

ORDINANCE NO. 1713

SUBDIVISION ORDINANCE

COUNTY OF MONTEREY, CALIFORNIA

JANUARY 20, 1970

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OUTLINE OF PROCEDURE
FOR FILING SUBDIVISION MAPS
IN UNINCORPORATED AREA

Ord. Section	Action by	Responsible Party	Time Schedule
5.1 a	Preliminary map submitted to Planning Dept. (15 copies)	Subdivider	14 days prior to Subd. Committee meeting
5.1 f	Recommendation on Preliminary Map to Planning Commission & Subdivider	Subdivision Committee	
6.0 b	Slope stake sidehill roads where average cross slope exceeds 10%.	Subdivider	Prior to filing tentative map
6.0 a	Submit Preliminary Title Report to Planning Dept.	Subdivider	With filing of tentative map
6.5 b	Tentative map presented to Plan. Dept. (10 copies plus reproducible sepia) Fee \$50 + \$3 per lot for 1st 25 lots, \$2 per lot for next 25 lots + \$1 per lot for remainder	Subdivider	30 days prior to Planning Commission meeting.
6.5 d	A model of any development having cross slope of 15% or more shall be presented	Subdivider	Prior to Planning Commission meeting
6.5e	Transmit tentative maps to other agencies	Planning Dept.	
6.5 f	File with Planning Dept. approval or conditional approval of tentative map.	Subdivision Committee Departments	Within 16 days
6.6	Meet with Subdivider or his Representative	Subdivision Committee	Within 16 days
6.6 b4	Report on proposed subdivision to Planning Commission	Subdivision Committee	
6.7 a	File tentative map with Planning Commission (7 copies of revised tentative map, 7-1/2 x 9-1/2 transparency)	Planning Dept.	Next meeting after Subdivision Committee meeting

Ord. Section	Action by	Responsible Party	Time Schedule
6.7 b	Reports action to subdivider. Informal report to Bd. of Supervisors	Planning Commission	50 days after filing.
6.9	Improvement plans to County Surveyor	Subdivider	
8.1 a	Final map accompanied by statements, agreements & security filed with County Surveyor (12 blue line copies, orig. tracing plus \$100 + \$4 per lot checking fee)	Subdivider	Within 18 months after tentative map approval
8.5 a			
8.5 b			
8.6 a	Transmits final maps to interested agencies for approval	County Surveyor	20 days after filing.
8.6 d	Transmit final map to County Clerk	County Surveyor	When approved
8.6 d	Transmit orig. linen & one transparency of final map to Board of Supervisors	County Clerk	
8.8	Authorizes recordation of final map (if approved)	Board of Supervisors	

ORDINANCE NO. 1713

COUNTY OF MONTEREY
SUBDIVISION ORDINANCE

AN ORDINANCE REGULATING THE DESIGN, IMPROVEMENT AND SURVEY DATA OF SUBDIVISIONS AND THE FORM AND CONTENT OF MAPS THEREOF, PROVIDING PENALTIES FOR THE VIOLATION HEREOF; AND DESIGNATING AN ADVISORY AGENCY.

The Board of Supervisors of the County of Monterey do ordain as follows:

Section 1 ADVISORY AGENCY - COMMITTEE - PURPOSE

Section 1.1 Purpose.

a. This ordinance is enacted for the purpose of promoting the public health, safety, convenience and general welfare; to regulate the design, improvement and survey data of subdivisions, and to provide for the form and content of tentative and final maps thereof. The procedure to be followed in securing official approval thereof shall be governed by the Subdivision Map Act of the State of California, and by the provisions of this subdivision ordinance.

b. To secure compliance with the Monterey County Zoning Ordinance and any adopted General Plans of the County of Monterey.

c. Further, it is the purpose of this ordinance to encourage new concepts and innovations in the arrangement of building sites within subdivisions. Deviations from the traditional mechanical approach to the subdivision of land are encouraged in order to facilitate the ultimate development of the land in a manner that will be commensurate with contemporary living patterns and technological progress.

Section 1.2 The Planning Commission is hereby designated as the Advisory Agency with respect to subdivisions as provided in the Subdivision Map Act of the State of California.

a. The Planning Commission shall have all the powers and duties with respect to tentative and final maps, and the procedure relating thereto, which are specified by law and by this ordinance.

Section 1.3 There is hereby created a Subdivision Committee, to consist of a member of the Planning Commission, the County Surveyor, County Assessor, County Director of Sanitation, County Parks Director, Director of Planning, or their designated representatives. The committee shall have the powers and duties specified by this ordinance. The Director of Planning shall be the secretary of the committee.

Section 2 DEFINITIONS

Section 2.1 "Board of Supervisors" shall mean the Board of Supervisors of the County of Monterey, State of California.

Section 2.2 The designation of any particular officer herein shall mean the particular officer of the County of Monterey.

 a. "County" shall mean County of Monterey, State of California.

Section 2.3 "County street" shall mean any street, road, avenue, way, lane or alley for vehicular use accepted by the Board of Supervisors.

 a. 'Major' street is any street which is intended to carry traffic on present or future four moving lanes between different areas of the county, and traffic entering from 'secondary' streets.

 b. 'Secondary' street is a street which is intended to collect traffic and carry it to a Major street.

 c. 'Local' or 'minor' street is one used primarily for access to abutting properties including loop, cul-de-sac and tertiary streets.

Section 2.4 "Planning Commission" shall mean the Planning Commission of the County of Monterey and the Advisory Agency referred to in the Subdivision Map Act.

Section 2.5 "Cross Slope, Average"

 FORMULA FOR AVERAGE CROSS SLOPE

$$S = \frac{.00229 \text{ IL}}{A}$$

- Where: I = Interval of measured contours in feet
S = Average cross slope of parcel in percent
L = Combined length of contours in feet
 (i.e. map measurement of contours in inches x the scale)
A = Area of parcel in acres

Section 2.6

- a. "Density" designates the ratio of single family living units to acreage.
- b. "Density, gross" designates the ratio of single family living unit to acreage within the entire parcel.
- c. "Density, net" designates the ratio of single family living unit to acreage including only open space and actual lot areas.

Section 2.7 "Design" refers to street alignment, grades and widths; alignment and widths of easements and rights-of-way for drainage, sanitary sewers, water, utilities, and other facilities for public use or benefit; lot area, width, depth, shape and pattern as required in this ordinance. "Design" also includes land to be dedicated for park or recreational purposes.

Section 2.8 "Easement" shall mean an easement offered for dedication to the County of Monterey to be used for utility, drainage or other public purpose.

Section 2.9 "Final Map" refers to a map prepared in accordance with this ordinance, which is designed to be placed on record in the Office of the Recorder of the County of Monterey.

Section 2.10 "Improvement" refers to such street work, drainage work and utilities, landscaping, or other improvements to be installed, or agreed to be installed by the subdivider on the subdivision or land adjacent thereto to be used for public streets, easements, highways, and park and recreation sites necessary for the use and benefit of the lot owners in the subdivision and adjacent areas as a condition precedent to approval of the final map, thereof.

Section 2.11 "Lot" shall mean a parcel of land established, or to be established, by the Standard Subdivision Procedure or Minor Subdivision Procedure as provided herein.

Section 2.12 "Lot Width, Average" - The area of the parcel divided by the lot depth.

Section 2.13 "Lot Depth" - A line midpoint from the front line to the midpoint of the line farthest away from the midpoint of the established front line, in the general direction of the sidelines.

Section 2.14 "Lot Line, Front" - In the case of an interior lot, a line separating the lot from the street; and in the case of a corner lot, a line separating the narrowest street frontage of the lot from the street.

Section 2.15 "Lot Line, Rear" - A lot line which is opposite and most distant from the front line and, in the case of an irregular, triangular or gore-shaped lot, a line within the lot most nearly parallel to and at the maximum distance from the front lot line, having a length of at least ten feet.

Section 2.16 "Lot Lines, Side" - Any lot boundary line not a front line or a rear lot line.

Section 2.17 "Owner" means the individuals, firms, partnerships or corporations having proprietary interests in the land sought to be subdivided.

Section 2.18 "Parcel Map" shall mean a map showing the division of land into four or less parcels, approved and filed in accordance with procedure for approval of minor subdivisions and the Subdivision Map Act.

Section 2.19 "Standards" shall mean the Standard Improvement Specifications adopted by the Board of Supervisors, copies of which are on file in the office of the Planning Commission, County Surveyor and County Clerk.

Section 2.20 "Subdivision"

a. "Subdivision" shall mean any real property, improved or unimproved, or portion thereof, shown on the 1964-65 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, 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 and where no building site is being substandard.

d. "Subdivision" shall not include a division of property into parcels when said parcels were shown on the 1964-65 county tax roll under separate ownership, or a division of property into four or less parcels shown on a Record of Survey recorded prior to March 2, 1964, when said parcels comply with applicable zoning ordinances in effect at the time of division, or when said parcels are lots on a recorded subdivision map approved by the Board of Supervisors of the County of Monterey.

Section 2.21 "Subdivision, Standard" shall mean any subdivision containing five or more parcels or lots.

Section 2.22 "Subdivision, Minor" shall mean any subdivision containing four or less lots, any one or more of which contains less than two and one-half acres.

Section 2.23 "Subdivision, Private Road" - A division of land without frontage on a public street.

Section 2.24 "Subdivider" shall mean a person, firm, corporation, partnership or association who causes land to be divided into any number of parcels.

Section 2.25 "Tentative Map" shall mean any map made for the purpose of showing the design of a proposed Subdivision of any kind, and the existing conditions in and around it, prepared as required in this ordinance.

Section 3 REQUIREMENTS BY TYPE OF SUBDIVISION

Subdivision design and improvements required are as set out in this ordinance.

Section 3.1 Industrial Subdivisions

a. Minimum lot area and width for industrial subdivisions shall be 10,000 square feet in area and 100 feet in average lot width, unless a greater lot area or width is required by the Zoning Ordinance or unless the lot area and width is reduced through the use of Section 3.7 herein.

b. Street Design: Street design shall be as set out in Section 3.4 through 3.7 for industrial areas.

c. Improvements: All improvements shall be as set out in Section 3 herein, and in the Standards.

d. Other regulations: All other regulations set out in this ordinance shall be complied with in the development of Industrial Subdivisions.

Section 3.2 Commercial Subdivisions

a. Minimum lot area and width for commercial subdivisions, unless other lot size or width is stipulated in the Zoning Ordinance or unless the lot size is reduced through the use of Section 3.7 herein, shall be 10,000 square feet and 100 foot average lot width, provided that the Planning Commission may reduce the lot area sizes not more than 50%, when the total lot size combined with land used for parking and landscaping in undivided common interest equals the required 10,000 square feet lot size.

b. Street Design: Street design shall be as set out in the Standards.

c. Improvements: Improvements shall be installed as set out in Section 3.4 and in the Standards.

Section 3.3 Residential Subdivisions

a. Minimum lot area and width shall be as prescribed herein unless a greater area or width is prescribed in the Zoning Ordinance and unless the lot size is reduced through the procedure set out in Section 3.7 herein.

Section 3.3 Residential Subdivisions a. (Continued)

1. Minimum area, where average cross slope does not exceed 10%.
 - (a) Corner lots - 7,000 square feet
 - (b) Interior lots - 6,000 square feet
2. Minimum width:
 - (a) Corner lots - Average width 70 feet, except lots fronting on cul-de-sacs or irregularly shaped lots. The minimum width at front property line shall be 35 feet.
 - (b) Interior lots - Average width 60 feet, same as above.
3. Average depth, 90 feet.
4. Maximum ratio lot depth to lot width, three to one, unless a greater ratio is approved by the Planning Commission.
5. Improvements: All design and improvements shall be as set forth in Section 3.4

b. Cross slope application: Where cross slope has been determined to be a factor, density permitted shall be as established by the Board of Supervisors.

Section 3.4 General Design and Improvement Standards:

Section 3.41 Improvements hereinafter mentioned shall conform to requirements of the Standards. Blocks shall not be longer than 1,200 feet between intersecting street lines; except on expressways and major streets where longer blocks may be required by the Planning Commission. With the exception of corner lots, lots shall not have frontage on more than one street; however such frontage may be permitted if access rights on all but one street are granted to the County of Monterey.

Section 3.42 Pedestrian Walkways. Pedestrian walkways shall be provided through the middle of blocks over one thousand feet in length; and may be required by the Planning Commission to serve the following purposes: To connect streets, to provide access to river, lake, bay or ocean frontages; to provide access to parks, playgrounds and similar public areas. The widths of the walkways, and the construction improvements to be made shall be as prescribed by the Planning Commission.

Section 3.42 Pedestrian Walkways (Continued)

Easements not less than 5 feet wide shall be required on the sides and rear of all lots where necessary for poles, underground utilities, cables, wires, drainage, conduit and water mains or other utilities. A reduction of the width may be allowed when a lesser width is recommended by the County Surveyor. In condominium or other optional design subdivisions easements of varying widths and locations may be approved by the Planning Commission.

Section 3.43 The Planning Commission may require water courses to be placed in underground conduits or fenced, or otherwise improved in accordance with the Standards. Where sumps are approved to handle drainage as an interim solution, easements shall be provided for necessary channels and sump area.

Section 3.44 All lots shall have the frontage hereinafter set out unless otherwise approved by the Planning Commission as to standard subdivisions or the Subdivision Committee as to minor subdivisions except in "U" and "N" zoning districts:

a. Each lot of less than 2-1/2 acres in area shall have a minimum of 35 foot frontage on a public road, and said required frontage shall provide useable and practical access to the building site, and the driveway providing access shall not exceed 25% grade and 5% cross slope outside the public road right-of-way, and the geometry of the driveway within the public road right-of-way shall conform to the Standards.

b. Each lot of 2-1/2 acres or over in area shall have a minimum of 35 foot frontage on an improved street, public or private, and said required frontage shall provide useable and practical access to the building site, and the driveway providing access shall not exceed 25% grade and 5% cross slope outside the public road right-of-way, and the geometry of the driveway within the public road right-of-way shall conform to the Standards.

Section 3.45 Roads and Streets

a. Reserve strips, where required to control access over certain lot lines or over the ends of street stubs, shall be dedicated to the County.

b. Alleys, access roads and acceleration lanes may be required in industrial, commercial and in multiple family residential areas where necessary to control access to expressways and major streets. Where alleys intersect, widths in excess of that in the Standards may be required.

c. Cul-de-sac streets shall have the following limiting dimensions:

50 foot minimum radius to property line where cul-de-sac is longer than 400 feet. 40 foot minimum radius where cul-de-sac is less than 400 feet.

40 foot minimum radius to curb line where cul-de-sac is longer than 400 feet.

30 foot minimum radius to curb line where cul-de-sac is less than 400 feet.

Section 3.45 Roads and Streets c (Continued)

400 foot maximum length of a cul-de-sac to center of turn around, except where such cul-de-sac serves less than 16 lots or where cross slope exceeds 15% and when approved by the Planning Commission.

d. Names for proposed new streets shall be shown on the tentative map and shall be subject to approval of the Planning Commission.

Section 3.46 Streets and Highways

a. The street and highway design shall conform both in width and alignment to any adopted Master Plan of Streets and Highways, and the right-of-way for any street or highway indicated on such Master Plan shall be offered for dedication.

b. 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 the area included in said right-of-way.

Section 3.5 Specific Street Design and Improvements

a. Street design and improvement shall conform to the Standards and to the requirements set forth herein.

b. Private roads may be permitted where the following conditions prevail:

1. No more than 42 dwelling units are located thereon.
2. Maintenance is provided for proper legal safeguards.
3. Net density per dwelling unit is 2-1/2 acres or larger.
4. Standards of road improvement are approved by the Planning Commission or Subdivision Committee where applicable as a part of the total design of the plan.

c. Private roads may be also permitted where the following conditions prevail:

1. Maximum number of dwelling units to be served is 4.
2. Adequate parking is provided on the private road or on the building site.
3. Provisions are made for adequate turning operations.
4. Minimum widths and standards are determined at the time of application.

Section 3.5 Specific Street Design and Improvements (Continued)

d. Private roads may be permitted in condominiums or similar developments where maintenance is provided for by proper legal safeguards.

e. Private roads may be permitted by the Planning Commission when constructed according to Standards.

Section 3.6 Improvements

Section 3.61 All improvements installed and constructed in subdivisions shall conform to the requirements set out in the Standards and to all conditions imposed upon the approval of the tentative map.

a. The following improvements shall be constructed, and where described in the Standards as specified therein.

1. Curb, gutter, sidewalk and walkways.
2. Fire hydrants.
3. Water lines and other utility services to serve each lot and stubbed to property line prior to construction of street and pavement connected to existing city, public utility, or other approved system when such system is or can be made available. The subdivider shall present evidence from the proposed supplier of the water availability, that the supplier will provide the required services to subdivision, and evidence that satisfactory agreements have been entered into to provide the services.
4. When connection to an existing water system cannot be affected, the subdivision may be provided service by the establishment of a water system constructed to Standards. In the case of a subdivision with lots of 2-1/2 acres or over in size, water supply may be from wells or springs on individual lots, provided, however, the Planning Commission may approve on a showing of necessity, a water supply from wells or springs on individual lots of over 1 acre in size. In these cases, sufficient evidence shall be submitted showing that water is available and can be obtained from wells or springs.
5. Sanitary sewers and laterals to serve each lot and stubbed to property line prior to construction of street base and pavement connected to existing city, district or approved private system, where such system is or can be made available. In such case the subdivider shall present evidence from the appropriate agency indicating the ability of the system to handle sewage from the subdivision and evidence that a satisfactory agreement has been entered into to provide the service.

Section 3.61 Improvements a. 5. (Continued)

Where such system is not available, the Planning Commission may approve disposal by septic tank on each lot.

The requirements for sanitary sewers specified herein shall be considered minimum requirements. Where other agencies have jurisdiction over the construction, maintenance and operation of sanitary sewers and have equal to or higher standards of regulation; the regulation of that agency shall apply.

6. Silt basins, structures, planting or other forms of erosion control when necessary in the opinion of the Planning Commission.
7. Improved streets.
8. Improvement and widening of major and secondary streets when within a subdivision or when bordering a subdivision on one side only.
9. Street lights as specified by the Planning Commission.
10. Street trees as specified by the Planning Commission.
11. Street name signs and regulatory signs as specified by the County Surveyor.
12. Street end barricades, walls or fences.
13. All utility distribution facilities (including but not limited to electric, communication and cable television lines) installed in and for the purpose of supplying service to any subdivision shall be placed underground, except as follows:
 - (a) Equipment appurtenant to underground facilities, such as surface mounted transformers, pedestal mounted terminal boxes and meter cabinets, and concealed ducts, or such equipment when concealed by shrubbery, landscaping or other screening and approved by the Director of Planning.

The Planning Commission may waive the requirements of this Section if topographical, soil or other physical conditions make underground installation of said facilities unreasonable or impractical.

Section 3.61 Improvements a. (Continued)

14. Recreation Requirements

(a) The subdivider shall provide for adequate and appropriate public recreation facilities for the subdivision by the dedication of lands therein or by the payment of fees in lieu thereof according to the following conditions and requirements:

(1) In subdivisions having 50 or more lots, and where land in said subdivision can be properly located for public recreational facilities in accordance with the Recreation and Parks Plan adopted by the County of Monterey, the subdivider shall dedicate an area for such purposes on the basis of two acres so dedicated for each 50 acres within the subdivision.

(2) Where the subdivision consists of 50 lots or less or where the subdivision exceeds 50 lots, but land within the subdivision cannot be located in accordance with the adopted Recreation and Parks Plan of the County of Monterey, then the subdivider shall pay to the County of Monterey, for the recreation fund, a sum in proportion to the dedication required in 14-a-1 based on the "fair market value" of the land that otherwise would have been dedicated and in proportion to the density of population in the subdivision in accordance with the following:

((a)) One acre of land shall be dedicated to the County of Monterey for each 100 dwelling units in the subdivision.

15. Landscaping. Installation and maintenance of landscaping and/or screen planting as specified by the Planning Commission.

16. School Sites. Any subdivider proposing a development of more than 400 dwelling units within any three year period on any parcel or contiguous parcels shall dedicate such land as deemed necessary for the purpose of constructing thereon schools necessary to assure the residents of the subdivision adequate elementary school facilities. The requirements of dedication shall automatically terminate unless the school district shall enter into a binding commitment with the subdivider to accept the dedication

Section 3.61 Improvements a. 16. (Continued)

within 30 days after the requirement is imposed by the county. The required dedication may be made at any time prior to the construction of the 401st dwelling unit. The school district shall, in the event that it accepts the dedication, repay to the subdivider or his successors, the original cost to subdivider of the dedicated land, plus a sum equal to total of following amounts:

- (a) The cost of any improvements to dedicated land since acquisition by the subdivider.
- (b) The taxes assessed against the dedicated land from the date demand for dedication is made.
- (c) Any other costs incurred by the subdivider in maintenance of such dedicated land, including costs incurred on any loan covering such land.

17. The following off-site improvements may be required:

- (a) Water supply and transmission lines.
- (b) Sewage disposal facilities and sewerage systems.
- (c) Properly graded, drained and paved access roads.
- (d) The extension of any other utilities.
- (e) Fees for drainage facilities. As a condition of approval of the final map, the subdivider shall pay fees imposed by ordinance of county enacted under the authority of Business & Professions Code Sections 11543.5, for the purpose of defraying actual or estimated costs of constructing planned drainage facilities for removal of surface and storm waters from drainage areas.

18. In addition to all other requirements herein:

- (a) Improvement work shall not be commenced until plans for such work have been submitted to and approved by the County Surveyor.
- (b) All improvements shall be constructed under the inspection of, and to the satisfaction of the County Surveyor.
- (c) Cost of inspection shall be borne by the subdivider.

Section 3.7 Optional Design and Improvement Standards

Where a subdivider signifies his intent to enhance the livability, convenience and appearance of his proposed subdivision and the health, safety or general welfare of the users of the subdivision by using new concepts in the arrangement of lots, circulation pattern and by providing permanent Open Space in the proposed subdivision, and appropriate means of access to blocks, schools, shopping centers and other uses which do not literally comply with the requirements of the ordinance but which serve and implement the intent of this Ordinance, he may be permitted deviations provided he comply with the following:

a. Improved design based on density control and better community environment. The Standards set out in Sections 3.1 through 3.4 may be varied only when the gross density of an area is not increased and where said design has the approval of the Planning Commission and the Board of Supervisors, and where each finds that said deviation will:

1. Produce a more desirable and livable community than would be effected by compliance with the Standards.
2. Create better community environment through dedication of public areas, or setting out of scenic easements and Open Spaces; and rearrangement of lot sizes and reforestation of barren areas.

b. Where the map indicates condominium or name of similar type of improvement, the Planning Commission may waive filing of the final map prior to issuance of building permits provided there shall be no transfer of property and no occupancy permit granted and allow start of road work construction upon approval of improvement plans.

c. As an incentive to creating better overall communities, the Planning Commission may authorize deviations in lot size but with no increase in density in the overall development.

d. Said Planning Commission and Board of Supervisors may authorize deviations from other standards of this Ordinance where they find that said deviations will give effect to the intentions described hereinabove.

e. Where lot sizes are proposed to be reduced by use of common areas, dedication of open areas, or by agreement to give up development rights as a method of maintaining the density required for an area, the credit for such common areas, open areas dedicated, or development rights offered shall be based on the density permitted under the zoning district in which the offer is made or on the basis of the lot sizes required as set out in Section 3.3 of this Ordinance, whichever is more restrictive.

Section 4 EXCEPTIONS FROM REQUIREMENTS

It is recognized that there are certain parcels of land of such dimensions, subject to such restrictions, so affected by physical conditions and devoted to such uses that it would be difficult or impracticable for the subdivider to conform to the foregoing requirements.

Section 4.1

a. The Planning Commission, the Subdivision Committee when considering minor subdivisions, (or on appeal the Board of Supervisors) may grant exceptions from the foregoing requirements, when all the following conditions are found to exist:

1. That because of special circumstances applicable to the subdivision, including size, shape, topography, location or surroundings, the literal application of this Ordinance would deprive the subdivision of privileges enjoyed by other properties in the vicinity.
2. That under the circumstances of a particular case granting the exceptions, rather than the sections at issue in this Ordinance, actually carries out the intent of this Ordinance.

b. Any exception granted shall be subject to such conditions as will assure that the adjustments thereby authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the same vicinity.

c. Adequate guarantees may be required to insure that any conditions imposed as a part of any approved exception shall be carried out as specified.

Section 5 SUBDIVISION FILING PROCEDURE

Section 5.1 Preliminary Map Procedure

a. Preliminary Map required: Prior to the submission of a tentative map of a proposed subdivision, fifteen (15) copies of a preliminary map shall be prepared by the subdivider and submitted to the Planning Department at least fourteen (14) days prior to meeting of the Subdivision Committee. A development plan showing proposed building locations and landscaping shall be required when such construction is to be done by the subdivider.

b. Purposes of Preliminary Map. The purpose of the preparation and consideration of a preliminary map is to provide a means of review of the proposed subdivision by the Subdivision Committee with the subdivider. From this review it is expected that the subdivider will be made aware of problems in the use of the land and if necessary on and off-site improvements for the

Section 5.1 Preliminary Map Procedure b (Continued)

land to be subdivided and that the Subdivision Committee will be made aware of proposals for the subdivision of land that will require consideration of expansion of public services and facilities prior to the proposed use of land within a subdivision.

c. Purposes of a Development Plan. The purpose of the preparation of a development plan is to provide the Planning Commission with information on the ultimate use of the subdivision.

d. Requirements for Preliminary Maps. It is not intended that a preliminary map be as detailed as the tentative map, but it shall be prepared with enough care to provide pertinent facts and shall show the following:

1. The land area proposed to be subdivided and a statement of the number of acres therein.
2. All existing structures.
3. The placement and location of all existing streets, easements, rights-of-way on the land proposed to be subdivided, and those abutting said land.
4. Sufficient contours to indicate the elevations and the fall of the land adjacent to the surrounding area.
5. Any large land fills.
6. The proposed uses of all portions of the subdivision.
7. The approximate alignment of the proposed streets within the subdivision and their connections with existing streets or methods of terminating proposed streets.
8. The number of acres of open space in the subject subdivision, calculated to the nearest 1/2 acre.
9. The approximate number, size, and acreage size of lots in the proposed subdivision.
10. The approximate density proposed.
11. The north point and date.
12. Drainage, existing and proposed.
13. Utilities proposed.
14. Names and addresses of subdivider and record owner in the lower right hand corner.

Section 5.1 Preliminary Map Procedure d. (Continued)

15. Name and address of person who prepared map in lower right hand corner.

16. Vicinity map.

e. Map shall be accompanied by preliminary reports on reimbursible utility installation costs.

f. Action by Subdivision Committee. The Committee shall consider the map and thereafter make a report to the Planning Commission. The report shall contain recommendations and shall state the extent of compliance with the provisions of this and other applicable Ordinances. A copy of the Subdivision Committee report shall be sent to the developer. The map and report shall be submitted to the Board of Supervisors for review and comment upon the request of the developer.

Section 6 STANDARD SUBDIVISION PROCEDURE

a. A preliminary title report issued by a title company shall accompany any tentative map filed pursuant to this section.

b. For purposes of a field investigation and prior to filing of a tentative map of a subdivision, critical points on proposed sidehill roads as determined by the Director of Planning and Road Commissioners shall be slope staked by flagging to indicate the general limits of cut and fill slopes if average cross slope exceeds 10%. Typical locations slope staked shall be designated on a copy of the tentative map.

Section 6.1 Tentative Map. Data Required and Design

After submission of a preliminary map to the Subdivision Committee and the review by said committee, the action in connection with the approval of a subdivision shall be the preparation of a reproducible tentative subdivision map or maps, which shall comply with Section 3, as to design, and shall include the following data:

a. A sketch at a minimum scale of 1" = 2000' indicating the location of the proposed subdivision in relation to the surrounding area or region and showing land use in surrounding area. All to be indicated on the tentative map.

b. Name and address of record owner and subdivider.

c. Name and address of surveyor or engineer who prepared said tentative map.

d. Date, north point (generally up on the map) and scale. Minimum scale 1" = 100'. Minimum map size 18" x 26".

Section 6.1 Tentative Map Data Required and Design. (Continued)

e. Name of proposed subdivision and of all adjacent subdivisions; locations of, names and widths of streets, highways, alleys and ways, and easements of all kind, together with the type and location of street improvements thereon including fire hydrants and street light locations.

f. The contour of the land at intervals of one foot of elevation up to 5% slopes; two foot intervals up to 10% and five foot intervals over 10%. Contours shall be indicated in contiguous lands for a distance of 200'. Every 5th contour line shall be a heavier weight line.

g. Sufficient data to define the boundaries of the tract, or a legal description of the tract and blue border on reverse side of map to indicate tract boundaries. Tentative map to show any proposed units of final map.

h. Width, approximate location and purpose of all existing and proposed easements and easements adjoining such land.

i. The width and approximate grade of all streets, highways, alleys and other rights-of-way whether proposed for dedication or not.

j. The approximate radii of all curves.

k. All lots numbered consecutively throughout each block in the development; the approximate dimensions of all lots; lot areas shall be shown for all lots not rectangular in shape.

l. The approximate location of areas subject to inundation by storm water, and the location, width and direction of flow of all water courses existing and proposed.

m. The location and outline to scale of each existing building or structure within the subdivision and the location and designation of uses of each structure in contiguous areas within 100 feet of the boundary thereof; noting thereon whether or not such building or structure within the subdivision is to be removed from or remain in the subdivision, and its existing and proposed use.

n. Show approximate elevation of street intersections.

o. The location, pipe size and approximate grades of proposed sewers and water lines; and the proposed location of fire hydrants and street lights, electric power, gas lines, T.V. cables and storm drains.

p. The location of all trees over 4" in diameter at base of tree (where stands of trees are located individual trees need not be shown, but may be shown as a group.)

Section 6.1 Tentative Map Data Required and Design. (Continued)

q. The location of existing fences, ditches, wells, sumps, cess-pools, reservoirs, sewers, culverts, drain pipes, underground structures, utility lines or sand, gravel or other excavation within the subdivision, noting thereon whether they are to be abandoned or used. The location of utility lines and sand, gravel or other excavation within 300 feet of any portion of the subdivision shall be shown.

r. Line of high water when adjacent to any stream, waterway or ocean.

s. If a condominium or similar development is proposed, the word 'condominium' or appropriate name shall be indicated on the tentative map.

t. Gross area of subdivision and open space calculated to nearest tenth (0.1) acre.

u. Lot areas, number of lots, minimum lot size, average lot size and density.

Section 6.2 Soils Report

a. A preliminary soils report shall be required which shall be prepared by a Registered Civil Engineer. Such report shall be based on adequate test borings or excavations and shall recommend corrective action. The preliminary soil report may be waived if the Director of Building Inspection shall determine that, due to the knowledge his department has as to the qualities of the soil within the subdivision or lot, no preliminary analysis is necessary.

b. If the preliminary soil report indicates the presence of critically expansive soils or other soil problems which, if not corrected, would lead to structural defects, a soil investigation of each lot so affected in the subdivision shall be made by a registered civil engineer.

c. Where no sewers are available, a soils report shall be submitted relative to percolation tests and/or soil borings, the type and number shall be as required by the County Health Department.

Section 6.3 Statements and reports

Accompanying the tentative map, or placed on the map, shall be statements by the subdivider containing the following:

a. Existing zoning and proposed uses of the land.

b. Intentions regarding erosion control and improvements to be constructed, as required in Section 3 and by other ordinances of the county.

Section 6.3 Statements and reports (Continued)

- c. Building setback lines.
- d. Proposed source of water supply and method of sewage disposal.
- e. Indicate type of tree planting proposed.
- f. Proposed public areas to be dedicated and common area or scenic easements proposed. If common areas are proposed method of maintenance shall be stated.
- g. Proposed development of lots, that is, whether for sale as lots, fully developed house and lot, or for lease and/or for financing purposes.

Section 6.4 Covenants

A copy of any existing or proposed conditions, restrictions, or covenants regulating or restricting the use of the land within the subdivision shall be attached to the above statement.

Section 6.5 Tentative Map. Completeness and Filing.

a. A tentative map shall be considered ready for the consideration of the Planning Commission after the submission of the preliminary map to the Subdivision Committee and receipt of a report from said committee that the map complies with this Ordinance, and when maps or sketches, together with all required supplementary data have been submitted to the Planning Department. If the subdivision is a portion of a larger area which may be subdivided later, the tentative map shall indicate the ultimate plan for the whole.

b. Ten copies, one reproducible sepia of a tentative map, and a transparency of 7-1/2" x 9-1/2" image on 8 x 10 plastic, and the statement for the proposed subdivision of any land, shall be presented to the Planning Department at leasty thirty days prior to the Planning Commission meeting, at which the map will be filed, together with a fee of fifty dollars, plus three dollars per lot for each of the first twenty-five lots or acres, plus two dollars per lot for each of the next twenty-five lots or acres, plus one dollar per lot for each additional lot in excess of fifty.

c. Revised Tentative Map Fee. If, subsequent to the approval of a tentative map by the Planning Commission, the subdivider submits a revised tentative map as a substitute for the tentative map theretofore approved, or requests a change of any of the conditions approved by the Commission, he shall pay a fee equal to one-fourth of the filing fee required for the filing of a tentative map. The fee may be waived when revision is initiated by the Commission or Subdivision Committee. The time of original approval shall not be extended by revision approval.

Section 6.5 Tentative Map. Completeness and Filing. (Continued)

d. Model. The subdivider shall prepare and make available to the Director of Planning and the Planning Commission a model of any subdivision which is proposed on any area having an average cross slope of 20% or more. Where the gross area of the land is 50 acres or 50 lots or less the Planning Commission may waive the requirement for a model. The model shall be to scale and shall indicate with tape or colored line the proposed cuts, fills, roads, grading, contours and lot layout. When a vertical exaggeration is used in the model it shall be so indicated thereon.

e. Distribution of Copies. Upon the submission to the Planning Department of a tentative map and the requisite number of copies thereof, the said department shall retain two copies and shall transmit copies to the following agencies, departments or officers: Fire District; Road Department; Health Officer; Flood Control or Drainage District; Director of Parks; if the subdivision is traversed or bounded by a State Highway, the District Engineer of the Division of Highways, Department of Public Works of the State of California; the utility companies serving the area; any municipality as may be required by law; and two copies to the County Surveyor.

f. Reports. Within a period of not more than sixteen days from the receipt of a copy of a tentative map, each officer or department to which a copy shall have been transmitted shall file with the Planning Department a report showing changes necessary to make the map meet the requirements of the Subdivision Map Act, this Ordinance, and other applicable ordinances. If such report is not made before the expiration of the sixteen day period, the map shall be deemed to be approved.

Section 6.6 Tentative Map. Subdivision Committee Approval

Prior to the filing of a tentative map with the Planning Commission it shall be reviewed for conformity to this Ordinance and applicable laws by the Subdivision Committee at a meeting. The subdivider shall be notified of the time and place of the meeting.

a. The Subdivision Committee shall consider and determine the following:

1. The completeness and accuracy of the tentative map and accompanying statements and reports and the suitability of the land for subdivision as proposed.
2. The design of the subdivision, and conformity with requirements of this Ordinance and with other ordinances of the County and with applicable state statute.

Section 6.6 Tentative Map. Subdivision Committee Approval. a (Continued)

3. Provisions for and suitability of proposed street improvements, underground utilities, fire hydrants, lighting, drainage, streets, trees, sidewalks, water supply, sewage disposal and easements for utilities and drainage. Such adequacy must be certified by the subdivider and his engineer or surveyor and the serving utility companies.
4. Provisions for public areas such as parks and schools and for public utility facilities.

b. Action by Subdivision Committee

1. If the tentative map does not comply with this Ordinance and applicable laws, then the Subdivision Committee shall give written notice to the subdivider.
2. The Subdivision Committee may recommend changes in design, additional improvements, easements and dedications. The subdivider shall be informed of the recommendations at the time of the meeting or in writing following the meeting.
3. If it is found that the tentative map requires a significant amount of correction before deemed acceptable for consideration by the Planning Commission, the Committee may recommend that the subdivider make the changes and reappear before the Committee.
4. Report. The Subdivision Committee shall submit a report on the proposed subdivision to the Planning Commission on its conformity to Sections 5 and 6 of this Ordinance. A copy of the report shall be submitted to the subdivider and the engineer of the project.

Section 6.7 Tentative Map. Action by the Planning Commission.

a. The date of the filing of the tentative map shall be the date of the Planning Commission meeting following the presentation of the tentative map or corrected tentative map to the Planning Department. The Planning Commission shall act on any tentative map within fifty days of the date of filing unless this time period is extended by mutual consent of the subdivider and the Planning Commission. If the map proposed for filing is a corrected tentative map, seven copies of the corrected map and a transparency of 7-1/2" x 9-1/2" image on 8" x 10" plastic shall be filed.

b. The Planning Commission shall determine whether the tentative map is in conformity with the provisions of law and of this Ordinance and upon

Section 6.7 Tentative Map. Action by the Planning Commission b (Continued)

that basis approve, conditionally approve, or disapprove said map, and shall report such action to the subdivider. The report of the Planning Commission may be submitted to the Board of Supervisors for informational purposes.

c. The Planning Commission may, in addition to other causes therefore, disapprove a tentative map because of flood, inundation, geologic or slide hazards and may require protective improvements to be constructed, as a condition of approval of the map.

Section 6.8 Tentative Maps. Appeal

a. If the subdivider, any public agency or officer, is dissatisfied with any action of the Planning Commission with respect to the tentative map, he may, within fifteen days after such action, appeal to the Board of Supervisors. The appeal shall be in writing, shall be accompanied by seven copies of the tentative map, and shall be filed with the Clerk of the Board of Supervisors. The Board of Supervisors shall hear the appeal within fifteen days following filing of the appeal, upon notice to the subdivider and the Planning Commission unless the subdivider consents to a continuance. At the hearing the Board of Supervisors shall hear such argument and consider such evidence as the subdivider, Planning Commission, or other persons may present.

b. Upon conclusion of the hearing, the Board of Supervisors shall make its findings based upon the evidence produced before it. It may sustain, modify, reject or overrule any recommendations or rulings of the Planning Commission, and may make such findings as are not inconsistent with the provisions of this Ordinance and applicable laws.

Section 6.9 Improvement Plans

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.

a. A grading plan consisting of cross sections and finished grades of all lots to be graded as a part of the improvement of the subdivision, and of all roads, streets, and highways in the proposed subdivision.

b. Plan and profile drawings on all streets, including sewer and drainage improvements. Utilities may be shown in plan only. Improvement plan scales shall be 1" = 40' horizontally in plan; 1" = 4' vertical in profile, unless otherwise approved by the County Surveyor.

c. Estimated costs of improvements to be constructed and estimated cost of conditions of approval of the subdivision.

Section 6.9 Improvement Plans (Continued)

d. Any other pertinent information required by the conditional approval of the Planning Commission, including a soils report on filled areas or areas proposed to be filled; and in all street and alley rights-of-way at intervals not exceeding 1000' and/or any change in soil conditions. The soils report and analysis will be in accordance with methods approved by the State of California for "R" values, sieve analysis and sand equivalent.

Section 7 REVERSION TO ACREAGE

For the purpose of reversion of subdivided land to acreage, provided that no lots have been sold, no streets improved and where it is not the intent to re-plot the area, the following procedure shall be followed:

a. Three copies of record map of area proposed for reversion to acreage shall be filed with the Planning Commission ten days prior to meeting of said Planning Commission. Each copy of the map shall be accompanied by evidence of title and non-use or lack of necessity of streets or easement which are to be vacated or abandoned. Any streets or easements to be left in effect after the reversion shall be adequately delineated on the map.

b. Action on Map. The Planning Commission shall determine whether it is in the best interests of the area to approve such action, and within thirty days after filing shall approve or disapprove the action and forward its recommendations to the Board of Supervisors along with evidence of title and non-use of streets and easements.

c. Action by Board of Supervisors. At its first regular meeting following receipt of the recommendation of the Planning Commission the Board shall set a public hearing and give notice as required by law. After said public hearing the Board shall consider such request for reversion of subdivided land to acreage and if said Board deems it to be in the best interest of the area, it may approve such request. The Clerk of the Board shall certify any map approved by the Board by signing the certificate provided for on the map.

d. Any map filed for the purpose of reversion of subdivided land to acreage shall be conspicuously designated with the title "The Purpose of This Map is a Reversion to Acreage".

e. Within fifteen days after approval of the Board of Supervisors said map shall be recorded in the County Recorder's Office.

Section 8 FINAL MAP

Section 8.1 Time Limit

a. Within eighteen months after approval or conditional approval of the tentative map, the subdivider may cause the final map to be prepared in accordance with the tentative map as approved, or conditionally approved.

Section 8.1 Time limit (Continued)

b. An extension of not exceeding two additional years may be granted by the Planning Commission upon application of the subdivider.

c. Any failure to record a final map within eighteen months from the approval or conditional approval of the tentative map, or within the time extension granted by the Planning Commission, shall terminate all proceedings.

Section 8.2 Final Map Form

a. The final map shall be made to a scale large enough to show details clearly, minimum scale of 100 feet to the inch or larger, using more than one sheet if necessary. The original shall be drawn in black ink upon tracing cloth or polyester base film of good quality. The size of the sheets shall be 18" x 27", and all sheets shall have a 2" margin on the left side and a 1" margin on all other borders.

b. Each sheet shall be numbered, the relation of one sheet to another shown, and the number of sheets used in the map shall be set forth in the title of the map. If more than two sheets are necessary, an index diagram shall be provided.

c. The title of the final map shall consist of a tract number and name, conspicuously placed at the lower right-hand corner of the sheet followed by the words, "consisting of ___ sheets" (showing the number thereof), followed by the words, "County of Monterey".

d. The map and title sheet shall also contain a sub-title giving a general description of the property being subdivided by reference to maps which have been previously filed or recorded, or by reference to the plat of any State or U.S. survey. Each reference in such description shall be set out as on the original record thereof as on the original pages of records and worded identically with the original record thereof and references to book and page of record must be complete.

Section 8.3 Final Map. Data Required

The final map shall show the following:

a. Boundaries, streets and easements. The exterior boundaries of the land in the subdivision be shown by a blue border 1/8" wide; the border lines and center lines of all proposed streets with their widths and names; all easements including those to be dedicated to public use.

b. Adjacent Streets. The lines of all adjoining properties; the lines of adjacent streets and alleys, showing their widths and names.

c. Lot Lines and Numbers. All lot lines, and numbers for all lots. Building lines shall be shown if they differ from zoning requirements. All lots are to be numbered consecutively.

Section 8.3 Final Map. Data Required (Continued)

d. Dimensions. All dimensions, both linear and angular, for locating boundaries of subdivisions, lots, street and alley lines, easements and building lines. The linear dimensions shall be expressed in feet and hundredths of a foot.

e. Monuments. All permanent monuments, together with their descriptions showing their location and size, and if any points were reset by ties, that fact shall be stated. Monuments shall be of a type and location as prescribed by the Standards.

f. Title and Description. Title and description of property being subdivided, showing its location and extent, north arrow, scale of plan, basis of bearing and name of subdivider and of engineer or surveyor platting the tract.

g. The boundaries of any areas subject to periodic inundation by water or to geological hazards.

h. Ocean meander lines from recorded data when sufficient survey information exists on filed maps and when the location of any points can be established by monuments.

i. Scenic easements and open spaces if not shown as a lot or parcel shall be described by courses and distances and the basis of bearings shown. When a tentative subdivision map is approved with a prescribed net density and when final subdivision maps are filed in units, sufficient lot size plus open space in each unit to meet the approved net density shall be provided.

j. Boundaries. Any city boundaries which adjoin the subdivision shall be designated and located in relation to adjacent lot or block lines. No lot shall be divided by a city or district boundary line.

k. Places where access rights have been waived or dedicated.

Section 8.4 Additional Material

The following additional material shall be submitted with the final map:

a. Traverse Sheets. The subdivider shall furnish the County Surveyor traverse sheets prepared by a registered engineer or licensed surveyor showing the mathematical closure within one foot to 10,000 feet on the perimeter of the exterior boundary of the tract and of each block within the tract and each irregular lot.

b. Soils Report. The final map shall contain a note referring to the final soils report and recommended corrective action, and shall indicate by symbol on the map those lots needing corrective action.

Section 8.5 Certificates

The following certificates and acknowledgments shall appear on the final map, and may be combined where appropriate:

a. A certificate signed and acknowledged, by all parties having any record title interest in the land subdivided, consenting to the preparation and recording of the final map. In the event of dedication there shall be a certificate signed and acknowledged by all parties having a record title interest in land being subdivided offering certain parcels of land for dedication for specified public uses, subject to such restrictions as may be contained in the offer of dedication. An offer of dedication for street or highway purposes may include a waiver of access rights to such street or highway from any property shown on the final map as abutting thereon. Any parcels of land shown on the map and intended for public use shall be offered for dedication for public use except those parcels intended for the exclusive use of lot owners in the subdivision, their licensees, tenants, and employees.

The signatures of 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 signatures it is impossible or impractical to obtain. In this case, a reasonable statement of the circumstances preventing the procurement of the signatures 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. Interests in or rights to minerals, including but not limited to oil, gas, or other hydrocarbon substances, if (1) the ownership of such interests or rights does not include a right of entry on the surface of the land, or (2) the use of the land, or the surface thereof, in connection with the ownership of such interests or rights is prohibited by zoning or other governmental regulations of the governing body and the signatures of the owners of such interests or rights are waived by the governing body.

Section 8.5 Certificates (Continued)

b. A certificate by the engineer or surveyor responsible for the survey and final map. His certificate shall give the date of the survey and state that the survey was made by him or under his direction and that the survey is true and complete as shown. The certificate shall also state that all the monuments are of the character and occupy the positions indicated or that they will be set in such positions and on or before a specified later date. The certificate shall also state that the monuments are or will be sufficient to enable the survey to be retraced. If the certificate states that all the monuments will be set on or before a specified later date the subdivider shall furnish to the Board of Supervisors of county a bond or cash deposit in an amount equal to the estimated cost of setting such monuments, not already set prior to the recording of the map, guaranteeing payment of the cost thereof.

c. Certificates for execution by the County Surveyor, Secretary of the Planning Commission, Clerk of the Board of Supervisors, and the County Recorder.

Section 8.6 Final Map Submission Procedure

The subdivider shall submit the final map and twelve blue line copies thereof in the form and with the materials prescribed herein to the County Surveyor. The final map shall be accompanied by a checking fee of \$100 plus \$4 per subdivision lot and parcel, the proposed improvement agreement, accompanying improvement security, a map filing title report and proposed private deed restrictions.

The County Surveyor shall forthwith transmit copies of the final map to the Secretary of the Planning Commission, the County Health Officer, and to any fire district and flood control district containing the subdivision.

The County Surveyor shall examine the map and accompanying instruments, papers, and materials and if he finds that the map is substantially the same as the tentative map as approved and as modified by any approved alterations, that it complies with requirements of this ordinance and of the Subdivision Map Act applicable at the time of approval of the tentative map, and that it is technically correct, he shall affix his certificate of approval to the map stating that he has examined the map and has made these findings.

The County Surveyor shall then transmit the final map to the Secretary of the Planning Commission who shall examine the map to determine if it is in substantial conformity to the tentative map, and any approved alterations thereof; that it complies with this ordinance and the Subdivision Map Act and that it is technically correct. If he finds that the final map meets these requirements he shall affix his certificate of approval to the map.

Section 8.65 Improvement Agreement

The Subdivider shall execute and file with the Board of Supervisors an agreement between himself and the County of Monterey for construction of

Section 8.65 Improvement Agreement (Continued)

improvements in the subdivision required by this ordinance and other applicable laws. Said agreement shall provide for the following, in addition to other requirements which may be imposed.

a. The period within which the subdivider shall complete the improvement work to the satisfaction of the County Surveyor, failing which county may complete the work and recover the cost thereof from the subdivider and his improvement security.

b. Inspection of all improvement work by the County Surveyor and provision for payment to county for the cost thereof.

c. The agreement may also provide for the construction of improvements in units, for extensions of time for performance of the agreement, and for progress payments to the subdivider or his order from cash deposits which the subdivider may have made as improvement security; provided, however, that no such progress payment shall be made for more than 90% of the value of any installment of work and provided. No progress payments from cash deposits shall be made except upon certification by the County Surveyor that the work covered thereby has been satisfactorily completed, and upon approval and authorization by the Board of Supervisors.

d. That the subdivider file with the improvement agreement improvement security in the amounts and for the following purposes:

1. An amount determined by the Board of Supervisors, not less than 50% nor more than 100% of the total estimated cost of the improvements, conditioned upon the faithful performance of the agreement.
2. An additional amount determined by the Board of Supervisors, not less than 50% nor more than 100% of the total estimated cost of the improvement, securing payment to the contractor, his subcontractors and to persons renting equipment or furnishing labor or materials to them for the improvement.

"Improvement security" as used in this section means one or more of the following:

- (a) A cash deposit or deposits made with county.
- (b) A bond or bonds by one or more duly authorized corporate securities.
- (c) An instrument or instruments of credit from one or more financial institutions subject to regulation by the state or federal government pledging that

Section 8.65 Improvement Agreement d. 2. (c) (Continued)

the funds necessary to meet the performance are on deposit and the guarantee for payment and agreeing that the funds designated by the instrument shall become trust funds for the purposes set forth in the instrument.

Improvement security may be released or reduced in the following manner:

- (a) Improvement security given for faithful performance of the agreement may be released upon final completion and acceptance of the work; partial release of cash deposit improvement security as the work progresses shall be as established hereinabove.
- (b) Improvement security securing the payment to the contractor, his subcontractors, and to persons renting equipment or furnishing labor or materials may, six months after the completion and acceptance of the work, be reduced to an amount not less than the total of all claims on which an action has been filed and notice thereof given in writing to the Board of Supervisors, and if there are no actions filed, the improvement security may be released in full.

Section 8.7 Tax and Assessment Liens

Prior to the filing of the final map with the Clerk of the Board of Supervisors, the subdivider shall file with the Clerk a certificate from the officer of county computing redemptions 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 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 a certificate by the County Assessor 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 subdivider executes and files with the Board of Supervisors a 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.

Section 8.8 Approval by Board of Supervisors

When the certificates of the County Surveyor, the Secretary of the Planning Commission, and all other required certificates, except that of the Board of Supervisors, have been placed on the final map it shall be filed with the Clerk of the Board of Supervisors together with accompanying proposed improvement agreements, improvement security, and any other papers and materials required by this ordinance.

The Board of Supervisors shall consider the map, the proposed improvement agreement, proposed improvement security, and all accompanying papers and materials. If the Board of Supervisors determines that they conform to the requirements of this ordinance and the Subdivision Map Act, and that the conditions to approval of the tentative map are satisfied, it shall:

- a. Approve the final map. The Board at this time shall also accept, subject to improvement, or reject any or all offers of dedication.
- b. Enter into an agreement for construction of improvements in the subdivision.

After approval of the final map by the Board of Supervisors the Clerk shall execute a certificate thereon stating that the Board of Supervisors approved the map and accepted or rejected on behalf of the public parcels of land offered for dedication for public use in conformity with the terms of the offer for dedication. The Clerk shall thereupon transmit the final map together with the recording fee, to be paid by the subdivider, to the County Recorder.

The subdivider shall present to the County Recorder evidence in the form of a title guarantee from a licensed title company that, upon the date of recording, as shown by public records, the parties consenting to the recordation of the map are all the parties having a record title interest in the land being subdivided whose signatures are required by the provisions of this ordinance, otherwise the map shall not be recorded.

Section 9 MINOR SUBDIVISION

Section 9.1 Filing

a. The design requirements of Section 3 shall apply to minor subdivisions; and improvement requirements established for Standard Subdivisions may be applied to Minor Subdivisions.

Section 9.2 Filing Application.

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

Section 9.3 Map Form

The 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, by the Director of Planning, to show all details of the land division. In all cases, an Engineer's scale shall be used.

Section 9.4 Information Required

a. The application shall be filed on a form prescribed by the Director of Planning.

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.

Section 9.4 Information Required b (Continued)

7. Proposed lot lines and dimensions of existing and proposed lots.
8. Approximate radii of all curves.
9. Area of the site and of each proposed lot, excluding all roads.
10. Locations of water-courses and areas subject to inundation.
11. Contour lines, if required by the Planning Director.
12. Location and outline, to scale, of any 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, sewage facilities, and wells on the property; also the location of all proposed utility facilities and easements.
14. Private roads, existing or proposed, if any, which are intended to provide access to lots in the minor subdivision.

Section 9.5 Reports by Subdivision Committee Members

- a. The County Surveyor shall report on:
 1. Effect of proposed land division on drainage, and 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 which may affect the public health.
 4. The necessity of soil borings and percolation tests to be made by the subdivider.
- c. The Director of Planning shall report on:
 1. Compliance with the Zoning Ordinance.
 2. Lot design in accordance with subdivision requirements.

Section 9.5 Reports by Subdivision Committee Members c (Continued)

3. Such other matters as may be deemed necessary to secure compliance with this Ordinance.

Section 9.6 Action by Subdivision Committee

a. The Subdivision Committee shall consider the application, map and supporting data, the reports and recommendations of its members, any evidence submitted by the subdivider and interested persons following which it shall approve, conditionally approve, or disapprove the minor subdivision application and 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 conditions 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 met. When met, the secretary shall so certify by endorsement upon the map and then send one copy to the applicant and one copy to each member of the committee. All conditions of approval shall be met precedent to sale of the property unless otherwise noted.

Section 9.61 Filing of Parcel Map

a. When the conditions of approval of the minor subdivision have been met, a parcel map prepared and prescribed by 11575 to 11580 inclusive of the California Business and Professions Code, except that the sheet size shall be 18" x 27" with a margin of two inches on the left side and a margin of one inch on the other three sides. The parcel map shall be submitted to the County Surveyor for examination and filing.

Section 9.62 Lawful Division of Property

No sale, lease, or transfer or other division of the land in the minor subdivision shall be made until the parcel map has been filed with the County Recorder.

Section 9.7 Appeal

a. An appeal may be taken by the subdivider to the Board of Supervisors from the decision of the subdivision committee. The appeal shall be taken by the filing of a notice of appeal with the Board of Supervisors within ten days following the mailing to the applicant of the notice of the decision of the subdivision committee. The notice of appeal shall specify the grounds thereof. Upon the filing of the notice of appeal, the Board of Supervisors shall set the matter for hearing and give ten days' notice thereof to the subdivider and to the secretary of the subdivision committee. Upon the receipt of such notice of hearing, the subdivision committee shall file with the Board of Supervisors a copy of said map and all papers, reports and notices pertaining thereto.

Section 9.7 Appeal (Continued)

b. At the conclusion of the hearing on the appeal the Board of Supervisors shall affirm, conditionally affirm or reverse the decision of the subdivision committee. Written notice of the decision of the Board of Supervisors shall be given to the subdivision committee and the subdivider within ten days from the date thereof. A decision reversing the action of the subdivision committee shall be accompanied by findings in support of the decision.

c. Limitation of Approval

The approval or conditional approval of a minor subdivision shall be valid for a period of one year from the date of approval by the Subdivision Committee or Board of Supervisors. Such approval or conditional approval may be extended for a period not to exceed one year by the Subdivision Committee upon written request, provided such request is made prior to the expiration of the one year period. Filing of the Parcel Map with the County Recorder shall authorize the requested division. Failure to meet conditions imposed and to file the Parcel Map within the period prescribed in this Ordinance or any extension thereof shall terminate all proceedings.

Section 9.8 Subdivision Alternate

Nothing contained in Section 9 shall prohibit a division of land as a standard subdivision.

Section 10. ENFORCEMENT

Section 10.1 No building shall be constructed nor shall a permit for the construction of a building be issued on any parcel or lot created in violation of the requirements of this Ordinance, nor shall any parcel or lot be used if created in violation of this Ordinance.

Section 11. PENALTY

Any offer to sell, contract to sell, or sale made contrary to the provisions of this Ordinance shall be a misdemeanor, and any person, firm, corporation or partnership, upon conviction thereof, shall be punishable by a fine of not more than five hundred (\$500.00) dollars or by imprisonment in the County Jail for a period of not more than six months, or by both such fine and imprisonment, 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 person, firm, corporation, partnership or co-partnership may otherwise be entitled, and the County of Monterey or any other political subdivision, or person, firm, corporation, or partnership may bring an action in any Court possessing jurisdiction to restrain or enjoin any attempted or proposed subdivision or sale in violation of this Ordinance.

Any transfer or conveyance, or purported transfer or conveyance, or agreement to transfer or convey any parcel of land without compliance with

Section 11 Penalty (Continued)

the terms of this Ordinance shall be voidable at the option of the transferee in accordance with the provisions of Sections 11540 and 11540.1 of the Business and Professions Code of the State of California, as the same may be amended from time to time.

Section 12 NAME

This Ordinance shall be known as the SUBDIVISION ORDINANCE OF THE COUNTY OF MONTEREY.

Section 13 SEVERABILITY

If any section, sub-section, paragraph, sub-paragraph, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this Ordinance, and this Board of Supervisors does hereby declare that this Ordinance and each section, sub-section, paragraph, sub-paragraph, sentence, clause and phrase thereof would have been adopted irrespective of the fact that any one or more of such sections, sub-sections, paragraphs, sub-paragraphs, sentences, clauses or phrases be declared invalid or unconstitutional.

Section 14. REPEAL

Ordinance No. 836 and any amendments thereto are hereby repealed.

Section 15 ENACTING

This Ordinance shall be and is hereby declared to be in full force and effect from and after thirty 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 20th day of January, 1970, by the following vote:

Ayes: Supervisors Atteridge, Branson, Smith and Tavernetti

Noes: Supervisor Church

Absent: Supervisors: None



LOREN E. SMITH
Chairman of the Board of Supervisors
of the County of Monterey, State of
California

ATTEST:

EMMET G. McMENAMIN
Clerk

By: *Sandra J. Hotaka*
D. J. ...

January 23, 1970

Salinas Californian
Post Office Box 1091
Salinas, California 93901

Gentlemen:

Please publish the enclosed Ordinance No. 1713,
Subdivision Ordinance, once in the next issue
of your newspaper.

After publication, kindly furnish this office
with an Affidavit of Publication.

Yours very truly,

EMMET G. McMENAMIN, CLERK
OF THE BOARD OF SUPERVISORS

BY:
Sandra J. Hotsko, deputy

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enc.

*Before the Board of Supervisors in and for the
County of Monterey, State of California*

Ordinance No. 1713 Adopted,)
Revising Ordinance No. 836,)
Subdivision Ordinance)

This being the time set for a continued hearing on the proposed revision to the Subdivision Ordinance No. 836, thereby regulating subdivisions and setting up a procedure for processing filed maps, said matter comes on regularly.

Several interested persons are present and hear in reference to adoption of said Revised Subdivision Ordinance.

E.W. DeMars, Planning Director, explains the purposes of the ordinance and advises the Board that he and William H. Stoffers, County Counsel, have made the necessary changes in the ordinance which had been requested by the Board at a prior meeting.

After further discussion Supervisor Atteridge moves that the Ordinance No. 1713 be adopted, to set up a procedure for processing subdivisions. The motion is seconded by Supervisor Branson and carries. Ordinance No. 1713 is hereby adopted and ordered published by the following vote, to-wit:

AYES: Supervisors Atteridge, Branson, Smith, Tavernetti

NOES: Supervisor Church

ABSENT: None

COUNTY OF MONTEREY, }
STATE OF CALIFORNIA. } ss.

I, EMMET G. McMENAMIN, County Clerk and ex-officio Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a full, true and correct copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof at page _____ of Minute Book _____, on the _____ day of _____, 1970, and now remaining of record in my office.

Witness my hand and the seal of said Board of Supervisors this 20th day of January, 1970.

EMMET G. McMENAMIN,
County Clerk and ex-officio Clerk of the Board
of Supervisors, County of Monterey, State of
California.

cc:
Road
Planning

By Sandra J. Holsko
Deputy.