

ORDINANCE NO. 374

AN ORDINANCE GOVERNING THE FILING OF MAPS OF SUBDIVISIONS FOR RECORD
The Board of Supervisors of the County of Monterey do ordain as follows:

SECTION 1. In compliance with the provisions of Chapter 837, California Statutes of 1929, hereinafter referred to as the "Statute", the following regulations governing the filing of subdivision maps are hereby established.

SECTION 2. A "subdivider" and a "subdivision" shall be deemed to be as defined in the Statute.

Any subdivider, desiring to file for record a map of a subdivision shall file with the Planning Commission having jurisdiction over the territory within which said subdivision is situated four copies of a tentative map as provided in Section 5 of the Statute. Said map shall indicate the width and approximate grade of all streets, approximate radius of all curves, approximate dimensions of lots, approximate location and width of any water courses or areas subject to inundation or storm water overflow, accurate property boundaries of the tract to be subdivided, the lines of all adjoining properties, the lines of adjacent streets and alleys, with their widths and names, the name of the proposed subdivision, the names of all proposed streets, lot and the block numbers, date north point, scale, name of engineer or licensed surveyor who prepared the map and the name and address of the subdivider. If necessary, the Planning Commission may require the map to show topographic contours to a reasonable scale and interval.

In addition to the above the subdivider shall submit in duplicate a statement indicating ownership of the property to be subdivided as evidenced by a certificate of title from a title company, the improvements and utilities to be installed by the subdivider as more fully set forth in Section 8 hereafter, a statement as to whether it is the intention of the subdivider to offer the streets to the public, the total area segregated into items showing the area in lots, parks and streets, the total lot frontage, classified as residential, commercial and industrial, the ability and intention of the subdivider to proceed forthwith to file for record a final map of said subdivision, and the restrictions to be imposed upon the property before its sale. The inclusion of the last requirement does not imply any intention on the part of the Board of Supervisors to bind the subdivider to enforce any restrictions or regulations except as hereinafter provided.

SECTION 3. Any Master Traffic Plan hereafter adopted for any part of the county shall be the basis for major street layouts. Major highways along lines of heavy traffic flow will be required to have a width of 100 feet. Secondary highways will at the discretion of the Planning Commission be between 60 and 80 feet in width. In case the secondary highways are accepted with a width less than ultimately necessary in the judgment of the Planning Commission, the latter may require building set back lines to be shown on the tentative and final maps. Such set back lines may be required to be drawn 10 feet farther from the center of the street than the location of probable future street lines to prevent excessive severance damage when and if the additional street width is acquired for public use.

In general the streets in residential districts will be required to be 60 feet in width, but the commission will use its best judgment in such matters. It may, after examination and report by its engineer recommend to the Board of Supervisors the acceptance of maps showing and / or offering for dedication streets 20 feet or more in width on steep side hill slopes. All streets will

be required as far as practicable to be in alignment with existing streets and in general conformity with the most advantageous development of the area. Street intersections will be required to be as nearly at right angles as practicable. Where a new subdivision adjoins acreage likely to be subdivided later, the new streets may be required to extend through to the boundary lines of the tract. Wherever a dead end street is permitted an adequate turning space may be required.

Alleys 20 feet wide will be required in the rear of all lots which in the judgment of the Planning Commission will be used for commercial purposes. Any alley provided in other blocks shall be at least 16 feet wide. Where two alleys intersect, or at angle points in alleys, sufficient cut off for curve at the corners or angles shall be provided to allow for a minimum travel radius of 30 feet. In case alleys are not provided casements of adequate width for such storm drains, sanitary sewers or other public utilities as the case demands shall be required along the rear of each lot, or elsewhere if necessary.

SECTION 4. LOTS

All lots shall have an average width of at least 60 feet, and an area of at least 6000 square feet, except in special cases the Planning Commission may, by suitable resolutions in its minutes, citing the reasons therefor, reduce the minimum lot width to not less than 40 feet and the minimum lot area to not less than 4000 square feet. The side lines of all lots, as far as possible shall be normal to the street line on which the lot abuts. Double frontage lots having a depth of less than 200 feet will not be approved, except that the Planning Commission, may by resolution in special cases citing the reasons therefor, modify this rule. All corner lots shall have a return curve radius of at least 15 feet or more in case such is necessary to provide at least 100 feet sight distance diagonally between two vehicles approaching the corner on street center lines. In lieu of the above radius the corners of lots may be cut back by a straight diagonal line the center of which shall be at least 5 feet back from the point of intersection of the side lines of the lot produced, or as much more as may be necessary to provide the 100 feet sight distance.

SECTION 5.

The Planning Commission, shall within thirty days of the filing with it of said tentative map, unless such time is extended by agreement with the subdivider or his agent, approve or disapprove the same. Such action shall be indorsed upon the face of the copies of the tentative map. If no action is taken by said Commission within said thirty days or such longer period as may have been agreed upon, the tentative map as filed shall be deemed approved and the engineer of the Commission shall endorse upon the face thereof the word "Approved" together with a proper attestation. In the event that such tentative map is disapproved or is approved subject to certain specific changes, the reasons for such disapproval or qualified approval shall be stated in clear and concise terms upon a proper memorandum permanently attached to said tentative maps. Such memorandum shall refer specifically to such regulations herein set forth as may have been violated. In any event one copy of the tentative map, together with all memoranda and statements hereinbefore mentioned shall be returned to the subdivider and another shall be permanently retained by the Planning Commission. Attention is hereby called to the provisions of Section II of the Statute, providing for appeal to the Board of Supervisors.

SECTION 6.

The subdivider subsequent to the approval of the tentative map shall proceed within one year to cause said subdivision to be surveyed accurately in accordance with said map and any and all alterations and changes therein, and a final subdivision map prepared. Monuments shall be set as hereafter specified. Monuments shall be of stone or of concrete or of galvanized iron pipe, or iron bars properly centered. When set in streets the tops of said monuments

shall be placed 12" below the surface and at other points the tops shall project at least 6" above the surface. When set in streets the base shall be at least 30" below the surface, and at other points the base shall be at least 18" below the surface. The least cross-sectional dimension of stone or concrete monuments shall be 4" at the top and 6" at the base, pipe monuments shall be at least 1½" in diameter and the bottoms thereof when the top projects above ground surface shall be split and flattened out to a flare of at least 12". Monuments shall be permanently set at all corners and angles in exterior lines and at distances not exceeding 1000 feet along straight exterior lines. They shall also be set at the intersection of the center lines of all intersecting streets or within 10 feet thereof. They shall also be set at all angle or curve points on street center lines, or within 10 feet thereof and on lines normal to said center lines. In lieu of placing said monuments at the time the subdivision survey is made, the engineer or surveyor may file with the Planning Commission a map showing the contemplated location of said monuments and the location of at least four reference or witness stakes or points witnessing each such contemplated location. He shall also file with the County Clerk a good and sufficient bond in an amount equal to \$4.00 for each monument not yet set, and in no case less than \$100.00, by its terms made to inure to the County of Monterey and conditioned upon the establishment of said monuments within two years after the acceptance of the final map by the Board of Supervisors. Such bond shall be voided at any time within said two years period upon the filing of an affidavit by said engineer or surveyor setting forth that he has placed the monuments in accord with the requirements hereinabove set forth. The final map shall show clearly the location of all monuments in relation to street and lot lines.

A blue line print of the final map shall be filed with the Planning Commission in time to allow its engineer to check the accuracy of the map data and of the surveys between monuments. Boundaries of lots and blocks as shown on the map shall close within 1 in 10,000, and the distances and angles as shown shall agree with these as checked on the ground within 1 in 2000 for distance and within 1 minute of arc for angles. The subdivider shall be charged a fee to cover the cost of such checking. In general, maps and surveys shall be made clearly, precisely and thoroughly and the Planning Commission may prescribe additional requirements reasonably necessary to accomplish such a result.

SECTION 7.

Attention is hereby called to Sections 15 to 28 inclusive in the Statute for certain state wide requirements prescribed therein. The Planning Commission shall prepare copies of this ordinance, together with such excerpts from the Statute, specimens of standard forms and such other explanatory matters as may be necessary for the guidance and information of the subdivider, who may be charged an amount equal to the cost of preparing each copy furnished him.

SECTION 8.

No map will be accepted by the Supervisors unless provision is made for necessary street and utility construction, and / or maintenance and / or operation.

All streets, whether public or private, shall be constructed to a width of at least 20 feet exclusive of gutters and shall be surfaced for a width of at least 16 feet with at least four inches of crushed rock or gravel, together with the necessary bridges, culverts and drainways.

Provision shall be made for the installation, operation and maintenance of a water supply system capable of furnishing at all times a supply of domestic water in an amount equal to at least 50 gallons per day for each lot, and for an adequate system for the collection and disposal of sanitary sewage, and for any necessary storm drains.

The subdivider shall at the time he files the tentative

map with the Planning Commission, submit also in duplicate a copy thereof together with other documentary matter, setting forth the improvements contemplated in sufficient detail to show fully the general nature and extent and estimated cost of such improvements. The Planning Commission shall immediately transmit such matter to the County Surveyor who shall within ten days thereafter report back to the Planning Commission his findings and recommendations thereon. The Planning Commission may recommend to the Board of Supervisors that improvements and utilities be accepted in a less amount than those set forth above, to the following extent:

Streets upon sidehills may be graded and surfaced to a width of 12 feet only, for distances not exceeding 600 feet, with provision at such intervals for adequate passing places. If the streets are to be constructed at locations where the natural ground is composed of materials capable of making a satisfactory road surface, the requirement for rock or gravel surfacing may be waived. If ~~a~~ satisfactory domestic water is available within 100 feet of the surface, the requirement for a water supply system may be waived. If the soil and drainage conditions are such as to permit the satisfactory operation of septic tanks for sewage disposal, the requirement for a sewer system may be waived. In any case however for all subdivisions having lots averaging less than one acre in size either the water supply system or the sanitary sewer system will be required and one or the other must be constructed. Where lots average over one acre in size both requirements may be waived.

The County Surveyor shall confirm or modify the estimate of the cost of the proposed improvements as submitted by the subdivider and such confirmed or modified estimate shall govern in all matters provided for herein relating to the said cost. The subdivider may be charged a fee by the County Surveyor for the latter's services in connection with the necessary examinations and report as provided herein. Such fee shall not be in excess of 1/2 of 1% of the estimated cost of the improvements.

SECTION 9.

The provisions of paragraph (d) in Section 30 of the Statute relative to the furnishing of bond by the subdivider guaranteeing the construction of required improvements is hereby adopted in relation to such improvements and / or their necessary maintenance and / or operation.

SECTION 10.

If in the judgment of the Board of Supervisors any of the improvements required to be made by the subdivider, exclusive of the construction of streets accepted by the Supervisors on behalf of the public, will require an expense for their maintenance and / or operation which expense the said Board does not consider a proper one to be met out of public funds, the said board may require the formation of a special assessment maintenance district under the provisions of any appropriate act, or may require proof from the subdivider that provision is to be made for said maintenance and / or operation under the alternative method provided for hereinafter in the case of private roads.

No maps showing private street reservations will be accepted, unless in the judgment of the Board of Supervisors such reservations are proper but in case such maps are accepted the Board will require that the subdivider furnish satisfactory proof that said private streets will be maintained in a proper and safe condition. ~~Such proof may consist of an agreement by the subdivider to assist in the formation of a special assessment maintenance district under the provisions of any appropriate act. ~~or~~ The subdivider may, if he~~ so elects, provide in his deeds and sales contracts for the formation of an association of property owners or for trustees or for any other adequate agency who shall be charged with the duty of such maintenance and empowered in such deeds and sales contracts to collect from the owners of land within the proposed subdivision, sufficient money yearly to meet the cost of such maintenance. A copy of the deed provisions assuring such duties and powers to such associations, trustees or agency, shall be filed for record, with the County

Recorder at the time the final map is placed on record, together with a certificate executed by all persons or corporations whose consent is necessary to pass a clear title to any of the land in such subdivision, setting forth that any and all owners, present or future, in such subdivision are and will be bound under said deed provisions for the payment of such monies.

SECTION 11.

The subdivider shall file with the Planning Commission the final checked map on tracing cloth as provided in the statute, together with one vandyke negative and one blue line print of each sheet thereof. He shall also deliver to the Planning Commission a check drawn in favor of the County Recorder for \$5.00 for the filing fee. The engineer of the Planning Commission shall submit said tracing to the Board of Supervisors together with the recommendation of the Planning Commission and all documentary matter pertaining thereto. If approved by the Supervisors the County Surveyor shall file the said tracing and negative with the County Recorder.

Passed and ordered published by the following vote this 25th.

day of April, 1930, to-wit:

Ayes: Supervisors Stirling, Abbott, Dudley and Caruthers.

Noes: None

Absent: Supervisor Talbott.

G. Dudley
GEO. DUDLEY
Chairman of the Board of Supervisors
of the County of Monterey, State of
California.

C.F. Joy
Attest: C.F. Joy, Clerk.

(SEAL OF BOARD OF SUPERVISORS)

ORDINANCE NO. 244

Filed: April 22nd. 1930.

[Signature]
Clerk.

