

AN ORDINANCE OF THE TOWN OF MAMMOTH LAKES,  
STATE OF CALIFORNIA, AMENDING TITLE 17 OF THE MUNICIPAL CODE  
BY ADDING A CHAPTER 17.50 ENTITLED "VESTING TENTATIVE MAPS FOR  
RESIDENTIAL SUBDIVISIONS

The Town Council of the Town of Mammoth Lakes does ordain as follows:

SECTION 17.50.010 GENERAL PROVISIONS

SUBSECTION 17.50.010: Citation and Authority

This ordinance is enacted pursuant to the authority granted by Chapter 4.5 (commencing with Section 66498.1) of Division 2 of Title 7 of the Government Code of the State of California (hereinafter referred to as the Vesting Tentative Map Statute), and may be cited as the Vesting Tentative Map Ordinance.

SUBSECTION 17.50.012: Purpose and Intent

It is the purpose of this ordinance to establish procedures necessary for the implementation of the Vesting Tentative Map Statute, and to supplement the provisions of the Subdivision Map Act and the Town of Mammoth Lakes Subdivision Ordinance. Except as otherwise set forth in the provisions of this ordinance, the provisions of the Subdivision Ordinance shall apply to the Vesting Tentative Map Ordinance.

To accomplish this purpose, the regulations outlined in this ordinance are determined to be necessary for the preservation of the public health, safety and general welfare, and for the promotion of orderly growth and development.

SUBSECTION 17.50.013: Consistency

No land shall be subdivided and developed pursuant to a vesting tentative map if the legislative body (Town Council) or the advisory agency (Planning Commission) makes any of the following findings:

- (a) That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451 of the Government Code.
- (b) That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.
- (c) That the site is not physically suitable for the type of development.
- (d) That the site is not physically suitable for the proposed density of development.
- (e) That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife

or their habitat.

(f) That the design of the subdivision or the type of improvements is likely to cause serious public health problems.

(g) That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the Town Council may approve a map if it finds that alternative easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection 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 a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.

(h) That the proposed map provides for uses not permitted by the Zoning Ordinance or is otherwise inconsistent with the provisions or requirements of the Zoning Ordinance.

#### SECTION 17.50.020. PROCEDURES

##### SUBSECTION 17.50.021: 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 the Mammoth Lakes Subdivision Ordinance for a tentative map except as hereinafter provided:

(a) At the time a vesting tentative map is filed it shall have printed conspicuously on its face the words "Vesting Tentative Map."

(b) At the time a vesting tentative map is filed a subdivider shall also supply the following information:

- an area map showing the location of the subject property and its relationship to any significant environmental factors, such as streams, ridge lines, tree stands, public open spaces.
- a precise site plan indicating the proposed division of the property and the height, size, location and proposed use of all buildings, structures, streets, curb cuts, access drives, walkways, parking areas and open/landscape areas.
- topographic information (generally at contour intervals not exceeding five (5) feet) and detailed grading plans including soils information.
- details of all sewer, water and storm drain facilities and improvements.

- the location and size of all utility and other easements which impact or constrain development/subdivision of the subject property.
- information and plans on street dedications and improvement standards.
- authorizing letters for waste water discharge and solid waste disposal.
- letters indicating/confirming the availability of water supply and sewer capacity to accommodate the proposed subdivision and intensity of development.
- geological, archaeological and seismic impact studies.
- architectural, signage and landscape plans as approved by the Design Review Committee.
- when applicable, the proposed means for assuring continuing existence, maintenance and operation of the various common elements and facilities. If a community association or similar governing structure is to be established, a copy of the covenants, conditions and restrictions (C, C & R's) shall be supplied.
- such other information as may be required by the Planning Director to permit a complete analysis and appraisal of the project.

SUBSECTION 17.50.022: Fees

Upon the filing of a vesting tentative map, the subdivider/applicant shall pay such fees as may be established by Resolution of the Town Council.

SUBSECTION 17.50.023: Expiration

The approval or conditional approval of a vesting tentative map shall expire at the end of the same time period, and shall be subject to the same extensions, established by the Subdivision Ordinance for the expiration of the approval or conditional approval of a tentative map.

SECTION 17.50.030. DEVELOPMENT RIGHTS

SUBSECTION 17.50.031: Vesting on Approval of Vesting Tentative Map

(a) The 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 described in Government Code Section 66474.2.

However, if Section 66474.2 of the Government Code is repealed, the 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 the vesting tentative map is approved or conditionally approved.

(b) Notwithstanding subdivision (a), a permit, approval, extension or entitlement may be made conditional or denied if any of the following are determined:

(1) 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.

(2) The condition or denial is required, in order to comply with state or federal law.

(c) The rights referred to herein shall expire if a final map is not approved prior to the expiration of the vesting tentative map as provided in Section 2-3. If the final map is approved, these rights shall last for the following periods of time:

(1) An initial time period of 12 months.

Where several final maps are recorded on various phases of a project covered by a single vesting tentative map, this initial time period shall begin for each phase when the final map for that phase is recorded.

(2) The initial time period set forth in (c)(1) shall be automatically extended by any time used for processing a complete application for a grading permit or for design or architectural review, if such processing exceeds 30 days, from the date a complete application is filed.

(3) A subdivider may apply for a one-year extension at any time before the initial time period set forth in (c)(1) expires. If the extension is denied, the subdivider may appeal that denial to the Town Council within 15 days.

(4) If the subdivider submits a complete application for a building permit during the periods of time specified in subdivisions (1) - (3), the rights referred to herein shall continue until the expiration of that permit, or any extension of that permit provided that construction has commenced and is being diligently pursued towards completion.

SUBSECTION 17.50.032: Development Inconsistent With Zoning

(a) Whenever a subdivider files a vesting tentative map for a subdivision whose intended development is inconsistent with the zoning ordinance in existence at that time, the Town Council shall deny such a vesting tentative map. However, a subdivider may file a vesting tentative map in conjunction with an application for a change in the zoning ordinance in order for both issues to be considered at the same time. If the change in the zoning ordinance is obtained, the vesting tentative map may be approved and the vested right to proceed with the development in compliance with the change in the zoning ordinance and the approved map shall be conferred.

(b) The rights conferred by this section shall be for the time periods set forth in Section 3-1(c).

SUBSECTION 17.50.033: Applications Inconsistent with Current Policies

Notwithstanding any provisions of this ordinance, a property owner or his or her designee may seek approvals or permits for development which depart from the ordinances, policies and standards described in Sections 3-1(a) and 3-2, and local agencies may grant these approvals or issue these permits to the extent that the departures are authorized under applicable law.

ENACTING SECTION

SECTION 1. Amending Title 17

Title 17 of the Town of Mammoth Lakes Municipal Code, adopted August 20, 1984, is hereby amended by adding Chapter 17.50 entitled "Vesting Tentative Maps For Residential Subdivisions", to read as set forth herein.

SECTION 2. Posting

The Town Clerk shall, within fifteen (15) days after the passage of this Ordinance, cause it to be posted at the duly designated posting places established by resolution of the Town Council; and published once within fifteen (15) days after the passage and adoption, as required by law; or, in the alternative, the Town Clerk may cause to be published a summary of said Ordinance; and shall certify to the adoption, posting and publication of this Ordinance and enter them into the book of ordinances of the Town.

SECTION 3. Severability

If any of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or application, and to this end the provisions of this Ordinance are declared to be severable.

The foregoing ordinance was introduced on the  
18th of December, 1985 and PASSED, APPROVED AND ADOPTED  
the 8th day of January, 1986.

Boyd W. Lemmon  
BOYD LEMMON, Mayor

ATTEST:

Pam Ainsworth  
PAM AINSWORTH, ~~Secretary~~ Town Clerk

APPROVED AS TO FORM:

Neil G. McCarroll II  
NEIL G. MCCARROLL II, Town Attorney

AN ORDINANCE OF THE TOWN COUNCIL OF MAMMOTH LAKES,  
STATE OF CALIFORNIA, AMENDING SECTION 17.16.260 OF  
ORDINANCE 84-10 RESPECTING STREET & HIGHWAY WIDTHS

THE TOWN COUNCIL OF THE TOWN OF MAMMOTH LAKES, STATE OF  
CALIFORNIA, DOES ORDAIN AS FOLLOWS:

SECTION 1.      AMEND SECTION 17.16.260 OF ORDINANCE 84-10

Section 17.16.260 of the Mono County Code, adopted by reference  
by the Town of Mammoth Lakes by Ordinance 84-10, is hereby amended to  
read as set forth in Exhibit "A" attached hereto and incorporated  
herein.

SECTION 2.      EFFECTIVE DATE

This Ordinance shall become effective and enforceable thirty (30)  
days from and after the date of its adoption.

SECTION 3.      POSTING

The Town Clerk shall, within fifteen (15) days after the passage  
of this Ordinance, cause it to be published in The Review newspaper  
and enter it into the Book of Ordinances of the Town.

SECTION 4.      SEVERABILITY

If any provision of this Ordinance or the application thereof to  
any person or circumstance is held invalid, such invalidity shall not  
affect other provisions or applications, and to this end the provisions  
of this Ordinance are declared to be severable.

The foregoing Ordinance was introduced on the 6th day of March,  
1991 and PASSED, APPROVED AND ADOPTED on the 20th day of March, 1991.

  
GORDON ALPER, Mayor

ATTEST:

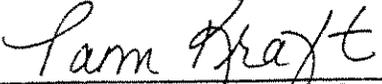
  
PAM KRAFT, CMC, Town Clerk

EXHIBIT "A"

17.16.260 STREET AND HIGHWAY WIDTHS

A. The width of an arterial or collector street or highway shall be a minimum of eighty feet, and the width of a local street shall be a minimum of sixty feet with a minimum of thirty feet of pavement, as determined by the Director of Public Works.

B. The Director of Public Works may approve modification from said standards as follows:

1. A minimum dedicated right-of-way width of forty feet.
2. A minimum of twenty-four feet of paving.
3. A minimum of twenty feet of snow storage easement, with ten feet on each side of the street.

C. Before modifications can be made, they must meet the following conditions:

1. Dedicated roads with substandard widths within existing single family dwelling subdivisions, either improved or unimproved, within the following zones:

- a. Rural Residential (RR)
- b. Residential Single Family (RSF)
- c. Open Space Stream Corridor (OSSC)
- d. Resort (R)

2. Dedicated roads within a proposed single family dwelling subdivision meeting the following criteria:

- a. Lot Size = 15,000 square feet (minimum)
- b. Average Lot Width = 80 feet

within the following zones:

- c. Rural Residential (RR)
- d. Residential Single Family (RSF)
- e. Open Space Stream Corridor (OSSC)
- f. Resort

D. The Public Works Director may not approve such modifications where they may adversely affect the public health and safety or adversely impact an environmental resource.

ORDINANCE NO. 97-06

AN ORDINANCE OF THE TOWN COUNCIL OF MAMMOTH LAKES,  
STATE OF CALIFORNIA, AMENDING MUNICIPAL CODE, TITLE 17,  
ENTITLED "SUBDIVISIONS" AND ADDING A CHAPTER 17.34 ENTITLED "CORRECTION AND  
AMENDMENT OF FINAL MAPS AND PARCEL MAPS"

THE TOWN COUNCIL OF MAMMOTH LAKES, STATE OF CALIFORNIA, DOES ORDAIN  
AS FOLLOWS:

SECTION 1: AMEND SECTIONS 17.12.070, 17.20.020, 17.20.170, 17.36.040 AND 17.37.110;  
DELETE SECTIONS 17.12.080, 17.20.090, 17.20.180, 17.36.040 A, and 17.37.060 B; AND ADD  
CHAPTER 17.34 ENTITLED "CORRECTION AND AMENDMENT OF FINAL MAPS AND PARCEL  
MAPS" OF THE MUNICIPAL CODE ENTITLED "SUBDIVISIONS".

The above sections of Title 17, Subdivisions, of the Town of Mammoth Lakes Municipal Code  
are hereby modified as set forth in Exhibit "A" attached hereto and incorporated herein.

SECTION 2: EFFECTIVE DATE

This Ordinance shall become effective and be in force thirty (30) days from and after its passage.

SECTION 3: POSTING

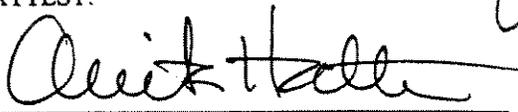
The Town Clerk shall, within fifteen (15) days after the passage of this Ordinance, cause it to be  
posted at the duly designated posting places established by resolution of the Town Council, published once  
in a newspaper of general circulation and entered into the Book of Ordinances of the Town.

SECTION 4: SEVERABILITY

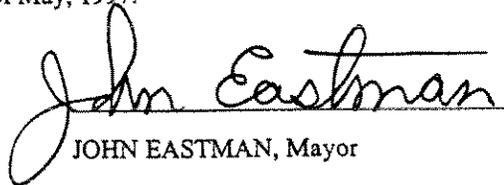
If any provision of this Ordinance or the application thereof to any person or circumstance is held  
invalid, such invalidity shall not affect other provisions or applications, and to this end the provisions of  
this Ordinance are declared to be severable.

The foregoing Ordinance was introduced on the 23rd day of April, 1997 and PASSED,  
APPROVED AND ADOPTED on the 7<sup>th</sup> day of May, 1997.

ATTEST:



ANITA HATTER, Town Clerk

  
JOHN EASTMAN, Mayor

## TITLE 17 (COUNTY CODE)

### 17.12.070 Hearing Before the Commission

#### *Delete and Replace*

Within fifty calendar days after the filing of the tentative map with the Town, unless the time is extended with the consent of the subdivider, the Planning Commission shall approve, disapprove or conditionally approve the proposed subdivision subject to the provisions of the Subdivision Map Act.

### 17.12.080 Action by the Board of Supervisors

#### *Delete*

### 17.12.090 Tentative Map Action Time Limit

#### *Delete*

### 17.20.20 Expiration-Extension of time.

#### *Delete and replace.*

B. Upon written application filed with the Secretary of the Planning Commission, not later than 45 days prior to the expiration of the approved or conditionally approved tentative map, the time at which the map expires may, at the discretion of the Planning Commission, be extended for a one-year period or successive one-year periods not to exceed a total of three additional years.

### 17.20.170 Commission Approval

#### *Delete paragraph following K and replace.*

When the final map conforms to the tentative map, local ordinances, the Subdivision map Act, and is technically correct, the original tracing of the final map, signed by all parties required to execute the owner's certificate and surveyor's certificate on the map, shall be submitted to the Town Engineer. The Town Engineer shall present the final map to the planning director or his/her designee, for approval or disapproval. If disapproved, the Town Engineer shall return the map to the subdivider with an explanation of the rejection. If approved by the Planning Director, or his/her designee, it shall be transmitted to the Advisory agency for approval. The Town Engineer shall transmit the map to the Agency along with all required accompanying documents, recommending approval.

Upon approval of the final map and acceptance or rejection of any or all offers of dedication by the Advisory Agency, the clerk of the Agency shall transmit the map, deeds and other necessary documents to the county recorder for recording.

The subdivider shall also present to the recorder evidence that upon the date of recording, as shown by public record, the parties consenting to the recordation of the map are all of the parties having a record title interest in the land subdivided, whose signatures are required by the provisions of the Subdivision Map Act; otherwise the map shall not be recorded.

### **17.20.180 Board Approval**

Delete

*Add a new chapter.*

## **Chapter 17.34 CORRECTION AND AMENDMENT OF FINAL MAPS AND PARCEL MAPS**

### **17.34.010 Amendments Permitted**

- A. After a final map or parcel map is filed for record in the Office of the County Recorder, it may be amended by a certificate of correction or an amending map in accordance with Chapter 3, Article 7 of the Subdivision Map Act, for any of the following reasons:
1. To correct any error in any course or distance shown on the map;
  2. To show any course or distance that was omitted from the map;
  3. To correct an error in the description of the real property shown on the map;
  4. To indicate monuments set after the death, disability or retirement from practice of the engineer or surveyor charges with the responsibility for setting monuments;
  5. To show the proper location or character of any monument which has been changed in location or character, or which was originally shown at the wrong location or incorrectly as to its character;
  6. To correct any additional information filed or recorded pursuant to Section 66434.2 of the Subdivision Map Act, if the correction does not impose any additional burden on the present fee owner of the property and does not alter any right, title, or interest in the real property reflected on the recorded map;

7. To correct any other type of map error or omission as approved by the Town Engineer, which does not affect any property right. Such errors and omissions may include, but are not limited to, lot numbers, acreage, street names and identification of adjacent record maps.
8. To make modifications when there are changes in circumstances which make any or all of the conditions of the map no longer appropriate or necessary and the modifications do not impose any additional burden on the present fee owner or the property and do not alter any right, title or interest in the real property reflected on the recorded map.

B. As used in this section, "error" does not include changes in courses or distances from which an error is not ascertainable from the data shown on the final map or parcel map.

**17.34.020 Form and Content of Amending Map or Certificate of Correction**

- A. The amending map or certificate of correction must be prepared and signed by a registered civil engineer authorized to practice land surveying or licensed land surveyor.
- B. An amending map shall comply with the Subdivision Map Act, Section 66433 et seq., and with the requirements of Sections 17.20.020 through 17.20.190.
- C. The amending map or certificate of correction must show in detail the corrections made and the names of the present fee owners of the property affected by the corrections.

**17.34.30 Submittal and Approval of Amending Map or Certificate of Correction**

- A. Where the certificate of correction or amendment of the final map or parcel map is filed for any of the reasons listed in (1) through (7) of Section 17.34.010, the amending map or certificate of correction shall be submitted to the Town Engineer for review and approval. The Town Engineer shall examine the amending map or certificate of correction and if the only changes are those described in (1) through (7) above, the Town Engineer shall certify to this fact on the amending map or certificate of correction.
- B. Where the certificate of correction or amendment of the final map or parcel map is filed for the reason described in Section 17.34.010 (8), the amending map or certificate of correction shall be submitted for review and approval of the Advisory. A public hearing shall be held on the proposed modification with notice given in the manner prescribed in Section 66451.3 of the Subdivision Map Act. The hearing shall be confined to consideration of and action on the proposed modification. The modification shall not be approved

if the findings set forth in Section 66474 of the Subdivision Map Act cannot be made.

#### **17.34.40 Filing an Amending Map or Certificate of Correction with the County Recorder**

The amending map or certificate of correction, certified and approved in accordance with Section 17.34.030 above, shall be filed for record in the Office of the County Recorder. At that time, the original map will be deemed to have been conclusively corrected and shall impart constructive notice of all such corrections in the same manner as though set forth upon the original map. Upon recordation of a certificate of correction, the County Recorder shall transmit, within 60 days of recording, a certified copy to the County Surveyor who shall maintain an index of recorded certificates of correction.

#### **17.34.50 Fees and Costs for Processing Amended Map or Certificate of Correction**

A fee for the public hearing, checking, processing, indexing and recording of an amended map or certificate of correction, in such an amount as established from time to time by resolution of the Town Council of Mammoth Lakes, may be required at the time the map or certificate is submitted for checking.

#### **17.36.040 Land division review committee**

*Delete and replace*

- A. There is created a land division review committee which shall consist of the town engineer, the senior planner and the building official. The senior planner shall act as the coordinator and secretary of the committee. All members of the committee, or their designees, shall act as a quorum for the transaction of business.

#### **17.37.60 Maps and Documents**

*Delete paragraph A.*

#### **17.37.110 Recording Lot Line Adjustments**

*Delete paragraph A.*

*Delete and replace paragraph B.*

B. Upon approval by the Senior Planner of all maps and documents required in accordance with this chapter and payment by the applicant of all fees, the Senior Planner shall transmit the approved lot line adjustment and all other required documents to the County Recorder for recordation.

*Delete paragraph C.*

ORDINANCE NO. 03-14

AN ORDINANCE OF THE TOWN COUNCIL  
OF THE TOWN OF MAMMOTH LAKES,  
STATE OF CALIFORNIA  
AMENDING SECTION 17.16.260C.2  
OF TOWN COUNCIL ORDINANCE NO. 91-01

THE TOWN COUNCIL OF MAMMOTH LAKES, STATE OF CALIFORNIA, DOES ORDAIN AS FOLLOWS:

Section 1: AMEND TITLE 17 OF THE MUNICIPAL (ZONING) CODE

Title 17, respecting Zoning Regulations, is hereby amended as set forth in Attachment "A" attached hereto and incorporated herein.

Section 2: EFFECTIVE DATE OF ORDINANCE

This Ordinance shall become effective and enforceable thirty (30) days from and after the date of its adoption.

Section 3: POSTING

The Town Clerk shall, within fifteen (15) days after the passage of this Ordinance, cause it to be posted at the duly designated posting places established by resolution of the Town Council, published once in a newspaper of general circulation, and entered into the Book of Ordinances of the Town.

Section 4: SEVERABILITY

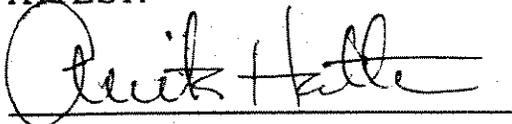
If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications, and to this end the provisions of this Ordinance are declared to be severable.

The foregoing Ordinance was introduced on the 3<sup>RD</sup> day of December, 2003 and PASSED, APPROVED AND ADOPTED on the 17th day of December, 2003.



RICK WOOD, Mayor

ATTEST:



ANITA HATTER, Town Clerk

**ATTACHMENT "A"**

Amend Section 17.16.260C.2 of Town Council Ordinance No. 91-01 that amended Ordinance 84-10 adopting the Mono County Code related to Subdivisions) to add item "c" to read:

"c. A private right-of-way width of 40 feet may be approved for proposed SFR subdivisions of ten lots or fewer having lot areas of 7,500 square feet or greater provided a 10-foot snow storage easement is recorded upon the abutting lot frontages and a maintenance and snow removal agreement is recorded on each private lot within the subdivision."

## **Title 17**

### **SUBDIVISIONS AND LAND DIVISIONS**

#### Chapters:

- 17.04 General Provisions
- 17.08 Definitions
- 17.12 Subdivisions-Preliminary Approval and Tentative Maps
- 17.13 Conversion of Existing Residential Facilities by Subdivision
- 17.16 Subdivisions-Requirements and Improvements
- 17.20 Subdivisions-Final Maps
- 17.24 Subdivisions-Improvement Regulation
- 17.28 Subdivisions- Variances
- 17.32 Subdivisions- Violations
- 17.36 Land Divisions
- 17.37 Lot Line Adjustments
- 17.40 Development Fees
- 17.44 Construction of Bridges and Major Thoroughfares

#### **Chapter 17.04**

### **GENERAL PROVISIONS**

#### Sections:

- 17.04.010 Title
- 17.04.020 Purpose
- 17.04.030 Advisory agency

#### 17.04.010 Title

This title shall be known as the "Mono County subdivision and land division ordinance;" further, it shall be deemed to be the "local ordinance" under Section 66411 of the Government Code.

#### 17.04.020 Purpose.

This title is enacted for the purpose of adopting subdivision and land division regulations in accordance with the Subdivision Map Act contained in Government Code Sections 66410 et seq.; further, this title is intended to promote public health, safety and general welfare, the orderly growth and development of the county, the proper use of land, the conservation, stabilization and protection of the value of property and to establish adequate provisions for utilities and other conveniences in land use.

17.04.030 Advisory agency.

The Mono County planning commission is designated as the advisory agency pursuant to Section 66415 of the Government Code.

## **Chapter 17.08**

### **DEFINITIONS**

#### Sections:

|           |   |
|-----------|---|
| 17.08.010 | Definitions generally   |
| 17.08.020 | Access road   |
| 17.08.030 | Block   |
| 17.08.040 | Commission  |
| 17.08.051 | Conversions of existing residential facilities by subdivision |
| 17.08.060 | Design  |
| 17.08.070 | Drainage way  |
| 17.08.090 | Environmental impact report                                   |
| 17.08.100 | Final map   |
| 17.08.110 | Flood hazard  |
| 17.08.120 | Flood plain   |
| 17.08.130 | Flood water   |
| 17.08.140 | Frontage  |
| 17.08.150 | Health department   |
| 17.08.160 | Health officer  |
| 17.08.170 | Highway or street   |
| 17.08.180 | Improvement plan  |
| 17.08.190 | Improvements  |
| 17.08.200 | Land division   |
| 17.08.210 | Land project  |
| 17.08.220 | Lot   |
| 17.08.230 | Noncountry improvements                                       |
| 17.08.240 | Owner   |
| 17.08.250 | Parcel  |
| 17.08.260 | Park  |
| 17.08.270 | Path  |
| 17.08.280 | Person  |
| 17.08.290 | Planning department   |
| 17.08.300 | Planning director   |
| 17.08.310 | Ponding of local storm water                                  |
| 17.08.320 | Private street  |
| 17.08.330 | Public ways   |
| 17.08.340 | Public works department                                       |
| 17.08.350 | Road  |
| 17.08.360 | Road commissioner   |

|           |                         |
|-----------|-------------------------|
| 17.08.370 | Road department         |
| 17.08.380 | Sheet flow              |
| 17.08.390 | Standard plans          |
| 17.08.400 | Street                  |
| 17.08.410 | Subdivider              |
| 17.08.420 | Subdivision             |
| 17.08.430 | Surface water           |
| 17.08.440 | Surveyor                |
| 17.08.450 | Tentative map           |
| 17.08.450 | Trail                   |
| 17.08.460 | Watercourse             |
| 17.08.480 | Interpretation of words |

17.08.010 Definitions generally

In addition to those definitions given in Chapter 1.04 of this code, the following words and phrases shall have the meanings given in this chapter.

17.08.020 Access road

“Access road” means any street or road passing adjacent to or through the subdivision which carries the major flow of traffic, and onto which traffic entering from side streets and driveways may be controlled.

17.08.030 Block

“Block” means an area of land within a subdivision, which area is either entirely bounded by streets (except alleys) and the exterior boundary or boundaries of the subdivision.

17.08.040 Building site

“Building site” means a parcel or lot occupied or intended to be occupied by buildings or structures.

17.08.050 Commission

“Commission” means the Mono County planning commission, the body duly appointed, authorized and acting per Section 65300 of the Government Code and Chapter 2.36 of this code, and when used herein may apply to the commission’s duly authorized representatives.

17.08.051 Design

- A. Design refers to street alignment grades and widths, alignment and widths of easements and rights-of-way for drainage, proper grading and erosion control (including the prevention of sedimentation or damage to off-site property), water supply, sanitary sewers and minimum lot area and width.
- B. Design also includes land to be dedicated for park or recreational purposes.
- C. Design also refers to such specific requirements in the plan and configuration of the entire subdivision as may be necessary or convenient to insure conformity to or implementation of applicable general or specific plans of a city or county.

17.08.070 Director of public works

“Director of public works” means the director of public works of Mono County, or his designated representative.

17.08.080 Drainage way

“Drainage way” means a natural depression in the earths surface, such as swales, ravines, draws and hollows, in which surface waters collect as a result of rain or melting snow, but at other times are destitute of water.

17.08.090 Environmental impact report

“Environmental impact report” (EIR) means a detailed statement setting forth the environmental effects and considerations pertaining to a project as specified in Section 211000 of the California Environmental Quality Act.

17.08.100 Final Map

“Final Map” means a map prepared in accordance with the provisions of this title and the Subdivision Map Act of the state and which is designed to be recorded in the recorder’s office.

17.08.110 Flood hazard

“Flood hazard” means possible occurrence of flood waters and/or overflow causing inundation of lands or improvements, or stream having sufficient velocity to transport or deposit debris, to scour the surface soil, to dislodge or damage buildings or to cause erosion of the banks or channels.

17.08.120 Flood plain

“Flood plain” means areas adjoining a watercourse, lake or other body of water that have been covered by flood waters.

17.08.130 Flood water

“Flood water” means water flowing over the surface of the land which has escaped from a stream or other body of water, never to return to their point or origin.

17.08.140 Frontage

“Frontage” means that portion of the lot or block measured along the property line adjacent to the street.

17.08.150 Health department

“Health department” means the Mono County health officer or his designated representative.

17.08.160 Health officer

“Health officer” means the Mono County health officer or his designated representative.

17.08.170 Highway or street

“Street” or “highway” means all streets, roads, highways, avenues, boulevards, drives, sidewalks, lanes, esplanades, alleys, equestrian, bicycle or snowmobile lanes, utilized principally for pedestrian or vehicular traffic, and includes the entire area between the right-of-way boundaries.

17.08.180 Improvement plan

“Improvement plan” means an engineering plan submitted by a civil engineer registered by the state, showing the locations and construction details of all improvements required for the subdivision.

17.08.190 Improvements

- A. “Improvements” refers to such street work and utilities to be installed or agreed to be installed by the subdivider on the land to be used for public or private streets, highways, ways and easements, as necessary for the general use of the lot owners in the subdivision and local neighborhood traffic and drainage needs, including those required to prevent sedimentation or damage to off-site property, as a condition precedent to the approval and acceptance of the final map thereof.
- B. “Improvement” also refers to such specific improvements or types of improvements the installation of which, either by the subdivider, by public agencies, by private utilities or by a combination thereof, is necessary or convenient to insure conformity to or implementation of applicable general or specific plans and the zoning ordinance of a city or county.

17.08.200 Land division

“Land division” refers to any real property, improved or unimproved, shown on the latest equalized county assessment roll as a unit or contiguous units, under one ownership, which is divided for the purpose of sale, lease or financing, whether immediate or future, by any person into two or more parcels, provided the property division does not constitute a subdivision as defined in this title.

17.08.210 Land project

“Land project” is a subdivision or subdivided lands within this state which satisfies all of the following conditions:

- A. The subdivision or subdivided lands contain fifty or more parcels of which any fifty are both:
  - 1. Not improved with residential, industrial, commercial or institutional buildings, and
  - 2. Offered for sale, lease or financing for purposes other than industrial, commercial, institutional or commercial agricultural issues;
- B. The subdivision or subdivided lands are located in an area in which reside less than one thousand five hundred registered voters within the subdivision or within two miles of the boundaries of the property described in the final public report;
- C. Not constituting a community apartment project as defined in Section 11004 of the Business and Professions Code, a project consisting of condominiums as defined in Section 783 of the Civil Code, or a stock cooperative as defined in Section 11003.2 of the Business and Professions Code.

17.08.220 Lot

“Lot” means that portion of land in a subdivision which is delineated or described as a single integral unit as shown on the map of the subdivision or parcel map.

17.08.230 Noncountry improvements

“Noncountry improvements” means improvements to be made by the subdivider but not required to be offered or dedication to the county. Such noncountry improvements may include private areas, private sewage disposal, sewer systems to be furnished to other governmental entities and water distribution systems to be furnished to other governmental entities.

17.08.240 Owner

“Owner” is a person, firm, association, syndicate, co-partnership, corporation or other legal entity having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under the Subdivision Map Act and this title, whether acting in the capacity of a joint owner, co-owner, guardian, executor, administrator or other person holding property in trust and whether in person or by subdividers, agents, representatives or otherwise.

17.08.250 Parcel

“Parcel” means real property which is contiguous and under one ownership. Property shall be considered contiguous even if separated by streets, easements or railroad rights-of-way.

17.08.260 Park

“Park” means public or private land or open space reserved from dwelling unit development.

17.08.270 Path

“Path” means a way designed for use only by pedestrians.

A. “Public paths” means only such paths whose right-of-way is dedicated upon a subdivision map or deeded to and accepted by the governing board of the county.

B. “Private path” means a path offered for the benefit of the owners of certain lots, which lots shall be designated for that purpose on the subdivision map.

17.08.280 Person

“Person” means an individual, partnership, corporation, business association or group of individuals, and any governmental entity.

17.08.290 Planning department

“Planning department” means the Mono County planning department.

17.08.300 Planning director

“Planning director” means the director of building and planning or his designated representative.

17.08.310 Ponding of local storm water

“Ponding of local storm water” means standing storm water in local depression. As distinguished from sheet overflow, this water originates on or in the vicinity of the subdivision and due to the condition of the ground surface does not reach a drainage channel or conduit.

17.08.320 Private street

“Private street” means any parcel of land or nonexclusive easement not owned by the county, a city, the state, not accepted for dedication to the public, and which is used or intended to be used for vehicular access to a lot or parcel.

17.08.330 Public ways

“Public ways” means all streets, roads, highways, esplanades, easements, rights-of-way, tunnels, culverts, wires, pipes, lines, tubes and any or all other property rights or interests and rights less than in fee, together with improvements, therein or thereon, owned, possessed, held or under the control of a political subdivision and/or public and private utility entities.

17.08.340 Public works department

“Public works department” means the Mono County department of public works.

17.08.350 Road

For a definition of “road” see “highway or street,” Section 17.08.170.

17.08.360 Road commissioner

“Road commissioner” means a duly appointed, authorized and active person who holds the position of road commissioner as per the Streets and Highway Code of California and under the authority of the board of supervisors of the county.

17.08.370 Road department

“Road department” means the Mono County road department.

17.08.380 Sheet flow

“Sheet flow” means water of minor depths, either quiescent or flowing at velocities less those necessary to produce serious scour.

17.08.390 Standard plans

“Standard plans” means the road department standard plans, including state standard plans, including state standard plans and specifications.

17.08.400 Street

For a definition of “street,” see “highway or street.”

17.08.410 Subdivider

“Subdivider” shall be as defined by Section 66423 of the Government Code.

17.08.420 Subdivision

“Subdivision” shall be as defined in Section 66424 et seq. of the Government Code.

17.08.430 Surface water

“Surface water” means water falling upon, arising from and naturally spreading over lands and produced by rainfall, melting snow or springs.

17.08.440 Surveyor

“Surveyor” means the Mono County surveyor, appointed by the board or supervisors, unless the context indicates otherwise.

17.08.450 Tentative map

“Tentative map” means a map for the purpose of showing the design of a proposed subdivision or land division and the existing conditions in and around it.

17.08.460 Trail

“Trail” means a way designed for use by pedestrians, bicycles and horses, unless otherwise specified.

17.08.470 Watercourse

“Watercourse” means a running stream of water; a natural stream, including rivers, creeks, runs and rivulets. It may sometimes be dry, but must flow in a definite channel.

17.08.480 Interpretation of words

As used in this title, “section” means a section of this title unless some other statute is specifically mentioned.

## Chapter 17.12

### SUBDIVISIONS-PRELIMINARY APPROVAL AND TENTATIVE MAPS

Sections:

|           |   |
|-----------|---|
| 17.12.010 | Preliminary acceptance                                  |
| 17.12.020 | Tentative map-Filing fee                                |
| 17.12.030 | Tentative map-Distribution after preliminary acceptance |
| 17.12.040 | Environmental review                                    |
| 17.12.050 | Development review committee-Created-Membership         |
| 17.12.060 | Development review committee – Conference               |
| 17.12.070 | Hearing before the commission                           |
| 17.12.080 | Action by the board of supervisors                      |
| 17.12.090 | Tentative map – Action time limit                       |
| 17.12.100 | Tentative map – Form and content                        |
| 17.12.110 | Tentative map – Accompanying data                       |
| 17.12.120 | Improvement plans                                       |
| 17.12.130 | Tentative map – Modification                            |

#### 17.12.010 Preliminary acceptance

Each proposed subdivision shall be submitted to the planning department for preliminary consideration in map form. The tentative map shall be prepared in accordance with the Subdivision Map Act and the provisions of this title. Such submittal may be prior to the completion of final surveys, but shall be prior to the start of any grading or construction work within the proposed subdivision. Twelve copies and one reproducible copy (sepia) of the tentative map are required at the time of submittal and additional copies required by the commission shall be provided without delay. Within five working days after submission of the tentative map and other required data, the planning department shall determine whether the map and accompanying data is in general compliance with the provisions of state law and this chapter. If it is not in compliance, it shall be returned to the subdivider with a written specification of reasons why it does not comply.

When the tentative map and accompanying data are determined by the planning department to be in general compliance with this chapter, the environmental requirements of Chapter 16.04 and state law, it shall be filed with the commission at their next regularly scheduled meeting. The date of this meeting shall be the date of filing the tentative map.

#### 17.20.020 Tentative map – Filing fee

Each subdivider, at the time of submittal of the tentative map, shall pay the following fees:

- A. A nonrefundable fee of one hundred dollars plus five dollars for each subdivision lot.
- B. Other such fees as are applicable.
- C. A deposit for the cost of the EIR if such a report is required.
- D. A tentative map and environmental impact report review fee to the department of public works in accordance with the current schedule as established from time to time by resolution as authorized by Chapter 3.02.

#### 17.12.030 Tentative map – Distribution after preliminary acceptance

After such maps are submitted and prior to the completion of the requirements of Chapter 16.04, the planning department shall forward copies to the public works department, health department, the affected water or utility district (if the proposed subdivision lies within any such district), the local fire district, the serving school districts, the utility companies serving the area and other affected agencies. Upon the completion of the requirements of Chapter 16.04, that information shall be sent to the same agencies. Each such agency or district may submit its written findings and recommendations to the planning department prior to the development review committee conference.

#### 17.12.040 Environmental review

The environmental impact of all activities regulated by the provisions of this title or the Subdivision Map Act (Government Code Sections 66410 et seq.) shall be reviewed as provided by Chapter 16.04 prior to the filing of the tentative map.

17.12.050 Development review committee – Created – Membership

- A. A development review committee is created and shall consist of the director of public works, the planning director and health officer. The planning director shall act as the coordinator and secretary to the committee. All members of the committee shall constitute a quorum for the transaction of business.
- B. The development review committee shall act in a technical capacity for the advisory agency.

17.12.060 Development review committee – Conference

- A. The subdivider and all interested agencies shall be given written notice of the development review committee conference at least five days prior to the meeting.
- B. The departments of health and public works shall be given copies of the tentative map and accompanying data required by this chapter including the EIR a minimum of fifteen working days prior to the development review committee conference.
- C. A written report shall be prepared by the development review committee and submitted to the commission, subdivider and project engineer prior to the commission meeting at which the tentative map will be considered.

17.12.070 Hearing before the commission

Within fifty calendar days after the filing of the tentative map with the commission, unless the time is extended with the consent of the subdivider, the commission shall, in writing, report the approval, conditional approval or disapproval of the proposed subdivision to the board. Such report may be in the form of a memorandum attached to a copy of the tentative map, or other form adopted by the commission. The report shall be accompanied by such data as is deemed appropriate by the commission to facilitate the determinations required by Section 66474 of the Government Code.

17.12.080 Action by the board of supervisors

The board of supervisors shall act upon the advisory agency report within ten days or at its next succeeding regular meeting after receipt of the report. Any reports or recommendations on the maps made by the advisory agency to the governing body shall be submitted in writing to the subdivider prior to final action on the maps by the governing body. Such required submission in writing shall be deemed complied with when such reports or recommendations are placed in the mail directed to the subdivider at his designated address and bearing the proper postage.

17.12.090 Tentative map – Action time limit

The time limit for acting and reporting on the tentative maps as specified in this chapter may be extended only as provided in Section 17.20.020. If no action by the board of supervisors is taken within these time limits or any authorized extension thereof, the tentative map as filed shall be deemed to be approved and it shall be the duty of the clerk of the board to certify its approval. No map can be deemed approved until appropriate action on the environmental determination has been taken as required by the California Environmental Quality Act and the adopted guidelines there under as set forth in the Appendix of this code.

#### 17.12.100 Tentative map – Form and content

The tentative map shall be clearly and legibly drawn on one sheet whenever possible, and shall contain the following information:

- A. The title may contain such name as may be selected by the subdivider and shall contain the tract number, which may be obtained from the planning department.
- B. Names and addresses of the legal owner of the property, subdivider and civil engineer or licensed land surveyor who prepared the map.
- C. Contours showing accurately the existing terrain within the subdivision and adjacent area as required.
- D. For subdivisions of average lot size of less than one acre, the map shall be drawn to an engineer's scale of not less than one inch equals fifty feet.
- E. For subdivisions of average lot size of one acre or more, the map shall be drawn to an engineer's scale of not less than one inch equals one hundred feet.
- F. The contour interval shall conform to the mapping standards for the scale used. Every fifth contour shall be of heavier weight and labeled. Care shall be exercised in labeling contours so that the elevation of any contour is readily discernible. Contours may be omitted when the lines fall closer than ten contours per inch, provided that all contours at the bottom and top of slope changes are shown. In no event shall the heavy contours be omitted.

Spot elevations shall be expressed to the nearest one-tenth of a foot. On comparatively level terrain where contours are more than one hundred feet apart at map scale, the contours may be omitted and spot elevations substituted therefore. Additional spot elevations shall be shown at intervals along the center of dikes, roads, and ditches at summits, depressions, saddles or at other existing permanent installations.

At least ninety percent of all contours shall be within one-half contour of true elevation, except that in areas where the ground is completely obscured by dense brush or timber, ninety percent of all contours shall be within one contour interval. Contours in obscured areas shall be indicated by dashed lines. Mapping not having this accuracy shall be rejected.

- G. When the map contains more than one sheet, the sheets shall be indexed to show the relative position of each sheet.
- H. The outline of existing slides, slips, sump areas, and areas subject to inundation or avalanche.
- I. The approximate edges of pavements of existing paved roads, driveways within or adjacent to public right-of-way and easements or within private common right-of-way.
- J. Approximate existing property lines and approximate boundaries of existing easement within the subdivision with the names of owners of record.
- K. The proposed lot and street layout with scaled dimensions of the lots, and the minimum, maximum and average lot area.
- L. The approximate width, location and purpose of all existing and proposed easements. Easements shall be shown for utilities such as electric, telephone, cable televisions, sewer and water lines, and for drainage and access when applicable.
- M. Street names, widths of streets and easements, approximate grade, approximate point of grade change, and radius of curves along centerlines of each street.

- N. Typical road sections shown may refer to the standard plans.
- O. Areas designated for public and/or common purpose.
- P. Location, approximate grade, direction of flow and type of facility of existing drainage channels and storm drains.
- Q. A vicinity map showing roads, adjoining subdivisions, towns, creeks and other data sufficient to locate the proposed subdivision and show its relation to community development.
- R. The line of high and low water and flood plain on all lots abutting any lake, river, stream, reservoir or other body of water.
- S. North arrow and scales for maps, contour interval.
- T. Existing and proposes use of all existing structures.
- U. Names of adjacent property owners or subdivisions.
- V. Approximate toe of fills and top of cuts.
- W. Approximate finish contour lines along roadways.
- X. Parking areas and access solutions for individual lots may be required.
- Y. Condominium parking plans in accordance with zoning requirements and road department standards when applicable.

#### 17.12.110 Tentative map--Accompanying data

The tentative map shall include the following:

- A. Existing and proposed use of the property;
- B. Description of the proposed subdivision, including the number of lots, their average and minimum size, and nature of development;
- C. Source, adequacy, potability and right thereto of water supply;
- D. Method of sewage disposal proposed;
- E. Plans for draining areas subject to inundation;
- F. Other improvements proposed;
- G. Approximate construction phasing so that each phase of construction is completed within one construction season;
- H. Calculations needed for development as to density, open space land coverage and parking etc.;
- I. The proposed or intended method of fire protection and, if applicable, approval of the fire district within which the subdivision is located;
- J. The proposed means that will be used to assure the proper administration and maintenance of common areas and open space, including a statement of intent regarding proposed deed restrictions;
- K. A preliminary soils report shall be prepared by a civil engineer/engineering geologist, licensed to practice in the state of California, for proposed subdivision addressing the unified soil classification of the soils, the depth of the water table, the degree of soil moisture from surface to a minimum depth of eight feet, the compaction of the soil at a minimum depth of eight feet, the compaction of the soil ay a minimum depth of two feet, and the expansive characteristics of the soils or geological problems, which could lead to structural defects, or geological problems, which could lead to structural defects, or any other hazards, a soils report for each parcel, together with the proposed mitigation measures to alleviate identified problems shall be required.

The requirements of a preliminary soils report may be waived by the county engineer if the project civil engineer/engineering geologist certifies that no soils problems exist on the site, and that such certification is based on sufficient soils report prepared for the subdivision under consideration to demonstrate soil stability and the lack of soils problems in the proposed project site. The project proponent shall have the burden of demonstrating the required information. The decision to waive such requirements, based upon the certification of the project proponent's civil engineer/engineering geologist of the absence of any soils related problems, shall be solely within the discretion of the county engineer.

The fee for review of soils reports or consideration of soils report waiver shall be set by resolution of the board of supervisors.

- L. When part of a large single ownership area, a sketch showing proposed future development outside of the proposed subdivision;
- M. Plot plans and elevations of proposed buildings in planned unit developments, or condominiums;
- N. A survey prepared by a qualified person identifying tree coverage within the proposed subdivision in terms of type, weakness, maturity, potential hazard, infestations, vigor, density and spacing;
- O. A vegetation preservation and protection plan showing which trees are to be removed and the location and type of vegetation that is to be planted;
- P. Information concerning the ability of the existing and proposed drainage facilities to handle the natural flows and the additional runoff that will be generated by the subdivision at ultimate development. The methods to be used to convey surface waters to the natural drainage courses or drainage systems.

#### 17.12.120 Improvement plans

Following approval or conditional approval of the tentative map by the board, the subdivider shall prepare and submit to the public works department two sets of improvement plans. The improvement plans shall comply with and incorporate all conditions attached to the tentative map approval, such as grading and landscaping plans, and shall be accompanied by twenty percent of the inspection fee, based on a preliminary engineer's estimate.

#### 17.12.130 Tentative map—Modification

The subdivider may request the modification of the approved tentative map. Application for modification of an approved tentative map shall be made as in the case of a tentative map. No modification shall be deemed approved until approved by the board. Upon such approval, the modified tentative map shall control, provided the final map is filed within twenty-four months from the date of approval of the original tentative map, plus such additional time periods and extensions obtained pursuant to Section 17.20.020. Filing fees for the modifications of the tentative map shall be the same as for original map; provided, however, fees collected for each subdivision lot shown on the original tentative map shall not be collected again.

## Chapter 17.13

## CONVERSION OF EXISTING RESIDENTIAL FACILITIES BY SUBDIVISION

### Sections:

- 17.13.010 Intent
- 17.13.020 Requirements generally
- 17.13.030 Standards for conversion
- 17.13.040 Application for conversion of existing residential facilities

### 17.13.010 Intent

It is the intent of this chapter to protect a dwindling rental housing and mobile home space supply by regulating the conversion of apartments and mobile home spaces to individual ownership by subdivision.

### 17.13.020 Requirements generally

Each subdivider converting existing residential facilities by subdivision shall comply with all the requirements of Sections 17.16.020 through 17.16.140.

### 17.13.030 Standards for conversion

The standards for conversion of an existing residential development which shall be required as conditions of approval of a subdivision map for condominium or other forms of ownership where title is conveyed for an individual unit or mobile home space area s follows:

- A. Off-street parking shall be provided as would be require for new developments;
- B. Snow storage areas shall be provided as would be required for new developments;
- C. Deficiencies in trash collection areas and landscaping in accordance with standards adopted pursuant to the zoning ordinance shall be corrected;
- D. In addition to all applicable notices required by state law and Mono County ordinances, the management or owner, after all required permits requesting a change of use have been approved by the county, shall give the tenants six months or more written notice of termination of tenancy;
- E. All require permits and/or map act proceedings requesting a change of use shall in addition to other county approvals require final approval by the board of supervisors.

### 17.13.040 Application for conversion of existing residential facilities

Application for a use permit shall be filed with the planning department pursuant to Title 19 of this code. Upon receipt of an application for use permit to convert residential facilities, the department shall mark or stamp the application as a conversion project, and prepare a report setting forth findings of general plan consistency, zoning and subdivision compliance.

## REQUIREMENTS AND IMPROVEMENTS

### Chapter 17.16

### Sections:

- 17.16.010 Requirements generally

17.16.020 Highways and roads  
17.16.030 Sewage disposal  
17.16.040 Flooding and drainage  
17.16.050 Water supply  
17.16.060 Lot size  
17.16.070 Blocks—Acre or larger lot subdivisions  
17.16.080 Block lengths  
17.16.090 Block widths  
17.16.100 Title report  
17.16.110 Inundation and avalanches  
17.16.120 Easements  
17.16.130 Building sites  
17.16.140 Conditions, covenants and restrictions  
17.16.150 Public access  
17.16.160 Bicycles and equestrian paths  
17.16.170 Schools  
17.16.180 Parks and recreational facilities  
17.16.190 Community improvements  
17.16.195 Reserved areas for public purposes  
17.16.200 Underground utilities  
17.16.210 Formation of entities  
17.16.220 Improvements generally  
17.16.230 Streets and highways—Relation to topography  
17.16.240 Streets and highways—Relation to adjoining and adjacent street system  
17.16.250 Street names  
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17.16.270 Half streets  
17.16.280 Street grades  
17.16.290 Curves  
17.16.300 Intersections  
17.16.310 Dead-end streets  
17.16.320 Design of pavement  
17.16.330 Streets and highways—Drainage requirements  
17.16.340 Alleys  
17.16.350 Lot widths  
17.16.360 Lot depth  
17.16.370 Lots—Ratio of depth to width  
17.16.380 Lot lines  
17.16.390 Corner lots  
17.16.400 Lot area  
17.16.410 Restrictions  
17.16.420 Community plans  
17.16.430 Incidental consideration  
17.16.440 Access roads

#### 17.16.010 Requirements generally

Each subdivider shall comply with all of the requirements of Section 17.16.020 through 17.16.140.

#### 17.16.020 Highways and roads

The subdivider shall comply with the current road department standards for all construction. All streets shall be constructed to road department standards and offered for dedication as public streets unless a variance is granted by the board of supervisors.

#### 17.16.030 Sewage disposal

- A. The commission may require that the subdivider connect to a sewer and drain system having adequate plant capacity to handle the subdivision; that the subdivider construct an adequate sewage treatment plant and collection lines if there is no district having adequate capacity serving the proposed subdivision; or may require such other means of sewage disposal as shall be approved by the health department.
- B. Lots not served by sewers shall be suitable for private sewage disposal, pursuant to guidelines and criteria adopted by the board.
- C. In those areas within a subdivision served by a sewer system under the jurisdiction of the county, all sewer lines, sewage treatment facilities and appurtenances shall be constructed in accordance with the requirements of the public works department and health department. When within a local sanitary district it may be inspected by the public works department, under joint cooperation, if so desired by the sanitation district.
- D. Approval of improvement plans by the serving utility district for sewer improvements is required. A letter shall be submitted to the commission stating that the district has reserved sewage disposal capacity to serve this development.

#### 17.16.040 Flooding and drainage

- A. The subdivider shall design the subdivision so that it shall be protected from inundation, flood hazard, sheet flow, springs and other surface waters. The design of improvements shall be such that water occurring within the subdivision shall be carried off without injury to any improvements, residential sites or residences to be installed within the subdivision. The design shall provide for prevention of erosion or siltation that would be detrimental to the environment of the adjoining area. Waters occurring within the subdivision shall be carried to a storm drainage facility or natural watercourse by such improvements as may be required to meet the design standards set forth. Drainage design within the subdivision shall accommodate reasonable anticipate future development within the drainage area. Any off-tract outlet drainage facility required to carry drainage from the proposed subdivision to a defined channel or conduit shall be made adequate for the ultimate state of development in the drainage area.
- B. When any watercourse traverses or serves a subdivision, adequate on-site and/or off-site easements for storm drainage purposes shall be provided.

- C. Upon commission requirement, a storm drainage maintenance district or acceptable alternate shall be established for the maintenance of storm drainage facilities constructed in conjunction with the subdivision. When a drainage master plan has been adopted for the drainage area, the subdivider shall pay a fee for his pro rata share of the cost of the contract or the estimated cost of constructing the drainage facilities within the drainage area.

17.16.050 Water supply.

- A. The commission may require that the subdivider connect to a water treatment and distribution system having adequate plan capacity to handle the subdivision; that the subdivider construct an adequate water treatment and distribution system if there is no district or water company having adequate capacity serving the proposed subdivision; or may require such other means of water treatment and distribution as shall provide adequate water to meet domestic and fire use. The recommended minimum volume for fire use is five hundred gallons per minute for the duration of four hours.
- B. In those areas within a subdivision served by a water furnishing district or water company under the jurisdiction of the county, all lines and facilities shall be constructed in accordance with the requirements of the public works department and the health department.
- C. For a subdivision which averages a lot size of two and one-half acres or more the subdivider shall prove the availability of water for domestic use. If a domestic system is provided it shall be adequate for fire protection.
- D. For subdivisions with average lot size of less than two and one-half acres, domestic water shall be provided to all lots from a central water supply source and distribution system. Storage facilities for domestic water shall have minimum capacity of twelve hour flow, approved by the health department. The system shall also provide for adequate fire protection.
- E. Mutual water companies and home owners' association shall not be permitted to be the water suppliers. Individual water treatment systems in a subdivision are not permitted.
- F. Domestic water shall meet all the local and state standards for quality and quantity. Any source treatment plant, storage facility, distribution lines and appurtenances used to render water safe for domestic use must be approved by the local and/or State Health Department.
- G. Approval of improvement plans by the utility district for water service supply and maintenance is required. A letter shall be submitted to the commission, stating that the district has the capacity to serve and meet the flows and volumes required for domestic use and fire protection for this development, over and above previously approved and existing users.

17.16.060 Lot size

In addition to minimum zoning requirements, the following items shall be considered by the commission in determining the minimum lot size:

- A. The suitability of the land for the proposed lot density;
- B. The suitability of the individual lot sites for the proposed use.

The specific items to be considered in determining A and B above shall include, but not be limited to:

1. Access and parking;
2. Building sites on the lot;
3. Excessive grading required for the installation of driveways, parking and utilities;
4. Revegetation of cut, fills and trenches that may be required;
5. Drainage and erosion control, on and off-site;
6. Any of the items mentioned in the environmental impact study.

Where sewage disposal is by individual septic system, the design of the lots and sewage system shall be pursuant to guidelines and criteria adopted by the board.

#### 17.16.070 Blocks—Acre or larger lot subdivisions.

Where a parcel is first subdivided into acre or larger tracts, the blocks shall be such in size and shape and be so divided as to provide highways, streets and alleys at such intervals as will permit a subsequent division of any parcel into lots of normal size.

#### 17.16.080 Block lengths

Blocks shall not exceed one thousand feet between street lines. In acre subdivisions, block lengths up to fifteen hundred feet may be approved. In any case where topographic conditions warrant, larger blocks may be permitted. When pedestrian, bicycle, trail bike or snowmobile ways are platted; the minimum width shall be ten feet.

#### 17.16.090 Block widths

Blocks shall be of sufficient width to permit the platting of two tiers of lots of normal depth, and in the case of subdivisions remote from any existing subdivision, no block shall be less than two hundred feet nor more than three hundred sixty feet wide, except where the land is being laid out in acre or larger tracts.

#### 17.16.100 Title report

The subdivider shall furnish satisfactory evidence as to the person that has title to the land, and identify all persons having security interests or liens on the land.

#### 17.16.110 Inundation and avalanche

The subdivider shall furnish evidence satisfactory to the development review committee that the land proposed for subdivision is not subject to flooding, inundation, avalanches or land an earth slides.

#### 17.16.120 Easements

The subdivider shall be required to offer for dedication easements and rights-of-way for utilities. Easements of sufficient width will be required along natural watercourses, conforming substantially to the lines of such channels.

#### 17.16.130 Building sites

The creation of building sites through mass pad grading and successive padding or terracing is prohibited. Building sites within flood plains, watercourses or high water

level of any lake are prohibited and the subdivider shall provide through deed restrictions conditions, covenants and restrictions, easements or other methods acceptable to the county that no building or structures will be constructed in such areas.

#### 17.16.140 Conditions, covenants and restrictions

Conditions, covenants and restrictions (CC&Rs) shall be prepared to all subdivisions. When required by the commission, the CC&Rs shall include provisions for maintenance of recreational facilities, open space, parking areas, etc., and these provisions shall be enforceable by the county.

#### 17.16.150 Public access

In all cases where a subdivision fronts on a public waterway or stream, reasonable public access by fee or easement shall be provided from a public highway to the portion of such waterway within the proposed subdivision and a public easement shall be provided along the portion of such waterway within the subdivision.

#### 17.16.160 Bicycle and equestrian paths

Whenever a subdivider is required pursuant to Section 11611 of the Business and Professions Code to dedicate roadways to the public he shall also be required to dedicate such additional land as may be necessary and feasible to provide paths for the use and safety of the residents of the subdivision, if the subdivision, as shown on the final map thereof, contains two hundred or more parcels. Dedication may be required by the commission for a subdivision of less than two hundred lots when in the opinion of the commission there is a need.

#### 17.16.170 Schools

Each subdivider and his successors, who within three years develop or complete the development of one or more subdivisions in one or more school districts maintaining an elementary school, ay be required to dedicate to the school district such land as the local governing body of the school district deems necessary for the purpose of constructing thereon schools necessary to assure the residents of the subdivision adequate elementary school service.

- A. This section shall be applicable only to a subdivider and his successors who have owned the land being subdivided for less than ten years prior to the filing of the tentative map.
- B. This requirement of dedication shall automatically terminate unless the school district enters into a binding commitment with the subdivider to accept the dedication within thirty days after the requirement is imposed by the county. Such dedication may be made any time before concurrently with or up to sixty days after the filing of the final map on any portion of the subdivision.
- C. The school district, in the event that it accepts the dedication, repay to the subdivider or his successors the original cost to the subdivider of the dedicated land, plus a sum equal to the total of the following amount:
  1. The cost of any improvements to the dedicated land since acquisition by the subdivider;

2. The taxes assessed against the dedicated land from the date of the school district's offer to enter into the binding commitment to accept dedication;
  3. Any other costs incurred by the subdivider in maintenance of such dedicated land, including interest costs incurred on any loan covering such land.
- D. Any person aggrieved by or failing to agree to the reasonableness of any requirement imposed pursuant to this section may bring a special proceeding in the Superior Court pursuant to Section 66499.37 of the Government Code.

#### 17.16.180 Parks and recreational facilities

Each subdivider may be required by the commission to dedicate land for park or recreational purposes or, as a fee in lieu thereof, the reasonable market value of such land, or any combination of such land and fee.

- A. The park area may be up to five percent of the area of the subdivision.
- B. The land so dedicated shall be used only for the purpose of providing park or recreational facilities to serve the subdivision.
- C. Park and recreational facilities required by this section shall conform to the general plan for such area and the principles and standards contained therein.
- D. The amount and location of land required to be dedicated shall bear a reasonable relationship to the use of the park and recreational facilities by the future inhabitants of the subdivision.
- E. At the time of dedication, the county shall specify when development of the park or facilities will begin.
- F. The provisions of the section do not apply to industrial subdivisions, nor do they apply to condominium projects or stock cooperatives which consist of the subdivision of airspace in an existing apartment building which is more than five years old when no new dwelling units are added, nor do they apply to parcel maps for a subdivision containing less than five parcels for a shopping center containing more than 300,000 square feet of gross leasable area and no residential development or uses.
- G. Only the payment of fees may be required for subdivisions of fifty units or less.

#### 17.16.190 Community improvements

Whenever the commission requires the installation of roads, sewers, water supply systems or drainage facilities by the subdivider, and such improvements are of benefit and value to land other than that located within the subdivision, the commission may recommend to the board an agreement with the subdivider to reimburse him in whole or part for the use of such improvements by land other than those developed by the subdivider, and may recommend to the board the imposition and collection of a charge for the use of such facilities as provided in the Subdivision Map Act.

#### 17.16.195 Reserved areas for public purposes

- A. The board of supervisors may, as a condition of the approval of a tentative and/or final map, require the subdivider to reserve areas of real property within the subdivision to be used for public purposes including, but not limited to parks, recreational facilities, fire stations, libraries or other public uses, subject to the following conditions and/or findings:

1. The requirement for reservation is based upon an adopted specific or an adopted general plan containing a community facilities element, a recreation and parks element or a public building element, and the required reservations are in accordance with the definite principles and standards contained therein;
  2. The ordinance codified in this chapter has been in effect for thirty days prior to the filing of the tentative map;
  3. The reserved area is of such size and shape as to permit the balance of the property within which the reservation is located to develop in an orderly and efficient manner;
  4. The amount of land reserved will not make development of the remaining land held by the subdivider economically unfeasible;
  5. The designation of the reserved area is such that it:
    - a. Conforms to the specific or general plan adopted for the area,
    - b. Is in such multiples of streets and parcels as to permit an efficient division of the reserved area in the event that the reserved area is not acquired within the prescribed period.
- B. The public agency for whose benefit an area has been reserved shall at the time of approval of the final map or parcel map enter into a binding agreement to acquire such reserved area within two years after completion and acceptance of all improvements unless such period of time is extended by mutual agreement. The purchase price shall be the market value of the area at the time of the filing of the tentative map plus the taxes against such reserved area from the date of reservation and any other costs incurred by the subdivider in maintaining that area including costs incurred on any loan covering that area.

#### 17.16.200 Underground utilities

At the time the tentative map is approved, the commission may impose, as a condition of such approval, the requirements to install underground utilities. Undergrounding shall be mandatory for all subdivisions with a lot size of three acres or less an all condominium projects.

#### 17.16.210 Formation of entities

The subdivider may be require to form appropriate legal entities to operate and perform all required maintenance and services if they are not a regular countywide public service, or if the subdivider desires a level of service greater than those the county is able to provide.

#### 17.16.220 Improvements generally

- A. Prior to approval or conditional approval of he tentative map, the commission shall require such street improvements utilities, drainage structures an facilities, erosion control, fences, planting, right-of-way dedication and other provisions for public safety, health and general welfare, both within the subdivision and off the site, as are, in its opinion, necessary and in accord with the law and the terms of Chapters 17.12 through 17.28. Such requirements may include provisions for maintenance, and all construction shall be in accord with road department standards.

- B. Paving of roads prior to acceptance into the county road system shall be required in all subdivisions. All underground utilities, including sewer connections, located within street rights-of-way shall be stubbed out to the property line of each lot abutting the right-of-way.
- C. Unpaved roads in existing subdivision shall not be accepted into the county road system until paved.
- D. Unpaved roads in existing subdivisions already included in the county road system maybe paved only if the total cost for such work is borne by the abutting property owners.
- E. Paving under subsections C and D shall be done only if the abutting property owners agree to the formation of an assessment district or other appropriate district, or other means of financing. Such work of construction or reconstruction shall be done in accordance with the road department standards.

17.16.230 Streets and highways—Relation to topography

Topographic conditions shall determine the general pattern of blocks and natural contours shall control the placement and alignment of streets, highways and ways.

17.16.240 Streets and highways—Relation to adjoining and adjacent street system

The arrangement of streets shall provide for the direct continuation of the centerlines of the principal existing streets or highways in adjacent or adjoining subdivided areas.

17.16.250 Street names

Streets that are extensions of or obviously in alignment with existing streets shall bear the names of existing streets. The names of new streets shall be subject to the approval of the road commissioner and shall not duplicate the existing street names, except as provided above.

17.16.260 Highway widths

In no case shall the width of a major or minor collector highway be less than eighty feet nor the width of a local highway be less than sixty feet.

17.16.270 Half streets

Half streets on the subdivision boundary will not be approved except when necessary to complete an existing abutting half street on an adjoining subdivision, in which case the subdivider may be required to improve the entire roadway to full county standards.

17.16.280 Street grades

For subdivisions on natural ground of gradient less than fifteen percent, grades shall not be less than four-tenths of one percent and not greater than fifteen percent. For subdivisions on natural ground of gradient greater than fifteen percent, grades shall not exceed fifteen percent except by special permission of the road department, an then the slope shall not exceed twenty percent. Profiles may be require of any and all streets at the direction of the road department. Potential major collector highways may be limited to grades not to exceed seven percent.

#### 17.16.290 Curves

The desirable minimum radius of a curve measured on centerline shall be three hundred feet. Where topographic or other conditions make the attainment of this minimum impracticable, the road commissioner may allow a lesser radius.

#### 17.16.300 Intersections

The intersections of streets shall be at an angle of ninety degrees, or as close to such angle as is practicable, but in no case shall an intersection be at an angle less than thirty degrees. Where more than four streets intersect at a common point, the intersection shall be of sufficient size and so designed as to provide adequately and safely for the maximum anticipated volume of traffic entering from all streets.

#### 17.16.310 Dead-end streets

Where necessary to give access to or permit a satisfactory subdivision of adjoining land, streets shall run through to the boundary of the property and the resulting dead-end streets may be approved with a temporary turnaround, but in all cases a turnaround having a minimum radius of pavement of forty feet with a right-of-way radius of fifty feet shall be provided. In those cases where in the judgment of the road commissioner extraordinary conditions make strict compliance with this rule impracticable, he may allow an alternate design.

#### 17.16.320 Design of pavement

Design of all subdivision paving shall be by California bearing ratio or by stabilometer, or methods of sampling and testing shall be those approved by the Department of Transportation, Business and Transportation Agency of the state and recorded in their current "Standard Testing Procedures." In no case shall the thickness of paving be less than two inches. The subdivider must have prior approval by the road commissioner for the method of testing and laboratory to be used. The subgrade shall be compacted to a depth of six inches to ninety percent relative value. The structural section shall be determined by engineering analysis and approved by the road commissioner.

#### 17.16.330 Streets and highways—Drainage requirements

- A. Design Factors. Sufficient drainage facilities designed in accordance with accepted engineering principle, and located in public streets or drainage easement, shall be provided to care for drainage within the project. Drainage facilities shall be approved by the road department.
- B. Hydraulic Gradient. Drainage shall be accomplished by gravity.
- C. Protection. Sufficient width to accommodate mechanical equipment for cleaning shall be provided unless the ditch is concrete lined, in which case access for workmen shall be provided.

#### 17.16.340 Alleys

An alley having a minimum width of twenty feet may be required in the rear of commercial lots. In residential blocks, the provision of alleys is optional with the

subdivider, but where they are provided, the minimum width shall be sixteen feet. A diagonal cutoff shall be made at all acute and right angle intersections of alleys, measuring not less than five feet in each direction from the corner.

#### 17.16.350 Lot widths

Width of a lot shall be defined as the average width measure in that portion of a lot paralleling the road, which portion has a depth not exceeding three times the width. All lots shall have a minimum width of sixty feet, Lots on cul-de-sacs shall have a minimum street frontage of thirty feet.

#### 17.16.360 Lot depth

All lots shall have a minimum depth of one hundred feet. Depths of lots shall be defined as the average distance from the right-of-way line of the lot to its rear line, measure perpendicular, or radially, to the centerline of the street.

#### 17.16.370 Lots—Ratio of depth to width

The maximum ratio of depth to width, as defined in Sections 17.16.350 and 17.16.360, is three to one.

#### 17.16.380 Lot lines

The side lines of all lots, except those exceptional locations where views are important, shall be approximately at right angles to the street on which the lot faces, or approximately radial if the street is curved.

#### 17.16.390 Corner lots

Property lines of corner lots shall be rounded at the street corner by a radius of not less than fifteen feet.

#### 17.16.400 Lot area

The minimum lot area shall conform to the zoning ordinance (Title 19 of this code) for the zones in which the subdivision is located. In no case shall the area be less than seventy-five hundred square foot.

#### 17.16.410 Restrictions

When no precise zoning plan is in force in the territory in which land to be subdivided is located, the subdivider shall prepare a proposed zoning for the area and shall apply for rezoning. The final map cannot be recorded until the area is precisely zoned. For subdivisions defined as land projects, Section 11000.5 of the Business and Professions Code, the adoption of a specific plan is also necessary.

#### 17.16.420 Community plans

The above regulations concerning street widths, sizes of lots, block lengths and widths and dead-end streets may be modified by the commission in the case of a subdivision of a tract large enough to be developed as a community in accordance with a planned development district, property safeguarded by restrictions which in the

judgment of the commission adequately provide for circulation, light and air needs and recreational requirements of the maximum anticipated population.

17.16.430 Incidental consideration

In all subdivisions, due regard must be shown for all natural features, such as large trees, natural groves, watercourses, scenic points, historic spots and similar community assets, which will add attractiveness and value to the property if preserved.

17.16.440 Access roads

Lack of adequate access roads to a subdivision may be basis for denial.

## Chapter 17.20

### SUBDIVISIONS – FINAL MAPS

Sections:

- 17.20.010 Content and form—Generally
- 17.20.020 Expiration—Extension of time
- 17.20.030 Boundary markings
- 17.20.040 Title sheets
- 17.20.050 Certificates—Map key and scale
- 17.20.060 Previously undisclosed easements—Designations
- 17.20.070 Previously existing easements—Designations
- 17.20.080 Easements—Side lines
- 17.20.090 Subdivision location information
- 17.20.100 County or city boundary designations
- 17.20.110 Monument designations
- 17.20.120 Street data
- 17.20.130 Interpretive data
- 17.20.140 Survey procedures
- 17.20.150 Lots
- 17.20.160 Checking—Fees
- 17.20.170 Commission approval
- 17.20.180 Board approval
- 17.20.190 Approval by units

17.20.10 Content and form—Generally

The general form and contents of the final map shall comply with the Subdivision Map Act in the Government Code, Section 66433 et seq., and with requirements of Sections 17.20.020 through 17.20.150.

17.20.020 Expiration—Extension of time

- A. An approved or conditionally approved tentative map shall expire twenty-four months after its approval or conditional approval.
- B. Upon written application filed with the clerk to the board of supervisors not later than forty-five days prior to the expiration of the approved or conditionally approved

tentative map, the time at which the map expires may, at the discretion of the board of supervisors, be extended for a one-year period or successive one-year periods not to exceed a total of three additional years.

C. Where there has been a timely written application for an extension of a tentative map, the tentative map shall not expire until a decision has been given by the planning commission and any appeals there from to the board of supervisors have been decided or the time limits for such appeals have expired. The time for appeal under this section is fifteen days after the planning commission has denied the extension. In all other cases, the expiration of the approved or conditionally approved tentative map shall terminate all further proceedings thereon, and no applications for extensions or modifications shall be considered, and no final map of all or any portion of the real property included within the tentative map shall be filed without first processing a new tentative map.

17.20.030 Boundary markings

The boundary of the subdivision shall be designated by a colored line approximately one-eighth inch wide applied adjacent to the boundary line on the back side of the sheet. This shall cause a shaded line to appear on the prints in such a manner as not to obliterate figures or other data.

17.20.040 Title sheet

The title sheet shall contain the subdivision tract number, conspicuously placed on the sheet, and the location of the property being subdivided, with references to maps which have been previously recorded, or by reference to the plat of the United States Survey. A subdivision name may be added below the subdivision tract number. In case the property included with the subdivision liens wholly in unincorporated territory, the following words shall appear in the title: "In the County of Mono."

17.20.050 Certificates—Map key and scale

Affidavits, certificates, acknowledgments, endorsements, acceptances or dedications and the notarial seals required by law and this division shall appear only once on the title sheet. The above certificates, etc., shall be placed thereon with black India ink or by photographic reproduction. If more than three sheets are used for the map, a key diagram shall be included. In addition to those certificates prescribed by Section 66435 et seq. of the Government Code, certificates by the a planning commission and the health officer shall be on the map indicating their approval of the subdivision. The scale must appear on each sheet, except on a title sheet not containing a map. Minimum scales used on maps shall be as follows:

|                                |         |
|--------------------------------|---------|
| Standard lot subdivisions..... | 1"=50'  |
| Rural subdivision.....         | 1"=100' |
| Planned unit development ..... | 1"=20'  |

or as approved by the county surveyor. The basis of bearing shall be approved by the county surveyor and shall be required on one sheet only. The map shall show the equation of bearing to the true north. All easements required to be dedicated shall have their particular use specified on the map. The subdivider shall provide the county surveyor with letters from all involved utilities stating that the easements as provided on

the final map are satisfactory. Easements for an existing or proposed utility installation for the use of a private nongovernmental agency shall not be shown on the map unless there is a recorded conveyance to such individual or corporation, except as provided by Section 17.20.060.

17.20.060 Previously undisclosed easements--Designations

Easements not disclosed by the records in the office of the county recorder, and found by the surveyor or engineer to be existing in the subdivision prior to the date of filing for record of the subdivision map, shall be specifically designated on the map, naming the party or parties using the easement and describing the specific purpose for which the easement is being used.

17.20.070 Previously existing easements--Designations

Easements evidenced by the records in the office of the county recorder prior to the date of filing for record of the subdivision map shall be specifically designated thereon by the volume and page of the conveyance which established the easement and the name of the grantee in the conveyance who or which reserved the easement.

17.20.080 Easements—Side lines

The side lines of all such record easements shall be shown by dashed lines on the final map with the width, lengths and bearings thereof, in figures if available from the records.

17.20.090 Subdivision location information

The map shall show the definite location of the subdivision and particularly its relation to surrounding subdivisions, surveys, public land surveys and, in addition, shall make reference to the recorder's book and page of such subdivisions and surveys.

17.20.100 County or city boundary designations

City or county boundaries crossing or joining the subdivision shall be clearly designated and no lot shall be divided by such boundary.

17.20.110 Monument designations

The location and description of all existing and proposed monuments shall be shown and the elation of these monuments and the lines formed by these monuments to existing surveys shall be shown and noted.

17.20.120 Street data

The map shall show the centerline of each street, the boundary of each street, including the width of the portion of any fractional street being dedicated, with width of existing road rights-of-way when available from the public records and the widths on each side of the centerline of whole streets. The widths and locations of adjacent streets shall be shown as determined from public records. Whenever the public works department or a city engineer has established either the centerline or monument line of the street and such information is made a public record, this location and data shall be shown on the final map.

#### 17.20.130 Interpretive data

Sufficient linear, angular and radial data shall be shown to determine the bearings and lengths of the centerline of roads, the boundary lines of the subdivision and the boundary lines of every lot and parcel which is a part thereof. Other ties necessary for interpretation of the map and location of the points, lines and area depicted will be shown.

#### 17.20.140 Survey procedures

The survey to be used in preparation of the final map shall be made in a manner satisfactory to the department of public works, and all monuments shall be subject to the inspection and approval of the department of public works before approval of the final map.

##### A. Markers and monuments shall be set as follows:

1. Along exterior boundaries at all angle points, the beginning and ending of curves, and at intervals not in excess of one thousand feet.
2. At the intersections of the centerlines of all streets, or on offsets properly tied into such intersections. These monuments shall be buried concrete with acceptable lamphold-type covers;
3. Angle points and the beginning and ending of all curves on the centerlines of all streets shall be marked by permanent monuments not less substantial than galvanized iron pipe five-eighths inch in diameter by twenty-four inches in length, or steel rods not less than one-half inch in diameter or concrete monuments six inches square or six inches in diameter at the top and twelve inches square or twelve inches in diameter at the base, not less than eighteen inches long and properly centered with lead plug and copper tacks, or other permanent metal markers, and buried not less than twelve inches below the finished grade of the street or the surface of the ground with eight inch spike at surface;
4. In case the streets are to be paved and sidewalks constructed, the angle points, beginning and ending of all curves and the centerline intersection of streets shall be marked with lead plugs and copper tacks on centerline in the pavement. All block corners shall be marked with lead plugs, and copper tacks in sidewalks at the intersection of two lines, each five feet from the property line, and parallel to the street right-of-way.
5. All street and alley corners shall be marked by permanent monuments not less substantial than galvanized iron pipe five-eighths inch in diameter by twenty-four inches in length driven flush with the ground.
6. All lot corners shall be marked by permanent monuments not less substantial than galvanized iron pipe five-eighths inch in diameter by twenty-four inches in length, or steel rods not less than one-half inch in diameter or concrete monuments six inches square or six inches in diameter at the top and twelve inches square or twelve inches in diameter at the base, not less than eighteen inches long and properly centered with lead plug and copper tacks, or other permanent metal markers not less than fourteen inches long, driven flush with the ground.

- B. The types of markers, the sizes used at the above locations, and ties, where necessary, shall all be clearly indicated on the final map.
- C. If any shortage or excess is found by the surveyor on the ground between existing monuments, compared with the original records, any division of the total must bear its proportion of such excess or shortage.
- D. For the subdivision of public lands or sections, property for the restoration of lost section corners, and for the retracement of section lines, the method to be followed shall be in accord with the instruction set forth in the "Manual of Instructions for the Survey of Public Lands of the United States," published by the Commissioner of the General Land Office, Department of the Interior, Washington, D.C.

#### 17.20.150 Lots

- A. Each lot or parcel being created shall be either numbered or lettered. If numbered, it must comply with the requirements of a building site as defined by the zoning code
- B. Lettered lots or parcels may not be used as building sites and need not comply with the requirements for a building site.
- C. Lettered lots other than streets shall be labeled as to their intended use. Numbered lots may be labeled as to their intended use.
- D. Lot numbers or letters shall begin with the number (1), or the letter "A" whichever is applicable and continue consecutively with no omissions or duplications except that on multiple unit developments numbering or lettering of lots may begin where the numbering or lettering of a previous unit spotted. All figures shall be conspicuous and solid.
- E. Each lot or parcel must be shown in its entirety on one sheet of the map.
- F. No ditto marks shall be used in the dimension and data.
- G. For lots or parcels, the net acreage shall be shown to one hundredths of an acre. The area in the streets and the total area of the subdivision shall be shown. For lots zoned commercial, the net square footage shall be shown.

#### 17.20.160 Checking—Fees

- A. The subdivider shall pay to the county fees for the surveyor's services in checking the final map based on the current fee schedule as established from time to time by resolution of the board of supervisors. All fees shall be paid prior to the time the map is set for approval by the commission. Said fee includes the cost of printing copies of the final map. After recording, one set of intermediates will be sent to the surveyor who prepared the map.
- B. Prior to the execution of the certificates on the original tracing, the subdivider shall submit two sets of prints of the map and certificate sheet to the county surveyor. The preliminary prints shall be accompanied by a preliminary title report of the property shown on the map and by traverse sheets prepared by the subdivider's engineer or surveyor showing by mathematical closures proof of the accuracy of all surveying information shown on the map. These shall be submitted on computer output sheets in a readily usable printed form. If computation sheets are not in an acceptable form, they shall be rejected and returned with the maps.
- C. The error of closure for a traverse of the boundaries of the tract blocks or lots shall be one in five thousand or less.

- D. Within twenty calendar days after submission of the required documents, the county surveyor shall approve the same or disapprove them and return to the subdivider for correction.

#### 17.20.170 Commission approval

The final map shall be in substantial conformance with the tentative map and be accompanied by the following documents. All applicable items must be approved prior to review for approval by the planning director, and ratification of the decision of the planning director by the planning commission:

- A. The improvement plans, approved and signed by the director of public works;
- B. A subdivision agreement, approved by the County counsel, guaranteeing that the subdivider will complete the construction of improvements within a time period specified by the county and will make full payment therefore;
- C. Cash deposit or acceptable surety bond equivalent to the estimated cost of construction of all improvements, monuments, landscaping, guaranteeing performance of work, payment for labor and materials, and any other claims that may arise as a result of the improvement work, as set forth in the subdivision agreement;
- D. Deeds for easements on right-of-way required for road, drainage or other purposes which have not been dedicated on the final map;
- E. Written evidence acceptable to the public works department in the form of right of entry or permanent easements across private property outside of the subdivision permitting or granting access to perform necessary construction work, permitting the maintenance of the facility and providing access to the subdivision;
- F. Agreements acceptable to the public works department, executed by the owners of existing utility easements within proposed road right-of-way, consenting to the joint use of the right-of-way as may be required by the county for the convenience and public use of the road;
- G. Two copies of fully executed CC&Rs shall be approved in final form by county counsel;
- H. Deposit made with recorder for recording fees;
- I. Proof of payment for tax collector showing that all payable taxes have been paid, and a bond or cash deposit guaranteeing payment of taxes and assessments then a lien, but not yet payable, as required by the Subdivision Map Act;
- J. Cash payment or proof of payment for all checking and filing fees; inspection of construction; cash deposits as required by the fire districts or water company or districts having jurisdiction of fire hydrant rental fees, and other applicable fees or deposits; all approved by the county surveyor; and
- K. Evidence of formation of legal entities when required to operate and perform all required maintenance and services. When the final map conforms to the tentative map, local ordinances, the Subdivision Map Act, and is technically correct, the original tracing of the final map, signed by all parties required to execute the owner's certificate and surveyor's certificate on the map, shall be submitted to the county surveyor. The county surveyor shall present the final map to the planning director for approval or disapproval. If disapproved, the county surveyor shall return the map to the subdivider with an explanation for its rejection. If approved by the planning

director and ratified by the planning commission, the county surveyor shall forward such map to the board together with all required accompanying documents, recommending approval.

17.20.180 Board approval

- A. Within ten working days after the final map and all required supplementary documents have been received, the board shall consider the final map. The board shall accept or reject any or all offers of dedication.
- B. Upon approval of the final map by the board, the clerk of the board shall transmit the map, deeds and other necessary documents to the county recorder for recording.
- C. The subdivider shall also present to the recorder evidence that upon the date of recording, as shown by public record, the parties consenting to the recordation of the map are all of the parties having a record title interest in the land subdivided, whose signatures are required by the provisions of the Subdivision Map Act; otherwise the map shall not be recorded.

1720.190 Approval by units

A subdivider may elect to file a final map covering only a portion of the approved tentative map. This is allowable only if he declares such intention at the time he files the tentative map, or if the commission approves the phasing. Each such final map for a portion of the tentative map shall be given a suffix subdivision tract number. All of the requirements for approval of a full final map shall apply to approval for a partial final map, and the subdivision agreement required of the subdivider shall provide for the construction of such improvements as may be necessary to constitute a logical and orderly development by units of the whole subdivision.

**Chapter 17.24**

**SUBDIVISIONS—IMPROVEMENT REGULATIONS**

Sections:

- 17.24.010 Inspection and control of work
- 17.24.020 Inspection fee
- 17.24.030 Prosecution of work
- 17.24.040 Acceptance of work

17.24.010 Inspection and control of work

- A. All work done in constructing the improvements and all materials furnished shall be subject to the inspection of the public works department.
- B. The public works department shall have access to the work at all times during its construction and shall be furnished with every reasonable facility for ascertaining that the materials used and the workmanship are in accordance with the requirements of this division.
- C. If any of the work on improvements is done by the subdivider prior to the approval of the improvement plans, or prior to the inspections of the improvements as required

by the director of public works, such work may be rejected and shall be deemed to have been done at the risk and peril of the subdivider.

17.24.020 Inspection fee

A. The inspection fee for inspection of plans, work and materials shall be as follows:

| <u>Estimated Cost of Improvements</u> | <u>Inspection Fee</u>          |
|---------------------------------------|--------------------------------|
| \$0 -100,000                          | 3%                             |
| \$100,001 – 200,000                   | \$3,000 + 2.50% over \$100,000 |
| \$200,001 – 300,000                   | \$5,500 + 2.00% over \$200,000 |
| \$300,001 and up                      | \$7,500 + 1.50% over \$300,000 |

B. The cost of the improvements shall be based upon the construction cost plus ten percent for contingencies as estimated by the director of public works. If a construction contract has been let, the contract amount plus ten percent for contingencies shall be used as the job cost, provided the following does not apply. If the subdivider has any greater than a fifty percent financial interest in the party with whom such contract is made, an estimate approved by the director of public works shall be used as the job cost. It shall be the responsibility of the subdivider to establish that he has no such financial interest in the party with whom such contract is made. If any portion of the work has been done at the time of depositing the fee, the subdivider shall pay to the county the inspection fee plus fifteen percent thereof for the inspection and testing required to verify the quantity and quality of the work done. Twenty percent of the fee, as determined from an acceptable engineer's estimate, shall accompany the first submission of improvement plans, specifications and estimates. This portion of the fee shall be nonrefundable, whether or not construction is commenced. The remaining eighty percent of the inspection fee, with adjustments for changes in the estimate, shall be paid by the developer to the county prior to signing of the improvement plans by the director of public works.

17.24.030 Prosecution of work

The subdivider shall prosecute the work to completion without undue delay except for inclement weather or other reasonable cause. Delay in completion of the work beyond the period stated in the subdivision agreement, unless an extension thereof is approved by the board and the surety company may result in forfeiture of the cash deposits and/or security or a portion thereof for the completion of the work.

17.24.040 Acceptance of work

- A. When all work require by the improvement plans, or a complete unit thereof, is complete to the satisfaction of the director of public works, he shall issue a certificate to the board stating the work, or a portion thereof, has been satisfactorily completed and recommending the acceptance by the board.
- B. When the work is satisfactorily completed and accepted by the board, it shall file a notice of completion as to the required improvements in the office of the county recorder.
- C. In subdivisions in which the county has required that noncounty improvements be completed to county standards, upon certification by the director of public works that

such noncounty improvements have been completed to county standards, the board may release that portion of the performance bonds covering noncounty improvements.

## **Chapter 17.28**

### **SUBDIVISIONS – VARIANCES**

#### Sections:

- 17.28.010 Variances--Generally
- 17.28.020 Temporary variances

#### 17.28.010 Variances—Generally

Subject to confirmation by the board, the commission may authorize conditional variance from these regulations when in its opinion undue hardship may result from strict compliance. In granting any variance, the commission shall prescribe only conditions that it deems necessary to or desirable for the public interest and which have a direct relation to the granting of the variance. In making its findings, as required herein below, the commission shall take into account the nature of the proposed use of the land and the existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision, and the conditions in the vicinity. A variance shall be granted only when the commission finds:

- A. That there are special and unique circumstances or conditions affecting the property such that the strict application of the provisions of this title would deprive the applicant of the reasonable use of his land. Special circumstances may include, but shall not be limited to: Unusual shape or limited size of original parcel, extreme topography, unusual drainage problems or design difficulties created by the pattern of existing recorded subdivisions of contiguous properties;
- B. That the variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner;
- C. That the granting of the variance will not be detrimental to the public welfare or injurious to r property in that territory in which the property is situated, and will not alter the essential character of the neighborhood.

#### 17.28.020 Temporary variances

Subject to the confirmation by the board, the commission may authorize temporary variances from the requirements of this title, subject to conditions which shall assure, as a matter of law, full compliance with the requirements of this title within a reasonable period of time. Such conditions may include, but shall not be limited to: Irrevocable offers of dedication of road right-of-way, the posting of bonds to assure compliance with any provisions of this title, and the conditions that the applicant and his successors in title shall limit or abstain from requesting certain further actions of the county that he might otherwise be entitled to with respect to the property.

## **Chapter 17.32**

## **SUBDIVISIONS – VIOLATIONS**

Sections:

17.32.010 Penal provisions

17.32.010 Penal provisions

The penal provisions shall be as prescribed in Section 1.12.010 of this code and Section 66499.30 et seq. of the Government Code.

### **Chapter 17.36**

#### **LAND DIVISIONS**

Sections:

17.36.010 Applicability  
17.36.020 Waiver provisions  
17.36.030 Environmental review  
17.36.040 Land division review committee  
17.36.050 Tentative map application  
17.36.060 Referral to committee  
17.36.070 Committee conference report  
17.36.080 Committee action  
17.36.090 Minimum requirements  
17.36.100 Planning commission action  
17.36.110 Appeals  
17.36.120 Parcel map—Expiration—Extensions of time  
17.36.121 Checking—Fees  
17.36.130 Penal provisions

17.36.010 Applicability

A. This chapter shall apply to any land division in the county as defined in this section.

B. “Land division” refers to any real property, improved or unimproved, shown the latest equalized county assessment roll as a unit or contiguous units under one ownership which is divided for the purpose of sale, lease or financing, whether immediate or future, by any person, into two or more parcels, provided the property division does not constitute a subdivision as defined in Section 66424 et seq. of the Government Code.

C. County general plan, specific plans and zoning ordinances shall include any plans and zoning ordinances now in force and such other plan or alterations as may be adopted.

D. Land division does not include the following:

1. Any division of land which conforms in all respects to a subdivision of record, endorsed by the commission and approved by the board, duly recorded and on file with the county recorder as a public record established pursuant to the State Subdivision Map Act and Chapters 17.12 through 17.32;

2. Any division of land which is created by action of a body having the power of eminent domain;
  3. Any sale of mineral, oil or gas rights;
  4. Land dedicated for cemetery purposes under the Health and Safety Code of the state;
  5. The conveyance, transfer, creation or establishment of an easement for roadway, sewer, water, gas, electricity and telephone service or similar purposes.
- E. Land division does not include the following, providing the advisory agency grants a waiver pursuant to Section 17.36.020; however, the recording of a parcel map is required:
1. The conveyance of land or transfer of lands made or require by court decree or the intestate or testamentary disposition of land;
  2. Any conveyance or transfer of land in which the parcel created is completely utilized to increase the area of a contiguous ownership or parcel, without creating a new or additional building site;
  3. The combining of several small parcels into a lesser number of parcels, providing that if two or more parcels remain, all parcels meet the development standards of the existing or probable zoning district.

#### 17.36.020 Waiver provisions

A waiver exempting subsection E of Section 17.3.010 from the definition of land division by the commission may be granted providing that the advisory agency make the finding that the proposed division of land complies with requirements as to area, improvement and design, flood and water drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection and other requirements of this chapter and local ordinances which are applicable to division of land pursuant to subdivision (B) or subdivision (C) (4) of Section 11535 of the Business and Professions Code.

#### 17.36.030 Environmental review

The environmental impact of all activities regulated by the provisions of this title and of the Subdivision Map Act (Government Code Section 66410 et seq.) shall be reviewed and taken into account in the regulation of such activities, as provided by Chapter 16.04 of this code.

#### 17.36.040 Land division review committee

- A. There is created a land division review committee which shall consist of the director of public works, the planning director and the health officer. The planning director shall act as the coordinator and secretary to the committee. All members of the committee shall constitute a quorum for the transaction of business.
- B. The land division review committee shall act in a technical capacity for the commission.

#### 17.36.050 Tentative map application

- A. The application for a land division shall be on forms prescribed by the planning director and shall be submitted to the planning department. Applications shall be

accompanied by at least six print copies and one reproducible copy of the tentative map for the proposed land division. When the planning director determines that the application data and tentative map are in general conformance with this chapter and state law, he shall enter the filing date on the application and initiate environmental evaluation and land division committee review procedures.

- B. Each subdivider, at the time of submittal of the tentative map, shall pay the following fee:
  - 1. Twenty-five dollars, no part of which shall be refundable;
  - 2. Such fees as are required by other ordinances;
  - 3. Additional fees for the environmental report;
  - 4. A tentative map and environmental impact report review fee to the department of public works in accordance with the current schedule as established from time to time by resolution as authorized by Chapter 3.02.
- C. The land division application information shall include:
  - 1. The name, address and telephone number of the applicant and the name, address and telephone number of the owner, if he is not the applicant. This should be accompanied by a preliminary title report from an authorized title company;
  - 2. A copy of the county assessor's map with the property of the proposed land division delineated;
  - 3. The source name of the supplier quality and an estimate of the available quantity of domestic water;
  - 4. The method of sewage disposal and name of sewage agency, if any;
  - 5. The proposed use of the parcels;
  - 6. The existing zoning designation of the land;
  - 7. The signature of the applicant and the date of application;
  - 8. Such other information as deemed necessary by the land division review committee.
- D. The tentative map of the proposed land division shall be clearly and legibly drawn on sheets eighteen inches by twenty-six inches in size, using an engineer's scale in all cases. A marginal line shall be drawn around each sheet leaving a blank margin of one inch. The map shall show:
  - 1. The boundaries of the land proposed to be divided with dimensions and the net area, exclusive of roads;
  - 2. The existing or proposed right-of-way lines of county roads or streets within or abutting the land and the location and width of pavement including the roadway pavement, curbs, gutters and sidewalks, both existing and proposed;
  - 3. The existing and proposed parcel lines with dimensions and area of each parcel;
  - 4. The location, with dimensions, and the use of any existing structures and improvements on the land or underground, including wells, sewerage, etc.;
  - 5. The location of drainage provisions, watercourses and area subject to flooding;
  - 6. Any existing or proposed easement which may have influenced the proposed parcel line locations or may influence the locations of buildings;
  - 7. The name and address of the person who prepared the map and the date of preparation;
  - 8. The north point and scale;

9. Such other information as deemed necessary by the land division committee, including maps of adjoining land which may have been previously divided.

17.36.060 Referral to committee

- A. The tentative map and accompanying data shall be considered by the land division review committee at a meeting held within fifteen working days after the filing date of the completed application.
- B. The applicant and all interested agencies shall be given written notice of the meeting at least five days prior to the meeting.
- C. The departments of health and public works shall be given copies of the tentative map and accompanying data required by this chapter, including the EIR, a minimum of ten working days prior to the land division review committee conference.

17.36.070 Committee conference report

- A. The director of public works shall report on the effect each proposed land division would have on drainage, public improvements, roads and such matters as he may deem necessary to secure compliance with this chapter and other laws regulating land division.
- B. The planning director shall report on the proposed parcel design, parcel size, proposed use and such other matters as he may deem necessary to secure compliance to this title and to any zoning ordinance applicable as well as conformance to the general plan, including a recommended zoning for the parcel if it is not precisely zoned.
- C. The health officer or his duly appointed agent shall report on the adequacy of the proposed water supply for domestic purposes, the adequacy of the proposed sewerage and any other matters affecting the public health. The applicant for each land division application may be required to make tests and investigation as deemed necessary by the health department.

17.36.080 Committee action

- A. The land division review committee shall recommend to the planning commission approval, conditional approval or disapproval of the tentative map by a majority vote of the committee. The committee recommendation shall be submitted in a written report.
- B. The land division review committee may recommend, as conditions of approval of the tentative map, such dedications and improvements as it deems reasonable and necessary.
- C. The estimated construction cost of any improvements required by the county shall be approved by the director of public works and shall be secured by a faithful performance bond, cash deposit or certified check.

17.36.090 Minimum requirements

The land division review committee may recommend approval or conditional approval of the tentative map only when the following conditions are found:

- A. The information or basis for information shown on the map is accurate;

- B. The proposed division as related to other intended or existing divisions would not constitute a subdivision as defined in the state and county subdivision laws;
- C. All parcels of the map and intended use thereof will meet use, minimum building site area, site width, yard area and access requirements for the existing or probable zoning district;
- D. Adequate access to all of the parcels will be provided;
- E. Requirements of the health officer will be observed in the size and development of such parcels;
- F. Drainage, grading and improvements, pursuant to county regulations, would be provided so as not to adversely affect parcels of the land division, county roads or the neighborhood;
- G. Use is made of public sewerage and water facilities when available;
- H. A preliminary soils report shall be prepared by a civil engineer/engineering geologist, licensed to practice in the state of California, for the proposed subdivision addressing the unified soil classification of the soils, the depth of the water table, the degree of soil moisture from the surface to a minimum depth of eight feet, the compaction of the soil at a minimum depth of two feet, and the expansive characteristics of the soil for the proposed project site. If this preliminary report indicates the presence of critically expansive soil or other soils or geological problems, which could lead to structural defects, or any other hazards, a soils report for each parcel, together with the proposed mitigation measures to alleviate identified problems shall be required.

The requirements of a preliminary soils report may be waived by the county engineer if the project civil engineer/engineering geologist certifies that no soils problems exist on the site, and that such certification is based on sufficient soils reports prepared for the subdivision under consideration to demonstrate soil stability and the lack of soils problems on the proposed project site. The project proponent shall have the burden of demonstrating the required information. The decision to waive such requirements, based upon the certification of the project proponent's civil engineer/engineering geologist of the absence of any soils related problems, shall be solely within the discretion of the county engineer.

The fee for review of soils reports or consideration of soils report waiver shall be set by resolution of the board of supervisors.

#### 17.36.100 Planning commission action

- A. Within fifty days of filing, or such other time that is mutually agreed upon, the planning commission shall approve, conditionally approve or deny the tentative map.
- B. Upon recommendation of the land division review committee and prior to approval or conditional approval of the tentative map, the commission shall require such street improvements, utilities, drainage structures and facilities, erosion control, fences, planning, right-of-way dedication and other provisions for public safety, health and general welfare within the area of the tentative map and such off-site improvements as are in its opinion necessary and in accord with the law and terms of this chapter. All construction shall be in accord with road department standards.

17.36.110 Appeals

- A. If the subdivider or any interested person is dissatisfied with any action taken or requirement imposed upon the tentative map by the commission, he or she may appeal the same to the board if the appellant raised the objections on the record of the commission proceeding.
- B. The appeal shall be made in writing and filed with the clerk to the board within ten calendar days after the action was taken or requirement imposed. Hearing on such appeal shall be held before the board within thirty calendar days after the filing of the appeal. Within ten days following the conclusion of the hearing the board shall issue a written finding sustaining, modifying, rejecting or overruling any action taken or requirement appealed, except that such findings shall not be inconsistent with any requirements of state law or of this chapter.

17.36.120 Parcel map—Expiration—Extensions of time

- A. After the approval or conditional approval of the tentative map, a parcel map shall be prepared in conformity with the approved or conditionally approved tentative map by a licensed land surveyor or registered civil engineer, pursuant to the State Subdivision Map Act. The parcel map shall be based on a field survey and shall conform to all the survey and map requirements for a final map.
- B. In addition to other required certificates, a certificate on the parcel map signed by the commission as acknowledgement that the map is in accord with the approved or conditionally approved tentative map shall be required.
- C. In addition to other required certificates, a certificate on the parcel map signed by the tax collector of the county stating that there are no liens of any kind against the property or any part thereof for any delinquent county, municipal, or local taxes or special assessments shall be required.
- D. The land division shall be deemed complete when the approved parcel map thereof is filed in the office of the county recorder.
- E. An approved or conditionally approved tentative map shall expire twenty-four months after its approval or conditional approval. Where there has been a timely written application for an extension of a tentative map, the tentative map shall not expire until a decision has been given by the a planning commission and any appeals there from to the board of supervisors have been decided or the time limits for such appeals have expired. The time for appeal under this section is fifteen days after the planning commission has denied the extension. In all other cases, the expiration of the approved or conditionally approved tentative map shall terminate all further proceedings thereon, and no applications for extensions or modifications shall be considered, and no final map of all or any portion of the real property included within the tentative map shall be filed without first processing a new tentative map.

17.36.121 Checking—Fees

- A. The subdivider shall pay to the county fees for the surveyor's services in checking the parcel map based on the current fee schedule as established from time to time by resolution of the board of supervisors. All fees shall be paid prior to the time the map is set for approval by the commission. Said fee includes the

cost of printing copies of the parcel map. After recording, one set of intermediates will be sent to the surveyor who prepared the map.

17.36.130 Penal provisions

The penal provisions shall be as prescribed in Section 1.12.010 of this code and Section 66499.30 of the Government Code.

## Chapter 17.37

### LOT LINE ADJUSTMENTS

Sections:

- 17.37.010 Purpose
- 17.37.020 Alternative procedures
- 17.37.030 Definitions
- 17.37.040 Application for lot line adjustment—Filing fees—Distribution
- 17.37.050 Application for lot line adjustment—Requirements
- 17.37.060 Maps and documents
- 17.37.070 Dedications and improvements
- 17.37.080 Approval
- 17.37.090 Disapproval
- 17.37.100 Notice
- 17.37.110 Recording lot line adjustments
- 17.37.120 Appeals

17.37.010 Purpose

Section 66412 of the Government Code of the state of California provides that lot line adjustments are excluded from the requirements of the Subdivision Map Act when they have been approved by the local agency or advisory agency. The purpose of this chapter is to provide a procedure for granting such approval. The lot line procedure is not intended to be used for subdividing property and may be used only in those situations where the provisions of the Subdivision Map Act and the Mono County subdivision code do not apply. The lot line adjustment procedure provided for in this chapter should include only those lot line adjustments that are of a minor and routine nature where extensive review and public involvement is not necessary.

17.37.020 Alternative procedures

Nothing in this chapter is intended to prohibit a subdivider from proposing lot line adjustments in conjunction with a subdivision of land which is being proposed by means of a final map or parcel map; (see Government Code Section 66410 et seq. and applicable provisions of Title 17 of the Mono County Code) as an alternative to the procedures as set forth in this chapter.

17.37.030 Definitions

A. Lot Line Adjustment. "Lot line adjustment," as used in this section, means the adjustment of the boundaries between two or more adjacent parcels, where the

land taken from one parcel is added to an adjacent parcel, and where a greater number of parcels than originally existed are not thereby created.

- B. Advisory Agency The advisory agency for lot line adjustment shall be the land division review committee as established pursuant to Section 17.36.040 of Mono County Code or their designated representatives.

17.37.040 Application for lot line adjustment—Filing fees—Distribution

- A. An application for lot line adjustment, as described in Section 17.37.050 of this chapter, is required for all lot line adjustments.
- B. The applicant for a lot line adjustment shall deliver to the planning department the original application for lot line adjustment and eighteen copies thereof.
- C. At the time of delivering the application for lot line adjustment, the applicant shall pay to the planning department the following fee to defray the expenses incidental to processing the application:
  - 1. Fifty dollars filing fee,
  - 2. Plus fifty dollars per lot for each existing lot affected by the proposed lot line adjustment.
- D. The application for lot line adjustment shall not be deemed to be filed until the planning department has made a review of the application and any accompanying documents for completeness. Such review shall also include certification by the public works department that all maps and documents are technically correct.
- E. Within five days after the planning department has determined that the application is complete, the planning department shall submit copies of the lot line adjustment and any accompanying documents to the public works department, the County Health Department, and to any public utility affected, together with a request for recommendations on the proposed lot line adjustment. The planning department may also transmit copies of the lot line adjustment map to fire districts, water districts, irrigation districts, community services districts, and other public and private agencies affected by the proposed lot line adjustment, together with a request for recommendations on the proposed lot line adjustment.
- F. When the planning department has determined that the application is complete, the application shall be deemed filed, Within thirty days of the date that the application has been filed, the application shall be scheduled for review by the advisory agency.
- G. The applicant shall be notified, in writing, by the planning department, ten days prior to the review of the application for lot line adjustment by the advisory agency. The notification shall give the date, time, and place of the meeting at which the application will be reviewed. Notice shall be determined to have been given upon deposit of the notice in the United States mail.

17.37.050 Application for lot line adjustment--Requirements

- A. The application for lot line adjustment shall be submitted on the forms as provided for this purpose by the planning department. The forms and documents shall be typed, and the exhibits drawn legibly. Also, to assure the reproducibility

of the documents, the use of black ink is encouraged on all forms, maps and documents.

B. Forms to be submitted.

1. Exhibit "A"—Application for Lot Line Adjustment.

This form must be filled out completely. The record title owners of all parcels involved must sign the application form. A current title report, covering all existing parcels to be considered in the lot line adjustment must accompany the application

2. Exhibit "B"—Lot Line Adjustment Map

This map must be drawn in black ink on the form provided. The map must be clear and readable. The following information must be provided on the map (additional information may be required):

--Map scale and north arrow (map scale shall be decimal or engineer' scale adequate and appropriate for the maps.)

--The location of the project site in relation to existing streets and when available the approximate distance to the nearest cross street. (Must be detailed enough to allow someone not familiar with the area to locate the project site.)

--The existing and proposed lot layout. Show bearings and distances for all parcel lines. Use a heavy solid line for the exterior project boundary, solid lines for proposed property lines, and light dashed lines for existing property lines to be adjusted.

--A number for each new parcel (Parcel 1, Parcel 2, etc.) and the net area of each new parcel. Net area equals the gross area minus any easements that may restrict the surface use of the property, such as vehicular, pedestrian, or equestrian easements.

3. Exhibit "C"—Site Plan

Since only certain information shall be shown on the lot line adjustment map (Exhibit "B"), a second map is required showing additional information necessary to verify compliance with adopted county ordinances. This information shall be submitted on the form labeled Exhibit "C" Site Plan. This map must be drawn in black ink on the form provided. The map must be clear and readable. The following information shall be provided on the site plan (additional information may be required):

--Map scale and north arrow (scale should be the same as used on Exhibit "B")

--The location and width of all existing or proposed easements or rights-of-way, whether public or private; for roads, drainage, sewers, or flood control purposes. Label the easements as existing or proposed and indicate to whom the easement is granted.

--The location of any aboveground or underground structures on the site. Dimension distances from proposed property lines to structures. If there are no structures on the lots proposed for adjustment, add a note on the map stating that fact.

NOTE: Applicable sections of the California Land Surveyors Act may require that the above referenced "Exhibit B" and "Exhibit C" be

prepared by a person licensed to practice land surveying in the state of California.

#### 17.37.060 Maps and documents

Upon approval of the application for lot line adjustment by the advisory agency, the applicant shall be required to submit the following maps and documents to the county surveyor for his review and approval.

##### A. Record of survey

--The applicant shall cause to be prepared, by a person licensed to practice land surveying in the state of California, a record of survey map.

--The record of survey shall indicate that sufficient monuments have been set to determine the precise location of the adjusted lot liens (monuments shall be required at all newly created lot corners and angle points in the adjusted lot lines).

--The record of survey shall be prepared in accordance with the approved application for lot line adjustment.

--The record of survey shall indicate in this title block, in an appropriate manner that it is for lot line adjustment purposes.

B. Deeds. The applicant shall cause to be prepared all necessary deeds to effectuate the proposed lot line adjustment. The county surveyor shall review the deeds for conformance with the approved application for lot line adjustment. The deeds shall be in a form acceptable for recording and shall record concurrently with and make reference to the required record of survey.

#### 17.37.070 Dedications and improvements

A. In reviewing the application for lot line adjustment, the advisory agency should comply with the general principle that, unless minor in nature, dedications and improvements required for subdivisions involving tentative, final or parcel maps are not applicable to lot line adjustments.

B. Whenever the advisory agency determines that dedications and/or improvements, shall be made by the applicant. The advisory agency shall then advise the applicant what dedications and/or improvements shall be required. When the advisory agency determines that improvements are required, they shall also determine on what date such improvements are to be completed. Agreements for constructing such improvements, security for such agreements and all other matters pertaining to such dedications or improvements shall be governed by the same principles as set forth for parcel maps in Section 66410 et seq. of the Government Code.

#### 17.37.080 Approval

The advisory agency may approve the proposed lot line adjustment whenever the following conditions have been complied with.

A. The lots which will result from the proposed lot line adjustment conform to applicable general plan, zoning and building code regulations in effect in the area.

B. The lots generally comply with regulations set forth in Title 17 of the Mono County subdivision code particularly those sections pertaining to size, shape and dimensions of lots.

- C. The proposed lot line adjustment does not appear, under the circumstances of the particular case, to be detrimental to the health, safety, convenience or general welfare of persons residing or working in the neighborhood or to the general welfare of the county.

#### 17.37.090 Disapproval

The advisory agency shall disapprove any application for lot line adjustment that does not comply with the criteria for approval as established in Section 17.37.080. In addition the advisory agency may disapprove any application for lot line adjustment if it is determined that there is no real relationship between the existing parcels and the proposed new parcels or that major improvements are required, indicating that the proposed lot line adjustment would be more adequately processed as a final or parcel map in accordance with Section 66410 et seq. of the Government Code.

#### 17.37.100 Notice

The applicant shall be notified, in writing, by the planning department, within fifteen calendar days, of the approval, conditional approval or disapproval by the advisory agency. Notice shall be deemed to have been given upon deposit of said notice in the United States mail.

#### 17.37.110 Recording lot line adjustments

- A. Should dedications or improvements be required, the record of survey for the lot line adjustment shall not be recorded until such time as said dedications or improvements have been made in accordance with Section 17.37.070.
- B. Upon approval by the County Surveyor of all maps and documents required in accordance with this chapter and payment by the applicant of all fees including record of survey map check fees; the County Surveyor shall transmit the approved lot line adjustment, as shown on the record of survey and all other required documents to the County Recorder for recordation.
- C. The recordation of the record of survey, made in accordance with Section 17.37.070, including all required documents submitted in accordance with the approved application for lot line adjustment shall constitute final county approval and shall also act as a certificate of compliance in accordance with applicable provision of the Subdivision Map Act (Sec. 66410 et seq.) of the California Government Code.
- D. An approved lot line adjustment shall expire twelve months after its approval by the advisory agency. The expiration of the approved lot line adjustment shall terminate all proceedings and no maps or documents of all, or any portion, of the real property included within the approved lot line adjustment shall be recorded without first processing a new application in accordance with this chapter.

#### 17.37.120 Appeals

- A. If the advisory agency disapproves a lot line adjustment the applicant may appeal such decision to the planning commission. The appeal shall be processed within the same time limits and be subject to the same procedures and requirements as set forth for tentative maps in Section 66410 et seq. of the Government Code.

- B. The fee established for the necessary additional administrative costs in processing the appeal shall be one half the amount of the application fee as established in Section 17.37.040. Said fee shall be paid at the time of filing any appeal in accordance with this section.

## **Chapter 17.40**

### **DEVELOPMENT FEES**

Sections:

- 17.40.010 Fees
- 17.40.020 Time for payment
- 17.40.030 Definitions
- 17.40.040 Specifications of budget

17.40.010 Fees

In addition to any other fees prescribed by the county, every person dividing land as below defined within the county shall pay a sum computed as follows:

- A. Subdivisions. Two hundred dollars per lot, piece or parcel of land. A condominium is considered a subdivision for the purpose of this section:
- B. Land Divisions. A land division other than a subdivision which creates one or more lots, but not more than four, all of which are less than one acre in area, fifty dollars per lot, piece or parcel;
- C. Land Divisions. If the division as stated in subsection B of this section creates any lot, piece or parcel in excess of one acre in area, all lots shall be charged two hundred dollars per lot.
- D. Additional per unit fee for Mammoth Lakes and June Lake: an additional one hundred dollar fee shall be charged for every new condominium or multifamily unit proposed within the communities of Mammoth Lakes or June Lake. The fees charged under this section shall be collected until such time as the indebtedness incurred from the contingency fund for the benefit of the June Lake community is refunded by their respective communities as authorized under Minute Orders 82-1612 and 83-16 respectively. Affordable housing and single-family residences are exempt from this fee requirement.

17.40.020 Time for payment

The above fees shall be due and payable upon application to the Mono County planning commission for a tentative map, under the Mono County subdivision ordinance or the land division ordinance, or such further ordinances as may require preliminary map filings which affect lands. Payments hereunder, once made for each condominium, lot, piece or parcel, shall be credited to any future construction of that unit up to one hundred dollars. The same shall not be true of any other construction upon a lot, piece or parcel hereunder, unless construction is by the developer or subdivider.

17.40.030 Definitions

- A. "Person" includes every person, firm, or corporation applying for action under and by virtue of the land division ordinance, subdivision ordinance or other land division oriented ordinances.
- B. "Subdivision" includes and is understood as the law of this state defines the term including condominiums and condominiums under Section 1350 et seq. of the Civil Code, laws of the state of California, known as single lot condominiums.

17.40.040 Specification of budget.

All sums collected pursuant to this chapter shall be deposited to the general fund. The building and planning department shall within the budget process develop a program or programs to the following aims:

- A. Matching moneys for federal and state planning programs:
- B. Costs attributable to former and future legislative mandated and optional elements of the general plan and other broad planning purposes (e.g. governmentally originated area wide environmental studies area general plans specific plans etc.)
- C. Costs attributable to joint planning agreements and functions with federal and state agencies;
- D. The acquisition and development of open space land recreation purposes. Only those lands identified on the Mono County Open/Space Acquisition Priority List shall be eligible for acquisition with funds collected pursuant to this chapter. The development of open space may include the construction of necessary recreation facilities, trails, parks and appurtenant facilities.

**Chapter 17.44**

**CONSTRUCTION OF BRIDGES AND MAJOR THOROUGHFARES**

Sections:

- 17.44.010 Fees or consideration in lieu of fees-May be required as condition of approval of final map.
- 17.44.020 Fees or consideration in lieu of fees-Required when.
- 17.44.030 Fees or consideration in lieu of fees-Required upon compliance with Section 17.44.020

17.44.010 Fees or consideration in lieu of fees-May be required as condition of approval of final map.

The Mono County board of supervisors may, as a condition of the approval of a final map, as defined in the Subdivision Map Act require from the applicant the payment of a fee, or consideration in lieu of fees, for the purposes of defraying the actual or estimated cost of constructing bridges over waterways, railways, freeways and canyons, or constructing major thoroughfares.

17.44.020 Fees or consideration in lieu of fees-Required when

The Mono County board of supervisors, as a condition of the approval of a final map, as defined in the Subdivision Map Act, may require the payment of fees, or consideration in lieu of fees, only in the event of compliance with provisions of the following subsections:

- A. In a case on the proposed construction of a bridge, the project for which the fee, or consideration in lieu of fees, is required is within the ambit of and is consistent with, the circulation element of the Mono Plan or June Lake General Plan, or such other general plan as may be adopted subsequent to the effective date of the ordinance codified in this chapter, and only in the event that the proposed bridge is within the ambit of the transportation or flood control provisions of such general plan which identify railways, freeways, streams or canyons for which bridge crossings are required and only in the event that such proposed bridge construction is consistent with the transportation and flood control provisions of said general plan.
- B. In the event that are the proposed construction project is of a major thoroughfare, the payment of fees, or consideration in lieu of fees, should be required only in the event the proposed major thoroughfare construction project is within the ambit of, and consistent with, the circulation element of the Mono Plan or June Lake General Plan, or such other general plan as may be adopted within the county subsequent to the effective date of the ordinance codified in this chapter, and that the proposed major thoroughfare construction project is within the ambit of, and consistent with, the provisions of the circulation element of such general plans which identify those major thoroughfares whose primary purpose is to carry state highway system located within the areas governed by the general plan referenced above.
- C. In no event shall the payment of fees, or consideration in lieu of fees, be required unless the circulation element of the general plan for the area within which the bridge or major thoroughfare is to be built has been adopted by the local agency at least thirty days prior to the filing of the application for approval of final map.
- D. Prior to the payment of any fees, or consideration in lieu of fee, the local legislative body for the area within which the proposed construction project is to take place, shall determine the boundaries of the area which will benefit by the proposed construction project. This area of benefit may include land or improvements in addition to those which are subject of any application for approval of final map. The local legislative body shall then notice a public hearing to be held by the governing body for the area benefited, and notice of this hearing shall be given pursuant to Section 65905 of the Government Code. In addition to the requirements of Section 65905 of the Government Code, such notice shall contain preliminary information related to the boundaries of the are of benefit, estimated cost of the project, and the method of fee apportionment.
- E. The fees, or consideration in lieu of fees, shall not be required unless at such public hearing, duly noticed, the local governing board does establish the boundaries o the are of benefit, the cost, whether actual or estimated, and a fair method of allocating costs to the area of benefit and fee apportionment. The method of fee apportionment, in the case of major thoroughfares, shall not provide for higher fees on land which abuts the proposed improvement except where abutting property is provided direct usable access to the major thoroughfare. A description of the boundaries of the area of benefit, the cost, whether actual or estimated, and the

method of fee apportionment established at the hearing shall be incorporated in a resolution of the governing body, a certified copy of which shall be recorded by the governing body conducting the hearing with the recorder of the county in which the area of the benefit is located. Such apportion fee shall be applicable to all property within the area of benefit and with respect to those lands which may not be subject to the payment of fees pursuant to this section, the governing agency shall either make provision for the payment of the share of improvement costs apportioned to such lands from other sources or impose a reasonable charge on property within the area pursuant to the provisions of Section 66489 of the Government Code.

- F. Payment of fees, or consideration in lieu of fees, shall not be required unless the major thoroughfares are an addition to, or a reconstruction of, any existing major thoroughfares serving the area at the time of the adoption of the boundaries of the areas of benefit.
- G. Payment of fees shall not be required unless, in the case of a planned bridge facility, such facility is an original bridge serving the area, or an addition to any existing bridge facility serving the area at the time of the adoption of the boundaries of the area of benefit. Fees shall not be expended to reimburse the cost of existing bridge facility construction.
- H. Fees, or consideration in lieu of fees, shall not be required if, prior to the date set for hearing there is filed with the clerk of the legislative body, a written protest by the owners of more than one-half of the area of the property to be benefited by the improvement, and such protests are not withdrawn so as to reduce the area represented to less than one-half of that area to be benefited. In the event protests are filed by owners of more than one-half the area of the property to be benefited then the proposed proceedings shall be abandoned and the legislative body shall not, for a period of one year from the date of filing of that written protest, commence or carry on any proceedings for the same improvement or acquisition under the provisions of this section. Should a majority of protest be directed only to a portion of the provisions of this section to construct that portion of the improvement so protested shall be barred for a period of one year but legislative body shall not be barred from commencing new proceedings, not including any part of the improvement or acquisition.
- I. Fees paid pursuant to this section shall be deposited in the planned bridge facility or major thoroughfare project. Moneys in such fund shall be established for each planned bridge facility or major thoroughfare fund. A fund shall be established for each planned bridge facility or planned major thoroughfare project. Moneys in such fund shall be expended solely for the construction or reimbursement for construction of the improvements serving the area to be benefited and from which the fees comprising the fund were collected, or to reimburse the local agency for the cost of constructing the improvement.
- J. A local agency imposing fees pursuant to this section may advance money from its general fund or road fund to pay the cost of constructing the improvements and may reimburse the general fund or road fund from such advances from planned bridge facility or major thoroughfare fun established to finance the construction of such improvement.

- K. A local agency imposing fees pursuant to this section may incur and interest-bearing indebtedness for the construction of bridge facilities or major thoroughfares; provided, that the sole security for repayment of such indebtedness shall not be the moneys in planned bridge facility or major thoroughfare funds.
- L. The legislative body or local agency may accept such considerations, in lieu of fees, if such legislative body or local agency in its discretion believes they are equivalent to fees that would be required.

17.44.030 Fees or consideration in lieu of fees- Required upon compliance with Section 17.44.020

Should the legislative body or local agency comply with all of the conditions set forth in Section 17.44.020, such legislative body or local agency shall require the payment of fees, or consideration in lieu of fees, as a condition of the approval of a final map for such property or portions thereof.

#### TITLE 17 FOOTNOTES

1. For statutory provisions pertaining to subdivide lands and subdivisions, see Bus. & Prof. Code 11000.1 et seq.; for the statutory provisions regarding subdivision maps and the Subdivision Map Act, see Government Code Section 66410 et seq.
2. Exhibits A, B and C of Ord. 83-446K are adopted by reference and on file in the office of the County Clerk.