

5-31-88

# MONTEREY COUNTY CODE TITLE 19

## SUBDIVISION ORDINANCE

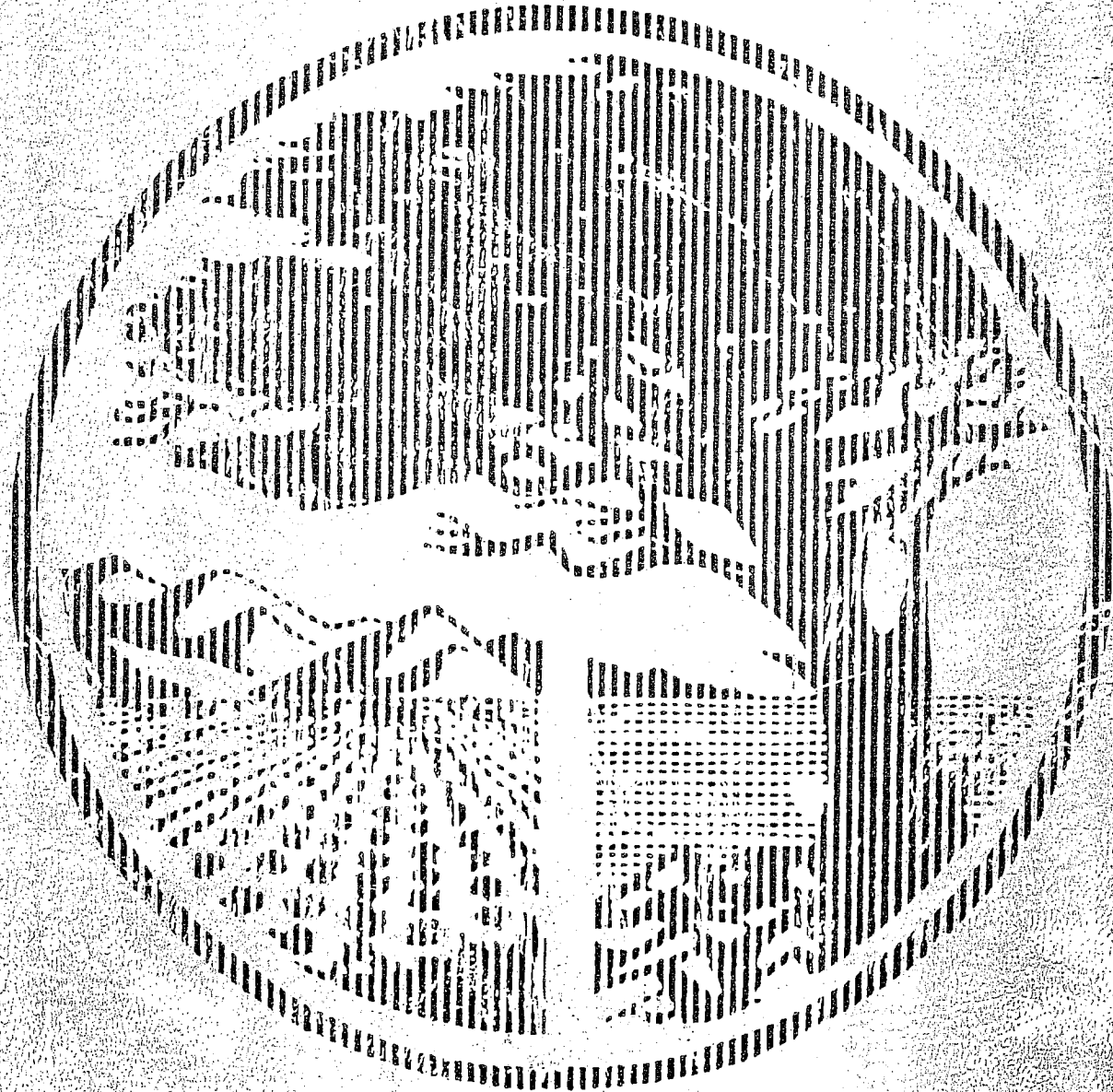


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TITLE 19

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AND ORDINANCE AMENDING TITLE 19 OF THE MONTEREY COUNTY CODE, OTHERWISE KNOWN AS MONTEREY COUNTY'S SUBDIVISION ORDINANCE, REGULATING AND CONTROLLING THE DIVISION OF LAND WITHIN THE COUNTY OF MONTEREY AND IMPLEMENTATING THE PROVISIONS OF THE STATE SUBDIVISION MAP ACT

The Board of Supervisors of the County of Monterey ordains as follows:

Section 1. Title 19 of the Monterey County Code is amended to read as follows:

**Chapter I. GENERAL PROVISIONS**

19.01.005 CITATION AND AUTHORITY.

This title is enacted pursuant of Chapter XI, Section 7 of the California Constitution and the Subdivision Map Act, Section 66410, et. seq., of the Government Code and may be cited as the Subdivision Ordinance of the County of Monterey.

19.01.010 PURPOSE.

- A. It is the purpose of this title to regulate and control the division of land in the unincorporated areas of the County of Monterey and to implement the provisions of the Subdivision Map Act concerning the design, improvement and survey data of subdivisions, the form and content of all maps provided for by the Subdivision Map Act and the procedure to be followed in securing the official approval of the appropriate governing body. To accomplish this purpose, the regulations contained in this title are determined to be necessary to preserve the public health, safety and general welfare; to promote orderly growth and development and to promote open space, conservation, protection, and proper use of land; and to ensure provision for adequate traffic circulation, utilities, and other services in the County.
- B. It is the purpose of this title to ensure compliance of the goals, objectives and policies of the Monterey County General Plan, Area Plans, Specific Plans, and Local Coastal Plans as certified by the State of California and any amendments of the above cited plans.
- C. It is the purpose of this title to ensure compliance with Title 20 (Zoning) of the County of Monterey.



19.01.015 CONSISTENCY.

No land shall be subdivided and developed for any purpose which is inconsistent with the General Plan, Area Plan, Local Coastal Plan or any applicable specific plan of the County or which is not permitted by Title 19.1. and 20 (Zoning) or other applicable provisions of this title.

The type and intensity of land use as shown on the General Plan and any applicable plan shall determine, together with the requirements of the Subdivision Map Act and this title, the type of streets, roads, highways, utilities, and other public services that shall be provided by the subdivider.

19.01.020 EXCEPTIONS.

This title shall not be applicable to:

- A. The financing or leasing of apartments, offices, stores or similar space within apartment buildings, industrial buildings, commercial buildings, mobilehome parks or trailer parks.
- B. Mineral, oil or gas leases.
- C. Land dedicated for cemetery purposes under the State Health and Safety Code.
- D. Boundary line or exchange agreements to which the State Lands Commission or a local agency holding a trust grant of tide and submerged lands is a party.
- E. Any separate assessment under Section 2188.7 of the Revenue and Taxation Code.
- F. Unless a parcel or final map was approved by the Board of Supervisors, the conversion of a community apartment project, as defined in Section 11004 of the Business and Professions Code, to a condominium, as defined in Section 783 of the Civil Code, but only if all of the following requirements are met:
  - 1. At least 75 percent of the units in the project were occupied by record owners of the project on March 31, 1982.
  - 2. A final or parcel map of the project was properly recorded, if the property was subdivided, as defined in Section 66424, after January 1, 1964, with all of the conditions of that map remaining in effect after the conversion.
  - 3. The County certifies that the above requirements were satisfied if the County by ordinance, provides for that certification.

- G. Unless a parcel or final map was approved by the Board of Supervisors, the conversion of a stock cooperative, as defined in Section 11003.2 of the Business and Professions Code, to a condominium, as defined in Section 783 of the Civil Code, but only if all of the following requirements are met:
1. At least 51 percent of the units in the cooperative were occupied by stockholders of the cooperative on January 1, 1981, or individually owned by stockholders of the cooperative on January 1, 1981. As used in this paragraph, a cooperative unit is "individually owned" if and only if the stockholder of that unit owns or partially owns an interest in no more than one unit in the cooperative.
  2. No more than 25 percent of the shares of the cooperative were owned by any one person, as defined in Section 17, including an incorporator or director of the cooperative, on January 1, 1981.
  3. A person renting a unit in a cooperative shall be entitled at the time of conversion to all tenant rights in state or local law, including, but not limited to, rights respecting first refusal, notice, displacement and relocation benefits.
  4. The County certifies that the above requirements were satisfied if the County, by ordinance, provides for that certification.
- H. The leasing of, or the granting of an easement to, a parcel of land, or any portion or portions thereof, in conjunction with the financing, erection, and sale or lease of a windpowered electrical generation device on the land, if the project is subject to discretionary action by the Planning Commission or the Board of Supervisors.
- I. The financing or leasing of any parcel of land, or any portion thereof, in conjunction with the construction of commercial or industrial buildings on a single parcel, unless the project is not subject to review under other ordinances regulating design and improvement.
- J. The financing or leasing of existing separate commercial or industrial buildings on a single parcel.
- K. The construction, financing, or leasing of dwelling units pursuant to Section 65852.1 or second units pursuant to Section 65852.2, but this division shall be applicable to the sale or transfer, but not leasing, of those units.

19.01.025 MINOR SUBDIVISION COMMITTEE.

- A. There is a created Minor Subdivision Committee to consist of one member of the Planning Commission and one alternate, the Director of Public Works, Director of Environmental Health, two representatives the Department of Planning and Building Inspection, General Manager of the Monterey County Flood Control and Water Conservation District, County Fire Warden or their designated representatives. The Planning Commission shall designate which voting member and alternate shall sit on the Minor Subdivision Committee for a period of one year on a rotational basis. The Director of Planning and Building Inspection or his designated representative shall be the secretary of the committee.

The Minor Subdivision Committee shall be charged with the following duties and responsibilities:

1. To serve in a technical capacity to the Board of Supervisors and the Planning Commission and make recommendations on the design and improvements of minor subdivisions, standard subdivisions and combined development permits where appropriate.
2. Designated as the advisory agency authorized to approve, conditionally approve or disapprove minor subdivisions and divisions of property requiring a parcel map under Section 66426 of the Government Code of the State of California except for division of five or more parcels each of which is forty acres or is a quarter quarter section or larger and except for divisions of land or one hundred sixty acres or more, regardless of the number of parcels.
3. To approve, disapprove or conditionally approve lot line adjustments.
4. To be the decision-making body or advisory agency on revised minor subdivisions and requests for reconsideration of conditions prior to the recordation of the parcel map where the Minor Subdivision Committee is authorized.
5. To make recommendations to the Board of Supervisors to reduce, alter or add to the development standards contained in this title.

19.01.030 SUBDIVISION COMMITTEE.

- A. There is created a Subdivision Committee to consist of the Director of Public Works, two representatives of the Department Planning and Building Inspection, Director of Environmental Health, General Manager of the Monterey County Flood Control and Water Conservation District, Director of Parks and Recreation, County Fire Warden, or

their designated representatives. The committee shall have the powers and duties specified by this title. The Director of Planning and Building Inspection or his designated representative shall be the secretary of the committee.

The Subdivision Committee shall be in charged with the following duties and responsibilities:

1. To serve in a technical capacity to the Board of Supervisors and the Planning Commission and make recommendations on the design and improvements of standard subdivisions and combined development permits where appropriate.
2. Designated as the advisory agency authorized to recommend approval, conditional approval or disapproval of divisions of property requiring a final map under Section 66426 of the Government Code of the State of California and for divisions of five or more parcels each of which is forty acres or is a quarter quarter section or larger and except for divisions of land of one hundred sixty acres or more, regardless of the number of parcels.

19.01.035 PLANNING COMMISSION.

A. The Planning Commission is hereby designated the advisory agency with respect to standard subdivisions as defined in this title and Section 66415 of the the Government Code of the State of California.

1. The Planning Commission shall make recommendations to the Board of Supervisors with respect to standard subdivisions and combined development permits, where appropriate.
2. The Planning Commission shall have the powers and duties with respect to tentative parcel maps for minor subdivisions of five or more parcels, each of which is forty acres or larger or is a quarter quarter section or larger, and for divisions of land of one hundred sixty acres or more, regardless of the number of parcels, and the procedure relating thereto, which are specified by this title.
3. The Planning Commission shall have the authority to review and make recommendations to the Board of Supervisors for the reconsideration of tentative maps for standard subdivisions and requests for reconsiderations of conditions prior to the recordation of the final map.
4. The Planning Commission shall be charged with the duty of making recommendations to the Board of Supervisors

to reduce, alter or add to the provisions as contained in this title.

19.01.040 BOARD OF SUPERVISORS.

- A. The Board of Supervisors is hereby designated the legislative body with respect to standard subdivisions, combined development permits where appropriate and proposed minor or standard subdivisions that are currently under the provisions of Williamson Act Contracts. The Board of Supervisors shall also have the authority to hear and decide appeals made based upon the decisions of the Planning Commission or the Minor Subdivision Committee as provided in this title.

19.01.045 FEES AND FORMS.

No application, appeal or certificate of compliance shall be considered received pursuant to this title without payment of the required fees unless the fees have been waived by resolution of the Board of Supervisors.

The Director of Planning and Building Inspection shall prescribe various application forms and when made available to the public, all applications, for the division of real property shall be made on such forms.

19.01.050 APPEALS.

- A. An appeal to the Board of Supervisors may be filed by the subdivider, any public agency or any person aggrieved by a decision of the Planning Commission or Minor Subdivision Committee. Such appeals shall be in writing and shall be filed with the Clerk of the Board of Supervisors within ten (10) days after the decision has been made by the Planning Commission or the Minor Subdivision Committee. At the time of the filing of the appeal, the appellant, other than the applicant or public agency, shall pay the required filing fee, as established from time to time by the Board of Supervisors, to the Clerk of the Board of Supervisors. An appeal shall set forth specifically the points at issue, the reasons for the appeal, and wherein the appellant believes there was an error or abuse of discretion by the Planning Commission or Minor Subdivision Committee.
- B. Upon receipt of the notice of appeal, the Board of Supervisors shall set a date for public hearing within thirty (30) days following the filing of the appeal. The Board of Supervisors may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision, as should be made, and such action shall be final.

- C. Upon conclusion of the hearing, the Board of Supervisors shall render their decision within ten (10) days based upon the evidence produced before it. They may sustain, modify, reject or overrule any recommendations, findings or conditions imposed by the Planning Commission or the Minor Subdivision Committee. The decision shall comply with the provisions of Section 19.01.015.
- D. If the Board of Supervisors fails to act upon an appeal within the time limit specified in this title, the tentative map or tentative parcel map, insofar as it complies with applicable requirements of this title, shall be deemed to be approved or conditionally approved as last approved or conditionally approved by the Planning Commission or the Minor Subdivision Committee.
- E. At the time of the filing of the appeal the appellant shall pay the required filing fee as established from time to time by resolution of the Board of Supervisors to the Clerk of the Board of Supervisors.
- F. Requirements for Contents of Appeal

The appellant must specifically state in the notice of appeal:

1. The identity of the appellant and his/her interest in the decision;
  2. The identity of the decision appealed from and the conditions appealed from;
  3. A clear, complete, but brief, statement of the reasons why, in the opinion of the appellant, the decision or the conditions imposed were unjustified or inappropriate because:
    - a. there was lack of a fair and impartial hearing;  
or
    - b. the findings or decision or conditions are not supported by the evidence; or
    - c. the decision was contrary to law.
  4. The specific reasons the appellant disagrees with the findings of the Planning Commission or the Minor Subdivision Committee, if he/she disagrees.
  5. The notice of appeal shall set forth specific facts of the matter in sufficient detail to notify interested persons of the nature of the proceedings, to place the interested persons upon notice as to how any proposed action may affect their interest so that they may formulate their defense or opposition without being subjected to surprise. The Board will not accept an appeal stated in generalities, legal or otherwise.
- G. An appeal shall not be accepted by the Board of Supervisors unless it is complete and complies with all requirements.

of this title as specified. The Clerk of the Board shall not accept a notice of appeal if it is obvious on the face of the notice that it is incomplete.

- H. The Board of Supervisors shall consider the appeal hearing de novo. However, the Board of Supervisors maintains the option to refer the matter back to the designated approving authority, if the Board finds the substantial new evidence has been introduced at the appeal hearing.

19.01.055 PUBLIC HEARINGS.

- A. Any action to approve, conditionally approve or disapprove a tentative map, tentative parcel map, lot line adjustment, revised tentative map or reconsideration of conditions applied to the approval of the above listed applications may be taken only after a duly noticed public hearing at which time any interested person(s) may appear and be heard.
- B. It shall be the responsibility of the applicant to supply the list of property owners within 300 feet of the proposed development and pre-addressed stamped envelopes for each application which requires a public hearing.

19.01.060 APPLICABILITY.

Except as otherwise specifically provided, the provisions of each chapter of this title shall apply to all subdivisions except that the provisions of Chapter III shall apply only to standard subdivisions; and the provisions of Chapter IV shall apply only to minor subdivisions.

19.01.065 STATE PRE-EMPTION.

The provisions of this title are mandated by the Subdivision Map Act are subject to change without notice or action by the County in the event the State Legislature amends the Subdivision Map Act. This title will be periodically updated to reflect such changes.

19.01.066 COMPLIANCE WITH LOCAL, STATE AND FEDERAL LAWS.

- A. This title does not enlarge, diminish, or alter the types of conditions which may be imposed by the Board of Supervisors on a development, nor in any way will diminish or alter the power of the County of Monterey to protect against a condition dangerous to the public health or safety.
- B. The rights conferred by this title shall relate only to the imposition by the County of conditions of requirements created and imposed by ordinances. Nothing in this title removes, diminishes, or affects the obligation of any subdivider to comply with the conditions and requirements.

of any state or federal laws, regulations, or policies and does not grant the County the option to disregard any state or federal laws, regulations, or policies.

19.01.070 MINOR SUBDIVISION COMMITTEE, SUBDIVISION COMMITTEE, PLANNING COMMISSION AND BOARD OF SUPERVISORS TO CONSIDER HOUSING NEEDS OF REGION.

In carrying out the provisions of this title, each decision making body shall consider the effect of ordinances and actions adopted pursuant to this title upon the housing needs of the region in which the County is situated and balance these needs against the public service needs of its residents and available fiscal and environmental resources.

19.01.075 LIMITATION ON IMPROVEMENT REQUIREMENTS UNDER A PARCEL MAP.

- A. Whenever the County requires improvements for a division of land which is not a subdivision of five or more lots, such regulations shall be limited to the dedication of rights-of-way, easements, and the construction of reasonable offsite and onsite improvements for the parcels being created. Requirements for the construction of such offsite and onsite improvements shall be noticed by a statement on the parcel map, on the instrument evidencing the waiver of the parcel map, or by separate instrument and shall be recorded on, concurrently with, or prior to the parcel map or instrument of waiver of a parcel map being filed for record.
- B. Fulfillment of the construction requirements shall not be required until the time as a permit or other grant of approval for development of the parcel is issued by the County or, until the time as the construction of such improvements is required pursuant to an agreement between the subdivider and the County except that in the absence of such an agreement the County may require fulfillment of such construction requirements within a reasonable time following approval of the parcel map and prior to the issuance of a permit or other grant of approval for the development of a parcel upon a finding by the Minor Subdivision Committee, Planning Commission or Board of Supervisors that fulfillment of the construction requirements is necessary for either of the the following reasons:
  - 1. The public health and safety; or
  - 2. The required construction is a necessary prerequisite to the orderly development of the surrounding area.



19.01.080 DESIGNATED REMAINDER PARCEL IMPROVEMENT REQUIREMENTS.

- A. When a subdivision is of a portion of any unit or units of improved or unimproved land, the subdivider may designate as a remainder that portion which is not divided for the purpose of sale, lease, or financing. The designated remainder shall not be counted as a parcel for the purpose of determining whether a parcel map or final map is required.
- B. For a designated remainder parcel described in subdivision (A), the fulfillment of construction requirements for improvements shall not be required until a permit or other grant of approval for development of the remainder parcel is issued by the County, or until the construction of the improvements is required pursuant to an agreement between the subdivider and the County. In the absence of that agreement, the County may require fulfillment of the construction requirements within a reasonable time following approval of the final or parcel map and prior to the issuance of a permit or other grant of approval for the development of a remainder parcel upon a finding by the Minor Subdivision Committee, Planning Commission or Board of Supervisors that fulfillment of the construction requirements is necessary for reasons of:
1. The public health and safety; or
  2. The required construction is a necessary prerequisite to the orderly development of the surrounding area.
  3. A designated remainder may subsequently be sold without any further requirement of the filing of a parcel map or final map, but the County may require a certificate of compliance or conditional certificate of compliance.

## Chapter II. DEFINITION OF TERMS.

### 19.02.005 ADVISORY AGENCY.

A designated official or an official body charged with the duty of making investigations and reports on the design and improvement of proposed divisions of real property, the imposing of requirements or conditions and having the authority by law to approve or disapprove maps.

### 19.02.010 ADVISORY COMMITTEE.

A committee appointed by the Planning Commission to review and evaluate the effect of discretionary permits and to make recommendations to the designated official hearing body charged with making decisions on projects.

### 19.02.015 ALLOCATION.

Allocation means the number of lots approved for division or division and development, for a subdivision application in a Residential Allocation Zone (RAZ).

### 19.02.016 APPROPRIATE DECISION MAKING BODY

Means the designated official approving authority for minor subdivisions or standard subdivisions charged with the duty and authority to impose reasonable conditions on the design and improvements of divisions of real property.

### 19.02.020 BUILDING ENVELOPE.

The portion of a lot designated on a final or parcel map for building or placement of structures.

### 19.02.025 BUILDING SETBACK LINE.

As set forth in Title 20 (Zoning) or a line on a final or parcel map which establishes the minimum distance for structures from any topographic feature, property line, easement line or right of way (public or private).

### 19.02.030 BUILDING SITE.

A parcel of land occupied or intended to be occupied by main buildings, accessory buildings and other related uses.

### 19.02.035 CERTIFICATE OF COMPLIANCE.

A document describing a unit or contiguous units of real property and stating that the parcel complies with applicable provisions of the Subdivision Map Act and County Ordinances enacted pursuant thereto.

19.02.040 CEQA.

California Environmental Quality Act contained in Public Resources Code Sections 21000 et seq.

19.02.045 CITIZEN'S EVALUATION COMMITTEE.

A committee appointed by the Board of Supervisors to evaluate projects within the Residential Allocation Zones (RAZ) of a Master or General Plan Area.

19.02.050 COMMON INTEREST DEVELOPMENT.

Means real property development:

- A. Which consists or will consist of separately owned lots, parcels, areas, or spaces with either or both of the following features:
  - 1. One or more additional contiguous or noncontiguous lots, parcels, areas, or spaces owned in common by the owners of the separately owned lots, parcels, areas, or spaces.
  - 2. Mutual, common, or reciprocal interests in, or restrictions upon, all or a portion of these separately owned lots, parcels, areas, or spaces, or both.
- B. And, in which the owners of the separately owned lots, parcels, areas, or spaces have rights directly or indirectly, to the beneficial use and enjoyment of the lots, parcels, areas or spaces referred to in subparagraph (1) of paragraph (A) or any one or more of them or portions thereof on interests therein, or the interests or restrictions referred to in subparagraph (2) of paragraph (A).

The estate in a separately or commonly owned lot, parcel, area, or space may be an estate of inheritance or perpetual estate, an estate for life, an estate for years, or any combination of the foregoing.

Either common ownership of the additional contiguous or noncontiguous lots, parcels, or areas for the purpose of the mutual, common, or reciprocal interests in, or restrictions upon, the separately owned lots, parcels, areas, or spaces and may be through ownership of shares of stock or membership in an association or otherwise. Shares of stock, if any exist, shall be deemed to be interests in a common interest development and real estate development for purposes of subdivision (f) of Section 25100 of the Corporations Code.

19.02.055 COMMUNITY APARTMENT PROJECT.

Means a common interest development in which an undivided interest in land is coupled with the right of exclusive occupancy of any apartment located thereon.

19.02.060 CONDOMINIUM PLAN.

Means a plan consisting of:

- A. A description or survey map of a condominium project, which shall refer to or show monumentation on the ground.
- B. A three-dimensional description of a condominium project, one or more dimensions of which may extend for an indefinite distance upwards or downwards, in sufficient detail to identify the common areas and each separate interest.
- C. A certificate consenting to the recordation of the condominium plan pursuant to this title signed and acknowledged by the record owners of fee title to that property included in the condominium project. In the case of a condominium project which will terminate upon the termination of an estate for years, the certificate shall be signed and acknowledged by all lessors and lessees of the estate for years and, in the case of a condominium project subject to a life estate, the certificate shall be signed and acknowledged by all life tenants and remainder interests. The certificate shall also be signed and acknowledged by all life tenants and remainder interests. The certificate shall also be signed and acknowledged by either the trustee or the beneficiary of each recorded deed of trust, and the mortgagee of each recorded mortgage encumbering the property. Owners of mineral rights, easements, rights-of-ways, and other nonpossessory interests do not need to sign the condominium plan. A condominium plan may be amended or revoked by a subsequently acknowledged recorded instrument executed by all the persons whose signatures would be required to record a condominium plan pursuant to this subdivision.

19.02.065 COASTAL LAND USE PLAN.

Means a land use plan specifically prepared and adopted by the County of Monterey and certified by the State of California pursuant to California Coastal Zone Conservation Act (Commencing with Government Code 27000).

19.02.070 COASTAL ZONE.

Land and water area of the State of California from the Oregon border to the border of the Republic of Mexico, specified on the maps identified and set forth in Section 17 of that chapter of the Statutes of the 1975-76 Regular Session enacting this

division, extending seaward to the state's outer limit of jurisdiction, including all offshore islands, and extending inland generally 1,000 yards from the mean high tide line of the sea and significant coastal estuarine, habitat, and recreational areas.

19.02.075 CONDOMINIUM PROJECT.

- A. Means a common interest development consisting of condominiums. A condominium consists of an undivided interest in common in a portion of real property coupled with a separate interest in space called a unit, the boundaries of which are described on a recorded final map, parcel map, or condominium plan in sufficient detail to locate all boundaries thereof. The area within these boundaries may be filled with air, earth, or water, or any combination thereof, and need not be physically attached to land except by easements for access and, if necessary, support. The description of the unit may refer to:
1. Boundaries described in the recorded final map, parcel map, or condominium plan,
  2. Physical boundaries, either in existence, or to be constructed, such as walls, floors, and ceilings of a structure or any portion thereof,
  3. An entire structure containing one or more units, or
  4. Any combination thereof.
- B. The portion or portions of the real property held in undivided interest may be all of the real property, except for the separate interests, or may include a particular three-dimensional portion thereof, the boundaries of which are described on a recorded final map, parcel map, or condominium plan. The area within these boundaries may be filled with air, earth, or water, or any combination thereof, and need not be physically attached to land except by easements for access and, if necessary, support. An individual condominium within a condominium project may include, in addition, a separate interest in other portions of the real property.

19.02.080 COUNTY.

County of Monterey, State of California. The designation of any particular officer in this title means the particular officer of the County of Monterey.

19.02.085 COMBINED DEVELOPMENT PERMIT.

A process whereby a proposed development requiring a multiple of discretionary permits pursuant to Title 20 (Zoning) and Title 19 (Subdivisions), Monterey County Code can be considered under a single discretionary permit encompassing all phases and aspects of the development (Title 20 Section 20.210 Zoning Ordinance).

19.02.086 DEVELOPMENT.

Development means the uses to which the land which is the subject of a map shall be put, the buildings to be constructed on it, and all alterations of the land and construction incident thereto.

19.02.090 DENSITY.

The ratio of single family living units to acreage.

19.02.095 DENSITY (GROSS).

The ratio of single family living units within the distinct boundaries of any property including the area to the center of an abutting street or access within the street or access road. Density does not include those areas within a dedicated public right of way for road or highway purposes.

19.02.100 DENSITY (SLOPE).

The density per project derived from the use of the slope density formula as outlined in the Monterey County General Plan (policy 3.2.4 and Companion policy 36.0.4).

19.02.105 DESIGN.

Design means: (A) street alignments, grades and widths; (B) drainage and sanitary facilities and utilities, including alignments and grades thereof; (C) location and size of all required easements and rights-of-ways; (D) fire roads and firebreaks; (E) lot size and configuration; (F) traffic access; (G) grading; (H) land to be dedicated for park or recreational purposes; and (I) such other specific physical requirements in the plan and configuration of the entire subdivision as may be necessary to ensure consistency with, or implementation of, the Monterey County General Plan, Area Plan, Local Coastal Plan or any applicable specific plan.

19.02.110 EASEMENT.

An interest in land owned by another that entitles its holder to a specific limited use or enjoyment.

19.02.115 ENVIRONMENTAL IMPACT REPORT (EIR).

A detailed statement pursuant to California Environment Quality Act setting forth the significant environmental effects of a proposed project, identifying alternative and possible ways to reduce or avoid possible environmental damage or impacts.

19.02.120 FINDINGS.

A statement of facts that support a decision made by a legislative body or advisory agency.

19.02.125 RESERVED.

19.02.130 GENERAL PLAN.

The General Plan of the County of Monterey adopted by the Board of Supervisors on September 1982 and any amendments to the Plan including Area Plans and Specific Plans adopted by the Board of Supervisors for each of eight planning areas. The General Plan and the Area Plans, Coastal Land Use Plans and Specific Plans contain elements which are sufficiently detailed to indicate the kinds, location and intensity of land uses and applicable resource protection and development policies.

19.02.135 GRADING.

Any excavating or filling or combination thereof of soil.

19.02.140 IMPROVEMENT.

Such street work and utilities to be installed, or agreed to be installed (for which a security instrument is first accepted), by the subdivider on the subdivision or land adjacent thereto to be used for public or private streets, highways, ways, and easements, as are necessary for the general use of the lot owners in the subdivision and local neighborhood traffic and drainage needs as a condition precedent to the approval and acceptance of the parcel or final map thereof.

Improvement also refers to such other specific improvements, the installation of which, either by the subdivider, by public agencies, by private utilities, by any other entity approved by the local agency or by a combination thereof, is necessary or convenient to insure conformity to or implementation of the Monterey County General Plan.

19.02.145 LOT.

A unit of land which has been created under the provisions of the Subdivision Map Act or any prior law regulating the division of land or a local ordinance enacted pursuant thereto or was created prior to the time any local or state law regulated divisions of land or which were not subject to any local or state regulation of the time of its creation. In the Coastal Zone, an existing parcel means a separate legal parcel recorded as of December 31, 1976, or later if approved under a coastal development permit. Existing parcels do not include parcels recorded without benefit of coastal development permit where such permit was required by law prior to 1977. Parcels crossed by public road or highway rights-of-way will not be considered to have been "subdivided" by such a road or highway. Except where a legal determination by the County (or by the Coastal Commission on appeal of a permit application) concludes otherwise for a particular ownership, contiguous lots conveyed by U.S. patent or aggregated under a single ownership will be considered as a single parcel for Subdivision Map Act purposes.

19.02.150 LOT LINE ADJUSTMENT.

A lot line adjustment between two or more existing adjacent parcels, where the land taken from one parcel is added to an adjacent parcel, and where a greater number of parcels than originally existed is not thereby created. A lot line adjustment which results in the relocation of the building area or has the potential to result in the creation of additional lots shall be considered major. A lot line adjustment which does not result in the relocation of the building area shall be considered minor. A relocation which results in the creation of additional lots or parcels shall be treated as a subdivision. Lots may be consolidated through the lot line adjustment application procedure.

19.02.155 MAP ACT.

The Subdivision Map Act of the State of California as set forth in Government Code ~ 66410 et seq.

19.02.160 MAP (FINAL).

A map showing a subdivision for which a tentative and final map is required by the Subdivision Map Act or this chapter, prepared in accordance with the provisions of this chapter and the Subdivision Map Act and designed to be recorded in the office of the County Recorder.

19.02.165 MAP (PARCEL).

A map showing a subdivision for which a final map is not required by the Map Act or this code and which is prepared in accordance with the provisions of this code and the Map Act and designed to be recorded in the Office of the County Recorder.

19.02.170 MAP (PRELIMINARY).

A map showing in preliminary form a proposed development plan or subdivision.

19.02.175 MAP (PRELIMINARY PROJECT REVIEW).

A map made for the purpose of showing the design and improvement of a proposed division of land located in a Residential Allocation Zone - (RAZ).

19.02.180 MAP (TENTATIVE).

A map made for the purpose of showing the design and improvement of a proposed subdivision and the existing conditions in and around it; a tentative map is required for all subdivisions.



19.02.185 MAP (VESTING TENTATIVE)

A tentative map which confers particular vested rights upon approval of such a tentative map.

19.02.190 MERGER.

Shall mean the joining of two or more contiguous parcels under one ownership into one parcel.

19.02.195 OPEN SPACE.

Those areas suitable for common recreational use or which provide visual relief to developed areas, areas devoted to parking, vehicular traffic or private use, and any other area which does not significantly lend itself to the overall benefit of either the particular development or surrounding environment. Open space may include areas in private lot ownership, provided that such areas are not fenced.

19.02.200 OWNER.

The individuals, firms, partnerships or corporation having proprietary interests in the land sought to be subdivided except those who hold title solely for the purpose of security.

19.02.205 PARCEL.

A unit of land which has been created under the provisions of the Subdivision Map Act or any prior law regulating the division of land or a local ordinance enacted pursuant thereto or was created prior to the time any local or state law regulating divisions of land or which were not subject to any local or state regulation of the time of its creation. In the Coastal Zone, an existing parcel means a separate legal parcel recorded as of December 31, 1976, or later if approved under a coastal development permit. Existing parcels do not include parcels recorded without benefit of coastal development permit where such permit was required by law prior to 1977. Parcels crossed by public road or highway rights-of-way will not be considered to have been "subdivided" by such a road or highway. Except where a legal determination by the County (or by the Coastal Commission on appeal of a permit application) concludes otherwise for a particular ownership, contiguous lots conveyed by U.S. patent or aggregated under a single ownership will be considered as a single parcel for Subdivision Map Act purposes.

19.02.210 PLANNED DEVELOPMENT.

A. Means a common interest development (other than a community apartment project, a condominium project, or a stock cooperative) having either or both of the following features:

1. Any contiguous or noncontiguous lots, parcels, or

areas in which owners of separately owned lots, parcels, or areas are owners in common, possessing appurtenant rights to the beneficial use and enjoyment of the commonly owned property.

2. A power exists in the association to enforce an obligation of an owner of a separately owned lot, parcel, or area with respect to the beneficial use and enjoyment by means of an assessment which may become a lien upon the separately owned lot, parcel, or area in accordance with Government Code Section 1367.

#### 19.02.215 PLANNING AREA.

One of eight geographic sub-areas of Monterey County established for purposes of the General Plan Update Program. They are the Toro, North County, Greater Monterey Peninsula, Central Salinas Valley, South County, Greater Salinas, Coast, and Cachagua Planning Areas.

#### 19.02.220 REMAINDER PARCEL.

A portion of any unit or units of improved or unimproved land, the subdivider may designate as a remainder that portion which is not divided for the purpose of sale, lease, or financing. The designated remainder shall not be counted as a parcel for the purpose of determining whether a parcel map or final map is required.

#### 19.02.225 RESIDENTIAL ALLOCATION ZONE.

A combining zoning district whose purpose is to establish an area within which limited development is allocated. The limits of development and system of allocation are set forth in the master plan of the area in which the zone is established.

#### 19.02.230 SPECIFIC PLAN.

Regulations, programs and legislation designed to implement the County's General Plan and adopted pursuant to Government Code 65450 et seq.

#### 19.02.235 STOCK COOPERATIVE.

Means a common interest development in which a corporation is formed or availed of primarily for the purpose of holding title to, either in fee simple or for a term of years, improved real property, and all or substantially all of the shareholders of the corporation receive a right of exclusive occupancy in a portion of the real property, title to which is held by the corporation. The owners' interest in the corporation, whether evidenced by a share of stock, a certificate of membership, or otherwise, shall be deemed to be an interest in a common interest development and a real estate development for purposes of subdivision (f), Section 25100 of the Corporations Code.

A "stock cooperative" includes a limited equity housing cooperative which is a stock cooperative that meets the criteria of Section 33007.5 of the Health and Safety Code.

19.02.240 STREET.

A public or private thoroughfare which affords principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road.

19.02.245 STRUCTURE.

That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner whether constructed on or off site.

19.02.250 SUBDIVIDER.

A person, firm, corporation, partnership, or association who proposes to divide, divides, or causes to be divided real property into a subdivision for him/herself or for others except that employees and consultants of such persons or entities, acting in such capacity, are not "subdividers".

19.02.255 SUBDIVISION.

- A. Subdivision means the division, by any subdivider, of any unit or units of improved or unimproved land, or any portion thereof, shown on the latest equalized county assessment roll as a unit or as contiguous units, for the purpose of sale, lease or financing, whether immediate or future except for leases of agricultural land for agricultural purposes. Property shall be considered as contiguous units, even if it is separated by roads, streets, utility easement or railroad rights-of-way. "Subdivision" includes a condominium project, as defined in Section 1350 of the Civil Code, a community apartment project, as defined in Section 11004 of the Business and Professions Code, or the conversion of five or more existing dwelling units to a stock cooperative, as defined in Section 11003.2 of the Business and Professions Code. As used in this section, "agricultural purposes" means the cultivation of food or fiber or the grazing or pasturing of livestock.
- B. Any conveyance of land to a government agency, public entity or public utility or subsidiary of a public utility for conveyance to such public utility for rights of ways shall not be considered a division of land for purposes of computing the number of parcels.
- C. Subdivision does 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, or record of survey of four or less parcels, each of which is over two and one-half acres, recorded prior to March 2, 1972, or parcels of two and one-half acres or over when said parcels were shown under separate ownership prior to March 7, 1972, when shown on a deed or deeds recorded on or before March 7, 1972, 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.

19.02.260 ZONING ORDINANCE.

Zoning Ordinance shall mean Title 19.1 and 20 of the Monterey County Code and interim ordinances enacted pursuant to State Planning and Zoning Laws.

### Chapter III. STANDARD SUBDIVISIONS

#### 19.03.005 TENTATIVE AND FINAL MAP REQUIREMENT.

A tentative and final map meeting the requirements of this chapter shall be required for all subdivisions creating five or more parcels, five or more condominiums as defined in Section 783 of the Civil Code, a community apartment project containing five or more parcels, or for the conversion of a dwelling to a stock cooperative containing five or more dwelling units, except where:

1. The land before division contains less than five acres, each parcel created by the division abuts upon a maintained public street of highway and no dedications or improvements are required by the appropriate decision making body, or
2. Each parcel created by the division has a gross area of 20 acres or more and has an approved access to a maintained public street or highway, or
3. The land consists of a parcel or parcels of land having approved access to a public street or highway which comprises part of a tract of land zoned for industrial or commercial development, and which has the approval of the appropriate decision making body as to street alignments and widths, or
4. Each parcel created by the division has a gross area of not less than 40 acres or is not less than a quarter of a quarter section.

A parcel map shall be required for those land divisions described in Section 19.03.005 (1), (2), (3), and (4).

#### 19.03.010 TENTATIVE MAP: FORM AND CONTENTS.

The tentative map shall be prepared in a manner acceptable to the Monterey County Planning and Building Inspection by a registered civil engineer or licensed land surveyor and shall be submitted with the Planning Department along with all required fees. The tentative map shall be clearly and legibly drawn and contain the following:

- A. Title block located in the lower right corner of the map which shall contain the name "Tentative Map" and the type of development proposed.
- B. Name and address of legal owner, subdivider, and person preparing the map (including registration number if applicable).
- C. Assessor's parcel number(s).
- D. Date prepared, north arrow, scale 1" = 100' and contour interval. The scale of the map may be varied by the

Director of Planning and Building Inspection if it is found that the project can be effectively illustrated at a different scale.

- E. A vicinity map (1" = 2000') showing roads, towns, major creeks, railroads and other data sufficient to locate the proposed subdivision and show its relation to the community and the current surrounding land uses.
- F. Existing topography of the proposed site, including but not limited to: The contour of the land at intervals of 5 feet of elevation up to 5% slope, or lesser contour intervals as may be approved by the Director of Planning and Building Inspection. Contours shall be indicated on contiguous property for a distance of 200 feet. Every fifth contour shall be a heavier weight line.
- G. The approximate location and height of major vegetation and existing structures on the property and on adjacent parcels which might affect solar access to the site(s) proposed for development. Applicants shall indicate how many of the housing units in the proposed subdivision have full southwall solar access and any other information pertinent to solar access. Structures and trees to be removed shall be so indicated.
- H. The location of the floodway and/or floodway fringe boundaries as well as the approximate location of all areas subject to inundation or storm water overflow and the location, width and direction of flow of each water course.
- I. The location, pavement and right-of-way width, grade and name of existing streets or highways.
- J. The widths, location and type of all existing easements.
- K. The location and size of existing sanitary sewers, water mains, and storm drains. The approximate slope of existing sewers and storm drains shall be indicated. The location of existing overhead utility lines on peripheral county or private roads.
- L. Proposed improvements shall be shown including but not be limited to:
  - 1. The location, grade, centerline radius and arc length of curves, pavement and right-of-way width and proposed name of all streets. Typical sections of all streets shall be shown as well as an indication if they will be offered for dedication.
  - 2. The location and radii of all curb returns and cul-de-sacs.
  - 3. The location, width and purpose of all easements.

4. The approximate lot layout and the approximate dimensions of each lot. The number of each lot shall be indicated and shall be numbered consecutively.
  5. Proposed recreation sites, trails and parks for private or public use and other dedicated or reserved areas.
  6. Proposed common areas and areas to be dedicated to public open space common areas and open space parcels shall be indicated by letter designation.
  7. The location and size of proposed sanitary sewers, water mains, and storm drains and stormwater detention ponds. Proposed slopes and approximate elevations of sanitary sewers and storm drains shall be indicated.
  8. Approximate location of all rivers, watercourses drainage channels, drainage structures and reservoirs.
- M. A subdivider's statement describing the existing and proposed use(s) of the property.

The subdivider's statement shall contain the following information and shall be on the face or first sheet of the tentative map or a separate statement to be included with the application.

1. Existing zoning and proposed uses of the land;
  2. Measures proposed regarding erosion control.
  3. Proposed source of water supply and name of water system, method of sewage disposal and the name of sewage utility system if sewered.
  4. Indicate type of tree planting or removal proposed;
  5. Proposed public areas to be dedicated and common area or scenic easements proposed. If common areas are proposed method of maintenance shall be stated;
  6. Proposed height of all structures.
  7. Proposed type development of lots or unit and whether they are for sale as lots or fully developed units.
- N. The name or names of any geologists or soils engineer whose services were required in the preparation of the design of the tentative map.
- O. If the subdivider plans to develop the site as shown on the tentative map in phases, a description of the proposed phases.

- P. The Director of Planning and Building Inspection may modify any of the foregoing tentative map requirements whenever the Director of Planning and Building Inspection it finds that the type of subdivision is such as not to necessitate compliance with these requirements, or that other circumstances justify such modifications.

19.03.015 TENTATIVE MAP: ADDITIONAL DATA AND REPORTS

The tentative map shall be accompanied by the following data or reports:

- A. Appropriate numbers of copies of a completed subdivision application as prescribed by the Director of Planning and Building Inspection.
- B. Appropriate number of copies of the tentative map. All maps shall be folded to an approximate size of 8 1/2" x 11". If multiple pages, the maps shall also be stapled and collated.
- C. Two copies of a slope density analysis map of the proposed project that shows the following slope categories and a tabulation of the total area (acres or square feet) within each category as specified by the Monterey County General Plan and any amendments to the Plan including Coastal Land Use Plans as certified by the State of California. The categories for the countywide General Plan are as follows: 0-19.9%, 20-29.9%, and 30%+. The following categories shall apply to the Big Sur Land Use Plan area east of State Highway 1; under 15%, over 30%. The map shall be of the same scale of the tentative map.
- D. Two copies of a slope analysis map indicating all areas greater than 25% slope (North County Land Use Plan Area only). The map shall be the same scale as the tentative map.
- E. One transparency of each page of the tentative map (maximum size: 8-1/2" x 11").
- F. A photocopy of the Assessor's parcel page(s) showing the parcel involved and parcels within 300' of the subject property. Applicants must indicate on the assessor's map which parcels are included on the list of property owners.
- G. A list of the names, addresses, and assessor's parcel numbers of all property owners within 300 feet of the property, including the parcel proposed for subdivision. The list shall be taken from the most recent records of the Monterey County Assessor.
- H. Three sets of pre-addressed stamped envelopes with no return address, to all property owners shown of the list.



Director of Division of Environmental Health indicating that the utility can and will serve the proposed subdivision. The public entity must comply with all state and county allocation and capacity requirements. The letter or document shall also state the expiration date of such a commitment. Hydrological evidence shall be submitted to the Director of Division of Environmental Health to show evidence of water quality and quantity. The applicant shall also provide proof of an assured, long-term water supply in terms of sustained yield and adequate quality for all lots which are proposed to be created through subdivisions. The water supply must meet both water quality and quantity standards expressed in Title 22 of the California Administrative Code and Title 15.04 of the Monterey County Code subject to review of the Director of Environmental Health.

- M. Three copies of a detailed geological report prepared in conformance with California Division of Mines and Geology standards, that addresses seismic hazards, faulting, slope stability and liquefaction potential and contains measures recommended by the geologist for any geologic hazards that are shown as a result of the report. The report shall be prepared by a California registered geologist. The report shall be subject to the approval of the Director of Planning and Building Inspection. In the case of a minor subdivision, a preliminary geologic report shall be required where it is determined that the subject project lies within a zone IV to VI geologic hazard.
- N. Two copies of an archaeology report prepared by a certified archaeologist (SOPA, Society of Professional Archaeologists) where the proposed project is located in a "moderate or high sensitivity" archaeological zone as shown on an Archaeological Sensitivity Map of the General Plan, Area Plan or Coastal Land Use Plan.
- O. In the event the proposal is for the conversion of a mobile home park to another use, a report as prescribed by Government Code Section 66427.4 shall be submitted to address the impact of the conversion upon displaced residents of the mobile home park to be converted.
- P. A description of prior development activity on the site such as the removal of any vegetation, grading, etc. which may affect the proposed subdivision.
- Q. Other data or information necessary to complete processing the map and environmental documents.

#### 19.03.020 TENTATIVE MAP REVIEW AND PROCESSING.

- A. Within thirty (30) days of the receipt of an application by a subdivider, the Director Planning and Building Inspection shall determine in writing whether application is complete

Additional sets may be required if an application is continued or tabled by the appropriate hearing body.

- I. Two (2) copies of preliminary title report showing the legal owners at the time of submittal of the tentative map application.
- J. Three copies of a preliminary soils report by a registered civil engineer based upon adequate test borings. If the preliminary soils report indicates the presence of critically expansive soils or other soils problems which, if not corrected, would lead to structural defects, the Director of Planning and Building Inspection may require a soils report investigating each lot within the subdivision. This soils investigation report shall recommend corrective action which is likely to prevent structural damage to each structure proposed to be constructed in the area where such soils problems exist as well as precautions required for erosion control and prevention of sedimentation and damage to adjacent property.
- K. If sewage disposal for the proposed subdivision will be provided by a public or private entity, a letter or document shall be submitted from the entity to the Division of Environmental Health and the Director of Planning and Building Inspection stating that the entity can and will serve the proposed subdivision. The public entity must comply with all state and county allocation and capacity requirements. The letter or document shall also state the expiration date of such a commitment. In the event that an individual sewage disposal system will be utilized, preliminary percolation testing and soil profile analysis shall be required to be submitted along with a tentative map application. The report shall analyze at least one soil profile analysis test per lot and one percolation test hole per two lots. Soil profile analysis may be reduced if conformity to a given soil type can be established. The report submitted shall demonstrate the feasibility of the proposed lot design and density and shall address nitrate loading of subsoil surfaces when septic systems are proposed. The soil tests and percolation tests shall meet the standards of the Division of Environmental Health. The applicant shall also provide proof that sewage disposal systems, both individual and package, for all lots which are proposed to be created through subdivision will not exceed nitrate and chemical loading levels in aquifers pursuant to the Regional Water Quality Control Basin Plan. If wastewater reclamation is proposed for a subdivision, the reclamation system must comply with the Basin Plan and the California Administrative Code subject to the review of the Director of Environmental Health.
- L. If water for the subdivision will be provided by a public utility or existing water system, a letter or document from the utility or water system shall be submitted to the

and forward the determination to the subdivider. If the application is determined to be incomplete, the Planning Director shall inform the subdivider of the additional information required or procedure by which said application can be made complete. If the Director of Planning and Building Inspection fails to make such determination within thirty (30) days, the application shall be deemed complete.

- B. Within ten (10) days prior to the public hearing for a tentative map, the Director of Planning and Building Inspection shall send a notice of the filing of the tentative map to the governing board of any elementary, high school or unified school district within the boundaries of which the subdivision is proposed to be located. Such notice shall also contain information about the location of the proposed subdivision, the number of units, density and other information which would be relevant to the affected school district. The governing board of the school district may comment on the proposed subdivision within twenty working days of the date on which notice is mailed pursuant to the requirements. Failure of any such school district to comment within the twenty working day period shall be deemed to recommend approval without comment on the proposed subdivision.

#### 19.03.025 PUBLIC HEARING PROCESS AND FILING.

- A. A proposed tentative subdivision map shall not be considered filed until it is considered at its first duly noticed public hearing of the Planning Commission. The Planning Commission shall make its written report to the Board of Supervisors within fifty calendar days (50) after the tentative map has been accepted as filed.
- B. A proposed tentative subdivision map shall not be accepted for filing by the Planning Commission unless accompanied by an environmental recommendation. An environmental recommendation includes:
1. A prepared negative declaration accompanied by an environmental initial study, or;
  2. A circulated draft environmental impact report;
  3. Data supplementing a previously certified environmental impact report, the data for a supplemental environmental impact report shall be deemed as adequate or inadequate by the Planning Commission prior to making its report to the Board of Supervisors.

If the data is found to be inadequate the Planning Commission shall reject the data and find that a new environmental impact report shall be prepared.

- C. After the application has been determined complete and

placed on an agenda for a public hearing, the Director of Planning and Building Inspection shall forward copies of the tentative map application to affected departments, committees and public agencies or their consultants which shall in turn, forward to the Director of Planning and Building Inspection their findings, recommendations and proposed conditions.

- D. The Subdivision Committee shall hold a duly noticed public hearing to review and consider the proposed development and make recommendations of proposed findings, conditions of approval or recommend disapproval to the Planning Commission.
- E. After consideration by the Subdivision Committee the Director of Planning and Building Inspection shall set the matter for public hearing before the Planning Commission to review and consider the report of Subdivision Committee of the proposed development and make recommendations of proposed findings, conditions of to the Board of Supervisors, the Planning Commission shall act within 50 days of the date of filing.
- F. The report of the Planning Commission shall then be forwarded to the Board of Supervisors and the Board of Supervisors shall hold a duly noticed public hearing to approve, conditionally approve or disapprove the proposed tentative subdivision map within thirty (30) calendar days of receipt of the report. However, if an environmental impact report is prepared for the proposed tentative map subdivision, the Board of Supervisors shall render its decision with 45 days after certification of the environmental impact report.
- G. A tentative map may be denied on any grounds provided by law. A tentative map shall be denied if any of the following findings are made:
  - 1. That the proposed map is not consistent with the applicable general plan, area plan, coastal land use plan or specific plan.
  - 2. That the design or improvement of the proposed subdivision is not consistent with general plan, area plan, coastal land use plan or specific plan.
  - 3. That the site is not physically suitable for the type of development.
  - 4. That the site is not physically suitable for the proposed density of development.
  - 5. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably

injure fish or wildlife or their habitat.

6. That the design of the subdivision or type of improvements is likely to cause serious public health problems.
  7. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.
- H. The Board of Supervisors may approve a subdivision or project where the soils investigation report discloses soils problems which if not corrected could lead to structural defects and determines that the engineer's recommended actions are likely to prevent structural damage to each structure to be constructed. The Board of Supervisors shall insure that subsequent permits are conditioned upon incorporation of the recommended corrective action in the construction of each structure.
- I. In the event the Airport Land Use Commission has determined that the proposed subdivision is inconsistent with the airport land use plan and would be harmful to the airport and adjacent area, the legislative body may approve such subdivision or project on a 2/3 affirmative vote in with Public Utilities Code Section 21676.
- J. In the event the Board of Supervisors proposes to disapprove or approve at a lower density a housing development project which is in compliance with the applicable plans, zoning and development policies in effect at the time the project's application was determined to be complete, the Board of Supervisors shall make written findings based upon substantial evidence in the record that both of the following conditions exist:
1. The housing development project would have a specific, adverse impact upon the public health or safety unless the project is disapproved or approved upon the condition that the project be developed at a lower density.

2. There is no feasible method to satisfactorily mitigate or avoid the adverse impact identified other than disapproval of the housing development project or approval upon condition that the project be developed at a lower density.
- K. The Board of Supervisors in approving a subdivision from the conversion of a mobile home park to another use shall conform to Government Code Section 66427.4 as amended from time to time.
- L. If a negative declaration is adopted or an environmental impact report is certified by the Board of Supervisors for an application for a tentative map at a noticed public hearing, the application can be considered at the hearing and also considered for approval at the same hearing; provided that all other requirements of the application have been met.
- M. The Director of Planning and Building Inspection shall transmit to the County Surveyor a copy of any approved tentative map along with the resolution approving the same.

#### 19.03.030 TERM OF THE TENTATIVE MAP APPROVAL.

- A. An approved tentative map shall expire twenty-four (24) months after its approval, subject to the following exceptions:
  1. If a development moratorium has been imposed, the provisions of Government Code Section 66452.6 shall govern.
  2. If litigation involving the approval of the tentative map has been filed and a stay of such time period is approved by the Board of Supervisors following written request of the subdivider.
- B. The expiration of the approved or conditionally approved tentative map shall terminate all proceedings, and no final map of all or any portion of the real property included within such tentative map should be filed without first obtaining approval for a new tentative map. Once a timely filing is made, subsequent actions of the County including, but not limited to, processing, approving, and recording, map lawfully occur after the date of expiration of the tentative map. Delivery to the County surveyor shall be deemed a timely filing for purposes of this section.

#### 19.03.035 EXTENSION(S) OF TENTATIVE MAP.

The subdivider may, upon written application, request extension(s) of the approval of the tentative map. Such application shall be filed with the Director of Planning and Building Inspection sixty (60) days before the map is due to

expire and shall state the reason(s) for requesting the extension. The Board of Supervisors may grant an extension(s) not to cumulatively exceed three (3) years. The Board of Supervisors may deny the extension in the event the subdivision is no longer consistent with the general plan, area plan, coastal land use plan or specific plan, zoning or there is new information or a substantial change in circumstances which would have affected the original approval. Prior to the expiration of an approved or conditionally approved tentative map upon an application by the subdivider to extend that map, the map approval shall automatically be extended for 60 days or until the application for the extension is approved, conditionally approved, or denied, whichever occurs first.

19.03.040 FINAL MAP REQUIREMENTS: GENERAL.

The final map shall be prepared by or under the direction of a registered civil engineer or licensed land surveyor so authorized by his or her enabling acts and shall be based on a survey, and shall substantially conform to the approved or conditionally approved tentative map and the requirements of the Subdivision Map Act and this title. Multiple final maps relating to an approved or conditionally approved tentative map may be filed provided that the subdivider either informed the Board of Supervisors of the subdivider's intention to file such multiple final maps at the time the tentative map was filed or after filing the tentative map the Board of Supervisors and subdivider concurred in the filing of multiple final maps.

19.03.045 FORM OF FINAL MAP.

- A. The final map shall be clearly and legibly drawn, printed or reproduced by a process guaranteeing a permanent record in black on tracing cloth of good quality, or on polyester base film which has at least one side matte. Where ink is used, it shall be black waterproof opaque India ink and shall be on a matte side of film. Typewriting or rubber stamps, except notarial seals, shall not be used on final maps submitted for recording. Where ink is used on polyester base film, the ink surface shall be coated with a suitable substance to assure permanent legibility. The map shall be so made and shall be in such condition when filed that good legible copies, positive or negative, can be made therefrom. In addition to the tracings, four sets of paper prints shall be submitted.
- B. The size of the map sheets shall be eighteen (18) by twenty-six (26) inches. A marginal line shall be drawn completely around each sheet leaving an entirely blank margin of one inch. The scale of the map shall be large enough to show all details clearly and enough sheets shall be used to accomplish this end.
- C. The boundary of the tract shall be designated by a border applied to the reverse side of the tracing. Such border

shall not interfere with the legibility of figures or other data.

19.03.050 CONTENTS OF FINAL MAP.

- A. The title sheet shall contain the title, consisting of the tract number and the name of the tract, if any. Such names shall not be the same as the name of any existing city, town, tract or subdivision of land into lots in this county, of which a map or plat has been previously recorded, or so nearly the same as to mislead the public or cause confusion as to the identity of the tract. If any of the land being subdivided has been previously shown on a recorded map, a subtitle referring to such recorded map shall also be shown on the title sheet. If the property included within the subdivision lies wholly in unincorporated territory, the following words shall appear below the title: "In the County of Monterey"; if partly in unincorporated territory and partly within an incorporated city, the following words shall be used: "Lying within and adjoining the City of \_\_\_\_\_". Reference to tracts and subdivisions in the description shall be worded identically with original records, and reference to book and page of record shall be complete. The assessor's parcel number shall appear in the lower right hand corner.
- B. Every sheet of the final map shall bear the scale, north point, sheet number and number of sheets comprising the map.
- C. The basis of bearings shall be clearly noted on the final map.
- D. Maps filed for the purpose of reverting subdivided land to acreage shall be conspicuously so designated as "REVERSION TO ACREAGE"; maps filed for the purpose of resubdivision shall be conspicuously so designated "RESUBDIVISION".
- E. When a soils report and/or geologic report or other reports have been prepared specifically for the subdivision, such fact shall be noted on the final map together with the location where the report(s) are on file for public inspection.
- F. The map shall show the location of each parcel and its relation to surrounding surveys. Parcels shall be numbered and shown entirely on one sheet. Remainders may be indicated only by deed reference to existing record boundaries and not as a matter of survey if the remainder has a gross area of five acres or more.
- G. The final map shall show the floodway, floodway fringe and the line of coastal flood hazard if the subdivision is adjacent to rivers, streams or tidewater areas. Any area subject to periodic inundation by flood water shall be



denoted by the words: "Subject to Inundation" in bold lettering.

- H. Lots in tracts containing more than one block may be numbered for clarity, in which case the lots shall be numbers in numerical order, commencing with the number "1" with no omissions or duplications. If possible, each block shall be shown entirely on one sheet. In the event of multiple final maps, numbering shall be continuous.
- I. The center and sidelines of all streets, the total width of all streets, the width of the portion being dedicated and the width of existing dedications, the width each side of the centerline, and the width of railroad rights-of-way appearing on the map. All streets shall be named as approved by the advisory agency.
- J. The sidelines of all easements to which the lots are subject. Easements shall be clearly labeled and identified if already of record, their recorded reference given. If any easement is not definitely located of record, a statement of such easement shall appear on the title sheet. Easements for storm drain sewers and other purposes shall be denoted by fine dotted lines. Building lines shall be indicated by dashed lines. Distances and bearings on the sidelines of lots which are cut by an easement shall be arrowed or so shown that the map will indicate clearly the actual lengths of the lot lines. The width of the easement and sufficient lengths and bearings of the line thereof to definitely locate the easement with respect to the lot lines shall be shown. If the easement is being dedicated by map, it shall be properly set out in the owner's certificate of dedication. All notes or figures pertaining to the easement shall be legible.
- K. All parcels intended for sale or reserved for private purposes, all parcels offered for dedication for public purposes and any private streets which have been permitted, with all dimensions, boundaries and courses, shall be clearly shown and defined in every case.
- L. In the event that an owner's development lien has been created pursuant to Education Code ~ 39327, a note shall be placed on the face of the final map specifically referring to the book and page in the County Recorder's Office in which the resolution creating the owner's development lien was recorded. The notice shall meet the requirements of Government Code ~ 66434.1.
- M. All other data required by law or approval of the tentative map shall be shown on the final map.

19.03.055 SURVEY INFORMATION ON FINAL MAP.

- A. Whenever the County Surveyor has established a system of

coordinates, the survey shall be tied to such system. Until such time as the coordinate system is established, the survey shall be tied to one of the following: a recorded subdivision, a recorded survey, a section corner or quarter section corner of record, or county or city survey monuments. The map shall show clearly what stakes, monuments, or other evidence was found on the ground to determine the boundaries of the tract and the ties thereto. The adjoining corners of all adjoining subdivisions shall be identified by lot numbers, if any, tract name and place of record, or by section, township and range, or other proper designation.

- B. All survey and mathematical information and data necessary to locate all monuments and to locate and retrace any and all interior and exterior boundary lines appearing on the final map shall be shown including bearings and distances of straight lines and radii and arc length or cord bearings and lengths of all curves as may be necessary to determine the location of the centers of curves shall be shown and ties to existing monuments used to establish the subdivision boundaries. Dimensions of lots shall be given as to net dimensions to the boundaries of adjoining streets and shall be shown in feet and hundredths of feet. No ditto marks shall be used.
- C. Whenever the County Surveyor or a city engineer has established the centerline of a street, the data shall be shown on the final map, indicating all monuments found and making reference to a filed document or map. If the points were reset by ties, that fact shall be stated.

#### 19.03.060 STATEMENTS AND CERTIFICATES.

The following statements, certificates and acknowledgments set out below and all others required by law shall appear on the final map. The County Surveyor may require that the statement, certificate or acknowledgment be made by separate instrument in which case a reference shall be made on the final map to the separately recorded document.

- A. A statement signed and acknowledged by all parties, having any recorded title interest in the real property to be subdivided, consenting to the preparation and recordation of the final map and offering for dedication all interests in real property specified for public use. with such exceptions as provided in Government Code Section 66436
- B. A statement by the civil engineer or licensed land surveyor responsible for the survey and final map. Such certificate shall give the date of the survey, state that the survey and final map were made by him or her or under his or her direction, and that the survey is true and complete as shown. The statement 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 on or before a specified later date. The statement shall also state that the monuments are, or will be, sufficient to enable the survey to be retraced. The signature of the engineer or surveyor shall be attested unless accompanied by the engineer's or surveyor's seal.

- C. A statement for execution by the County Surveyor and the Secretary to the Planning Commission which shall state that she or he has examined the map, that the subdivision as shown is substantially the same as it appeared on the tentative map and any approved alterations thereof, all provisions of this chapter and the Subdivision Map Act applicable at the time of approval of the tentative map have been complied with and that he or she is satisfied that the map is technically correct.
- D. A statement for execution by the stating that the body approved the map and accepted, accepted subject to improvement, or rejected on behalf of the public any real property offered for public use in conformity with the offer of dedication and approval of any required security to guarantee payment of tax liens.
- E. A statement for execution by the County Recorder indicating the date of recordation of the final map. The certificate shall conform for the provisions of Section 66464 of the State Map Act.

#### 19.03.065 DATA TO ACCOMPANY FINAL MAP.

The following data shall accompany the final map when submitted to the County Surveyor for checking:

- A. A subdivision guarantee in favor of the County of Monterey showing all holders of record title interest, and the nature of the interest(s).
- B. A tax certificate and security, if necessary, to cover taxes and assessments against the property which are a lien but which are not yet payable.
- C. Any necessary subdivision improvement agreement approved in form by County Counsel, signed by the subdivider and all required security.
- D. A statement from the agency providing any public water supply that all improvements required by the agency have been or will be installed in accordance with the standards established by this title, together with information as to the source and adequacy of the supply.

#### 19.03.070 RECORDING AND ACCEPTANCE OF THE FINAL MAP.

- A. The subdivider shall submit the final map and final map

documents with the County Surveyor for checking and approval at least thirty (30) days prior to the meeting of the Board of Supervisors.

- B. After the final map has been checked by the County Surveyor, the subdivider or his agent shall make any necessary corrections as directed and return the final map with all certificates executed, together with the necessary prints and any required security, to the County Surveyor by noon of the Tuesday preceding the meeting of the Board of Supervisors at which consideration of the map is desired.
- C. When all the statements, certificates and acknowledgments which appear on the final map, except the approval certificates of the Board of Supervisors, have been signed, the County Surveyor shall forward the final map to the Clerk of the Board for action by the Board of Supervisors. The Board of Supervisors shall, at the meeting at which it receives the map or at its next regular meeting after the meeting at which it receives the map, approve such map if it conforms to all the requirements of the Subdivision Map Act and the provisions of this chapter.
- D. In the event that all improvements required by law or conditions imposed upon the approval are not completed, the Board of Supervisors shall enter into an agreement with the subdivider guaranteed by the required security.
- E. The Board of Supervisors shall, at the time of its actions on the final map, accept or reject any or all offers of dedication.
- F. Upon the approval of any final map, and after the signatures and seals have been affixed, the Clerk of the Board of Supervisors shall transmit the map to the office of the County Recorder who shall, if the map is found to be in proper order, record the same upon payment of the required fee and presentation of a title guarantee by the subdivider. The filing for record of a final map by the County Recorder shall automatically and finally determine the validity of such map, and when recorded shall impart constructive notice thereof.

## Chapter IV. MINOR SUBDIVISIONS

### 19.04.005 TENTATIVE AND PARCEL MAP REQUIRED.

- A. The form and contents, submittal and approval of applications for tentative maps for four (4) or less parcels shall be governed by the provisions of this chapter. Subdivisions of five or more parcels, each of which is a quarter-quarter section or forty acres or larger and divisions of land of one hundred and sixty acres or more regardless of the number of parcels shall be considered as minor subdivisions.
- B. The Minor Subdivision Committee or Planning Commission may waive the parcel map requirement upon making the finding that the proposed subdivision complies with all requirements as to area, improvement and design, flood and storm water drainage control, approved public roads, sanitary disposal facilities, water supply availability, environmental protection, and other applicable requirements of the Subdivision Map Act and this title. In the event the parcel map requirement is waived, the Minor Subdivision Committee or Planning Commission may require that an instrument of waiver of parcel map be filed for record or that a record of survey be filed for record in-lieu of a parcel map.

### 19.04.010 TENTATIVE PARCEL MAP: FORM AND CONTENTS.

The tentative parcel map shall be prepared in a manner acceptable to the Department of Planning and Building Inspection and shall be prepared by a registered civil engineer or licensed land surveyor. The form and contents shall comply and be consistent with the requirements of Section 19.03.010.

### 19.04.015 TENTATIVE PARCEL MAP APPLICATION; ADDITIONAL DATA AND REPORTS.

The tentative map application shall be submitted to Department of Planning and Building Inspection for review in accordance with the same provisions of Section 19.03.015.

### 19.04.020 TENTATIVE PARCEL MAP REVIEW AND PROCESSING.

The tentative parcel map shall be submitted to the Department of Planning and Building Inspection for review and processing in accordance with the same provisions of Section 19.03.020.

### 19.04.025 PUBLIC HEARING PROCESS AND FILING.

- A. A proposed tentative parcel map subdivision shall not be considered filed until it is considered at its first duly noticed public hearing of the Minor Subdivision Committee. The Minor Subdivision Committee shall make its decision

within fifty (50) calendar days after the tentative parcel map has been accepted as filed.

B. Where a proposed tentative parcel map is required by this title to be approved by the Planning Commission, the proposed tentative parcel map subdivision shall not be considered filed until it is considered at its first duly noticed public hearing of the Planning Commission. The Planning Commission shall make its decision within fifty (50) calendar days after the tentative parcel map has been accepted as filed.

C. A application for a proposed tentative parcel map shall not be accepted for filing by the Minor Subdivision Committee or Planning Commission unless accompanied by an environmental recommendation. An environmental recommendation may include:

1. A prepared negative declaration accompanied by an environmental initial study;
2. A circulated draft environmental impact report;
3. Data supplementing a previously certified environmental impact report, the data for a supplemental environmental impact report shall deemed as adequate or inadequate by the Planning Commission or Minor Subdivision Committee.

If the data is found to be inadequate the Planning Commission or Minor Subdivision Committee shall reject the data and require that a new environmental impact report be prepared.

D. If a negative declaration is adopted or an environmental impact report is certified by the appropriate decision making body for an application for a tentative parcel map at a noticed public hearing, the application can be filed at the hearing and also considered for approval at the same hearing; provided that all other requirements of the application have been met.

E. A tentative parcel map may be denied on any grounds provided by law. A tentative parcel map shall be denied if any of the following findings are made:

1. That the tentative map is not consistent with appli-the general plan, area plan, coastal land use plan or specific plan.
2. That the design or improvement of the proposed subdivision is not consistent with the general plan, area plan, coastal land use plan or specific plan.
3. That the site is not physically suitable for the type

of development.

4. That the site is not physically suitable for the proposed density of development.
5. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
6. That the design of the subdivision or type of improvements is likely to cause serious public health problems.
7. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the approving body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgement of a court of competent jurisdiction and no authority is hereby granted to approving body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.
8. That the subdivision fails to meet any of the requirements or conditions imposed by the Subdivision Map Act or this title.

19.04.030 ACTION ON TENTATIVE PARCEL MAP.

- A. Upon completion of the environmental documents, the Director of Planning and Building Inspection shall set the matter for public hearing before the advisory agency which shall approve, disapprove, or conditionally approve the tentative parcel map in conformance with standards set forth in the Subdivision Map Act and this title. Such action shall take place within the applicable time limits of this title.
- B. The Minor Subdivision Committee or Planning Commission may approve a subdivision where the soils investigation report discloses soils problems which if not corrected could lead to structural defects if it determines that the engineer's recommended actions are likely to prevent structural damage to each structure to be constructed. The Minor Subdivision Committee or Planning Commission shall ensure that subsequent permits are conditioned upon incorporation of the recommended corrective action in the construction of each structure.

- C. In the event the Airport Land Use Commission has determined that the proposed subdivision is inconsistent with the airport land use plan and would be harmful to the airport and adjacent area, the advisory agency may approve such subdivision on a 4/5ths affirmative vote in conformance with Public Utilities Code Section 21676.
- D. The Minor Subdivision Committee or Planning Commission in approving a subdivision to be created from the conversion of a mobile home park to another use shall, pursuant to Government Code Section 66427.4 as amended from time to time.

19.04.035 TERM OF TENTATIVE PARCEL MAP APPROVAL.

- A. An approved tentative parcel map shall expire twenty-four (24) months after its approval, subject to the following exceptions:
  - 1. If a development moratorium has been imposed the provisions of Government Code section 66452.6 shall govern.
  - 2. If litigation involving the approval of the tentative map has been filed and a stay of such time period is approved by the County following written request of the subdivider.
- B. The expiration of the approved or conditionally approved tentative parcel map shall terminate all proceedings, and no parcel map of all or any portion of the real property included within such tentative map shall be filed without first processing a new tentative map.

19.04.040 EXTENSION(S) OF THE TENTATIVE PARCEL MAP.

The subdivider may, upon written application, request extension(s) of the tentative map approval. Such application shall be filed with the Director of Planning and Building Inspection, before approval is due to expire and shall state the reason(s) for requesting the extension. The Minor Subdivision Committee or Planning Commission may grant extension(s) not to cumulatively exceed two (2) years or may deny an extension in the event the subdivision is no longer consistent with the general plan, area plan, coastal land use plan or specific plan, zoning or there is new information or substantial changes in circumstances which would have affected the original approval. Prior to the expiration of an approved or conditionally approved tentative map upon an application by the subdivider to extend that map, the map approval shall automatically be extended for 60 days or until the application for the extension is approved, conditionally approved, or denied, whichever occurs first.

19.04.045 PARCEL MAP REQUIREMENTS: GENERAL.



The parcel map shall be prepared by or under the direction of a registered civil engineer or licensed land surveyor, shall show the location of streets and property lines bounding the property and shall substantially conform to the approved or conditionally approved tentative parcel map and the requirements of this chapter. The parcel map submitted shall be accompanied by a parcel map guarantee acceptable to County Counsel in the favor of the County of Monterey showing all holders of record title interest and the nature of the interest. The parcel map must be filed prior to the expiration of the tentative parcel map. Unless otherwise provided by this Chapter, the procedures used by the County Surveyor for checking and processing parcel maps shall be in accordance with the procedures established for checking and processing final maps pursuant to Chapter III of this title. The parcel map itself shall be acted on by the Board of Supervisors.

#### 19.04.050 FORM AND CONTENTS OF PARCEL MAP.

- A. The parcel map shall be legibly drawn, printed or reproduced by a process guaranteeing a permanent record in black on tracing cloth or polyester base film. Certificates may be legibly stamped or printed upon the map with opaque ink. If the ink is used on polyester base film, the ink surface shall be coated with a suitable substance to assure permanent legibility. In addition to the tracings, four sets of paper prints shall be submitted.
- B. The size of each sheet shall be 18 x 26 inches. A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of one inch. The scale of the map shall be large enough to show all details clearly. The particular number of the sheet and the total number of sheets, and its relation to each adjoining sheet shall be clearly shown. The first sheet shall contain the title and number of the subdivision and if the map is a resubdivision.
- C. Each lot or parcel shall be numbered or otherwise designated and shown entirely on one sheet.
- D. The exterior boundary of the land included within the subdivision shall be indicated by distinctive symbols and clearly so designated.
- E. The map shall show the location of each parcel and its relation to surrounding surveys. The location of a designated remainder parcel shall be indicated but need not be indicated as a matter of survey but only by deed reference to existing record boundary of such remainder if the remainder has a gross area of 5 acres or more or if the parcel map will be filed by reference to record data only.

- F. Where there are map sheets, each sheet shall bear the scale, legend, sheet number, number of sheets comprising the map and the basis of bearings.
- G. The map shall show the floodway, floodway fringe and line of extreme high tide or coastal flood hazard area. Any area subject to periodic inundation by flood water shall be denoted by the words: "Subject to Inundation" in bold lettering.

19.04.055 STATEMENTS AND CERTIFICATES TO APPEAR ON PARCEL MAP.

The statements certificates and acknowledgments set forth below and all others required by law shall appear on the parcel map. The County Surveyor may require that the certificates or acknowledgments be made by separate instrument, in which case a reference shall be made on the parcel map by the County Recorder to the separately recorded document.

- A. A statement signed and acknowledged by all parties, with such exceptions as provided in the Subdivision Map Act, Government Code section 66436, having any record title interest in the real property subdivided, consenting to the preparation and recordation of the parcel map, shall be required where dedications or offers of dedication are required. Where dedications or offers of dedication are not required, the certificate may be signed and acknowledged by the subdivider only if the subdivider has a record title ownership. If the subdivider does not have a record title ownership, the subdivider shall provide satisfactory evidence that persons with record title ownership have consented to the division.
- B. A statement signed by the registered civil engineer or licensed land surveyor responsible for the parcel map that the map was prepared by such person or under his or her direction was based either upon a field survey or compiled from record data as the case may be and is in accordance with the Subdivision Map Act and the provisions of this chapter. The certificate shall also state at whose request the map was made, the date and that the map conforms to the tentative map, if any. In addition, the certificate shall state that all monuments are of the character and occupy the positions indicated that the monuments will be set on or before a specified date, and that the monuments are (or will be) sufficient to enable the survey to be retraced.
- C. A statement signed by the County Surveyor that the map conforms with the Subdivision Map Act and provisions of this chapter.
- D. A statement signed by the County Recorder indicating the date of recordation of the parcel map. The certificate shall conform to Section 66464 of the State Map Act.

- E. Any other certificate required by law or condition of the tentative map.

19.04.060 RECORDING AND ACCEPTANCE OF THE PARCEL MAP.

- A. The subdivider shall submit the parcel map and parcel map documents with the County Surveyor for checking and approval at least thirty (30) days prior to the meeting of the Board of Supervisors.
- B. After the parcel map has been checked by the County Surveyor, the subdivider or his agent shall make any necessary corrections as directed and return the parcel map with all certificates executed, together with the necessary prints and any required security, to the County Surveyor by noon of the Tuesday preceding the meeting of the Board of Supervisors at which consideration of the map is desired.
- C. When all the statements, certificates and acknowledgements which appear on the final map, except the approval certificates of the Board of Supervisors, have been signed, the County Surveyor shall forward the parcel map to the Clerk of the Board for action by the Board of Supervisors. The Board of Supervisors shall, at the meeting at which it receives the map or at its next regular meeting after the meeting at which it receives the map, approve such map if it conforms to all the requirements of the Subdivision Map Act and the provisions of this chapter.
- D. In the event that all improvements required by law or conditions imposed upon the approval are not completed, the Board of Supervisors may enter into an agreement with the subdivider guaranteed by the required security.
- E. The Board of Supervisors shall, at the time of their acceptance of the parcel map, accept or reject any or all offers of dedication.
- F. Upon the approval of any parcel map, and after the signatures and seals have been affixed, the Clerk of the Board of Supervisors shall transmit the map to the office of the County Recorder who shall, if the map is found to be in proper order, record the same upon payment of the required fee and presentation of a title guarantee by the subdivider. The filing for record of a parcel map by the County Recorder shall automatically and finally determine the validity of such map, and when recorded shall impart constructive notice thereof.

## Chapter V. VESTING TENTATIVE MAPS

### 19.05.005 PURPOSE AND INTENT.

- A. Whenever a provision of this title requires that a tentative map or tentative parcel map be filed, a vesting tentative map may instead be filed.
- B. When the Board of Supervisors approves or conditionally approves a vesting tentative map, that approval shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies, and standards described in Section 66474.2 of the State Map Act. However, if Section 66474.2 of the State Map Act is repealed, that approval shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies, and standards in effect at the time the vesting tentative map is approved or conditionally approved.
- C. The Board of Supervisors may condition or deny a permit, approval, extension, or entitlement if it determines any of the following:
  1. A failure to do so would place the residents of the subdivision or the immediate community, or both, in a condition dangerous to their health or safety, or both.
  2. The condition or denial is required, in order to comply with state or federal law.
- D. The rights conferred by this section shall expire if a final map is not approved prior to the expiration of the vesting tentative map. If the final map is approved, the rights conferred by this section shall be subject to the periods of time set forth in Section 19.05.010 (A) and (B) of this Chapter.

### 19.05.010 TERM OF VESTED RIGHTS.

- A. The rights conferred by a vesting tentative map shall last for an initial time period of one year beyond the recording of the final map. Where several final maps are recorded on various phases of a project covered by a single vesting tentative map, the one year initial time period shall begin for each phase when the final map for that phase is recorded.

The initial time period shall be automatically extended by any time used by the County for processing a complete application for a grading permit or for design or architectural review, if the time used by the local agency to process the application exceeds 30 days, from the date that

a complete application is filed. Any time prior to the expiration of the initial time period provided by this section, the subdivider may apply for a single, one-year time extension.

- B. If the subdivider submits a complete application for a building permit during the periods of time specified in subdivision, the rights conferred by a vesting tentative map shall continue until the expiration of that permit, or any extension of that permit granted by the County.

19.05.015 COMPLIANCE WITH LOCAL, STATE AND FEDERAL LAWS.

- A. This chapter does not enlarge, diminish, or alter the types of conditions which may be imposed by the Board of Supervisors on a development, nor in any way will diminish or alter the power of the County of Monterey to protect against a condition dangerous to the public health or safety.
- B. The rights conferred by this chapter shall relate only to the imposition by the County of conditions or requirements created and imposed by ordinances. Nothing in this chapter removes, diminishes, or affects the obligation of any subdivider to comply with the conditions and requirements of any state or federal laws, regulations, or policies and does not grant the County the option to disregard any state or federal laws, regulations, or policies.

19.05.020 VESTING TENTATIVE MAP NOT MANDATORY.

If a subdivider does not seek the rights conferred by this chapter, the filing of a vesting tentative map shall not be a prerequisite to any approval for any proposed subdivision, permit for construction, or work preparatory to construction.

19.05.025 FEES AND FORMS.

No application for a vesting tentative map shall be received for processing pursuant to this chapter without payment of the required fees unless either the fees have been waived by resolution of the Board of Supervisors or the applicant is a public entity exempted from payment of such fees. Fees may be adjusted from time to time by resolution of the Board of Supervisors.

The Director of Planning and Building Inspection shall prescribe various application forms and when made available to the public, all applications shall be made on such forms.

19.05.030 BLANK.

19.05.035 VESTING TENTATIVE MAP SUBMITTAL: FORM AND CONTENTS.

The vesting tentative map shall be prepared in a manner accept-

able to the Director of Planning and Building Inspection. The vesting tentative map shall be clearly and legibly drawn and shall include not less than the following:

- A. Title block located in the lower right corner of the map which shall contain the name "Vesting Tentative Map" and the type of development proposed.
- B. Name and address of legal owner, subdivider, and person preparing the map (including registration number if applicable).
- C. Assessor's parcel number(s).
- D. Date prepared, north arrow, scale 1" = 100' and contour interval. The scale of the map may be varied by the Director of Planning and Building Inspection if it is found that the project can be effectively illustrated at a different scale.
- E. A vicinity map (1" = 2000') showing roads, towns, major creeks, railroads and other data sufficient to locate the proposed subdivision and show its relation to the community and the current surrounding land uses.
- F. Existing topography of the proposed site, including but not limited to: The contour of the land at intervals of 5 feet of elevation up to 5% slope, or lesser contour intervals as may be approved by the Director of Planning and Building Inspection. Contours shall be indicated on contiguous property for a distance of 200 feet. Every fifth contour shall be a heavier weight line.
- G. The approximate location and height of major vegetation and existing structures on the property and on adjacent parcels which might affect solar access to the site(s) proposed for development. Applicants shall indicate how many of the housing units in the proposed subdivision have full southwall solar access and any other information pertinent to solar access. Structures and trees to be removed shall be so indicated.
- H. The location of the floodway and/or floodway fringe boundaries as well as the approximate location of all areas subject to inundation or storm water overflow and the location, width and direction of flow of each water course.
- I. The location, pavement and right-of-way width, grade and name of existing streets or highways.
- J. The widths, location and type of all existing easements.
- K. The location and size of existing sanitary sewers, water mains, and storm drains. The approximate slope of existing sewers and storm drains shall be indicated. The location

of existing overhead utility lines on peripheral county or private roads.

L. Proposed improvements shall be shown including but not be limited to:

1. The location, grade, centerline radius and arc length of curves, pavement and right-of-way width and proposed name of all streets. Typical sections of all streets shall be shown as well as an indication if they will be offered for dedication.
2. The location and radii of all curb returns and cul-de-sacs.
3. The location, width and purpose of all easements.
4. The approximate lot layout and the approximate dimensions of each lot. The number of each lot shall be indicated and shall be numbered consecutively.
5. Proposed recreation sites, trails and parks for private or public use and other dedicated or reserved areas.
6. Proposed common areas and areas to be dedicated to public open space common areas and open space parcels shall be indicated by letter designation.
7. The location and size of proposed sanitary sewers, water mains, and storm drains and stormwater detention ponds. Proposed slopes and approximate elevations of sanitary sewers and storm drains shall be indicated.
8. Approximate location of all rivers, watercourses drainage channels, drainage structures and reservoirs.

M. A subdivider's statement describing the existing and proposed use(s) of the property.

The subdivider's statement shall contain the following information and shall be on the face or first sheet of the tentative map or a separate statement to be included with the application.

1. Existing zoning and proposed uses of the land;
2. Measures proposed regarding erosion control.
3. Proposed source of water supply and name of water system, method of sewage disposal and the name of sewage utility system if sewered.
4. Indicate type of tree planting or removal proposed;

5. Proposed public areas to be dedicated and common area or scenic easements proposed. If common areas are proposed method of maintenance shall be stated;
  6. Proposed height of all structures.
  7. Proposed type development of lots or unit and whether they are for sale as lots or fully developed units.
- N. The name or names of any geologists or soils engineer whose services were required in the preparation of the design of the tentative map.
- O. If the subdivider plans to develop the site as shown on the tentative map in phases, a description of the proposed phases.
- P. The Director of Planning and Building Inspection may modify any of the foregoing vesting tentative map requirements whenever the Director of Planning and Building Inspection it finds that the type of subdivision is such as not to necessitate compliance with these requirements, or that other circumstances justify such modifications.
- Q. The name or names of any geologists or soils engineer whose services were required in the preparation of the vesting tentative map.
- R. If the subdivider plans to develop the site as shown on the vesting tentative map in phases, a description of the proposed phases.

19.05.040 VESTING TENTATIVE MAP SUBMITTAL: ADDITIONAL DATA AND REPORTS.

The vesting tentative map shall be accompanied by the following data or reports provided by the applicant:

- A. Appropriate numbers of copies of a completed subdivision application as prescribed by the Director of Planning and Building Inspection.
- B. Appropriate number of copies of the tentative map. All maps shall be folded to an approximate size of 8 1/2" x 11". If multiple pages, the maps shall also be stapled and collated.
- C. Two copies of a slope density analysis map of the proposed project that shows the following slope categories and a tabulation of the total area (acres or square feet) within each category as specified by the Monterey County General Plan and any amendments to the Plan including Coastal Land Use Plan as certified by the State of California. The categories for the countywide General Plan are as follows: 0-19.9%, 20-29.9%, and 30%+. The following categories



shall apply to the Big Sur Land Use Plan area east of State Highway 1; under 15%, over 30%. The map shall be of the same scale of the vesting tentative map.

- D. Two copies of a slope analysis map indicating all areas greater than 25% slope (North County Land Use Plan Area only). The map shall be the same scale as the vesting tentative map
- E. One transparency of each page of the tentative map (maximum size: 8-1/2" x 11").
- F. A photocopy of the Assessor's parcel page(s) showing the parcel involved and parcels within 300' of the subject property. Applicants must indicate on the map which parcels are included on the list of property owners.
- G. A list of the names, addresses, and assessor's parcel numbers of all property owners within 300 feet of the property, including the parcel proposed for subdivision. The list shall be taken from the most recent records of the Monterey County Assessor.
- H. Three sets of pre-addressed stamped envelopes with no return address, to all property owners shown of the list. Additional sets may be required if an application is continued or tabled by the appropriate approving authority.
- I. Two (2) copies of preliminary title report showing the legal owners at the time of submittal of the vesting tentative map application.
- J. Three copies of a preliminary soils report by a registered civil engineer based upon adequate test borings. If the preliminary soils report indicates the presence of critically expansive soils or other soils problems which, if not corrected, would lead to structural defects, the Director of Planning and Building Inspection may require a soils report investigating each lot within the subdivision. This soils investigation report shall recommend corrective action which is likely to prevent structural damage to each structure proposed to be constructed in the area where such soils problems exist as well as precautions required for erosion control and prevention of sedimentation and damage to adjacent property.
- K. If sewage disposal for the proposed subdivision will be provided by a public or private entity, a letter or document shall be submitted from the entity to the Division of Environmental Health and the Director of Planning and Building Inspection stating that the entity can and will serve the proposed subdivision. The public entity must comply with all state and county allocation and capacity requirements. The letter or document shall also state the expiration date of such a commitment. In the event that an

individual sewage disposal system will be utilized, preliminary percolation testing and soil profile analysis shall be required to be submitted along with a tentative map application. The report shall analyze at least one soil profile analysis test per lot and one percolation test hole per two lots. Soil profile analysis may be reduced if conformity to a given soil type can be established. The report submitted shall demonstrate the feasibility of the proposed lot design and density and shall address nitrate loading of subsoil surfaces when septic systems are proposed. The soil tests and percolation tests shall meet the standards of the Division of Environmental Health. The applicant shall also provide proof that sewage disposal systems, both individual and package, for all lots which are proposed to be created through subdivision will not exceed nitrate and chemical loading levels in aquifers pursuant to the Regional Water Quality Control Basin Plan. If wastewater reclamation is proposed for a subdivision, the reclamation system must comply with the Basin Plan and the California Administrative Code subject to the review of the Director of Environmental Health.

L. If water for the subdivision will be provided by a public utility or existing water system, a letter or document from the utility or water system shall be submitted to the Director of Division of Environmental Health indicating that the utility can and will serve the proposed subdivision. The public entity must comply with all state and county allocation and capacity requirements. The letter or document shall also state the expiration date of such a commitment. Hydrological evidence shall be submitted to the Director of Division of Environmental Health to show evidence of water quality and quantity. The applicant shall also provide proof of an assured, long-term water supply in terms of sustained yield and adequate quality for all lots which are proposed to be created through subdivision. The water supply must meet both water quality and quantity standards expressed in Title 22 of the California Administrative Code and Title 15.04 of the Monterey County Code subject to review of the Director of Environmental Health.

M. Three copies of a detailed geological report prepared in conformance with California Division of Mines and Geology standards, that addresses seismic hazards, faulting, slope stability and liquefaction potential and contains measures recommended by the geologist for any geologic hazards that are shown as a result of the report. The report shall be prepared by a California registered geologist. The report shall be subject to the approval of the Director of Planning and Building Inspection. In the case of a minor subdivision, a preliminary geologic report shall be required where it is determined that the subject project lies within a zone IV to VI geologic hazard.

- N. Two copies of an archaeology report prepared by a certified archaeologist (SOPA, Society of Professional Archaeologists) where the proposed project is located in a "moderate or high sensitivity" archaeological zone as shown on an Archaeological Sensitivity Map of the General Plan, Area Plan or Coastal Land Use Plan.
- O. In the event the proposal is for the conversion of a mobile home park to another use, a report as prescribed by Government Code Section 66427.4 shall be submitted to address the impact of the conversion upon displaced residents of the mobile home park to be converted.
- P. A description of prior development activity on the site such as the removal of any vegetation, grading, etc. which may affect the proposed subdivision.
- Q. Other data or information necessary to complete processing the map and environmental documents.
- R. Two copies of drainage and erosion control plan that meets the requirements the Monterey County Flood Control and Water Conservation District and the Public Works Department. The plan shall delineate the types, sizes and locations of all proposed drainage and flood control facilities and structures including proposed on-site and off-site improvements subject to approval by the Public Works Department and the Monterey County Flood Control and Water Conservation District.
- S. Two copies of a flood analysis if the proposed development or portion of the proposed development is determined to be located within a designated 100 year flood plain as shown on the Federal Emergency Management Agency (FEMA) flood maps. The report shall:
1. Determine if the proposed development is in or affects a known flood plain.
  2. Determine if there is a practicable alternative or site for the proposed development.
  3. Identify the proposed development activities within the flood plain.
  4. Provide a proposed mitigation plan to lessen the impact of development within the flood plain. The report shall be prepared by a registered civil engineer and be approved by the Monterey County Flood Control and Water Conservation District.

19.05.045 VESTING TENTATIVE MAP: REVIEW AND PROCESSING.

- A. No vesting tentative map may be accepted for processing unless the map is consistent with the applicable general

plan, area plan, coastal land use plan, master plan or specific plan.

- B. Within thirty (30) days of the receipt of an application for filing by a subdivider, the Director of Planning and Building Inspection shall determine in writing whether such application is complete and forward the determination to the subdivider. If determined to be incomplete, the subdivider shall be informed of additional information required or procedure by which said application can be made complete. If the Director of Planning and Building Inspection fails to make such determination within thirty (30) days, the application shall be deemed complete.
- C. Within ten (10) days of the filing of a vesting tentative map, the Director of Planning and Building Inspection shall send a notice of the filing of the vesting tentative map to the governing board of any elementary, high school or unified school district within the boundaries of which the subdivision is proposed to be located. Such notice shall also contain information about the location of the proposed subdivision, the number of proposed units, proposed density and other information which would be relevant to the affected school district. The governing board of the school district may comment on the proposed subdivision within twenty working days of the date on which notice is mailed pursuant to the requirements. Failure of any such school district to comment within the twenty working day period shall be deemed to recommend approval without comment on the proposed subdivision.
- D. The Director of Planning and Building Inspection shall forward copies of the vesting tentative map to affected departments, advisory agencies and other public agencies which may, in turn, forward to the Director of Planning and Building Inspection their findings and recommendations thereon within the time specified.

#### 19.05.050 FILING.

- A. A proposed vesting tentative map subdivision shall not be considered filed until it is considered at its first duly noticed public hearing of the Planning Commission. The Planning Commission shall make its written report to the Board of Supervisors within fifty calendar days (50) after the vesting tentative map has been accepted as filed.
- B. A proposed vesting tentative map subdivision shall not be accepted for filing by the Planning Commission unless accompanied an environmental recommendation. An environmental recommendation includes:
  - 1. A prepared negative declaration accompanied by an environmental initial study;

2. A circulated draft environmental impact report;
3. Data supplementing a previously certified environmental impact report, the data for a supplemental environmental impact report shall be deemed as adequate or inadequate by the Planning Commission prior to making its report to the Board of Supervisors.

If the data is found to be inadequate the Planning Commission shall reject the data and find that a new environmental impact report shall be prepared.

- C. The report of the Planning Commission shall then be forwarded to the Board of Supervisors and the Board of Supervisors shall hold a duly noticed public hearing to approve, conditionally approve or disapprove the vesting tentative map within thirty (30) calendar days of receipt of the report. However, if an environmental impact report is prepared for the vesting tentative map, the Board of Supervisors shall render its decision with 45 days after certification of the environmental impact report.
- D. If a negative declaration is adopted or an environmental impact report is certified by the Board of Supervisors for an application for a vesting tentative map at a noticed public hearing, the application can be filed at the hearing and also considered for approval at the same hearing; provided that all other requirements of the application have been met.

#### 19.05.055 ACTION ON VESTING TENTATIVE MAP.

- A. Upon completion of the required environmental documents, the Director of Planning and Building Inspection shall set the matter for public hearing before the advisory agencies which shall recommend approval, disapproval, or conditional approval of the vesting tentative map in conformance with standards set forth in the Subdivision Map Act and this code for vesting tentative maps. Such action shall take place within the applicable time limits.
- B. A vesting tentative map may be denied on any ground provided by law. A vesting tentative map shall be denied if any of the following findings are made:
  1. That the proposed map is not consistent with the general plan, area plan, coastal land use plan, or specific plan.
  2. That the design or improvement of the proposed subdivision is not consistent with applicable general plan, area plan, coastal land use plan, master plan or specific plan.

3. That the site is not physically suitable for the type of development.
  4. That the site is not physically suitable for the proposed density of development.
  5. That the design of subdivision or type of improvements is likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
  6. That the design of the subdivision or type of improvements is likely to cause serious public health problems.
  7. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This sub-section shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.
  8. That the subdivision fails to meet any of the requirements or conditions imposed by the Subdivision Map Act or this Code.
- C. The Board of Supervisors may approve a subdivision where the soils investigation report discloses soils problems which if not corrected could lead to structural defects if it determines that the engineer's recommended actions are likely to prevent structural damage to each structure to be constructed. The Department of Building Inspections shall ensure that subsequent permits are conditioned upon incorporation of the recommended corrective action in the construction of each structure.
- D. In the event the Airport Land Use Commission has determined that the proposed subdivision is inconsistent with the airport land use plan and would be harmful to the airport and adjacent area, the Board of Supervisors may approve such subdivision on a 2/3rds affirmative vote in conformance with Public Utilities Code Section 21676.
- E. The Director of Planning and Building Inspection shall transmit to the Public Works Department a copy of the approved vesting tentative map with a memorandum or

resolution setting forth the action of the Board of Supervisors.

19.05.060 EXPIRATION OF THE VESTING TENTATIVE MAP.

An approved vesting tentative map shall expire twenty-four (24) months after its approval, subject to the following exceptions:

- A. If a development moratorium has been imposed, the provisions of Government Code Section 66452.6 shall govern.
- B. If litigation involving the approval of the tentative map has been filed and a stay of such time period is approved by the County following written request of the subdivider.

The expiration of the approved or conditionally approved vesting tentative map shall terminate all proceedings, and no parcel map of all or any portion of the real property included within such vesting tentative map shall be filed without first processing a new vesting tentative map.

19.05.065 EXTENSION(S) OF APPROVAL THE VESTING TENTATIVE MAP.

The subdivider may, upon written application, request extension(s) of the vesting tentative map approval. Such application shall be filed with the Director of Planning and Building Inspection 60 days before approval is due to expire and shall state the reason(s) for the extension. The Board of Supervisors may grant an extension(s) not to cumulatively exceed three (3) years for standard subdivisions. In the case of a vesting tentative map for a minor subdivision the Board of Supervisors may grant an extension(s) not to cumulatively exceed two (2) years. Prior to the expiration of an approved or conditionally approved vesting tentative map upon an application by the subdivider to extend the approval of the map, the map approval shall automatically be extended for 60 days or until the extension is approved, conditionally approved, or denied whichever occurs first.

19.05.070 VESTING TENTATIVE MAP AMENDMENTS.

- A. Modifications to conditions or revision of an approved vesting tentative map may be considered by the Board of Supervisors, upon application in writing by the subdivider provided:
  - 1. No lots, units or building sites are added;
  - 2. The changes are consistent with both the intent and spirit of the original vesting tentative map approval;
  - 3. There are no resulting violations that affect Monterey County Codes; and
  - 4. There will be no new significant adverse environmental effect from the change.

Any proposed modification(s) shall be indicated on the revised vesting tentative map or by a letter of request for any proposed modification of condition(s). Any proposed modification(s) shall be considered only at a duly noticed public hearing by the advisory agency for recommendation to the Board of Supervisors. Only the Board of Supervisors shall have the authority to render a final decision of the proposed modification. Any such approved modification shall not alter the expiration date of the vesting tentative map, and shall not relieve the burden of responsibility to complete all conditions of the tentative map.

- B. Any proposed modification to any approved vesting tentative map or request of the modification of conditions of the vesting tentative map, the subdivider shall pay a fee equal to one-fourth of the required filing fees for the vesting tentative map. The fee may be waived when the modification of the map or modification of conditions is initiated by the Board of Supervisors, advisory agencies or any other County agencies involved in the processing of vesting tentative maps.
- C. Any proposed modification to an approved vesting tentative map other than a modification as described above shall be processed as an application for a new subdivision.

#### 19.05.075 DUTIES OF RESPONSIBLE DEPARTMENTS.

When a subdivider has demonstrated to the responsible department that conditions of the vesting tentative map including improvement plans have been satisfied and all required fees paid, the responsible department shall in writing notify the Public Works Department of the same. It shall be the duty of the County Surveyor to examine the checkprint of the parcel or final map as to the sufficiency of the affidavits, consents to the making thereof, certificates of dedications, acceptance of dedications, acknowledgments, corrections or surveying material, approval of any subdivision improvement agreement, written sign-off by the responsible department as to satisfaction of vesting tentative map conditions, and to notify the subdivider of any deficiencies or corrections.

#### 19.05.080 FINAL AND PARCEL MAP REQUIREMENTS.

The final or parcel map shall be prepared by or under the direction of a registered civil engineer or licensed land surveyor, shall show the location of streets and property lines bounding the property and shall substantially conform to the approved or conditionally approved tentative map and the requirements of this Code. The final or parcel map submitted shall be accompanied by a final or parcel map guarantee acceptable to the Director of Public Works in the favor of the County of Monterey showing all holders of record title interest and the nature of the interest. The final or parcel map must be filed prior to the expiration of the vesting tentative map.



Unless otherwise provided by this Chapter, the procedures used by the County Surveyor for checking and processing final or parcel maps shall be in accordance with the procedures established for checking and processing final and parcel map as contained in Chapter III (Final Map) and Chapter IV (Parcel Maps) of this title.