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RETURN TO Zoning Subdivision

FILE

MONTEREY COUNTY PLANNING COMMISSION

MONTEREY COUNTY PLANNING DEPARTMENT
P. O. BOX 1208
SALINAS, CALIFORNIA 93902

LAND SUBDIVISION MANUAL

VOLUME NO. I

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JUN 2 1967

OUTLINE OF PROCEDURE
FOR FILING SUBDIVISION MAPS
IN UNINCORPORATED AREA

NOTE: TO AVOID DELAY, MAPS MUST BE FILED AS SET FORTH BELOW:

		ORDINANCE Section	TIME Schedule
Subdivider or Representative	Consult Planning Commission and County Surveyor, Court House, Salinas. Determine County plans and regulations.		
Subdivider or Agent	Prepare tentative map and furnish data as required by Subdivision Ordinance No. 836.	Sec. III	
Subdivider or Agent	File tentative map and accompanying data with Planning Commission, together with filing fee.	Sec. III	At least 30 days prior to the Com. meeting at which consideration is desired.
Planning Commission	Transmits copies of tentative map to County Surveyor, Health Dept., and other interested departments.	Sec. III	
County Surveyor, Health Dept., etc.	Make written report to Planning Commission as to conformance of tentative map.	Sec. III	Within 10 days after receipt.
Planning Commission	Acts on tentative map	Sec. III	Within 40 days.
Planning Commission	Reports action to Subdivider and transmits copy of map and action thereon to County Surveyor.	Sec. III	
Engineer	Furnish County Surveyor with typical cross sections, grades, profiles, etc.	Sec. III	Before construction or preparation of final map.
Engineer	Prepares final map	Sec. IV	Within one year of tentative approval.

Subdivider or Agent	Files final map and accompanying data with County Surveyor, together with checking fee	Sec. IV	At least 30 days prior to meeting of Bd. of Supervisors at which approval is expected.
County Surveyor	Checks map and accompanying data, transmits copy to Secretary of Planning Commission for check as to conformance with tentative map.	Sec. IV	
County Surveyor	Transmit final map to County Clerk	Sec. IV	Within 10 days of meeting of Bd. of Supervisors at which approval is expected.
Board of Supervisors	Acts on map	Sec. IV	At meeting
Clerk of Board	Transmits map to Recorder upon approval of Board of Supervisors and receipt of necessary recording fee.	Sec. IV	Upon approval.

NOTE: No map shall have any force or effect until the same has been approved by the Board of Supervisors, and no title to any property described in any offer of dedication shall pass until recordation of final map.

F O R E W O R D

This Land Subdivision Manual has been prepared to serve as a general guide to effective land development in Monterey County. There is probably no other development activity that can be undertaken as casually as the subdivision of land and have such a permanent and controlling influence on the community. The mere drawing of lines on a piece of paper and staking these lines on open land implants a street pattern, good or bad, that with very few exceptions prevails for all time. By advantage of sound, well established principles of subdivision design and improvement it is possible to create desirable communities that have individual character and become permanent economic assets to the County. The purchase of a home is the largest investment most families ever make; the application of the design and improvement principles set forth herein will safeguard that investment by providing a building site that is part of an attractive community served by adequate streets and utilities.

MONTEREY COUNTY SUBDIVISION ORDINANCE NO. 836

CONTENTS

TEXT	PAGE
PURPOSE OF ORDINANCE	1
DEFINITIONS	1
TENTATIVE MAP	3
Filing and Department Approval	3
Form of Tentative Map	3
Action on Tentative Map	5
FINAL MAP	6
Filing	6
Form of Final Map	7
Certificates and Tax Bonds	9
Action on Final Map	10
Agreement and Bond for Improvements	11
GENERAL REGULATIONS AND DESIGN	12
Streets and Highways	12
Easements	15
Lots	15
Blocks	16
Walkways	16
Water Courses and Land Subject to Inundation	16
Master Plan	16
Deed Restrictions	16
Building Lines	16
IMPROVEMENTS AND BONDS	16
Standards and Approval	16
General Requirements	17
Monuments	19
MINOR SUBDIVISIONS	19
Purpose of Section VIII	19
Minor Subdivisions Defined	20
Minor Subdivision Committee	20
Filing Application	20
Map Form	20
Information Required	20
Reports by Committee Members	21
Action by Committee	22
Appeal	22
Unlawful Acts	23
EXCEPTIONS	23
Application	23
Planning Commission Action	24
Board of Supervisors Action	24
APPEAL	24
Notice	24
Report and Action	24
VALIDITY	24
PENALTIES	24
REPEAL	25
ENACTMENT	25

<u>TEXT</u>	<u>PAGE</u>
POLICY FOR SUBDIVISION STREETS AND UTILITY INSTALLMENTS	26
SOILS REPORT REQUIREMENT	27
STANDARD FORMS - SUBDIVISION CERTIFICATES	29
Owners' Certificate	29
Easements and Reserved Dedications	29
Acknowledgements For Individuals	30
Acknowledgements for Corporation	30
Certificate of Engineer or Surveyor	31
Basis of Bearings Note	31
Certificate of Approval by County Surveyor	32
Certificate of Clerk of Board of Supervisors	32
Certificate of County Recorder	33
Certificate of Approval by Secretary of Monterey County Planning Commission	33

MONTEREY COUNTY SUBDIVISION ORDINANCE

ORDINANCE NO. 836

SECTION I. PURPOSE OF ORDINANCE

1.1 This Ordinance is enacted for the purpose of adopting subdivision regulations, in accordance with the Subdivision Map Act of the State of California, and repeals Ordinance No. 546 of the County of Monterey and amendments thereto.

1.2 The repeal of such ordinances shall not affect any agreement, contract or bond executed pursuant to such ordinances, or any rights of action accrued thereunder.

1.3 The County Planning Commission of the County of Monterey, State of California, hereinafter referred to as the Planning Commission, is hereby designated as the Advisory Agency with respect to subdivisions as provided in the Subdivision Map Act.

1.4 The Planning Commission shall have all the powers and duties with respect to tentative, record of survey, and final maps, and the procedure relating thereto, which are specified by law and by this Ordinance.

1.5 It shall be unlawful for any individual, firm, association, syndicate, co-partnership, trust, or any other legal entity, as a principal, agent, or otherwise, to offer to sell, to contract to sell, or to sell, or lease, or transfer, any subdivision of land or any part thereof in the County of Monterey, unless and until all the requirements hereinafter provided have been complied with. This shall not be construed to prohibit the sale of any lot or parcel of land which is of record as a lot or parcel of land on the effective date of this Ordinance.

*1.6 It shall be unlawful for any individual, firm, association, syndicate, co-partnership, trust, or any other legal entity, as a principal, agent, or otherwise, to commence construction of any permanent structure on any subdivision or portion thereof unless or until in the case of standard subdivision a final subdivision map has been approved by the Board of Supervisors, or in the case of minor subdivision until approval of the map in accordance with Sec. 8.7 and no permit for the construction of any such building shall be issued on any parcel resulting from the division of land contrary to the provisions of this ordinance, the provisions of State law in effect at the time of said division or the provisions of any county ordinance in effect at the time of said division.

SECTION II. DEFINITIONS

2.1 "Map Act" shall be deemed to mean the Subdivision Map Act of the State of California.

2.2 "Owner" is the individual, firm, association, syndicate, co-partnership or corporation, having sufficient proprietary interest in the land sought to be subdivided, to commence and maintain proceedings to subdivide the same under the Ordinance, and while used here in the masculine gender and singular number, it shall be deemed to mean the feminine and neuter gender and plural number whenever required.

* Amended by Ord. No. 1496
Sept. 13, 1966

2.3 "Subdivider" shall mean any individual, firm, association, syndicate, co-partnership, corporation, trust, or any other legal entity commencing proceedings under this Ordinance, to effect a subdivision of land hereunder for himself or for another, and while used here in the masculine gender and singular number, it shall be deemed to mean and include the feminine or neuter gender and the plural number whenever required.

*2.4 (a) "Subdivision" shall mean any real property, improved or unimproved, or portion thereof, shown on the 1963-1964 county tax roll as a unit or as contiguous units, which is divided for the purpose of sale, lease, transfer or financing, whether immediate or future, by any subdivider into two or more parcels; provided, that this ordinance shall not apply to the leasing of apartments, offices, stores, or similar space within an apartment building, industrial building, commercial building, or trailer park, nor shall this chapter apply to mineral, oil or gas leases, and

Provided further, that as to the division of property which is part of and entirely within an "ST" zoning district, as provided in the zoning ordinance of the County of Monterey; and shown on the latest adopted County tax roll as a unit or contiguous units under common ownership, and upon which there has been granted to the County a restrictive easement in a form and with terms acceptable to the Board of Supervisors of the County of Monterey and limiting the construction of structures to those for use in housing poultry, livestock, hay, grain or farm machinery and supplies and to the construction of not more than one single family dwelling to each 40 acres within the area of a unit or contiguous units, the term "Subdivision" shall not include a division of property into four or less parcels during any one tax year each of which is of a gross area of 2-1/2 acres or more.

(b) "Subdivision" shall not include any parcel or parcels of land divided into lots or parcels, each of a gross area of forty (40) acres or more.

(c) "Subdivision" shall not include the division of property for the sole purpose of adjusting property lines between contiguous parcels when no new building site is thereby created.

(d) "Subdivision" shall not include the division of property into four or less parcels each of a gross area of 2-1/2 acres or more.

**2.5 "Standard Subdivision" shall mean any subdivision containing five (5) or more lots or parcels. All the provisions of this ordinance except Section VIII shall apply to standard subdivisions.

**2.6 "Minor Subdivision" shall mean any subdivision containing four (4) or less lots any one or more of which contains less than 2-1/2 acres. The following provisions of this ordinance shall apply to minor subdivisions: Sections I, II, VIII, IX and XII.

* Amended by Ord. No. 1524
Feb. 21, 1967

** Amended by Ord. No. 1496
Sept. 13, 1966

SECTION III. TENTATIVE MAP

3.1 Filing and Department Approval

*3.11 Fifteen (15) copies of a tentative map and statement of the proposed subdivision of any land shall be filed with the Planning Commission at least thirty (30) days prior to the Commission meeting at which consideration is desired, together with a filing fee of twenty-five dollars (\$25.00).

3.12 The Planning Commission shall transmit copies of such tentative map to the County Surveyor, County Road Commissioner, Health Department, and may transmit copies thereof to other departments as it deems advisable. Upon receipt of a copy of such tentative map each department to whom or to which the same has been transmitted shall examine the said map to ascertain if same conforms to the requirements coming within the authoritative scope of such department, and within (10) days after receipt thereof, each department shall make a written report to the Planning Commission. If said map conforms to the requirements coming within its authorized scope such department shall so state within its report to the Planning Commission. If said map does not conform to such requirements or any of them, such department shall so state in said report, noting therein the particulars in which said map does not conform.

3.2 Form of Tentative Map.

3.21 Tentative maps shall be eighteen by twenty-seven inches (18" x 27") in size and to a scale of one inch equals one hundred feet (1" = 100'); unless otherwise approved by the Secretary of the Planning Commission.

3.22 Every tentative map shall be clearly and legibly reproduced and shall contain the following information:

- 3.22.01 A site location sketch indicating the location of the proposed subdivision in relation to the surrounding area or region.
- 3.22.02 The tract name, date, north point, scale and sufficient description to define the location and boundaries of the proposed tract.
- 3.22.03 Name and address of record owner or owners of said subdivision.
- 3.22.04 Name and address of the subdivider.
- 3.22.05 Name, business address and number of the registered civil engineer or licensed surveyor, who prepared the map of said subdivision, if any.
- 3.22.06 The locations, names, widths, approximate grade and curve radii of all roads, streets, highways and ways in the proposed subdivision and along the boundaries thereof.
- 3.22.07 Sufficient elevations or contours to determine the general slope of the land and the high and low points thereof.

* Amended by Ord. No. 1412
April 26, 1965

- 3.22.08 The location and character of all existing or proposed public utility facilities in said subdivision or on said adjoining and contiguous highways, streets and ways.
- 3.22.09 The approximate widths, location and purpose of all existing or proposed easements.
- 3.22.10 Approximate lot lay-out and approximate dimensions of each lot.
- 3.22.11 The outline of any existing buildings to remain in place and their locations in relation to existing or proposed streets and lot lines.
- 3.22.12 Approximate location and species of all trees or groups of trees standing within the boundaries of proposed public right-of-way.
- 3.22.13 Approximate location of all areas subject to inundation or storm water overflow and the location, width, and direction of flow of all water courses.

3.23 The subdivider's statement to accompany the tentative map shall be in written form and shall contain the following information:

- 3.23.01 Existing use or uses of the property.
- 3.23.02 Proposed use of the property. If the property is proposed to be used for more than one purpose, the area, lots or lot proposed for each type of use shall be shown on the tentative map.
- 3.23.03 Detailed information on proposed drainage and flood control measures.
- 3.23.04 Detailed information on proposed water supply indicating that provisions of Section 6.26 can be complied with.
- 3.23.05 Detailed information on proposed sewerage disposal indicating that provisions of Section 6.25 can be complied with.
- 3.23.06 Statement on other improvements proposed and the time at which such improvements are proposed to be completed.
- 3.23.07 Public areas, proposed, if any.
- 3.23.08 Tree planting proposed, if any.
- 3.23.09 Justification and reasons for any exceptions to provisions of this Ordinance.
- 3.23.10 Preliminary title report.

- *3.23.11 A preliminary soil report prepared by a civil engineer who is registered by the state based upon adequate test borings or excavations.

Such preliminary report shall not be necessary if the county building department shall determine that, due to the knowledge said department has to the soil qualities of the soil of the subdivision or lot, no preliminary analysis is necessary.

If the preliminary soil report indicates the presence of critically expansive soils or other soil problems, which if not corrected, could lead to structural defects, a soil investigation of each lot in the subdivision shall be prepared. Said soil investigation shall be prepared by a civil engineer registered in this state and shall recommend corrective action which is likely to prevent structural damage to each dwelling proposed to be constructed on the expansive soil.

Note: See back of manual for details on soil report information.

3.24 A copy of any condition, restrictive reservations or covenants existing or proposed shall be attached to the owner's statement.

3.3 Action on Tentative Map.

3.31 The Planning Commission shall determine whether the tentative map is in conformity with the provisions of law and of this Ordinance and upon that basis within forty (40) days after the filing of the tentative map, approve, conditionally approve, or disapprove the same and shall report such action direct to the subdivider and shall also transmit to the County Surveyor a copy of the tentative map, and a copy of the resolution setting forth the action of the Commission thereon.

3.32 After the approval by the Planning Commission of the tentative map of any subdivision, the subdivider shall furnish the following information to the County Surveyor and shall receive his authorization prior to construction or preparation of the final map:

- 3.32.01 Typical cross sections and final finished grades of all roads, streets and highways in the proposed new subdivision, together with a profile showing the relationship between finish grades and existing property line grades.
- 3.32.02 Complete plans and specifications, including elevations and grades, for any pipe culverts, drainage ways, or structures necessary for drainage, erosion or public safety.
- 3.32.03 Any other pertinent information required by the conditional approval of the Planning Commission or by the County Surveyor.

3.33 The Planning Commission may require the subdivider to set aside, or may suggest to the subdivider the advisability of dedicating suitable areas for the parks, playgrounds and schools, and other public building sites that will be required for the use of the population which is intended to occupy the subdivision under the plan of proposed property uses therein. In all cases, the Planning Commission shall suggest to the subdivider such measures as will preserve and enhance the scenic values of Monterey County and the conditions making for excellence of residential, commercial or industrial development.

3.34 The Planning Commission may refuse to approve a tentative map when the only practical use which can be made of the property proposed to be subdivided, is a use prohibited by Ordinance or law, or if the property is deemed unhealthful or unfit for human habitation or occupancy by the Health Department of the County.

SECTION IV. FINAL MAP

4.1 Filing

4.11 The subdivider or his agent may file a final map within one year after the approval or conditional approval of the tentative map. An extension of time for filing of the final map may be granted by the Planning Commission provided written application is made by the subdivider within one year after action on the tentative map. In any case where a final map or record of survey map is not filed within one year after approval of the tentative map, and where no extension of time has been granted, a new tentative map shall be required.

4.12 A tracing and two legible prints of the final map shall be filed with the County Surveyor together with a checking fee of fifteen dollars (\$15.00), plus one dollar (\$1.00) for each lot indicated on such map.

4.13 The final map shall be filed with the County Surveyor at least thirty days prior to the meeting of the Board of Supervisors at which approval is expected.

4.14 At the time of the filing of the final map with the County Surveyor the subdivider shall also file therewith the following:

4.14.01 Traverse sheets showing closures and computation of all distances, angles, and courses shown on the final map, ties to existing and proposed monuments, and adjacent subdivisions, street corners, and highway stations. The traverse of the exterior boundaries of the tract and of lots and blocks shall close within a limit of error of one in five thousand.

4.14.02 Map filing report as required by State Law. Such report shall be issued for the benefit and protection of the County Surveyor and County Recorder and shall be issued by a title company.

4.14.03 An instrument prohibiting traffic over the side lines of a major highway, parkway, street, or freeway, when and if the same is required under Section 5.16 hereof.

4.2 Form of Final Map.

4.21 The final subdivision map shall be clearly and legibly drawn upon tracing cloth of good quality. All lines, letters, figures, certifications, acknowledgements and signatures shall be made in black India Ink. Typewriting or rubber stamps shall not be used. The map shall be so made and shall be in such condition when filed that good legible prints and negatives can be made therefrom. The size of the sheet of tracing cloth shall be eighteen by twenty-seven inches (18" x 27"), leaving a margin of two inches (2") at the left edge and one inch (1") at the other three edges of the sheets. The scale of the final map shall be one inch equals one hundred feet (1" = 100') except that a larger scale may be required by the Secretary of the Planning Commission.

4.22 When the final map consists of more than two sheets, exclusive of the certificate sheet, a key map showing the relation of the sheets shall be placed on sheet one. Every sheet comprising the map shall bear the scale, north point, legend, sheet number, and number of sheets comprising the map.

4.23 The final map shall contain a title consisting of the numbers of the tract and commercial name, if any, and a subtitle or general description of all the property being subdivided with reference to maps which have been previously recorded or by reference to the plat of a United States Survey. In no case shall the title be the same (or so nearly the same as to cause confusion) as a name of any existing city, town, tract or subdivision of land of which a map has been previously recorded. The following words shall appear below the title: "In the County of Monterey, State of California".

4.24 The map shall show clearly what stakes, monuments or other evidence were found on the ground to determine the boundaries of the subdivision. The adjacent corners of all adjoining subdivisions shall be identified by lot and block numbers, subdivision name and place of record, or other proper designation. Whenever the County Surveyor has established a system of coordinates then the survey shall be tied into such system.

4.25 Sufficient data must be shown to determine readily the bearing and length of every lot line, block line and boundary line; data or observation in determining meridian shall be stated. Dimensions of lots shall be given as total dimensions, corner to corner, and shall be shown in feet and hundredths of a foot. No ditto marks shall be used. Lots containing one acre or more shall show total acreage to nearest hundredth. Bearing and lengths of straight lines, and radii and arc length for all curves as may be necessary to determine the location of the centers of curves and tangent points shall be shown. No lot shall be dimensioned to contain any part of an existing or proposed public street or road.

4.26 Whenever the County Surveyor or a City Engineer has established the center line of a street or alley, adjacent to or in the proposed subdivision, the data shall be shown on the final map indicating all monuments found and making reference to a field book or map. If the points were reset by ties, the course and detail of relocation data used shall be stated.

4.27 In addition, the final map shall be prepared in full compliance with the following requirements:

- 4.27.01 The line of high water shall be shown in any case where the subdivision is adjacent to a stream, channel or any body of water.
The line of high tide shall be shown in any areas adjacent to the waters of any bay or the Ocean.
- 4.27.02 The boundaries of any areas within the proposed subdivision which are subject to periodic inundation by water, whether flood or tidal waters, shall be shown.
- 4.27.03 The boundary of the subdivision shall be designated by a permanent blue border applied to the reverse side of the tracing and on the face of the blue line prints. Such border shall not interfere with the legibility of figures or other data.
- 4.27.04 The center and side lines of all streets, the total widths of all streets, the width of the portion of any street being dedicated, and the width of existing dedications, the widths each side of the center line, and the width of railroads rights of way shall be shown.
- 4.27.05 Front yard lines shall be indicated by dotted lines of the same width as the lines denoting street boundaries and shall be properly marked.
- 4.27.06 The map shall show the side lines of all easements to which the lots are subject. The easements must be clearly labeled by solid cap letters and identified and if already of record, its record reference given. If any easement is not definitely located of record, a statement of such easement must appear on the certification sheet. Easements for storm drain, sewers and other purposes shall be denoted by fine dotted lines. The width of the easement and the lengths and bearings of the lines thereof and sufficient ties thereto to definitely locate the easement with respect to the subdivision must be shown. If the easement is being dedicated by the map, it shall be properly referenced in the owner's certificate of dedication.
- 4.27.07 City boundary lines crossing or bounding the subdivision shall be clearly designated and referenced.
- 4.27.08 Block numbers shall begin with the number "1" continuing consecutively without omission or duplication throughout the subdivision. The numbers shall be solid and of sufficient size and thickness to stand out, shall be so placed as not to obliterate any figures and shall not be enclosed in any design. Each block in its entirety shall be shown on one sheet. Where adjoining blocks appear on separate sheets, the street adjoining both blocks shall be shown on both sheets complete with center line and property line data.

- 4.27.09 Lot numbers shall begin with number "1" in each block and shall be numbered consecutively in a clockwise direction.
- 4.27.10 The map shall also show all other data that is or may be required by law.
- 4.27.11 The final map shall particularly define, delineate and designate all lots intended for sale or reserved for private purposes, all parcels offered for dedication for any purpose, public or private, with all dimensions, boundaries and courses clearly shown and defined in every case. Streets not accepted for dedication shall have inserted the words "Not a Public Street".

4.3 Certificates and Tax Bond.

4.31 The following certificates and acknowledgements and all other now or hereafter required by law shall appear on the final map, such certificates may be combined where appropriate.

- 4.31.01 A certificate signed and acknowledged by all parties having any record title interest in the land subdivided, consenting to the preparation and recordation of said map and offering for dedication all parcels of land shown on the final map and intended for any public use, except those parcels other than streets, which are intended for the exclusive use of the lot owners in the subdivision, their licensees, visitors, tenants and servants. The signatures or parties owning the following types of interests may be omitted if their names and the nature of their interests are set forth on the map.
1. Rights of way, easements, or other interest, none of which can ripen into a fee.
 2. Rights of way, easements, or reversions, which by reason of changed conditions, long disuse, or laches, appear to be no longer of practical use or value and which signature it is impossible or impractical to obtain. In this case, a reasonable statement of the circumstances preventing the procurement of the signature shall be set forth on the map.
 3. Any subdivision map including land originally patented by the United States or the State of California, under patent reserving interest to either or both of these entities, may be recorded under the provision of this Ordinance without the consent of the United States or the State of California thereto, or to dedication made thereon.
- 4.31.02 Engineer's Certificate. A certificate by the Civil Engineer or licensed surveyor responsible for the survey and final map. The signature of such Civil Engineer or Surveyor unless accompanied by his seal, must be attested.

4.31.03 A certificate for execution by the County Surveyor.

4.31.04 A certificate for execution by the Secretary of the Planning Commission.

4.31.05 A certificate for execution by the County Clerk.

4.31.06 A certificate for execution by the County Recorder.

4.32 Prior to the filing of the final map with the governing body, the subdivider shall file with the Clerk of the Board of Supervisors of the County in which any part of the subdivision is located, a certificate from the County Assessor showing that according to the records of his office, there are no liens against the subdivision or any part thereof for unpaid State, County, Municipal, or local taxes or special assessments collected as taxes, except taxes or special assessments not yet payable.

As to taxes or special assessments collected as taxes not yet payable, the subdivider shall file with the clerk of the Board of Supervisors mentioned, a certificate by each proper officer giving his estimate of the amount of taxes and assessments which are a lien but which are not yet payable.

Whenever any part of the subdivision is subject to a lien for taxes or special assessments collected as taxes which are not yet payable, the final map shall not be recorded until the owner or subdivider executes and files with the Board of Supervisors a good and sufficient bond to be approved by the Board and by its terms made to inure to the benefit of the County and conditioned upon the payment of all State, County, Municipal, and local taxes and all special assessments collected as taxes, which at the time the final map is recorded are a lien against the property, but which are not yet payable. In lieu of a bond, a deposit may be made of money or negotiable bonds in the same amount, and of the kind approved for securing deposits of public money.

4.4 Action on Final Map.

4.41 Approval by County Surveyor. Upon receipt of the final map, the County Surveyor shall transmit a copy to the Secretary of the Planning Commission and the Surveyor shall examine the final map to determine that the subdivision as shown is substantially the same as it appeared on the tentative map, and any approved alterations thereof; that all provisions of the law and of this Ordinance applicable at the time of approval of the tentative map have been complied with, and that he is satisfied that the map is technically correct. If the County Surveyor shall determine that full conformity therewith has not been made he shall advise the subdivider of the changes or additions that must be made for such purposes and shall afford the subdivider an opportunity to make such changes or additions. If the County Surveyor shall determine that full conformity therewith has been made; he shall so certify on said map and shall transmit said map to the Secretary of the Planning Commission. In the event a subdivision is partly in the City and partly outside the City, the County Surveyor and the City Engineer shall enter into an agreement by and with the consent of their respective governing bodies, providing that the County Surveyor may perform the duties of the City Engineer or providing for an apportionment between them of said duties. The County Surveyor, when by such agreement all such duties devolve upon him, may after his performance thereof make the aforesaid certification upon said map and, when by such agreement said duties are apportioned between the County Surveyor and City Engineer, it shall be sufficient if each shall after the performance thereof, make a certification on said map, touching the duties performed by each.

4.42 Approval of Planning Commission. The Secretary of the Planning Commission, upon receiving the copy of the final map from the County Surveyor shall examine the same to determine whether said map conforms with the tentative map and with all changes permitted and all requirements imposed as a condition to the acceptance of said tentative map by the Planning Commission. If it is determined that the final map does not conform, the subdivider shall be advised of the changes or additions that must be made before the final map can be certified by the Secretary of the Planning Commission. If the subdivider is not satisfied with the determination made by the Secretary of the Planning Commission he may appeal in writing within ten (10) days to the Planning Commission. If it is determined that the map is in conformity, the Secretary of the Planning Commission shall certify approval thereon.

When all certificates required on the final map (except the approval certificate of the Board of Supervisors) have been signed, the County Surveyor shall transmit said map to the County Clerk.

4.43 Approval by Board of Supervisors. At its first regular meeting following the filing of the final map with the County Clerk, or within ten (10) days following the final filing thereof, the Board of Supervisors shall consider said map, the plan of subdivision, and the offers of dedication. The Board of Supervisors may reject any or all offers of dedication. In the event that all improvements required or conditions imposed upon approval under the terms of this Ordinance or by law, the Board of Supervisors shall approve a contract with the subdivider for posting a bond or cash deposit as provided in Section 4.5. In such case, when the agreement and bond deposit have been approved by the District Attorney as to form, and by the County Surveyor as to sufficiency, the Board of Supervisors may consider the final map.

After the Board of Supervisors shall determine that said map is in conformity to the requirements of this Ordinance, shall approve said map. In case the Board of Supervisors shall determine that said map is not in conformity with the requirements of this Ordinance, shall disapprove said map specifying its reason or reasons therefor and advising the subdivider of such disapproval. Within ninety (90) days thereafter the subdivider shall file with the County Surveyor a map altered to meet with approval of the Board of Supervisors and shall conform with the procedures specified under Section 4.4 of this Ordinance.

The Clerk of the Board of Supervisors upon the approval of the final map and the receipt of the necessary recording fee, and after the signatures and seals have been affixed, shall transmit the map to the County Recorder who shall record the same. No map shall have any force or effect until the same has been approved by the Board of Supervisors, and no title to any property described in any offer of dedication shall pass until recordation of the final map.

4.5 Agreement and Bond for Improvements.

4.51 The subdivider shall execute and file an agreement between himself and the County specifying the period within which he shall complete all improvement work to the satisfaction of the County Surveyor, and providing that if he shall fail to complete such work within such period the County may complete the same and recover the full cost and expense thereof from the subdivider. The agreement shall also provide for inspection of all improvements, engineering and incidental expense by the County Surveyor, and reimbursement of the County by the subdivider for the cost of same. Such agreement

may also provide (a) for the construction of the improvements in units, (b) for an extension of time under conditions therein specified, and (c) for progress payments to the subdivider, or his order, from any deposit money which the subdivider may have made in lieu of providing a surety bond, as provided by the next succeeding section; provided, however, that no such progress payment shall be made for more than ninety per cent (90%) of the value of any installment of work and provided that each such installment of work shall be completed to the satisfaction of the County Surveyor.

4.52 The subdivider shall also file with the aforesaid agreement, to assure his full and faithful performance thereof, a bond for such sum as is by the County Surveyor deemed sufficient to cover the cost of said improvements, engineering inspection and incidental expenses. Such bond shall be executed by a surety company authorized to transact a surety business in the State of California and must be satisfactory to and be approved by the District Attorney as to form. In lieu of said bond, the subdivider may deposit with the County Clerk cash money in an amount fixed as aforesaid by the County Surveyor.

4.53 In the event the subdivider shall fail to complete all improvement work in accordance with the provisions of this Ordinance and the County shall have to complete same, or if the subdivider shall fail to reimburse the County for the cost of inspection, engineering and incidental expenses, the County shall call on the surety for reimbursement, or shall appropriate from any cash deposits, funds for reimbursement. In any such case, if the amount of surety bond or cash deposit shall exceed all cost and expense incurred by the County, it shall release the remainder of such bond or cash deposit and if the amount of the surety bond or cash deposit shall be less than the cost and expense incurred by the County, the subdivider shall be liable to the County for such difference.

4.54 No extension of time, progress payments from cash deposits, or release of surety bond or cash deposit shall be made except upon certification by the County Surveyor that work covered thereby has been satisfactorily completed, and upon approval by the Board of Supervisors.

SECTION V. GENERAL REGULATIONS AND DESIGN.

5.1 Streets and Highways.

5.11 The Street and Highway design shall conform both in width and alignment to any Master Plan of Streets and Highways approved by the Board of Supervisors and the right-of-way for any such street or highway indicated on such Master Plan shall be dedicated.

5.12 The Street and Highway design shall conform to any proceedings affecting the subdivision, which may have been initiated by the Board of Supervisors or approved by said Board upon initiation by other legally constituted bodies of the County, City, or State. If a parcel of land to be subdivided includes a portion of the right-of-way to be acquired for a public freeway or parkway, and the Board of Supervisors shall determine the boundaries of the right-of-way to be acquired, the subdivider shall either dedicate or withhold from subdivision all of the area included in said right-of-way.

5.13 The following general conditions shall apply to street and highway design:

- 5.13.01 All streets shall, as far as practicable, be in alignment with existing adjacent streets by continuations of the center lines thereof or by adjustments by curves and shall be in general conformity with the plans of the Planning Commission for the most advantageous development of the area in which the subdivision lies.
- 5.13.02 Streets shall be required to intersect one another at an angle as near to right angle as is practicable in each specific case.
- 5.13.03 When necessary to give access to or permit a satisfactory future subdivision of adjoining land, streets shall extend to the boundary of the property and the resulting deadend streets may be approved without a turnaround. In all other cases a turn-around having a minimum radius of forty feet or a comparable area in another form shall be required.
- 5.13.04 Intersection Corner Roundings. Whenever a major street or State Highway intersects any other street or highway, the property lines at each block corner shall be rounded with a curve having a radius of not less than thirty (30) feet. On all other street intersections the property line at each block corner shall be rounded with a curve having a radius of not less than twenty (20) feet. On all intersection of alley intersections the property line at each such intersection shall be rounded with a curve having a radius of not less than twenty (20) feet. In any case, a greater curve radius may be required if streets or alleys intersect other than at right angles.
- 5.13.05 Curve Radius. The center line curve radius on all streets and highways shall conform to accepted engineering standards of design and shall be subject to approval by the County Surveyor.
- 5.13.06 Grades of Streets and Highways. No street or highway shall have a grade of more than seven per cent (7%) unless because of topographical conditions or other exceptional conditions, the County Surveyor determines that a grade in excess of seven percent (7%) is necessary.
- 5.13.07 Reserved strips controlling the access to public ways will not be approved unless such strips are necessary for the protection of the public welfare or of substantial property rights; or both, and in no case unless the control and disposal of the land comprising such strips is placed definitely within the jurisdiction of the County under conditions approved by the Planning Commission.

5.14 Streets and Highways not shown on any Master Street and Highway Plan or not affected by proceedings initiated by the Board of Supervisors or approved by the Board of Supervisors upon initiation by other legally constituted governmental bodies shall not be of less width than those set forth hereunder, except where it can be shown

by the subdivider, to the satisfaction of the Planning Commission that the topography of the small number of lots served and the probable future traffic development are such as to unquestionably justify a narrower width; increased widths may be required where streets are to serve commercial property or where probable traffic conditions warrant such. Approval or determination of street or highway classification shall be made by the Planning Commission.

- 5.14.01 Major streets or highways - minimum right-of-way: Eighty-four (84) feet, graded full width, Pavement width - sixty-four (64) feet.
- 5.14.02 Secondary streets, residential or highways - minimum right-of-way: sixty (60) feet, graded full width. The Planning Commission may require up to eighty-four (84) feet where the street may become a major street at some future date. Pavement width - forty (40) feet.
- 5.14.03 Tertiary Residential Streets - minimum right-of-way: Sixty (60) feet, graded full width, pavement width - thirty-four (34) feet.
- 5.14.04 Cul-de-sac streets and service roads when not over four hundred (400) feet in length - minimum right-of-way of fifty (50) feet; pavement width - twenty-eight (28) feet.
- 5.14.05 Country Roads - Minimum right-of-way, sixty (60) feet. Minimum pavement width, twenty-four (24) feet.

5.15 Service Roads & Off-Street Parking. When any lots are proposed for commercial usage, the subdivider shall be required to dedicate and improve a service road adjacent to the street to provide ingress or egress to and from such lots or in lieu thereof, if approved by the Planning Commission, the subdivider may dedicate for public use and improve, an area approved by the Planning Commission and adjacent to such lots, for off-street parking purposes. When the front of any lots proposed for residential usage front on any freeway, state highway or parkway, the subdivider shall dedicate and improve a service road at the front of such lots, unless such is already existent as a part of such freeway or parkway.

5.16 Non-Access and Planting Strips. When the rear of any lots border any major or secondary street, highway, or parkway, the subdivider may be required to execute and deliver to the County an instrument, deemed sufficient by the District Attorney, prohibiting the right of ingress and egress to the rear of such lots across the side lines of such streets or highways. When the rear of any lots border any freeway, state highway or parkway, the subdivider may be required to dedicate and improve a planting strip adjacent to such parkway or freeway.

5.17 Alleys. When any lots are proposed for commercial or industrial usage, alleys at least thirty (30) feet in width shall be provided at the rear thereof with adequate ingress and egress for truck traffic.

5.18 Street Names. All street names shall be as approved by the Planning Commission.

5.19 Acre or Large Lot Subdivisions. Where a parcel is subdivided into lots of one acre or more, the Planning Commission may require that the blocks shall be of such size and shape, and be so divided into lots, as to provide for the extension of any parcel into lots of normal size.

5.2 Easements.

5.21 The subdivider shall grant easements not less than five (5) feet in width for public utility, sanitary sewer and drainage purposes on each side of rear lot lines, along side lot lines, and in planting strips wherever necessary, provided easements of lesser width may be allowed when at the determination of the County Surveyor that the purposes or easements may be accomplished by easements of lesser width and provided further that in such determination, the County Surveyor shall prescribe the width of such easements. Easements for overhead wire lines shall be provided at the rear of all lots, except where alleys are available, and in contiguous locations to permit anchorage, line continuity, ingress and egress. Dedication of easements shall be to the County for the purpose of installing utilities, planting strips and for other public purposes as may be ordered or directed by the Board of Supervisors.

5.3 Lots.

5.31 The size and shape of lots shall be in conformance to any zoning regulations effective in the area of the proposed subdivision and shall not be less than sixty (60) feet in width, nor less than six thousand (6000) square feet in area, nor less than eighty (80) feet in depth provided that for corner lots the width shall not be less than seventy (70) feet. In no case shall the depth be greater than three (3) times the width of a lot. The Planning Commission may recommend the granting of exceptions to this subsection where lots are to be used for commercial or industrial purposes or where there are unusual topographic conditions, curved, or cul-de-sac streets or other special conditions.

5.32 The side lines of all lots, so far as possible, shall be at right angles to the street which the lot faces, or radial or approximately radial if the street is curved.

5.33 Building set-back lines shall be indicated by "dotted" lines on the Subdivision Map, as required by the Planning Commission.

5.34 Divided Lots. No lot shall be divided by a city boundary line.

5.35 Lot Numbers. Lot numbers shall begin with the number "1" and shall continue consecutively throughout the Block with no omissions or duplications.

5.36 Lots without frontage on a public street will not be permitted.

5.37 Lots, other than corner lots, may front on more than one street where in the opinion of the Planning Commission, such is necessitated by topographic or other unusual conditions. Where lots front on more than one street, adequate guarantees shall be made to assure that all structures constructed on a series of such lots face the same street or road.

5.38 All lots shall be suitable for the purpose for which they are intended to be sold.

5.4 Blocks.

5.41 Long blocks shall be provided adjacent to major roads for the purpose of reducing the number of intersections, however, blocks shall not exceed twelve hundred (1200) feet in length unless existing conditions justify a variation from this requirement, in which case, the Planning Commission may grant exception thereto upon written request of the subdivider.

5.5 Walkways.

5.51 Pedestrian ways ten (10) feet in width shall be provided and improved through the middle of blocks over one thousand (1000) feet in length; to connect dead-end streets, or to provide access to river, lake, bay or ocean frontage or such park or playground or other public areas as may be indicated.

5.6 Water Courses and Land Subject to Inundation.

5.61 The subdivider shall, subject to riparian rights, dedicate a right of way for storm drainage purposes conforming substantially with the lines of any natural water course or channel, stream or creek that traverses the subdivision, or at the option of the subdivider, provide by dedication further and sufficient easements and construction to dispose of such surface and storm waters.

5.62 If any portion of any land, within the boundaries shown on any final map, is subject to overflow, inundation, or flood hazard by storm water, such fact and said portion shall be clearly shown on such final map enclosed in a border on each sheet of said map. The Planning Commission and the Board of Supervisors may reject a tentative map if the only practical use which can be made of the property, as proposed to be subdivided, is a use prohibited by any ordinance, statute, law, or other valid regulation, or if the property is deemed to be unhealthful for human occupancy.

5.7 Master Plan

5.71 In all respects, the subdivision will be considered in relation to the Master Plan of the County, or any part thereof, or preliminary plans made in anticipation thereof.

5.8 Deed Restrictions.

5.81 A copy of the deed restrictions applicable to the subdivision shall be filed with the Planning Commission at the time of filing final map. Such deed restrictions shall be recorded at the time of recording the final map.

5.9 Building Lines.

5.91 The Commission shall require building lines in accordance with the needs of each subdivision unless the County Zoning Ordinance establishes set-back lines for the area being subdivided.

SECTION VI: IMPROVEMENTS AND BONDS

6.1 Standards and Approval

6.11 All improvements hereinafter mentioned shall conform to those

required in the "Standard Subdivision Improvement Specifications" prepared by the County Surveyor, recommended by the Planning Commission and adopted by the Board of Supervisors, copies of which are on file in the office of the Planning Commission and the County Surveyor.

6.12 Improvement work shall not be commenced until plans and profiles for such work have been submitted to and approved by the County Surveyor. Such plans may be required before approval of the final map. All such plans and profiles shall be prepared on tracing cloth in accordance with requirements of the County Surveyor.

6.13 All required improvements shall be constructed under the inspection of and to approval of the County Surveyor. Cost of inspection shall be paid by the subdivider.

6.14 All underground utilities, sanitary sewers and storm drains installed in streets, service roads, alleys or highways shall be constructed prior to the surfacing of such street, service roads, alleys, or highways. Service connections for all underground utilities and sanitary sewers shall be laid to such lengths as will obviate the necessity for disturbing the street or alley improvements, when service connections thereto are made.

6.2 General Requirements.

The subdivider shall install improvements as set forth herein in accordance with the "Standard Subdivision Improvement Specifications".

6.21 Streets and Highways. All streets and highways shall be graded and paved to cross sections and grades approved by the County Surveyor. The subdivider shall improve the extension of all subdivision streets, highways, or public ways to the intercepting paving line of any County road, City street, or State Highway.

6.22 Structures. Structures or conduits shall be installed, as deemed necessary by the County Surveyor, for drainage, access and/or public safety, such structures or conduits to be placed to grades and to be of a design and size approved by the County.

6.23 Curbs and Gutters. Curbs and gutters shall be installed to grades, layout and location approved by the County Surveyor.

6.24 Sidewalks. Sidewalks may be required where the subdivision is located within three (3) miles of an incorporated city. Such sidewalks shall be installed to grades, location, widths and cross section approved by the County Surveyor.

6.25 Sewage Disposal.

6.15.01 Sanitary sewer facilities connecting with existing city, district, or county system shall be installed to serve each lot when connection to such system is available. In such case, the subdivider shall submit a letter from the governing body of the sewer system showing the ability of the system to handle sewage from the proposed subdivision and evidence that a satisfactory agreement has been entered into for connection to the system. Sewer lines

shall then be installed to grades, location, design and sizes approved by the County Surveyor and the Engineer for the governing body of the sewer system.

- 6.25.02 When connection to a sanitary system is not available, septic tanks may be permitted providing that a letter is submitted from the County Health Department certifying that field investigation has shown that ground slopes and soil conditions will allow for satisfactory disposal by this method with the lot arrangement and sizes as shown on the subdivision map.

6.26 Water

- 6.26.01 Water mains connecting with existing city or public utility system shall be installed to serve each lot when connection to such system is available. In such case, the subdivider shall submit a letter from the governing body of the water system showing the ability of the system to serve the proposed subdivision and evidence that a satisfactory agreement has been entered into for connection to the system. Water mains shall then be installed to grades, location, design, and sizes approved by the County Surveyor and the engineer of the governing body of the water system.

Fire hydrants may be required to be installed.

- 6.26.02 When connection to a water system is not available, the subdivision may provide service by the establishment of a mutual water system in which case water mains and fire hydrants shall be installed to grades, locations, design and sizes approved by the County Surveyor and the source of supply developed and improved satisfactory to the County Surveyor and so that the subdivision may be adequately supplied with water.

- 6.26.03 In the case of a subdivision with lots of twenty thousand (20,00) square feet or over in size, water supply may be from wells or springs on individual lots. In this case sufficient evidence shall be submitted showing that water is available and can be obtained from wells or springs for all lots in the subdivision.

6.27 Street Trees. Street trees may be required by the Planning Commission and if so shall be of a type approved by the Planning Commission, and planted in locations approved by the County Surveyor.

6.28 Street Lighting. Street lighting may be required by the Planning Commission and the design, layout and location shall be approved by the County Surveyor.

6.29 Railroad Crossings. Provision shall be made for any and all railroad crossings necessary to provide access to or circulation within the proposed

subdivision, including the preparation of all documents necessary for application to the California State Public Utilities Commission for the establishment and improvement of such crossing. The cost of such railroad crossing improvement shall be borne by subdivider.

6.3 Monuments

6.31 Permanent monuments shall be set at all angle and curve points on the exterior boundaries of the subdivision and in any case at intervals of not over five hundred (500) feet. Such monuments shall also be set at the points of intersection of street right-of-way lines or at the beginning or end of curve on such intersecting right-of-way lines.

6.32 Permanent elevation bench-marks referring to an approved datum shall be set at each street intersection in the curb return or other location approved by the County Surveyor, said bench-marks shall be noted on the final map.

6.33 Any monument or bench-mark, as required by this Ordinance, that is disturbed, or destroyed before acceptance of all improvements shall be replaced by the subdivider.

6.34 Monuments and bench-marks shall be set before acceptance of improvements by the Board of Supervisors unless exception is recommended by the County Surveyor and approved by the Planning Commission.

SECTION VII RECORD OF SURVEY.*

SECTION VIII MINOR SUBDIVISIONS.**

8.05 Purpose of Section VIII ***

This Section VIII regulating minor subdivisions is adopted to promote and protect the public health, safety, convenience, and general welfare, and for the accomplishment thereof is adopted for the following purposes:

To control the design and improvement of minor subdivisions to secure:

- (1) Adequate means for the drainage of water;
- (2) Improvements to public roads, streets, and easements and other public improvements made necessary by the creation of the minor subdivision;
- (3) Adequate supplies of domestic water;
- (4) Adequate systems for the disposal of sewage;
- (5) Compliance with zoning ordinances regulating the use of land;
- (6) Lot design and lot improvements that will not adversely affect values of or enjoyment of adjacent property;
- (7) Adequate access to lots of proposed minor subdivision.

* Repealed by Ord. No. 1496 dated Sept. 13, 1966

** Amended by Ord. No. 1326, dated Nov. 18, 1963

*** Amended by Ord. No. 1394, dated Jan. 11, 1965

8.1 Minor Subdivision Defined *

'Minor Subdivision' shall mean any subdivision containing four (4) or less lots, any one or more of which contains less than 2-1/2 acres. The following provisions of this ordinance shall apply to minor subdivisions: Section I, II, VIII, IX and XII.

8.2 Minor Subdivision Committee

There is in the county government a Minor Subdivision Committee, composed of the Director of Planning, the Director of Sanitation, and the Road Commissioner, or their authorized representatives, and the Chairman of the Monterey County Planning Commission or his designated representative who shall be a member of the Planning Commission. The Director of Planning, or his authorized representative, is secretary of the committee. Three members of said committee shall constitute a quorum for the transaction of business.

8.3 Filing Application.

Every subdivider of a proposed minor subdivision shall file five copies of an application, on a form prescribed by the Director of Planning, together with five copies of a minor subdivision map, with the County Planning Department. Said department shall examine said application, supporting data, and map for compliance with the requirements of this Section VIII, and shall accept said application and maps for filing only when all requirements are complied with.

8.4 Map Form.

The copies of said map shall be clearly and legibly reproduced on sheets 8-1/2" x 11", 18" x 26", or 13" x 18". The scale shall be one inch to each 100 feet, unless a larger scale is required to show clearly all of the details of the land division. In all cases, an Engineer's scale shall be used.

8.5 Information Required. **

- (a) The application shall include the following information:
- (1) Name, address, and telephone number of the applicant and the name, address, and telephone number of the owner, if the owner is not the applicant.
 - (2) A complete statement of the intended use or uses of the property.
 - (3) Source and adequacy of domestic water, and proposed method of disposal of sewage.
 - (4) Existing zoning designation and Sectional Map Number as shown in Monterey County Zoning Ordinance No. 911.

* Amended by Ord. No. 1496 dated Sept. 13, 1966.

** Amended by Ord. No. 1394 dated Jan. 11, 1965

- (5) Description of private roads, existing or proposed, if any, which are intended to provide access to lots which do not, or will not, abut upon public roads. Such description shall include length, width, grades, and type of road materials in use or to be used.
- (6) Signature of the applicant or his representative and date of application.

(b) The map shall show the following information:

- (1) Name and address of the person, firm, or organization which prepared the map.
- (2) Date of preparation, north point, and map scale.
- (3) Boundaries and dimensions of the land proposed to be divided.
- (4) Location of the land in relation to the nearest cross road or street, including, where necessary, a key map in order more easily to identify the location of the land.
- (5) Right-of-way lines of public highways shall be shown if available; otherwise, where any private or public road adjacent to property lines is fenced, the distance between fences shall be shown.
- (6) Width of pavement and indication of curbs, gutters, and sidewalks on all adjacent roads and streets.
- (7) Proposed lot lines and dimensions of existing and proposed lots.
- (8) Approximate radii of all curves.
- (9) Net area of the total site and of each proposed lot.
- (10) Locations of water-course and areas subject to inundation.
- (11) Contour lines, if required by the Planning Director.
- (12) Location and outlines, to scale, of any existing structures on the property being subdivided, with an indication of their uses and whether they are to remain, be relocated, or removed.
- (13) The location and size of existing water lines and sewage facilities and location of all existing wells on the property; also the location of all proposed utility facilities and of all proposed easements.
- (14) Private roads, existing or proposed, if any, which are intended to provide access to lots in the minor subdivision.

8.6 Reports by Committee Members.

- (a) The Road Commissioner shall report on:

- (1) Effect of proposed land division on drainage in the general area.
 - (2) Effect of the proposed land division on other public improvements.
- (b) The Director of Sanitation shall report on:
- (1) Adequacy of proposed water supply for domestic purposes.
 - (2) Adequacy of proposed sewage disposal system.
 - (3) Any other matters related to the proposed minor subdivision which may affect the public health.
- (c) If percolation tests or soil borings are necessary, in the opinion of the Director of Sanitation, the subdivider shall make such tests.
- (d) The Director of Planning shall report on:
- (1) Compliance with the zoning ordinance as to proposed use and lot size.
 - (2) Lot design in accordance with current subdivision requirements.
 - (3) Such other matters as may be deemed necessary to secure compliance with this ordinance.

8.7 Action by Committee *

- (a) To accomplish and secure the purposes of this ordinance, the minor subdivision committee shall approve, conditionally approve, or disapprove the minor subdivision map.
- (b) When the action of the committee is the approval or disapproval of the map the secretary of the committee shall endorse its action upon the map and then send one copy to the applicant and one copy to each member of the committee. When the action of the committee is the conditional approval of the map, and when the conditions which are imposed are designated as precedent to committee approval, the secretary shall so notify the applicant and shall hold the map until the conditions have been complied with. When they are complied with, the secretary shall so certify by appropriate endorsement upon the map and then send one copy to the applicant and one copy to each member of the committee.

Unless the time for complying with any conditions imposed by the committee upon its approval of any minor subdivision map is specified by it, all conditions shall be complied with within one year from the date of conditional approval. Failure to do so shall cause the application and map to lapse and be of no further effect.

8.8 Appeal

- (a) An appeal may be taken by the owner or applicant to the Board of

* Amended by Ord. No. 1394 dated Jan. 11, 1965.

Supervisors from the decision of the minor subdivision committee. Such appeal shall be taken by the filing of a notice of appeal with the Board of Supervisors within 10 days after the mailing to the applicant of the map with the decision of the minor subdivision committee endorsed thereon. The notice of appeal shall specify the grounds thereof. Upon the filing of the notice of appeal in accordance with this subsection, the Board of Supervisors shall set the matter for hearing and shall give 10 days' notice thereof to the appellant and to the secretary of the minor subdivision committee. Upon the receipt of such notice of hearing, the minor subdivision committee shall file with the Board of Supervisors a copy of said map and all papers, reports and notices pertaining thereto.

- (b) At the conclusion of the hearing on the appeal the Board of Supervisors shall affirm, conditionally affirm, or reverse the decision of the minor subdivision committee. Notice in writing of the decision of the Board of Supervisors shall be given to the minor subdivision committee and the appellant within ten days from the date thereof. A decision reversing the action of the minor subdivision committee shall be accompanied by findings in support of the decision.

8.9 Unlawful Acts.

No person, firm, partnership, association, corporation, organization, or business trust shall offer to sell, contract to sell, lease, or transfer any minor subdivision, or any part thereof, unless and until approval thereof has been granted as herein provided. This shall not be construed to apply to any lot or parcel of land which is of record as such on the effective date of this section.

SECTION IX. EXCEPTIONS.

9.1 Application.

9.11 The Planning Commission may recommend that the Board of Supervisors authorize conditional exceptions to any of the requirements and regulations set forth in this Ordinance. Application for any such exception shall be made by a certified petition of the subdivider, stating fully the grounds of the application and the facts relied upon by the petitioner. Such petition shall be filed with the tentative map of the subdivision. In order for the property referred to in the petition to come within the provisions of this section, it shall be necessary that the Planning Commission shall find the following:

- 9.11.01 That there are special circumstances or conditions affecting said property.
- 9.11.02 That the exception is necessary for the preservation and enjoyment of a substantial property right of the petitioner.
- 9.11.03 That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the vicinity in which said property is situated.

9.2 Planning Commission Action.

9.21 In recommending such exceptions, the Planning Commission shall secure substantially the objectives of the regulations to which the exceptions are granted, as to light, air, and the public health, safety, convenience and general welfare.

9.22 In recommending the authorization of any exception under the provisions of this section, the Planning Commission shall report to the Board of Supervisors its findings with respect thereto and all facts in connection therewith, and shall specifically and fully set forth the exceptions recommended and the conditions designated.

9.3 Board of Supervisors Action.

9.31 Upon receipt of such report the Board of Supervisors may authorize the Planning Commission to approve the tentative map with the exceptions and conditions the Board of Supervisors deems necessary to substantially secure the objectives of this Ordinance.

SECTION X. APPEAL

10.1 Notice

10.11 Appeal may be made to the Board of Supervisors from any decision, determination or requirement of the Planning Commission or County Surveyor by filing a notice thereof in writing with the County Clerk within ten (10) days after such decision or determination or requirement is made. Such notice shall set forth in detail the action and the ground by and upon which the subdivider deems himself aggrieved.

10.2 Report and Action.

10.21 Notice shall be given to the Planning Commission and the County Surveyor of such appeal. A report shall be submitted by the party whose decision is being appealed setting forth the reasons for their action. Such report may be in writing or presented orally at the Board of Supervisors meeting. The Board of Supervisors shall render its decision within sixty (60) days after the filing of such appeal.

SECTION XI. VALIDITY.

11.1 If any section, sub-section, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Ordinance. The Board of Supervisors of the County of Monterey, State of California hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

SECTION XII. PENALTIES.

12.1* Any offer to sell, contract to sell, or sale contrary to the provisions of this Ordinance or any other violation of the provisions of this Ordinance shall be a misdemeanor, and any persons, firm, corporation,

* Amended by Ord. No. 960,
dated June 25, 1956.

partnership, or copartnership, upon conviction thereof, shall be punishable by a fine of not less than twenty-five dollars (\$25.00) and not more than five hundred dollars (\$500.00) or by imprisonment in the County Jail for a period of not more than six (6) months, or by both such fine and imprisonment, except that nothing herein contained shall be deemed to bar any legal, equitable, or summary remedy to which the County of Monterey or other political subdivision, or any person, firm, corporation partnership, or co-political subdivision or persons, firm, corporation, partnership or co-partnership may file a suit in the Superior Court of the County of Monterey to restrain or enjoin any attempted or proposed subdivision or sale in violation of this Ordinance.

SECTION XIII. REPEAL.

13.1 Ordinance No. 546 and any amendments thereto are hereby repealed.

13.2 All Ordinances and parts of Ordinances of said County in conflict with this Ordinance, to the extent of such conflict and no further, are hereby repealed.

SECTION XIV. ENACTMENT

14.1 This Ordinance shall be and is hereby declared to be in full force and effect from and after thirty (30) days after the date of its passage.

Regularly passed and adopted by the Board of Supervisors of the County of Monterey, State of California, on this 6th day of April, 1953, by the following roll call vote:

Ayes: Supervisors Deaver, Moffitt, Redding, Bunte and Jacobsen.

Noes: Supervisors: None

Absent: Supervisors: None.

A. B. JACOBSEN
Chairman of the Board of Supervisors
of the County of Monterey, State of
California.

ATTEST:

EMMET G. McMENAMIN
Clerk

POLICY FOR SUBDIVISION STREETS AND UTILITY INSTALLATIONS

Upon motion of Supervisor Deaver, seconded by Supervisor Talcott, and unanimously carried, the following three standards relative to subdivisions are adopted as County policy:

1. ROLLED CURB AND GUTTER.

Rolled curb and gutter may be installed on tertiary and cul-de-sac streets, if concrete drive-way ramps and aprons are installed at the same time.

2. MINIMUM STREET STRUCTURAL SECTION.

All subdivision streets shall be paved with two inches of asphalt concrete. Aggregate base material requirements and aggregate sub-base material requirements will conform to standards on file in the office of the County Surveyor, or will conform to engineered design approved by the County Surveyor. Aggregate sub-base, when required, will extend under curb and gutter.

3. GAS AND WATER MAINS.

The location of gas and water mains shall be shown on the improvement plans with the subdivider having the following options:

- a. Location back of curb - Mains, but not laterals; shall be installed prior to construction of all curb, gutter and sidewalk.
- b. Location in street - Mains and laterals may be installed after construction of curb, gutter and sidewalk, provided that the main shall be more than five feet from the lip or edge of gutter and laterals shall be drilled or jacked under the curb and gutter before aggregate base material is placed. Inspection of the finished grade will follow the installation of the mains and laterals. The required thickness of aggregate sub-base, when required under curb and gutter, shall be placed to sufficient width prior to installation of mains and laterals as assurance against sub-base failure. Details for such must be shown clearly on the subdivision improvement plans by the project engineer.

PASSED AND ADOPTED this 4th day of December, 1961, by the Board of Supervisors of the County of Monterey, State of California.

The preliminary soil report as required by Section 3.23.11 of the Subdivision Ordinance of Monterey County shall conform to the following:

- I. Preliminary Soil Report.
 - A. Prepared by a Registered Civil Engineer.
 - B. Based upon test borings or excavations as determined by the engineer.
 - C. The Preliminary Soil Report shall contain:
 1. A certification that the engineer has investigated the soil within the subdivision.
 2. Locations and elevations of borings or excavations made.
 3. Summaries of field and lab tests made, if any.
 4. A statement of the soil qualities and its expansive characteristics or other soil problems which, if not corrected would affect the structure or dwelling located thereon.

- II.
 - A. Where the Preliminary Soil Report, filed in accordance with Section 3.23.11, indicates presence of expansive soil or other soil problems which, if not corrected, would lead to structural defects in dwellings constructed on such soil, a soil investigation on each lot within the subdivision shall be required.
 1. This Soil Investigation Report on each lot prepared by a Registered Civil Engineer shall be filed with the Building Official. The report shall contain:
 - a. A certification that the Engineer has investigated the soil within the lot.
 - b. The locations of the borings or excavation made.
 - c. Summaries of field and laboratory tests.
 - d. A statement of the qualities of the soil and its expansive characteristics or other soil problems which, if not corrected, would lead to structural defects of buildings constructed upon such soils.
 - B. The soil investigation report on each lot shall recommend corrective action which is likely to prevent structural damage to each dwelling proposed to be constructed upon such soil.
 1. This report may supplement or incorporate by references the Preliminary Soil Report required by Section 3.23.11 (See I above)
 2. When a Soil Investigation Report on each lot is filed, then the Preliminary Soil Report required by Section 3.23.11 need not be filed.

III. Approval of Investigation - Incorporation of recommendation in the Building Permit.

A. The Building Inspector shall approve the Soil Investigation Report on each lot if he determines that the recommended action is likely:

1. To prevent structural damage to each dwelling to be constructed.

a. Any building permit for a dwelling on such lot shall be issued subject to the conditions:

(1) That the approved recommendation contained in the Soil Investigation Report be incorporated in the construction of each dwelling constructed upon such lot.

STANDARD FORMS

Subdivision Certificates

The following forms have been approved for use on Subdivision Maps.

1. OWNERS' CERTIFICATE

We hereby certify that we are the owners of, or have some right, title or interest in and to, the real property included within the subdivision shown upon this map, and that we are the only persons whose consent is necessary to pass a clear title to said property, and we consent to the making of said map and subdivision as shown within the colored border lines and hereby dedicate to public use all the _____

_____ shown upon said map within said subdivision.

Signatures

1a. EASEMENTS AND RESERVED DEDICATIONS

When Easements for Public Utilities are provided, add the following:

We also hereby dedicate for public use easements for public utilities under, on or over those certain strips of land lying between the rear lines and/or side lines of lots and the lines designated as "public utilities easements line", as shown on said map, within said subdivisions; such strips of land to be kept open and free from buildings and structures of any kind.

When Reserved Dedications are provided, add the following:

We also hereby dedicate for public use those certain strips of land lying between the lines of streets and lines designated as "future street line", as shown on said map, within said subdivision, reserving to ourselves for the use of the successive owners of the respective lots certain rights of use of such portions of said strips of land as lie within the boundaries of said respective lots, said rights of use being as are incidental to the care, planting and cultivation of such portions of said strips of land, but not including the construction thereon of buildings or structures of any kind, excepting fences and sprinkling and irrigation systems and appurtenances thereto.

2. ACKNOWLEDGEMENTS (For Individual)

STATE OF CALIFORNIA)
(
County of Monterey)

On this _____ day of _____, 19____, before me
_____, a Notary Public in and for said County of Monterey,
State of California, residing therein, duly commissioned and sworn, personally appeared
_____ known to me to be the person _____ whose
name _____ subscribed to the within instrument and acknowledged to
me that _____ executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the
day and year in this certificate first above written.

(SEAL)

Notary Public in and for the County of
Monterey, State of California

2a. For Corporation

STATE OF CALIFORNIA)
(
County of Monterey)

On this _____ day of _____, 19____, before me,
_____, a Notary Public in and for said County of
Monterey, State of California, residing therein, duly commissioned and sworn, personally
appeared _____, known to me to be the _____
President and _____ known to me to be the _____ Secretary
of the _____, the corporation that executed the within
instrument and known to me to be the persons who executed the same upon behalf of the
corporation named therein, and acknowledged to me that such corporations executed the same

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the
day and year in this certificate first above written.

(SEAL)

Notary Public in and for the County of
Monterey, State of California

3. CERTIFICATE OF ENGINEER OR SURVEYOR

I, _____, Licensed Land Surveyor
(or Registered Civil Engineer), hereby certify that this map correctly represents a
survey made under my direction during _____, 19 ____;
that the survey is true and complete as shown; that the monuments are of the
character and occupy the positions indicated (or will be set in such positions and
at such time as stipulated in Bond filed in office of County Surveyor, _____
_____, 19 _____, and are (or will be) sufficient to enable the
survey to be re-traced.

Licensed Land Surveyor of State of
California.
License No. _____ (Registered Civil
Engineer

Reg. No. _____.

4. BASIS OF BEARINGS NOTE
(Must appear on all maps).

1. *The bearing of _____
as shown on map _____
recorded in Map Book _____
Page _____, was taken as basis of bearings shown upon this map.

2. *The bearings on this map are based on (a Solar or Polaris Observation).

* Use whichever form is applicable.

Add also the following:

All distances and dimensions are shown in feet and decimals thereof.

The blue border indicates the boundaries of the land subdivided by this map.

5. CERTIFICATE OF APPROVAL BY COUNTY SURVEYOR

I, _____, County Surveyor of Monterey County, hereby certify that I have examined this map, that the subdivision as shown hereon is substantially the same as it appeared on the tentative map, and any approved alternations hereof as approved by the Monterey County Planning Commission, on _____, 19____; that all the provisions of the California "Subdivision Map Act", as amended and of Monterey County Ordinance No. 836, applicable at the time of the approval of said tentative map, have been complied with, and this map is technically correct.

County Surveyor, Monterey County, Calif.

6. CERTIFICATE OF CLERK OF BOARD OF SUPERVISORS

I, _____, Clerk of the Board of Supervisors of Monterey County, hereby certify that said Board approved the within map on the _____ day of _____, 19____, and accepted on behalf of the public, all parcels of land offered for dedication for public use, in conformity with the terms of the offer of dedication.

By _____
County Clerk and Ex-Oficio Clerk of the Board of Supervisors of the County of Monterey, State of California.

By _____
Deputy

6a. CERTIFICATE OF CLERK OF BOARD OF SUPERVISORS (Record of Survey Map)

I, _____, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that said Board, on _____, 19____, approved this map for subdivision purposes in accordance with the conditional approval of said map by the County Planning Commission, on file in my office.

Clerk of the Board of Supervisors of Monterey County, California

7. CERTIFICATE OF COUNTY RECORDER

Filed for record at the request of _____
this _____ day of _____, 19 _____, at _____
minutes past _____, _____ M, in Volume _____ of
_____ at page _____, Record of Monterey, California.

County Recorder

By _____
Deputy

Fee \$ _____

8. CERTIFICATE OF APPROVAL BY SECRETARY OF MONTEREY COUNTY PLANNING COMMISSION

I, _____
Secretary of Monterey County Planning Commission, hereby certify that I have examined
this map; that the subdivision as shown hereon is substantially the same as it
appeared on the tentative map, and any approved alterations thereof as approved by
the Monterey County Planning Commission, on _____
_____, 19 _____; that all the provisions of the California "Subdi-
vision Map Act", as amended and of Monterey County Subdivision Ordinance, applicable
at the time of the approval of said tentative map, have been complied with.

Secretary, Monterey County Planning
Commission, Monterey County, California