of parcel maps, or in a book of cities and towns which shall be kept for those purposes, or in any other manner as will assure that the maps will be kept together.

**FROM CLASS  
PARTICIPANT**

Between March 26, 1970, and March 1, 1975, a grant deed was acceptable for a division which created 4 or fewer parcels if all parcels were 10+ acres (per County Ordinance).

# SPOTTED OWL ESTATES – VTSM

Phase 1

Phase 2


- VTSM Application Complete: January 1, 2006
- VTSM Approved: September 1, 2006
- New Impact Fee Adopted: July 1, 2007
- FM Phase 1 Recorded: January 2008
  - No Permits Pulled Until 2013
- FM Phase 2 Recorded: January 2019
  - Permits Pulled Within 12 months

# Vesting and Quasi Vesting Concepts

Assertion	Citation	Outline Section	Summary
<b>Common Law</b>	<i>Avco Community Developers, Inc v. South Coast Regional Commission</i>	VII. E. (1)	Substantial good-faith expenditure based upon a building permit. The right is not of indefinite duration.
<b>Tentative Maps</b>	Government Code § 66474.2(b)	IX. A. (1)	When acting on the tentative map, apply the standards in effect when the application is deemed complete.
<b>Vesting Tentative Maps</b>	Government Code § 66498.1	VII. E. (2)	When acting on the tentative map, apply the standards in effect when the application is deemed complete. Provides a vested right to develop, not just record a final map.
<b>One Bite of Apple</b>	Government Code § 65961	VII. E. (3)	Limitation on imposing conditions on a building permit which could have been imposed at the time of the TM. The exceptions basically swallow the rule.
<b>Development Agreements</b>	Government Code § 65864 et seq.	VII. B.	A development agreement can vest rights through the terms of the development agreement.
<b>Housing Crisis Act of 2019</b>		VII. E. (4)	Within census designated areas in cities and counties, locks in densities in effect as of January 1, 2018, subject to a no net loss option.
		VII. E. (4)	For projects processing a “Preliminary Application,” it locks in standards for development in effect when the completed PA filed. Benefits can expire 30-42 months following filing of application if applicant has not begun construction.

# SUBDIVISION MAP ACT OBSCURA HYPOTHETICALS

1. Seller contracts to sell parcel to a commercial shopping center user. The legal description is based upon a recorded 1895 subdivision map.
2. An LLC with 4 members processes a parcel map to divide a 40-acre parcel into 4 ten-acre parcels, with each member buying a parcel with the intent to further re-divide the property. The LLC carries back the financing with release clauses based upon subsequent division of each 10-acre parcel.
3. The owner of warehouse space serving contractors in multiple workspaces agrees to lease interior shop space and to fence off a portion of the parking lot for outside storage for one of the tenants.
4. John Doe grants an exclusive use easement for a driveway to a neighbor.
5. Two neighbors discover that a fence line is not on the property line. Neighbor A grants neighbor B an exclusive use easement for the area between the fence line (as built) and the legal parcel line.
6. Three families jointly purchase a single parcel of land, but each constructs the cabin of their dreams in “their area” within the parcel.
7. Shopping Center Owner Sam designates parking slots in front of particular retail establishments within a shopping center for the use by Tenant Blackacre and its patrons.
8. A lot line adjustment approved by a county results in a legal adjustment of parcel lines between owners A and B, however, the parties fail to conform the debt instruments. A lender on parcel A then forecloses. Does the lender take title to the “old” parcel or the “new” parcel?