



# **EL DORADO COUNTY**

# **SUBDIVISIONS ORDINANCE**

**Title 16**  
**El Dorado County Code**

**Last Revised FEBRUARY 2009**

## ADOPTED ORDINANCES

February 10, 2009  
Ordinance 4810

August 7, 1990  
Ordinance 4123

February 7, 1984  
Ordinance 3422

May 20, 2003  
Ordinance 4632

April 10, 1990  
Ordinance 4111

October 11, 1983  
Ordinance 3395

May 11, 1999  
Ordinance 4533

October 24, 1989  
Ordinance 4074

August 2, 1983  
Ordinance 3382

April 29, 1997  
Ordinance 4448

January 31, 1989  
Ordinance 4007

February 8, 1983  
Ordinance 3334

December 14, 1993  
Ordinance 4318

October 1, 1988  
Ordinance 3973

August 24, 1982  
Ordinance 3296

September 15, 1992  
Ordinance 4250

July 5, 1988  
Ordinance 3841

August 17, 1982  
Ordinance 3291

August 27, 1992  
Ordinance 4244

July 5, 1988  
Ordinance 3839

August 3, 1982  
Ordinance 3290

January 30, 1992  
Ordinance 4216

May 17, 1988  
Ordinance 3831

August 25, 1981  
Ordinance 3174

March 12, 1991  
Ordinance 4152

February 16, 1988  
Ordinance 3805

August 18, 1981  
Ordinance 3171

February 19, 1991  
Ordinance 4151

April 17, 1984  
Ordinance 3449

**Further dated ordinances are available at the Board of Supervisors**

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# ARTICLE I. MAJOR LAND DIVISIONS

## Chapter 16.04

### GENERAL PROVISIONS

#### Sections:

- 16.04.010 Title.**
- 16.04.020 Purpose.**
- 16.04.030 Scope.**
- 16.04.040 Exceptions.**
- 16.04.050 Definitions.**

#### 16.04.010 Title.

This article shall be known and may be referred to in all proceedings as the county major land divisions ordinance. (Prior code §9311)

#### 16.04.020 Purpose.

The design, improvement, maps and sale of subdivisions are governed by the Real Estate Act (section 11000 et seq. of the Business and Professions Code), the Subdivision Map Act (section 66410 et seq. of the Government Code) and the provisions of this article. This article is enacted pursuant to the authority of the Subdivision Map Act to provide additional standards governing the design, improvement, survey and official maps of major land divisions to insure that growth and development of the county is orderly. (Prior code §9312)

#### 16.04.030 Scope.

This article shall govern the division of any and all land within the unincorporated territory of the county. A tentative and final map shall be required for all subdivisions creating five or more parcels or condominiums as defined in section 783 of the Civil Code or a community apartment project containing five or more parcels except where:

- A. The land before division contains less than five (5) acres, each parcel created by the division abuts upon a maintained public street or highway and no dedications or improvements are required by the legislative body; or
- B. Each parcel created by the division has a gross area of twenty (20) acres or more and has an approved access to a maintained public street or highway; or
- C. The land consists of a parcel or parcels of land having approved access to a public street or highway which comprises part of a tract of land zoned for industrial or commercial development and which has the approval of the governing body as to street alignments and widths; or
- D. Each parcel created by the division has a gross area of not less than forty (40) acres or is not less than a quarter of a quarter section.

A parcel map shall be required for those subdivisions described in subsections A, B, C and D of this section. (Prior code §9313)

#### 16.04.040 Exceptions.

Unless a division of land falls within an exception this article shall apply. However, this article shall be inapplicable to:

- A. The financing or leasing of apartment, offices, stores or similar space within apartment buildings, industrial buildings, commercial buildings, mobile home parks or trailer parks; or
- B. Mineral, oil or gas leases; or
- C. Land dedicated for cemetery purposes under the provisions of the Health and Safety Code of the state; or
- D. Land deeded to a governmental agency. (Prior code §9313.1)

**16.04.050 Definitions.**

When used in this article, the following words and phrases shall have the following meanings:

- A. "Approving authority" refers to the body designated by ordinance as the body to give original approval to any application.
- B. "Building site" means a parcel or lot containing not less than the prescribed minimum area required by any applicable subdivision or zoning ordinance and regulations existing at the time of the creation of the lot or parcel and occupied or intended to be occupied by buildings or structures.
- C. "Class 1 subdivision" refers to major land divisions creating lots having improvements to full county standards.
- D. "Design" means:
  - 1. Street alignments, grades and widths;
  - 2. Drainage and sanitary facilities and utilities, including alignments and grades thereof;
  - 3. Locations and size of all required easements and rights-of-way;
  - 4. Fire roads and firebreaks;
  - 5. Lot size, access and configuration;
  - 6. Traffic circulation;
  - 7. Grading;
  - 8. Land to be dedicated for park or recreational purposes; and
  - 9. Such other specific requirements in the plan and configuration of the entire subdivision as may be necessary or convenient to insure conformity to or implementation of the general plan required by article 5 (commencing with section 65300) of chapter 3 of division 1 of the Government Code or any specific plan adopted pursuant to article 9 (commencing with section 6545) of chapter 3 of division 1 of the Government Code.
- E. "Design manual" means the county design manual as adopted by resolution of the board of supervisors.
- F. "Division," "division of land" and "divided" mean any separation of land into two or more parts or parcels accomplished by deed, including gift deed, contract of sale, lease, conveyance of right-of-way, court decree, intestate or testamentary disposition, excepting any such conveyance made for the purpose of locating or adjusting boundary lines between two parcels which does not result in the elimination or creation of new building sites.
- G. "Final map" refers to a map prepared in accordance with the provisions of the Subdivision Map Act and this article which map is to be filed in the office of the county recorder.
- H. "Improvement" refers to the streets, utilities and facilities 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 are necessary for the general use of the lot owners in the

subdivision and local neighborhood traffic and drainage needs as a condition precedent to the approval and acceptance of the final map thereof. "Improvement" also refers to the other specific improvements or types of improvements the installation of which either by the subdivider, by public agencies, by private utilities, by any other entity approved by the local agency or by a combination thereof, is necessary or convenient to insure conformity to or implementation of the general plan required by article 5 (commencing with section 65300) of chapter 3 of division 1 of the Government Code or any specific plan adopted pursuant to article 8 (commencing with section 65450) of chapter 3 of division 1 of the Government Code.

- I. "Preliminary map" refers to a generalized document which will allow the feasibility and practicality of a tract of land to be assessed informally in regard to its suitability for subdivision.
- J. "Remainder" or "designated remainder" shall mean that portion of improved or unimproved land proposed to be subdivided that is not divided for the purpose of sale, lease, or financing. Said designated remainder shall not be counted as a parcel for the purpose of determining whether a parcel or final map is required. (Ord. 4448, 1997)
- K. "Rural subdivision" refers to major land divisions creating lots of two acres or larger and meeting the improvement standards as set forth in the county design manual. The county will not participate in the cost of construction of the subdivision improvements.
- L. "Street" refers to land devoted primarily to vehicular traffic uses extending to the boundaries of the right-of-way of the adjoining owner whether designated as a highway, freeway, throughway, thoroughfare, avenue, boulevard, road, parkway, lane, alley, place, circle, drive, way or other similar terms.
- M. "Subdivider" refers to a person, firm, corporation, partnership or association who causes land to be divided into a subdivision for himself or for others.
- N. "Tentative map" refers to a map made for the purpose of showing the design of a proposed subdivision and the existing conditions in and around it and need not be based upon an accurate or detailed final survey of the property. (Ord. 3805 §1, 1988; Ord. 3382 §1, 1983; prior code §9314)

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## Chapter 16.08

### ADMINISTRATION AND ENFORCEMENT

#### Sections:

- 16.08.010**      **Advisory Agency.**
- 16.08.020**      **Design Waivers.**
- 16.08.030**      **Penalty for Violation.**

#### 16.08.010 Advisory Agency.

The county planning commission is designated the advisory agency to the board of supervisors and shall be charged with the duty of making investigations and approving or denying proposed subdivisions subject to board of supervisors review as provided in section 16.24.075C. (Ord. 3805 §2, 1988: prior code §9315)

#### 16.08.020 Design Waivers.

- A. The planning commission may grant a design waiver of any of the design or improvement requirements of this article with respect to a particular subdivision at the time it approves the tentative map of the subdivision. A waiver shall not be granted unless:
  - 1. The subdivider has submitted a written application therefore with the planning division more than twenty (20) days prior to the hearing before the commission to consider the tentative map; and
  - 2. To approve a design waiver the planning commission or board on appeal must find that each of the following conditions exist:
    - a. There are special conditions or circumstances peculiar to the property proposed to be subdivided which would justify the waiver,
    - b. Strict application of the design or improvement requirements of this chapter would cause extraordinary and unnecessary hardship in developing the property,
    - c. The waiver would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public,
    - d. The waiver would not have the effect of nullifying the objectives of this article or any other law or ordinance applicable to the subdivision.
- B. The order granting the waiver may contain such conditions as the commission or board on appeal may impose and failure to conform to the conditions will be grounds for disapproval of the final map of the subdivision.
- C. A request for a design waiver filed after the tentative map is approved shall be noticed and heard pursuant to the same procedural requirements necessary for approving the tentative map. (Ord. 3805 §3, 1988: prior code §9316)



**16.08.030 Penalty for Violation.**

Any published offer to sell, sale, contract of sale or deed of conveyance made contrary to the provisions of this article is a misdemeanor and any person, firm, partnership, association, corporation or other entity upon conviction thereof shall be punishable by a fine of not to exceed one thousand dollars (\$1,000) or imprisonment in the county jail for a period of not more than six (6) months or by both such fine and imprisonment. At the discretion of the community development department, or the district attorney, the violation may be reduced to an infraction with a maximum fine of five hundred dollars (\$500). (Ord. 3831 §9, 1988)

Chapter 16.12

**CONDITIONS AND REQUIREMENTS**

**Sections:**

- 16.12.010 State Law Compliance.**
- 16.12.020 General and Specific Plan Compliance.**
- 16.12.030 Findings Requiring Disapproval.**
- 16.12.040 Final Map of Land Project.**
- 16.12.050 Waste Discharge Compliance.**
- 16.12.058 Private Easements – Fences.**
- 16.12.060 Dedication – Public Easement.**
- 16.12.070 Dedication – Waiver of Direct Access Rights.**
- 16.12.080 Dedication – Setback from National Forest Property.**
- 16.12.090 Dedication – Park and Recreational Uses.**
- 16.12.100 Dedication – Acceptance.**
- 16.12.110 Regulations – Issuance.**
- 16.12.120 Dedication – Effective Date.**
- 16.12.130 Public Waterway Access.**

**16.12.010 State Law Compliance.**

The planning commission shall not approve any map failing to meet any requirements or conditions imposed by article 1, chapter 4, division 2 of the Government Code (section 66473 et seq. of the Subdivision Map Act) or this article. (Ord. 3805 §4, 1988: prior code §9346)

**16.12.020 General and Specific Plan Compliance.**

The commission shall not approve a map unless it finds that the proposed subdivision together with the provisions for its design and improvement is consistent with the general plan and any adopted specific plan. (Ord. 3805 §5, 1988: prior code §9347)

**16.12.030 Findings Requiring Disapproval.**

The commission shall deny approval of a tentative subdivision map if it makes any of the following findings:

- A. That the proposed map is not consistent with the applicable general and specific plans;
- B. That the design or improvement of the proposed subdivision is not consistent with the 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 and wildlife or their habitat;
- F. That the design of the subdivision or the type of improvements is likely to create serious public health and safety problems or unacceptable fire risks to occupants or adjoining properties;

- G. The board of supervisors shall not deny approval of a final map pursuant to section 66474 of the Subdivision Map Act if a tentative map has been approved for the proposed subdivision and if the board finds that the final map is in substantial compliance with the previously approved tentative map;
- H. That the design of the subdivision or the type of improvements will conflict with easement, acquired by the public at large, for access through or use of property within the proposed subdivision. In this connection, the approving authority may approve a map if it finds that alternate 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 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. (Ord. 3805 §6, 1988: prior code §9348)

**16.12.040 Final Map of Land Project.**

The board shall not approve a final subdivision map for any land project as defined in section 1100.5 of the Business and Professions Code unless it:

- A. Has adopted a specific plan covering the area proposed to be included with the land project;
- B. Finds that the proposed land project together with the provisions for its design and improvement is consistent with the specific plan for the area. (Prior code §9349)

**16.12.050 Waste Discharge Compliance.**

The commission shall determine whether the discharge of waste from the proposed subdivision into an existing community sewer system would result in violation of existing requirements prescribed by a California Regional Water Quality Control Board pursuant to division 7 (commencing with section 13000) of the Water Code. In the event that the commission finds that the proposed waste discharge would result in or add to violation of requirements of the water quality control board, it may disapprove the tentative map or maps of the subdivision. (Ord. 3805 §7, 1988: prior code §9350)

**16.12.058 Private Easements--Fences.**

- A. Any major land division into parcels of ten acres or less that borders on an agricultural preserve (Williamson Act property) that is used primarily for livestock purposes shall be required to construct and maintain a fence along the border on a ten foot (10') easement adjacent to the preserve that allows adjacent owners access for the sole purpose of maintaining the fence. The fence and easement shall be maintained for as long as the adjacent land is an agricultural preserve. The specifications for the fence shall be provided by resolution of the board of supervisors. The easement shall be totally on the land to be divided which shall be the servient tenement. The dominant tenement shall be the adjacent agricultural preserve land that benefits from the fence and easement through its control of dog and other pet access onto the agricultural preserve land. The easement shall be listed on all tentative and final maps.
- B. The determination that agricultural preserve land is primarily used for livestock purposes shall be made by the agricultural commission.
- C. A party that causes damage to the fence is responsible for its prompt repair.

- D. This section does not apply to an agricultural preserve that has filed a notice of non-renewal. (Ord. 4111 §1, 1990)

**16.12.060 Dedication--Public Easement.**

There shall be a requirement of dedication of irrevocable offer at dedication of real property within the subdivision for streets, including access rights, public utility easements, including easements for cable television systems, and other public easements. The irrevocable offers may be terminated as provided in subdivisions (c) and (d) of section 66477.2 of the Subdivision Map Act. (Ord. 3841 §1, 1988: prior code §9351(1))

**16.12.070 Dedication--Waiver of Direct Access Rights.**

There may be imposed a requirement that dedications or offers of dedication of streets include a waiver of direct access rights to any street from any property shown on a final map as abutting thereon. If the dedication is accepted, any such waiver shall become effective in accordance with its provisions. (Prior code §9351(2))

**16.12.080 Dedication--Setback from National Forest Property.**

A thirty foot (30') structural setback from National Forest property to provide for structural clearance required under section 4291(a) and (b) of the Public Resources Code and to recognize the agricultural purposes of National Forest land management is required. (Prior code §9351(3))

**16.12.090 Dedication--Park and Recreational Uses.**

A. Required.

1. When a subdivision proposes to or creates lots, the board of supervisors may require the dedication of land, the payment of fees in lieu thereof, or a combination of both for park and recreational purposes as a condition of the approval of the final subdivision map when the condition has been imposed as a condition of approval of the tentative map of the subdivision; provided, that:
  - a. The dedication of land, payment of fees or combinations thereof are in conformity with the goals, objectives and standards contained in the recreation element of the general plan and any applicable specific plans or amendments thereto; and
  - b. The land, fees or combinations thereof are found to have a reasonable relationship to the use of the park and recreation facilities by the future residents of the subdivision; and
  - c. The land, fees or combinations thereof are to be used only for the purpose of providing park or recreation facilities to serve the subdivision.
2. In the event park and recreational services and facilities are provided by a public agency other than a city or a county, the amount and location of land to be dedicated for active recreational use or fees to be paid shall be jointly determined by the county having jurisdiction and the public agency.

3. Land or fees required under this section shall be conveyed or paid directly to the local public agency which provides park and recreational services on a community-wide level and to the area within which the proposed development will be located, if the agency elects to accept the land or fee. The local agency accepting the land or fees shall develop the land or use the fees only for the purpose of developing new or rehabilitating existing neighborhood or community park or recreation facilities that serve the subdivision. For the purposes of this section of the chapter, where land is dedicated by the subdivider, and where improvements are made thereto, the value of the improvements, together with any equipment located thereon, shall be a credit against the calculated land dedication requirement, or fees, or combination thereof.
4. The county or other local public agency to which the land or fees are conveyed or paid shall develop a schedule specifying how, when and where it will use the land or fees, or both, to develop park or recreational facilities to serve the residents of the subdivision. Any fees collected under this chapter shall be committed within five (5) years after the payment of such fees or the issuance of building permits on one-half (2) of the lots created by the subdivision, whichever occurs later. If the fees are not committed, they, without any deductions, shall be distributed and paid to the then record owners of the subdivision in the same proportion that the size of their lot bear to the total area of all lots within the subdivision.
5. The provisions of this section do not apply to commercial or industrial subdivisions nor do they apply to stock cooperatives or condominium projects which consist of the subdivision of airspace in an existing apartment building which is more than five (5) years old when no new dwelling units are added.
6. Only the payment of fees may be required in subdivisions containing fifty (50) parcels or less, except that when condominium project, stock cooperative, or community apartment project exceeds fifty (50) dwelling units, dedication of land may be required notwithstanding that the number of parcels may be less than fifty (50).
7. Subdivisions containing less than five (5) parcels and not used for residential purposes shall be exempted from the requirements of this chapter. However, a condition may be placed on the approval of such a parcel map that if a building permit is requested for construction of a residential structure or structures on one or more of the parcels within four (4) years, the fee may be required to be paid by the owner of each such parcel as a condition to the issuance of such permit.
8. It is found and determined that the public interest convenience, health, welfare and safety require the dedication of land and/or the payment of fees in lieu thereof be required to be devoted to park and recreational purposes as herein provided.
9. Population density for the purpose of this section shall be determined in accordance with the following:
  - a. Single family dwelling units and duplexes, three persons per dwelling unit within the boundaries of the Cameron Park Community Services District, three and three-tenths persons per dwelling unit within the boundaries of the El Dorado Hills Community Services District, and two and eight-tenths person per dwelling unit throughout the remainder of the county; and
  - b. Multiple family dwelling units, two and one-tenth persons per dwelling unit.

B. Amount of Land to be Dedicated.

1. The amount of land dedicated or fees paid shall be based upon the residential density, which shall be determined on the basis of the approved or conditionally approved tentative map or parcel map and the average number of persons per household. However, the dedication of land, or the payment of fees, or both, shall not exceed the proportionate amount necessary to provide three acres of park area per one thousand (1,000) persons residing within a subdivision subject to this section, unless the amount of existing neighborhood and community park area, as calculated pursuant to this subdivision, exceeds that limit, in which case the legislative body may adopt the calculated amount as a higher standard not to exceed five (5) acres per one thousand (1,000) persons residing within a subdivision subject to this section.
2. The amount of land required to be dedicated by a subdivider pursuant to this section shall be based on the total number of lots or units shown on the approved or conditionally approved tentative map in accordance with the provisions set forth in subsection A(8) and (9) of this section.
3. The following formula shall be used for calculated the park dedication requirement:

$$\frac{D \times P \times CR}{1000} = A$$

"D" is equal to the number of proposed dwelling units.

"P" is equal to the average population density of the type of dwelling unit; i.e., whether single family or multiple family units as determined by census report.

"CR" is equal to the number of acres as determined pursuant to B(1).

"A" represents the land dedication requirement in acres.

- a. "Dwelling unit" means one or more rooms in a building or structure or portion thereof designed exclusively for residential occupancy by one family for living or sleeping purposes and having kitchen and bath facilities, including mobile homes.
- b. "Single family area" means an area of land used for or proposed for detached buildings designed for occupancy by one family.
- c. "Multiple family area" means an area of land used for or proposed for residential occupancy in buildings or structures designed for two (2) or more families for living or sleeping purposes and having kitchen and bath facilities for each family including two family, group, and row dwelling units.

C. Fee In-lieu of Land Dedications.

1. Where a fee is required to be paid in lieu of land dedication, the amount of the fee shall be based upon the fair market value of the amount of land which would otherwise be required to be dedicated pursuant to the ordinance codified in this section. The amount of fee shall be the sum equal to the fair market value of the amount of land required in subsection B of this section.

2. The following formula shall be used for calculating in lieu of land dedication fees:

$$A \times V = F$$

"A" is equal to the amount of land required for dedication as provided for in subsection B of this section.

"V" is equal to the fair market value per acre of the land proposed for subdivision as established by the county assessor under the terms of this section.

"F" is equal to the fee in lieu of land dedication.

3. The amount of parkland area required to satisfy the provisions of this section shall be determined as of the time of approving or conditionally approving the tentative map. Where a park in-lieu fee rather than parkland dedication is required, the fee shall be calculated on the amount of parkland area required for the tentative map with the fee amount to be determined based on the fair market value established by the county assessor's office. The fair market value shall be established at the time a final map or parcel map is submitted, except that where it has been determined by the planning department that the amount of parkland area required is .03 acres or less. In such case where the parkland required is .03 per acres or less, there shall be a minimum in-lieu fee of One Hundred Fifty Dollars (\$150), and the county assessor will not be required to establish the fair market value.

Where there is an objection to the fair market value, as determined by the assessor's office, the party filing the objection may, at their own expense, obtain an appraisal of the property by a qualified real estate appraiser. The board of supervisors shall determine fair market value in the case of such objections. (Ord. 4250, 1992)

- D. Procedure. The procedure for determining whether the subdivider is to dedicate land, pay a fee or both shall be as follows:

1. Subdivider. Prior to the filing of a tentative map, the owner of the property shall contact the county and/ or the local public agency providing park and recreational services for the area to be subdivided to confer and determine whether a fee should be paid, land should be dedicated, and/or suitability of any land proposed to be dedicated for park land.
2. Action of County. At the time of the tentative map approval, the planning commission shall determine as the part of the approval whether to require the dedication of land within the subdivision, payment of a fee in lieu thereof, or a combination of both except that if park and recreational services and facilities are provided by a public agency other than the county, such determination shall be made jointly by the planning commission and such public agency.
3. Prerequisites for Approval of Final Map. Where dedication is required, it shall be accomplished in accordance with the provisions of the Subdivision Map Act. Where fees are required, except as to the collection of in-lieu fees as to other than single family subdivisions provided for in section 16.12.110 hereinafter, they shall be paid prior to approval of the final map and required dedications shall be recorded concurrently with the final map.

- E. Determination. Whether the county accepts land dedications or elects to require payment of a fee in lieu thereof or a combination of both, the county determination may include, but not be limited to consideration of the following: (Ord. 4250, 1992)

1. Recreational element of the county's general plan;
2. Topography, geology, access and location of land in the subdivision available for dedication;
3. Size and shape of the subdivision and land available for dedication;
4. Capital improvement programs of public agencies providing recreational services and facilities as incorporated in the recreational element in the county general plan.

The determination of the board of supervisors as to whether land shall be dedicated or whether a fee shall be charged or a combination thereof, shall be required.

- F. Limitations. Dedicated land and fees are to be used for the purpose of providing local park and recreation facilities to serve residents of the subject subdivision. If the general plan of the county calls for a larger park or recreational development within the serving district or county service area containing the subdivision the lands or fees may be applied to local park or recreational facilities within the larger recreational area so long as the use otherwise complies with 66477(c).
- G. Credit for Privately Owned Recreation Facilities. Where private open space for park and recreational purposes is provided in a planned development, real estate development, stock cooperative, or community apartment project, as defined in sections 11003, 11003.1, 11003.2, 11003.4 and 11004, respectively of the Business and Professions Code and condominiums as defined in section 783 of the Civil Code and the space is to be privately owned and maintained by the future residents of the subdivision, the areas shall be credited against the requirements of dedication for park and recreation purposes as set forth in this section or the payment of fees in lieu thereof as set forth in this section with a credit allowance ranging from fifty percent (50%) to seventy five percent (75%) of the amount of the required park land dedication or fees in-lieu thereof; provided, the board of supervisors finds it is in the public interest to do so and that the following standards are met:
1. That yards, court areas, setbacks and other open areas required to be maintained by the zoning and building regulations shall not be included in the computation of the private open space; and
  2. That the private ownership and maintenance of the open space is adequately provided for by written agreement; and
  3. That the use of the private open space is restricted for park and recreational purposes by recorded covenants which run with the land in favor of the future owners of property within the tract and which cannot be defeated or eliminated without the consent of the board of supervisors; and (Ord. 4250, 1992)
  4. That the proposed private open space is reasonably adaptable for use for park and recreational purposes taking into consideration such factors as size, shape, topography, geology and location of the private open space land; and
  5. That facilities proposed for the open space are in substantial accordance with the provisions of the recreational element of the general plan and are approved by the board of supervisors; and (Ord. 4250, 1992)



6. Land or facilities which may qualify for credit will generally include the following: parks, playing fields, playgrounds, picnic areas, and golf courses; court areas for tennis, badminton, shuffleboard or similar hard-surfaced areas designed and used exclusively for court games; recreational swimming areas of no less than one thousand (1,000) square feet of water surface defined as fenced areas devoted primarily to swimming and diving, including decks, lawned area, bathhouses or other facilities developed and used exclusively for swimming and diving; recreational buildings, designed and primarily used for the recreational needs of the subdivision residents; special areas such as historic sites, hiking, riding or bicycle trails, lake sites or river beaches. A plan designating the timing of the completion of such private recreation facilities receiving such credit shall be submitted at the time of the final map.
  7. That private recreational facilities for which credit is given, pursuant to this section, shall be constructed as agreed upon in the subdivision improvement agreement.
- H. Calculation of Credit Allowance. Credit in excess of the fifty percent (50%) allowed under subsection G of this section may be approved by the board of supervisors upon appropriate showing by the applicant. (Ord. 4007 §1(part), 1989: prior code §9351(4))

**16.12.100 Dedication--Acceptance.**

At the time the board of supervisors approves a final map, it shall also accept, reject or accept subject to improvements any offer of dedication. The clerk of the board shall certify on the map the action taken by the board of supervisors. (Ord. 4007 §1(part), 1989: prior code §9352)

**16.12.110 Regulations Issuance.**

The board of supervisors may, by resolution, issue regulations to establish administrative procedures, interpretations and policy direction under this chapter. (Ord. 4007 §1(part), 1989: prior code §9353)

**16.12.120 Dedication--Effective Date.**

Acceptance of offers of dedication on a final map shall not be effective until the final map is filed in the office of the county recorder or a resolution of acceptance by the board of supervisors is filed in that office. (Prior code §9354)

**16.12.130 Public Waterway Access.**

- A. The board shall not approve either a tentative or a final map of any subdivision which fronts upon a lake or reservoir owned in part or entirely by any public agency or fronts upon a public waterway, river or stream, which does not provide or have available reasonable public access by fee or easement from a public highway to an water of the lake or reservoir or any portion of the bank of the river or stream bordering or lying within the proposed subdivision.
- B. Reasonable public access shall be determined by the board of supervisors.
- C. In making the determination of what is reasonable access, the board shall consider:
  1. That access may be by highway, foot trail, bike trail, horse trail or any other means of travel;
  2. The size of the subdivision;

3. The type of riverbank or shoreline and the various appropriate recreational, educational and scientific uses including but not limited to: swimming, diving, boating, fishing, waterskiing, scientific exploration and teaching; and
  4. The likelihood of trespass on private property and reasonable means of avoiding the trespass.
- D. Any public access route or routes and any easements provided by the subdivider shall be expressly designated on the tentative and final subdivision maps and the final map shall expressly designate the government entity to which the route or routes are dedicated and its acceptance of the dedication.
- E. This provision may be waived if the board of supervisors finds that reasonable public access is otherwise available within a reasonable distance from the subdivision. In the event that the board of supervisors chooses this alternative, the finding shall be set forth on the face of the final subdivision map. (Prior code §9355)

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## Chapter 16.16

### IMPROVEMENTS

#### Sections:

<b>16.16.010</b>	<b>Class 1 Subdivision.</b>
<b>16.16.020</b>	<b>Rural Subdivisions.</b>
<b>16.16.030</b>	<b>Plan Checking Fees.</b>
<b>16.16.040</b>	<b>Improvement Agreement.</b>
<b>16.16.050</b>	<b>Security to Guarantee Performance of the Improvement Agreement.</b>
<b>16.16.051</b>	<b>Amount of Security.</b>
<b>16.16.052</b>	<b>Release of Security.</b>
<b>16.16.060</b>	<b>As-built Plans.</b>
<b>16.16.070</b>	<b>Road Improvement Fee.</b>
<b>16.16.080</b>	<b>Reimbursement Agreements.</b>

#### **16.16.010 Class 1 Subdivision.**

As a condition precedent to the acceptance of any easements offered for dedication to the public and prior to the approval of the final map of a subdivision, the subdivider shall make or agree to make the following improvements:

- A. Street improvements shall be provided in each new subdivision in accordance with the standards and requirements described in the design manual and this article. The final map of any subdivision shall not be approved until the street improvements have been provided or the subdivider has executed an agreement to provide the street improvements. In addition, the subdivision must connect to a county or state maintained highway of sufficient standards to accommodate the additional traffic flow resulting from the proposed subdivision.
- B. Drainage facilities shall be provided by the subdivider in each new subdivision in accordance with the standards and requirements as set forth in the design manual and this article.
- C. When the tentative map of a subdivision indicates the proposed water supply for any subdivision lot is from a source not located upon the lot, the subdivider shall install or cause to be installed a water supply and distribution system as set forth in the design manual and this article.  
The final map of any such subdivision shall not be approved until the entity operating the water system has approved of the final construction plans and specifications and estimates of costs and has submitted a written certificate that it is willing to maintain and operate the water system on its completion.
- D. A water distribution system shall be installed with fire hydrants placed so that no point in any of the streets fronting on lots are farther than two hundred fifty feet (250') from the nearest fire hydrant. See design manual for installation details, type and size of hydrant and minimum fire flows.

- E. When the tentative map of a subdivision indicates that the proposed means of sewage disposal for any lot is other than an approved septic disposal system located upon the lot, the subdivider shall install or cause to be installed the sewage collection and disposal system needed to serve all of the lots in accordance with the standards set forth in the design manual. The final map of any such subdivision shall not be approved until the final construction plans and specifications are submitted and a written certificate that a public agency is willing to maintain and operate the sewer system upon its completion.
- F. When the tentative map indicates that underground power and/or communication utility systems are to be provided, the subdivider shall install or cause to be installed such underground utilities in accordance with the standards set forth in the design manual. The final map of any such subdivision shall not be approved until the entity operating the underground power and/or communication utility system has:
  - 1. Approved final plans and specifications that show the work to be performed by the subdivider; and
  - 2. Submitted a letter to the director of department of transportation stating that the utility entity and subdivider have entered into an agreement that will provide the utilities service to the lot line of each lot in the subdivision.
- G. All other improvements as required by the advisory agency or the governing body shall be provided in accordance with the design manual.
- H. Improvement plans and specifications shall be prepared by a civil engineer registered in California for all improvements required by this chapter, the design manual, planning commission or the board of supervisors in approving the tentative map. The plans and specifications must be submitted to the director of department of transportation for review and approval prior to the commencement of construction.
- I. When the tentative map indicates that underground power and/or communication utility systems are to be provided, the subdivider shall determine whether the subdivision is within the geographical area granted to a franchisee for the placement of a cable television system as authorized by section 5.52.010 et seq. In the event the subdivision is within such a geographical area, the final map of any such subdivision shall not be approved until the subdivider submits a letter of agreement with each such franchisee that:
  - 1. Said franchisee's cable television system shall be installed in a common excavation with the underground power and/or communication utility systems within the subdivision to the extent such is to be provided to each residential parcel in the subdivision; or
  - 2. Said franchisee is provided otherwise with an opportunity to install a cable television within the subdivision to each residential parcel in the subdivision, by provision by the subdivider of adequate open trenching and backfilling for such purposes or otherwise; or
  - 3. Said franchisee waives the opportunity to install a cable television system within the subdivision at the time the subdivider otherwise installs underground power and/or communication utility systems. (Ord. 3839 §1, 1988: Ord. 3766 §4, 1987: Ord. 3290 §4, 1982; prior code §9356)

### **16.16.020 Rural Subdivisions.**

The minimum parcel size for rural subdivisions will be two (2) acres.

- A. Street improvements shall be provided in each new subdivision in accordance with the standards and requirements described in the design manual. The final map of any subdivision shall not be approved until the street improvements have been provided or the subdivider has executed an agreement to provide the street improvements.
- B. The final map shall contain an irrevocable offer of dedication of real property within the subdivision for streets, alleys, including access rights and abutter's rights, drainage, public utility easements and other public easements to the extent required by this section. At the time it approves the final map, the board of supervisors shall accept, accept subject to improvement or reject the offer of dedication. Except when the board of supervisors determines that the public interest necessitates acceptance, the offer of dedication of streets and alleys will be rejected in rural subdivisions at the time the final map of the subdivision is approved. The subdivider shall provide, through covenants, conditions and restrictions running with the land and approved by the board of supervisors, for a homeowner's association or other entity which shall be responsible for maintenance of streets and alleys in the subdivision, such that the access will be maintained to all lots within the subdivision and setting forth any other duties or responsibilities of the homeowner's association or other entity. Acceptance, rejection and acceptance after rejection of offers of dedication shall be in accordance with sections 16.12.100 and 16.12.110.
- C. Approved access on all rural subdivisions shall include a right-of-way, minimum width of fifty feet (50') and require the street serving the development to be connected to a county or state maintained highway of sufficient standards to accommodate the additional traffic flow resulting from the proposed subdivision or connection to an existing approved rural subdivision street of the same or better standard. If access is through another rural subdivision, written irrevocable authorization is required from the entity responsible for the maintenance of the access street or streets consenting to the connection and providing for the sharing of maintenance or improvement costs on the access street or streets with the entity requiring the access to the county or state maintained highway. Street encroachment permits from either the county or state must be obtained prior to construction.
- D. All signs within the subdivision shall conform to standards as set forth in the design manual and shall be maintained by the homeowner's association or other entity.
- E. Drainage facilities shall be provided by the subdivider in each new subdivision in accordance with the standards and requirements as set forth in the design manual.
- F. When the tentative map of a subdivision indicates the proposed water supply for any subdivision lot is from a source not located upon the lot, the subdivider shall install or cause to be installed a water supply and distribution system as set forth in the design manual.

The final map of any such subdivision shall not be approved until the entity operating the water system has approved the final construction plans, and specifications, and estimates of costs and has submitted a written certificate that it is willing to maintain and operate the water system on its completion.

- G. Where water distribution systems are available, fire hydrants shall be so placed that no point in any of the streets fronting on lots served by the system are farther than five hundred feet (500') from the nearest hydrant and in accordance with design manual specifications for accessibility, fire department connections or drafting provisions.
- H. All other improvements as required by the advisory agency or governing body shall be provided in accordance with the design manual.
- I. Improvement plans and specifications shall be prepared by a civil engineer registered in California for all improvements required by this chapter, the design manual, the planning commission or the board of supervisors in approving the tentative map. The plans and specifications must be submitted to the director of planning for review and approval.
- J. The civil engineer registered in California retained by the developer shall inspect all work performed with the subdivision and shall file a certificate of completion on a form approved by the director of planning with the county when all work has been done in conformation with required specifications and standards as specified in the design manual. (Ord. 3290 §5, 1982; prior code §9357)

**16.16.030 Plan Checking Fees.**

Prior to reviewing the improvement plans and specifications, the subdivider shall pay to the planning department a plan checking fee as established by resolution of the board of supervisors. (Prior code §9358)

**16.16.040 Improvement Agreement.**

- A. At the time the final map of the subdivision is considered for approval, the subdivider shall submit an agreement to:
  - 1. Complete all the improvements required by section 16.16.010 or section 16.16.020 prior to the date fixed by the director of department of transportation for class 1 subdivisions or the director of planning for rural subdivisions and specified in the agreement; and
  - 2. To provide and cover the costs of related civil engineering services.
- B. The agreement to complete the improvements shall provide for the acceptance of the work as it progresses and for withdrawal of that portion of any security posted as required in section 16.16.050 which is equal to ninety percent (90%) of the estimated cost of that portion of the work so accepted as shown by the certificate of the director of department of transportation for class 1 subdivision or a civil engineer registered in California for rural subdivision under the "Rules for Disposition of Subdivision Bonds and Deposits" established by resolution of the board of supervisors.
- C. The agreement shall also provide that the subdivider shall repair at his sole cost and expense any hidden defects in workmanship or materials which appear in the work within one year following acceptance of the work by the county and for retention for one (1) year of ten percent (10%) of the estimated cost of all of the improvements required to secure the subdivider's obligation to repair the defects. (Ord. 3766 §5, 1987: prior code §9359)

**16.16.050 Security to Guarantee Performance of the Improvement Agreement.**

Security to guarantee the performance of the subdivision agreement required by section 16.16.040 shall be as follows:

- A. There shall be security guaranteeing the performance of the subdivision agreement to make improvements which will be acceptable in any of the following forms within the discretion of the developer: a corporate surety bond issued by an authorized general surety company in a form approved by the county counsel; or in lieu of such bond, the subdivider may submit a cash deposit or a letter of credit which also shall be approved by the county counsel.
- B. In addition to the security required to guarantee performance of the agreement required by subsection A of this section, there shall be an additional security required to secure payment to the contractor, his subcontractors and to persons furnishing labor, materials or equipment to them for the improvement or improvements required by the subdivision agreement. (Ord. 3290 §1, 1982; prior code §9360)

**16.16.051 Amount of Security.**

Security required by section 16.16.050 shall be in the following amounts:

- A. The security required to guarantee performance of the agreement shall be in an amount equal to the estimated cost of all the improvements to be made under the agreement; and
- B. The security required to guarantee payments for labor and materials shall be in an amount equal to fifty percent (50%) of the estimated cost of the improvements. (Ord. 3290 §2, 1982)

**16.16.052 Release of Security.**

The release of that security required by section 16.16.050 shall be as determined by the "Rule for Disposition of Subdivision Bonds and Deposits" which shall be established by resolution of the county board of supervisors. Such rules shall provide that:

- A. The security guaranteeing performance of the subdivision agreement may be released up to an amount equal to ninety percent (90%) of the estimated cost of the improvement upon acceptance of the work. Ten percent (10%) of the amount of the security shall be retained by the county for a period of one (1) year following the completion and acceptance of the work by the county as a guarantee against any defective work, labor done, or defective materials furnished.
- B. The security securing the payment to the contractor, subcontractors and to persons furnishing labor, materials or equipment may be released after six (6) months following the completion and acceptance of the work required. The release shall be limited to an amount not less than the total of all claims on which any action has been filed and notice thereof given in writing to the board of supervisors, and if no such action has been filed the security may be released in full. (Ord. 3290 §3, 1982)

**16.16.060 As-built Plans.**

- A. As a condition precedent to the acceptance of improvements for maintenance, the subdivider shall file with the director of department of transportation a thirty-five (35) millimeter microfilm of the approved as-built plans.
- B. The microfilm must be submitted in a form adaptable to county microfilm equipment. (Ord. 3766 §62, 1987; prior code §9361)

**16.16.070 Road Improvement Fee.**



As a condition of approval of a final map, the subdivider shall offer proof of compliance with chapters 12.28. and 12.32 of this code. (Prior code §9362)

**16.16.080 Reimbursement Agreements.**

- A. In the event a condition is imposed pursuant to the provisions of this code that requires improvements installed by a subdivider for the benefit of the subdivision which contain supplemental size, capacity, number or length for the benefit of property not within the subdivision, and those improvements are to be dedicated to the public, county and subdivider may enter into an agreement to reimburse the subdivider for that portion of the cost of those improvements, including an amount attributable to interest, in excess of the construction required for the subdivision.
- B. In order to pay the costs as required by the reimbursement agreement executed pursuant to this section, the county may:
  - 1. Collect from other persons, including public agencies, using such improvements for the benefit of real property not within the subdivision, a reasonable charge for such use.
  - 2. Contribute to the subdivider that part of the cost of the improvements that is attributable to the benefit of real property outside the subdivision and levy a charge upon the real property benefitted to reimburse itself for such cost, together with interest thereon, if any, paid to the subdivider.
  - 3. Establish and maintain local benefit districts for the levy and collection of such charge or costs from the property benefitted.
- C. Any agreement entered into pursuant to this section shall be recommended by the director of the department of transportation, signed by the subdivider and approved by the board of supervisors. (Ord. 407 §1, 1989)

## Chapter 16.20

### PRELIMINARY MAPS

#### Sections:

<b>16.20.010</b>	<b>Purpose.</b>
<b>16.20.020</b>	<b>Dimensions.</b>
<b>16.20.030</b>	<b>Data Required.</b>
<b>16.20.040</b>	<b>Copies.</b>
<b>16.20.050</b>	<b>Filing Fees.</b>
<b>16.20.060</b>	<b>Report Time Limit.</b>
<b>16.20.070</b>	<b>Provisions Not Exclusive.</b>

#### **16.20.010 Purpose.**

A preliminary map is a generalized document which will allow the feasibility and practicality of a tract of land to be assessed informally in regard to its suitability for subdivision. This requirement is based upon the increasing complexity of subdivision map processing as required by the state and the county. A preliminary map may be submitted, at the option of the applicant, pursuant to this chapter. Where a larger or complicated project is proposed, the applicant may wish to utilize the preliminary map process to assist in focusing upon environmental issues associated with the project. (Ord. 3514 §1, 1985: prior code §9318)

#### **16.20.020 Dimensions.**

The preliminary map shall be submitted on durable paper sheets drawn to scale and be of sufficient size to show all details of the plan and required data clearly. Any number of sheets may be used providing each sheet specifies the total number of sheets comprising the map, the number of the particular sheet and its relation to each adjoining sheet. If the tract is a portion of a larger area which may be subdivided later, the preliminary map shall indicate the ultimate plan of development and may, with the concurrence of the planning director be utilized as a master plan for the ultimate development thereby precluding submission of additional preliminary maps for that project. (Prior code §9319)

#### **16.20.030 Data Required.**

The preliminary map will not be accepted unless it shows clearly all of the following data:

- A. Proposed subdivision name;
- B. Name and address of the record owner, subdivider and person preparing map;
- C. The date, north point and scale;
- D. A vicinity map showing location of proposed subdivision in relationship to surrounding landmark features, major road intersections, and collector roads which will serve the development;
- E. Sufficient data to approximate the boundaries of the tract;
- F. Names of all adjacent subdivisions and property owners for the unsubdivided parcels;
- G. Streets adjacent to the proposed subdivision with their names, width and approximate location;
- H. Existing easements with their purpose, width and approximate location;

- I. Proposed streets with names or designations, width, grades and approximate alignments;
- J. General traffic circulation patterns and connections to existing county roads;
- K. Proposed lot density areas with the estimated number of lots;
- L. Slope areas for slopes less than ten (10), eleven to twenty (11-20), twenty-one to thirty (21-30) and over thirty percent (30%);
- M. Contours of not more than ten-foot (10') intervals which may be interpolated from 7.5 minute series U.S. Geological Survey Maps;
- N. The approximate location and direction of flow of the large, small and intermittent streams shown on the 7.5 minute series U.S. Geological Survey Maps;
- O. Areas subject to flooding;
- P. Meadow and marsh areas;
- Q. Springs and hazard areas;
- R. Other natural or artificial surface features that would affect the plan of the subdivision;
- S. The zoning, both existing and proposed, for the project area;
- T. A statement by the subdivider regarding conformation to the general plan;
- U. A statement by the subdivider regarding proposed improvements to be made by him;
- V. A statement by the subdivider indicating the proposed source of water supply, method of sewage and solid waste disposal and the proposed public entity to operate the community systems is available or proposed; and
- W. A statement by the subdivider indicating the method by which fire protection will be furnished and the responsible fire agency or agencies;
- X. The name of the school district or districts within which the development is located. (Prior code §9320)

**16.20.040 Copies.**

Sufficient copies of each preliminary map shall be submitted to the planning director for processing and review. (Prior code §9321)

**16.20.050 Filing Fees.**

The filing fees as established by resolution of the board of supervisors shall be paid to the planning department as a prerequisite to the submission of a preliminary map. No part of a preliminary map filing fee will be refunded. (Prior code §9322)

**16.20.060 Report Time Limit.**

The county planning division shall report in writing its assessment of each preliminary map to the applicant within twenty (20) days after the review meeting and not later than forty (40) days from initial submission. (Ord. 3514 §2, 1985: prior code §9323)

**16.20.070 Provisions Not Exclusive.**

No provision of this chapter shall eliminate any other requirement of this article or the Subdivision Map Act. (Prior code §9324)

## Chapter 16.24

### TENTATIVE MAPS

#### Sections:

<b>16.24.010</b>	<b>Purpose.</b>
<b>16.24.020</b>	<b>Zoning and Design Manual Compliance.</b>
<b>16.24.030</b>	<b>Dimensions.</b>
<b>16.24.040</b>	<b>Data Required.</b>
<b>16.24.050</b>	<b>Filing Procedure.</b>
<b>16.24.060</b>	<b>Filing Fee – Required.</b>
<b>16.24.070</b>	<b>Filing Fee – Extension.</b>
<b>16.24.075</b>	<b>Approval Procedure.</b>
<b>16.24.080</b>	<b>Approval by Failure to Act.</b>
<b>16.24.085</b>	<b>Notice Requirements and Procedure.</b>
<b>16.24.090</b>	<b>Expiration of Tentative Map – Extension of Time.</b>

#### **16.24.010 Purpose.**

The first official action in connection with the making of a subdivision is the filing of a tentative map made for the purpose of showing the design of a proposed subdivision and the existing conditions in and around it which is prepared and filed in accordance with the provisions of the Subdivision Map Act and this article. (Prior code §9325)

#### **16.24.020 Zoning and Design Manual Compliance.**

The tentative map of a subdivision will not be approved unless it complies with all applicable provisions of the county zoning ordinance for the zone district proposed and the county design manual or approved variance or waiver therefrom. (Prior code §9326)

#### **16.24.030 Dimensions.**

The tentative map shall be submitted on durable paper sheets not to exceed forty-two inches (42") in width and seventy-two inches (72") in length and drawn to a scale of sufficient size to show all details clearly. Any number of sheets may be used providing each sheet specifies the total number of sheets comprising the map, the number of the particular sheet and its relation to each adjoining sheet. If the tract is a portion of a larger area which may be subdivided later and a preliminary master plan has been adopted, the tentative map shall indicate in general the ultimate plan for the whole. (Prior code §9327)

#### **16.24.040 Data Required.**

The tentative map shall show all of the data and statements listed for preliminary maps in section 16.20.030 in addition to the following:

- A. Names, address and phone number of the civil engineer responsible for the design of the subdivision;
- B. Contours of not more than five foot (5') intervals with accuracy within two and one-half feet (22') of true elevation;
- C. The approximate radii of all street curves;

- D. Typical cross-sections of all proposed streets;
- E. The approximate dimensions of all lots;
- F. Show the front line setbacks and building lines applicable to the tract if in variance to the zoning standard;
- G. Parcels of land proposed to be dedicated or reserved for schools, parks, playgrounds or other public purposes;
- H. The approximate location of areas subject to inundation of stormwater overflow by any one hundred (100) year frequency storm and the location, width and direction of flow of all watercourses;
- I. Drainage structures and direction of drainage flow;
- J. Purpose, width and approximate location of all proposed easements. (Prior code §9328)

**16.24.050 Filing Procedure.**

- A. Sufficient prints of the tentative map;
- B. Three completed copies of the tentative subdivision application;
- C. All required environmental documents;
- D. All applicable filing fees as determined by section 16.24.060;
- E. Four (4) copies of a land capability report as set forth in the design manual;
- F. A petition for rezoning boundary amendment if required;
- G. No tentative map may be filed on nor shall there be any division of lands subject to the provision of a California Land Conservation Act Contract unless a new or amended California Land Conservation Act Agreement providing for the divisions is approved for each resulting parcel in accordance with the rules and regulations relating to agricultural agreements. (Prior code §9329)

**16.24.060 Filing Fee--Required.**

- A. The fees set forth by resolution of the board of supervisors shall be paid to the planning department as a prerequisite to the filing of a tentative map of a subdivision.
- B. No part of the filing fee will be refunded in the event the tentative map is not approved or for any other cause. The planning department shall deliver a fee receipt in duplicate. (Prior code §9484)

**16.24.070 Filing Fee--Extension.**

The filing fee for a tentative map extension shall be as established by resolution of the board of supervisors. (Prior code §9331)

**16.24.075 Approval Procedure.**

- A. Upon receipt of a complete tentative map application, the department shall prepare a report with recommendations. The department shall set the matter for public hearing before the planning commission in a timely manner consistent with the time requirements of the Subdivision Map Act, California Environmental Quality Act, and all other applicable provisions of state law. (Ord. 4448, 1997)

The planning commission shall hold the public hearing and shall serve as the approving authority except as provided in subsection E of this section. At the conclusion of the hearing the planning commission shall:

1. Approve, conditionally approve, or deny the tentative map as to design, area, road access, flood and drainage control or any other consideration as may be required under the provisions of any ordinance or the Subdivision Map Act.
  2. Approve or deny any design waivers request pursuant to section 16.08.020.
  3. Make all appropriate findings supporting the decision and notify the applicant in writing of the decision and findings. In the event of denial the notice shall specifically enumerate the reasons for denial. (Ord. 4448)
- B. Any decision by the planning commission may be appealed to the board of supervisors by the applicant or by any person adversely impacted by the decision. Such an appeal must be filed in writing with the planning department within ten (10) working days of the planning commission decision on a standardized form and accompanied by a fee as established by the board of supervisors. (Ord. 4448, 1997)  
The appellant shall clearly identify on the appeal form the specific reasons for the appeal. The board of supervisors shall consider on appeal all issues raised by the appellant. The board of supervisors may consider other relevant issues related to the tentative map. The clerk of the planning commission shall set a hearing before the board within thirty (30) days of receipt of a completed appeal form and fee. (Ord. 4448, 1997)
- C. Any supervisor may administratively appeal the decision of the planning commission by notifying the clerk of the planning commission within ten (10) working days of the planning commission's decision and thereupon set the matter for hearing before the board of supervisors. The clerk of the planning commission shall set the hearing before the board within thirty (30) days of receipt of the administrative appeal. (Ord. 4448, 1997)
- D. A decision on a tentative map is not final until a final determination of an appeal, if any, has been made pursuant to subsection B of this section. (Ord. 4448, 1997)
- E. Where a tentative map is submitted concurrently with an application for zone change, the planning commission's action on the tentative map shall be advisory only, and final action on the map shall be made by the board of supervisors after a noticed public hearing with notice given as provided in section 16.24.085. (Ord. 4448, 1997)

**16.24.080 Approval by Failure to Act.**

If no action is taken on the tentative map within the time required by law, the tentative map shall be deemed approved as filed and the clerk of the board of supervisors shall certify the board's approval on the map unless the subdivider has agreed to an extension of the time limits. All approval of tentative subdivision maps pursuant to this section shall be deemed approved, subject to the following terms and conditions:

- A. That all of the improvements required in the subdivision by the terms of this article and the subdivision design manual shall be completed by the subdivider and inspected by the county engineer or civil engineer as the work progresses. The improvements shall not begin until the inspection fee required by Section 16.12.010 has been paid;
- B. Other terms and conditions as may be specified by ordinance and the general plan at the time of the approval including the approval of the governing boards of all affected school districts;
- C. All conditions recommended in the staff report for the project if the planning commission or the board has not acted on the map; and

- D. All conditions imposed by the planning commission or the board of supervisors at any hearing on the map. (Ord. 3805 §9, 1988; Ord. 3677 §6, 1987; prior code §9332)

**16.24.085 Notice Requirements and Procedure.**

- A. Action by the planning commission pursuant to section 16.24.075A shall be made after a public hearing for which notice has been given as follows:
  - 1. Mailed or delivered at least ten days prior to the hearing to the applicant and all owners of real property as shown on the latest equalized assessment roll within five hundred feet (500') of the property which is the subject of the hearing; and
  - 2. Published once in at least one newspaper of general circulation at least ten (10) days prior to the hearing.
- B. Action by the board of supervisors on an appeal pursuant to subsections B or C2 of section 16.24.075 shall be made after a public hearing for which written notice has been mailed or delivered at least ten (10) days prior to the hearing to the applicant and the appellant(s). In addition, the clerk of the board may elect to publish notice of the hearing in a newspaper of general circulation at least ten (10) days prior to the hearing. Failure to publish such notice shall not invalidate the proceedings.
- C. All hearings conducted pursuant to this chapter shall be public hearings wherein any person may be heard and any evidence taken which is relevant to the proceedings; provided, that in the case of appeal hearings testimony and evidence shall be limited to those things relevant to the specific reasons for the appeal.
- D. In any appeal action brought pursuant to section 16.24.075B, the appellant may withdraw his or her appeal, with prejudice, at any time prior to the commencement of the public hearing. For the purposes of this section the public hearing shall be deemed commenced upon the taking of any evidence including reports from planning staff. (Ord. 3805 §10, 1988)

## Chapter 16.28

### FINAL MAPS

#### Sections:

<b>16.28.010</b>	<b>Purpose.</b>
<b>16.28.030</b>	<b>Form and Contents.</b>
<b>16.28.040</b>	<b>Certificates.</b>
<b>16.28.050</b>	<b>Filing Procedures and Fees.</b>
<b>16.28.060</b>	<b>Certificate of Acceptance.</b>

#### 16.28.010 Purpose.

A subdivider may elect to file a final map covering only a portion of the approved tentative map. Such a submission shall be in compliance with a phasing plan approved by the planning commission. Each such final map shall be named and filed as a numerical unit of the approved tentative map. All of the requirements for approval of a final map shall apply to the approval covering a portion of the tentative map. A final map and the subdivision agreements required shall provide for the construction of the improvements as may be necessary to constitute a logical and orderly development of the whole subdivision by units. (Prior code §9333)

#### 16.28.030 Form and Contents.

The final map shall be prepared by or under the direction of a civil engineer registered in California or licensed land surveyor and shall be based upon a survey and shall conform to all of the following provisions:

- A. It shall be legibly drawn, printed or reproduced by a process guaranteeing a permanent record in black India drawing ink on tracing cloth or polyester drafting film of a thickness of four (4) millimeters. Certificates, affidavits and acknowledgments may be legibly stamped or printed upon the map with black India drawing ink.
- B. The size of each sheet shall be eighteen by twenty-six inches (18" x 26"). A marginal line shall be drawn completely around each sheet leaving an entirely blank margin of one inch (1"). The scale of the map shall be one inch to one hundred feet (1" - 100') for class 1 subdivisions or one inch to two hundred feet (1" x 200') for rural subdivisions. The particular number of the sheet and the total number of sheets comprising the map shall be stated on each sheet and its relation to each adjoining sheet shall be clearly shown.
- C. The final map shall show all survey and mathematical information and data necessary to locate all monuments and to locate and retrace any and all interior boundary lines appearing thereon including bearings and distances of straight lines, the radii and chord bearings and chord distances of all curves and such information as may be necessary to determine the location of the centers of curves when the curves are nontangent.
- D. The exterior boundary of the land included within the subdivision shall be indicated by a heavy-line border. All land within the exterior boundaries which are not a part of the subdivision shall be marked "Not a part of this subdivision."
- E. The map shall show the location of the subdivision, its relation to surrounding surveys and the names of all adjacent subdivisions. The north point and basis of bearing (true meridian preferred) shall be shown.



- F. The title of the final map shall be the name of the subdivision map as it appears on the approved tentative map unless changed by approval of the planning staff.
- G. The date the tentative map was approved shall be clearly shown.
- H. The width and actual locations of all easements shall be clearly shown.
- I. Each lot shall be numbered or lettered. Each street shall be named.
- J. The location and type of all monuments shall be shown, including all monuments required to be set by the Subdivision Map Act and this chapter. All existing monuments shall be shown.
- K. The title, items, notes, legend, basis of bearing, references and amendments shall be placed on each survey sheet. Any of the foregoing in this subsection may be deleted when found superfluous by the county surveyor.
- L. Maps filed for the purpose of showing as acreage land previously subdivided into numbered or lettered lots shall be conspicuously marked below the title "The purpose of this map is a reversion to acreage." (Ord. 3457 §1, 1984: prior code §9335)

**16.28.040 Certificates.**

The following certificates shall appear on the final map:

- A. The ownership certificate; the signed and acknowledged certificate of the owners of the land consenting to the preparation and recording of the final map as required by section 66436 of the Subdivision Map Act;
- B. The certificate of the owners of the land offering for dedication to the public those parcels designated upon the final map to be devoted to public purposes as required by section 66439 of the Subdivision Map Act. In the case of rural subdivision, the final map shall clearly state the roads are not accepted for maintenance by the county;
- C. The certificate of the civil engineer or licensed land surveyor responsible for the survey that it is true and complete as shown and that the required monuments are set and are sufficient to retrace the survey as required by section 66441 of the Subdivision Map Act. In the case of rural subdivisions where the subdivider elects to complete the improvements before filing the final map, a civil engineer registered in California shall certify the improvements as complete. If improvements are to be guaranteed, see subsection H of this section as to certification by the county planning director;
- D. The certificate of the county surveyor; this certificate shall state that he has examined the final map and it is substantially the same as the tentative map with any approved alterations thereof; that the provisions of the Subdivision Map Act and this chapter have been satisfied and that he is satisfied that the map is technically correct as required by section 66442 of the Subdivision Map Act;
- E. The certificate of the county tax collector; this certificate shall state there are no liens against any portion of the subdivision for unpaid state, county, city or local taxes or special assessments, except those not yet payable as required by section 66492 of the Subdivision Map Act;

- F. The certificate of the county clerk; this certificate shall state that the board of supervisors approved the map and accepted or rejected any parcels offered for dedication to public uses as required by section 66440 of the Subdivision Map Act. This certificate shall also state any waiver of a soil report;
- G. The certificate of the county recorder; this certificate shall state that the map is accepted for filing as required by section 66466 of the Subdivision Map Act;
- H. The certificate of the county planning director; this certificate shall state that the map conforms to the approved tentative map of the subdivision and all conditions imposed upon the approval have been satisfied.

In rural subdivisions, it shall be the county planning director's responsibility to certify that appropriate arrangements have been made to establish an entity which will provide for both road construction and maintenance; and operation and maintenance of recreation and open space areas. The establishment of the entity shall be approved by the board of supervisors.

Covenants, conditions, restrictions, bylaws and articles of incorporation of the entities cannot be amended nor abrogated without the consent of the board of supervisors. The planning director shall certify that the subdivider has executed the necessary agreement and submitted the required bond, letter of credit, or deposit to secure the completion of the required improvements if the subdivider elects not to complete improvements prior to filing the final map;

- I. The certificate of the director of the department of transportation, this certificate shall state that all improvements required have been completed or the subdivider has executed the necessary agreement and submitted the required bond or deposit to secure the completion of the required improvements. This certification should not be provided for rural subdivisions or subdivisions approved in conjunction with an approved development plan in accordance with chapter 17.50, planned development districts, where all improvements are private and require no inspection or approval by the county engineer. Refer to the design manual for sample showing requested placement of the above certificates on the submitted maps. (Ord. 3973 §1, 1988: Ord. 3766 §7, 1987: Ord. 3422 §1, 1984: prior code §9336)

**16.28.050 Filing Procedures and Fees.**

- A. Prior to the expiration date of a tentative map, or any extension thereof, a final map shall be submitted to the county. In order for the submittal to be considered a timely filing of a final map, as described in California Government Code section 66452.6(d), all of the following must be submitted to the county surveyor or the named county staff as set forth below:
  - 1. The original final map to the county surveyor as set forth in section 16.28.030.
  - 2. A subdivision improvement agreement and adequate surety as set forth in section 16.16.040 and 16.16.050, executed by the final map applicant, to the county engineer.
  - 3. Documentation demonstrating satisfaction of all applicable conditions of approval of the tentative map to the planning director.
- B. When all of the certificates required by section 16.28.040 have been executed except those of the county clerk and county recorder, the final map may be submitted to the county clerk for action by the board of supervisors. Concurrent with the filing of a final subdivision map, the subdivider shall pay to the planning department a filing fee as authorized by resolution of the board of supervisors to defray the costs of processing the map, plus a

percentage of the total cost of installing the required improvements of a class 1 subdivision.

The percentage shall be as established by the board of supervisors. This fee is required for county inspection. This inspection fee is not required for rural subdivisions. All such filing fees shall be receipted, deposited and accounted for as provided in section 16.24.060.

The county clerk shall submit the final map to the board of supervisors at the earliest regular meeting following the receipt of the map.

- C. The board of supervisors shall within a period of ten (10) days after the filing of the final map for approval or at its next regular meeting after the meeting at which it receives the map, whichever is later, approve the map if it conforms to all the requirements of this article applicable at the time of approval or conditional approval of the tentative map and any rulings made thereunder or, if it does not so conform, disapprove the map. (Ord. 4533 1999)
- D. If the board of supervisors does not approve or disapprove the map within the prescribed time, or any authorized extension thereof and the map conforms to all said requirements and rulings, it shall be deemed approved and the clerk shall certify its approval thereon. (Prior code §9337)

**16.28.060 Certificate of Acceptance.**

After the county clerk has executed the certificate of approval of the board of supervisors, the final map may be submitted to the county recorder. Within ten (10) days after filing, the county recorder shall accept it for filing by executing a certificate on the face of the map, provided:

- A. The subdivider has furnished to the county recorder a guarantee of title or letter from a competent title company certifying the names of all persons whose consent is necessary to pass clear title to the land and all acknowledgments thereto appear on the certificates consenting to the preparation of the map and offers of dedication;
- B. The subdivider has provided the original tracing of the final map as approved by the board of supervisors;
- C. All provisions of the Subdivision Map Act and the provisions of this article have been complied with;
- D. Such acceptance and filing shall be made within twenty-four (24) months or within any extensions granted by the board of supervisors;
- E. In addition to the filing fees required by Government Code section 27372, a fee of two and 75/100 dollars (\$2.75) shall be charged by the county recorder for the preparation of a reproducible film copy of the map to be retained by the county recorder. (Prior code §9338)

## Chapter 16.32

### SURVEYS

#### Sections:

<b>16.32.010</b>	<b>Required.</b>
<b>16.32.020</b>	<b>Error Limit.</b>
<b>16.32.030</b>	<b>Monument Placement.</b>
<b>16.32.040</b>	<b>Monument Guarantee.</b>
<b>16.32.050</b>	<b>Noncompletion of Monument Placement.</b>
<b>16.32.060</b>	<b>Substitute Surveyor Setting Monuments.</b>
<b>16.32.070</b>	<b>County Surveyor Fee.</b>

#### **16.32.010 Required.**

Before the final map of a subdivision can be prepared or submitted, an accurate and complete boundary survey of the lots, roads, easements and boundaries of the subdivision must be made by a civil engineer registered in California or a licensed land surveyor. The survey is to be in compliance with the State Land Surveyor's Act. (Prior code §9339)

#### **16.32.020 Error Limit.**

A traverse of the exterior boundaries of the subdivision and of each lot therein, when computed from field measurements on the ground, must close within a limit of error of one foot in five thousand feet or perimeter. The civil engineer or land surveyor must furnish the county surveyor at the time the final map of a subdivision is submitted to him for his certificate, the traverse sheets showing mathematical closure, within the allowable limits of closure. On curves, closure shall be by chord measurement. Other detail maps shall be furnished as may be required for accurate checking. (Prior code §9340)

#### **16.32.030 Monument Placement.**

The civil engineer or land surveyor making a survey of a subdivision shall cause permanent monuments as specified in this section to be set in the ground as follows:

- A. A one and one-half inch (12") (inside diameter) or larger galvanized capped iron pipe, at least thirty inches (30") long, driven at least twenty-four inches (24") in the ground will be set at each boundary corner of the subdivision and along the boundary lines of the subdivision at intervals of not more than one fourth (3) mile. The year date shall be stamped on the top of the cap.
- B. A three-fourths inch (3/4") (inside diameter) or larger galvanized (or cadmium plated) capped iron pipe at least eighteen inches (18") long, set firmly in the ground and extending approximately three inches (3") above the surface of the ground shall be set at all lot corners and curve points.
- C. All monuments shall be stamped on the top of the cap with either the notations "RCE" for the registered civil engineer or "LS" for licensed land surveyor, together with the license number of the civil engineer or land surveyor. Lot numbers may be stamped on the caps.

- D. If a monument is set in a paved street, it shall be set with its top at least six inches (6") below the finished grade line of the street, in a cast iron cup with a cast iron cover, set flush with the finished grade of the street.
- E. All full section corners, quarter corners and sixteenth corners that are a part of the subdivision or are required ties to the subdivision shall be rehabilitated for preservation, if required, and complete notations as to what was found or set at each of these U.S. Government Land Survey corners shall be made upon the subdivision map as required by the State Land Surveyor's Act. Unless the U.S. Government corner is monumented by a one and one-half inch (12") or larger galvanized capped iron pipe, it shall be replaced with a one and one-half inch (12") or larger galvanized capped iron pipe which shall be stamped appropriately in the manner specified in the Manual of Surveying Instructions, U.S. Bureau of Land Management together with the notation of either "RCE" or "LS" and the license numbers of the civil engineer or land surveyor. The annual date shall also be stamped thereon.
- F. If the found and accepted section, quarter and sixteenth corner is found adequately monumented with a one and one-half inch (12") or larger galvanized iron pipe, but is not stamped or only partly stamped, the missing date shall be stamped thereon including the notations of either "R.C.E." or "L.S." and the license numbers and the year date. A statement as to what was found, set or added shall be placed on the subdivision map.
- G. By order entered in its minutes, the board of supervisors may authorize placement of other specified kinds of permanent monuments in a specified subdivision.
- H. Prior to a request made to the county surveyor for a field inspection of the placement of all required monuments, the monuments shall be adequately flagged with wooden stakes and colored ribbon to enable the monument to be readily found. (Prior code §9341)

**16.32.040 Monument Guarantee.**

- A. Where the certificate of the civil engineer or land surveyor states that all the monuments will be set on or before a specified later date, the subdivider shall furnish to the county surveyor a bond or cash deposit in an amount equal to the estimated cost of setting the monuments guaranteeing the payment of the cost thereof. The bond or cash deposit receipt shall be furnished to the county surveyor for his approval prior to his signing the final map. The county surveyor shall file the bond or notice of cash deposit from the auditor with the board of supervisors.
- B. Within five (5) days after the final setting of all the monuments has been completed by the civil engineer or land surveyor, he shall give written notice to the subdivider and the county surveyor that the final monuments have been set.
- C. The written notice to the county surveyor will state that the monuments have been set, that request for inspection is being made and that he has received payment from the subdivider or otherwise releases his obligation and requests that the subdivider's bond or cash deposit be released to the subdivider.
- D. The county surveyor will make the field inspection of the monuments and if found acceptable, shall report by letter to the board of supervisors within thirty (30) days subject to weather conditions, stating that the monuments have been set in compliance with the subdivision ordinance and recommends release of the bond or cash deposit to the subdivider. (Prior code §9342)

**16.32.050 Noncompletion of Monument Placement.**

- A. If the subdivider does not present evidence to the board of supervisors that he has paid the engineer or surveyor for the setting of the final monuments and if the engineer or surveyor notifies the board of supervisors that he has not been paid by the subdivider for the setting of the final monuments, the board of supervisors may, within three (3) months from the date of said notification, pay to the engineer or surveyor from any deposit the amount due, subject to certification that the monuments have been set and that the county surveyor has field checked and accepted the monuments.
- B. If the setting of the monuments is not complete and acceptable on the first field inspection, a fee of one hundred dollars (\$100) payable to the county surveyor will be required for the second and each additional field inspection required. (Prior code §9343)

**16.32.060 Substitute Surveyor Setting Monuments.**

In the event of the death, disability or retirement from practice of the engineer or surveyor charged with the responsibility for setting monuments, or in the event of his refusal to set the monuments, the board of supervisors may direct the county surveyor or such engineer or surveyor as it may select to set the monuments. When the monuments are so set, the substitute engineer or surveyor shall amend any map filed pursuant to this article in accordance with the provisions of sections 66469 through 66472 of the Subdivision Map Act. All provisions of this article relating to payment shall apply to the services performed by the substitute engineer of surveyor. (Prior code §9344)

**16.32.070 County Surveyor Fee.**

The fees as set forth by resolution of the board of supervisors shall be paid to the county surveyor as a prerequisite to the filing of a final map on all subdivisions. (Prior code §9345)

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## ARTICLE II. MINOR LAND DIVISIONS

### Chapter 16.36

#### GENERAL PROVISIONS

##### Sections:

<b>16.36.010</b>	<b>Title.</b>
<b>16.36.020</b>	<b>Purpose.</b>
<b>16.36.030</b>	<b>Scope.</b>
<b>16.36.040</b>	<b>Definitions.</b>

##### 16.36.010 Title.

This article shall be known and cited as the county minor land division ordinance. (Prior code §9601)

##### 16.36.020 Purpose.

This article is enacted for the purpose of implementing the Subdivision Map Act. The board of supervisors as the adoptive agency and authority assigns the duties outlined within this article to the county planning commission and planning director. (Prior code §9602)

##### 16.36.030 Scope.

- A. This article shall govern the division of any and all land within the unincorporated territory of the county where four (4) or fewer parcels, condominium units or community project apartments are created. (Ord. 4244, 1992)
- B. This article shall also govern the division of such land where five (5) or more parcels, condominium units or community project apartments are created but only where:
  - 1. The land before division contains less than five (5) acres, each parcel created by the division abuts upon a maintained public street or highway and no dedications or improvements are required by the legislative body; or
  - 2. Each parcel created by the division has a gross area of twenty (20) acres or more and has an approved access to a maintained public street or highway; or
  - 3. The land consists of a parcel or parcels of land having approved access to a public street or highway which comprises part of a tract of land zoned for industrial or commercial development and which has the approval of the governing body as to street alignments and widths; or
  - 4. Each parcel created by the division has a gross area of not less than forty (40) acres or is not less than a quarter of a quarter section.
- C. This article shall be inapplicable to:
  - 1. A "major land division" as defined in section 16.04.030;
  - 2. The financing or leasing of apartments, offices, stores or similar space within an apartment building, industrial building or trailer park; mineral, oil or gas leases; land dedicated for cemetery purposes under the Health and Safety Code and to the adjustment of parcel lines not creating a separate building site or where the total



- number of ownerships are not increased between the principals involved, provided the adjustment is approved by the planning department in concurrence with the county surveyor, as authorized by resolution of the board of supervisors;
3. The sale, lease or financing of property if the property had been assigned a separate parcel number on the county assessment roll as of March 4, 1972;
  4. The conveyance of land to a governmental agency, public entity or public utility;
  5. Agricultural leases as defined in section 66424 of the Government Code. (Prior code §9603)

**16.36.040 Definitions.**

When used in this article, the following words and phrases shall have the following meanings:

- A. "Access" means a road leading from a state or county maintained road to the subdivision. Such access road shall meet established improvement standards per Subdivision Design and Improvement Standards Manual and shall have guarantee of access to the project pursuant to section 16.44.120.
- B. "Appeals board" means the final appeals board, which is the board of supervisors.
- C. "Approving authority" means the planning director or his designee.
- D. "Approved access" means roads which meet the standards set forth in this title.
- E. "Building site" means a parcel or lot of land containing not less than the prescribed minimum area required by the county zoning ordinance or other applicable local ordinances existing at the time of the creation of the lot or parcel and occupied or intended to be occupied by buildings or structures.
- F. "Divider" means a person, firm, corporation, partnership or association who proposes to divide, divides or causes to be divided real property into a division for himself or for others, except that employees and consultants of such persons or entities, acting in such capacity, are not subdividers.
- G. "Division," "division of land" and "divided" means any separation of land into two (2) or more parts or parcels accomplished by deed, including gift deed, contract of sale, lease, court decree, or intestate or testamentary disposition, with the exception of those land divisions defined in subsection C of section 16.36.030.
- H. "Improvement" refers to such street work and utilities to be installed or agreed to be installed by the divider to be used for public or private streets, highways, ways and easements as are necessary for the general use of the lot owners in the subdivision and local neighborhood traffic and drainage needs as a condition of the approval and acceptance of the parcel map thereof. Improvement also refers to such other specific improvements or types of improvements, the installation of which either by the divider, by public agencies, by private utilities, by any other entity approved by the local agency or by a combination thereof is necessary or convenient to insure conformity to or implementation of the general plan required by article 5 (commencing with section 65300) of chapter 3 of division 1 or any specific plan adopted pursuant to article 8 (commencing with section 65450) of chapter 3 of division 1 of the Government Code.
- I. "Parcel map" refers to a map prepared in accordance with the Subdivision Map Act and this article which map is designed to be filed in the office of the county recorder.

- J. "Preliminary map" is a generalized document which will allow the feasibility and practicality of the division of a tract of land to be assessed informally in regard to its suitability for division. A preliminary map will be required in cases where five (5) or more parcels are proposed to be created. This requirement is based upon the increasing complexity of parcel map processing as required by the state and the county. This map shall be submitted pursuant to local ordinance and shall not be considered a tentative map for the purposes of compliance with the Subdivision Map Act (section 66410 et seq.) of the Government Code. See section 16.20.030 for the specific requirements for the submission of preliminary map.
- K. "Preliminary title report" means a preliminary title report with off-tract easements appurtenant to the subdivision for access from a publicly maintained road.
- L. "Remainder" or "designated remainder" shall mean that portion of improved or unimproved land proposed to be subdivided that is not divided for the purpose of sale, lease, or financing. Said designated remainder shall not be counted as a parcel for the purpose of determining whether a parcel or final map is required. (Ord. 4448, 1997)
- M. "Streets" includes highways and refers to land primarily devoted to vehicular traffic use and extending to the boundaries of the right-of-way of the adjoining owner whether designated as a highway, freeway, throughway, thoroughfare, avenue, boulevard, road, parkway, lane, alley, place, court, circle, drive, way or other similar terms.
- N. "Tentative parcel map" refers to a map for the purpose of showing the design of a proposed division and the existing conditions in and around it. The map need not be based upon an accurate or detailed field survey of the property. (Ord. 3805 §12, 1988; Ord. 3641 §1, 1986; Ord. 3449 §1, 1984; Ord. 3395 §1, 1983; prior code §9604)

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## Chapter 16.40

### ADMINISTRATION AND ENFORCEMENT

#### Sections:

- 16.40.010      Design Waivers.**
- 16.40.020      Agricultural Preservation.**
- 16.40.030      Prohibited Transactions.**
- 16.40.040      Penalty for Violation.**

#### 16.40.010 Design Waivers.

- A. The approving authority may grant a waiver or conditional waiver of any of the design or improvement requirements of this article with respect to a particular division at the time it approves the tentative map of the division. A waiver shall not be granted unless:
  - 1. The applicant has submitted a written application therefor more than twenty (20) days before the hearing to consider the tentative map;
  - 2. In order to grant a design waiver the approving authority must find that each of the following conditions exist:
    - a. There are special conditions or circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver,
    - b. Strict application of the design or improvement requirements of this article would cause extraordinary and unnecessary hardship in developing the property,
    - c. The adjustment or waiver would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public,
    - d. The adjustment or waiver would not have the effect of nullifying the objectives of this article or any other law or ordinance applicable to the division.
- B. The order granting the adjustment or waiver may contain such conditions as deemed necessary by the approving authority, and failure to conform to the conditions will be grounds for disapproval of the final map or the division. (Ord. 3805 §13, 1988: prior code §9605)

#### 16.40.020 Agricultural Preservation.

Whenever a tentative map is filed for any division of lands subject to the provisions of a California Land Conservation Act Contract, it shall be a condition of approval of the map that the agricultural commission finds that each of the resulting parcels would meet the criteria for establishment of independent contracts, and that the landowner initiate proceedings to establish a separate contract for each parcel. (Prior code §9606)

**16.40.030 Prohibited Transactions.**

- A. No person shall sell, lease or finance any parcel or parcels of real property or commence construction of any building for sale, lease or financing thereon, except for model homes, or allow occupancy thereof, for which a parcel map is required by this article until the map is in full compliance with the provisions of this article and has been filed with the recorder of the county. This prohibition shall not apply to parcels shown on the latest equalized county assessment roll.
- B. Conveyances of any part of a division of real property for which a parcel map is required by this article of local ordinance shall not be made by parcel number or letter designation, unless and until the map has been filed for record with the recorder of the county in which any portion of the division is located.
- C. This section does not apply to any parcel or parcels of a division offered for sale or lease, contracted for sale or lease, or sold or leased in compliance with or exempt from this article, regulating the design and improvement of divisions in effect at the time the ordinance codified in this title was established. (Prior code §10,000)

**16.40.040 Penalty for Violation.**

Any person, firm, partnership, association, corporation or other entity violating this article is guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed one thousand dollars (\$1,000) or by imprisonment in the county jail for a term not exceeding six (6) months or by both such fine and imprisonment. At the discretion of the community development department, or the district attorney, the violation may be reduced to an infraction with maximum penalty of five hundred dollars. (Ord. 3831 §11, 1988)

## Chapter 16.44

### CONDITIONS AND REQUIREMENTS

#### Sections:

<b>16.44.010</b>	<b>Compliance with State Law.</b>
<b>16.44.020</b>	<b>Compliance with General Plan.</b>
<b>16.44.030</b>	<b>Findings Requiring Disapproval.</b>
<b>16.44.040</b>	<b>Land Parcel Approval Requirements.</b>
<b>16.44.050</b>	<b>Waste Discharge Water Quality Protection.</b>
<b>16.44.060</b>	<b>Dedication – Required When.</b>
<b>16.44.070</b>	<b>Dedication/Irrevocable Offers of Dedication – Acceptance or Rejection.</b>
<b>16.44.080</b>	<b>Dedication – Effect of Rejection.</b>
<b>16.44.090</b>	<b>Dedication – Effective Date.</b>
<b>16.44.092</b>	<b>Private Easements – Fences.</b>
<b>16.44.100</b>	<b>Public Access to Waterways.</b>
<b>16.44.120</b>	<b>Design Criteria.</b>

#### **16.44.010 Compliance with State Law.**

Maps failing to meet the requirements or conditions imposed by article 1, chapter 4, division 2 of the Government Code (section 66473 et seq. of the Subdivision Map Act) or this article shall not be approved. The provisions of law applicable at the time of approval of the tentative map shall govern. However, a technical or inadvertent error may be excused if it is found that it does not materially affect the validity of the map. (Prior code §9700)

#### **16.44.020 Compliance with General Plan.**

The approving authority shall not approve a tentative map unless the approving authority finds that the map, together with the provisions for its design and improvements, is consistent with the general plan and any applicable specific plan required by section 65450 of the Government Code. (Ord. 3805 §14, 1988: prior code §9701)

#### **16.44.030 Findings Requiring Disapproval.**

The approving authority shall not approve a tentative map if the approving authority makes any of the following findings:

- A. That the proposed map is not consistent with applicable general and specific plans;
- B. That the design or improvement of the proposed division 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 division or the proposed improvements are likely to cause substantial environmental damage or substantial and avoidable injury to fish or wildlife or their habitat;
- F. That the design of the division or the type of improvements is likely to cause serious public health hazards;

- G. That the design of the division or the improvements are not suitable to allow for compliance of the requirements of section 4291 of the Public Resources Code;
- H. 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 approving authority may approve a map if it finds that alternate 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 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. (Ord. 3805 §15, 1988: prior code §9702)

**16.44.040 Land Parcel Approval Requirements.**

The approving authority shall not approve a parcel map for any land project as defined in section 11000.5 of the Business and Professions Code unless:

- A. The county has adopted a specific plan covering the area proposed to be included within the land project; and
- B. The approving authority finds that the proposed land project together with the provisions for its design and improvement is consistent with the specific plan for the area. (Ord. 3805 §16, 1988: prior code §9703)

**16.44.050 Waste Discharge Water Quality Protection.**

The approving authority shall determine by consultation and written verification from the director of environmental health or Central Valley Water Quality Control Board whether the discharge of waste from the proposed division into an existing community sewer system would result in violation of existing requirements prescribed by a California Water Quality Control Board pursuant to division 7 (commencing with section 13000) of the Water Code. In the event that the approving authority finds that the proposed waste discharge would result in or add to violation of requirements of the Water Quality Control Board, the approving authority may disapprove the tentative map or maps of the division. (Ord. 3805 §17, 1988: prior code §9704)

**16.44.060 Dedication--Required When.**

- A. Public Easements. Either a dedication or irrevocable offer of dedication of real property within the division for streets, alleys, including access rights and abutter's rights, drainage, public utility easements and other public easements may be required for the expansion of the existing county road system.
- B. Waiver of Direct Access Rights. There may be imposed a requirement that dedications or offers of dedication of streets include a waiver of direct access rights to any such street from any property shown on parcel map as abutting thereon and if the dedication is accepted, any such waiver shall become effective in accordance with its provisions. (Ord. 3641 §2, 1986: prior code §9705)

**16.44.070 Dedication/Irrevocable Offers of Dedication-- Acceptance or Rejection.**

Upon presentation of a parcel map the county surveyor may accept or reject dedications and offers-of-dedication that are made by certificate on the map or by separate instrument. (Ord. 3641 §3, 1986: prior code §9706)

**16.44.080 Dedication--Effect of Rejection.**

- A. Streets, Paths, Alleys, Storm Drainage Easements. If at the time the parcel map is approved any streets, paths, alleys or storm drainage easements are rejected, the offer of dedication shall remain open and the board may, by resolution at any later date, and without further action by the divider, rescind its action and accept and open the streets, paths, alleys or storm drainage easements for public use, which acceptance shall be recorded in the office of the county recorder. (Ord. 3641 §4, 1986: prior code §9707)

**16.44.090 Dedication--Effective Date.**

The offers of dedication on a parcel map shall not be effective until the parcel map is filed or, where applicable, a separate instrument is recorded in the office of the county recorder. (Ord. 3641 §5, 1986: prior code §9708)

**16.44.092 Private Easements--Fences.**

- A. Any minor land division into parcels of less than twenty (20) acres that borders on an agricultural preserve (Williamson Act property) that is used primarily for livestock purposes shall be required to construct and maintain a fence along the border on a ten foot (10') easement adjacent to the preserve that allows adjacent owners access for the sole purpose of maintaining the fence. The fence and easement shall be maintained for as long as the adjacent land is an agricultural preserve. The specifications for the fence shall be provided by resolution of the board of supervisors. The easement shall be totally on the land to be divided which shall be the servient tenement. The dominant tenement shall be the adjacent agricultural preserve land that benefits from the fence and easement through its control of dog and other pet access onto the agricultural preserve land. The easement shall be listed on all tentative and final maps.
- B. The determination that agricultural preserve land is primarily used for livestock purposes shall be made by the agricultural commission.
- C. A party that causes damage to the fence is responsible for its prompt repair. (Ord. 4263, 1992)
- D. This section does not apply to an agricultural preserve that has filed a notice of non-renewal. (Ord. 4111 §2, 1990)

**16.44.100 Public Access to Waterways.**

- A. The planning director shall not approve a tentative map or authorize the filing of a parcel map of any proposed division which fronts upon a public waterway, river or stream which does not provide or have available reasonable public access by fee or easement from a public highway to that portion of the bank of the river or stream bordering or lying within the proposed division.



- B. Reasonable public access shall be determined by the director. In making the determination of what is reasonable access, he shall consider all of the following:
1. That access may be by highway, foot trail, bike trail, horse trail or any other means of travel;
  2. The size of the division;
  3. The type of riverbank and the various appropriate recreational, educational and scientific uses, including, but not limited to, swimming, diving, boating, fishing, water skiing, scientific collection and teaching;
  4. The likelihood of trespass on private property and reasonable means of avoiding such trespass;
  5. A public waterway, river or stream for the purposes of this section, means those waterways, rivers and streams defined in sections 100 through 106 of the Harbors and Navigation Code, any stream declared to be a public highway for fishing pursuant to sections 25660 through 25662 of the Government Code, the rivers listed in section 1505 of the Fish and Game Code as spawning areas, all waterways, rivers and streams downstream from any state or federal salmon or steelhead fish hatcheries. (Prior code §9800)

**16.44.120 Design Criteria.**

All design criteria and improvements made or installed in conjunction with the approval of a tentative parcel map shall conform to the standards and specifications contained or referred to in the Subdivision Design and Improvement Standards Manual, which shall be adopted and amended by resolution of the board of supervisors.

- A. All land divisions shall establish parcels consistent with the zoning regulations applicable to the area where the parcels are located and shall be consistent with applicable general and specific plans.
- B. Right-of-way.
1. On-site.
    - a. A fifty foot (50') minimum width on-site public road and utility easement shall be irrevocably offered for dedication to the county to serve all parcels being created. Such easement may be extended, at the county's discretion, to the limits of the property in order to provide an orderly vehicle circulation system to and for adjacent properties.  
All cuts and fills necessary for the roadway which are outside the basic right-of-way width, shall be included in an easement or increased right-of-way width.
    - b. When the approving authority finds there is no future need for public access, on-site rights-of-way which serve only the parcels being created may be private, nonexclusive road and public utility easements.
  2. Off-site.
    - a. The parcels proposed in the subdivision shall have access to a state or county maintained road. Proof of access, as defined in subsection B2a(I)(A) of this section, shall be a condition placed on a tentative map.
      - (I) Proof of access may be shown as follows:
        - (A) A recorded easement or court judgement as shown on a guarantee of record provided by a title company which provides for legal access

to all parcels being created. The description of said easement shall be sufficient to identify its location and alignment.

- (B) Access rights-of-way on land owned by a public entity or railroad may be documented by other than the above method, subject to county approval.
- C. The minimum width of easements or road bed improvements may be modified upon the approval of the approving authority.
- D. The approving authority may, due to the zoning potential of further divisions, require that a property owners' association be created and caused to be responsible for road maintenance.
- E. When an applicant proposes to create parcels in all other areas, any one of which is less than forty (40) acres or less than a quarter-quarter section or five (5) or more parcels, he/she shall construct and improve a road which conforms to the standard, as set forth in the Subdivision Design and Improvement Standards Manual, to serve each parcel to be created. Where the findings set forth in section 66411(1) and (2) of the Subdivision Map Act are made by the approving authority, construction of the road shall be completed within one (1) year of the date of the filing of the parcel map and the applicant shall furnish security for the performance of the construction as set forth in section 16.52.110. Where the findings referred to in this subsection are not made, an instrument giving constructive notice of the requirement of construction of the road shall be executed and recorded as set forth in that section. Covenants, conditions and restrictions providing for common maintenance of the improved roads shall be approved by the county counsel and shall be recorded at the time of filing of the parcel map.
- F. When five (5) or more parcels are proposed, they shall be conditioned upon the improvement of all required roads to the standards set forth in the Subdivision Design and Improvement Standard Manual.
- G. When the proposed roads in a land division are required to be improved, the respective easements shall be offered for dedication or for public service use dedication. A property owners' association or a similar entity may be created and caused to be responsible for maintenance of the roads and at such times as the roads are improved to county standards and accepted by the county for maintenance, they shall be dedicated to public use.
- H. Drainage preservation areas shall be established so as to preserve and protect the natural drainage ways. The natural drainage courses shall be maintained in the original channel or in a constructed channel designed to accept flows normal to a fifty year storm.
- I. Utility easements shall be established and be continuations of existing utility easements.
- J. Land divisions shall be designed so as to protect existing wells and septic systems except for those facilities to be abandoned.
- K. Where mutually agreed upon between the planning director and the applicant, the planning commission may, due to the size, location and/or nature of the proposed land division, initiate rezoning of the parcel map area to an appropriate zone consistent with the parcels being created.
- L. When one or more parcels of 4.5 acres or smaller is proposed to be created, the property shall be supplied with either:
  - 1. Domestic water supplied by a public entity with a minimum six inch (6") water line to the property being divided and immediate service available to each parcel being created; or
  - 2. Sewer services supplied by a public entity. The service shall be to each parcel being created and ready for immediate service.

- M. When one or more parcels of nine (9) acres or smaller is proposed to be created, the property shall be supplied with structural fire protection. The requirements for structural fire protection are contained in the Subdivision Design and Improvement Manual.
- N. Commercial or Industrial Parcel. When an applicant proposes to create commercial or industrial parcels, the roads shall be constructed and improved in accordance with the "Commercial and Industrial Roadway Standards" contained in the Subdivision Design and Improvement Manual.  
Streets for any lands industrially and/or commercially zoned shall be improved to Class I improvement requirements, except the pavement and base shall be increased to provide base at least eight inches thick and pavement at least three inches (3") thick. Refer to the Subdivision Design and Improvement Standard Manual.
- O. All parcel map roads shall be inspected and approved by the county.
- P. Off-site Access Improvement. Off-site access required to serve the subdivision shall be improved to standards as specified in the Subdivision Design and Improvement Standard Manual. (Ord. 4151 §1, 1991; Ord. 3805 §18, 1988; Ord. 3641 §7, 1986; Ord. 3291 §1, 1982; Ord. 3174 §8, 1981; prior code §9900)

**16.44.140 Remainders.**

- A. Designated remainders shall conform to the minimum parcel requirements of the zoning ordinance. (Ord. 4448, 1997)
- B. A conditional certificate of compliance, pursuant to California Government Code section 66499.35(b), shall be required prior to development of a designated remainder. As a condition of approval of a tentative parcel map creating a remainder, a notice of restriction shall be recorded on the remainder concurrently with the parcel map. Said notice shall state that no permit or other grant of approval for development may be issued until a certificate of compliance is recorded. (Ord. 4448, 1997)
- C. If the gross area of the remainder is five (5) acres or more, that remainder parcel need not be shown on the final or parcel map; and its location need not be indicated as a matter of survey but only by deed reference to the existing boundaries of the remainder parcel. (Ord. 4448, 1997)

**Chapter 16.48**

**TENTATIVE MAPS**

**Sections:**

<b>16.48.010</b>	<b>Application.</b>
<b>16.48.020</b>	<b>Dimensions.</b>
<b>16.48.030</b>	<b>Data Required.</b>
<b>16.48.040</b>	<b>Conditions of Approval.</b>
<b>16.48.050</b>	<b>Review by Agencies Other Than County Departments.</b>
<b>16.48.060</b>	<b>Approval Procedure.</b>
<b>16.48.065</b>	<b>Notice Requirements and Procedure.</b>
<b>16.48.080</b>	<b>Expiration.</b>
<b>16.48.110</b>	<b>Time Extension – Water or Sewer Moratorium.</b>

**16.48.010 Application.**

- A. Prior to any division of lands as defined in section 16.36.030, the landowner or his agent shall file for approval with the county planning department an application on a form provided by the department, accompanied by a fee established by resolution of the board of supervisors. Sufficient copies of the tentative map depicting the information set forth in sections 16.48.020 and 16.48.030 shall be submitted. (Ord. 4448, 1997, prior code §9610(part))
- B. 1. Whenever a parcel map is required pursuant to Government Code section 66426(C) and section 16.04.030(C) of this title for the subdivision of property which is included in an approved development plan pursuant to chapters 17.02 and 17.04, a tentative parcel map application shall not be required provided that the planning director finds the following conditions exist: (Ord. 4448, 1997)
- a. The parcel map is in conformity with the approved development plan and any applicable conditions imposed as a part of said approval; (Ord. 4448, 1997)
  - b. Substantial changes have not occurred with respect to the circumstances under which the development plan was approved which would raise new concerns not discussed in the action on the development plan; (Ord. 4448, 1997)
  - c. No new information of substantial importance which was not known at the time of approval of the development plan has been presented which could affect the design or improvements required for the parcel maps; and (Ord. 4448, 1997)
  - d. The parcel map does not create any significant environmental impacts that were not previously addressed with the approval of the development plan. (Ord. 4448, 1997)
2. When the planning director finds that the provisions of subsection B of this section exist, he shall transmit such findings to the county surveyor. A parcel map shall be submitted to the county surveyor pursuant to chapter 16.52. (Ord. 4448, 1997)

3. A fee shall be collected by the planning department for review of a request for a waiver as described in subsection B subdivision 1 of this section. Said fee shall be based on the actual time spent by staff on the review of said request based on the hourly rate as established by resolution of the board of supervisors. (Ord. 4448, 1997)

**16.48.020 Dimensions.**

The tentative map shall be submitted on durable paper sheets eighteen inches by twenty-six inches (18" x 26") or larger suggested size, and drawn to a scale of one inch equals twenty feet, fifty feet, one hundred feet, two hundred feet or four hundred feet (1" = 20', 50', 100' 200' or 400'), and which is sufficient in size to allow all the details and required data to show clearly. Any number of sheets may be used, providing each sheet specifies the total number of sheets and in relation to each adjoining sheet. (Prior code §9610(a))

**16.48.030 Data Required.**

The tentative map, attached sheets or accompanying reports shall show clearly the following data and information:

- A. North point and scale;
- B. The location, names and right-of-way width of adjacent streets, highways and alleys. Further, show access easements to a connection with a public road, together with their deed or map reference;
- C. Contours at five foot (5') intervals may be required on all parcels of two (2) acres or less when not connecting to public water and sewer service and fifty percent (50%) of the area of the area of the parcels being created contains lands of ten percent grade or more. Contours shall be required in any other instance where topographic constraints, as determined by staff, determine design criteria;
- D. Show the boundaries of the parcel;
- E. Width and approximate location of all existing and proposed road easements for roads, drainage, sewage and public utilities, both underground and overhead;
- F. In case of roads, drainage culverts will be required in all existing drainage courses and in such additional locations as may be required based on drainage plan and size in accordance with sound civil engineering practices;
- G. The width of all rights-of-way and approximate grades within the area of land division;
- H. The approximate dimensions and area of proposed parcels;
- I. All the names of adjacent subdivisions and adjacent parcel map references. All the names and deed recording numbers of the adjacent landowners;
- J. Current assessor's sheet and if one exists, a copy of the preceding parcel map showing the property to be divided;
- K. The location of all existing structures for residential, commercial, industrial or recreational use or for which permits have been applied for or granted, but not yet constructed, within one hundred feet (100') of any existing or proposed boundary;
- L. Indicate the proposed source of potable water and the proposed method of sewage disposal;

- M. In an accompanying report, or prior to filing a parcel map, provide the following data and information for that area on each proposed parcel of the tentative map which is to be used for sewage disposal, unless that proposed parcel is occupied by an existing structure with a sewage disposal system:
1. The percolation rate and location of tests on 4.5 acres or smaller,
  2. The depth of soil and location of test,
  3. The depth of groundwater and location of test,
  4. The direction and percent of slope of the ground,
  5. The location, if present, of rivers, streams, springs, areas subject to inundation, rock outcroppings, lava caps, cut, fills and easement,
  6. Identify the area to be used for sewage disposal,
  7. Such additional data and information as may be required by the director of environmental health to assess the source of potable water, the disposal of sewage and other liquid wastes, the disposal of solid wastes, drainage and erosion control;
- N. A letter bearing the authorized agent or owner's signature certifying the engineer or surveyor's preparation of a parcel map and division of the property;
- O. Vicinity map;
- P. The following information to be listed on the tentative map in the following consecutive order:

#### TENTATIVE MAP

1. Owner of record (name and address),
2. Name of applicant (name and address),
3. Map prepared by (name and address),
4. Scale,
5. Contour interval (if any),
6. Source of topography,
7. Section, township and range,
8. Assessment parcel number(s),
9. Present zoning,
10. Total area,
11. Total number of parcels,
12. Minimum parcel area,
13. Water supply,
14. Sewage disposal,
15. Proposed structural fire protection,
16. Date,

17. In the lower right-hand corner of each map a signature block should be shown giving space for:

Planning director

Approval by:

Date:

Planning commission

Date: Approval:

Date: Disapproval:

Board of supervisors

Date: Approval:

Date: Disapproval:

- Q. The following information items shall be required only when the land division proposal contains five (5) or more parcels:
1. A statement concerning the proposed standard of road improvements and road maintenance and public utilities proposed to serve all parcel(s);
  2. A statement indicating the location and distance from the farthest lot or parcel in the land division to the nearest high school and elementary school. The statement shall also indicate the distance from the farthest lot or parcel in the land division to the nearest county road served by school bus transportation.
- R. Off-site and On-site Road Improvement Requirement.
1. Off-site. The subdivider shall provide a map showing access from the state or county maintained road to the proposed subdivision.
  2. On-site. The subdivider shall provide on the map a typical road improvement cross-section or shall reference the typical road improvement cross-section contained in the Subdivision Design and Improvement Standard Manual and shall delineate such roads to be improved.
- S. All tentative parcel maps shall carry the condition which shall require access to the project site from a state or county maintained road together with the legal right to improve such access as required by the county design manual. (Ord. 3641 §8, 1986: prior code §9610(b))

**16.48.040 Conditions of Approval.**

Any recommendation imposing a burden on the applicant generated during the processing of a tentative map by any county staff prior to a hearing by the planning commission or board of supervisors shall be in writing and a copy shall be provided to the divider or agent at least three days prior to the hearing or action on the map by the commission or board. (Prior code §9611)

**16.48.050 Review by Agencies Other Than County Departments.**

- A. Where a local agency desires to make recommendations concerning proposed divisions in adjoining unincorporated territory, and the divisions would be within three (3) miles of the exterior boundary of the agency, the agency may file with the planning department a map indicating the territory in which it desires to make such recommendations. On receiving such a territorial map the planning director shall issue a receipt for it and thereafter transmit to the official designated by the local agency one copy of each tentative map of divisions located wholly or partially within the specified territory. Thereafter the local agency receiving the tentative map shall make its recommendation to the planning department within fifteen (15) days of its receipt of the map. Any such recommendations shall be considered by the planning director or the planning commission before taking action on the map.
- B. Tentative maps may be submitted to the office of intergovernmental management, pursuant to section 12037 of the Government Code for an evaluation of the environmental impact of the proposed division. If the proposed division is a land project as defined by section 11000.5 of the Business and Professions Code, the submission must occur prior to approval of the map. (Prior code §9612)

**16.48.060 Approval procedure.**

- A. Within fifty (50) days of the receipt of a complete application as defined by Government Code section 65943, a public hearing shall be held to consider the approval or denial of the tentative parcel map. The time limitation may be reasonably extended with the applicant's concurrence, or when otherwise provided by law.  
The planning director, or his designee, shall hold the public hearing and shall serve as the approving authority. At the conclusion of the hearing the planning director, or his designee, shall:
  - 1. Approve, conditionally approve, or deny the tentative map as to design, area, road access, flood and drainage control or any other consideration as may be required under the provisions of any ordinance or the Subdivision Map Act;
  - 2. Approve or deny any design waivers requested pursuant to section 16.40.010 of this code;
  - 3. Make all appropriate findings supporting the decision and notify the applicant in writing of the decision and findings. In the event of denial the notice shall specifically enumerate the reasons for denial.
- B. Where a tentative parcel map is submitted concurrently with an application for zone change, the planning commission shall hold the public hearing together with the hearing on the zone change. At the conclusion of the hearing, the planning commission shall take action on the parcel map as enumerated in subsection A above. (Ord. 4448, 1997)
- C. Any decision by the planning commission, planning director, or his designee, may be appealed to the board of supervisors by the applicant or by any person(s) adversely impacted by the decision. Such an appeal must be filed in writing with the planning department within ten (10) working days of the decision on a standardized form and accompanied by a fee as established by the board of supervisors. (Ord. 4448, 1997)



The appellant shall clearly identify on the appeal form the specific reasons for the appeal. The board of supervisors shall consider on appeal all issues raised by the appellant. The board of supervisors may consider other relevant issues related to the tentative map. The clerk of the planning commission shall set a hearing before the board within thirty (30) days of receipt of the completed appeal form and fee. The decision by the board of supervisors shall be final. (Ord. 4448, 1997; Ord. 4318, 1993; Ord. 4152 § 4, 1991; Ord. 3805 § 20, 1988)

**16.48.065 Notice Requirements and Procedure.**

- A. Action by the planning director pursuant to section 16.48.060A shall be made after a public hearing for which notice has been given as follows:
  - 1. Mailed or delivered at least ten (10) days prior to the hearing to the applicant and all owners of real property as shown on the latest equalized assessment roll within five hundred feet (500') of the property which is the subject of the hearing; and
  - 2. Published once in at least one (1) newspaper of general circulation at least ten days prior to the hearing.
- B. Action by the board of supervisors on an appeal pursuant to section 16.48.060B shall be made after a public hearing for which written notice has been mailed or delivered at least ten days prior to the hearing to the applicant and the appellant(s). In addition, the clerk of the board may elect to publish notice of the hearing in a newspaper of general circulation at least ten (10) days prior to the hearing. Failure to publish such notice shall not invalidate the proceedings.
- C. All hearings conducted pursuant to this chapter shall be public hearings wherein any person may be heard and any evidence taken which is relevant to the proceedings, provided that, in the case of appeal hearings testimony and evidence shall be limited to those things relevant to the specific reasons for the appeal.
- D. In any appeal action brought pursuant to section 16.48.060B the appellant may withdraw his or her appeal, with prejudice, at any time prior to the commencement of the public hearing. For the purposes of this section the public hearing shall be deemed commenced upon the taking of any evidence including reports from planning staff. (Ord. 3805 §22, 1988)

## Chapter 16.52

### PARCEL MAPS

#### Sections:

<b>16.52.010</b>	<b>Preparation.</b>
<b>16.52.015</b>	<b>Map Checking Data.</b>
<b>16.52.020</b>	<b>Waiver.</b>
<b>16.52.030</b>	<b>Survey – Required.</b>
<b>16.52.040</b>	<b>Survey – Allowable Error.</b>
<b>16.52.050</b>	<b>Monument Placement.</b>
<b>16.52.060</b>	<b>Government Corners.</b>
<b>16.52.070</b>	<b>Fee.</b>
<b>16.52.075</b>	<b>Owner's Certificate.</b>
<b>16.52.076</b>	<b>Beneficiary or Trustee Acknowledgment.</b>
<b>16.52.080</b>	<b>Engineer or Surveyor Certification.</b>
<b>16.52.090</b>	<b>County Surveyor Certification.</b>
<b>16.52.100</b>	<b>Recorder Certification.</b>
<b>16.52.110</b>	<b>Filing.</b>
<b>16.52.120</b>	<b>Road Improvement Fee.</b>
<b>16.52.125</b>	<b>Dedication of Park and Recreational Uses.</b>
<b>16.52.130</b>	<b>Correction – Purpose.</b>
<b>16.52.140</b>	<b>Correction – Preparation.</b>
<b>16.52.150</b>	<b>Correction – Examination.</b>
<b>16.52.160</b>	<b>Correction – Filing.</b>

#### **16.52.010 Preparation.**

The parcel map shall be prepared by or under the direction of a registered civil engineer or licensed land surveyor, shall show the location of streets and property lines bounding the property and shall conform to all of the following provisions:

- A. It shall be legibly drawn in black India drawing ink or by a process guaranteeing a permanent record in black India drawing ink on tracing cloth or polyester drafting film of a thickness of four (4) milligrams. Certificates may be legibly stamped or printed upon the map with permanent black India drawing ink.
- B. The size of each sheet shall be eighteen inches by twenty-six inches (26"). A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of one inch. The scale of the map shall be large enough to show all details clearly and enough sheets shall be used to accomplish this end. The particular number of the sheet and total number of sheets comprising the map shall be stated on each of the sheets, and its relation to each adjoining sheet shall be clearly shown.
- C. Each parcel shall be numbered or lettered.
- D. The exterior boundary of the land included within the division shall be indicated by heavy lines.
- E. The map shall show the location of each parcel and its relation to surrounding surveys. The location of any remainder of the original parcel shall be shown, but need not be shown

as a matter of survey, but only by reference to the existing record boundaries of the remainder if the remainder has a gross area of five acres or more.

- F. A certificate, signed and acknowledged by all parties having any record title interest in the real property divided consenting to the preparation and filing of the parcel map is required in the form as shown in sections 16.52.075 and 16.52.076.
- G. The scale of the final parcel map shall be one inch equals twenty feet (1" = 20'), one inch equals fifty feet (1" = 50'), one inch equals one hundred feet (1" = 100'), one inch equals two hundred feet (1" = 200') or one inch equals four hundred feet (1" = 400').
- H. The parcel map shall be labeled as a parcel map in the heading identifying section, township and range and prior parcel maps, if any.
- I. The tentative map number and date approved by the planning division shall be shown in the lower right-hand corner.
- J. The location, nature and type and marking thereon of all monuments found shall be shown, including all monuments required.
- K. Standards for mapping and drafting will be as set forth the ordinance codified herein or the Subdivision Design and Improvement Standard Manual. (Ord. 3641 §9, 1986: Ord. 3457 §2, 1984: prior code §9620)

**16.52.015 Map Checking Data.**

- A. The surveyor or engineer shall submit the following:
  - 1. Two check prints of the map;
  - 2. One copy of the parcel map guarantee of access verifying the easements in this section and as required in section 16.48.030(S);
  - 3. One copy of all documents used to determine on-site and off-site easements as cited in the title report;
  - 4. One copy of a full scale assessor's map;
  - 5. One copy of the mathematical closures for the outside perimeter and for each parcel created. (Ord. 3641 §10, 1986)

**16.52.020 Waiver.**

When in the opinion of the planning commission unique and justifiable circumstances exist, they may waive the requirement for a parcel map. In such cases, the commission must make the finding that the proposed division of land complies with the requirements as to area, improvement, design, flood and drainage control, appropriate improved public roads, sewage disposal facilities, water supply availability, environmental protection, required certificates and any other requirements which are imposed by division 2, title 7 of the Government Code or this article. (Prior code §9621)

**16.52.030 Survey--Required.**

- A. The parcel map shall be based upon a field survey made in conformity with the Land Surveyor's Act, or be compiled from recorded or filed data when sufficient survey information exists on filed maps to locate and retrace the exterior boundary lines of the parcel map if the location of at least one of these boundary lines can be established from an existing monumented line excluding remainders.
- B. If a field survey was performed, the parcel map shall contain a certificate by the engineer or surveyor responsible for the preparation of the map that states that all monuments are of the character and occupy the positions indicated, or that they will be set in such positions on or before a specified date, and that the monuments are, or will be, sufficient to enable the survey to be retraced. (Ord. 3641 §11, 1986: prior code §9622)

**16.52.040 Survey--Allowable Error.**

A traverse of the exterior boundaries of the parcel map and of each parcel therein, when computed for field measurements on the ground, must close within a limit of error of one foot (1') in three thousand feet (3,000') of perimeter. The civil engineer or land surveyor must furnish the county surveyor at the time the parcel map is submitted to him for his certificate, the traverse sheets showing mathematical closure, within the allowable limits of closure. On curves, closure shall be by chord measurement. Other detail maps as may be required shall be furnished as may be required for accurate checking. (Prior code §9623)

**16.52.050 Monument Placement.**

- A. The civil engineer or land surveyor making a survey of a parcel map shall cause permanent corner monuments as specified in this section to be set. The monuments shall be at least eighteen inches (18") long, set firmly in the ground and extending approximately three inches (3") above the surface of the ground, shall be set at all lot corners and witness corners.
- B. Monument materials:
  - 1. Preferred. Three-fourths inch (3/4") (inside diameter) or larger, galvanized (or cadmium plated) capped iron pipe stamped on the top of the cap with either the notation "RCE" for the registered civil engineer or "LS" for the licensed land surveyor, together with the license number of the civil engineer or land surveyor. The year date may be stamped on the cap.
  - 2. Optional.
    - a. Steel reinforcing bar five-eighths inch (5/8") or three-fourths inch (3/4") in diameter. The "RCE" or "LS" numbered brass tag to be brazed or riveted on. The use of wire to affix the tag is not acceptable;
    - b. Drill steel seven-eighths-inch or larger in diameter stamped with the "RCE" or "LS" and the license numbers;
    - c. Square or round steel bars three-fourths inch (3/4") or larger in diameter stamped with the notations "RCE" or "LS" and the license numbers. (Prior code §9624)

**16.52.060 Government Corners.**

- A. All full section corners, quarter corners and sixteenth corners that are a part of the parcel map, or are required ties to the parcel map, shall be rehabilitated for preservation, if required, and complete notations as to what was found or set at each of these U.S. Government Land Survey corners, shall be made upon the parcel map, as required by the State Land Surveyors Act. Unless the U.S. Government corner is monumented by a one and one-half inch (12") (inside diameter) or larger galvanized capped iron pipe, it shall be replaced with a one and one-half inch (12"), or larger, galvanized capped iron pipe which shall be stamped appropriately in the manner specified in the Manual of Surveying Instructions, U.S. Bureau of Land Management, together with the notation of either "RCE" or "LS" and the license numbers of the civil engineer or land surveyor. The annual year date shall also be stamped thereon.
- B. If the found and accepted section, quarter and sixteenth corner is found adequately monumented with a one and one-half inch (12") or larger galvanized iron pipe, but is not stamped, or only partly stamped, the missing data shall be stamped thereon, including the notations of either "RCE" or "LS" and the license numbers and the year date. A statement as to what was found, set or added shall be placed on the parcel map. (Prior code §9625)

**16.52.070 Fee.**

A fee established by resolution of the board of supervisors will be paid to the county surveyor upon presenting the parcel map to him. There will be no charge for the title sheet not having survey data thereon. (Prior code §9626)

**16.52.075 Owner's Certification.**

- A. The following certificate, or reference to a separate instrument, shall appear on a parcel map:

**OWNER'S CERTIFICATE**

The undersigned owner(s) of record title interest hereby consent to the preparation and filing of this map.

The undersigned owner(s) further hereby grants an irrevocable offer-to- dedication to the County of El Dorado, the following:

- 1. Road and public utility easements as shown hereon;
- 2. All other easements shown hereon.
- 3. Owner acknowledges that notwithstanding any rejection of the offers of dedication, such offers shall remain open pursuant to Government Code section 66477.2.

\_\_\_\_\_  
Name

Notary Certificate

(Ord. 3641 §12, 1986)

**16.52.076 Beneficiary or Trustee Acknowledgment.**

- A. The following acknowledgment shall appear on the map, or reference to a separate instrument, when appropriate:

**BENEFICIARY'S/TRUSTEE'S CERTIFICATE**

The undersigned, \_\_\_\_\_, beneficiary/trustee under that certain deed of trust dated \_\_\_\_\_, recorded \_\_\_\_\_ in Book \_\_\_\_\_ at Page \_\_\_\_\_ of Official Records of the County of El Dorado, hereby consent to the preparation and filing of this map.

\_\_\_\_\_  
Name  
Title Company, Trustee

Notary Certificate

(Ord. 3641 §13, 1986)

**16.52.080 Certificates.**

- A. The following certificates shall appear on a parcel map:
  - A. Engineer's or surveyor's certificate: Certificates shall be required on all parcel maps as required by Government Code sections 66449 and 66450. (Ord. 4448, 1997)
  - B. The certification as contained within the surveyor's certificate is considered to be a certification by the licensed land surveyor or registered civil engineer that the improvements required as a condition of the approval of the tentative map have been completed in conformance with the required specifications and standards. (Ord. 3641 §14, 1986: prior code §9627)

**16.52.090 Acceptance of Roads and Easements.**

The following shall be included in the county surveyor's certificate required in section 16.52.080:

Road and public utility easements are hereby accepted. Such dedicated road and easements will not be county maintained unless and until they have been accepted into the county maintained road system by resolution of the board of supervisors. Further, the county surveyor hereby rejects the offers-of-dedication to County of El Dorado for other easements as shown on the map.

(Ord. 4448, 1997; Ord. 3641 §15(part), 1986: Ord. 3174 §7, 1981: prior code §9628)

**16.52.110 Filing.**

Within eighteen (18) months after approval of the tentative map or extension thereof, a parcel map may be filed with the recorder. This map shall be filed prior to sale, lease or financing of the parcels. Conveyances may be made of parcels shown on each map by number or letter. Upon application, an extension of the approval of the tentative map may be granted by the planning commission. The planning commission may require dedications or an offer of dedication by separate instrument for street opening or widening or easements, and it shall be the responsibility of the applicant to pay all recording fees. Any improvements or other items to be completed within one year of the date of filing of the parcel map in accordance with the provisions of subsection F of section 16.44.120 and section 66411.1 of the Government Code

shall have been satisfied or bonded for completion prior to the filing of the parcel map. Any improvements or other items not accomplished and so certified by a registered civil engineer at the time of filing of the parcel map shall be covered by a performance bond, cash deposit or approved instrument of credit, the content and form of which shall be agreed upon by the applicant and the county, based upon a cost estimate prepared by a registered civil engineer retained by the applicant. If the improvements or other items required as a condition of approval of the tentative map are not required to be completed within one year of the date of the filing of the parcel map, then the applicant shall execute an instrument, the content and form of which shall be approved by the county, which instrument shall give constructive notice of the requirement of construction of the improvements as a condition precedent to the subsequent issuance of a permit or other grant of approval for the development of any or all of the parcels created. The instrument shall be recorded together with the filing of the parcel map. (Prior code §9630)

**16.52.120 Road Improvement Fee.**

As a condition of approval of a parcel map, the subdivider shall offer proof of compliance with chapters 12.28 and 12.32 of this code. (Prior code §9631)

**16.52.125 Dedication of Park and Recreational Uses.**

The dedication of land, the payment of fees in lieu thereof or a combination of both for park and recreational purposes may be required county-wide, pursuant to the provisions of sections 16.12.090 through 16.12.110, as a condition of approval for any parcel map which creates parcels less than twenty (-20) acres in size. (Ord. 4007 §2, 1989)

**16.52.130 Correction--Purpose.**

After a parcel map is filed in the office of the county recorder, it may be amended by a certificate of correction or an amending map:

- A. To correct an error in any course or distance shown thereon;
- B. To show any course or distance that was omitted therefrom;
- C. To correct an error in the description of the real property shown on the map;
- D. To indicate monuments set after the death, disability or retirement from practice of the civil engineer or land surveyor charged with responsibilities for setting monuments; or
- E. To show the proper location of any monument which has been changed in location or originally was shown at the wrong location. (Prior code §9640)

**16.52.140 Correction--Preparation.**

The amending map or certificate of correction shall be prepared by a registered civil engineer or licensed land surveyor. An amending map shall conform to the requirements of section 66445 of the Subdivision Map Act. The certificate of correction shall set forth in detail the corrections made and show the name of the present fee owners of the property affected by the correction. (Prior code §9641)

**16.52.150 Correction--Examination.**

If the division is in unincorporated territory, the county surveyor shall examine the amending map or certificate of correction and if the only changes made are those set forth in section 66469 of the Subdivision Map Act, he shall certify to this fact on the amending map or certificate of correction. (Prior code §9642)

**16.52.160 Correction--Filing.**

The amending map or certificate of correction certified by the county surveyor shall be filed in the office of the county recorder in which the original map was filed. Upon the filing, the county recorder shall index the names of the fee owners and the appropriate tract designation shown on the amending map or certificate of correction in the general index and map index respectively. Thereupon, the original map shall be deemed to have been conclusively so corrected, and thereafter shall impart constructive notice of all such corrections in the same manner as though set forth upon the original map. (Prior code §9643)



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## Chapter 16.53

### LOT LINE ADJUSTMENTS

#### Sections:

<b>16.53.010</b>	<b>Purpose and intent</b>
<b>16.53.020</b>	<b>Definitions</b>
<b>16.53.030</b>	<b>Application Requirements</b>
<b>16.53.040</b>	<b>Procedure/Approval Process</b>
<b>16.53.050</b>	<b>Zoning/General Plan consistency required</b>
<b>16.53.060</b>	<b>Subdivision Map Act consistency required</b>
<b>16.53.070</b>	<b>Exceptions</b>
<b>16.53.080</b>	<b>Public utilities, infrastructure relocation</b>
<b>16.53.090</b>	<b>Appeals</b>
<b>16.53.100</b>	<b>Time limits/expiration date</b>
<b>16.53.110</b>	<b>Recordation</b>

#### **16.53.010 Purpose and intent.**

The purpose of this chapter is to provide for the orderly development and effective use of existing, legal lots by permitting adjustments to property lines pursuant to California Government Code §66412(d). It is the intent of this chapter to accommodate such adjustments provided that they are consistent with the zoning and General Plan land use designation of the properties involved and do not adversely impact existing infrastructure necessary to serve the lots.

#### **16.53.020 Definitions.**

“Adjoining lots” means lots whose boundaries share at least one common point or line.

“Legal lot” means those lots that have been either:

1. Created or adjusted prior to March 4, 1972; or
2. Created through a properly recorded parcel or final map; or
3. Created previously through a County approved lot line adjustment; or
4. Has a properly recorded clear Certificate of Compliance.

“Boundary Line Agreement” means an agreement between adjoining property owners as to the location of a respective property line when its certain location is unclear.

“Merge” means the adjustment by removal of a lot line between adjoining lots under common ownership that results in the creation of one lot. At least one of the lots involved in the merge must be a legal lot.

#### **16.53.030 Application Requirements.**

Lot line adjustment requests shall be submitted to the Development Services Department on forms provided by the Department. The application shall be accompanied by a filing fee as established by the most current Resolution adopted by the Board of Supervisors and shall include, but not be limited to, the following information:

- A. An exhibit map prepared and stamped by a licensed land surveyor or civil engineer licensed to practice land surveying. The exhibit shall be drawn to scale showing all existing and proposed boundaries of affected properties.
- B. Current deeds describing all lots.
- C. Written consent from all current property owners.

**16.53.040 Procedure/Approval Process.**

Upon receipt of a complete application, the Department may distribute said documents to interested agencies for review and comment.

- A. Within 30 days of accepting a complete application, the Department shall determine if the proposed lot line adjustment complies with all applicable State laws and County ordinances.
- B. A Boundary Line Agreement can be memorialized through the Department application or referred to the County Surveyor for approval subject to the discretion of the Director.

**16.53.050 Zoning / General Plan consistency required.**

- A. Except as provided in subsection 16.53.070 (Exceptions), all lots resulting from a lot line adjustment shall conform to all development standards of the zone in which they are located to include, but not be limited to, the following:
  - 1. Minimum lot width;
  - 2. Minimum width as measured at the front setback line;
  - 3. Minimum lot area;
  - 4. Setbacks and coverage standards for all proposed structures; and
  - 5. Dwelling unit density.
- B. Existing lots which cross zone boundaries may adjust property lines without rezoning the reconfigured lots, provided the minimum lot size is met within each zone overlying its respective portion of the property. Where the resultant lot has mixed zone areas equal to or greater than 50 percent but less than 80 percent of the minimum lot size for either respective zone, a rezone may be required at the discretion of the Department.
- C. All resulting lots shall be consistent with General Plan policies establishing minimum lot sizes listed under Table 16.53.050.A as follows:

**Table 16.53.050.A  
General Plan Policies**

<b>POLICY</b>	<b>SUBJECT</b>	<b>POLICY SUMMARY **</b>
2.2.1.2	Land Uses	Minimum parcel sizes and densities
2.2.2.2	Agricultural District	20 acre minimum, if suitable for agriculture.
2.2.6.5	Texas Hill Reservoir Take Line	10 acre minimum; possible setback buffers.
5.2.3.5, 5.3.1.2	Groundwater, wastewater systems	5 acre minimum, with exceptions
6.4.1.4, 6.4.1.5	Floodplain, dam inundation areas	No parcels entirely within 100 year flood plain; New parcels partially within 100 year flood plain must have sufficient land for construction of structures and wastewater systems.
7.2.2.1	Mineral resources	20 acre minimum with exceptions
8.1.3.1, 8.2.2.5	Agricultural lands	10 acre minimum adjacent to such lands, with width-to-length ratio and setback requirements.
8.3.2.1–8.3.2.3, 8.4.1.1	Timber Production lands	10 to 160 acre minimum, as applicable.
<b>** Policy Summary provided for illustrative purposes only. See General Plan Policy for official information.</b>		

**16.53.060 Subdivision Map Act consistency required.**

- A. A lot line adjustment shall be between four or fewer existing adjoining lots, where the land taken from one lot is added to an adjoining lot, and where a greater number of lots than existed originally will not be a direct result of the lot line adjustment. Adjoining lots in one lot line adjustment may adjoin by separate points or lines in a series and do not have to all share the same point or line.
- B. A lot line adjustment between five or more lots in a subdivision or parcel map must be adjusted through a Map Amendment or Tentative Map application (Title 16.72).
- C. The Department may consider subsequent or serial lot line adjustments that involve all or portions of the same land, in compliance with the intent of the Subdivision Map Act.

**16.53.070 Exceptions.** The following exceptions to subsection 16.53.050 (Zoning/General Plan consistency) may be permitted:

- A. Existing Conforming Lots: Where existing conforming lots are proposed to be reconfigured to a nonconforming lot size due to existing roads, easements, unique geographical features of the land or better management of natural resources, the resultant lot(s) shall not be reduced more than 20 percent of the minimum lot size requirement under the zone.

Where existing development on the proposed reconfigured lots will be rendered non-conforming to specific development standards such as setbacks, frontage and coverage requirements, the resultant non-conformity will be allowed providing it does not exceed 20 percent of each applicable development standard.

- B. Existing Non-conforming Lots: Where some or all of the existing lot(s) are non-conforming in size to the minimum requirements of the zone or General Plan and where existing roads, easements, unique geographical features or important resources exist, the Department may approve a lot line adjustment subject to the following:
  - 1. A greater non-conformity may be allowed to better fit said features or to consolidate and manage said resources, provided:
    - a. The resultant smallest lot shall be no smaller than 90 percent of the existing smallest lot; and
    - b. Existing conforming lots that may be involved in the adjustment remain subject to subsection 16.53.070.A.
  - 2. All other provisions of this Chapter shall apply.
- C. Non-conforming structure on property line: Where a non-conforming structure straddles a property line between two lots under separate ownership, a lot line adjustment can be approved that reduces the size of one of the lots by no greater than 20 percent of the minimum requirements of the zone in order to clarify ownership of the existing structure. Any resulting non-conformance to development standards, such as setbacks, shall be considered as legal, non-conforming.

**16.53.08 Public utilities, infrastructure relocation.**

- A. Sufficient easements shall be provided to serve each lot involved in a lot line adjustment. Any road easements that are created may be required to be irrevocably offered in dedication to the County, based on the recommendation from the Department of Transportation and approval by the Development Services Department.
- B. Improvements to existing utilities, roads and drainage facilities serving the lots may also be required, as determined necessary by the Department. Physical improvements shall be limited to providing resultant lots with the same availability of service as the original lots, ensuring the same level of access that the lots had before a lot line adjustment was approved.

**16.53.090 Appeals.**

- A. Any decision by the Department may be appealed by the applicant(s) to the Director, whose decision shall be final, except for those issues involving road and public utility easements. For those excepted issues, the decision of the Director can be appealed to the Zoning Administrator subject to the timelines indicated below. The decision of the Zoning Administrator shall be final.
- B. An appeal must be filed within ten working days from the decision by the Department by completing the appeal form and submitting said form together with the applicable fee, as established by resolution of the Board of Supervisors, to the Department. The appellant shall clearly identify on the appeal form the specific reasons for the appeal. The Director shall consider all issues raised by the appellant, and may consider other relevant issues related to the lot line adjustment on appeal.

- C. The decision on an appeal shall be rendered no more than 30 days from receipt of a completed appeal form and fee. The appellant(s) may withdraw the appeal at any time prior to the final decision being made by the Director.
- D. Final recordation of the lot line adjustment shall be stayed until the conclusion of the appeal period set forth in Subsection B above. A properly filed appeal shall stay the recordation of the lot line adjustment until the appeal is decided.

**16.53.100 Time limits/expiration date.**

Final recordation of the lot line adjustment must occur within one year from either the end of the appeal period, or from the final decision on an appeal, whichever comes later. Two, one-year time extensions can be allowed subject to written request of the applicant, accompanied by a fee as established by the most current Resolution adopted by the Board of Supervisors, and approval by the Department. Failure to record within this time will result in the expiration of the lot line adjustment.

**16.53.110 Recordation.**

Lot line adjustment approvals are not effective until recorded in the Office of the County Recorder. Upon recordation of a lot line adjustment all pre-existing lot lines are deemed erased by the newly recorded adjustment. Documents used to record lot line adjustments shall be submitted to the County Surveyor for review and recordation and shall include the transfer deeds that reflect the new property descriptions executed by all affected owners of record, as well as verification that real property taxes are current on all affected lots. Any existing deeds of trust shall be revised to reflect the new property descriptions and shall be approved by the beneficiaries of said deeds of trust.

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# ARTICLE III. RURAL SUBDIVISIONS

## Chapter 16.56

### IMPROVEMENT REQUIREMENTS

#### Sections:

<b>16.56.010</b>	<b>Applicability.</b>
<b>16.56.020</b>	<b>Tentative Map.</b>
<b>16.56.022</b>	<b>Private Easements – Fences.</b>
<b>16.56.030</b>	<b>Signs.</b>
<b>16.56.040</b>	<b>Right-of-Way Dedication.</b>
<b>16.56.050</b>	<b>Improvement Guarantee.</b>
<b>16.56.060</b>	<b>Tree Removal.</b>

#### **16.56.010 Applicability.**

Improvement requirements for rural subdivisions shall be as set forth in this chapter. (Prior code §9383(part))

#### **16.56.020 Tentative Map.**

The tentative map shall be prepared by a civil engineer with designation that it is being submitted as a rural subdivision and showing drainage, public utility and other easements, drainage structures and size, road grades, contours preferably at five foot (5') intervals, but if U.S.G.S. Quadrangle maps are used, accuracy of contours and interpolated intervals must be field checked by the engineer, and drawn at one hundred scale unless size of parcels warrants a smaller scale. The director of department of transportation will serve in an advisory capacity to the planning commission in reviewing the tentative map from the standpoint of design, grades, easements, drainage structures and designation of road categories. (Ord. 3766 §63, 1987: prior code §9383(a))

#### **16.56.022 Private Easements--Fences.**

A. Any rural subdivision into parcels of ten acres or less that borders on an agricultural preserve (Williamson Act property) that is used primarily for livestock purposes shall be required to construct and maintain a fence along the border on a ten foot (10') easement adjacent to the preserve that allows adjacent owners access for the sole purpose of maintaining the fence. The fence and easement shall be maintained for as long as the adjacent land is an agricultural preserve. The specifications for the fence shall be provided by resolution of the board of supervisors. The easement shall be totally on the land to be divided which shall be the servient tenement. The dominant tenement shall be the adjacent agricultural preserve land that benefits from the fence and easement through its control of dog and other pet access onto the agricultural preserve land. The easement shall be listed on all tentative and final maps.



- B. The determination that agricultural preserve land is primarily used for livestock purposes shall be made by the agricultural commission.
- C. A party that causes damage to the fence is responsible for its prompt repair.
- D. This section does not apply to an agricultural preserve that has filed a notice of non-renewal. (Ord. 4111 §3, 1990)

**16.56.030 Signs.**

- A. Street names and traffic-control signs are to be installed at the main access street and are to be additionally signed on the same pole containing the street names, with a sign identifying the street as not a county-maintained road as follows:
  - 1. Stop sign, R1R 30";
  - 2. Road name signs shall conform to standards of the director of department of transportation for conventional subdivisions;
  - 3. Nonmaintained notice containing the wording "THIS ROAD NOT COUNTY MAINTAINED" shall be placed in a prominent location and shall be of such size that it can be easily read from a vehicle on the road entering the subdivision, and shall be white background with black lettering.
- B. Maintenance and replacement of the signs is to be assumed by an entity approved by the board of supervisors. (Ord. 3766 §64, 1987: prior code §9383(b))

**16.56.040 Right-of-way Dedication.**

Rights-of-way are to be offered for dedication on the final subdivision map and accepted on behalf of the public; not to be accepted for maintenance under Streets and Highways Code section 941. Maintenance shall be by an entity approved by the board of supervisors. (Prior code §9383(c))

**16.56.050 Improvement Guarantee.**

If subdivision improvements are not already constructed by the time of recording the final map, a surety bond is to be posted for the estimated construction cost. (Prior code §9383(d))

**16.56.060 Tree Removal.**

Trees located within road rights-of-way need not be removed if they are beyond the top of a cut or toe of a fill and do not constitute a hazard to traffic. (Prior code §9383(e))

# ARTICLE IV. PROVISIONS GENERALLY APPLICABLE TO SUBDIVISIONS OR OTHER LAND DIVISIONS

## Chapter 16.68

### VESTING TENTATIVE MAPS

#### Sections:

<b>16.68.010</b>	<b>Citation and Authority.</b>
<b>16.68.020</b>	<b>Purpose and Intent.</b>
<b>16.68.030</b>	<b>Consistency.</b>
<b>16.68.040</b>	<b>Definitions.</b>
<b>16.68.050</b>	<b>Applicability.</b>
<b>16.68.060</b>	<b>Required Submittal Data – Completion of Application.</b>
<b>16.68.070</b>	<b>Processing.</b>
<b>16.68.080</b>	<b>Fees.</b>
<b>16.68.090</b>	<b>Expiration.</b>
<b>16.68.100</b>	<b>Vesting Rights.</b>

#### **16.68.010 Citation and Authority.**

This chapter is enacted pursuant to the authority granted by the State of California Subdivision Map Act, division 2 subdivisions, of title 7, chapter 4.5, Development Rights of the Government Code, commencing with section 66498.1 (hereinafter referred to as the Vesting Tentative Map Statute). (Ord. 4216 §1(part), 1992)

#### **16.68.020 Purpose and Intent.**

It is the purpose of this chapter to establish procedures necessary for the implementation of the Vesting Tentative Map Statute, and to supplement the provisions of the Subdivision Map Act and of title 16 of the County Code (hereinafter referred to as the subdivision ordinance). Except as otherwise set forth in the provisions of this chapter, the provisions of the subdivision ordinance shall apply to vesting tentative maps.

To accomplish this purpose, the regulations outlined in this chapter 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. (Ord. 4216 §1(part), 1992)

#### **16.68.030 Consistency.**

No land shall be subdivided and developed pursuant to a vesting tentative map which is inconsistent with the El Dorado County general plan, or is inconsistent with the applicable zoning ordinance or other applicable provisions of the county code unless specifically so allowed for in this chapter. (Ord. 4216 §1(part), 1992)

**16.68.040 Definitions.**

- A. "Vesting tentative map" shall mean a "tentative map" or "tentative parcel map" for a residential, commercial, or industrial subdivision, as defined in the subdivision ordinance, that shall have printed conspicuously on its face the words "Vesting Tentative Map" at the time it is filed, and is thereafter processed in accordance with the provisions hereof.
- B. All other definitions set forth in the subdivision ordinance are applicable. (Ord. 4216 §1(part), 1992)

**16.68.050 Applicability.**

This chapter shall apply to residential, commercial and industrial developments. Whenever a provision of the Subdivision Map Act, as implemented and supplemented by the subdivision ordinance, requires the filing of a tentative map or tentative parcel map for development, a vesting tentative map may instead be filed in accordance with the provisions hereof. (Ord. 4216 §1(part), 1992)

**16.68.060 Required Submittal Data--Completion of Application.**

- A. Upon applying for approval of a vesting tentative map, the following maps, data, reports and information shall be submitted. If any of the following documentation is not submitted, the application shall be deemed incomplete pursuant to Government Code section 65493.
  - 1. The words "Vesting Tentative Map" printed conspicuously on the map;
  - 2. Four copies of a drainage plan, which in addition to the requirements of the land capability study, shall include an analysis of upstream, onsite and downstream facilities and details, and detail of offsite drainage facilities where needed;
  - 3. Four (4) copies of a preliminary grading plan as defined by section 15.14.240 of this code. The preliminary grading plan shall show all cut and fill slopes and the proposed elevations of driveways and roads at one hundred foot (100') stations, proposed building pad elevations, and at all lot corners around the periphery of the project. The preliminary grading plan shall be prepared to a one foot (1') (plus or minus).
  - 4. Four (4) copies of a tree preservation plan. The plan shall accurately include the following:
    - a. Identification of the tree canopy using the vesting tentative map as the base map for such information, and further noting significant tree types (pine/oak etc.) where groups of such types are clearly distinguishable. Any further description, such as general size characteristics, is desirable, but optional,
    - b. Identification on the tree canopy map of all trees with a diameter of twenty inches (20") or greater diameter at breast height, in all of the following situations:
      - 1. Within building envelope areas when such are proposed as required herein, or on any lot less than twenty thousand square feet in area when building envelopes are not required.
      - 2. In any situation where the tree or its dripline lie within any proposed road, driveway, leachfield area, or cut or fill slope area.  
Those trees identified herein which are proposed for removal shall be so noted on the tree plan. Any provisions for tree preservation, transplanting, or replacement, shall also be noted.

5. An archeological survey noting the existence, if any, of any historical or cultural sites, and appropriate mitigation measures;
6. Fuel modification program when the proposed site is heavily vegetated with trees or brush covering fifty percent (50%) or more of the site;
7. In those circumstances where a development plan review is required by ordinance, such review application and all exhibits necessary for the review;
8. In those circumstances where the project requires concurrent discretionary approval, all exhibits necessary for such application;
9. A complete site plan showing all buildings and structures intended to be constructed on the lots proposed to be created. Those buildings, structures or improvements not shown on the site plan shall have no vested development rights hereunder and shall be subject to such ordinances, policies and standards in effect at the time of building permit issuance. Such site plan shall be of suitable scale (one inch equals fifty feet (50') or greater) and sufficient detail to determine whether the proposed development conforms to existing ordinances, policies and standards and shall show the following:
  - a. Lot dimensions,
  - b. All buildings and structures: location (setback area), height and proposed use (number of dwelling units),
  - c. Walls and fences: Location and height,
  - d. Off-street parking: Location, number of spaces and dimensions,
  - e. Access: Pedestrian and vehicular,
  - f. Signs: Location, size and height,
  - g. Drainage: Natural drainage and any proposed drainage systems,
  - h. Landscaping,
  - i. Preliminary grading plan for each parcel pursuant to section 15.14.240 of this code.
10. Approved septic area for each lot if public sewers are not proposed;
11. Building envelopes shall be noted on any proposed lot where average cross slopes exceed a ten percent (10%) grade. The building envelope area shall not exceed five thousand (5,000) square feet in area on class I subdivisions (less than two (2) acre lots) or twenty thousand (20,000) square feet in rural divisions (two (2) acre or larger lots);
12. Application form completed and signed;
13. Deed restriction certificate signed;
14. Letter of authorization from property owner if applicable, authorizing the agent to act as applicant;
15. A copy of official assessor's map, showing the property outlined in red;
16. Proof of ownership (grant deed), if the property has changed title since the last tax roll;
17. Completed and signed environmental assessment form;
18. Ten (10) copies of a "land capability report" containing the information required by the Design and Improvements Standards Manual;
19. If sewer or water service is proposed to be provided by a public agency, proof of availability and ability to serve the proposed development must be provided;

20. Required maps:
  - a. Thirty (30) copies of the vesting tentative map, folded to fit in an eight and one-half by eleven inch (82 x 11") folder, with signature block showing:
    - i. Four (4) copies of slope map noting the following slope range categories; zero percent to ten percent (0% - 10%), eleven percent to twenty percent (11% - 20%), twenty-one percent to twenty-nine percent (21% - 29%), thirty percent (30%) and over;
    - ii. One (1) copy of the reduced vesting tentative map, eight and one-half inches by eleven inches (82 x 11"), or eight and one-half inches by fourteen inches (82 x 14"), may be on two (2) or more pages if necessary;
21. The vesting tentative map shall further include the following information with items a through p shown on map in sequence noted;
  - a. Proposed subdivision name,
  - b. Owner of record (name and address),
  - c. Map prepared by (name and address),
  - d. Scale,
  - e. Contour interval,
  - f. Source of topography,
  - g. Section, township and range,
  - h. Assessor's parcel number,
  - i. Present zoning,
  - j. Total area (acres),
  - k. Total number of parcels,
  - l. Minimum parcel area,
  - m. Water supply,
  - n. Sewage disposal,
  - o. Proposed structural fire protection,
  - p. Date of preparation,
  - q. North point located anywhere on map,
  - r. Project boundary with dimensions,
  - s. A vicinity map showing the location of the project in relation to major roads, including township, range and section,
  - t. Approximate dimension and area of all lots, and area of lots larger than one (1) acre,
  - u. Names of adjacent subdivisions and property owners for parcels that have not been subdivided,
  - v. Approximate radii of centerline of all street curves,
  - w. Grades and width of proposed and existing roads of road easements with typical improvement cross-section,
  - x. All existing structures, buildings, utility, transmission lines and dirt roads,
  - y. Fire hydrant location, existing and/or proposed,
  - z. Existing water and sewer line locations,

- aa. Contours of not more than five foot (5') intervals, based on aerial photogrammetry or on-site survey. (USGS interpolation, not acceptable),
  - bb. Phasing if proposed,
  - cc. The location, if present, of rock outcroppings, lava caps, drainage courses, lakes, canals, reservoirs, rivers, streams, spring areas subject to inundations, wetlands, and respective one hundred foot (100') and fifty foot (50') septic system setbacks when a septic system is proposed,
  - dd. Flood areas on perennial streams, creeks or rivers (one hundred year).
- B. If as a result of the process of review by the county of the vesting tentative map it becomes necessary for the applicant: (1) to make a material change in the vesting tentative map; or (2) to submit additional data; or (3) to revise any aspect of the data that has been previously submitted pursuant to section 16.68.060(A); then the application shall be deemed incomplete pursuant to Government Code section 65943 until such new or additional or revised maps, data, reports and information shall be submitted. (Ord. 4216 §1(part), 1992)

**16.68.070 Processing.**

- A. A vesting tentative map shall be processed in the same manner as required for tentative maps in chapter 16.24, or for tentative parcel maps in chapter 16.48; provided, however, on vesting tentative subdivision maps, the planning commission shall only make a recommendation to the board of supervisors, and the map shall then be set for hearing before the board of supervisors, jointly with a zone change or development plan when applicable, within thirty (30) days of the planning commission action. The decision on a vesting tentative subdivision map is not final until the board of supervisors has acted on the matter as noted herein.
- B. A vesting tentative map shall not be approved unless it is found to be consistent with the general plan for the property proposed to be subdivided. A vesting tentative map application which is inconsistent with the then current general plan at the time of its initial submittal shall be deemed incomplete.
- C. A vesting tentative map shall not be approved unless it is consistent with the zoning of the property proposed to be subdivided. A vesting tentative map which is inconsistent with the then current zoning at the time of submittal shall be deemed incomplete unless an application for a change in zoning, and any other discretionary approval as may be required except a general plan change, is submitted concurrently with the vesting tentative map. If a change in the zoning, or any other discretionary approval as may be required except a general plan change, is obtained currently with the approval or conditional approval of the vesting tentative map, the approved or conditionally approved vesting tentative maps shall, notwithstanding section 16.68.100(A), confer the vested right to proceed with the development in substantial compliance with the change so obtained. Vesting tentative maps shall not be approved with a condition that other discretionary approvals be subsequently secured. (Ord. 4216 §1(part), 1992)

**16.68.080 Fees.**

Upon filing a vesting tentative map, the subdivider shall pay the fees as adopted by the county from time to time for the filing and processing of vesting tentative maps or tentative parcel maps. (Ord. 4216 §1(part), 1992)

**16.68.090 Expiration.**

The approval or conditional approval of a vesting tentative map shall expire twenty-four (24) months after the date of the board of supervisors' action on said map, 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 or tentative parcel map. (Ord. 4216 §1(part), 1992)

**16.68.100 Vesting Rights.**

- A. Subject to the provisions of this section, 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 of the vesting tentative map is approved or conditionally approved.
- B. Determination of when an application for a vesting tentative map is complete shall be made pursuant to procedures set forth herein and pursuant to Government Code section 65943.
- C. Notwithstanding subsection A of this section, 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.
- D. 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 16.68.090. If the final map is approved, these rights shall last for the following periods of time:
  - 1. An initial time period of one (1) year. 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. If the subdivider submits a complete application for a building permit during the periods of time specified in subdivision 1 of this subsection D, the rights referred to herein shall continue until the expiration of that permit, or any extension of that permit. (Ord. 4216 §1(part), 1992)

**Chapter 16.70**

**SEGREGATION OF SPECIAL ASSESSMENTS**

**Sections:**

- 16.70.010 Election of Alternative Procedure for Division of Land and Bond for Assessment Proceedings Conducted by the County.**
- 16.70.020 Prerequisites for the Filing of Parcel or Final Subdivision Maps or Merger Maps or Lot Line Adjustments – Duties of Treasurer/Tax Collector.**
- 16.70.030 Prerequisites for the Filing of Parcel or Final Subdivision Maps or Merger Maps or Lot Line Adjustments – Duties of Auditor/Controller.**

**16.70.010 Election of Alternative Procedure for Division of Land and Bond for Assessment Proceedings Conducted by the County.**

All assessment proceedings conducted by the county, in which bonds have been issued under the Improvement Bond Act of 1915, shall be governed by the provisions of part 10.5 of division 10 of the California Streets and Highways Code (commencing with section 8740). As used therein, the term "street superintendent" shall be deemed, under the authority of section 8507 of the California Streets and Highways Code, to refer to the Director of Transportation. (Ord. 4123 §1(part), 1990)

**16.70.020 Prerequisites for the filing of Parcel or Final Subdivision Maps or Merger Maps or Lot Line Adjustments--Duties of Treasurer/Tax Collector.**

No parcel map, final subdivision map or a map effecting a merger of parcels or the reconfiguration of a parcel or parcels shall be accepted for filing by the county recorder's office unless such filing has been approved in writing by the county treasurer/tax collector's office. The county treasurer/tax collector shall not approve the filing of the map until the treasurer/tax collector has determined that the owner or subdivider has complied with the provisions of California Government Code section 66493(a) and, where applicable, section 66493(b). The treasurer/tax collector may prescribe a fee for this service which shall not exceed the reasonable cost thereof. (Ord. 4123 §1(part), 1990)

**16.70.030 Prerequisites for the Filing of Parcel or Final Subdivision Maps or Merger Maps or Lot Line Adjustments--Duties of Auditor/Controller.**

No parcel map, final subdivision map or a map effecting a merger of parcels or the reconfiguration of a parcel or parcels shall be accepted for filing by the county recorder's office unless such filing has been approved in writing by the county auditor/ controller's office. The county auditor/controller shall not approve the filing of the map until the auditor/controller has determined that the owner or subdivider has complied with the provisions of California Government Code section 66493(c) or (d). The auditor/controller may prescribe a fee for this service which shall not exceed the reasonable cost thereof. (Ord. 4123 §1(part), 1990)



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## Chapter 16.72

### AMENDING OF FINAL MAPS

#### Sections:

<b>16.72.010</b>	<b>Citation and Authority.</b>
<b>16.72.020</b>	<b>Purpose and Intent.</b>
<b>16.72.030</b>	<b>Application.</b>
<b>16.72.040</b>	<b>Findings Required.</b>
<b>16.72.050</b>	<b>Hearing.</b>
<b>16.72.060</b>	<b>Fees.</b>

#### **16.72.010 Citation and Authority.**

This chapter is enacted pursuant to the authority granted by chapter 3 of division 2, title 7, commencing with section 66472.1 of the Government Code of the state of California. (Ord. 4151 §2(part), 1991)

#### **16.72.020 Purpose and Intent.**

It is the purpose of this chapter to establish procedures necessary for the implementation of Government Code section 66472.1, which provides for the modification of recorded final and parcel maps pursuant to the Subdivision Map Act. Regulations outlined in this chapter 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. (Ord. 4151 §2(part), 1991)

#### **16.72.030 Application.**

This chapter shall apply to all residential, commercial and industrial developments for which a final map or a parcel map is required to be filed in the office of the county recorder pursuant to the Subdivision Map Act. (Ord. 4151 §2(part), 1991)

#### **16.72.040 Findings Required.**

In addition to those amendments authorized by section 66469 of the Government Code, a final map or a parcel map which has been recorded in the office of the county recorder, may be modified by a certificate of correction or amending map upon the approving authority's (of the original tentative map) determination that the following findings can be made concerning the modification:

- A. That there are changes in circumstances which make any or all of the conditions of such a map no longer appropriate or necessary.
- B. That the modifications proposed did not impose any additional burden on the present fee owner of the property.
- C. That the modifications proposed do not alter any right, title or interest in the real property reflected in the recorded map.
- D. That the map as modified conforms to the provisions of section 66474 of the Government Code. (Ord. 4151 §2(part), 1991)

#### **16.72.050 Hearing.**

Any modifications made pursuant to this section shall be set for public hearing as provided for herein and in section 66451.3 of the Government Code. Issues in such hearing shall be confined to consideration of and action on the proposed modification. (Ord. 4151 §2(part), 1991)

**16.72.060 Fees.**

Upon a request for modification made pursuant to this section, the applicant shall pay the fees as adopted by the county from time to time for the filing and processing of the modification. (Ord. 4151 §2(part), 1991)

## Chapter 16.74

### EXPIRATION OF APPROVED MAPS

#### Sections:

- 16.74.010**      **Title and Scope of Chapter.**
- 16.74.020**      **Expiration Period of Approved or Conditionally Approved Maps.**
- 16.74.030**      **Extension of Time for Approved or Conditionally Approved Maps.**

#### 16.74.010 Title and Scope of Chapter.

This chapter shall be known as the expiration of approved maps ordinance and it governs all land use maps approved or conditionally approved by the county under articles I, II, and III of title 16. (Ord 4448, 1997)

#### 16.74.020 Expiration Period of Approved or Conditionally Approved Maps.

- A. The approval or conditional approval of a tentative map shall expire within the time frame from the date of approval by the approving authority as set forth below:
  - 1. Thirty-six (36) months for a tentative map;
  - 2. Thirty-six (36) months for a tentative parcel map;
  - 3. Twenty-four (24) months for a vesting tentative map or a vesting tentative parcel map. (Ord. 1997)
- B. The expiration date of an approved tentative map may be extended as authorized in section 66452.6(a) of the Government Code. (Ord. 4448, 1997)
- C. The period of time specified in subsection A of this section shall not include any period of time during which a development moratorium is in existence, as defined in Government Code section 66452.6(f), pursuant to section 66452.6(b). (Ord. 4448, 1997)
- D. The period of time specified in subsection A of this section shall not include any period of time during which a lawsuit has been filed and is pending in a court of competent jurisdiction involving the approval or conditional approval of a tentative map if a stay of the time period is approved by the planning commission. After service of the initial petition or complaint upon the court, the subdivider shall, in writing, to the planning director, request a stay of the time period of the tentative map. Within forty (40) days after receiving the request, the planning commission shall either stay the time period for up to five (5) years or deny the requested stay. The request for the stay shall be a hearing with notice to the subdivider and to the appellant, and upon conclusion of the hearing, the planning commission shall, within ten (10) working days, render its decision. The subdivider or any interested person may appeal the action of the planning commission on the stay to the board of supervisors in accordance with section 16.24.075. (Ord. 4448, 1997)

**16.74.030 Extension of Time for Approved or Conditionally Approved Maps.**

- A. Request by subdivider. The subdivider may request up to five (5) one year extensions of the expiration date of the approved or conditionally approved tentative map by written application to the planning department. Each application shall be filed before the approved or conditionally approved tentative map expires and shall state the reasons for requesting the extension. (Ord. 4448, 1997)
- B. Action on extension request. The department shall review the request and submit the application for the extension, together with a report to the approving authority for approval, conditional approval, or denial. A copy of the department's report shall be forwarded to the subdivider prior to the approving authority meeting on the extension. In approving, conditionally approving, or denying the request for extension, the approving authority shall make findings supporting its decision, including findings with respect to the potential impact of any increases in applicable development fees which have occurred since the date of the approval or conditional approval of the tentative map. (Ord. 4448, 1997)
- C. Appeal of Extension. The subdivider or any interested person adversely affected may appeal any action of the approving authority on the extension to the board of supervisors in accordance with section 16.24.075. Any such appeal shall be filed within ten (10) working days after the action by the approving authority. If the board does not act within the time limits set forth in section 16.24.075, the extension shall be deemed to have been approved, or conditionally approved or denied consistent with the action of as approved by the approving authority, insofar as the tentative map complies with all other applicable provisions of the Subdivision Map Act, this title, this code, and the general plan. (Ord. 4448, 1997)

**Chapter 16.76**

**CERTIFICATES OF COMPLIANCE**

**Sections:**

<b>16.76.010</b>	<b>Title</b>
<b>16.76.020</b>	<b>Definitions</b>
<b>16.76.030</b>	<b>Purpose</b>
<b>16.76.040</b>	<b>Scope</b>
<b>16.76.050</b>	<b>Conditions of Approval</b>
<b>16.76.060</b>	<b>Process</b>
<b>16.76.070</b>	<b>Unconditional Certificates of Compliance Issued by Surveyor</b>
<b>16.76.080</b>	<b>Conditional Certificates of Compliance Issued by Surveyor</b>
<b>16.76.090</b>	<b>Certificates of Compliance Issued by Planning Department</b>
<b>16.76.100</b>	<b>Fees</b>
<b>16.76.110</b>	<b>Appeals</b>
<b>16.76.120</b>	<b>Severability</b>

**16.76.010 Title.**

This article shall be known and cited as the County Certificate of Compliance Ordinance and shall supersede Resolutions 342-91, 245-95, 25-01, 185-02, 34-03, and Ordinance 4217 which are hereby repealed.

**16.76.020 Definitions.**

- A. **Certificate of Compliance:** A document issued pursuant to Government Code section 66499.35 and recorded in the county recorder’s office that states the subject parcel of land was lawfully created (unconditional), or if unlawfully created, which contains conditions which if satisfied by the owner shall legitimize the parcel (conditional). A certificate of compliance does not grant development rights. Development rights are only obtained when permits or grants of approval for development are issued.
- B. **Permit or Grant of Approval for Development:** Shall mean any permit or grant of approval for development issued from or by the County of El Dorado to any applicant on any parcel of land including but not limited to the following list:
  - 1. Any permit issued by the El Dorado County Building Department including all ancillary permits.
  - 2. Any permit issued by the El Dorado County Department of Transportation including all ancillary permits.
  - 3. Any permit issued by the El Dorado County Environmental Management Department including all ancillary permits.
- C. **Parcel Creation:** A parcel is created by the recording of a written document that describes the parcel. The County Assessor cannot create a parcel.
- D. **Parcel Creation Date:** Except for those parcels created prior to March 4, 1972, the date the

document was recorded is the date the parcel was created. To determine if a parcel was created prior to March 4, 1972, the Notary's acknowledgment date as shown on the recorded document may be used as the creation date.

- E. Remainder: A parcel as defined in Government Code section 66424.6.

**16.76.030 Purpose.**

Pursuant to Section 66499.35 of the Subdivision Map Act, any owner of a parcel of land may request the local agency to determine if their parcel complies with the subdivision map act and any local ordinance enacted pursuant thereto. This article sets forth the standards that county staff will use to determine if the parcel complies with the subdivision map act and local ordinances.

**16.76.040 Scope.**

This article shall govern the process and the issuance of unconditional certificates and conditional certificates of compliance for certain parcels created without the benefit of the filing of a parcel map or final map.

**16.76.050 Conditions of Approval.**

The Subdivision Map Act requires conditional certificates of compliance be issued on certain types of parcels which were created in violation of the Subdivision Map Act. A local agency may impose any conditions that would have been applicable to the division of the property at the time the current owner(s) acquired his or her interest, except that where the current owner(s) was involved in the initial land division violation, then the local agency may impose any conditions that would be applicable to a current division of the property.

**16.76.060 Process.**

All applications for certificates of compliance shall be submitted to the County Surveyor for initial review. The Surveyor will determine if he is able to process the application within the provisions set forth in this chapter. The Surveyor is authorized to issue unconditional or conditional certificates of compliance only based upon the circumstances which are specifically authorized in this chapter. The Surveyor will forward all other applications to the Planning Department for further processing.

**16.76.070 Unconditional Certificates of Compliance Issued by Surveyor.**

The County Surveyor is authorized to issue unconditional certificates of compliance only on parcels that meet any one (1) of the four (4) following criteria:

- A. The parcel is one of less than five parcels created by the same owner from the original parcel prior to March 4, 1972.
- B. The parcel is the result of a division which created parcels of 40 acres or larger, or is not less than a quarter of a quarter section, created prior to March 4, 1972.

- C. The parcel is a Final or Parcel Map remainder created prior to January 1, 1980.
- D. The parcel that was created in violation of the Subdivision Map Act or local ordinance and subsequently issued any permit or grant of approval for development.

**16.76.080 Conditional Certificates of Compliance Issued by Surveyor.**

The County Surveyor is additionally authorized to issue conditional certificates of compliance for parcels that meet any one (1) of the three (3) following criteria:

- A. The parcel was one of five or more parcels created by the same owner from the original parcel prior to March 4, 1972.
- B. The parcel was created by a gift deed or grant deed with zero transfer tax between the dates of March 4, 1972 and October 10, 1983 where fewer than five parcels were created by the same owner from the original parcel.
- C. The parcel was the result of a division which created parcels 40 acres or larger or not less than a quarter of a quarter section created after March 4, 1972 and prior to January 7, 1992 where fewer than five parcels were created by the same owner from the original parcel.
- D. Any parcel that meets the criteria as cited in criteria numbered a or b or c above shall be issued a conditional certificate of compliance with the following condition imposed:

**The owner of this parcel either prior to or concurrently with obtaining any permit or grant of approval for development shall comply with all fire safe regulations that are enforced now or in the future by the El Dorado County Building Department.**

**16.76.090 Certificates of Compliance Issued by Planning Department.**

The El Dorado County Planning Department is authorized to process, issue and record unconditional certificates and conditional certificates of compliance for parcels created after March 4, 1972 that meet any of the following creation test statements of fact:

- A. The parcel was created by gift deed where more than four parcels were created by the same owner from the same original parcel.
- B. The parcel sold for delinquent taxes owed.
- C. The parcel is a Final or Parcel Map remainder created after December 31, 1979.
- D. The parcel was created by a Court Partition.
- E. The parcel was created as a result of a conveyance to or from a Governmental Agency or public entity, under Subdivision Map Act section 66428a.2.
- F. The parcel was created by foreclosure.
- G. The parcel is any other parcel created without the benefit of a Parcel or Final Map that has not been specifically cited in this chapter.



The Planning Department is authorized based upon the circumstances involved in the creation of the parcel to issue an unconditional certificate or conditional certificate compliance. In addition, the Planning Department has the authority to determine if a public hearing will be required and what conditions as authorized by the Subdivision Map Act, if any, should be attached to the conditional certificate of compliance.

**16.76.100 Fees.**

A fee established by resolution of the Board of Supervisors will be paid to the County Surveyor or the Planning Department along with completed certificate(s) of compliance application.

**16.76.110 Appeals.**

Decisions made by the County Surveyor, Planning Director, Zoning Administrator or Planning Commission may be appealed to the Board of Supervisors. Appeals must be filed with the appropriate department with an appeal fee payment. If an appeal is made, the matter will be heard at a public hearing of the Board of Supervisors.

**16.76.120 Severability.**

The provisions of Ordinance Code Section 1.04.220 regarding severability applies to this chapter.