

Chapter VI. PRELIMINARY MAPS

19.06.005 PRELIMINARY MAPS

The purpose of the preparation and consideration of a preliminary map is to provide an optional means of review of a proposed subdivision by the Subdivision Committee, Planning Commission and if requested by the subdividers the preliminary map can be reviewed by the Board of Supervisors. From this preliminary level of review, it is expected that the subdivider will be made aware of the constraints in the use of land, conditions of approval and improvements which may be required if the application for the preliminary map is converted to an application for a tentative subdivision map. In addition, the preliminary map may also be used to conduct an initial study (CEQA) to determine significant environmental impacts (if any) of the proposed project. In turn, the County will be made aware of proposals for the subdivision of land that will require consideration of expansion of public services and facilities prior to the proposed use of land within a subdivision.

19.06.010 PRELIMINARY MAP SUBMITTAL: FORM AND CONTENTS.

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

- A. The land area proposed to be subdivided and a statement of the number of acres therein.
- B. All existing structures.
- C. The placement and location of all existing streets, easements, rights-of-ways on the land proposed to be subdivided, and those abutting said land.
- D. Sufficient contours to indicate the elevations and the fall of the land adjacent to the surrounding area.
- E. Any large land fills.
- F. The proposed uses of all portions of the subdivision.
- G. The approximate alignment of the proposed streets within the subdivision and their connections with existing streets or methods of terminating proposed streets.
- H. The number of acres of open space in the subject subdivision, calculated to the nearest one-half acre.
- I. The approximate number, size, and acreage size of lots in

the proposed subdivision.

- J. The approximate density proposed.
- K. The north point and date of preparation of the map.
- L. Drainage, existing and proposed.
- M. Utilities proposed.
- N. Names and addresses of subdivider and record owner in the lower right hand corner.
- O. Name and address of person who prepared map in lower right hand corner.
- P. Vicinity map. (1"=2000')

19.06.015 PRELIMINARY MAP: ADDITIONAL DATA AND REPORTS.

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

- A. Appropriate number of copies of a completed preliminary subdivision map application as prescribed by the Director of Planning and Building Inspection.
- B. Appropriate number of copies of the 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 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 preliminary 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 preliminary map.
- E. One transparency of each page of the preliminary 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. Indicate the method of water supply and sewage disposal for the subdivision.
- H. A list of the names, addresses, and assessor's parcel numbers of all property owners within 300 feet of the property, including the parcel for which this application is received. The list shall be taken from the most recent records of the Monterey County Assessor.
- I. 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 advisory agency or legislative body.
- J. Two (2) copies of preliminary title report showing the legal owners at the time of submittal of the preliminary map application.
- K. A description of prior development activity on the site such as the removal of any vegetation, grading, etc. which may affect the proposed subdivision.
- L. Other data or information necessary to complete processing the map and environmental documents.

19.06.020 ACTION BY THE SUBDIVISION COMMITTEE.

The Subdivision Committee shall consider the preliminary map at a duly noticed public hearing and thereafter make a report to the Planning Commission. The report shall contain recommendations pursuant to this title and shall address proposed conditions which would be applied in the event that the preliminary map is converted to a tentative map application. The report shall also address the preliminary map's compliance to the provisions of this Ordinance, other applicable Ordinances, the General Plan, Area Plan, Coastal Land Use Plan, Master Plan and any specific plan.

19.06.025 ACTION BY THE PLANNING COMMISSION

The Planning Commission shall receive the report from the Subdivision Committee at a duly noticed public hearing. The Planning Commission shall consider the staff's environmental recommendation based upon the initial study prepared for the project and the recommendation of the Subdivision Committee regarding environmental impacts and proposed conditions which would be applied in the event the preliminary map is converted to a tentative map application. The Planning Commission shall make a report to the Board of Supervisors which will consist of the recommendations as reported by the Subdivision Committee and additional recommendations as a result of the public hearing held by the Planning Commission.

19.06.030 ACTION BY THE BOARD OF SUPERVISORS

The Board of Supervisors shall consider the report from the Planning Commission at a duly noticed public hearing. The Board of Supervisors shall consider the staff's environmental recommendation based upon the initial study prepared for the project and the recommendation of the Planning Commission regarding environmental impacts and proposed conditions in the event of the preliminary map is converted to a tentative map application. Receipt of the preliminary map and the report of either the Subdivision Committee or the Planning Commission shall not be construed as approval of the project.

Chapter VII. PRELIMINARY PROJECT REVIEW
SUBDIVISION MAPS IN RESIDENTIAL
ALLOCATION ZONES

19.07.005 PRELIMINARY PROJECT REVIEW PROCEDURE REQUIRED IN
RESIDENTIAL ALLOCATION ZONES.

Applicants for subdivision shall be required to follow the preliminary project review procedure prior to submittal of a tentative subdivision map or tentative parcel map application.

19.07.010 PURPOSE OF REQUEST FOR PRELIMINARY PROJECT REVIEW.

The purpose of the request for the preliminary project review map is to provide a means of review and scoring of the proposed subdivision by the Citizen's Subdivision Evaluation Committee (CSEC).

19.07.015 PRELIMINARY PROJECT REVIEW MAP: FORM AND CONTENTS.

The preliminary project review 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 Monterey County Planning and Building Inspection along with all required fees. The preliminary project review 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 "Preliminary Project Review 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, rivers, 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.
 9. Any proposed landscaping of the project.
- 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 preliminary project review 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 preliminary project review map.
- O. If the subdivider plans to develop the site as shown on the preliminary project review map in phases, a description of the proposed phases.
- P. The Director of Planning and Building Inspection may modify any of the foregoing preliminary project review map requirements whenever the Director of Planning and Building Inspection finds that the type of subdivision is such as not to necessitate compliance with these requirements, or that other circumstances justify such modifications.

19.07.020 PRELIMINARY PROJECT REVIEW MAP: ADDITIONAL DATA AND APPLICATION REQUIREMENTS.

The preliminary project review 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 Preliminary Project Review 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. The categories for the countywide General Plan are as follows: 0-19.9%, 20-29.9%, and 30%+. The map shall be of the same scale of the preliminary project review map.
- D. One transparency of each page of the preliminary project review map (maximum size: 8-1/2" x 11").
- E. 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.
- F. A list of the names, addresses, and assessor's parcel numbers of all property owners within 300 feet of the property, including the parcel for which this application is received. The list shall be taken from the most recent records of the Monterey County Assessor.
- G. Four 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 advisory agency or legislative body.
- H. Two (2) copies of preliminary title report showing the legal owners at the time of submittal of the preliminary project review map application.
- I. 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.

- J. 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 will 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 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 approval Director of Environmental Health.
- K. 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. An applicant requesting water service by a public entity must comply with all state and county capacity and allocation 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 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.

- L. 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.
- M. 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, or Master Plan.
- N. 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.
- O. A description of prior development activity on the site such as the removal of any vegetation, grading, etc. which may affect the proposed subdivision.
- P. Other data or information necessary to complete processing the map and environmental documents.

19.07.025 PRELIMINARY PROJECT REVIEW MAP REVIEW AND PROCESSING.

- A. Within thirty (30) days of the date of submittal of a package for scoring a preliminary project review map, the Director of Planning and Building Inspection shall determine in writing whether the submittal package is complete and forward such a determination to the subdivider in writing. If the submittal package is determined to be incomplete, the Director of Planning and Building Inspection shall inform the subdivider in writing of the additional information required, or the procedure by which the preliminary project review map submittal package can be completed.
- B. A proposed preliminary project review map submittal shall be considered for scoring at duly noticed public hearing held by the Citizen's Subdivision Evaluation Committee.
- C. The Citizen's Evaluation Committee shall not accept a

preliminary project review map submittal unless accompanied by an environmental recommendation. A 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 deemed as adequate or inadequate by Staff prior to making its report to the Citizen's Subdivision Evaluation Committee.
- D. After the submittal package for the preliminary project review map has been determined complete and placed on an agenda for a public hearing for scoring, the Director of Planning and Building Inspection shall forward copies of the preliminary project review map and application to members of the Citizen's Subdivision Evaluation Committee.
- E. Action by the Citizen's Subdivision Evaluation Committee:

The Citizen's Subdivision Evaluation Committee shall review the proposed preliminary project review map to evaluate the merits of the subdivision proposal and score it according to committee procedures. For the purposes of this ordinance "scoring" shall mean a numerical value based upon adopted criteria as established by the Carmel Valley Master Plan where development proposals are evaluated in relation to policies of the Carmel Valley Master Plan and environmental issues and given points so that the relative importance of a policy or environmental issue is stressed. A project must achieve compliance with all policies in order to be considered for approval. In order to gain approval, a project must score at least half the points within each evaluated category as itemized in the scoring sheet in accord with the Carmel Valley Master Plan. A project receiving a low score or less than 1/2 of the applicable points in any category may revise and reapply to the Citizen's Subdivision Evaluation Committee only once in any calendar year from the date of scoring by the Citizen's Subdivision Evaluation Committee.

- F. Action by the Subdivision Committee or Minor Subdivision Committee:

The Subdivision Committee or Minor 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. The Subdivision Committee or Minor Subdivision Committee shall only review

the proposed project from a technical standpoint and will not evaluate the project to confirm scoring a development.

G. Action by the Planning Commission:

The Planning Commission after consideration by the Subdivision Committee or the Minor 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.

The Planning Commission shall review the preliminary project review map and report of the Subdivision or Minor Subdivision Committee and make recommendations relating to technical matters, subdivision design and consistency of the map with the land use element and provisions of the applicable General Plan, Area Plan or Master Plan documents.

H. Action by the Board of Supervisors:

The Board of Supervisors shall review preliminary project review map at a noticed public hearing. The purpose of the review shall be to evaluate the score given the preliminary project review map by the Citizen's Subdivision Evaluation Committee. Upon review of the score and evaluation of the Planning Commission report, the Board of Supervisors shall confirm or modify the preliminary project review map score and issue a resolution with findings that establishes the subdivision's evaluation score. Scores shall be valid for 2 years from the date of the Board of Supervisors resolution.

Once a project preliminary review map has received a score, the application shall be held in abeyance until the Board holds its annual allocation hearing. All preliminary project review maps in the group to be reviewed receiving a score 30 days or longer before the Board of Supervisors annual allocation hearing shall be considered competitively on that date. Preliminary project review maps scored after the 30 day date prior to the allocation hearing shall be held until the next allocation hearing.

The allocation hearing will review all scored subdivisions received for that hearing. Based upon scores, design elements, community need, environmental factors and availability of public facilities required, the Board of Supervisors shall allocate lots, established as available to be considered, to the preliminary project review maps within the limits set forth in the Carmel Valley Master Plan. Based upon findings made by the Board of Supervisors, any given preliminary project review map may receive 0-25 lots per year. The Board of Supervisors, at its discretion may allocate lots in subsequent years.

Those lots allocated in future years would be monitored. Lots allocated, for which a tentative map is subsequently approved, and then expires prior to recordation of a final map shall revert to the allocation quantity in the year of map expiration.

~~Affirmation of a score shall not be construed an approval of a project.~~

- I. After the Board of Supervisors has completed public hearings relative to allocating lots to a proposed standard subdivision or minor subdivision, the preliminary project review map may be converted to a tentative map or tentative parcel map. Applications for a tentative map or tentative parcel map shall follow the procedures as setforth in Chapters III and IV of Title 19.

Chapter VIII. MODIFICATION OF CONDITIONS, REVISED TENTATIVE MAPS AND CORRECTION OF AND AMENDMENT TO RECORDED FINAL OR PARCEL MAPS

19.08.005 REVISION(S) TO AN APPROVED TENTATIVE MAP.

- A. Revision of an approved tentative map or tentative parcel map may be considered by the appropriate approving authority, upon application in writing by the subdivider or developer provided:
1. That the final or parcel map has not been filed for record;
 2. No lots, units or building sites are added or deleted;
 3. The changes are consistent with the General Plan, Area Plan, Coastal Land Use Plan, Master Plan or Specific Plan;
 4. There are no resulting violations of Monterey County Codes; and
 5. There will be no new significant adverse environmental affect from the change.
- B. A proposed revision of a tentative map (standard subdivision) shall be considered at duly noticed public hearing held consecutively by the Subdivision Committee, Planning Commission and Board of Supervisors. A proposed revision of a tentative parcel map (minor subdivision) shall be considered at a duly noticed public hearing held by the Minor Subdivision Committee. In cases where a tentative parcel map was approved by the Planning Commission, duly noticed public hearings shall be held consecutively by the Minor Subdivision Committee and the Planning Commission. The Board of Supervisors, Planning Commission, Subdivision Committee and the Minor Subdivision Committee shall confine the public hearings to consideration of, and action on the proposed revisions to the tentative map or tentative parcel map.
- C. Any such approved revision shall not alter the expiration date of the tentative map or tentative parcel map, and shall not relieve the burden of responsibility to complete all conditions of the tentative map by the subdivider. Any proposed modification to an approved tentative map other than an insignificant modification as described above shall be processed as an application for a new subdivision.

19.08.010 MODIFICATION(S) OF CONDITIONS TO AN APPROVED TENTATIVE MAP.

- A. Modifications of conditions to an approved tentative map or approved tentative parcel map may be considered by the advisory agency or legislative body provided that:

1. That the final or parcel map has not been filed for record;
 2. No lots, units or building sites are added or deleted;
 3. The changes are consistent with the General Plan, Area Plan, Coastal Land Use Plan, Master Plan or Specific Plan;
 4. There are no resulting violations of Monterey County Codes; and
 5. There will be no new significant adverse environmental affect from the change.
- B. A proposed modification of conditions of an approved tentative map (standard subdivision) shall be considered at duly noticed public hearing held consecutively by the Subdivision Committee, Planning Commission and Board of Supervisors. A proposed modification of conditions of an approved tentative parcel map (minor subdivision) shall be considered at a duly noticed public hearings held consecutively by the Minor Subdivision Committee. In cases the where modification of conditions involves a tentative parcel map approved by the Planning Commission, a duly noticed public hearing shall be held by the Minor Subdivision Committee and the Planning Commission. The Board of Supervisors, Planning Commission, Subdivision Committee and the Minor Subdivision Committee shall confine the public hearings to consideration of, and action on the proposed modified conditions of approved tentative map or tentative parcel map.
- C. Any such approved modification of conditions shall not alter the expiration date of the tentative map or tentative parcel map, and shall not relieve the burden of responsibility to complete all conditions of the tentative map by the subdivider. Any proposed modification of conditions to an approved tentative map or tentative parcel map other than an insignificant modification as described above shall be processed as an application for a new subdivision.

19.08.015 CORRECTION AND AMENDMENT OF RECORDED FINAL OR PARCEL MAPS.

- A. After a final or parcel map is filed in the office of the County Recorder, it may be amended by a certificate of correction or an amending map to accomplish the following:
1. To correct an error in any course or distance shown thereon;
 2. To show any course or distance that was omitted

therefrom;

3. To correct an error in the description the real property shown on the map;
 4. To indicate monuments set after the death, disability or retirement from practice of the engineer or surveyor charged with responsibilities for setting monuments;
 5. To show the proper location of any monument which as been changed in location, or character, or originally was shown at the wrong location or incorrectly as to its character.
 6. To correct any other type of map error or omission as approved by the County Surveyor which does not affect any property right. Errors and omissions may include, but are not limited to, lot numbers, acreage, street names and identification of adjacent record maps. Error does not include changes in courses, distances from which an error is not ascertainable from the data shown on the final or parcel map.
 7. To make modifications to a final map or parcel map where there are changes which make any or all of the conditions of the map no longer appropriate or necessary and that the modifications do not impose any additional burden on the present fee owner of the property, and if the modifications do not alter any right, title or interest in the real property reflected on the recorded map. The modification shall be considered at consecutive public hearings by the appropriate hearing body(s) that approved or recommended approval the original tentative map or the tentative parcel map. The Board of Supervisors, Planning Commission, Subdivision Committee and Minor Subdivision Committee shall confine the hearing to consideration of, and action on, the proposed modification.
- B. The amending final or parcel map or certificate or correction shall be prepared by a registered civil engineer or licensed land surveyor. The form and contents of the amending map shall conform to the requirements of Sections 19.03.040 if a final map, and Section 19.04.045 if a parcel map. The certificate of correction shall set forth in detail the corrections made and show the names of the present fee owners of the property affected by the correction.
- C. The amending final or parcel map or certificate of correction, complete as to final form, shall be submitted to the County Surveyor for review and approval. The County Surveyor shall examine the amending final or parcel map or

certificate of correction and if the only changes made are those set forth in Section 19.08.015, this fact shall be certified by the County Surveyor on the amending map or certificate of correction.

- D. The amending final or parcel map or certificate of correction certified by the County Surveyor shall be filed in the office of the County Recorder. Upon such filing, the County Recorder shall index the names of the fee owners and the appropriate subdivision designation shown on the amending map or certificate of correction in the general index and map index, respectively. Thereupon, the original final or parcel map shall be deemed to have been conclusively so corrected, and thereafter shall impart constructive notice of all such corrections in the same manner as though set forth upon the original map.

Chapter IX. LOT LINE ADJUSTMENTS

19.09.005 LOT LINE ADJUSTMENT MAP REQUIREMENT.

- A. A lot line adjustment map shall be filed for any 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. The Minor Subdivision Committee shall limit its review and approval to a determination of whether or not the parcels resulting from the lot line adjustment will conform to County Zoning and Building ordinances. The Minor Subdivision Committee shall not impose conditions or exactions on its approval of a lot line adjustment except to conform to County Zoning and Building ordinances except to facilitate the relocation of existing utilities, infrastructure, or easements. No tentative map, parcel map, or final map shall be required as a condition to the approval of a lot line adjustment. The lot line adjustment shall be reflected in a deed or record of survey which shall be recorded.
- B. 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 and subject to the provisions of the California Environmental Quality Act (CEQA).
- C. A lot line adjustment which does not result in the relocation of the building area shall be considered minor and categorically exempt from the provisions of the California Environmental Quality Act (CEQA).
- D. A relocation which results in the creation of additional lots or parcels shall be treated as a subdivision.
- E. Lots may be consolidated through the lot line adjustment application procedure.

19.09.010 LOT LINE ADJUSTMENT MAP SUBMITTAL: FORM AND CONTENTS.

- A. The lot line adjustment map shall be prepared in a manner acceptable to the Director of Planning and Building Inspection. The map shall be clearly and legibly drawn and contain not less than the following:
 - 1. Title which shall contain the name and address of legal owner(s) and the person preparing the map.
 - 2. Existing and proposed boundary lines, dimensions, and approximate areas of the original parcels and of the adjusted parcels.
 - 3. Approximate location of all existing structures,

distances between structures, and distances between structures and boundary lines of both the original parcel boundaries and the adjusted parcel boundaries.

4. Names, locations and widths of all existing streets, roads and rights-of-way on or bounding the original parcels.
5. Locations and dimensions of all existing and proposed streets, roads, and right-of-way.
6. Existing topography of the proposed site, including but not limited to: the contour of the land at intervals of 2 feet of elevation up to 5%, 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.
7. Vicinity map (1" = 2,000') showing roads, towns, major creeks, railroads and other data sufficient to locate the proposed lot line adjustment.
8. Approximate location of existing and proposed domestic wells and location of existing and proposed septic tanks and leach fields for all lots affected by the adjustment.
9. Approximate location of all watercourses, drainage channels, and drainage structures.
10. Approximate locations of 100-year floodplain, reservoirs, streams, rivers, and existing and proposed drainage structures .
11. Date of preparation of the map.
12. Assessor's parcel numbers on all parcels affected by the adjustment.
13. Proposed improvements if any.
14. Proposed easements or rights-of-way.

19.09.015 LOT LINE ADJUSTMENT MAP APPLICATION.

- A. The proposed lot line adjustment map shall be accompanied by the following data or reports:
 1. Appropriate number of copies of the completed lot line adjustment application as prescribed by the Director of Planning and Building Inspection.

2. Appropriate number of copies of the lot line adjustment map and one (1) transparency of the map (8-1/2" x 11"). All maps must be folded to an approximate size of 8-1/2 x 11".
3. One (1) copy of the current Assessor's Parcel Map of the properties to be adjusted.
4. A description of any prior development activity on the site as removal of vegetation, grading, etc. which may affect the proposed adjustment.
5. Other data or information necessary to complete processing of the map and environmental documents.
6. A list of the names, addresses, and assessor's parcel numbers of all property owners within 300 feet of the property, including the parcel for which this application is filed. The list shall be taken from the most recent records of the Monterey County Assessor.
7. A photocopy of the Assessor's parcel page(s) showing the parcel involved and parcels within 300' of the subject property. Please indicate on the map which parcels are included on the list of property owners.
8. One set of pre-addressed stamped envelopes, with no return address, to all property owners shown on the list. Additional sets may be required if an application is continued or tabled by the Minor Subdivision Committee.

19.09.020 LOT LINE ADJUSTMENT: REVIEW AND PROCESSING.

- A. No lot line adjustment may be accepted for processing unless the map is consistent with applicable zoning and building ordinances.
- 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 applicant will 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. The Director of Planning and Building Inspection shall forward copies of the proposed lot line adjustment map to the affected departments, committees and public agencies or their consultants which may, in turn, forward to the Director of Planning and Building Inspection their findings and recommendations thereon within the time specified.

19.09.025 ACTION ON THE LOT LINE ADJUSTMENT.

- A. Upon completion of the environmental documents, or finding that the proposed adjustment is exempt from CEQA, the Director of Planning and Building Inspection shall set the matter for public hearing before the Minor Subdivision Committee which shall approve, disapprove, or conditionally approve the lot line adjustment in conformance with standards set forth in the Subdivision Map Act and this chapter.
- B. A lot line adjustment application may be granted based upon the following findings:
1. That the lot line adjustment is between two (or more) existing adjacent parcels.
 2. A greater number of parcels than originally existed will not be created as a result of the lot line adjustment.
 3. The parcels resulting from the lot line adjustment conforms to County Zoning and Building Ordinances.

19.09.030 TERM OF APPROVAL OF AN APPROVED LOT LINE ADJUSTMENT.

- A. An approved lot line adjustment 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 lot line adjustment 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 lot line adjustment map shall terminate all proceedings.

19.09.035 EXTENSION(S) OF THE LOT LINE ADJUSTMENT MAP APPROVAL.

The applicant may, upon written application, request extension of the lot line adjustment 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 may grant extension(s) not to cumulatively exceed two (2) years. They also may deny an extension in the event the lot line adjustment no longer conforms with the County Zoning or Building Ordinances where there is new information or substantial changes in circumstances which would have affected the original approval.

Chapter X. DESIGN AND IMPROVEMENT STANDARDS

19.10.005 GENERAL REQUIREMENTS.

- A. The purpose of this chapter is to provide regulations for the design and physical improvement of minor subdivisions and standard subdivisions.
- B. The design and improvement of each subdivision shall comply with the applicable provisions of this chapter, other ordinances and adopted General Plan, Area Plan, Master Plan, Coastal Land Use Plan or specific plans affecting design and improvement of development.
- C. Deed restrictions, when required, shall run be recorded and shall run with the land and be enforceable by subsequent owners of property lying within the subdivision. When deemed necessary to effectuate conditions on approved maps, the County shall be named a third party beneficiary of those restrictions and the proposed restrictions shall be filed concurrently with the map and noticed in the owner's certificate.
- D. To the extent legally feasible, the subdivider shall assure long-term maintenance of the improvements by use of a homeowner's association, maintenance agreement or other similarly enforceable vehicle approved by County Counsel.
- E. Lots, building sites and improvements shall be designed to meet the standards as required by this Title.

19.10.010 IMPROVEMENT PLANS.

- A. Improvement plans for all improvements other than landscaping shall be prepared under the direction and signed by a California registered Professional Civil Engineer. Improvement plans shall be in accordance with the Standard Details; Roadway Design Standards and Standard Property Development Specification of the County of Monterey on file in the office of the County Surveyor.
- B. Plans, profiles and details shall be legibly drawn, printed or reproduced on sheets not smaller than 22 inches by 34 inches. A border shall be made on each sheet providing at least one-half inch on top, bottom and right side and one and one-half inch on the left side. A suitable title block shall be placed on the lower right hand corner or along the right edge and provide adequate space for approval by the responsible department and for approval of plan revisions. The design for all improvements required by this chapter shall conform to standard civil engineering practice and particularly shall comply with the specific requirements in effect at the time of approval of the tentative map.

The final form of all plans shall specifically include:

1. Typical cross-sections and proposed final finished grades of all roads, streets, and highways in the subdivision together with a profile showing the relation between finished grade and existing ground elevations,
 2. Proposed length, size, slope and type of any drainage pipes and culverts or structures necessary for drainage, erosion control or to insure the public safety,
 3. Elevations which shall be referenced to United States Geological, Survey or other method approved by the County Surveyor.
- C. The subdivider shall submit 4 sets of improvement plans and one copy of all computation sheets to the County Surveyor for review. Upon completion of such review, one set of the preliminary plans with any required revisions indicated thereon, will be returned to the subdivider's engineer. After completing any required revisions, the subdivider's engineer shall transmit one set of the original improvement plans to the County Surveyor for signature. Upon finding that all required revisions have been made and that the plans conform to all applicable county ordinances, design review requirements and conditions of approval of the tentative map, the County Surveyor shall sign and date the plans. The original will be returned to the subdivider's engineer and notification of such approval shall be sent to the County Surveyor. Approval by the County Surveyor shall in no way relieve a subdivider or the subdivider's engineer for responsibility for the design of the improvements or for any deficiencies resulting from the design thereof or from any required conditions of approval for the tentative map.
- D. Requests by the subdivider or engineer for revisions to the approved plans appearing necessary or desirable during construction shall be submitted in writing to the County Surveyor and shall be accompanied by two sets of revised drawings showing the proposed revision. If the revision is acceptable, the County Surveyor shall initial the revisions and return the original to the subdivider's engineer who shall submit two sets of the revised plans to the responsible department. Construction of any proposed revision will not be permitted to commence until the revised plans have been received and forwarded to the responsible department's inspection division and the subdivider engineer.
- E. When revisions are deemed necessary by the responsible department to protect public health and safety or if undisclosed field conditions require, a request in writing shall be made to the subdivider and the subdivider's

engineer. The subdivider's engineer shall revise the plans and transmit the original to the County Surveyor for initialing within such time as specified. Upon receipt of the initialed originals, the subdivider's engineer shall immediately transmit two sets of revised drawings to the responsible department. Construction of all or any portion of the improvements may be stopped by the responsible department until the revised drawings have been submitted and approved. The subdivider may appeal revisions required by the County Surveyor by filing an appeal with the Subdivision Committee within four working days following receipt of the request to revise the plans.

- F. If required, costs incurred by the County for the checking of plans or calculations or inspection as a result of the revisions to the approved plans shall be borne by the subdivider. A deposit, when required, shall be submitted with the revised prints and such deposit shall be applied toward the actual cost.

19.10.015 INSTALLATION OF REQUIRED IMPROVEMENTS.

- A. Improvements set forth as conditions of approval shall be installed or improvement security agreements entered into prior to acceptance of the final or parcel map by the Board of Supervisors for all subdivisions where it is found by the advisory agency that installation of the improvements is necessary for the orderly development of the area or for public health and safety.
- B. Where remainders or phased developments are made part of a final or parcel map, the County may enter into an agreement with the subdivider that improvements be built at some future date prior to issuance of a permit or other grant of development approval. In absence of such agreement, fulfillment of construction requirements shall be required if the advisory agency finds that the improvements are necessary for the orderly development of the area or for public health and safety.
- C. In the event improvements are not required to be installed prior to acceptance of the final or parcel map by the Board of Supervisors, required improvements shall be noticed by an improvement certificate either on the map, or by a recorded separate instrument and shall be recorded on, concurrently with or prior to the map being filed for record. Construction of improvements shall be required before a permit or other grant or approval for development may be issued.

19.10.020 CONSTRUCTION INSPECTION.

- A. All improvements are subject to inspection by a registered civil engineer. The civil engineer shall make such inspections as necessary to ensure that all construction is

done in accordance with the approved improvement plan. Inspections shall be staged to ensure adequate subgrade, base, forms, pourings, and other improvements. A certificate signed by a registered civil engineer certifying that the work of improvement has been constructed in accordance with the approved plans and specifications and will not adversely affect adjoining properties will be an acceptable substitution for County inspection.

- B. Prior to commencing any construction, the subdivider shall give twenty-four (24) hours notice to the responsible department or Civil Engineer responsible for construction inspection. Upon completion of the subdivision improvement, or any part thereof, the subdividers Engineer shall apply in writing to the responsible department for a preliminary final inspection. A deficiency list shall be completed during such inspection, noting all corrections or any additional work required. If the number of items is excessive or the subdivision appears incomplete, the preliminary final inspection may be halted and rescheduled on a date as determined by the appropriate department. When the preliminary final inspection has been completed, a copy of the deficiency list shall be transmitted to the subdivider for corrections. Upon having completed all corrections or additional work as outlined by the deficiency list, the subdivider Engineer shall certify in writing that all corrections have been completed satisfactorily and request final inspection. The responsible department shall then make a final inspection. The completion of corrections indicated on the deficiency list shall not relieve the subdivider from the responsibility of correcting any deficiency not shown on the list which may be subsequently discovered.

19.10.025 ACCEPTANCE OF IMPROVEMENTS.

- A. When all improvement deficiencies have been corrected and as-built improvement plans filed, those subdivision improvements which will be dedicated to the County may be considered for acceptance. Improvements of subdivisions for which a final map is required shall be accepted by the Board of Supervisors. The County Surveyor or authorized representative may accept improvements for other subdivisions. Acceptance of improvements shall imply only that the improvements have been completed satisfactorily and that they have been accepted for public use.
- B. When the improvements have been accepted by the County, the County Clerk shall file a Notice of Completion with the County Recorder.

19.10.030 LOT DESIGN.

- A. Minimum lot size, lot width and depth and building setback

lines shall conform to the standards established by county zoning regulations and other applicable laws and regulations.

- B. In other than planned unit developments, lot width shall not be less than an average of sixty (60) feet, nor the depth of the lot less than necessary to provide the minimum lot size required. Moreover, the depth shall not be less than eight-five (85) feet nor greater than three times the width, exclusive of rights-of-way or easements necessary for road purposes. Where topographic features warrant or where the property is to be used for commercial or industrial purposes, the appropriate decision making body may require a greater minimum width and depth requirement. Corner lots shall be increased in width to not less than an average of seventy (70) feet.
- C. To the extent practicable, the side lines of lots shall run at right angles to any street upon which the lot faces.
- D. Double frontage lots less than two hundred (200) feet in depth shall be avoided except where essential to provide separation of residential developments and traffic arterials or where required by unusual or topographical conditions. Where double frontage lots are permitted or required, vehicular access rights designated by the appropriate decision making body shall be dedicated to the County along that street. The subdivider may be required to construct walls or fences and install a planting strip adjacent thereto with approved landscaping.
- E. A building setback line shall be established adjacent to natural-streams and waterways to protect riparian corridors, not to be less than a distance measured from the toe of the streambank outward at a slope of one point five (1.5) to one (1), plus thirty feet, or thirty feet outward from the top of the bank, whichever is greater, or setbacks applicable as defined by other ordinances or General Plan requirements.

19.10.035 PEDESTRIAN AND BICYCLE ACCESS.

Pedestrian ways and bike paths may be required to connect dead end streets, or to provide access to stream, lake, bay or ocean frontage, or such park or playground areas as may be indicated.

19.10.040 CIRCULATION AND TRAFFIC.

The subdivision shall be consistent in concept, alignment and level of improvement with the circulation and transportation element of the General Plan, Area Plan, Coastal Land Use Plan, Master Plan and any applicable specific plan, as well as any Streets and Highways Master Plan. Where necessary to insure traffic safety and ease of circulation, off and on site traffic control devices such as signing and signalization shall be

required. On site parking shall be required to meet zoning regulations. Whenever the subdivider is required to dedicate land for trails or bikeways, the advisory agency may require the same to be improved if necessary to comply with the General Plan, Area Plan, Coastal Land Use Plan Master Plan or Specific Plan or implementing ordinances.

19.10.045 ACCESS.

Access to each parcel shall be provided either by fronting on a Publicly maintained road or by having approved legal access via a private road of adequate right-of-way width. Access shall meet the applicable road standards and be deemed adequate only if it will allow reasonable ingress and egress for emergency vehicles.

19.10.050 DRAINAGE.

- A. Storm water runoff from the subdivision shall be collected and conveyed by an approved storm drainage system. The storm drainage system shall be designed by a registered civil engineer for ultimate development of the watershed and shall provide for the protection of abutting and off site properties that may be adversely affected by any increase in runoff attributed to the development; offsite storm drain improvements may be required to satisfy this requirement. In addition detention ponds, drainage swales and/or check dams may be required to reduce offsite peak storm flow generated by projects. The maintenance of the on-site drainage facilities, including detention ponds, shall be the responsibility of a homeowners association or other similar entity, where applicable, and provisions for annual inspection and maintenance shall be included in the conditions, covenants and restrictions.
- B. Improvements shall be designed to meet Flood Control Design Criteria and improvement plans shall be submitted to the Monterey County Flood Control and Water Conservation District for review and approval. Drainage improvements for runoff from impervious surfaces shall be engineered to minimize erosion through the use of rocked culvert inlets and outfalls, energy reducers and location of culverts. Design features shall include reseeding exposed slopes as well as minimizing the use of artificial slopes. Improvements shall be constructed in accordance with the approved plans. Fees to ensure County provided inspection shall be paid before approval of the final or parcel map. The subdivider shall also provide written assurance in a form satisfactory to County from a registered civil engineer that the improvements have in fact been constructed in accordance with the plans and specifications.
- C. The subdivider shall provide sufficient easements for open channel or closed conduit drainage system to ensure

reasonable stability and adequate access for maintenance. Drainage easements shall be offered for dedication to the County or another public entity. The County will accept improvements which drain a public right of way and are comprised of either a closed permanent system or open channel which drains a public right-of-way or an open channel; provided the Monterey County Flood Control and Water Conservation District accepts open channels as meeting Flood Control criteria. In the event a public safety entity will not accept the drainage facilities, subdivider shall provide for future private maintenance of the drainage system in a form satisfactory to County Counsel.

19.10.051 PUBLIC ACCESS TO OCEAN COASTLINE OR BAY SHORELINE.

- A. The appropriate decision making body shall not approve either the tentative map or tentative parcel map of any subdivision fronting upon ocean coastline or bay shoreline, in which the subdivision does not provide or have available reasonable public access by fee or easement from public highways to land below the ordinary highwater mark on any ocean coastline or bay shoreline within, or at a reasonable distance from the subdivision. Any public access route(s) provided by the subdivider shall be designated on the final or parcel map and shall expressly designate the government entity to which such access route(s) are dedicated.
- B. In making the determination of what shall be reasonable public access, the appropriate decision making body shall consider:
1. That access may be by highway, foot trail, bike trail, horse trail, or any other means of travel.
 2. The size of the subdivision.
 3. The type of coastline or shoreline and the various appropriate recreational, educational, and scientific uses, including, but not limited to, diving, sunbathing, surfing, walking, swimming, fishing, beachcombing, taking of shellfish and scientific exploration.
 4. The likelihood of trespass on private property and reasonable means of avoiding such trespasses.
- C. ~~In the Coastal Zone, access shall be in accordance with the Public Access Development Standards of the Coastal Implementation Plan, as from time to time may be amended.~~

19.10.052 ACCESS TO LAKE, RIVERS AND STREAMS.

- A. The County shall not approve a tentative parcel map of any division of land fronting upon any lake, reservoir, river or stream which is owned in part or entirely by any public agency including the state, which subdivision does not provide or have reasonable access by fee or easement from the

public highways to any water of the lake or reservoir upon which the subdivision borders either within the subdivision or a reasonable distance from the subdivision. Such public access route or routes provided by the subdivision shall be expressly designated on the final or parcel map and such map shall expressly designate the governmental entity to which such route(s) are dedicated and acceptance of such dedication.

B. In making the determination of what shall be reasonable, public access the appropriate decision making body shall consider:

1. That access may be by highway, foot trail, bike trail, horse trails, or any other means of travel;
2. The size of the subdivision;
3. The type of riverbank and the various appropriate recreational, educational, and scientific uses including, but not limited to, swimming, diving, boating, fishing, water skiing, scientific collection and teaching;
3. The likelihood of trespass on private property and reasonable means of avoiding such trespass.
4. For the purposes of this subsection public waterway, river or stream means those waterways, rivers and streams defined in Section 100 through 106 of the Harbors and Navigation Code; any stream declared to be a public highway for fishing pursuant to Section 25660 through 25662 of the Government Code; the rivers listed in Section 1505 of the Fish and Game Code as spawning areas; all waterways, rivers and streams downstream from any state or federal salmon or steelhead fish hatchery.

19.10.055 GRADING.

A. Grading plans shall be required for all subdivisions if appropriate. When necessary, the plan shall provide for both on and off site grading and shall be submitted as part of the subdivision's improvement plan. No grading shall commence until the improvement plan has been approved by the County. The issuance of building permits or release of security for improvement agreements may be conditioned upon receipt of approved written assurance by a registered civil engineer that the lot grading has been done in conformance with the approved plan.

B. In areas of eroding slopes and near drainageways, development (building pads, leachfield areas, driveways) shall maximize retention of natural land forms such as rolling hills, ridgetops, areas of extensive vegetation and water

courses. Grading shall not produce large flat planes or sharp angles or intersection with the natural terrain. Slopes shall be rounded to blend with existing terrain. Extensive terracing shall be prohibited.

19.10.060 PUBLIC ROAD STANDARDS.

- A. All roads to be dedicated to the public for all subdivisions shall be designed and constructed to meet those relevant standards set forth in the County Road Standards including without limitation those standards regarding county road grade, alignments, width, surfacing standards, etc. The size of the right-of-way to be dedicated shall also meet the standards set forth in the County Road Standards which are incorporated herein by reference. Copies of such documents are on file in the Office of the County Surveyor where they are available for public inspection.
- B. Sidewalks, curbs and gutters shall also be required for subdivisions in those areas where the Board of Supervisors, by resolution or an adopted specific plan, calls for urban-level services. Curb and gutter may be required if the subdivision fronts on a public street.
- C. Reserve strips controlling access to public ways shall not be permitted unless it is first demonstrated that the same is necessary for the protection of the public safety or welfare or substantial property rights. Where allowed, the control or disposal of the land comprising such streets shall be placed within the jurisdiction of the county under conditions approved by appropriate decision making body.
- D. All streets shall, as far as practicable, be in alignment with existing and adjacent streets by continuation of centerlines, or by adjustment by curves, and shall be in general conformity with the plans made for the most advantageous development of the area in which the subdivision lies. Streets shall be required to intersect one another at an angle as near to a right angle as a practicable in each specific case.
- E. All streets shall be named in accordance with existing standards. Duplication of existing names shall not be allowed.
- F. Drainage plans shall be prepared by a registered civil engineer for county approval for all roads which will be dedicated to the county and for associated driveways.

19.10.065 PRIVATE ROAD STANDARDS.

- A. General Requirements: All private roads shall meet the following minimum requirements:

1. Rights-of-way and improvements shall meet the County Road Standards which are incorporated herein by reference. Copies of such documents are on file in the office of the County Surveyor, where they are available for public inspection.
2. Mitigation measures such as approved traffic control devices, road design, etc., shall be utilized whenever speed is a concern.
3. Drainage and improvement plans for all roads and driveways shall be prepared by a registered civil engineer for County approval.
4. Bridges on private roads shall meet the requirements of all state, local and federal agencies having jurisdiction.
5. Road grades shall not exceed 15 percent unless approved by the County Fire Warden, County Surveyor and the Chief of the local fire district.
6. Driveways and private roads serving four lots or less shall meet County grade and alignment standards for private roads. Improvement of driveways may be varied depending upon factors such as terrain and grade lengths.
7. Additional or higher standards may be required after consultation with the California Department of Forestry or the local fire protection district in order to insure adequate emergency vehicle access.

19.10.070 WATER SUPPLY.

- A. Provision shall be made for such domestic water supply as may be necessary to protect public health, safety, or welfare. Such water supply may be:
 1. By connection to a public utility, in which case a letter from the public utility shall be submitted showing its ability to serve the proposed subdivision and evidence indicating that a satisfactory agreement has been entered into for such services.
 2. By the establishment of a two or more connection approved water system or by connection to an existing approved water system with the provision of service to each lot.
 3. From a single connection water source on each parcel.
- B. In the event the subdivider proposes establishment of a water system, the subdivider shall submit evidence to the Director of Environmental Health that the source of supply

is adequate and potable. In order to demonstrate adequacy, the supply must comply with title 15.04 of the Monterey County Codes or Title 22 of the California Administrative Code. Unless waived, the subdivider shall submit a design plan of the system for review by the Director of Environmental Health. The design plan shall meet the Residential Subdivision Water Supply Standards. Any proposal to share a water source with five or more connections requires compliance with the State Domestic Water Act set forth in Health and Safety Code Section 4010 et. seq. A water source with two to four connections must comply with Title 15 of the Monterey County Code. For all Domestic Water Sources:

1. Chemical testing shall be performed with the results meeting recognized standards of potability. Organic chemical and radiological testing is required for water sources with 15 or more connections.
 2. The water well must meet the setback requirements as specified under the Monterey County Code.
 3. The water well shall have an adequate sanitary seal and an adequate annular seal (as determined from the well log).
- C. The appropriate approving authority, upon reason to believe the existence of salt, bacteriological, mineral or other contamination, may require a water quality test for such wells to be conducted by a State Department of Health Services certified laboratory. Test results shall be submitted to the Environmental Health Division for approval or disapproval.
- D. Springs may be used as the primary domestic water source. In such case, yields from springs and the required storage capacity shall be the same minimum requirements as for wells. Springs shall be perennial. The water collection facilities from the springs shall be designed to the satisfaction of the Director of Environmental Health and in any case shall be designed in such a manner as to exclude entrance of surface water, animals and insects.
- E. All required improvements shall conform to good civil engineering practice, and in particular, shall comply with the specific requirements in effect at the time of approval of the tentative map as contained in the Residential Subdivision Water Supply Standards (1984 revision) which are incorporated herein by reference. Copies of such documents are on file in the office of the Monterey County Health Department and the County Surveyor, where they are available for public inspection.
- F. Conditions necessary to insure compliance with water system regulations prior to filing the final or parcel map may be

imposed by the advisory agency.

19.10.075 SEWAGE DISPOSAL.

A. Provision shall be made for adequate sewage disposal by:

1. Connection to a sanitary sewer where available, in which case a letter shall be submitted to the Director of Environmental Health from the governing board of the sewer system showing the ability of the system to handle sewage from the proposed subdivision and evidence that a satisfactory agreement had been entered into for connection to the system and required fees paid. Unless waived, the subdivider shall provide proper installation of service laterals to the property line of each lot.
2. Connection to an on-site sewage disposal system.
 - a. Parcels must be of sufficient size to accommodate the private sewage disposal system for a typical three-bedroom house plus unencumbered area to expand or replace the system by 200%.
 - b. The minimum lot size shall be 2 1/2 gross acres when single connection wells are the source of domestic water.
 - c. Parcels or lots less than 2 1/2 gross acres must have water supplied by either a public utility or shared water system operating under a valid permit from the State of California or the County of Monterey Division of Environmental Health.
 - d. Evidence shall be provided of suitable soil percolation characteristics on each lot to meet the current criteria of the Monterey County Health Code (Title 15) and the Basin Plan of the appropriate Regional Water Quality Control Board, Central Coast Basin.

B. Common sewage disposal systems for standard subdivisions may be approved if:

1. A public or private entity discharger is empowered to conduct a program of regular sewage system monitoring, maintenance and repairs is created;
2. Easements are contained only within the common lands of the subdivisions and such common lands are owned and controlled by the entity created;
3. The easement for each lot is entirely separate and distinct from the easement for any other lot;

4. The use of easements is not used as a basis to allow lot sizes smaller than those specified in this chapter for lots with private sewage disposal systems.
- C. Each proposed leachfield shall meet the applicable standards of the Monterey County Health Department and Basin Plan of the appropriate Regional Water Quality Control Board including without limitation the following:
1. Leachfields shall not be on slopes of greater than 30%;
 2. Leachfield areas must be located a minimum of one hundred (100) feet from a perennial waterway or 100 feet from the top of the bank waterway or drainage courses.
 3. Leachfields shall be located according to the minimum setbacks given in Monterey County Code, Title 15, and the Basin Plan of the regional Water Quality Control Basin, Central Coast Basin.
 4. On parcels where drainage may adversely affect leachfield function, an approval by a registered civil engineer and/or provision of drainage easements may be required;
 5. Leachfields shall be located to avoid areas of land slippage or instability and shall not be placed in areas where land slippage or instability could be induced or accelerated by leachfield discharge. In areas designated potentially unstable, an analysis by a registered geologist or certified engineering geologist will be required.
- D. All improvements shall conform to good civil engineering practice and, in particular, shall comply with the specific requirements in effect at the time of approval of the tentative map as determined complete.

19.10.080 ENERGY CONSERVATION.

- A. The design of a subdivision shall provide, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision. Examples of passive or natural heating opportunities in subdivision design, include design of lot size and configuration to permit orientation of a structure in east-west alignment for southern exposure. Examples of passive or natural cooling opportunities in subdivision design include design of lot size and configuration to permit orientation of a structure to take advantage of shade or prevailing breezes. In providing for future passive or natural heating and cooling opportunities in the design of a subdivision, consideration

shall be given to local climate, to contour, to configuration of the parcel to be divided, and to other design improvement requirements. The requirements of this section do not apply to condominium projects which consist of the subdivision of air space in an existing building where no new structures are added. For the purposes of this section, "feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economics, environmental, social and technological factors.

19.10.085 MONUMENTS.

- A. At the time of making the survey for the final or parcel map, the engineer or surveyor shall set sufficient durable monuments to conform to the standards described in section 8771 of the Business and Professions Code so that another engineer or surveyor may readily retrace the survey. Specifically, such durable monuments shall be iron pipes, or iron pins or iron tees not less substantial than 3/4 inch by 18 inches and shall be placed at the beginning and end of all curves, at all angle points, in block lines, and at all block corners. In cases where the subdivision boundary or lot lines are railroad rights of way (fee title) the intermediate points within the tapers need not be monumented; however, the beginning and end of the taper as well as any lot, corner, or boundary angles within the taper shall be monumented. All monuments shall be permanently and visibly marked or tagged with the registration number of the surveyor or engineer.
- B. When making a survey for a subdivision for which a final map is required, an engineer or surveyor shall set two permanent monuments within sight of each other in each block and with a distance between them which will enable an accurate resurvey of the block. Concrete monuments pairs shall be placed near enough to all lot corners so that they may be readily re-established; the maximum distance shall be 3,000 feet. Permanent monuments shall not be less substantial than 6 inches in diameter by 36 inches in length reinforced concrete posts with the exact point permanently marked on the middle pin or disk. With the approval of the County Surveyor, permanent monuments may be set within the right-of-way of streets and roads in accordance with the following conditions:
1. The monuments shall meet all requirements of this section except for the requirement of two monuments in each block;
 2. The monuments shall be readily accessible from the street area;
 3. The monuments shall be set in locations where they are least likely to be disturbed by operations in connec-

tion with the construction, maintenance or repair of streets or roads and of underground facilities;

4. When the monuments are to be set within the traveled way or within the sidewalk area, they shall conform to the Department of Public Works Subdivision Survey Monument (drawing Plate No. 27).
- C. A benchmark shall be established for all subdivisions for which a final map is required on the improvement plans at least one permanent monument and its elevation, by reference to mean sea level United States Geological Survey datum, shall be shown on the improvement plan together with a description of the object and its relation to a lot and block in a subdivision.
- D. As to those monuments marking the exterior boundaries of a subdivision that may fall in streams or other inaccessible positions or within the construction limits of the requirement improvement, a substantial reference point may be set with approval of the County Surveyor. Upon completion of the construction, the point on the exterior boundary shall be set from the reference. If it is physically impractical to set a final monument marking a point on the exterior boundaries, the County Surveyor may approve a setting of a final reference monument or monuments. Such monuments marking the exterior boundaries as described above may be set after the filing of the final or parcel map subject to the terms and conditions prescribed for the setting of other monuments.
- E. All monuments shall be set in the field as calculated and shown on the map.
- F. All monuments and benchmarks shall be subject to inspection and approval by the County Surveyor. Interior monuments for a final map required by this title or any other provisions of Monterey County Code may be set after the recording of the final map if the subdivider's engineer or surveyor certifies on the map that such monuments will be set on or before a specified date and if the subdivider furnishes to the County security guaranteeing the payment of the cost of setting the monuments. At the time of making the survey for the final map or parcel map unless the survey is not required pursuant to Section 66448, the engineer or surveyor shall set sufficient durable monuments to conform with the standards described in Section 8771 of the Business and Professions Code so that another engineer or surveyor may readily retrace the survey. At least one exterior boundary line of the land being subdivided shall be adequately monumented or referenced before the map is recorded.
- G. After completion of exterior and/or interior monumentings

for subdivisions for which a parcel or final map is required, the subdivider's engineer or surveyor shall notify in writing the County Surveyor of such completion at least two weeks prior to any requested inspection and approval.

- H. Within five days after completion of the final setting of all monuments, the subdivider's engineer or surveyor shall give written notice of such to the subdivider and the County Surveyor.
- I. In the event of the death, disability or retirement from practice of the engineer or surveyor, charge for the responsibility for setting monuments, or in the event of his refusal to set such monuments, the Board of Supervisors may direct the County Surveyor or such registered civil engineer or licensed surveyor as it may select to set such monuments. If the original engineer or surveyor is replaced by another, the former may, by letter to the County Surveyor, release his obligations to set the final monument to the surveyor or engineer who replaced him. When the monuments are so set, the substitute engineer or surveyor shall amend any map filed pursuant to the provisions of Government Code section 66469-66472 of this chapter.
- J. The County Surveyor may waive monumentation requirements of this chapter upon determining that such requirement(s) would place an undue hardship on the subdivider and that the remaining monumentation will satisfy the requirements of the Subdivision Map Act and the requirements of the Monterey County Subdivision Ordinance.

19.10.090 FIRE PROTECTION.

- A. A design for an adequate turnaround area at the building site shall be required to insure adequate emergency vehicle circulation.
- B. Access for fire protection purposes shall be provided. Where determined necessary or advisable by the decision making body, additional emergency access may be required. The extent and improvement of such emergency access shall depend upon the circumstances of each case as deemed necessary by the local fire district and/or California Department of Forestry.
- C. In all cases all subdivisions shall conform to the Fire Hazards Policy (17.3.5) and Table 2 (pg. 62) of the Monterey County General Plan and any amendments to the plan.

19.10.095 UNDERGROUND UTILITIES.

All utility distribution facilities (including but not limited

to electric, communication and cable television lines) installed in and for the purpose of supplying service to any subdivision or minor subdivision shall be placed underground, except as follows:

- A. Equipment appurtenant to underground facilities, such as surface-mounted transformers, pedestal-mounted terminal boxes and meter cabinets, and concealed ducts, or such equipment when concealed by shrubbery landscaping or other screening and approved by the Director of Planning and Building Inspection.
- B. The appropriate decision making body may waive the requirements of this subsection if topographical, soil or other physical conditions make underground installations of said facilities unreasonable or impractical. The decision making body may require underground services to be installed in subdivisions where underground utilities are not otherwise required, or where the overhead distribution lines presently exist to serve the lots and underground services are not otherwise required. The appropriate decision making body may require separate approval of the location and extent to any proposed overhead system to achieve minimum visual effect.

19.10.100 RAILROAD CROSSING.

Provision shall be made for any and all railroad crossings necessary to provide access to or circulation within the proposed subdivision, including the preparation of all documents necessary for application to the State Public Utilities Commission for the establishment of a public crossing. All costs necessitated by the establishment and improvement of such crossings shall be assumed by the subdivider.

Chapter XI. REVERSION TO ACREAGE

19.11.005 ALLOWS FOR REVERSION TO ACREAGE.

Subdivided real property may be reverted to acreage pursuant to the provisions of this chapter.

19.11.010 OWNERS OF RECORD MAY INITIATE PROCEEDINGS.

Proceedings for reversion to acreage may be initiated by the legislative body on its own motion or by petition of all of the owners of record of the real property within the subdivision.

19.11.015 APPLICATION.

The application shall be in a form prescribed by the Director of Planning and Building Inspection and shall contain the following:

- A. Adequate evidence of title to the real property within the subdivision.
- B. Sufficient data to enable the decision making body to make all of the determinations and findings required by this chapter.
- C. A final map or parcel map which delineates dedications which will not be vacated and dedications which are a condition to reversion.
- D. Such other pertinent information as may be required upon review of the application.

19.11.020 PUBLIC HEARING REQUIRED.

A public hearing shall be held on the proposed reversion to acreage. Notice thereof shall be given in the manner required in Section 19.01.055.

19.11.025 NECESSARY FINDINGS BY THE BOARD OF SUPERVISORS.

Subdivided real property may be reverted to acreage only if the Board of Supervisors finds that:

- A. Dedications or offers of dedication to be vacated or abandoned by the reversion to acreage are unnecessary for present or prospective public purpose; and
- B. Either;
 - 1. All owners of an interest in the real property within the subdivision have consented to reversion; or.
 - 2. None of the improvements required to be made have been made within two years from the date the final or

- parcel map was filed for record, or within the time allowed by agreement for completion of the improvements, whichever is the later; or
3. No lots shown on the final map or parcel map have been sold within five years from the date such map was recorded for public record.

19.11.030 CONDITIONS OF REVERSION.

As conditions of reversion the Board of Supervisors may require:

- A. Dedications or offers of dedication necessary for the purposes specified by ordinance following reversion.
- B. Retention of all previously paid fees if necessary to accomplish the purposes of this division or local ordinance adopted pursuant thereto.
- C. Retention of any portion of required improvement security or deposits if necessary to accomplish the purposes of this division of local ordinance adopted pursuant thereto.

19.11.035 EFFECTIVE DATE OF REVERSION.

Reversion shall be effective upon the parcel map being filed for record by the County Recorder, and there upon all dedications and offers of dedication not shown thereon shall be of no further force or effect.

19.11.040 RETURN OF FEES AND DEPOSIT; RELEASE OF SECURITY.

When a reversion is effective, all fees and deposits shall be returned and all improvement security released.

19.11.045 NO TAX BOND REQUIRED.

A tax bond shall not be required in reversion proceedings.

19.11.050 AUTHORIZATION FOR PARCEL MAP.

The Board of Supervisors may authorize a parcel map to be recorded under the provisions of this chapter for the purpose of reverting to acreage land previously subdivided and consisting of four or less contiguous parcels under the same ownership. Any map so submitted shall be accompanied by evidence of title and nonuse or lack of necessity of any streets or easements which are to be vacated or abandoned. Any streets or easements to be left in effect after the reversion shall be adequately delineated on the map. After approval of the reversion by the Board of Supervisors, the map shall be delivered to the County Recorder. The filing of the map shall constitute legal reversion to acreage of the land affected thereby, and shall also constitute abandonment of all streets and easements not shown on the map. The filing of the map shall also constitute a merger of the separate parcels into one parcel for purposes of

this chapter and shall thereafter be shown as such on the assessment roll subject to the provisions of Section 66445. Except as provided in subdivision (f) of Section 66445, on any parcel map used for reverting acreage, a certificate shall appear signed and acknowledged by all parties having any record title interest in the land being reverted, consenting to the preparation and filing of the parcel map.

19.11.055 MERGING AND RESUBDIVIDING WITHOUT REVERSION.

Subdivided lands may be merged and resubdivided without reverting to acreage by complying with all the applicable requirements for the subdivision of land as provided by this title. The filing of the final map or parcel map shall constitute legal merging of the separate parcels into one parcel and the resubdivision of such parcel, and the real property shall thereafter be shown with the new lot or parcel boundaries on the assessment roll. Any unused fees or deposits previously made pursuant to this title pertaining to the property shall be credited pro rata towards any requirements for the same purposes which are applicable at the time of resubdivision. Any streets or easements to be left in effect after the resubdivision shall be adequately delineated on the final or parcel map. After approval of the merger and resubdivision by the map shall be delivered to the County Recorder. The recording of the final or parcel map shall constitute legal merger and resubdivision for the land affected thereby, and shall also constitute abandonment of all streets and easements not shown on the map.

Chapter XII. DEDICATIONS, RESERVATIONS AND EASEMENTS

19.12.005 DEDICATION OF STREETS, ALLEYS AND OTHER PUBLIC RIGHTS-OF-WAY OR EASEMENTS.

- A. As a condition of approval of a final or parcel map, the subdivider shall dedicate or make an irrevocable offer of dedication of all land within the subdivision that is reasonably necessary to meet public needs arising as a result of public streets and alleys, including access rights and abutters' rights; drainage; public greenways; scenic easements, public utility easements; and other public easements. The subdivider shall improve or agree to improve all streets and alleys, including access rights and abutters' rights; and drainage, public utility and other public easements in accordance with Chapter X of this title. Rights-of-way shall be of sufficient size to accommodate the required improvements. In addition, where parcels front on a County maintained road of insufficient width, or when the existing right-of-way is not deeded, the subdivider shall dedicate right-of-way sufficient for the ultimate improvement of the facility.
- B. If the subdivision, as shown on the final map, contains two hundred (200) or more parcels, any subdivider who is required to dedicate roadways to the public, may be required to dedicate additional land for bicycle paths for the use and safety of the public.
- C. Whenever the subdivision falls within an area marked for the development of bikeways, hiking or equestrian trails in the General Plan, Area Plan, Master Plan or specific plan, or implementing legislation, the subdivider shall dedicate such land as is necessary and feasible to provide for such ways.

19.12.010 RECREATION REQUIREMENTS.

- A. General. This section is enacted pursuant to the authority granted by the Subdivision Map Act and is for the purpose of providing such additional park, recreational facilities and open space as appropriate pursuant to the General Plan of the County. The park and recreational facilities for which dedication of land and/or payment of a fee is required by this title are in accordance with the policies, principles and standards for park and recreational facilities contained in the General Plan. (Policy 51).

For purposes of this title, park and recreational purposes shall include land and facilities for the activity of "recreational community gardening," which activity consists of the cultivation by persons other than, or in addition to, the owner of such land, of plant material not for sale.

- B. Requirements. As a condition of approval of a tentative map, the subdivider shall dedicate land, pay a fee in lieu thereof, or both, at the option of the County, for park or recreational purposes at the time and according to the standards and formula contained in this chapter. The land dedicated or the fees paid, or both, shall be used for community and neighborhood parks and facilities in such a manner that the locations of such parks and facilities bear a reasonable relationship to the use of the park and recreational facilities by the future inhabitants of the subdivision generating such dedication or fees, or both.
- C. General Standard. It is hereby found and determined that the public interest, convenience, health, safety and welfare require that three acres of property for each one thousand (1,000) persons residing within the unincorporated area of the County be devoted to local park and recreational purposes.
- D. Standards and Formula for Dedication of Land. Where a park or recreational facility has been designated in the General Plan and is to be located in whole or in part within the proposed subdivision and is reasonably related to serving the present and future needs of the residents of the subdivision, the subdivider shall dedicate land for park and recreation facilities sufficient in size and topography to meet the purpose. The amount of land to be provided shall be determined pursuant to the following standards and formula:

Formula: The formula for determining the amount of acreage to be dedicated shall be as follows:

$$\frac{\text{Acres of Parkland}}{\text{Dwelling Unit}} = \frac{.003 \text{ Acres}^*}{\text{Person}} \times \frac{\text{Average No. of Persons}}{\text{Dwelling Unit}}$$

* (Based on three acres of parkland per 1,000 population)

The following parkland dedication table, based on the above formula, is to be followed:

Dwelling Type or Land Use	Average No. Persons/ Dwelling Unit	Acres per Dwelling Unit
Single-Family or Mobilehome	3.0	.015
Duplex or	2.1	.0105

Multifamily

For the purpose of this section, the number of proposed dwelling units shall be determined as follows: In areas zoned for one dwelling unit per lot or parcel, the number of dwelling units shall equal the number of parcels indicated on the tentative map. When all or part of the subdivision is located in an area zoned for multiple dwelling units per parcel, the number of dwelling units in the area so zoned shall equal the maximum number of dwelling units allowed under that zone. For residential condominium projects, the number of dwelling units shall equal the number of condominium units indicated on the tentative map. For planned development projects, the number of dwelling units shall equal the number of dwelling units indicated on the approved final development plan. The term "new dwelling unit" does not include dwelling units lawfully in place prior to the date on which the tentative map is approved.

Lands to be dedicated or reserved for park and/or recreational purposes shall be suitable in the opinion of the Director of Planning and Building Inspection, the Director of Public Works, and the Director of Parks and Recreation in location, topography, environmental characteristics and development potential as related to the intended use. The primary intent of this section shall be construed to provide the land for functional recreation units of local or neighborhood service, including but not limited to: tot lots, play lots, playgrounds, neighborhood parks, playfields, community or district parks, and other specialized recreational facilities that may serve the family group and also senior citizen and child care activities. Principal consideration shall be given therefore to lands that offer:

1. A variety of recreational potential for all age groups;
2. Recreational opportunities within walking distance from residents homes;
3. Possibility for expansion or connection with school grounds;
4. Integration with hiking, riding and bicycle trails, natural stream reserves and other open space;
5. Coordination with all other park systems; and
6. Access to at least one existing or proposed public street.

E. Formula for Fees in Lieu of Land Dedication.

1. General Formula. If there is no park or recreational facility designated in the General Plan to be serve the immediate and future needs of the residents of the subdivision, the subdivider shall, either dedicate land in the amount provided in Section 19.12.010(D) or pay a fee in lieu of dedication equal to the value of the land prescribed for dedication in Section 19.12.010(D) and in an amount determined in accordance with the provisions of Section 19.12.010(G).
2. Fees in Lieu of Land - Fifty (50) Parcels or Less. Except as provided in Section 19.12.010(F), if and has no park or recreational facility, the subdivider shall pay a fee equal to the land value of the portion of the park or recreational facilities required to serve the needs of the residents of the proposed subdivision as prescribed in Section 19.12.010(D) and in an amount determined in accordance with the provisions of Section 19.12.010(G).
3. Use of Money. The money collected shall be used, in accordance with the schedule developed pursuant to Section 19.12.010(K), for the purpose of developing new or rehabilitation existing neighborhood or community park or recreational facilities reasonably related to serving the subdivision, including the purchase of necessary land and/or improvement of such land for park or recreational purposes. The money shall be committed within five (5) years after payment thereof or the issuance of building permits on one-half (1/2) of the lots created by the subdivision, whichever occurs later. If the money is not committed, it shall be distributed and paid to the then record owners of the subdivision in the same proportion that the size of their lot bears to the total area of all lots in the subdivision.

F. Criteria for Requiring Both Dedication and Fee. If the proposed subdivision contains more than fifty (50) parcels, or, in the case of a condominium project, stock cooperative or community apartment, if the proposed subdivision contains more than fifty (50) dwelling units although the actual number of parcels may be less than fifty (50), the subdivider shall both dedicate land and pay a fee in lieu of dedication in accordance with the following:

1. When only a portion of the land to be subdivided is proposed in the General Plan as the site for a local park or recreational facility, such portion shall be dedicated for local park purposes and a fee computed pursuant to the provisions of Section 19.12.010(G) shall be paid for any additional land that would have been required to be dedicated pursuant to Section 19.12.010(G).

2. When a major part of the local park or recreational site has already been acquired by the County and only a small portion of land is needed from the subdivision to complete the site, such portion shall be dedicated, and a fee, computed according to Section 19.12.010(G) shall be paid in an amount equal to the value of the land which would otherwise have been required to be dedicated according to Section 19.12.010(D). The fee shall be used for the improvement of the existing park or recreational facility or for the improvement of other neighborhood or community parks and recreational facilities reasonably related to serving the subdivision.

- G. Amount of Fee in Lieu of Parkland Dedication. When a fee is required to be paid in lieu of parkland dedication, the amount of the fee shall be based upon the estimated fair market value of the land being subdivided and the estimated fair market value of the land which would otherwise be required to be dedicated according to Section 19.12.010(D).

The fair market value shall be as determined by the County Assessor at the time of final map or parcel map approval. If the subdivider objects to the fair market value determination, the subdivider may request the County to obtain an appraisal of the property by a qualified real estate appraiser mutually agreed upon by the County and the subdivider, which appraisal will be considered by the County in determining the fair market value. All costs required to obtain such appraisal shall be borne by the subdivider.

For purposes of determining fair market value pursuant to this subsection, the County Assessor and any appraiser shall consider, among other things:

1. Conditions of approval of the tentative map;
2. The General Plan and zoning requirements for the area;
3. The location and site characteristics of the property; and
4. Off-site and on-site improvements facilitating use of the property.

- H. Determination of Land or Fee. Whether the County accepts land dedication, or elects to require the payment of a fee in lieu of, or a combination of both, shall be determined by consideration of the following:

1. Policies, standards and principles for park and recreation facilities in the General Plan;

2. Topography, geology, access and location of land in the subdivision available for dedication;
3. Size and shape of the subdivision and land available for dedication;
4. Feasibility of dedication;
5. Compatibility of dedication with the General Plan;
6. Availability of previously acquired park property.

The determination by the County as to whether land shall be dedication, or whether a fee shall be charged, or a combination, shall be final and conclusive.

- I. Credit for Improvements and Private Open Space. If the subdivider provides park and recreational improvements to the dedicated land, the value of the improvements together with any equipment located thereon shall be a credit against the payment of fees or dedication of land required by this section.

Planned developments, real estate developments, stock cooperatives, and community apartment projects, as defined in Sections 11003, 10003.1, 11003.4, and 11004, respectively, of the Business and Professions Code, and condominiums shall be eligible to receive a credit, as determined by the Board of Supervisors, against the amount of land required to be dedicated, or the amount of the fee imposed, pursuant to this section, for the value of private open space within the development which is usable for active recreational uses.

J. Procedure.

1. At the time of the approval or conditional approval of the tentative map, the Board of Supervisors, shall determine, after a report and recommendation from the Director of Parks and Recreation, whether land, in-lieu fees, or a combination of land and fees, shall be dedication and/or paid by the subdivider.
2. The Board of Supervisors, may approve, modify, or disapprove the recommendation of the Director of Parks and Recreation; provided, however, any modification of the proposed recommended condition not previously considered by the Director of Parks and Recreation shall first be referred back to the Parks and Community Services Director for a report and further recommendation. The Director of Parks and Recreation shall report back to the Board of Supervisors within thirty (30) days. After the receipt and consideration of the report, or after thirty (30) days have passed in the event no report is received, the Board of

Supervisors may adopt the condition.

3. The recommendation of the Director of Parks and Recreation shall include the following:
 - a. The amount of land required; or
 - b. That a fee be charged in lieu of land; or
 - c. That a combination of land and a fee be required; and
 - d. The location of the park land and, where appropriate, the siting and conceptual design of the park facilities appurtenant thereto, to be dedicated or used in lieu of fees; and
 - e. The approximate time when the development of the park of recreation facility shall commence.
 4. At the time of the recording of the final map or parcel map, the subdivider shall dedicate the land and/or pay the fees as determined by the County.
 5. Open space covenants, conditions and restrictions for private park or recreational facilities shall be submitted to the Director of Parks and Recreation prior to approval of the final map or parcel map and, if approved, shall be recorded concurrently with the final map or parcel map.
- K. Schedule of Use. At the time of the approval of the final map or parcel map, the the Director of Parks and Recreation shall develop a schedule specifying how, when, and where it will use the land or fees, or both, to develop or rehabilitate park of recreational facilities to serve the residents of the subdivision.
- L. Not Applicable to Certain Subdivisions. The provisions of this Chapter 19.12.010 shall not apply to the following:
1. Subdivisions containing four (4) or less parcels and not used for residential purposes. However, a condition may be placed on the approval of such parcel map that if a building permit is requested for construction of a residential structure or structures on one or more of the parcels within four (4) years, the fee pursuant to this section may be required to be paid by the owner of such parcel as a condition to the issuance of such permit.
 2. Commercial or industrial subdivisions.
 3. Condominium projects or stock cooperatives which consist of the subdivision of airspace in an existing

apartment building which is more than five (5) years old when no new dwelling units are added.

19.12.015 SCHOOL FACILITIES/FEEES DEDICATION.

This Section provides for the dedication of land, payment of fees, dedication of facilities, or a combination, for elementary or high school classrooms and related facilities upon the making of certain findings, as a condition of the approval of a residential development.

19.12.020 TITLE.

This section shall be known and may be cited as the "School Facilities/Fees Dedication Ordinance".

19.12.025 AUTHORITY.

This section is adopted pursuant to the provisions of Chapter 4.7 (commencing with Section 65970) of Division 1 of Title 7 of the Government Code of California.

19.12.030 PURPOSE.

The purpose of this section is to provide a method for financing interim school facilities necessitated by new residential developments causing conditions of overcrowding.

19.12.035 REGULATIONS.

The Board of Supervisors may, from time to time, by Resolution, issue regulations to provide for the administration and implementation of this section.

19.12.040 GENERAL PLAN.

The County of Monterey General Plan provides for the location of public schools. Where facilities are to be constructed from fees or land required to be dedicated hereunder, or both, they shall be consistent with the General Plan.

19.12.045 DEFINITIONS.

The following definitions are applicable to this section.

- A. CONDITIONS OF OVERCROWDING. "Conditions of overcrowding" means that the total enrollment of an attendance area's school or schools, including enrollment from proposed development, exceeds the capacity of such school or schools within the attendance area, as determined by the governing body of the school district in accordance with standards established in the Education Code.
- B. DECISION-MAKING BODY. "Decision-making body" means the Board of Supervisors.

- C. DWELLING UNIT. "Dwelling unit" means a building or portion thereof, or a mobile home, designed for residential occupation by one person or a group of two or more persons living together as a domestic unit.
- D. REASONABLE METHODS for mitigating conditions of overcrowding. "Reasonable methods for mitigating conditions of overcrowding" shall include, but are not limited to such methods as:
1. Any agreements entered into by the affected school district which would alleviate conditions of overcrowding caused by new residential development;
 2. The use of relocatable structures, student transportation, and school boundary realignments;
 3. The use of available bond or state loan revenues to the extent authorized by law;
 4. The use of funds which could be available from the sale of surplus school district real property and funds available from other appropriate sources, as determined by the governing body of affected school districts;
 5. Agreements between a subdivider or other developer of residential developments in the affected school district whereby temporary-use buildings will be leased to or for the benefit of the school district or temporary-use buildings owned by the school district will be used.
- E. RESIDENTIAL DEVELOPMENT. "Residential development" means a project containing residential dwellings, including mobile homes, or one or more units, or a division of land for the purpose of constructing one or more residential units. Residential development includes, but is not limited to, a preliminary or final development plan, a subdivision tentative or final map, a parcel map, conditional use permit, a building permit, or any other discretionary permit for new residential use.
- F. BOARD. "Board" means the Board of Supervisors of the County of Monterey.
- G. EXEMPTIONS. A residential development shall be exempt from the requirements of this section when it consists only of any of the following:
1. Any modification or remodel of an existing legally established dwelling unit where no additional dwelling units are created.

2. The conversion of an existing apartment building into a condominium or stock cooperative where no new dwelling units are created.
3. Any rebuilding of a legally established dwelling unit destroyed or damaged by fire, flood, explosion, act of God or other accident or catastrophe.
4. Any rebuilding of a historical building recognized, acknowledged and designated as such by the County.
5. Any residential complex which, through special use permit, is designated as senior citizens' housing.
6. Any residential unit with one bedroom or less. For the purposes of this exemption, miscellaneous-use rooms (such as, sewing rooms, solariums, recreation rooms, or a study or a den) and rooms designed for sleeping shall be considered and counted as bedrooms.

19.12.050 OVERCROWDING ATTENDANCE AREA.

The following criteria determine whether there is overcrowding in the school district attendance area:

19.12.055 FINDINGS AND NOTICE OF OVERCROWDING IN ATTENDANCE AREAS.

Pursuant to Government Code Section 65970 et. seq., the governing body of a school district may make a finding supported by clear and convincing evidence that:

- A. Conditions of overcrowding exist in one or more attendance areas within the district which will impair the normal functioning of educational programs, including the reasons for such conditions existing;
- B. All reasonable methods of mitigating conditions of overcrowding have been evaluated, including district unification, consolidation and reorganization;
- C. No feasible method for reducing such conditions exists. Upon making these findings, the school district must provide the County with written notice of its findings as provided in Section 19.12.55.

19.12.060 FINDINGS - REQUIREMENTS.

Any notice of findings sent by a school district to the County shall specify:

- A. The findings listed in Section 19.12.055;
- B. A summary of the evidence upon which the findings in Section 19.12.055 were based;

- C. The mitigation measures and methods, including those listed in Section 19.12.045 (D), considered by the school district in any determination made concerning them by the district;
- D. The precise geographic boundaries of the overcrowded attendance area or area;
- E. Such other information as may be required by a Board regulation.

19.12.065 CONCURRENCE BY COUNTY.

After receipt of any notice of findings complying with the requirements of Section 19.11.055, the Board, if it concurs with such school district findings, shall do so by Resolution.

19.12.070 FINDINGS FOR DEVELOPMENT APPROVAL.

Within an attendance area, where the Board has concurred in a school district's findings that conditions of overcrowding exist, no decision-making body shall approve an application for a residential development with such area, unless such decision-making body makes one of the following findings:

- A. That pursuant to this section, provision has been made for payment of fees, dedication of land, or both, or some other provision has been agreed upon by the applicant for a residential development in the school district to mitigate the conditions of overcrowding within that attendance area; or
- B. That there are specific, overriding physical, economic, social or environmental factors, which, in the judgment of the decision-making body, would benefit the County, thereby justifying the approval of a residential development otherwise subject to the provisions of this Ordinance without requiring the payment of fees or the dedication of land or other alternate provision required by this section; or
- C. That agreement has been reached between the developer and the school district to alleviate existing conditions of overcrowding.

19.12.075 REQUIREMENTS, STANDARDS AND PROCEDURES.

The following are the requirements, standards and procedures to implement this section:

19.12.080 PAYMENT OF FEES, DEDICATION OF LAND OR DEDICATION OF FACILITIES.

In an attendance area where the Board has concurred that overcrowding exists, the applicant of a proposed residential

development, as a condition of approval, or the obtaining of a building permit, shall select among the following forms of contribution:

- A. Pay fees, make an equivalent arrangement as determined by the decision-making body in lieu thereof;
- B. Dedicate land;
- C. Dedicate facilities, or
- D. Do a combination thereof, unless excepted as provided in Section 19.12.070, subsection (B), as determined by the decision-making body during the hearings and other proceedings on specific residential development applications falling within their respective jurisdictions. Prior to the imposition of the fees, the dedication of land, dedication of facilities, or combination thereof, it shall be necessary for the decision-making body acting on the application to make the following determination: That the facilities to be constructed, purchased, leased, or rented from such fees or the land or facilities to be dedicated, or combination thereof, are consistent with the General Plan. Any facilities to be dedicated shall be consistent with the requirements of the Field Act as specified in the California Education Code.

19.12.085 PAYMENT OF FEES IN SMALL RESIDENTIAL DEVELOPMENTS.

Only the payment of fees may be required in subdivisions containing 50 parcels, or less, or other developments containing 50 units, or less.

19.12.090 STANDARDS FOR FEES OR LAND.

Any requirement imposed pursuant to this section shall bear reasonable relationship and will be limited to the needs of the community for interim elementary, or high school facilities, and shall be reasonably related and limited to the need for the schools caused by the development; provided, the fees shall not exceed the amount necessary to pay five annual lease payments for the interim facilities.

19.12.095 AMOUNT FOR FEES OR LAND.

- A. For purposes of computation of fees required by this division, reasonable factors related to the amount necessary to pay five annual lease payments for interim facilities have been determined to be and are hereby adopted as follows:

- 1. Elementary (K-6) student yield per dwelling unit: .37 students

2. Junior high school (7-8) student yield per dwelling unit: .11 students
3. High school (9-12) student yield per dwelling unit: .23 students
4. Number of students per interim classroom: 30 students
5. Amount of five annual lease payments per classroom: \$28,800.00
6. Average number of bedrooms per dwelling unit: 2.12 bedrooms
7. Average number of bedrooms in excess of one bedroom per dwelling unit: 1.12 bedrooms
8. Cost of interim classrooms per student (\$28,800 - 30): \$960.00
9. Average number of students per bedroom in excess of one bedroom per dwelling unit:

Elementary (.37 - 1.12)=	.33
Junior High School (.11 - 1.12)=	.10
High School (.23 - 1.12)=	.21
10. Cost per bedroom in excess of one bedroom dwelling unit:

Elementary (\$960 x .33)=	\$317.00
Junior High School (\$960 x .10)=	96.00
High School (\$960 x .21)=	202.00

B. When fees are required by this division to be paid in lieu of land dedication or facilities, such fees shall be, and paid as follows:

1. Fees per bedroom in excess of one bedroom per dwelling unit shall be:
 - \$317 for elementary school interim facilities
 - \$ 96 for junior high school interim facilities
 - \$202 for high school interim facilities

Any room designed for sleeping and miscellaneous-use rooms (such as sewing rooms, solariums, recreation rooms, or a study or a den) is a bedroom for the purposes of this section.
2. Fees for each dwelling unit, rented over 60 days, in a mobile home rental park shall be one-half of the amounts in Section 19.12.095 above. It shall be the duty of the park owner to collect the fee for the County.

3. The fees for a mobile home manufactured housing or site-delivered home on a purchased lot shall be the same as for a site-built home.
 4. Provided that if the Board has determined that conditions of overcrowding do not exist with respect to any of the three levels of schools, i.e., elementary, junior high school, high school, then no fee for that level will be assessed.
 5. The maximum total fee per bedroom in excess of one bedroom per dwelling unit shall be the sum of the fees for the elementary, junior high school, and high school levels as determined in this section. The maximum total fee per dwelling unit shall be \$2,000.
- C. For purposes of this section, the annual lease payment per class-room, given in subparagraph (a) above as \$28,800, is subject to annual adjustment by the Monterey County Board of Supervisors. When an adjustment of the annual lease payment is made as provided for in this subparagraph, the fees provided for in this section shall be adjusted proportionately.
- D. The total land area required by this section to be dedicated shall be at least equal in monetary value as to the fees which would be otherwise required by Section 19.12.095 (B). The Assessor shall determine and establish the monetary value of land area for the purposes of this Division.

19.12.100 FEE REQUIRED.

If the payment of a fee is required, such payment shall be made at the time the building permit for a residence is approved and issued or, in the case of a mobile home, at the time the lot or space is first occupied. Fees shall be held in trust by the County until transferred to the affected school district or districts.

19.12.105 LAND DEDICATION.

When land is to be dedicated, it shall be offered for dedication in substantially the same manner as prescribed in the County Subdivision Ordinance. Land shall be deeded directly to the school district or districts under procedures adopted by the County.

19.12.110 REFUNDS.

- A. If a final subdivision map, a parcel map, or conditional use permit is vacated or voided, and the County still retains the land, and if the applicant so requests, the Board shall order such land returned.

- B. If a residential development approval is vacated or voided, and if the County still retains the fees collected therefor, and if the applicant so requests, the Board shall order the fees returned to the applicant.

19.12.115 SCHOOL DISTRICT SCHEDULE.

Following concurrence by the Board pursuant to Section 19.12.070, the Director of Planning and Building Inspection shall notify each school district affected thereby. The governing body of the school district shall then submit a schedule specifying how it will use the fees, land, or facilities to solve the conditions of overcrowding. The schedule shall include the school sites to be used, the classroom facilities to be made available, and the time when such facilities will be available. In the event the governing body of the school district cannot meet the schedule, it shall submit modifications to the Board of Supervisors and the reasons for the modifications.

19.12.120 PROHIBITIONS.

The following are prohibitions on levy of fee or dedication of land after receipt of apportionment and uses and limitations of uses of lands and fees:

19.12.125 PROHIBITION ON LEVY OF FEE OR DEDICATION OF LAND AFTER RECEIPT OF APPORTIONMENT.

After facilities have been completed with funds received pursuant to the Leroy F. Green State School Building Lease-Purchase Law of 1976 (Chapter 22 (commencing with Section 17700) of Part 10 of the Education Code), the City or County shall not be permitted thereafter, pursuant to this chapter or pursuant to any other school facilities financing arrangement such district may have with builders of residential developments, to levy any fee or to require the dedication of land within the attendance area of the district.

After facilities have been completed and occupied with funds received pursuant to the Leroy F. Green State School Building Lease-Purchase Law of 1976 (Chapter 22 (commencing with Section 17700) of Part 10 of the Education Code), the County shall refund to the developer of the residential development who has made a contribution under this Ordinance, the amount of any fee paid which is in excess of the amount necessary to meet the needs of the school district for interim, elementary, or high school facilities.

Although the school may have received Green Act money, it may still have a need for interim facilities created by local development.



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19.12.130 CONDITIONS OF SUBSEQUENT OVERCROWDING.

Nothing in this agreement is intended to prohibit the district from subsequently filing another resolution of overcrowded conditions pursuant to this Ordinance as specified in this section.

19.12.135 USE OF FEES, LAND, AND FACILITIES.

All fees, land, and facilities, collected pursuant to this Ordinance and transferred to a school district, shall be used by the district only for the purpose of providing interim elementary or high school classroom and related facilities.

19.12.140 AGREEMENT FOR FEE DISTRIBUTION.

If two separate school districts operate schools in an attendance area where the Board concurs that overcrowding conditions exist for both school districts, the Board will enter into an agreement with the governing bodies of both school districts for the purpose of determining the division of revenues from the fees levied pursuant to this section.

19.12.145 ACCOUNT.

Any school district receiving funds, land facilities pursuant to this Ordinance shall maintain a separate account for any fees paid and disposition of land received, and shall file a report with the Board on the balance and account at the end of the previous fiscal year and the facilities leased, purchased, or constructed during the previous fiscal year. In addition, the report shall specify which attendance areas will continue to be overcrowded when the fall term begins and where conditions of overcrowding will no longer exist. Such report shall be filed by August 1 of each year, and shall be filed more frequently at the request of the Board.

19.12.150 TERMINATION OF DEDICATION OR FEE REQUIREMENTS.

When it is determined by the Board of Supervisors that conditions of overcrowding no longer exist in attendance area, the decision-making body shall cease imposition of any requirements under this section.

19.12.155 BRIDGE AND MAJOR THOROUGHFARE CONSTRUCTION FEES.

The purpose of this section is to make provision pursuant to Government Code Section 66484, for the assessment and collection of bridge facility and major thoroughfare construction fees as a condition for the approval of a final map or parcel map when the fees are necessary to defray the actual or estimated costs of constructing such bridge facilities or major thoroughfares.

19.12.160 DEFINITIONS.

Whenever the following terms are used in this section they shall have the meanings ascribed to them in this section:

- A. "Areas of benefit" means those areas which are established by the County Board of Supervisors pursuant to the provisions of Section 19.12.175 for the purpose of assessing and collecting fees for the construction of bridge facilities and major thoroughfares.
- B. "Construction" includes design, acquisition of right-of-way, administration of construction contracts and actual construction.
- C. "County" means the County of Monterey.
- D. "Major thoroughfare" means any county or state maintained road, whether existing or proposed which is shown on the circulation element of the county's General Plan.
- E. "Subdivider" means a person, firm, corporation, partnership or association who proposes to divide, divides, or causes to be divided, real property into a subdivision for himself or for others except that employees and consultants of such persons or entities, acting in such capacity, are not subdividers.
- F. "Subdivision" means the division, by any subdivider, or 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 its separated by roads, streets, utility easements or railroad rights-of-way. "Subdivision" includes a condominium project, a community apartment project, and the conversion of five or more existing dwelling units to a stock cooperative, as defined in Section 66424 of the Government Code.

19.12.165 FEES.

In order to defray the costs of construction of needed bridge facilities and major thoroughfares, fees shall be imposed as a condition for the approval of final maps and parcel maps as follows:

- A. As a condition for approving a final map or parcel map (pursuant to the provisions of the Subdivision Map Act, Government Code Section 66410 et seq. and related county ordinances) when any portion thereof includes property which is located within an area of benefit, the subdivider shall pay the fee apportioned to the property as

established by the Board of Supervisors for that area of benefit pursuant to the procedures set forth in Section 19.12.175

- B. In the case of major thoroughfares, the payment of fees shall not be required unless the thoroughfares are in addition to or a reconstruction of any existing major thoroughfare serving the area at the time of the adoption of the boundaries of the area of benefit.
- C. In regards to planned bridge facilities, the payment of fees shall not be required unless the facility is an original bridge serving the area or an addition to any existing such facility serving the area at the time of the adoption of the boundaries of the area of benefit.
- D. Fees required to be paid pursuant to subsection A of this section shall be paid prior to the approval of a final map or parcel map.

19.12.170 PAYMENT METHODS.

- A. Consideration in lieu of fees required by Section 19.12.065 may be accepted.
- B. When fees are required by Section 19.12.065 such fees shall be deposited in a planned bridge facility and/or major thoroughfare fund. A separate fund shall be established for each area of benefit. Moneys in the fund shall be expended solely for the construction or reimbursement for construction of the bridge facilities and/or major thoroughfares serving the area to be benefited and from which the fees comprising the fund were collected or to reimburse the county for the costs of constructing the bridge facility or major thoroughfare.
- C. The County may advance money from its general fund or road fund to pay the cost of constructing the bridge facilities and/or major thoroughfares and may reimburse the general fund or road fund for the advances from planned bridge facility and/or major thoroughfare funds established to finance the construction of the bridge facilities and/or major thoroughfares.
- D. ~~The County may require or accept the dedication and/or improvements along a major thoroughfare and may reduce the fees assessed against that property by an amount equal to the cost of the improvements as determined by the Director of Public Works, if the value of improvements were included in the calculation of the fee.~~
- E. Funds shall be disbursed upon written authority of the Director of Public Works.

F. Notwithstanding any other provision of the ordinance codified in this chapter, the fees collected herein as a result of a development project may be allocated between different areas of benefit, provided, that:

1. The project is in one designated area of benefit and contiguous to another such area of benefit; or is in two different areas of benefit as a result of an area of benefit boundary bisecting the project; and
2. It is demonstrated to the satisfaction of the Director of Public Works that each affected area of benefit will be significantly impacted by the project. A traffic study or supplemental traffic study shall be conducted at the expense of the party requesting allocation of funds and approved by the Director of Public Works documenting the impacts to each area of benefit; and
3. The project consists of more than fifty (50) lots in the case of a subdivision.

G. The amount to be paid or percentage of allocation to each impacted area of benefit shall be determined by the Board of Supervisors.

19.12.175 AREAS OF BENEFIT.

Pursuant to the procedures set forth in this chapter, the Board of Supervisors may establish areas of benefit and impose reasonable fees on final maps and parcel maps which affect properties within such areas which are benefited by the construction of bridge facilities or major thoroughfares.

19.12.180 HEARING.

- A. Areas of benefit may be established by the Board of Supervisors following a public hearing thereon. At the hearing the boundaries of the area of benefit, the costs, whether actual or estimated, and a fair method of allocation of costs to the area of benefit and fee apportionment shall be established.
- B. A description of the boundaries of the area of benefit, the costs, whether actual or estimated, and the method of fee apportionment established at the hearing shall be incorporated in a Board of Supervisors resolution, a certified copy of which shall be recorded with the County Recorder.
- C. In the case of major thoroughfares, the method of fee apportionment established by the Board of Supervisors shall not provide for higher fees on land abutting the proposed improvement, except where the abutting property is provided direct usable access to the major thoroughfare.

19.12.185 OBJECTION HEARING.

- A. At any time not later than the hour set for hearing, pursuant to Section 19.12.180, any owner of property located within an area of benefit may make protest against the proposed bridge facility and/or major thoroughfare or against the extent of the area to be assessed or against both of them. The protests must be in writing and must contain a description of the property in which each signer of the protest is interested, sufficient to identify the same, and if the signers are not shown on the last equalized assessment roll as the owners of the property, must contain or be accompanied by written evidence that the signers are the owners of the property. All such protests shall be delivered to the Clerk of the Board of Supervisors and no other protests or objections shall be considered. Any protests may be withdrawn by the owners making them, in writing, at any time prior to the conclusion of a public hearing.
- B. If there is a written protest filed with the Clerk of the Board of Supervisors by the owners of more than one-half of the area of the property to be benefited by the improvement, and sufficient protests are not withdrawn so as to reduce the area represented to less than one-half of that to be benefited, then the proposed proceedings shall be abandoned, and the Board of Supervisors shall not, for one year from the filing of the written protests, commence or carry on any proceedings for the same improvement under the provisions of this chapter.
- C. If any majority protest is directed against only a portion of the improvement, then all further proceedings under the provisions of this chapter to construct that portion of the improvement so protested against shall be barred for a period of one year, but the Board of Supervisors, within the one-year period, from commencing and carrying on new proceedings for the construction of a portion of the improvement so protested against if it finds by the affirmative vote of four-fifths of its members that the owners of a majority of the property within the area of benefit are in favor of going forward with the portion of the improvement or acquisition.

19.12.190 HEARING NOTICE.

Notice of any hearing held pursuant to this chapter shall be given in accordance with Section 65091 of the Government Code. In addition to the requirements of Section 65091 of the Government Code, the notice shall contain preliminary information related to the boundaries of the areas of benefit, estimated cost and method of fee apportionment. The area of benefit may include land or improvements in addition to the land or improvements which are the subject of any map or building

permit application to be considered at the proceedings for which notice of the hearing was given.

19.12.195 CONSTRUCTION CONTRACTS.

Whenever, pursuant to this chapter, a subdivider or land developer is required to pay a fee for the construction of a bridge facility and/or major thoroughfare as a condition precedent to the approval of a final map or parcel map and the bridge facility and/or major thoroughfare is dedicated to the public, the Board of Supervisors may contract with the subdivider or land developer for the construction of the bridge facility and/or major thoroughfare, and reimburse the subdivider or land developer for the cost of constructing the bridge facility and/or major thoroughfare.

19.12.200 GENERAL PLAN CONFORMANCE.

The bridge and major thoroughfares for which payment of a fee is required shall conform to the circulation element of the General Plan and the transportation or flood control provisions therein.

19.12.205 REGULATIONS ISSUANCE.

The Board of Supervisors may, by resolution, issue regulations to establish administration procedures, interpretations and policy direction under this section.

19.12.210 PROVISIONS ADDITIONAL.

The provisions of this section are intended to be an addition to and not a substitute for other requirements of this code and the Subdivision Map Act including those provisions concerning the dedication of lands for public roads and the improvement of public roads as a condition of approval of a final map or parcel map.

Chapter XIII. IMPROVEMENT AGREEMENTS

19.13.005 IMPROVEMENT AGREEMENTS.

- A. If the improvement works required pursuant to Chapter 10 of this title are not satisfactorily completed before the filing of either the final map or the parcel map for which the required finding has been made pursuant to hereof, the owner(s) of the subdivision shall, prior to or concurrently with the approval of such map, enter into an agreement with County, agreeing to have the work completed within the time required, and specifying that should such work not be satisfactorily completed within the time limit, the County may complete all specified improvements and be completely reimbursed for such improvements by the owner of the subdivision. Any such improvement agreement shall be approved as to form by County Counsel and shall at a minimum provide:
1. Construction of all improvements per the approved plans.
 2. Completion of improvements within one year from approval of the final or parcel map. This completion date may be extended by the decision making body as provided in this Chapter.
 3. Evidence of Insurance to protect owners of adjacent properties from adverse affects of construction of the improvements.
 4. Payment of inspection fees in accordance with the County's established fees and charges.
 5. Improvement security.
 6. Maintenance and repair of any defects of the construction or failures and causes thereof.
 7. Release of the County from all liability incurred by the development and payment of all reasonable attorney's fees that the County may incur because of any legal action arising from the development.
 8. Registered Civil Engineer's statement of approved construction.
- B. Any such agreement may recognize and allow for the subdivider to seek to initiate and consummate proceedings under an appropriate assessment act for the financing and completion of the improvements so long as the subdivider remains responsible to construct the improvements at the subdivider's expense. Any agreement to construct or

install off-site improvements on land in which the County does not have sufficient title or interest, shall be conditioned to require action at such time as the County obtains an interest in the land which will permit the improvements to be made.

19.13.010 EXTENSION OF IMPROVEMENTS AGREEMENTS.

A. The completion date for any improvements to be constructed under an improvement agreement may be extended by the County upon written request by the subdivider and the submittal of evidence to justify such extension. The request shall be made not less than thirty (30) days prior to the expiration of the improvement agreement. In consideration of the extension, the following will be required:

1. Revision of the improvement plan to provide the current design and construction standards required by the responsible department;
2. revised improvement construction estimate to reflect current improvement costs as approved by the responsible department;
3. increase of improvement securities in accordance with revised construction estimates;
4. increase in any inspection fees to reflect current fees.

19.13.015 IMPROVEMENT SECURITY REQUIRED.

A. The furnishing of security shall be required in connection with any security agreement. No final or parcel map may be approved until all required security has been received and approved. Unless a different form of security allowed in Government Code section 66499 is specifically authorized by the Board of Supervisors, the security to ensure performance, payment of labor and materials, maintenance and warranty, the form of security shall be one or a combination of the following:

1. A bond or bonds by one or more duly authorized corporate sureties in the form set forth in Government Code sections 66499.1 and 66499.2.
2. A deposit, either with the County or a responsible escrow agent or trust company of money or negotiable bonds of kind approved for securing deposits of public monies.
3. An instrument of credit or a set aside letter from one or more financial institutions subject to regulation by the state or federal government and pledging that the funds necessary to carry out the act or agreement are on deposit and guaranteed for payment.

- a. PERFORMANCE SECURITY A performance bond or security in the amount of one hundred percent (100%) of the estimated construction cost to guarantee the construction or installation of all improvements shall be required of all subdivisions. An additional amount of fifty percent (50%) of the estimated construction cost shall be required to guarantee the payment to the subdivider's contractor, subcontractors, and to persons furnishing labor, materials or equipment for the construction or installation of improvements.
- b. MATERIAL AND LABOR SECURITY The estimate of construction or installation costs shall be as approved by the County and shall provide for:
1. Not less than five percent (5%) nor more than ten percent (10%) of the total construction cost for contingencies.
 2. Increase for projected inflation computed to the estimated midpoint of construction.
- c. The estimate of maintenance costs for private landscaping and irrigation shall be included for the estimated maintenance for up to two years.
- d. WARRANTY SECURITY Upon acceptance of dedicated subdivision improvements by the County, the subdivider shall provide security in the amount as required by the County to guarantee the improvements throughout the warranty period. The amount of the warranty security shall be not less than twenty (20%) of the cost of the construction. The security shall be retained for the one year warranty period.
- e. MONUMENT SECURITY To the extent permitted by Chapter 9 of the Subdivision Map Act and this chapter, monuments may be set after the recording of the final map if the subdivider's engineer or surveyor certifies on the map that the monuments will be set on or before a specified later date, and provided that the subdivider furnishes security pursuant to an agreement with the County guaranteeing the payment of the cost of setting the monuments.

19.13.020 RELEASE OF IMPROVEMENT SECURITIES.

- A. PERFORMANCE SECURITY The performance security for dedicated improvements shall be released only upon acceptance of the improvements by the County and when the approved warranty security has been filed with the County. The performance security for other improvements shall be

released only upon satisfactory passage of final inspection and/or receipt of the engineer's certification of satisfactory completion as required for the improvement and when any required maintenance and/or warranty agreements and security have been delivered to the County.

- B. MATERIAL AND LABOR SECURITY Security given to secure payment to the contractor, subcontractors, and to persons passage of the time within which claims of lien are required to be recorded pursuant to Civil Code - 3114 et. seq. and after acceptance of the work, be reduced to an amount equal to the amount of all claims therefor filed and of which notice has been given to the County. The balance of the security shall be released upon the settlement of all such claims and obligations for which the security was given.
- C. WARRANTY SECURITY The warranty security shall be released upon satisfactory completion of the warranty period provided:
1. All deficiencies appearing on the warranty deficiency list for the subdivision have been corrected.
 2. Not less than twelve (12) months have elapsed since the acceptance of the improvements by the County or the filing of the notice of completion by the subdivider, whichever is later.
- D. MONUMENT SECURITY The monument security shall be released upon satisfactory completion of the monumenting work and that the Engineer or Surveyor doing such work has received payment for such work.

Chapter XIV. ENFORCEMENT AND PENALTY

19.14.005 NO CONSTRUCTION OR USE IN VIOLATION.

- A. No person shall sell, lease, or finance any parcel or parcels of real property or commence construction of any building for sale, lease or financing thereon, except for model homes, or allow occupancy thereof, for which a final map or parcel map is required by this ordinance until such map thereof is in full compliance with the provisions of this ordinance and has been filed for record by the County Recorder.
- B. Nothing contained in this ordinance shall be deemed to prohibit an offer or contract to sell, lease, or finance real property or to construct improvements thereon where such sale, lease, or financing, or the commencement of such construction, is expressly conditioned upon the approval and filing of a final subdivision map or parcel map, as required under this subdivision.
- C. Nothing in this section shall in any way modify or affect the provisions of Section 11018.2 of the Business and Professions Code.
- D. No grading or clearing of trees, brush or vegetation exceeding shall be allowed that which is necessary for surveying or on-going land and vegetation maintenance purposes as evidenced by a field inspection of the property to be subdivided prior to the approval of a tentative map or tentative parcel map shall be cause for disapproval or the tentative map or tentative parcel map. No application for a tentative map or tentative parcel map may be accepted for processing of a subdivision for a term determined by the Board of Supervisors to allow for proper compaction and re-establishment of disturbed soil covered by appropriate vegetation.
- E. No grading or clearing of trees, brush or vegetation shall be allowed exceeding that which is necessary for surveying or on-going land and vegetation maintenance purposes as evidenced by a field inspection of the property to be subdivided prior to the approval of the improvement plans by the Board of Supervisors. Any such grading and clearing of trees, brush or vegetation may be cause for disapproval of the final or parcel map by the Board of Supervisors. No final or parcel map may be processed for a term determined by the Board of Supervisors to allow for proper compaction and re-establishment of disturbed soil covered by appropriate vegetation.

19.14.010 ALL COUNTY OFFICIALS SHALL ENFORCE.

All departments, officials, and public employees of the County of Monterey which are vested with the duty of authority to issue permits or licenses, shall conform to the provisions of this title, and shall issue no such permits or licenses for uses, buildings, or purposes where the same would be in conflict with the provisions of this title, and any such permits or licenses, if issued in conflict with the provisions of this title, shall be null and void.

19.14.015 CIVIL ENFORCEMENT AGAINST NUISANCE.

- A. Any building or structure set up, erected, constructed, altered, enlarged, converted, moved, or maintained, contrary to the provisions of this title, and/or any use of any land, building, or premises, established, conducted, operated, or maintained contrary to the provisions of this title, shall be, and the same is hereby declared to be a violation of this title, and a public nuisance.
- B. The County may summarily abate the public nuisance and the County Counsel or the District Attorney upon order of the Board of Supervisors may bring civil suit, or other action, to enjoin or abate the nuisance.

19.14.020 EACH DAY IS A VIOLATION.

Each day any violation of this title continues shall be regarded as a new and separate offense. The remedies provided in this chapter shall be cumulative and not exclusive.

19.14.025 CIVIL ENFORCEMENT.

Any person, firm or corporation who creates or maintains a public nuisance in violation of this title shall be liable for the costs of abatement which shall include, but not be limited to:

- A. Costs of investigation;
- B. Court costs;
- C. Attorney's fees;
- D. Costs of monitoring compliance.

Upon a continuation of the public nuisance after notice from the County to cease the nuisance, any person, firm or corporation shall be liable for the costs of abatement set forth above plus a civil penalty of fifty percent (50%) of those costs payable to the County in addition to any other costs of enforcement imposed by the Court.

19.14.030 PENALTY DESIGNATED.

- A. Any offer to sell, contract to sell, or sale made contrary to the provisions of this title shall be a misdemeanor, and

any person, firm, corporation or partnership, upon conviction thereof, shall be punishable by a fine of not more than five hundred dollars or by imprisonment in the County Jail for a period of not more than six months, or by both such fine and imprisonment.

- B. Nothing contained herein shall be deemed to bar any legal, equitable, or summary remedy to which the County of Monterey or other political subdivision or person, firm, corporation, partnership or co-partnership may otherwise be entitled, and the County of Monterey or any other political subdivision, person, firm, corporation, or partnership may bring an action in any court possessing jurisdiction or restrain or enjoin any attempted or proposed subdivision or sale in violation of this title.

19.14.035 TRANSFERS OR CONVEYANCES IN VIOLATION.

Any transfer or conveyance, or purported transfer or conveyance, or agreement to transfer or convey any parcel of land without compliance with the terms of this title shall be voidable at the option of the grantee in accordance with the provisions of Sections 66499.32 and 66499.33 of the Government Code of the State of California, as the same may be amended from time to time.

19.14.040 REAPPLICATION.

When an application for a Standard or Minor Subdivision is denied by the appropriate authority, no new application for a Standard or Minor Subdivision which is substantially the same design as the one denied shall be considered for a period of one year following such denial.

19.14.041 PARCEL LEGALITY STATUS DETERMINATION.

- A. A particular parcel which has the status of being a legal parcel shall be determined by consideration of whether the parcel is:
1. Entitled to a Certificate of Compliance pursuant to Chapter.
 2. In violation of the Subdivision Map Act or the Monterey County Subdivision Ordinance.
- B. An interested person may apply for a Parcel Legality Status Determination by application pursuant to the procedures set forth in this Chapter. If the County determines that the parcel in question is shown on a duly filed and recorded Final Map, Parcel Map, or Official Map (as defined at Government Code Section 66410 et seq.) or entitled to an Unconditional Certificate of Compliance, or has satisfied all conditions of a Conditional Certificate of Compliance,

such parcel shall be determined to be a legal parcel so long as it is not combined or merged with another parcel or in violation of the Subdivision Map Act or the Monterey County Subdivision Ordinance. Determination that a parcel is a legal parcel does not entitle the parcel owner to issuance of a building permit or other development permit or approval absent application for and compliance with the requirements for a building permit or other development permit or approval.

1. The application shall consist of a letter of request for a Parcel Legality Status Determination with the following information:
 - a. The names(s) of the current owner of record;
 - b. The assessor's parcel numbers(s);
 - c. The assessor's parcel map(s) with boundary lighted of the parcel in question;
 - d. evidence which indicates legality of the parcel of the time of its creation.
2. Evidence of parcel legality shall consist of the requirements as indicated in Section 19.14.045.
3. If a parcel(s) is deemed legal, the County shall record an Unconditional Certificate of Compliance describing said real property.
4. If the County determines that the parcel in question does not meet the requirements, the County shall issue a Conditional Certificate of Compliance pursuant to Section 19.14.050.

19.14.045 UNCONDITIONAL CERTIFICATES OF COMPLIANCE.

- A. Any person who owns real property, or is buying such land under a contract of sale may request the County to determine by application for Parcel Legality Status Determination whether the real property in question complies with the provisions of the Subdivision Map Act and County Ordinances enacted pursuant thereto.
 1. A parcel qualifies for an Unconditional Certificate of Compliance if the real property in question complies with the provisions of the Subdivision Map Act and County Ordinances enacted pursuant thereto as follows:
 - a. The subject property is 2.5 acres or greater and was conveyed by a separate document as a separate parcel on or before March 7, 1972. Written evidence shall be required to support this finding. Evidence may be in the form of a contract of sale, grant deed, or deed of trust which was recorded on or before March 7, 1972, or other evidence such as copies of receipts for installment payments, etc., or similar written documentation which establishes a bonafide

- conveyance on or before March 7, 1972;
- b. The subject property is less than 2.5 acres and was conveyed by a separate document as a separate parcel on or before March 3, 1964. Evidence may be in the form of a contract of sale, grant deed, or deed of trust which was recorded on or before March 3, 1964 or other evidence such as copies of receipts for installment payments, etc., or similar written documentation which establishes a bonafide conveyance on or before March 3, 1964; and
 - c. The parcel in question complies with the provisions of the Subdivision Map Act at the time of its creation; and
 - d. At the time the contract, deed, or other document creating the subject parcel was signed, the subject parcel complied with the applicable County ordinances then in effect, including the parcel size required by the then applicable zone district; and
 - e. The parcel in question has not been combined by the owner, and is not subject to merger; or
2. The parcel in question has been "approved for development" pursuant to Government Code Section 66499.34:
- a. By issuance of a permit or grant of approval for development of the parcel in question; or
 - b. By improvements that have been completed prior to the time a permit or grant of approval for development was required by the County Ordinances in effect at the time of the improvement; or
 - c. By improvements that have been completed in reliance upon a permit or grant of approval for development; or
3. The parcel in question is conclusively presumed to be lawfully created, pursuant to Government Code Section 66412.6, under the following circumstances.
- a. A parcel created by a minor land division shall be conclusively presumed to be lawfully created if: Fewer than five parcels were created at the time of creation of the parcel in question; and the parcel was created on or before March 7, 1972.
 - b. A parcel owned by a subsequent bona fide purchaser shall be conclusively presumed to be lawfully created if the parcel was created on or before March 7, 1972; and the parcel was acquired by a subsequent purchaser for valuable consideration and without actual or constructive knowledge of a violation of the Subdivision Map

Act or County Ordinance enacted pursuant thereto;
and

- c. At the time of its creation, the parcel complied with the Subdivision Map Act and County Ordinances enacted pursuant thereto. If the parcel owned by the subsequent bona fide purchaser did not comply with the Subdivision Map Act and County Ordinances enacted pursuant thereto at the time of its creation, then a Conditional (rather than an Unconditional) Certificate of Compliance shall be issued pursuant to 19.14.050.
4. For purposes of Subsection 19.14.045(A.1.b), a parcel shall be deemed created on or before March 7, 1972, if prior thereto the parcel was conveyed by a deed, deed of trust, or bona fide contract of sale (and in the case of a division creating five or more parcels was in compliance with County Ordinances in effect at the time, including minimum parcel size). A parcel shall not be deemed created if it was:
 - a. Solely the result of a right-of-way dividing parcels; or
 - b. Shown solely on an unrecorded subdivision map or an unrecorded parcel map; or
 - c. As to divisions creating five or more parcels, the parcel did not meet the minimum parcel size of the zoning applicable to the property at the time such parcels were originally created; or
 - d. The parcel was described as a "parcel" on one deed and the owner is unable to present documentation showing that the parcel was previously separately conveyed by a separate recorded deed on or before March 7, 1972; or
 - e. The parcel was created under circumstances which demonstrate an intent to circumvent the Subdivision Map Act or County Ordinances adopted pursuant thereto.

19.14.050 CONDITIONAL CERTIFICATES OF COMPLIANCE.

- A. If the County determines that the parcel in question does not comply with the provisions of the Subdivision Map Act or County Ordinances enacted pursuant thereto, and does not otherwise qualify for an Unconditional Certificate of Compliance, it shall issue a Conditional Certificate of Compliance, as follows:
 1. If applicant is the current owner of record and was the owner of record at the time of the initial violation, the County shall issue and record a Conditional Certificate of Compliance imposing such

conditions as would be applicable to a current division of the property.

2. If applicant was not the owner at the time of the initial violation, the County shall issue and record a Conditional Certificate of Compliance imposing such conditions as would have been applicable to the division of the property at the time applicant acquired his or her interest therein.

B. The effect of the Certificate of Compliance is as follows:

1. An Unconditional Certificate of Compliance operates as a final determination that the parcel in question is a legal parcel for the purpose of sale, lease or financing. Such Certificates does not entitle the parcel owner to a building permit or grant of development approval absent compliance with other requirements for such building permit or development approval.
2. A Conditional Certificate of Compliance serves as notice to the applicant or subsequent grantee, transferee, or assignee that fulfillment and implementation of the conditions given shall be required prior to the parcel in question being deemed a legal parcel for the purpose of sale, lease, or financing. For that reason, conditions relating to violation, combination or merger shall be included. Compliance with such conditions does not entitle the parcel owner to a building permit or grant of development approval absent compliance with other requirements for such building permit or development approval.

C. The County may, as a condition to granting a Certificate of Compliance, impose such conditions as would have been applicable to the division of the property at the time the applicant acquired his or her interest therein, and which had been established at such time by this title enacted pursuant thereto, except that where the applicant was the owner of record at the time of the initial violation of the provisions of this title enacted pursuant thereto who by a grant of the real property created a parcel or parcel in violation of title enacted pursuant thereto, and such person is the current owner of record of one or more of the parcels which were created as a result of the grant in violation of this title enacted pursuant thereto, then the County may impose such conditions as would be applicable to a current division of the property. Upon making such a determination and establishing such conditions, the County shall record a Conditional Certificate of Compliance to be filed for record with the County Recorder. The certificate shall serve as notice to the property owner or vendee who has applied for the certificate pursuant to this title, a

grantee of the property owner, or any subsequent transferee or assignee of the property that the fulfillment and implementation of such conditions shall be required prior to subsequent issuance of a permit or other grant of approval for development of the property.

- D. Whenever the County has knowledge that real property has been divided in violation of the provisions of this title enacted pursuant to State Law, it shall cause to be mailed by certified mail to the then current owner of record of the property a notice of intention to record a notice of violation, describing the real property in detail, naming the owners thereof, and stating that an opportunity will be given to the owner to present evidence. The notice shall specify a time, date, and place for a meeting at which the owner may present evidence to the appropriate decision making body why the notice should not be recorded. The notice shall also contain a description of the violations and an explanation as to why the subject parcel is not lawful.
- E. The meeting shall take place no sooner than 30 days and no later than 60 days from date of mailing. If, within 15 days of receipt of the notice, the owner of the real property fails to inform the County of his or her objection to recording the notice of violation, the appropriate decision making body shall direct the recording of the notice of violation with the County Recorder. If, after the owner has presented evidence, the appropriate decision making body determines that the property has in fact been illegally divided, the County shall record the notice of violation with the county recorder. The notice of violation, when recorded, shall be deemed to be constructive notice of the violation to all successors in interest in such property. The County Recorder shall index the names of the fee owners in the general index.

19.14.055 FINAL MAPS AND PARCEL MAPS CONSTITUTE A CERTIFICATE OF COMPLIANCE

A recorded final map or parcel map, shall constitute a Certificate of Compliance with respect to the parcels of real property described therein.

19.14.060 SEVERABILITY

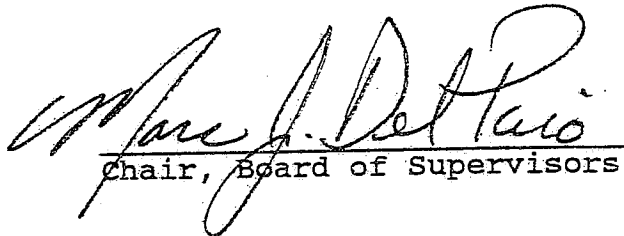
If any section, subsection, sentence, clause or phrase of this Title is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Title. The Board of Supervisors hereby declare that it would have passed this Title and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsection, sentences, clause, or phrases be declared invalid.

PASSED AND ADOPTED this 31st day of May, 1988, by the following vote:

AYES: Supervisors Del Piero, Shipnuck, Petrovic, Karas and Strasser Kauffman.

NOES: None.

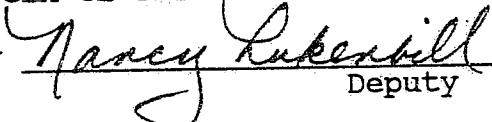
ABSENT: None.


Chair, Board of Supervisors

ATTEST:

ERNEST K. MORISHITA
Clerk of said Board

By


Deputy