

**CHAPTER 23
SUBDIVISION REGULATIONS**

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CHAPTER 23
SUBDIVISION REGULATIONS

23.01 - General

23.01.001 - Citation and Authority

This Part is adopted pursuant to article XI, Section 7 of the California Constitution and to supplement and implement the Subdivision Map Act, Section 66410 *et seq.* of the Government Code, and may be cited as the Subdivision Ordinance of the County of Sierra.

23.01.002 – Purpose

It is the purpose of this Part to regulate and control the division of land within unincorporated areas of the County of Sierra, and to supplement the provisions of the Subdivision Map Act concerning the design, improvement, and survey data of subdivisions, the form and content of all required maps provided by the Subdivision Map Act, and the procedure to be followed in securing the official approval of the County regarding the maps. To accomplish this purpose, the regulations contained in this Part are determined to be necessary to preserve the public health, safety and general welfare; to promote orderly growth and development and to promote open space in the County, conservation, protection, and proper use of land; to ensure provision for adequate traffic circulation, utilities, and improvements and services in the County.

23.01.003 – Consistency

No land shall be subdivided and developed for any purpose which is inconsistent with the General Plan or any applicable specific, community or area plan of the County or which is not permitted by this Part or other applicable provisions of this Code.

The type and intensity of land use as provided for in the General Plan shall determine, together with the requirements of the Subdivision Map Act and this Part, the type of streets, roads, highways, utilities, and other public improvements and services that shall be provided by the subdivider.

23.01.004 – Application

The regulations set forth in this Part shall apply to all or parts of subdivisions within the unincorporated areas of the County and to the preparation of subdivision maps and to other maps provided for by the Subdivision Map Act and this Part. All subdivisions and any part thereof, lying within the unincorporated areas of the County shall be made, and all subdivision maps shall be prepared and presented for approval as provided for in this Part.

23.01.005 - Exceptions

- (a) The financing or leasing of apartments, offices, stores or similar space within apartment buildings, industrial buildings, commercial buildings, mobilehome parks or trailer parks.
- (b) Mineral, oil or gas leases.
- (c) Land dedicated for cemetery purposes under the State Health and Safety Code.
- (d) A Lot Line Adjustment completed in compliance with Section 23.04.
- (e) Any separate assessment under 2188.7 of the State Revenue and Taxation Code.

- (f) Subject to the requirements of 66412(g) and 66412(h) of the Subdivision Map Act, the conversion of a community apartment project to a condominium.
- (g) The leasing of, or the granting of an easement to, a parcel of land, or any portion or portions thereof, in conjunction with the financing, erection, and sale or lease of a wind-powered electrical generation device on the land, if the project is subject to discretionary action by the County.
- (h) The financing or leasing of any parcel of land, or any portion thereof, in conjunction with the construction of commercial or industrial buildings on a single parcel, unless the project is not subject to review under other County ordinances regulating design and improvements.
- (i) The financing or leasing of existing separate commercial or industrial buildings on a single parcel.
- (j) The construction, financing or leasing of dwelling units pursuant to Section 65852.1 or second units pursuant to 65852.2 of the Government Code; but this Part shall apply to the sale or transfer, but not leasing of those units.
- (k) Leases of agricultural land for agricultural purposes, cultivation of food or fiber, and grazing or pasturing of livestock.
- (l) Subdivisions of four (4) parcels or fewer for construction of removable commercial buildings having a floor area of less than one hundred (100) square feet.
- (m) Any other mandatory exceptions to the applicability of the Subdivision Map Act as provided in the Subdivision Map Act.

23.01.006 - Fees and Deposits

All persons submitting applications for the approval of maps, plans, certifications, determinations or for other approvals as required by this Part shall pay all fees and/or deposits as authorized by the Subdivision Map Act and as further set forth by the Board of Supervisors' ordinances or resolutions establishing applicable fees and deposits.

23.01.007 - Notice of Hearings

Notice of hearings shall be given as provided for in Section 20.11 of the County Code.

23.02 - Definitions and Responsibilities

23.02.001 – Definitions

For the purposes of this Part, unless otherwise apparent from the context, certain words and phrases used in this Part are defined in this Section as set forth below. All definitions provided in this Code and all definitions provided in the Subdivision Map Act shall also be applicable to this Part, and said definitions are hereby incorporated by this reference as though fully set forth herein. Where two definitions conflict, the definitions in the Subdivision Map Act shall prevail over this Part, and those in this Part shall prevail over other Parts.

- (a) "Approved Access" shall mean all-weather legal access that is traversable by an ordinary motor vehicle (i.e., standard passenger car).

- (b) "Average Cross Slope" or "Average Slope" shall mean the average degree of deviation of the surface of a parcel of land from the horizontal, expressed as a percentage. The following formula shall be used to determine the average cross slope of any given parcel:

$$S = \frac{.0023 (I)(L)}{A}$$

Where: S = The average cross slope of the ground in percent;
I = The contour interval in feet;
L = The combined length in feet of all contours on the parcel map; and
A = The area of the parcel in acres.

- (c) "Block" shall mean the area of land within a subdivision, which is entirely bounded by streets, highways or ways (except alleys), or the exterior boundary or boundaries of the subdivision.
- (d) "Building Site" shall mean designated area within an existing or proposed lot where structures may be located.
- (e) "Business and Professions Code" shall mean the Business and Professions Code of the State of California.
- (f) "CEQA" shall mean the California Environmental Quality Act (Public Resources Code 21000 and following).
- (g) "Certificate of Compliance" shall mean a written statement approved by the Planning Director, to be recorded in the Office of the County Recorder, that the lot referenced in said certificate is a legal lot, or will be considered a legal lot upon the fulfillment of certain conditions.
- (h) "Civil Engineer" means a civil engineer registered by the State of California.
- (i) "County Engineer" means the County Engineer. Except where prohibited by statute, the County Director of Transportation may discharge all duties assigned to the County Engineer.
- (j) "County Surveyor" shall mean the County Surveyor of the County of Sierra.
- (k) "Community Apartment Project" shall be defined as provided in Section 11004 of the Business and Professions Code.
- (l) "Community Plan" shall include area plans and specific plans.
- (m) "Condominium" shall mean an estate in real property consisting of an undivided interest in common in a portion of a parcel of real property, together with a separate interest in space in a residential, industrial or commercial building on the real property, such as an apartment, office or store. A condominium may include, in addition, a separate interest in other portions of the real property.

- (n) "Conversion" shall mean the creation of separate ownership of existing real property together with a separate interest in space of residential, industrial or commercial buildings.
- (o) "Department" shall mean the Planning Department of the County of Sierra.
- (p) "Design" shall mean: (1) street alignments, grades and widths; (2) drainage, water, sewer and sanitary facilities and utilities, including alignments and grades; (3) location and size of all required easements and rights-of-way; (4) fire roads and fire breaks; (5) lot size and configurations; (6) pedestrian, equestrian and vehicular and bicycle traffic access; (7) grading; (8) land to be dedicated for park or recreational purposes; and (9) such other specific physical requirements in the plan and configuration of the entire subdivision as may be necessary to ensure consistency with, or implementation of, the General Plan, zoning ordinance or CEQA.
- (q) "Development" shall mean the uses to which the land which is the subject of a map shall be put, the buildings to be constructed on it, and all alterations of the land and construction incident thereto.
- (r) "Deviation" shall mean an approval granted by the appropriate County decision making body which has the legal effect of relieving an applicant from a requirement.
- (s) "Easement" shall mean an easement dedicated to the County, which shall be continuing and irrevocable unless formally vacated by the County, and any other easement whether held by a public entity, public utility or private party.
- (t) "Environmental Impact Report (EIR)" shall mean a detailed statement prepared pursuant to the provisions of the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 *et seq.*, and State and County CEQA Guidelines promulgated pursuant thereto, describing and analyzing the significant environmental effects of a project and discussing ways to mitigate or avoid the effects.
- (u) "Final Map" shall mean a map for a subdivision for which a tentative subdivision and final map are required by the Subdivision Map Act and this Part, prepared in accordance with the provisions of the Subdivision Map Act and this Part and designed to be filed for recordation in the Office of the County Recorder.
- (v) "General Plan" shall mean the currently adopted General Plan of Sierra County and any applicable specific, area or community plan.
- (w) "Government Code" shall mean the Government Code of the State of California.
- (x) "Granting Authority." For purposes of this Part, Granting Authority shall mean the officer, commission, board or employee responsible for the approval, conditional approval or disapproval of any entitlement in the first instance or responsible for the administration, interpretation or enforcement of the provisions of this Part.
- (y) "High Water Line" means the land area subject to inundation by an intermediate regional flood that has a frequency of occurrence once in 100 years.
- (z) "Improvements" shall mean streets, sidewalks, storm drainage facilities, water and sewer facilities, utilities, fire protection facilities, landscaping to be installed, or agreed to be installed, by the subdivider on the land to be used for public or private streets, highways, ways, and easements, as are necessary for the general use of the lot owners in the subdivision and local neighborhood traffic and acceptance of the final map thereof. "Improvement" shall also mean other specific improvements or types of improvements, the installation of which, either by or by a combination of, the subdivider, public

agencies, private utilities, or any other entity approved by the County, is necessary to ensure consistency with, or implementation of, the General Plan, zoning ordinance or CEQA. Improvements shall be constructed in accordance with standard engineering specifications, where applicable.

- (aa) "Improvement Plan" means an engineering plan submitted by a civil engineer and showing the location and construction details of all improvements required for a subdivision.
- (bb) The definition of "Land Project" is that set forth in Business and Professions Code 11000.5 and any amendments thereto.
- (cc) "Lot" or "Parcel" shall mean a unit or portion of land separate from other units or portions by description, as on a final map or parcel map, or by such other map approved by the County under the provisions of the Subdivision Map Act and of County ordinances in effect at the time of such approval, for the purpose of sale, lease or financing, or existing lots of record as of September 15, 1971.
- (dd) "Lot Line Adjustment" shall mean a change in boundary line between two or more existing adjacent parcels where land is taken from one parcel and is added to an adjacent parcel, and where a greater number of parcels than originally existed is not thereby created.
- (ee) "Lot of Record" shall mean a single parcel of land, the boundaries of which are delineated in the latest recorded parcel map, subdivision map, Certificate of Compliance or deed; provided that such recorded deed does not create or attempt to create a lot in violation of the provisions of any applicable California Code or County Ordinance.
- (ff) "Merger" shall mean the joining of two (2) or more contiguous parcels of land under one ownership into one (1) parcel.
- (gg) "Minimum Lot Size" shall mean the smallest permitted size of any newly created lot(s) or parcel(s). For lots less than five (5) acres in size, all minimum lot sizes shall be net lot area. For lots five (5) acres or more in size, all minimum lot sizes shall be gross lot area; except that up to, but not exceeding fifteen percent (15%) of the minimum lot size or maximum permitted density requirement may consist of any area required for new road dedication, or one half (1/2) of any existing public right of way abutting the property.
- (hh) "Ordinance" shall mean Part 23 of the Sierra County Code.
- (ii) "Parcel Map" shall mean a map prepared in compliance with Government Code Section 66463 *et seq.*, showing a subdivision of four (4) or fewer parcels or a subdivision described in Government Code 66426.
- (jj) "Planning Commission" shall mean: (1) the Planning Commission of the County of Sierra; and (2) the Advisory Agency referred to in the Subdivision Map Act.
- (kk) "Preliminary Soils Report" means a report prepared by a civil engineer based upon adequate test boring or excavation describing the conditions of the soils in a subdivision and percolation tests describing the suitability for disposal of sewage in the proposed subdivision.
- (ll) "Planning Director" shall mean the Planning Director for the County of Sierra or his designee.

- (mm) "Public Utility" shall mean production, storage, transmission and recovery facilities for water, sewage, energy, communications and other similar utilities owned or operated by a business organization and subject to the jurisdiction of the Public Utilities Commission.
- (nn) "Record Title Ownership" means fee title of record unless a leasehold interest is to be divided, in which case "record title ownership" shall mean ownership of record of such leasehold interest: "record title ownership" does not include ownership of mineral rights or other subsurface interests which have been severed from ownership of the surface.
- (oo) "Remainder" shall mean that portion of an existing parcel which is not designated on the required map as a part of the subdivision for the purpose of sale, lease or financing, whether immediate or future. The remainder shall not be considered as part of the subdivision, but shall be shown on the required map as part of the area adjacent to the subdivision. A remainder of five (5) acres or more need not be shown on the map and its location need not be indicated as a matter of survey, but only by deed reference to the existing boundaries of the remainder.
- (pp) "Standard Engineering Specifications" shall mean those standard subdivision improvement plans and specifications as prepared and/or approved by the Director of Public Works.
- (qq) "Stock Cooperative" shall be defined as provided in 11003.2 of the Business and Professions Code.
- (rr) "Street" shall mean a permanently reserved, public or private right of way which affords a principal means of vehicular, pedestrian and/or equestrian access to abutting or adjacent property, not including alleys or driveways. The service or frontage road of a freeway shall be considered as a street separate from such freeway or highway.
1. "Alley" shall mean a public or private thoroughfare which affords a secondary means of access to abutting property and is not intended for general traffic circulation.
 2. "Cul-de-Sac" shall mean a minor street which cannot or need not be continued or extended through abutting property, and is not intersected by any other street or alley.
 3. "Highway" shall mean a street which is used or designed to be used, or is necessary to carry heavy volumes of traffic, and designated as a "State Highway" or "Arterial Road" in the General Plan.
 4. "Local Road" shall mean a street which is used or designed to be used for access to adjacent land uses.
 5. "Major Collector" shall mean a street which is used or designed to be used, or is necessary to carry intra-regional travel service, and designated as a "Major Collector" in the General Plan.
 6. "Minor Collector" shall mean a street which is used or designed to be used, or is necessary to carry traffic from local roads and designated as a "Minor Collector" in the General Plan.
 7. "Private Street" shall mean any street, accessway, or the like, lying in whole or in part within a subdivision, for which dedication and ownership is privately held and is utilized as access to a development. Private streets shall be constructed in accordance with standard engineering specifications.

- (ss) "Subdivider" shall mean a person, firm, corporation, partnership or association who proposes to divide, divides or causes to be divided real property into a subdivision for oneself or for others. Employees and consultants of such persons or entities, acting in such capacity, are not "subdividers."
- (tt) "Subdivision" shall mean the division, by any subdivider, of any unit or units of improved or unimproved land, or any portion thereof, shown on the latest equalized County assessment roll as a unit or as contiguous units, for the purpose of sale, lease or financing, whether immediate or future. Property shall be considered as contiguous units, even if it is separated by roads, streets or utility easements. "Subdivision" includes a condominium project, as defined in Section 1350 of the State Civil Code, a community apartment project, as defined in Section 11004 of the Business and Professions Code, and the conversion of five (5) or more existing dwelling units to a stock cooperative, as defined in Section 11003.2 of the Business and Professions Code. "Subdivision" includes any divisions of land by gift or inheritance, but excludes a division for probate homestead. Any conveyance of land to a governmental agency, public entity, public utility, or subsidiary of a public utility for rights-of-way shall not be considered a division of land for purposes of computing the number of parcels.
- (uu) "Subdivision Map Act" shall mean Government Code Sections 66410 - 66499, inclusive.
- (vv) "Tentative Parcel Map" shall mean a map made for the purpose of showing the design and improvements of a proposed subdivision and the existing conditions in and around it for which a parcel map is required.
- (ww) "Tentative Subdivision Map" shall mean a map made for the purpose of showing the design and improvements of a proposed subdivision and the existing conditions in and around it for which a final map is required.
- (xx) "Vesting Tentative Map" shall be defined as provided in Section 23.12.

23.02.002 - Responsibilities

- (a) Board of Supervisors. The Board of Supervisors shall be the Granting Authority for reversions to acreage, for final maps, for parcel maps involving offers of dedication and/or improvement agreements.

The Board of Supervisors shall act as the appeal board for hearing appeals of the actions of the Planning Commission.

- (b) Planning Commission. The Planning Commission shall be the Granting Authority for all tentative subdivision and tentative parcel maps and exceptions, parcel map waivers, other parcel maps not required to go to the Board, amending maps as specified in Subsection 23.25.001(h), extensions of time limits, and mergers and re-subdivisions, for which the Planning Director is not the Granting Authority.

The Planning Commission shall act as the appeal board for hearing appeals of the actions of the Planning Director.

Where a tentative subdivision or tentative parcel map is processed in conjunction with a legislative act, the Commission shall act only as an advisory capacity with respect to the map, and the Board shall be the Granting Authority.

- (c) Planning Director. The Planning Director or his designee shall be the Granting Authority for Lot Line Adjustments, Lot Line Adjustment waivers, certificates of compliance

(including conditional certificates of compliance), applicant-initiated merger of parcels pursuant to Section 23.24, and extensions of time for projects for which the Planning Director is the Granting Authority and waiver of application requirements. The Planning Director shall also serve as the Secretary to the Planning Commission.

- (d) Planning Department. The Planning Department's responsibilities shall include preparation of all application forms, receipt and review of applications, distribution, preliminary environmental determination, preparation and transmittal of recommendations to the Planning Commission and Board of Supervisors, and the processing of tentative, parcel and subdivision maps, examining and certifying that final maps and parcel maps are in substantial compliance with the approved tentative map, and the approval of proposed street names.
- (e) Department of Public Works. The Department of Public Works includes the County Surveyor and County Engineer, and its responsibilities shall include:
 - A. Recommending design and construction details, standards and specifications.
 - B. Determining if proposed subdivision improvements comply with the provisions of the Subdivision Map Act and this Part.
 - C. The processing and certification of final maps, parcel maps, reversion to acreage maps, amending maps, exclusion maps, and the processing and approval of subdivision improvement plans.
 - D. The approval as to content of subdivision improvement agreements.
 - E. The inspection, approval and acceptance of subdivision improvements.
 - F. Granting of extensions for the completion of improvements.
- (f) County Counsel. The County Counsel's responsibilities shall include, approving as to form all subdivision improvement agreements and security and all governing documents for a common interest development.

23.02.003 - Subdivisions by Gift

Subdivision maps prepared pursuant to the Subdivision Map Act and this Part shall be required for all subdivisions created by gift, since such subdivisions create parcels for sale, lease or financing in the future. A note indicating creation of the parcels by gift shall appear on the subdivision map.

23.02.004 - Subdivisions by Testamentary Disposition

Subdivision maps prepared pursuant to the Subdivision Map Act and this Part shall be required for all subdivisions created by testamentary disposition, since such subdivisions create parcels for sale, lease or financing in the future. A note indicating creation of the parcels by testamentary disposition shall appear on the subdivision map.

23.03 - Maps Required

23.03.001 – General

The specific requirements for tentative subdivision and final maps shall be governed by this Section.

23.03.002 - Tentative Subdivision and Final Maps

A tentative subdivision and final map shall be required when it is determined by the Department that a division of land will result in a division into five (5) or more parcels, five (5) or more condominiums, a community apartment project containing five (5) or more parcels or for the conversion of a dwelling to a stock cooperative containing five (5) or more dwelling units, except where:

- (a) the land before division contains less than five (5) acres, each parcel created by the division abuts upon a maintained public street or highway and no dedications or improvements are required by the legislative body; or
- (b) each parcel created by the division has a gross area of twenty (20) acres or more and has an approved access to a maintained public street or highway; or
- (c) the land consists of a parcel or parcels of land having approved access to a public street or highway which comprises part of a tract of land zoned for industrial or commercial development, and which has the approval of the governing body as to street alignments and widths; or
- (d) each parcel created by the division has a gross area of not less than forty (40) acres or is not less than a quarter (1/4) of a quarter (1/4) section.
- (e) the land being subdivided is solely for the purpose of an environmental subdivision, as provided for in Government Code Sections 66418.2 and 66426.

A parcel map shall be required for those subdivisions described in subdivisions (a), (b), (c) and (d), unless waived by the Planning Commission in accordance with the provisions of Section 23.11.

A conveyance of land to a governmental agency, public entity or subsidiary of a utility for rights-of-way shall not be counted as a parcel, whether fee, easement or license.

23.03.003 - Tentative Parcel Maps

A tentative parcel map shall be required for all divisions of land, or as otherwise provided for herein, into four (4) or fewer parcels, and for divisions described in Subsection 23.03.002 (a)-(d), except that maps shall not be required for:

- (a) Land conveyed to or from a governmental agency, public entity or public utility, or for land conveyed to a subsidiary of a public utility for conveyance to such public utility for rights-of-way, unless a showing is made by the Department in individual cases, upon substantial evidence, that public policy necessitates a parcel map. In making such a determination, the factors to be considered include but are not limited to the necessity for improvements, surrounding land uses and the probability of the land returning to private ownership.
- (b) Lot Line Adjustments meeting the requirements set forth in Section 23.04.
- (c) Parcel maps waived by the Planning Commission in accordance with the provisions of Section 23.11.

23.04 - Lot Line Adjustments

23.04.001 - Lot Line Adjustment

Lot lines between any adjacent legally created parcels may be moved or adjusted if the provisions of this Section (23.04) are met. A greater number of lots may not be created through a Lot Line Adjustment.

23.04.002 –Application

An applicant seeking a Lot Line Adjustment shall submit an application, on a form approved by the Planning Director, to the Planning Department showing the following:

- (a) Two copies of a preliminary title report for all properties whose boundaries would be altered by the proposed adjustment. Title reports shall name the current record owners and shall not be more than six (6) months old.
- (b) A legal description for each resulting parcel proposed by the application.
- (c) A waiver of notice form signed and acknowledged by each party holding record title interest in the property.
- (d) A certificate which is prepared according to the standards of Government Code Section 66436 signed and acknowledged by all parties having any record title interest in the real property proposed to be adjusted, consenting to the application.
- (e) Fifteen copies (15) of a Lot Line Adjustment map, prepared by the applicant or the applicant's agent, legibly drawn and accurately to scale on one sheet of reproducible paper or polyester base film, eighteen (18) by twenty-six (26) inches in size. A Lot Line Adjustment map shall show all of the following information:
 1. Boundary lines, dimensions, and approximate areas of the original parcels and of the adjusted parcels.
 2. Locations and dimensions of each existing structure, including outbuildings, proposed building sites, approximate distances between structures, and approximate distances between structures and boundary lines of both the original parcel boundaries and the adjusted parcel boundaries.
 3. Names, locations and widths of all existing streets and roads on or bounding the original parcel and of all new access routes being proposed.
 4. Locations and dimensions of all existing and proposed easements, utility lines, right-of-ways, and underground structures of any kind.
 5. Approximate slope of the land.
 6. Scale of map (standard engineering scale), north arrow, and vicinity map.
 7. Location of existing and proposed domestic water supplies and location of existing and proposed septic tanks and leach fields for all lots affected by the adjustment.
 8. Approximate location of all watercourses, drainage channels, drainage structures, and springs.

9. Approximate locations of all high water lines of lakes, reservoirs, streams, and rivers.
10. Date of preparation of the map.
11. Assessor's parcel numbers and Book and Page Number from the Official Records for all existing deeds on all parcels affected by the adjustment.
12. Name, address, and telephone number of the applicant, of the person who prepared the map, and of all parties having any record interest in the real property shown on the map.

The requirement for submittal of the Lot Line Adjustment Map, as required by this Section, may be waived at the request of the applicant, by the Planning Director, in cases where the applicant has demonstrated, to the satisfaction of the Planning Director, and the Planning Director finds, based upon substantial evidence in the record, that the submittal of all information, fees, statements, hearings, findings and other requirements of this Section, has been fulfilled.

- (f) Request of the Appropriate Fee. The following statements shall be provided on the Lot Line Adjustment map to allow for the proper execution by such responsible agencies:

TAX COLLECTOR'S STATEMENT

I, _____, Tax Collector of the County of Sierra, State of California, do hereby certify that there are no liens against the parcels as shown hereon, for unpaid property taxes or special assessments not yet payable. Estimated taxes or special assessments which are a lien but not yet payable have been deposited with the Tax Collector. This statement is valid through _____.

Sierra County Tax Collector
Date: _____

PLANNING DIRECTOR'S STATEMENT

The Sierra County Planning Director has reviewed and found the proposed Lot Line Adjustment, as shown hereon, to be in compliance with the Subdivision Map Act and local ordinance. All conditions of approval have been satisfactorily complied with.

Sierra County Planning Director
Date: _____

COUNTY SURVEYOR'S STATEMENT

The Sierra County Surveyor has reviewed and found the proposed Lot Line Adjustment, as shown hereon, to be in compliance with the Subdivision Map Act and local ordinance.

Sierra County Surveyor
Date: _____

- (g) Other pertinent information required by the Planning Director.

The Planning Department shall distribute the copies of the application to the Health Department, Department of Public Works, and County Surveyor and other departments as appropriate, for comment. A ten (10) working day review period shall be placed on

each application to allow for the submittal of written comments from said County departments or other interested parties.

The Planning Director shall schedule the Lot Line Adjustment application for an administrative hearing in which the applicant, or the applicant's agent, and County departments and interested parties will be afforded the opportunity to be present and provide evidence. Notice of such hearing shall be given pursuant to Section 20.11.

23.04.003 - Planning Department Approval

Upon receipt of a complete application, the Planning Director may approve a Lot Line Adjustment if each of the following written findings are made with respect to the application.

- (a) Each of the parcels resulting from the Lot Line Adjustment conforms to applicable zoning and building codes, except in the case of a recorded legal lot which is of less area than required by Part 22 of the County Code, said adjustment may be approved so long as any reduction in lot size is not more than ten percent (10%) of the existing lot area.
- (b) The Lot Line Adjustment will not result in any development inconsistent with the zoning ordinance or building codes.
- (c) In approving a Lot Line Adjustment, the Planning Department shall have the authority to impose conditions as may be reasonably necessary to assure compliance with zoning and building codes; to facilitate relocation of existing utilities, infrastructure or easements.
- (d) Alternatively, the Planning Department shall schedule the Lot Line Adjustment for action by the Planning Commission.

23.04.004 – Appeals

The approval, conditional approval, or denial of a Lot Line Adjustment application by the Planning Director or his designee may be appealed to the Planning Commission by any interested person as set forth in Section 20.03.

Any interested person may appeal the decision of the Planning Commission to the Board of Supervisors in compliance with the procedure contained in Section 20.03.

23.04.005 - Coordination

The County Surveyor shall coordinate the recording of all applicable documents which are required to effectuate the Lot Line Adjustment with the applicant, the applicant's title officer, or agent, providing the following criteria has been met:

- (a) The appeal period has expired or an appeal has resulted in approval by the Planning Commission and/or Board of Supervisors.
- (b) The Planning Director has certified in writing that any conditions placed on the approved Lot Line Adjustment have been satisfied.
- (c) The applicant, or the applicant's title company or agent has submitted copies of the Grant Deed or Deeds for the land proposed to be conveyed for the Lot Line Adjustment and the County Surveyor has determined that the Grant Deed or Deeds are in substantial compliance with the approved Lot Line Adjustment map, and that said Grant Deed or Deeds contain the words, "FOR PURPOSES OF A LOT LINE ADJUSTMENT".

- (d) In cases where Deeds of Trust are affected by the adjustment, the applicant, or the applicant's title company or agent, has submitted copies of the Partial Reconveyance and Supplemental Deeds of Trust to the County Surveyor and the County Surveyor has determined that said documents are in substantial compliance with the approved Lot Line Adjustment, the Subdivision Map Act, and this Part.
- (e) Property corners created by the adjustment have been monumented in accordance with the Land Surveyor's Act; the applicant has submitted a Record of Survey map and a deed to effectuate the Lot Line Adjustment to the County Surveyor; and the County Surveyor has determined that said Deed and Record of Survey map are in substantial conformance with the approved Lot Line Adjustment map. The title of the Deed and Record of Survey map shall include the words "LOT LINE ADJUSTMENT". The requirements for monumentation and filing of a Deed and Record of Survey map may be waived by the County Surveyor if:
 1. the Lot Line Adjustment transfers aliquot parts of sections consisting of quarter-quarter sections or larger; or
 2. the adjusted boundary line can be easily and satisfactorily located from existing monumentation and record information.
- (f) All applicable fees have been paid.

Recordation of the Grant Deed or Deeds, Record of Survey map, Partial Reconveyance, and Supplementary Deeds Trust, if applicable, shall be concurrent and shall constitute constructive notice of the adjustment.
- (g) The applicant has provided a guarantee issued by a title company licensed to do business in California, in a form and amount approved by the County Counsel, setting forth the names of all parties having record title interest as of the day of recording. The Lot Line Adjustment may not be recorded unless all owners have consented to the adjustment.

23.04.006 – Recording

Any Lot Line Adjustment approved pursuant to this Section must be evidenced by the recordation of a deed or a record of survey recorded with the County Recorder within 180 days of approval. A record of survey may only be required if necessitated by Business and Professions Code Section 8762. The Lot Line Adjustment will be deemed finally approved only upon recordation of the deed. If not recorded within 180 days, the approval will expire and be null and void. Upon written request by the applicant, the Planning Director may grant an additional extension not to exceed 180 days. A copy of the recorded document must be promptly returned to the Planning Department by the applicant.

23.05 - [Reserved]

23.06 - Tentative Subdivision Maps

23.06.001 – General

The form and contents, submittal, and approval of tentative subdivision maps shall be governed by the provisions of this Section.

23.06.002 - Map Filing

The filing of tentative subdivision maps shall be with the Planning Director, or his designee.

23.06.003 - Form and Contents

The tentative subdivision map shall be prepared in a manner acceptable to the Department and shall be prepared by a registered civil engineer or licensed land surveyor. For subdivisions of average lot size of less than one (1) acre, the scale shall be one (1) inch equals fifty (50) feet. For subdivisions of average lot size of one (1) acre or more, the scale shall be one (1) inch equals one hundred (100) feet. The tentative subdivision map shall be clearly and legibly drawn and shall contain not less than the following:

- (a) A title, which shall contain the subdivision number, subdivision name, and type of subdivision.
- (b) Name and Address of legal owner, subdivider, and person preparing the map, including registration or license number and expiration date.
- (c) Sufficient legal description to define the boundary of the proposed subdivision.
- (d) The names and numbers of adjacent subdivisions and the names of owners of adjacent unplatted land.
- (e) Date, north arrow, scale, contour interval, and source and datum of existing contours.
- (f) A statement of present zoning and general plan designation and of existing and proposed uses of the property, as well as any proposed zoning changes, whether immediate or future.
- (g) A vicinity map showing roads, adjoining subdivisions, towns, creeks, and other data sufficient to locate the proposed subdivision and show its relation to the community.
- (h) Existing topography of the proposed site and at least five hundred (500) feet beyond its boundary including, but not limited to:
 - 1. Existing contours at two (2) foot intervals if the existing ground slope is less than ten percent (10%) and at not less than five (5) foot intervals for existing ground slopes equal or greater than ten percent (10%). Contour intervals shall not be spread more than one hundred fifty (150) feet apart. Existing contours shall be represented by dashed lines or by screened lines.
 - 2. Spot elevations shall be expressed to the nearest tenth (0.1) of a foot. On comparatively level terrain where contours are more than 100 feet apart, the contours may be omitted and spot elevations shall be shown at intervals.
 - 3. At least ninety (90) percent of all contours shall be within one-half (1/2) contour of true elevation except that in areas where the ground is completely obscured by dense brush or timber, ninety (90) percent of all contours shall be within one (1) contour of true elevation. Contours in obscured areas shall be indicated by dashed lines.
 - 4. Type and location of any wooded area or trees with a trunk diameter of four (4) inches or more, measured at three feet from the lowest grade touching the tree. Any trees proposed to be removed shall be individually indicated.
 - 5. The location and outline of existing structures and improvements, including but not limited to wells, septic tanks, landfills, driveways, utility poles and mine shafts (active and abandoned), identified by type. Structures, to be removed or mine shafts to be filled shall be so marked.

6. The approximate location of all areas of potential storm water overflow; the location, width, and direction of flow of each water course; and the flood zone designation as indicated on the Flood Insurance Rate Map ("FIRM"), as defined in Part 32.
 7. The location, pavement and right-of-way width, grade and name of existing streets or highways.
 8. The widths, location and identification of all existing easements.
 9. The location and size of existing sanitary sewers, fire hydrants, 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 streets shall be indicated.
- (i) Proposed improvements to be shown shall include, but not be limited to:
1. The location, grade, centerline radius and arc length of curves, pavement, right-of-way width, and name of all streets. Typical sections of all streets shall be shown, proposed private streets shall be clearly indicated and shown improvements shall be consistent with adopted County improvement standards.
 2. The location and radius of all curb returns and cul-de-sacs.
 3. The location, width, and purpose of all easements.
 4. The angle of intersecting streets if such angle deviates from a right angle by more than four (4) degrees.
 5. The approximate lot layout and the approximate dimensions of each lot and each building site. Engineering data shall show the approximate finished grading of each lot, the preliminary design of all grading, the elevation of proposed building pads, the top and toe of cut and fill slopes to scale, the number of each lot, and the elevation of adjacent parcels.
 6. Proposed contours at two (2) foot intervals shall be shown if the existing ground slope is less than ten percent (10%) and not at less than five (5) foot intervals for existing ground slopes of ten percent (10%) or more. A separate grading plan may be submitted.
 7. Proposed recreation sites, trails and parks for private or public use.
 8. Proposed common areas and areas to be dedicated to public open space.
 9. The location and size of sanitary sewers, fire hydrants, water mains and storm drains. Proposed slopes and approximate elevations of sanitary sewers and storm drains shall be indicated. The proposed routing of storm water runoff generated by a 100-year flood shall also be indicated.
 10. A statement as to the intention of the subdivider in regard to slope planting and erosion control.
 11. The standards set forth in this Part.

- (j) The name or names of any geologist or soils engineer whose services were required in the preparation of the design of the tentative subdivision map.
- (k) The size of each sheet shall be twenty-four (24) inches by thirty-six (36) inches. A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of one (1) inch. The scale of the map shall be not less than 1" = 100' or as may be necessary to show all details clearly, and enough sheets shall be used to accomplish this end. The particular number of the sheet and the total number of sheets comprising the map shall be stated on each of the sheets, and its relation to each adjoining sheet shall be clearly shown. When four (4) or more sheets including the certificate sheet are used, a key sheet shall be included. All printing or lettering on the map shall be of one-eighth (1/8) inch minimum height and of such shape and weight as to be readily legible on prints and other reproductions made from the original drawings. A master sheet showing the entire subdivision shall be included.
- (l) [RESERVED]
- (m) The plotting of general street and lot layout on aerial photos.
- (n) An agreement for indemnity as authorized by Government Code Section 66474.9.
- (o) A written statement of general information on the following shall accompany the map:
 1. Approximate construction phasing and sketch of the subdivision showing that each phase of construction is completed within one (1) construction season.
 2. A construction phasing schedule for all onsite and offsite improvements.
 3. Proposed method of fire protection and, if applicable, approval of the fire district within which the subdivision is located.
 4. Plans for draining areas subject to inundation.
 5. Proposed deed restrictions.
 6. Proposed method of assuring proper administration and maintenance of common areas and open space.
 7. Other improvements proposed.
- (p) Upon the written request of the subdivider, the Planning Department may waive any above tentative map information requirements of this Section 23.06, if the Planning Department determines that the type of subdivision does not justify compliance with these requirements, or if the Planning Department determines that other circumstances justify a waiver. The Planning Department may require other drawings, data or information as deemed necessary by the Planning Department to accomplish the purposes of the Subdivision Map Act and this Part. A denial of a waiver is a non-appealable decision.

23.06.004 - Accompanying Data and Reports

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

- (a) Street Names. A list of proposed street names for any unnamed street or alley for review by the Planning Department. A separate list is necessary only for those streets not so referenced on the map.

- (b) Soils Report. A preliminary soils report prepared by a civil engineer registered in this State and in accordance with the provisions of Appendix Chapter 33 (Excavation and Grading) of the Uniform Building Code. If the preliminary soils report indicates the presence of critically expansive soils or other soil problems which, if not corrected, would lead to structural defects, the soils report accompanying the final map shall contain an investigation of each lot within the subdivision.
- (c) Title Report. A current preliminary title report, acceptable to the Department, showing all parties having record title interest in the property whose consent would be required to record a final map.
- (d) Environmental Review. Information shall be submitted as required by the Department to allow a determination on environmental review to be made in accordance with CEQA.
- (e) Preliminary Engineering Calculations. Information shall be submitted as required by the County standard engineering specifications to demonstrate the adequacy of the design of the proposed improvements. Such information shall include design parameters and engineering calculations.
- (f) Phasing. If the subdivider plans to file multiple final maps on the tentative subdivision map, written notice to this effect shall be submitted to the Planning Director.
- (g) Water Availability. Information shall be submitted as required by the Department to demonstrate a satisfactory source of water (quality and quantity) as necessary for domestic and, if required, firefighting needs. Where appropriate, well tests may be required.
- (h) Sanitary Waste Disposal. Information shall be submitted as required by the County Health Department to demonstrate proposed disposal of all wastes including, where necessary, septic system feasibility including soil percolation tests and soil mantle excavations.
- (i) Geotechnical Report. A geological report prepared by a civil engineer registered in this State and as allowed by the Professional Engineers Act and Land Surveyors Act of 1987, containing such information as required by the Department.
- (j) If the subdivision is inconsistent with the existing general plan and/or zoning, then application to amend the general plan and/or zoning as appropriate, shall accompany the tentative map application.
- (k) Drainage Analysis. Drainage calculations (pre and post project conditions).
- (l) Written evidence of rights of entry or permanent easements on or across private property not within the proposed subdivision shall be required as may be necessary to allow performance of the work necessary to improve the subdivision, to allow for the maintenance of the subdivision improvements once completed, to allow for permanent access to the proposed subdivision, and to allow for and to grant necessary slope rights which shall be submitted with the final map or parcel map.
- (m) The name and address of all public entities or utilities that will serve the proposed subdivision.
- (n) Other Reports. Other pertinent data or reports deemed necessary by the Department, including but not limited to traffic analyses, and archaeological surveys.

23.06.005 - Street Names

Each street which is to be dedicated which is a continuation of, or approximately the continuation of, any existing dedicated street shall be shown on the tentative subdivision map and shall be given the same name as such existing street. The proposed name of each other street shown on the tentative subdivision map shall be submitted to the County for approval in accordance with current County street-naming policies prepared by the Planning Department. The approved street name shall be shown on the final map.

23.06.006 - Department Review

The tentative map application shall be filed with the Planning Department. The application shall be determined by the Department to be complete only when the form and contents of the tentative subdivision map conform to the requirements of Sections 23.03 and 23.04, all environmental review required by CEQA has been completed, and when all accompanying data and reports, as required by Section 23.05, and all fees and/or deposits as required by Section 23.01, have been submitted and accepted by the Department. The subdivider shall file with the Department, 20 copies of the proposed tentative subdivision map, unless the Planning Director determines a different number of copies necessary. The Department shall forward copies of the proposed tentative subdivision map to the affected public agencies and utilities which may, in turn, forward to the Department their findings and recommendations. Certification from all affected public agencies and utilities that the subdivision can be adequately served must be received by the Department before the application will be deemed complete for purposes of further processing of the application.

23.06.007 - Referral of Maps to Other Agencies

Depending upon the location of the proposed subdivision, the Planning Department shall, within five days of receipt of a completed application, refer the proposed tentative subdivision map to the following agencies:

- (a) The City of Loyaltan if it files a request for notice pursuant to Government Code 66453.
- (b) The Department of Transportation if it has filed a map with regards to a state highway as provided for in Government Code 66455.
- (c) The Department of Water Resources if it has filed a map with regards to the State Water Resources Development System, as provided for in Government Code 66455.1.
- (d) To the affected school district.
- (e) To the State Board of Education if the subdivision includes a school site, as provided for in Government Code 66413.7 and if the school site is within two miles of an airport runway, then to the State Department of Transportation, as provided for by Education Code 39005 and Government Code 66413.7.

23.06.008 - Appeals of Administrative Determinations

Decisions of the Planning Director may be appealed by the applicant pursuant to Section 20.13. All processing time periods shall be suspended during an appeal.

23.06.009 - Planning Commission Action

The staff report shall be in writing and served by mail on the subdivider, and each tenant in the case of a conversion, at least five (5) days before the hearing.

- (a) Action. The Planning Commission shall approve, conditionally approve, deny or make its recommendation on the tentative subdivision map, and the Department shall report the decision of the Planning Commission to the subdivider within fifty (50) days after the tentative subdivision map application has been determined by the Department to be complete. An application is not complete until the lead agency has determined the project is exempt from CEQA or accepted a negative declaration or certified an environmental impact report.
- (b) Standards to be applied:
1. Except as provided in subdivisions 2 and 3, the standards to be applied are only those ordinance, policies and standards in effect on the date the County determined the application to be complete.
 2. Subdivision 1 shall not apply to circumstances in which the County has, prior to determining the application complete, initiated proceedings by way or ordinance, resolution or motion, and published notice in the manner prescribed by Government Code Section 65090(a) describing the nature of the proposed change in general or specific plans, zoning or subdivision regulations.
 3. If the subdivider requests changes in applicable ordinances, policies or standards in conjunction with his or her development project.
- (c) Approval. The tentative subdivision map may be approved or conditionally approved by the Planning Commission if it finds that the proposed subdivision, together with the provisions for its design and improvement, is consistent with the General Plan, the zoning code, and all applicable provisions of this Part.

The Planning Commission may modify or delete any of the conditions of approval recommended in the Department's report. The Planning Commission may add additional requirements as a condition of its approval.

If no action is taken by the Planning Commission within the time limits specified in this Section, the tentative subdivision map, as filed, shall be deemed to be approved insofar as it complies with other applicable provisions of the Subdivision Map Act, this Ordinance and the General Plan.

- (d) Denial. The tentative subdivision map may be denied by the Planning Commission on any of the grounds provided by the Subdivision Map Act or this Part. The Planning Commission shall deny approval of the subdivision tentative map if it makes any of the following findings:
1. that the proposed map or the design and/or improvement of the proposed subdivision, is inconsistent with the general plan, any applicable specific plan, zoning or other applicable provisions of this Code;
 2. that the site is not physically suitable for the type of development;
 3. that the site is not physically suitable for the proposed density of development;
 4. that the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. Notwithstanding the foregoing, the Planning Commission may approve such a tentative subdivision map if an environmental impact report was prepared with respect to the project and a finding was made pursuant to Section 21081(c) of CEQA that specific economic, social or other

considerations make infeasible the mitigation measures or project alternatives identified in the environmental impact report;

5. that the design of the subdivision or the type of improvements are likely to cause serious public health or safety problems;
6. that the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the Planning Commission may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This Subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction, and no authority is hereby granted to the Planning Commission to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision; or
7. subject to 66474.4 of the Subdivision Map Act, that the land is subject to a contract entered into pursuant to the California Land Conservation Act of 1965 (commencing with 51200 of the Government Code) and that the resulting parcels following a subdivision of the land would be too small to sustain their agricultural use, or would be less than the minimum required to enter into a new contract.
8. the proposed subdivision fails to comply with the development standards set forth in this Part.

23.06.010 - Water Quality Standards

The Planning Commission shall determine whether the discharge of waste into an existing community sewer system would violate existing requirements of the Regional Water Quality Control Board. If the Planning Commission finds that a discharge would result in or add to violation of those requirements, the Planning Commission may disapprove the tentative subdivision map.

23.06.011 - Telephone Service

The Planning Commission may require the design of the subdivision to provide for telephone service.

23.06.012 - Cable Service

The Planning Commission may require the design of a subdivision to provide one or more cable television systems an opportunity to construct, install, and maintain, on land identified on the map as dedicated or to be dedicated to the public utility use, any equipment necessary to extend cable television services to each residential parcel in the subdivision. This Section shall not apply to conversions.

23.06.013 - (Reserved) Solar Access Easement

23.06.014 - Land Projects

If a project is a "land project" as defined in Section 11000.5 of the Business and Professions Code, and a specific plan has not otherwise been approved, the Planning Commission shall impose a condition that a specific plan be approved before any final maps may be submitted.

23.06.015 - Extension of Time for Planning Commission or Board of Supervisors Action

Any applicable time limits for acting on the tentative subdivision map application may be extended by mutual consent of the subdivider and the Planning Commission or the Board of Supervisors. A waiver of applicable time limits may be required to permit concurrent processing of related project approvals or environmental review on the same development project.

23.06.016 - Notification of Decision

The subdivider shall be notified in writing of the decision of the Planning Commission. If the tentative subdivision map has been approved or conditionally approved, the subdivider may prepare a final map, as appropriate, provided the appeal period has expired and no appeal has been filed.

23.06.017 - Appeals of Planning Commission Action

The subdivider or any interested person adversely affected by any Planning Commission action with respect to the tentative map, including tenants of the subject property in the case of a proposed conversion, may file an appeal as provided in Section 20.13. The Board of Supervisors shall hold the hearing on the appeal within thirty (30) days after the date a hearing was requested by the subdivider or appellant, unless the appellant consents to a continuance. Within ten (10) days following the conclusion of the hearing, the Board of Supervisors shall declare its findings. The appeal shall be a public hearing after notice has been given according to Section 20.13. The Board of Supervisors may sustain, modify, reject or overrule any findings, recommendations or rulings of the Planning Commission and may make any findings or decisions which are consistent with the provisions of the Subdivision Map Act or this Part.

If the Board of Supervisors fails to act upon an appeal within the time limits set forth in this Section, the tentative map shall be deemed to be approved or conditionally approved in the form that it was last approved or conditionally approved by the Planning Commission insofar as it complies with all other applicable provisions of the Subdivision Map Act, this Part, and the General Plan.

23.06.018 – Expiration of an Approved Tentative Subdivision Map

- (a) The approval or conditional approval of a tentative subdivision map shall expire twenty-four (24) months from its approval by either the Planning Commission or Board of Supervisors, whichever occurs last. The Planning Commission may grant an initial approval for an additional period of twelve months. However, if in connection with a tentative map for which the filing of multiple final maps is authorized pursuant to Subsection 23.07.002, the subdivider is made subject to a requirement of one hundred twenty-five thousand dollars (\$125,000) or more, as said dollar value is adjusted pursuant to Government Code Section 66452.6(a), to construct or improve or finance the construction or improvement of public improvements outside the boundaries of the tentative subdivision. If the tentative subdivision map is on property subject to a development agreement authorized by Section 65864 *et.seq.* of the Government Code, then the expiration date may be extended in accordance with the terms of the development agreement, but no longer than the term of the agreement. An extension to the expiration date may also be approved as provided in Subsection 23.06.019.
- (b) The period of time specified in (a) above shall not include any period of time during which a lawsuit has been filed and is pending in a court of competent jurisdiction involving the approval or conditional approval of a tentative subdivision map only if a stay of the time period is approved by the Planning Commission. After service of the initial petition or complaint upon the County, the subdivider may, in writing to the Planning Director, request a stay in the time period of the tentative subdivision map.

Within forty (40) days after receiving the request, the Planning Commission shall either stay the time period until the lawsuit is terminated, but not to exceed five (5) years, or deny the requested stay. The request for the stay shall be considered upon notice and hearing by the Planning Commission, and upon conclusion of the hearing, the Planning Commission shall, within ten (10) days, render its decision. The subdivider or any interested person may appeal action of the Planning Commission on the stay to the Board of Supervisors in accordance with Section 20.13.

- (c) The period of time specified in (a) above shall not include any period of time during which a development moratorium is in effect according to Section 66452.6(b) of the Subdivision Map Act, for a period of time not to exceed five years. Once the development moratorium is terminated, the map shall be valid for the same period as was left to run when the moratorium was imposed, or 120 days, whichever is greater.

23.06.019 – Extension of an Approved Tentative Map

- (a) Request by Subdivider. The subdivider may request an extension of the expiration date of the approved or conditionally approved tentative subdivision map by written application to the Planning Director. The application shall be filed before the map is to expire and shall state the reasons for requesting the extension. Upon such application by the subdivider, the map shall automatically be extended for sixty (60) days or until the application for the time extension is approved, conditionally approved or denied, whichever comes first.
- (b) Planning Commission Action. The Department shall review the request and submit the application for the extension, together with a report to the Planning Commission for approval, conditional approval or denial at the next scheduled Planning Commission meeting. A copy of the Department's report shall be forwarded to the subdivider prior to the Planning Commission meeting on the extension. The Planning Commission may act to approve, conditionally approve or deny the extension. In acting on the request for extension, the Planning Commission may consider the project in relationship to current conditions, regulations and applicable laws.
- (c) Time Limit of Extensions. The time at which the tentative subdivision map expires may be extended by the Planning Commission for a period not exceeding a total of five (5) years.
- (d) Appeal of Extension. The subdivider or any interested person adversely affected may appeal any action of the Planning Commission on the extension to the Board of Supervisors in accordance with Section 20.13.

23.06.020 - Extension by Action of the California Legislature

Mandatory extensions enacted by the California Legislature at Government Code Section 66452.11 and 66452.13 are in addition to those provided for in this Section.

23.06.021 - Amendments to Approved or Conditionally Approved Tentative Subdivision Map

Amendments which are not in substantial compliance with the approved or conditionally approved tentative subdivision map or conditions of approval shall be in accordance with the provisions for processing a tentative subdivision map.

23.07 - Final Maps

23.07.001 – General

The form, contents, accompanying data, and filing of the final map shall conform to the provisions of the Subdivision Map Act and this Part.

The final map shall be prepared by or under the direction of a registered civil engineer or licensed land surveyor.

23.07.002 - Phasing

- (a) Multiple final maps relating to an approved or conditionally approved tentative subdivision map may be filed prior to the expiration of the tentative subdivision map if the subdivider, at the time the tentative subdivision map application is filed, notifies the Planning Director in writing of the subdivider's intention to file multiple final subdivision maps on the tentative subdivision map in accordance with Subsection 23.06.004(f). In providing the notice, the subdivider shall not be required to define the number or configuration of the proposed multiple maps. The Planning Commission shall approve the sequence of map approvals and may require the fulfillment of conditions, the completion of improvements outside the boundaries of the particular phase, and/or the payment of fees required as a condition of other phases of the project. After filing of the tentative subdivision map application, the Planning Director, the Department of Public Works and the subdivider shall concur in the filing of multiple final maps.
- (b) The filing of a final map on a portion of an approved or conditionally approved tentative map shall not invalidate any part of the tentative map. Each final map which constitutes a part, or unit, of the approved or conditionally approved tentative map shall have a separate subdivision number. The subdivision improvement agreement executed by the subdivider shall provide for the construction of improvements as required to constitute a logical and orderly development of the whole subdivision, as shown on the approved tentative map.

23.07.003 -Survey Required

- (a) An accurate and complete survey of the land to be subdivided shall be made by a registered civil engineer or licensed land surveyor. All monuments, property lines, centerlines of streets, alleys and easements adjoining or within the subdivision shall be tied into the survey. The allowable error of closure on any portion of the final map shall not exceed 1/10,000 for field closures and 1/20,000 for calculated closures.
- (b) At the time of making the survey for the final map, 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 (1) exterior boundary line shall be monumented prior to recording the final map. Other monuments shall be set or bonded for as required by the County Surveyor.

23.07.004 – Form

The form of the final map shall conform to the Subdivision Map Act and as follows:

The final map shall be legibly drawn, printed, or reproduced by a process guaranteeing a permanent record in black on polyester base film. Certificates, affidavits and acknowledgments may be legibly stamped or printed upon the map with opaque ink. If ink is used on polyester base film, the ink surface shall be coated with a suitable substance to assure permanent legibility.

The size of each sheet shall be eighteen (18) inches by twenty-six (26) inches or 460 by 660 millimeters. A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of one (1) inch or .025. The scale of the map shall be not less than 1" = 50' (unless specified otherwise by the County Surveyor), or as may be necessary to show all details clearly, and enough sheets shall be used to accomplish this end. The particular number of the sheet and the total number of sheets comprising the map shall be stated on each of the sheets, and its relation to each adjoining sheet shall be clearly shown. All printing or lettering on the map shall be of one-eighth (1/8) inch minimum height and of such shape and weight as to be readily legible on prints and other reproductions made from the original drawings. If more than three sheets are used, a key diagram shall be included. The final form of the final map shall be as approved by the Department of Public Works.

23.07.005 – Contents

The contents of the final map shall conform to the Subdivision Map Act and as follows:

- (a) Boundary. The boundary of the subdivision shall be designated by a heavy black line in such a manner as not to obliterate figures or other data.
- (b) Title. Each sheet shall have a title showing the subdivision number and name and the location of the property being subdivided with reference to maps which have been previously recorded, or by reference to the plat of a United States Survey. The following words shall appear in the title, "County of Sierra." If partly within an incorporated city, the following words shall be used: "Within the County of Sierra and partly within the City of Loyalton."
- (c) Certificates, Acknowledgments and Signatures. All certificates, acknowledgments and signatures shall be made as required by Article 2, Part 2 (Section 66433 *et seq.*) of the Subdivision Map Act, and shall appear only once on the title sheet.
- (d) Scale, North Point and Basis of Bearings. There must appear on each map sheet the scale, the north point and the basis of bearings. The basis of bearings shall be approved by the County Surveyor.
- (e) Linear, Angular and Radial Data. Sufficient linear, angular and radial data shall be shown to determine the bearings and lengths of monument lines, street centerlines, all interior and exterior boundary lines of the subdivision, the boundary lines on every lot and parcel which is a part of the subdivision, and ties to existing monuments used to establish the boundary. Arc length, radius and total central angle and radial bearings of all curves shall be shown. Ditto marks shall not be used in the dimensions and data shown on the map. The exterior boundary of the land included within the subdivision shall be indicated by distinctive symbols and clearly so designated.
- (f) Streets. The map shall show the centerline of each street; the boundary of each street, including the width of the portion of any fractional street being dedicated; the width of existing road rights-of-way when available from public records; and the widths on each side of the centerline of whole streets. The widths and locations of adjacent streets shall be shown as determined from public records. Whenever the County Engineer has established either the centerline or monument line of the street and such information is made a public record, this location and data shall be shown on the final map.
- (g) Monuments. The location and description of all existing and proposed monuments shall be shown. Standard County monuments shall be set at, or on Department of Public Works approved offsets at the following locations:

1. the intersection of street centerlines;
 2. beginning and end of curves or intersection of tangents on centerlines unless otherwise approved by the Department of Public Works; or
 3. at other locations as may be required by the County Surveyor.
- (h) Lot Number Sizes. Lot numbers shall begin with the number one (1) in each subdivision and shall continue consecutively with no omissions or duplications except where contiguous lands, under the same ownership, are being subdivided in successive units, in which event lot numbers may begin with the next consecutive number following the last number in the preceding unit. Each lot shall be shown entirely on one (1) sheet of the final map, unless otherwise approved by the Department of Public Works. Lot areas shall be shown for each parcel being created and shall be exclusive of any portion which extends into any street.
- (i) Adjoining Properties. The relationship of all adjoining subdivisions shall be identified by subdivision number, or name when not identified by official number, and reference to the book and page of the filed map showing such subdivision; and if no subdivision is adjacent, then by the name of the owner and reference to the recorded deed by book and page number for the last record owner.
- (j) Street Names. The names of all streets, alleys or highways within or adjoining the subdivision shall be shown.
- (k) Easements and Dedications. Easements and dedications for roads or streets, paths, alleys, utilities, local transit facilities, storm water drainage, sanitary sewers or other public use as may be required, including waiver of access and abutter's rights, shall be offered for dedication to the public for acceptance by the County or other public agency, and the use shall be specified on the map.

The subdivider shall provide the County Engineer with letters from all serving utilities stating that the easements as provided on the final map are satisfactory. Easements for an existing or proposed utility installation for the use of a private or nongovernmental agency shall not be shown on the final map unless there is a recorded conveyance to such individual or corporation.

An offer of dedication of real property for street or public utility easement purposes shall be deemed not to include any public utility facilities located on or under the real property, unless, and only to the extent that an intent to dedicate the facilities is expressly declared in the statement.

All easements of record shall be shown on the map, together with the name of the grantee and sufficient recording data to identify the conveyance, e.g., recorder's serial number and date, or book and page of official records.

Easements not disclosed by the records in the Office of the County Recorder and found by the surveyor or engineer to be existing, shall be specifically designated on the map, identifying the apparent dominant tenements for which the easement was created.

The sidelines of all easements of record shall be shown by dashed lines on the final map with the widths, lengths and bearings of record. The width and location of all easements shall be approved by the County Surveyor.

- (l) Greenbelt Areas. Greenbelt areas may be shown, subject to the approval of the County. Public greenbelt areas shall be dedicated in fee unless otherwise specified in the approval

or conditional approval of the tentative map. Private greenbelt areas shall be dedicated as open space easements unless otherwise specified in the approval or conditional approval of the tentative map.

- (m) Designated Remainder. If the map includes a “designated remainder” parcel, and the gross area of the “designated remainder” parcel or similar parcel is five acres or more, that remainder parcel need not be shown on the map and its location need not be indicated as a matter of survey, but only by deed reference to the existing boundaries of the remainder parcel. A parcel designated as “not a part” shall be deemed to be a “designated remainder” for purposes of this Section.
- (n) Additional Information. Where the County has required additional information be recorded pursuant to 66434.2, the map shall include a notation or reference to that information.
- (o) Owner’s Development Lien. Notice with respect to the specific location of the book and page of any owner’s development lien, the Notice shall also state that the property is subject to an owner’s development lien and that each parcel erected by the recordation of the final map shall be subject to a prorated amount of the lien on a per acre or portion thereof basis.

23.07.006 - Preliminary Submittal for County Approval

The subdivider shall submit prints of the final map to the Department of Public Works for checking. The preliminary prints shall be accompanied by the following data, plans, reports, and documents in a form as approved by the Department of Public Works and, where applicable, the County Counsel:

- (a) Improvement Plans. Improvement plans as required by Subsection 23.16.006.
- (b) Soils Report. A soils report prepared in accordance with Subsection 23.06.004 and Part 33 (Excavation and Grading) of the Uniform Building Code.
- (c) Title Report. A title report and preliminary subdivision guarantee showing all parties holding record title interest at the time of submittal of the final map for the property to be subdivided and for any offsite property intended to be offered for dedication.

The County Surveyor shall notify the title company furnishing the guarantee of the date the final map will be transmitted to the County Recorder. Such notification shall be made at least 48 hours before said date. The title company shall, on said date, present to the County Recorder, pursuant to the requirements of Section 66465 of the Subdivision Map Act, a guarantee in a form and amount acceptable to the County Counsel providing that at the time of filing of the parcel map in the Office of the County Recorder, the parties consenting to such filing are all of the parties having a record title interest in the real property being subdivided whose signatures are required by Division 2 of Title 7 of the Government Code, as shown by the records in the Office of the County Recorder.

- (d) Tax Certificate. A certificate from the County Tax Collector stating that all taxes and assessments due have been paid or that a tax bond or other adequate form of security assuring payments of all taxes and assessments which are a lien but not yet payable has been filed with the County.
- (e) Deeds or Offers of Dedication for Easements or Rights-of-Way. Deeds or offers of dedication for offsite easements or rights-of-way required for road or drainage purposes which have not been dedicated on the final map. Written evidence acceptable to the County in the form of rights of entry or permanent easements across private property

outside of the subdivision permitting or granting access to perform necessary construction work and permitting the maintenance of the facility is required.

- (f) Dedications. In the event any street shown on a final map is not offered for dedication, the certificate may contain a statement to this effect. If such statement appears on the final map and if the map is approved by the Board of Supervisors, the use of any such street or streets by the public shall be permissive only.

An offer of dedication of real property for street or public utility easement purposes shall be deemed not to include any public utility facilities located on or under such real property unless and only to the extent and intent to dedicate such facilities is expressly stated in the certificate.

- (g) Traverse Closures. Traverse closures for the boundary blocks, lots, easements, street centerlines and monument lines.

- (h) Hydrology and Hydraulic Calculations. Complete hydrology and hydraulic calculations of all storm drains and flood flow.

- (i) Governing Documents. The submittal of the final map or parcel map for a common interest development within the meaning of 1350 *et seq.* of the Civil Code shall include the proposed Declaration of Covenants, Conditions and Restrictions containing the provisions described in 1353 of the Civil Code, and all other governing documents for the subdivision as are appropriate pursuant to 1363 of the Civil Code. The submittal of the final map or parcel map for all subdivisions other than a common interest development shall include any Declaration of Covenants, Conditions and Restrictions proposed in connection therewith. All documents shall be subject to review and approval by the Planning Department and County Counsel. The County may require inclusion of provisions permitting County enforcement.

- (j) Improvement Agreement and Security. In the event sewer, water, drainage, grading, paving, or other improvements required pursuant to Section 23.16 have not been completed prior to the presentation of the final map, an agreement in accordance with the requirements of Government Code 66462 shall be filed for the improvement thereof. The subdivider shall secure the performance of the agreement in accordance with the requirements of Section 23.17.

- (k) Liability Agreement and Insurance. A hold-harmless agreement obligating the subdivider to hold the County and its officers, agents and employees harmless from any liability for damages or claims for damages for personal injury or death which arise from the operations of the subdivider and/or the subdivider's subcontractors in connection with the subdivision. A certificate of insurance reporting to the County the amount of insurance the subdivider carries for the subdivider's own liability for damages or claims for damages for personal injury or death which arise from the operations of the subdivider or his subcontractors in connection with the subdivision. The certificate of insurance shall name the County as an additional insured. The agreement, certificate and amount of insurance coverage required by this Subsection shall be subject to prior review and approval by the Department of Public Works and County Counsel.

- (l) Special Districts. Evidence of an agreement to serve by an existing district, and annexation to, or formation of a special district to provide maintenance and other services necessary to the subdivision.

- (m) Filing Fees. Cash payment or proof of payment for all checking and filing fees; inspection of construction; cash deposit as required by the fire districts or water company

or district having jurisdiction of fire hydrant rental fees, and other applicable fees or deposits; all approved by the County Engineer.

23.07.007 - Recording of Additional Information

- (a) As provided for in the conditions of approval for a tentative subdivision map, the County may require additional information to be recorded simultaneously with the final map. The additional information map must be in the form of a separate document or map sheet and shall indicate its relationship to the tentative or parcel map, and shall contain a statement that the additional information is for informational purposes only, and that it is not intended to correct record title interest. The document of additional map sheet may contain a notation that the information is derived from public records or reports, and does not imply the correctness or sufficiency of those records or reports by the preparer of the document or additional map sheet.
- (b) Additional survey or map information may include, but need not be limited to, conditions of approval, building setbacks; lines, flood hazard zones, seismic line and setbacks, geologic mapping, archaeological sites, slope restrictions, open space, covenants, conditions and restrictions and environmental constraints.

23.07.008 - Review by Department of Public Works

The Department of Public Works shall review the final map and any other required information and the subdivider shall make corrections and/or additions until acceptable to the Department of Public Works.

23.07.009 - Approval by Department of Public Works

The subdivider shall submit to the Department of PublicWorks the original tracing of the map and any duplicates per County requirements, corrected to its final form and signed by all parties required to execute the certificates on the map. Original signatures shall appear on the original drawing and on the blue-line duplicate. Upon receipt of all required certificates and submittals, the Department of PublicWorks shall sign the appropriate certificates and transmit the original map to the County Clerk or an authorized agent.

23.07.010 - Certification

- (a) The County Planning Director and County Surveyor shall certify the final map if the following circumstances exist:
 - 1. The map complies with all requirements of Subdivision Map Act and this Part.
 - 2. A certificate consenting to the preparation and recordation of the parcel map has been executed by all parties having any record title interest in the real property being subdivided.
 - 3. Certificates required by this Part are executed.
- (b) If the above circumstances exist, the County Planning Director and County Surveyor shall certify the final map by executing thereon a certificate stating their approval and indicating the dedication and terms of real property for public use, if any.
- (c) If the above circumstances do not exist, the County shall reject the map.

23.07.011 - Approval by Board of Supervisors

Once the final map has been reviewed by the Department of Public Works for compliance with the approved or conditionally approved tentative map, it shall be filed with the Board of Supervisors for approval after all required certificates have been signed. The date the map shall be deemed filed with the Board of Supervisors is the date on which the County Clerk receives the map. The Board of Supervisors shall, at the meeting at which it receives the map, or at its next regular meeting after the meeting, at which it receives the map, consider the final map for approval. Before approving the final map, the Board of Supervisors shall consider approval of the subdivision improvement agreement in accordance with the requirements of Section 23.17. If the subdivision improvement agreement and final map are approved by the Board of Supervisors, the Chairman of the Board shall execute the agreement on behalf of the County.

23.07.012 - Compliance with Requirements

The Board shall disapprove any final map for failure to meet or perform any of the requirements or conditions of the Subdivision Map Act or this Part which were applicable to the subdivision at the time of approval of the tentative subdivision map. Such disapproval shall be accompanied by a finding identifying the requirements or conditions which were not met or performed. The Board may waive the provisions of this Section if it finds that the failure of the map was the result of a technical and inadvertent error which does not materially affect the validity of the map.

The Board of Supervisors shall not postpone or refuse approval of a final map because the subdivider has failed to meet a tentative subdivision map condition requiring construction or installation of improvements on land which neither the subdivider nor the County has sufficient title or interest to permit the improvements to be made. In such a case, the County shall follow the procedure according to Government Code 66462.5.

23.07.013 - Action on Dedications

- (a) At the time the Board of Supervisors approves the final map, it shall also accept, accept subject to improvement, or reject any offer of dedication. The County Clerk shall certify on the final map the action by the Board of Supervisors. If at the time the final map is approved, any streets, paths, alleys, public utility easements, rights-of-way for local transit facilities which directly benefit the subdivision residents, or storm drainage easements are not accepted by the Board of Supervisors, the offer of dedication shall remain open and the Board of Supervisors may, by resolution at any later date, and without further action by the subdivider, rescind its action and accept and open the streets, paths, alleys, rights-of-way for local transit facilities, or storm drainage easements, which acceptance shall be recorded in the Office of the County Recorder.
- (b) In the case of any subdivision fronting upon the ocean coastline or bay shoreline, the offer of dedication of public access route or routes from public highways to land below the ordinary high watermark shall be accepted within three years after the approval of the final map; in the case of any subdivision fronting upon any public waterway, river, or stream, the offer of dedication of public access route or routes from public highways to the bank of the waterway, river, or stream and the public easement along a portion of the bank of the waterway, river, or stream shall be accepted within three years after the approval of the final map; in the case of any subdivision fronting upon any lake or reservoir which is owned in part or entirely by any public agency, including the state, the offer of dedication of public access route or routes from public highways to any water of the lake or reservoir shall be accepted within five years after the approval of the final map; all other offers of dedication may be accepted at any time.

- (c) Offers of dedication which are covered by subdivision (b) may be terminated and abandoned in the same manner as prescribed for the summary vacation of streets by Part 3 (commencing with Section 8300) of Division 9 of the Streets and Highways Code.
- (d) Offers of dedication which are not accepted within the time limits specified in subdivision (b) above shall be deemed abandoned.
- (e) Except as provided in Government Code 66499.16, 66499.17, and 66499.18, if a resubdivision or reversion to acreage of the tract is subsequently filed for approval, any offer of dedication previously rejected shall be deemed to be terminated upon the approval of the map by the legislative body. The map shall contain a notation identifying the offer or offers of dedication deemed terminated by this subdivision.
- (f) Acceptance of offers of dedication on a final map shall not be effective until the final map is filed in the Office of the county recorder or a resolution of acceptance by the legislative body is filed in such office.
- (g) The local agency to which property is dedicated in fee for public purposes, or for making public improvements or constructing public facilities, other than for open space, parks, or schools, shall record a certificate with the county recorder in the county in which the property is located. The certificate shall be attached to the map and shall contain all of the following information:
 1. The name and address of the subdivider dedicating the property.
 2. A legal description of the real property dedicated.
 3. A statement that the local agency shall reconvey the property to the subdivider if the local agency makes a determination pursuant to this Section that the same public purpose for which the property was dedicated does not exist, or the property or any portion thereof is not needed for public utilities as specified in subdivision (i) below.
- (h) The subdivider may request that the local agency make the determination that the same public purpose for which the dedication was required still exists, after payment of a fee which shall not exceed the amount reasonably required to make the determination. The determination may be made by reference to a capital improvement plan as specified in Government Code Sections 65403 or 66002, an applicable general or specific plan requirement, the subdivision map or other public documents that identify the need for the dedication.
- (i) If a local agency has determined that the same public purpose for which the dedication was required does not exist, it shall reconvey the property to the subdivider or the successor in interest, as specified in subdivision (g) above, except for all or any portion of the property that is required for that same public purpose or for public utilities.
- (j) If a local agency decides to vacate, lease, sell, or otherwise dispose of the dedicated property the local agency shall give at least sixty (60) days notice to the subdivider whose name appears on the certificate before vacating, leasing, selling, or otherwise disposing of the dedicated property. This notice is not required if the dedicated property will be used for the same public purpose for which it was dedicated.

The County may accept any dedications lying outside the subdivision boundary which require a separate grant deed. The acceptance shall be recorded in the Office of the County Recorder.

23.07.014 - Filing with the County Recorder

Upon approval of the final map by the Board of Supervisors, the County Clerk shall execute the appropriate certificate on the certificate sheet and shall, subject to the provisions of 66464 of the Subdivision Map Act, transmit the map, or have an authorized agent forward the map to the County Recorder.

23.08 - [Reserved]

23.09 - Tentative Parcel Maps

23.09.001 – General

The form and contents, submittal and approval of applications for tentative parcel maps shall be governed by the provisions of this Section.

23.09.002 - Tentative Parcel Map Required

A tentative parcel map shall be required for every parcel map and shall be required for parcel maps for which a waiver is sought.

23.09.003 - Form and Contents, Accompanying Data and Reports

A tentative parcel map shall be prepared in a manner acceptable to the Department and shall be prepared by a registered civil engineer or licensed land surveyor. The form, contents and the accompanying data and reports shall comply with and be consistent with Section 23.06.

23.09.004 - Department Review

The application for a tentative parcel map shall be filed with the Department for review in accordance with the provisions of Subsection 23.06.006.

23.09.005 - Action by Planning Commission On a Tentative Parcel Map

- (a) Upon receipt of a tentative parcel map application that is determined by the Department to be complete, the Department shall prepare a report and set the matter for a public hearing before the Planning Commission in accordance with Section 23.03. Notwithstanding the foregoing sentence, in circumstances in which the tentative parcel map is processed along with a legislative approval, the Planning Commission shall act in an advisory capacity and the Board shall act upon the map.
- (b) The hearing shall be noticed and held in accordance with the provisions of Section 20.13.
- (c) The tentative parcel map may be approved, conditionally approved or denied by the Planning Commission, as the case may be, in accordance with the provisions and findings set forth in Subsection 23.06.009 and the standards specified in this Part.
- (d) A copy of the approved or conditionally approved tentative parcel map and any approved conditions shall be forwarded to the Department of Public Works.

23.09.006 - Appeals of Planning Commission Action

Appeals of the Planning Commission action with respect to the tentative parcel map shall be made to the Board of Supervisors in accordance with the provisions of Section 20.13.

23.09.007 - Expiration and Extensions

The approval or conditional approval of a tentative parcel map shall expire twenty-four (24) months from its approval by the Planning Commission or Board of Supervisors, whichever occurs last unless the expiration date is extended in accordance with the provisions of Government Code 66463.5. The subdivider may request extensions of the expiration date up to a maximum of five years for action in accordance with the provisions of Subsection 23.06.018. The Planning Commission may approve, conditionally approve or deny the request for an extension. The subdivider or any interested person adversely affected may within 15 days of a decision on an extension appeal the action of the Planning Commission to the Board of Supervisors in accordance with the provisions of Section 20.13.

23.09.008 - Amendments to Approved or Conditionally Approved Tentative Parcel Map

Amendments which are not in substantial compliance with the approved or conditionally approved tentative parcel map or conditions of approval shall be in accordance with the provisions for processing a tentative parcel map as set forth in this Section.

23.10 - Final Parcel Maps

23.10.001 - Final Parcel Maps and Improvement Security

The form and contents, submittal, approval and filing of final parcel maps shall conform to the provisions of the Subdivision Map Act and this Subsection.

- (a) **Survey Required.** An accurate and complete survey of the land to be subdivided shall be made by a registered civil engineer or licensed land surveyor unless sufficient record data exists to comply with Government Code Section 66448. All monuments, property lines, centerlines of streets, alleys and easements adjoining or within the subdivision shall be tied into the survey. The allowable error of closure on any portion of the parcel map shall not exceed 1/10,000 for field closures and 1/20,000 for calculated closures.
- (b) **Form and Contents.** The form and contents of the parcel map shall conform to the final map form and content requirements of Subsections 23.07.004-23.07.007.
- (c) **Improvement Agreement.** The parcel map shall require an improvement agreement and improvement security, where appropriate, in the form provided in Section 23.17.
- (d) **Review and Approval by Department of Public Works.** The Department of Public Works shall review the final parcel map and the subdivider shall make corrections and/or additions until the map is acceptable to the Department of Public Works. The subdivider shall submit the original tracing of the map, corrected to its final form and signed by all parties required to execute the certificates on the map, to the Department of Public Works.

The Department of Public Works shall approve the parcel map if it complies with the requirements of the Subdivision Map Act, this Part, the tentative parcel map and all conditions thereof. Where offers of dedication are required, they shall be submitted to the Board of Supervisors for consideration. The County Surveyor or authorized agent shall, subject to the provisions of 66464 of the Subdivision Map Act, transmit the approved parcel map to the County Recorder.

- (e) **Subdivision Guarantee.** A title report and preliminary subdivision guarantee showing individuals holding record title interest at the time of the submittal of the final parcel map for the property to be subdivided and for any offsite property intended to be offered for dedication shall be included.

- (f) Dedications. Dedications or offers of dedication as provided in Section 23.14 shall be provided, although the County may require that the relevant information be recorded by separate instrument.
- (g) Additional Final Map Requirements. When submitting a parcel map to the County Surveyor, two blue line prints shall be submitted, showing mathematical closures on the exterior boundary of the parcels before division, each parcel, and any easements which may be pertinent to the map.
1. In addition to complying with the requirements of Section 66445 of the Government Code there shall be indicated on the map the acreage or square footage for each parcel created, being shown to the nearest .01 of an acre. Square footage may be substituted on parcels less than one-half acre.
 2. When first submitted the map shall be accompanied with the map checking fee as provided for by resolution of the Board of Supervisors.
 3. When a parcel map is submitted, the provisions of 66492 through 66494 of the Government Code shall be complied with.
 4. Signatures. Subject to the provisions of Government Code 66436, a certificate, signed and acknowledged by all parties having any record title interest in the real property subdivided, consenting to the preparation and recordation of the parcel map is required, except however, in the case of a division of land into four or fewer parcels, where dedications or offers of dedications are not required, the certificate shall be signed and acknowledged by the subdivider only; provided, however, where a subdivider does not have a record title ownership interest in the property to be divided, the subdivider shall provide the County Surveyor with satisfactory evidence that the persons with record title ownership have consented to the proposed division.
 5. Title Company Parcel Map Guarantee. There shall be filed with the County Surveyor a preliminary subdivision guarantee from a qualified title insurance company which guarantees that the parties named therein are the only parties having any record title interest in the land subdivided.

The County Surveyor shall notify the title company furnishing the guarantee of the date the final map will be transmitted to the County Recorder. Such notification shall be made at least 48 hours before said date. The title company shall, on said date, present to the County Recorder, pursuant to the requirements of Section 66465 of the Subdivision Map Act, a letter stating that at the time of filing of the parcel map in the Office of the County Recorder, the parties consenting to such filing are all of the parties having a record title interest in the real property being subdivided whose signatures are required by Division 2 of Title 7 of the Government Code, as shown by the records in the Office of the County Recorder.

- (h) Recording of Additional Information.
1. As provided for in the conditions of approval for a parcel map, the County may require additional information to be recorded simultaneously with the parcel map. The additional information map must be in the form of a separate document or map sheet and shall indicate its relationship to the tentative or parcel map, and shall contain a statement that the additional information is for informational purposes only, and that it is not intended to correct record title

interest. The document of additional map sheet may contain a notation that the information is derived from public records or reports, and does not imply the correctness or sufficiency of those records or reports by the preparer of the document or additional map sheet.

2. Additional survey or map information may include, but need not be limited to, building setbacks; lines, flood hazard zones, seismic line and setbacks, geologic mapping, and archaeological sites.

23.10.002 - Phased Final Maps

The subdivider may file phased final parcel maps in accordance with Subsection 23.07.002

23.10.003 - Filing with County Recorder

Upon approval of the final map by the Board of Supervisors or Planning Commission, the County Clerk shall execute the appropriate certification, the certificate sheet and shall, subject to the provision of Section 66464 of the Subdivision Map Act, transmit the map, or have an authorized agent forward the map to the County Recorder.

23.11 - Parcel Map Waiver

23.11.001 – Application

The Planning Director shall develop a form for a parcel map waiver.

23.11.002 - Limitation on Use

The Planning Commission may waive the requirement for a parcel map which subdivides real property into parcels of forty (40) acres and greater.

23.11.003 - Parcel Map Waiver

The subdivider or his authorized representative desiring a waiver of a parcel map, shall submit a written request for waiver and a tentative parcel map to the Planning Department and such tentative parcel map shall contain all information required by and shall be processed in accordance with Section 23.09. In addition, the subdivider shall also provide to the Planning Commission sufficient information to allow the Planning Commission to prepare findings that the proposed subdivision complies with requirements as to general plan consistency, lot area, improvement and design, flood and water drainage control, access, appropriate improved roads, sanitary disposal facilities, water supply availability, environmental assessment and protection, and other requirements of the Subdivision Map Act, this Part and any resolutions of the Board of Supervisors pertaining thereto.

23.11.004 – Procedure

Upon receipt of a completed application for a parcel map waiver, the Planning Director shall, within thirty (30) days refer the application to the Planning Commission.

23.11.005 – Findings

No waiver shall be approved, unless the Planning Commission finds that the division of land complies with the requirements of the Subdivision Map Act and this Part as to lot area, improvement and design, floodwater drainage control, roads, sanitary disposal, water supply, environmental protection and other requirements.

23.11.006 – Appeals

Appeals of decisions of the Planning Director or Planning Commission may be appealed in accordance with Section 20.13.

23.11.007 - Parcel Map Waiver Certificate

A certificate evidencing compliance with the parcel map waiver procedure of this Part shall be recorded with the County Recorder by the Secretary of the Planning Commission determination on the parcel map waiver request, setting forth the Planning Commission's findings with regard to the requirements as set forth by this Part, and such parcel map shall not be deemed waived unless and until such waiver certificate is recorded with the County Recorder.

If a subdivision complies with this Part and a parcel map is waived by the Planning Commission, a parcel map of the subdivision may nevertheless, be recorded and approved by the County Engineer or County Surveyor, as appropriate, as to compliance with general and accepted land surveying procedures and requirements and the Secretary of the Planning Commission shall certify on the parcel map that a waiver of filing of a parcel map has been approved by the Planning Commission. The parcel map waiver certificate shall be in the following form:

Parcel Map Waiver Certificate

A request for parcel map waiver, signed and acknowledged by all parties having any record title interest in the real property being subdivided, A.P. Number _____, has been received by the Planning Commission and a tentative parcel map of such subdivision was approved or conditionally approved by the Planning Commission on the _____ day of _____, 19____. All findings required by the Subdivision Map Act and the Sierra County Code with regard to parcel map waiver have been made and the subdivider(s) has (have) complied with the waiver procedure of the Sierra County Code. All conditions of approval of the approved tentative parcel map have been fulfilled and the requirement for filing a parcel map is hereby waived.

(Dated) _____
(Signed) _____
Secretary, Sierra County
Planning Commission

23.12 - Vesting Maps

23.12.001 - Authority and Purpose

This Section is enacted pursuant to the authority granted by Part 4.5 (commencing with Section 66498.1) of the Subdivision Map Act (hereinafter referred to as the Vesting Tentative Map Statute) and may be cited as the Sierra County Vesting Tentative Map Ordinance. The purpose of this Section is to establish appropriate local procedures for the implementation of the Vesting Tentative Map Statute.

To accomplish this purpose, the regulations contained in this Section are determined to be necessary for the preservation of the public health, safety and general welfare, and for the promotion of orderly growth and development.

23.12.002 – Consistency

No land shall be subdivided and developed pursuant to a vesting tentative map for any purpose which is inconsistent with the General Plan.

23.12.003 - Definitions

- (a) For purposes of this Section, a "vesting tentative map" shall mean a tentative subdivision map or tentative parcel map, that shall have printed conspicuously on its face the words "Vesting Tentative Map" at the time it is filed in accordance with Section 23.12, and is thereafter processed in accordance with the provisions hereof. For purposes of this Section, "vesting tentative map" shall include a vesting tentative map prepared in connection with a tentative parcel map.
- (b) All other definitions set forth in this Part are applicable to this Section.

23.12.004 - Application

- (a) This ordinance shall apply to residential developments and non-residential developments. Whenever a provision of the Subdivision Map Act, as implemented and supplemented by this Section, requires the filing of a tentative parcel or subdivision map, a vesting tentative map may instead be filed in accordance with the provisions of this Part.
- (b) If a subdivider does not seek the rights conferred by the Vesting Tentative Map Statute, the filing of a vesting tentative map shall not be a prerequisite to any approval for any proposed subdivision, permit for construction, or work preparatory to construction.

23.12.005 - Filing and Processing

A vesting tentative subdivision or parcel map shall be filed in the same form and have the same contents, accompanying data and reports, and shall be processed in the same manner as set forth in this Part for a tentative subdivision or tentative parcel map except as hereinafter provided:

At the time a vesting tentative subdivision or parcel map is filed, it shall have printed conspicuously on its face the words "Vesting Tentative Map."

23.12.006 – Expiration

The approval or conditional approval of a vesting tentative subdivision map shall expire at the end of the same time period, and shall be subject to the same extensions, established by Subsections 23.06.018 and 23.06.019 for the expiration of the approval or conditional approval of a tentative subdivision map.

23.12.007 - Rights of a Vesting Tentative Map

- (a) The approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies, and standards described in 66474.2 of the Subdivision Map Act. However, if Section 66474.2 is repealed, the approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies, and standards in effect at the time the vesting tentative map is approved or conditionally approved.
- (b) Notwithstanding subdivision (a), a permit, approval, extension, or entitlement may be conditioned or denied if any of the following are determined:
 - 1. A failure to do so would place the residents of the subdivision or the immediate community, or both, in a condition dangerous to their health or safety, or both.
 - 2. The condition or denial is required in order to comply with state or federal law.

- (c) The rights referred to herein shall expire if a final or parcel map is not approved prior to the expiration of the vesting tentative map. If the final or parcel map is approved prior to expiration, these rights shall last for the following periods of time:
1. An initial time period of one (1) year beyond the recording of the final map or parcel map. Where maps are recorded on various phases of a project covered by a single vesting tentative map, this one (1) year initial time period shall begin for each phase when the final map for that phase is recorded. All of said final maps or parcel maps must be recorded within the time period set forth in Subsection 23.12.006 or the vesting tentative map approval shall expire for those parcels for which final maps or parcel maps are not timely recorded.
 2. The one (1) year initial time period set forth in (c)(1) above, shall be automatically extended by any time used for processing a complete application for a grading permit, if one is required, or for any required design or architectural review, if such processing exceeds thirty (30) days from the date a complete application is filed.
 3. A subdivider may apply to the Planning Commission for a one (1) year extension at any time before the initial time period set expires. If the extension is denied, the subdivider may appeal that denial to the Board of Supervisors within fifteen (15) days in accordance with Section 20.13.
 4. If the subdivider submits a complete application for a building permit during the periods of time specified in subdivision (c)(1)-(3), the rights referred to herein shall continue until the expiration of that permit, or any extension of that permit.

23.12.008 - Amendment to Approved Vesting Tentative Map

Amendments to the approved or conditionally approved vesting tentative map shall be made in accordance with Subsection 23.09.008, as the case may be.

23.12.009 - Applications Inconsistent with Current Policies

Notwithstanding any provision of this Section. to the contrary, a property owner or his or her designee may seek approvals or permits for development which depart from the ordinances, policies, and standards described in Subsection 23.12.007, and the County may grant these approvals or issue these permits to the extent that the departures are authorized under this Part, this Code, the General Plan, and other applicable law.

23.13 - [Reserved]

23.14 - Dedications, Reservations and Development Fees

23.14.001 - Dedication of Streets, Alleys and Other Public Rights-of-Way or Easements

As a condition of approval of a tentative parcel or subdivision map, the subdivider shall dedicate or make an irrevocable offer of dedication of all real property within the subdivision that are needed for streets and alleys, including access rights and abutters' rights, drainage, public greenways, bicycle paths, trails, open space easements, scenic easements, snow storage easements, public utility easements, and other public easements. The subdivider shall be required to offer for dedication easement and rights-of-way for the furnishing and serving of utilities. It shall be the responsibility of the subdivider to obtain approval of serving utility companies as to location of any utility easements which are to be shown on the final map or parcel map and to obtain concurrence of the serving utility company in writing as to supplying utility services to individual

parcels. In addition, the subdivider shall improve or agree to improve all streets and alleys, including access rights and abutters' rights, drainage, public greenways, bicycle paths, trails, open space easements, scenic easements, public utility easements, and other public easements.

All dedications in fee and grants of easements shall be free of liens and encumbrances except for those which the County, in its discretion, determines would not conflict with the intended ownership and use.

23.14.002 - Waiver of Direct Access Rights

The County may require as a condition of approval of a tentative parcel or subdivision map that dedications or offers of dedication of streets include a waiver of direct access rights to any such street from any property within or abutting the subdivision.

Upon acceptance of the dedication, such waiver shall become effective in accordance with its provisions.

23.14.003 - Parkland Dedication

- (a) **General.** This Section is enacted pursuant to the authority granted by the Subdivision Map Act and the general police power of the County, and is for the purpose of providing such additional park and 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 article are in accordance with the policies, principles and standards for park and recreational facilities contained in the General Plan. A General Plan text reference, policy or map may require such a dedication.
- (b) **Requirements.** As a condition of approval of a tentative parcel or subdivision 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 Section. 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 (3) acres of property for each one thousand (1,000) persons residing within 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 that 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:

$\frac{\text{Acres of Parkland}}{\text{Dwelling Unit}} = \frac{.003 \text{ Acres}^*}{1} \times \frac{\text{Average No. of Persons}}{\text{Persons Dwelling Unit}}$ <p style="text-align: center;">* (Based on three acres of parkland per 1,000 population)</p>

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

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

For the purposes 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 Planning Commission and the Director of Parks Department or the Director of Transportation, as appropriate, 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, play fields, community or district parks, and other specialized recreational facilities that may serve the family group and also senior citizen activities. Principal consideration shall be given therefore to lands that offer:

- ◆ A variety of recreational potential for all age groups;
- ◆ Recreational opportunities within walking distance from residents' homes;
- ◆ Possibility for expansion or connection with school grounds;
- ◆ Integration with hiking, riding and bicycle trails, natural stream reserves and other open space;
- ◆ Coordination with all other park systems; and
- ◆ 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 located in whole or in part within the proposed subdivision to serve the immediate and future needs of the residents of the subdivision, the subdivider shall, in the County's discretion, either dedicate land in the amount provided in Subsection (d) above or pay a fee in lieu of dedication in an amount determined in accordance with the provisions of Subsection (g) below.
 2. Fees in Lieu of Land - Fifty (50) Parcels or Less. If the proposed subdivision contains fifty (50) parcels or less 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 proposed subdivision as prescribed in Subsection (c) above and in an amount determined in accordance with the provisions of Subsection (g) below. Where the subdivision is a condominium project, stock cooperative or community apartment project which exceeds fifty (50) dwelling units, dedication of land may be required, notwithstanding that the number of parcels may be less than 50.
 3. Use of Money. The money collected shall be used, in accordance with the schedule developed pursuant to Subsection (k) below, for the purpose of developing new or rehabilitating 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 of 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, 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 Subsection (g) below shall be paid for any additional land that would have been required to be dedicated pursuant to Subsection (c) above.
 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 for the subdivision to complete the site, such portion shall be dedicated, and a fee, computed according to Subsection (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 Subsection (c). 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 Subsection (c).

The fair market value shall be as determined by the Department 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 Department 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. offsite and onsite 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; and
6. availability of previously acquired park property.

The determination by the County as to whether land shall be dedicated, 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, 11003.1, 11003.2, 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 parcel or subdivision map, the Planning Commission or Planning Director, as the case may be, shall determine, after a report and recommendation from the Director of Parks, whether land, in-lieu fees, or a combination of land and fees, shall be dedication and/or paid by the subdivider.
2. The Planning Commission or Planning Director, as the case may be, may approve, modify, or disapprove the recommendation of the Director of Parks; provided, however, any modification of the proposed recommended condition not previously considered by the Director of Parks shall first be referred back to the Director of Parks for a report and further recommendation. The Director of Parks shall report back to the Planning Commission or Planning Director 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 Planning Commission or Planning Director may adopt the condition.
3. The recommendation of the Director of Parks 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 or recreation facility shall commence.
4. At the time of the recording of the final map or parcel map, the subdivider shall dedicate the land an/or pay the fees as determined by the County. At the discretion of the County, fees may be paid prior to issuance of any building permit for any structure in the subdivision.
5. Open space covenants, conditions and restrictions for private park or recreational facilities shall be submitted to the County 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 County shall develop a schedule specifying how, when, and where it will use the land or fees, or both, to develop or rehabilitate park or recreational facilities to serve the residents of the subdivision.

(l) Not Applicable to Certain Subdivisions. The provisions of this Section shall not apply to the following:

1. Subdivisions containing four (4) or fewer 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 consists 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.

23.14.004 - School Site Dedication

- (a) General. As a condition of approval of a tentative subdivision map, the subdivider shall dedicate to the appropriate school district such lands as the County shall deem to be necessary for the purpose of constructing thereon elementary schools necessary to assure the residents of the subdivision adequate public school service pursuant to the provisions of Government Code 66478.
- (b) Procedure. The requirement of dedication shall be imposed at the time of approval of the tentative parcel or subdivision map. If within thirty (30) days after the requirement of dedication is imposed by the County the school district does not offer to enter into a binding commitment with the subdivider to accept the dedication, the requirement shall be automatically terminated. The required dedication may be made any time before, concurrently with, or up to sixty (60) days after the filing of the final map or parcel map on any portion of the subdivision.
- (c) Payments to Subdivider for School Site Dedication. The school district shall, if it accepts the dedication, repay to the subdivider or his or her successors the original cost to the subdivider of the dedicated land, plus a sum equal to the total of the following amounts:
 1. The cost of any improvements to the dedicated land since acquisition by the subdivider;
 2. The taxes assessed against the dedicated land from the date of the school district's offer to enter into the binding commitment to accept the dedication; and
 3. Any other costs incurred by the subdivider in maintenance of such dedicated land, including interest costs incurred on any loan covering such land.
- (d) Exemptions. The provisions of this Section shall not be applicable to a subdivider who has owned the land being subdivided for more than ten (10) years prior to the filing of the tentative map.

23.14.005 - School Facilities

- (a) In addition to Subsection 22.14.004 and subject to the limitations imposed by Education Code 17629 and Government Code 65995, the County may, as a condition of approval of any tentative map or tentative subdivision parcel map, require the dedication of land, the payment of fees in lieu thereof, or a combination of both for classroom and related facilities for elementary or high schools by expanding existing public schools or construction of new school facilities.
- (b) The Planning Commission shall consult with the governing body of the School District which operates an elementary or high school and the governing body of the School District shall notify the Planning Commission if the governing body makes findings supported by clear and convincing evidence that:

1. Conditions of overcrowding exists in one or more attendance areas within the district which will impair the normal functioning of educational programs. The reason for such conditions existing shall be stated; and
 2. All reasonable methods of mitigating conditions of overcrowding have been evaluated and no feasible method for reducing such conditions exist.
- (c) The notice of findings sent to the County shall specify the mitigation measures considered by the governing body of the School District. Mitigation measures to be considered by the governing body of the School District shall include, but not be limited to, the following:
1. School bond elections.
 2. Double sessions.
 3. Adjustment of interior and exterior school attendance boundaries.
 4. Bussing of students to other schools within the district. With respect to each such mitigation measure considered, the findings of the governing body of the school district shall state in detail how such mitigation measure was evaluated, why it is not feasible to utilize such mitigation measure, and why such mitigation measure, if used, would not serve to remove overcrowding as an impairment to normal functioning of educational programs.
- (d) The Planning Commission must make the following findings when requiring the dedication of land, the payment of fees in lieu thereof, or a combination of both, for classroom and related facilities for elementary or high schools:
1. The general plan of the County provides for the location of public schools.
 2. Locations and amounts of land to be dedicated or the amount of fees to be paid, or both, shall bear a reasonable relationship and will be limited to the needs of the surrounding community for interim elementary or high school facilities.
 3. The requirement for land or fees, or both is reasonably related and limited to the need for schools caused by the subdivision or residential development.
 4. The land or fees, or both, transferred to a School District shall be used only for the purpose of providing interim elementary or high school classrooms and related facilities.
 5. The facilities to be constructed from such fees or upon the land to be dedicated, or both, is consistent with the County General Plan.
- (e) The requirement for payment of fees in lieu of dedication of land for classroom and related facilities for elementary or high schools may only be required in subdivisions containing fifty (50) parcels or less.
- Payment of fees shall be made to the School District at the time any building permit is to be issued necessary to develop the property.
- (f) Following the decision of the Planning Commission to require the dedication of land or the payment of fees, or both, the governing body of the School District shall submit to the Planning Commission and Board of Supervisors:

A schedule specifying how it will use the land or fees, or both, to solve the identified conditions of overcrowding. This schedule shall include the school sites to be used, classroom facilities to be made available, and the times when the facilities will be available.

The governing body of the School District, when receiving funds, shall maintain a separate account for any fees paid and shall file a report by August 1 of each year with the Planning Commission and Board of Supervisors on the balance in the account at the end of the previous fiscal year and the facilities leased, purchased, or constructed during the previous fiscal year. The report of the School District shall specify which attendance areas will continue to be overcrowded when the fall term begins and where conditions of overcrowding will no longer exist.

- (g) If overcrowding conditions no longer exist, the County shall cease levying any fee or requiring the dedication of any land pursuant to this Subsection. Any remaining funds held by the School District, as a result of fees imposed by this Subsection, shall be deposited in the building fund of the School District.

23.14.006 - Local Transit Facilities

As a condition of approval of a tentative subdivision map, the subdivider shall dedicate, or make an irrevocable offer of dedication, of land within the subdivision for local transit facilities such as shelters, benches, bus turnouts, landing pads, park-and-ride facilities and similar items which directly benefit the residents of the subdivision, if (a) the subdivision as shown on the tentative map has the potential for two hundred (200) dwelling units or more if developed to the maximum density shown on the General Plan or contains one hundred (100) acres or more, and (b) if the County finds that transit services are or will, within a reasonable time period, be made available to the subdivision.

The provisions of this Section do not apply to 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.

23.14.007 - Reserved

23.14.008 - Bridges and Major Thoroughfares

- (a) Purpose. The purpose of this Subsection is to make provision for assessing and collecting fees as a condition of approval of a final map or as a condition of issuing a building permit for the purpose of defraying the actual or estimated cost of constructing bridges or major thoroughfares pursuant to Section 66484 of the Subdivision Map Act, and in order to implement the Circulation Element of the General Plan and, in the case of bridges, the transportation provisions thereof.
- (b) Definitions. For the purposes of this Subsection, the following words and phrases shall have the following meanings:
1. "Construction" shall mean design, acquisition of right-of-way, administration of construction contracts, actual construction and inspections.
 2. "Major thoroughfare" shall mean a roadway as shown on the Circulation-Transportation Element of the General Plan whose primary purpose is to carry through traffic and provide a network connecting to the state highway system.

- (c) Payment of Fees Generally.
1. Prior to filing a final map which includes land within an area of benefit established pursuant to this Part, the subdivider shall pay or cause to be paid any fees established and apportioned to such property pursuant to this Subsection for the purpose of defraying the actual or estimated cost of constructing bridges over waterways, railways, freeways or canyons or constructing major thoroughfares.
 2. Prior to the issuance of a building permit for construction on any property within an area of benefit established pursuant to this Subsection, the applicant for such permit shall pay or cause to be paid any fees established and apportioned pursuant to this Subsection for the purpose of defraying the actual or estimated cost of constructing bridges over waterways, freeways or canyons or constructing major thoroughfares, unless such fees have been paid pursuant to paragraph 1 above.
 3. Notwithstanding the provisions of paragraphs 1 and 2 above.
 - A. Payment of bridge fees shall not be required unless the planned bridge facility is an original bridge serving the area or an addition to any existing bridge facility serving the area at the time of adoption of the boundaries of the area of benefit.
 - B. Payment of major thoroughfare fees shall not be required unless the major thoroughfares are in addition to, or a reconstruction of, any existing major thoroughfares serving the area at the time of the adoption of the area of benefit.
- (d) Consideration in Lieu of Fees. Upon application by the subdivider or applicant for a building permit, the Planning Commission or Planning Director, as the case may be, may accept consideration in lieu of the payment of fees required pursuant to this Subsection; provided that the Planning Commission or Planning Director, as the case may be, first finds, upon recommendation of the Public Works Director, that the substitute consideration has a value equal to or greater than the fee; and provided further that the substitute consideration is in a form acceptable to the County.
- (e) Public Hearing. Prior to establishing an area of benefit, a public hearing shall be held by the Board of Supervisors at which time 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, and the fee to be collected, shall be established. Notice of the public hearing shall be given pursuant to Section 20.11 and shall include preliminary information related to the boundaries of the area of benefit, estimated cost and the method of fee apportionment.
- (f) Amount. The amount of the fees and the areas of benefit established pursuant to this Subsection may be established by ordinance or resolution.
- (g) Exemptions. Notwithstanding the provisions of paragraph (c) above, payment of such fees shall not be required for:
1. The use, alteration or enlargement of an existing building or structure or the erection of one (1) or more buildings or structures accessory thereto, or both, on the same lot or parcel of land; provided that the total value, as determined by the building official, of all such alteration, enlargement or construction completed within any one (1) year period does not exceed one-half (1/2) of the current

market value, as determined by the building official, of all existing buildings on such lot or parcel of land, and the alteration or enlargement of the building is not such as to change its classification of occupancy as defined by Section 501 of the Uniform Building Code.

2. The following accessory buildings and structures: private garages, children's playhouses, radio and television receiving antennas, windmills, silos, tank houses, shops, barns, coops and other buildings which are accessory to one (1) family or two (2) family dwellings.

(h) Protest

1. At any time not later than the hour set for hearing objections to the proposed bridge facility or major thoroughfare, any owner of property to be benefited by the improvement may file a protest against the proposed bridge facility or major thoroughfare or against the extent of the area to be benefited by the improvements or against both of them. Such protests must be in writing and must contain a description of the property in which each signer thereof is interested, sufficient to identify such property, and, if the signers are not shown on the last equalized assessment roll as the owners of such property, must contain or be accompanied by written evidence that such signers are the owners of such property. All such protests shall be delivered to the County Clerk, and no other protest or objections shall be considered. Any protest may be withdrawn, in writing, by the owners making such protests, at any time prior to the conclusion of the public hearing.
2. If there is a written protest filed with the County Clerk by the owners of more than one-half (1/2) of the area of the property to be benefited by the improvement protest 10/12/99, and sufficient protests are not withdrawn so as to reduce the area represented to less than one-half (1/2) of that to be benefited, then the proposed proceedings shall be abandoned and the Board of Supervisors shall not, for one (1) year from the filing of that written protest, commence or carry on any proceedings for the same improvement, or that portion thereof so protested against, under the provisions of this Section.

23.14.009 -Drainage Fees

Cost of drainage and sewer facilities; conditions.

The purpose of this Subsection is to make provisions for accessing and collecting fees as a condition of approval of a final map or as a condition of issuing a building permit for the purpose of defraying the actual or estimated cost of constructing drainage and sewer facilities as authorized by Section 66483 of the Subdivision Map Act.

- (a) The Board may adopt a drainage of sewer plan for any area within the County. The Plan shall contain an estimate of the total costs of constructing the local drainage or sanitary sewer facilities required by the plan, and a map of such area showing its boundaries and the location of such facilities.
- (b) The costs, whether actual or estimated, are based upon findings by the Board, that subdivision and development of property within the planned local drainage area or local sanitary sewer area will require construction of the facilities described in the drainage or sewer plan, and that the fees are fairly apportioned within such areas either on the basis of benefits conferred on property proposed for subdivision or on the need for such facilities created by the proposed subdivision and development of other property within such areas.

- (c) The fee as to any property proposed for subdivision within such a local area does not exceed the pro rata share of the amount of the total actual or estimated costs of all facilities within such area which would be assessable on such property if such costs were apportioned uniformly on a per-acre basis.
- (d) The drainage or sanitary sewer facilities planned are in addition to existing facilities serving the area at the time of the adoption of such a plan for the area.

Such fees shall be paid to the local public agencies which provide drainage or sanitary sewer facilities, and shall be deposited by such agencies into a "planned local drainage facilities fund" and a "planned local sanitary sewer fund," respectively. Separate funds shall be established for each local drainage and sanitary sewer area. Moneys in such funds shall be expended solely for the construction or reimbursement for construction of local drainage or sanitary sewer facilities within the area from which the fees comprising the fund were collected, or to reimburse the local agency for the cost of engineering and administrative services to form the district and design and construct the facilities.

- (e) Determination of Amount of Surplus, Disposition. After completion of the facilities and the payment of all claims from any "planned local drainage facilities fund" or any "planned local sanitary sewer fund," the Board shall determine by resolution the amount of the surplus, if any, remaining in any of those funds. Any surplus shall be used, in those amounts as the legislative body may determine, for one or more of the following purposes:

1. For transfer to the general fund of the county or city, provided that the amount of the transfer shall not exceed five (5) percent of the total amount expended from the particular fund, and provided that the funds transferred are used to support the operation and maintenance of those facilities for which the fees were collected;
2. For the construction of additional or modified facilities within the particular drainage or sanitary sewer area; or
3. As a refund in the manner provided in 66483.2.

- (f) Refund of Surplus. Any surplus remaining shall be refunded as follows:

1. There shall be refunded to the current owners of property for which a fee was previously collected, the balance of such moneys in the same proportion which each individual fee collected bears to the total of all individual fees collected from the particular drainage or sewer area;
2. Where property for which a fee was previously collected has subsequently been subdivided into more than one lot, each current owner of a lot shall share in the refund payable to the owners of the property for which a fee was previously collected in the same proportion which the area of each individual lot bears to the total area of the property for which a fee was previously collected; and
3. There shall be transferred to the general fund of the county or city any remaining portion of the surplus which has not been paid to or claimed by the persons entitled thereto within two years from the date either of the completion of the improvements, or the adoption by the legislative body of a resolution declaring a surplus, whichever is later to occur.

23.14.010 - Solar Access Easements

As a condition of approval of a tentative map, there may be imposed, in accordance with the provisions of 66475.3 of the Subdivision Map Act, a requirement that the subdivider dedicate easements for the purpose of assuring that each parcel or unit in the subdivision shall have the right to receive sunlight across adjacent parcels or units in the subdivision for any solar energy system, as defined in 801.5 of the Civil Code. In establishing such easements, consideration shall be given to feasibility, contour, configuration of the parcel to be divided, and cost. Required easements shall not result in reducing allowable densities or the percentage of a lot which may be occupied by a building or a structure under applicable planning and zoning in force at the time such tentative map is filed.

23.14.011 - Reimbursements to a Telephone Corporation or Cable Television System for Undergrounding or Relocation

Whenever the County imposes as a condition to its approval of a tentative parcel or subdivision a requirement that necessitates replacing, undergrounding, or permanently or temporarily relocating existing facilities of a telephone corporation or cable television system, the subdivider shall reimburse the telephone corporation or cable television system for all costs for the replacement, undergrounding, or relocation. All these costs shall be billed to the subdivider directly by the telephone corporation or cable television system after they are incurred, and shall include a credit for any required advance payments and for the salvage value of any facilities replaced. In no event shall the telephone corporation or cable television system be reimbursed for costs incurred in excess of the cost to replace the facilities with substantially similar facilities. In no event shall the County be obligated for such reimbursement.

23.14.012 - Access to Public Resources

The Planning Commission shall not approve a tentative parcel map or subdivision map of any proposed subdivision to be fronted on any perennial stream, river, lake or other body of water, which does not provide reasonable public access by fee or easement from a public highway to that portion of the bank of water lying within or bordering the proposed subdivision.

Reasonable public access shall be determined by the Planning Commission. In making the determination of what shall be reasonable access, the Planning Commission shall consider the following:

- (a) Access may be by highway, foot trail, bike trail, horse trail or any other means of travel.
- (b) Size of the subdivision.
- (c) Type of stream, river or lake bank and the various appropriate recreational, educational, and scientific uses, including but not limited to swimming, diving, boating, fishing, water skiing, scientific collection and study, aesthetics, and wildlife.
- (d) The likelihood of trespass on private property and reasonable means of avoiding such trespasses.
- (e) The extent, width and character of the public easement shall be reasonably defined to achieve reasonable public use. Any public access route or routes and any easement along the bank of any water body provided by the subdivider shall be expressly designated on the map, and such map designation shall expressly designate the governmental entity to which such route or routes are dedicated and its acceptance of such dedication.

23.14.013 - Groundwater Recharge Fees; Requirements

- (a) The purpose of this Section is to make provisions for accessing and collecting fees as a condition of approval of a final map or as a condition of issuing a building permit for the purpose of defraying the actual or estimated cost of groundwater recharge facilities as authorized by Government Code 66484.5.
- (b) The Board may adopt a groundwater recharge facility plan for any area within the County. Prior to adopting the plan, the Board shall give notice to, and consult with, the water agency then obligated to furnish water to the area to be benefited and the water agency has formally and in writing approved the plan.
- (c) Prior to adopting the plan, the Board shall hold a public hearing for the proposed area of benefit.

Notice of the hearing on a proposed area of benefit shall be given pursuant to Section 20.11 and shall include preliminary information concerning the groundwater recharge facility plan, including the proposed boundaries of the area of benefit, the availability of surface water, the planned facilities for the area of benefit, estimated costs, and the proposed method of fee apportionment.

Written notice of the public hearing shall be given by personal service or mail to the water agency responsible for furnishing water to the area of benefit involved in the hearing prior to or at the time notice is given by mail or by publication and posting. The proposal contained in the mailed, published or posted notice shall be jointly prepared and agreed upon by the local agency and the water agency before that notice is given. The water agency may participate in the hearings.

- (d) The plan shall include the boundaries of the area of benefit, the availability of surface water, the planned facilities for the area of benefit and the estimated cost thereof, a fair method of allocating the cost within the area of benefit, and the apportionment of fees within the area. The plan, as adopted by the County and approved by the water agency, shall be incorporated in a resolution of the Board and a certified copy of the plan shall be recorded with the County Recorder. The apportioned fees shall be applicable to all property within the area of benefit and shall be payable as a condition of approval of a final map or a parcel map or as a condition of issuing a building permit for the property or portions of the property. Where the area of benefit includes lands not otherwise subject to the payment of fees pursuant to this Subsection, the Board shall make provision for payment of the share of improvement costs apportioned to that land by other means.
- (e) Written protests may be filed with the clerk no later than ten (10) days before the public hearing. If 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 the property to be benefited, then the proposed proceedings shall be abandoned, and the legislative body shall not, for one year from the filing of that written protest, commence or carry on any proceedings for the same improvement or acquisition under the provisions of this Section.
- (f) Any protests may be withdrawn in writing by the owner who made the protest, at any time prior to the conclusion of a public hearing held pursuant to the ordinance.
- (g) If any majority protest is directed against only a portion of the improvement, then all further proceedings under this Subsection as to that portion of the improvement so protested against shall be barred for a period of one year. The Board, however, may

commence new proceedings which do not include the area, acquisitions, or improvements which were the subject of the successful protest.

- (h) Subsequent to the adoption of a plan, the County may itself construct, operate, and maintain the groundwater recharge facilities, or it may designate the water agency furnishing the water or designate or create another agency to do all or any one of these things as authorized by law.
- (i) Fees paid pursuant to this Subsection shall be deposited in a planned recharge facility fund. A fund shall be established for each area of benefit. Money in the fund shall be expended solely for the construction or reimbursement for construction of the improvement serving the area to be benefited.
- (j) The Board may accept land improvements, fees, or both, in satisfaction of any fee charged pursuant to this Subsection.
- (k) Recharge facilities shall not be constructed unless the water agency approves the design of the facilities to be constructed and has reached an agreement with the County establishing the terms and conditions under which the water will be furnished. If the water agency finds that the facilities have been constructed in accordance with the approved design, the agency shall furnish water for the groundwater recharge facilities.
- (l) The term "construction," as used in this Subsection includes: design, acquisition of land or easements, administration of construction contracts, and actual construction.

23.15 - Reservations

23.15.001 – General

As a condition of approval of a tentative subdivision map, the subdivider shall reserve sites, appropriate in area and location, for parks, recreational facilities, fire stations, libraries or other public uses according to the standards and formula contained in this Section.

23.15.002 - Standards for Reservation of Land

Where a park, recreational facility, fire station, library, or other public use is shown on an adopted specific plan or adopted general plan containing a community facilities element, recreation and parks element and/or a public building element, the subdivider may be required by the County to reserve sites as so determined by the County in accordance with the definite principles and standards contained in the above specific plan or general plan. The reserved area must be of such size and shape as to permit the balance of the property within which the reservation is located to develop in an orderly and efficient manner. The amount of land to be reserved shall not make development of the remaining land held by the subdivider economically unfeasible. The reserved area shall conform to the adopted specific plan or general plan and shall be in such multiples of streets and parcels as to permit an efficient division of the reserved area in the event that it is not acquired within the prescribed period.

23.15.003 – Procedure

The public agency for whose benefit an area has been reserved shall, at the time of approval of the final map or parcel map, enter into a binding agreement to acquire such reserved area within two years after the completion and acceptance of all improvements, unless the period of time is extended by mutual agreement.

23.15.004 - Payment to Subdivider

The purchase price shall be the market value thereof at the time of the filing of the tentative parcel or subdivision map plus the taxes against the reserved area from the date of the reservation and any other costs incurred by the subdivider in the maintenance of the reserved area, including interest costs incurred on any loan covering the reserved area.

23.15.005 – Termination

If the public agency for whose benefit an area has been reserved does not enter into a binding agreement, the reservation of the area shall automatically terminate.

23.16 - Lot Standards and Improvements

The subdivider shall construct all required improvements, both onsite and offsite, in accordance with the standard engineering specifications and other approved standards as provided by this Section and by the Board of Supervisors' resolution or resolutions establishing such standards.

No final subdivision map shall be presented to the Board of Supervisors for approval until the subdivider either completes the required improvements, or enters into an agreement with the County to complete the improvements and provides security therefore. The agreement shall be approved by the Department of Public Works and County Counsel prior to presentation to the Board of Supervisors.

23.16.001 – Lot Size

Lot size shall be approved for sanitary consideration by the County Health Officer and in no case shall be less than that prescribed by County zoning law and shall conform to the following:

- (a) The depth of any lot shall not exceed three times the width on lots of 300 feet or less in width and shall not exceed four times the width on lots exceeding 300 feet in width; except that where the frontage of the lot exceeds a width of 600 feet, an exception may be granted by the Planning Commission providing that findings required in Section 16.20.020 are made and the exception conforms to reasonable lot configuration.
- (b) Lot side lines shall be at approximately right angles to street lines.
- (c) Lots shall not have double frontages.
- (d) Lots shall not be divided by city, county, school district, or other taxing agency line.
- (e) Lot lines shall not extend into rivers, streams and creeks that are used as public highways for recreational purposes.

Building Sites. The creation of building sites through mass pad grading and successive padding or terracing is prohibited.

Building sites within meadows, flood plains, watercourses, or the high water level of any body of water as identified by the Planning Commission are prohibited and the subdivider shall provide through subdivision design and deed restriction, conditions, covenants and restrictions, easements or other method acceptable to the County that no building or structure shall be constructed in such areas.

Every tentative parcel map and tentative map approved pursuant to this Part shall be conditioned on compliance with the requirements for grading and erosion control, the prevention of sedimentation, and prevention of damage to off-site property, set forth in applicable environmental law, and any specifications set by Board of Supervisors Ordinance or Resolution, and applicable General and Specific Plans.

23.16.002 -Required Improvements

- (a) General. All improvements as may be required as conditions of approval of the tentative parcel or subdivision map, or by County ordinance or resolution, together with, but not limited to, the mandatory improvements set forth below, shall be required of all subdivisions.
- (b) Remainder. Except as required pursuant to an agreement between the County and subdivider, improvements will not be required for a designated remainder until a permit or grant of approval is issued, or earlier upon a finding that 1) the construction is necessary for the public health and safety, or 2) the construction is a necessary prerequisite to the orderly development of the surrounding area.
- (c) Frontage Improvements. The frontage of each lot shall be improved to its ultimate adopted geometric section, including street structural section, curbs, sidewalks, driveway approaches, and transitions as specified by the Commission after consultation with any applicable resolutions of the Board of Supervisors.
- (d) Flooding and Drainage
 - 1. The subdivider shall design the subdivision so that it shall be protected from inundation, flood hazard, sheet overflow, and ponding of local storm water, springs, and other surface waters. Improvements shall be designed so that water occurring within the subdivision will be carried off such subdivision without injury to any improvements, building sites, buildings, structures, or adjoining areas and will not cause erosion or siltation that would be detrimental to the environment of the area. Waters occurring within the subdivision shall be carried to a storm drainage facility or to a natural watercourse by such improvements as may be required by the Planning Commission to meet the design standards set forth in this Part and by Board of Supervisors= resolution. Drainage design within the subdivision shall accommodate reasonable anticipated future development within the drainage area. Any off-tract outlet drainage facility required to carry storm water from the proposed subdivision to a defined channel or conduit shall be made adequate for the ultimate state of development in the drainage area.
 - 2. In any case when a watercourse traverses or serves a subdivision, adequate onsite and offsite easements for storm drainage purposes shall be provided.
 - 3. A storm drainage maintenance district or acceptable alternative which includes the entire subdivision shall be established for the maintenance of storm drainage facilities within the subdivision and any offsite drainage easements. If a storm drainage maintenance district has previously been established within a particular drainage area, where said subdivision is being proposed, the proposed subdivision shall be annexed to the existing district.
 - 4. If the County has adopted a drainage plan for all or part of the proposed subdivision, the subdivision shall be required to pay a fee consisting of a pro-rata share of the cost of contracting or estimated cost of constructing drainage facilities within the drainage area.
- (e) Sewage Disposal. Every tentative subdivision map and tentative parcel map approved pursuant to this Part shall be conditioned upon compliance with the requirements of the California Regional Water Quality Control Board - Central Valley Region, and the Sierra County Code.

1. The Planning Commission may require that the subdivider connect to a sewer and drain system having plant capacity to handle his subdivision; that the subdivider construct an adequate sewage treatment plant and lines if there is no district having adequate capacity serving the proposed subdivision; or that the subdivider construct such other means of sewage disposal as shall be approved by the County Health Department.
2. Lots not served by sewers shall require the filing by the subdivider of a report indicating the feasibility of the proposed method of sewage disposal and the approval of the County Health Department for private sewage disposal.
3. In a subdivision served by a sewer system under County jurisdiction, all sewer lines, sewage treatment facilities, and appurtenances shall be constructed in accordance with the requirements of the County Engineer and the County Health Department.
4. Approval of improvement plans by the serving utility district for sewer improvements shall be required. The sewage capacity shall be calculated and submitted to the County identifying that the district has reserved sewage disposal capacity to serve this development and that this capacity will not be used for any other purpose.

(f) Water Supply.

1. The Planning Commission may require that the subdivider connect to a water treatment and distribution system having adequate plant capacity to handle the subdivision; that the subdivider construct an adequate water treatment and distribution system if there is no district or water company having adequate capacity serving the proposed subdivision; or that the subdivider construct such other means of water treatment and distribution as shall provide adequate water to meet domestic and fire use. Fire use shall be no less than 500 gallons per minute for duration of four (4) hours. Water mains supplying water to fire hydrants shall conform to the specifications set by Board of Supervisors resolution.
2. In those areas within a subdivision served by a water furnishing district or water company under County jurisdiction, all lines and facilities shall be constructed in accordance with the requirements established by State law and this ordinance.
3. If the water system is not retained in private ownership, a district, county service area, or other public entity shall be formed to provide for maintenance and operation of the water system.
4. Mutual water companies and home owners associations shall be permitted to be the water suppliers only with the approval of the County. Individual water treatment systems on the lots for water serving the lots in a subdivision shall not be permitted.
5. Domestic water shall meet all the local and State standards for quality and quantity. Any treatment plant, storage facilities and appurtenances used to render water safe for domestic use must be approved by the County Health Department.
6. Approval of improvement plans by the utility district for water service supply and maintenance is required. The water capacity shall be calculated and submitted to the County, stating that the district has the capacity to serve and

meet the flows and volumes required for domestic use and fire protection for this development, over and above previously approved and existing users.

7. The following criteria shall apply to lots or parcels located or proposed to be located within 1,000 feet of a body of water or within 800 feet of a watercourse used, or likely to be used, for domestic water within five (5) miles upstream or downstream from said lots or parcels:
 - A. Lots or parcels shall have a minimum lot area of five (5) acres if both individual water and individual sewage disposal have to be installed on the lot.
 - B. In the event that other than individual sewerage disposal or treatment is proposed, the minimum lot areas shall be governed by water supply and applicable zoning.
 - C. In any event, effluent from a sewer collection system in a watershed area must be treated as required by the County Health Department and Regional Water Quality Control Board, State of California.
8. Water supply provided by wells shall be subject to approval by the County Engineer and the County Health Department. Prior to any approval the adequacy of such supply shall be demonstrated by the subdivider in any of the following ways:
 - A. Providing a test well or wells on 5% to 10% of the proposed parcels which are proposed to use individual wells (not less than one (1) test well) as required by the County Sanitarian, accompanied by a water supply evaluation report from a hydrogeologist registered in the State of California.
 - B. In subdivisions where domestic water is proposed by individual wells and under the written advisement of an experienced hydrologist, supported by approval of the County Sanitarian and County Engineer, a report can be substituted for the required test well. This report shall minimally contain the location of and log data from active wells on adjoining property and an analysis of subsurface geology indicating the reliability of transferring data from the control wells to the proposed parcels.
 - C. In subdivision where community wells are proposed, all proposed wells shall be pump tested. The pump tests shall be provided by the subdivider and shall be performed under the direction of the County Engineer. The tests shall be performed by a groundwater geologist or hydrologist licensed in the State of California and a water supply and evaluation report containing the results of the pump tests shall be submitted to the County Engineer.
9. All groundwater sources shall be capable of delivering a sustained flow of five (5) gallons per minute for each parcel served and shall meet the approval of the County Health Department. A test, provided by the subdivider and under the direction of a hydrogeologist or hydrologist, licensed in the State of California shall be conducted for at least twenty-four (24) to seventy-two (72) hours for an individual well and twenty-four (24) hours to fifteen (15) days for a community well after the source is developed to determine the yield and maximum drawdown. The results of these tests shall be reviewed by and meet the

approval of the County Engineer.

10. Treated or untreated distribution systems may be considered by the Planning Commission and may be determined to be adequate as sources of domestic water supply when the subdivider submits a letter from the serving entity which agrees to supply water to the proposed parcels and states the following:
 - A. The source and location of the distribution facility (name of canal, ditch, pipeline, etc., and its distance from the proposed parcels) and whether the water to be delivered is treated or untreated.
 - B. Water will be available on a year-round basis to all proposed parcels.
 - C. Minimum quantity of water available to each proposed parcel.
 - D. Any restrictions, reservations, conditions or controls set by the serving entities upon the delivery, sale, or use of the supplied water.
 - E. Approval has been secured from the County Health Officer and State of California, Regional Water Quality Control Board.
 11. A pump test and/or water supply evaluation report shall include, but not be limited to, the following:
 - A. The total groundwater supply available for the project.
 - B. The long term yield of proposed project wells.
 - C. The impact of groundwater withdrawal on stream flow, springs, vegetation, water levels, and any water sources in the area.
 - D. The relation between groundwater development at the project and adjacent present and future water supply development.
 - E. The impacts of waste disposal facilities on groundwater quality.
- (g) Each unit or lot within the subdivision shall be served by electric, telephone and cablevision facilities where reasonably available.
- (h) Underground Utilities. At the time a tentative parcel map or tentative map is approved, the Planning Commission may impose, as a condition of such approval, the requirements to install underground utilities as hereinafter provided:
 1. The installation of underground utilities shall comply with not less than the minimum requirements for the placement of electrical and communications facilities in compliance with State Public Utilities Commission regulations. Equipment appurtenant to underground facilities, such as surface mounted transformers, pedestal terminal boxes, and meter cabinets and concealed ducts may be installed above the ground provided that such facilities shall be located and designed so as to harmonize with the area and shall be appropriately screened and landscaped.
 2. The responsibility of the coordination and obtaining approval from each utility concerned for the placement of underground utilities shall rest solely with the subdivider.

3. The number of working days and the sequence of installation for each utility shall be listed separately on the submitted improvement plans. The location of each utility facility and the common trench detail shall be shown by plan and cross section on the improvement plan and shall be approved by the County Engineer.
 4. The subdivider shall be responsible for complying with the requirements of this section and shall make the necessary arrangements with the utility companies involved for the installation of said facilities. An agreement shall be entered into between the subdivider and the utility companies listing who performs and finances each segment of work relating to electrical and telephone installations. A letter from the serving utility company will be required before the improvement plans are signed by the County Engineer and the County Planning Director. The letter shall state that said company has approved the design, utility location and scheduling and has entered into the above agreement.
 5. Any high voltage or major communication facility should be identified in accordance with public utility company requirements by a buried cable marker or acceptable alternate on each side of the roadway.
- (i) Fire Protection. The County Planning Commission, after consultation with the appropriate fire protection district, shall require fire protection improvements for all subdivisions.
 - (j) Other Improvements. Other improvements including, but not limited to, grading, street lights, fire hydrants, signs, street lines and markings, street trees and shrubs, landscaping, monuments, bicycle facilities, fences, noise barriers, fire fighting improvements or fees in lieu of any of the foregoing, shall also be required as determined by the Planning Commission in accordance with this Part, the General Plan, County standards and specifications.
 - (k) Offsite Improvements. If the subdivider is required to construct offsite improvements on land in which neither the subdivider nor the County has sufficient title or interest to allow construction, the County shall, within one hundred twenty (120) days of recording the final map, acquire by negotiation or commence condemnation of the land. If the County fails to meet the one hundred twenty (120) day time limit, the condition for the construction shall be waived. Prior to approval of the final map, the county may require the subdivider to enter into an agreement to complete the offsite improvements at the time the County acquires title or an interest in the land.

The subdivider shall pay the cost of acquiring offsite land or an interest in the land required to construct the offsite improvements.

23.16.003 – Improvement Agreements for Deferred Frontage Improvements

- (a) Subdivisions of Four (4) or Fewer Parcels. The frontage improvements along peripheral streets may be deferred when deemed necessary by the Department of Public Works. When improvements are deferred, the subdivider and/or owner of the real property shall enter into improvement and security agreements with the County, in a form acceptable to the Department of Public Works and County Counsel, for the installation of all frontage improvements at a time in the future as specified by the County. The County Clerk shall execute the agreement on behalf of the County. The agreement shall provide for the following:
 1. Construction of improvements shall not commence until the improvement plans have been approved by the Department of Public Works and shall be completed

within the time so specified.

2. That in the event of a default by the subdivider and/or owner, the County is authorized to cause construction to be done and charge the entire cost and expense to the subdivider and/or owner, including interest from the date of notice of said cost and expense until paid, from the improvement security.
3. That the agreement shall be recorded with the County Recorder at the expense of the subdivider and/or owner and shall constitute notice to all successors and assigns of title to the real property of the obligations set forth therein, and shall also constitute a lien in such amount necessary to fully reimburse the County, including interest as provided above, subject to foreclosure in the event of a default in payment.
4. That in event of litigation occasioned by any default of the subdivider and/or owner, the subdivider and/or owner agree to pay all costs involved, including reasonable attorney's fees, and that the same shall become a part of the lien against the real property.
5. That the terms "subdivider" and "owner" shall include, respectively, not only the subdivider and the present owner of the real property, but also heirs, successors, executors, administrators and assigns thereof, it being the intent of the parties that the obligations undertaken shall run with the real property and constitute a lien against it.
6. Any other improvement security as required by Subsection 23.17.001.
7. Any other provisions required by the County as reasonably necessary to effectuate the purposes and provisions of the Subdivision Map Act and this Part.

The agreement shall not relieve the subdivider or owner from any other specific requirement of the Subdivision Map Act, this Code or law. The construction of deferred improvements shall conform to the provisions of this Part and all applicable County regulations in effect at the time of construction.

- (b) Remainders. Where a remainder is made part of a final or parcel map, the subdivider may enter into an agreement with the County to construct improvements within the remainder at some future date and prior to the issuance of a permit or other grant of approval for the development of a remainder. The improvements shall be at the subdivider's expense. In the absence of such an agreement, the County may require fulfillment of the construction requirements within a reasonable time following approval of the final or parcel map and prior to the issuance of a permit or other grant of approval for the development of the remainder, upon a finding that fulfillment of the construction requirements is necessary for reasons of:

1. The public health and safety; or
2. The required construction is a necessary prerequisite to the orderly development of the surrounding area.

23.16.004 - Design. [Reserved]

23.16.005 – Access

All lots or parcels created shall normally have legal and approved access to a public street improved to the standards set forth in this Part. However, if the Planning Commission determines

that the most logical development of the land requires that lots be created with access to private streets, such a development may be approved. The subdivider shall submit a development plan showing the alignment width, grade, and material specifications of any proposed private street, the topography and means of access to each lot, and the drainage, sewer and water service and fire protection for the lots served by such private street. The private street shall be constructed in accordance with standard engineering specifications and any other applicable plans and specifications of the County as approved by the Department of Public Works. Construction of the private street shall be completed prior to the completion of the construction and/or occupancy of the lots. The subdivider shall be required to provide a feasible method for the maintenance of such private streets, which method shall be subject to the prior approval of the Department of Public Works and County Counsel.

If "flag" lots are approved as part of the subdivision, the requirements, including the improvements to the stem of the "flag" lots, shall be as described for private streets in the preceding paragraph.

Reserve strips, or non-access at the end of streets or at the boundaries of subdivisions, shall be dedicated unconditionally to the County when required by the County.

23.16.006 - Improvement Plans

- (a) **General.** Improvement plans shall be prepared under the direction of and signed by a registered civil engineer licensed by the State of California.
- (b) **Form.** Form shall be as specified in current County Improvement Standards.

A suitable title block shall be placed in the lower right corner or along the right edge and provide adequate space for approval by the Department of Public Works and appropriate agencies and for approval of plan revisions.

Plans and profiles shall be drawn to the scale of 1" = 40' horizontal, 1" = 4' vertical profile, or larger unless approved otherwise by the Department of Public Works and appropriate agencies. Details shall be drawn to such scale that clearly shows the facility being constructed. The scales for various portions of the plans shall be shown on each sheet.

A vicinity map shall be shown on the first sheet of all sets of plans.

A north arrow shall be shown on each sheet when applicable.

Plans shall be laid out to orient north to the top or right edge of the sheet unless approved otherwise by the County Engineer.

All lettering shall be 1/8" minimum.

If the plans include three (3) or more sheets, a cover sheet showing the streets, lots, easements, storm drains, index and vicinity map shall be included.

The form of all plans shall conform to additional requirements as may be established by the County. The final form of all plans shall be approved by the Department of Public Works and appropriate agencies.

- (c) **Contents.** The improvement plans shall show complete plans, profiles and details for all required improvements to be constructed, both public and private, including common areas.

Reference may be made to Sierra County or State Standard Plans in lieu of duplicating the drawings.

- (d) Supplementary Plans and Calculations. Hydrology, hydraulic plans and calculations, bond or other security estimates, and any structural calculations as may be required shall be submitted with the improvement plans to the Department of Public Works Director, Special Districts and the Sierra County Flood Control District as applicable. All calculations shall be legible, systematic and signed and dated by a registered civil engineer licensed by the State of California and in a form approved by the Department of Public Works.
- (e) Review by the Department of Public Works and Planning. The subdivider shall submit three (3) complete sets of improvement plans and all computations to the Department of Public Works for review. Upon completion of the review, one (1) set of the preliminary plans, with any required revisions indicated, will be returned to the subdivider. One set of plans shall also be submitted to the Planning Department for review.
- (f) Approval by the Department of Public Works. After completing any required revisions, the subdivider shall transmit the originals of the improvements plans to the Department of Public Works for signature.

Upon finding that any required revisions have been made and that the plans conform to all applicable County ordinances and plans, design requirements and conditions of approval of the tentative parcel or subdivision map, the Department of Public Works shall sign and date the plans. The subdivider shall provide a reproducible (mylar) set of plans to the Department of Public Works. The originals will be returned to the subdivider.

Approval of the improvement plans shall not be construed as approval of the gas, electric, telephone and cable television service construction plans.

The department shall act upon any improvement plan within sixty (60) days of its submittal, unless the local agency determines, pursuant to Government Code Section 66456.2(c), that it is unable to meet this time limit.

Approval by the Department of Public Works shall in no way relieve the subdivider or the subdivider's engineer from responsibility for the design of the improvements and for any deficiencies resulting from the design or from any required conditions of approval of the tentative parcel or subdivision map.

- (g) Revision to Approved Plans.
 - 1. By Subdivider. Requests by the subdivider for revisions to the approved plans appearing necessary or desirable during construction shall be submitted in writing to the Department of Public Works or authorized representative and shall be accompanied by revised drawings showing the proposed revision. If the revision is acceptable to the Department of Public Works and consistent with the tentative parcel or subdivision map, the originals shall be submitted to the Department of Public Works for initialing. The originals shall be returned to the subdivider and the revised plans shall be immediately transmitted to the Department of Public Works. Construction of any proposed revision will not be permitted to commence until revised plans have been received and approved by the Department of Public Works.
 - 2. By Department of Public Works. When revisions are deemed necessary by the Department of Public Works to protect the public health and safety, or as field conditions may require, a request in writing shall be made to the subdivider.

The subdivider shall revise the plans and transmit the originals to the Department of Public Works for initialing within the time specified by the Department of Public Works.

Upon receipt of the initialized originals, the subdivider shall immediately transmit revised drawings to the Department of Public Works. Construction of all or any portion of the improvements may be stopped by the Department of Public Works until revised drawings have been submitted.

The subdivider may, in accordance with Section 23.03, appeal revisions required by the Department of Public Works to the Planning Commission by filing an appeal in writing with the Secretary of the Planning Commission within fifteen (15) days following receipt of the request to revise the plans, and then to the Board of Supervisors by filing an appeal in writing with the County Clerk within fifteen (15) days.

3. Plan Checking and Inspection Costs for Revisions. Costs incurred by the County for the checking of plans or calculations or inspection as a result of revisions to the approved plans shall be borne by the subdivider at actual cost. A deposit, when required, shall be submitted with the revised plans and applied toward the actual costs.

23.16.007 - Inspection and Control

- (a) All work done in constructing the improvements and all materials furnished shall be subject to the inspection of the County.
- (b) The County shall have access to the work at all times during its construction and shall be furnished with every reasonable facility for ascertaining that the materials used and the workmanship are in accordance with the County regulations.
- (c) If any of the work on improvements is done by the subdivider prior to the approval of the improvement plans, or prior to the inspection of the improvements by the County Planning Department and the County Engineer, such work may be rejected and shall be deemed to have been done at the risk and peril of the subdivider.

23.16.008 - Improvement Delay

The subdivider shall perform the work to completion without undue delay except for inclement weather or other reasonable cause as determined by the County Engineer. Delay in completion of the work beyond the period stated in any agreements for improvement unless an extension is approved by the Board of Supervisors and the surety company, may result in forfeiture of the cash deposit or security or a portion thereof for the completion of the work.

23.16.009 - Acceptance of Improvements

- (a) When all improvement work required by the approved improvement plans, or a complete unit thereof, is complete to the satisfaction of the County Engineer, he shall issue a certificate to the Board of Supervisors stating that such a portion of the work has been satisfactorily completed and recommending the acceptance by the Board of Supervisors of the completed portion of the work.
- (b) Upon satisfactory completion of all work required to meet the requirements of this Part, and its acceptance by the Board of Supervisors, the Board of Supervisors shall file a Notice of Completion as to the required improvements in the Office of the County Recorder.

23.16.010 - Improvement Agreement

The improvement agreement shall be prepared by the Department of Public Works and approved as to form by the County Counsel. The agreement shall provide for:

- (a) Construction of all improvements including any required offsite improvements, according to the approved plans and specifications on file with the Department of Public Works.
- (b) Completion of improvements within the time specified by the agreement.
- (c) Right of the County to modify plans and specifications and to require the subdivider to pay for modifications.
- (d) Warranty by the subdivider that construction will not adversely affect any portion of adjacent properties.
- (e) Payment of inspection fees in accordance with the County's ordinance.
- (f) Payment of in-lieu fees for undergrounding of utilities on peripheral streets.
- (g) Payment of planned drainage facility fees.
- (h) Improvement security as required by Section 23.17.
- (i) Maintenance and repair of any defects or failures and their causes.
- (j) Release and indemnification of the County from all liability incurred in connection with the development and payment of all reasonable attorneys' fees that the County may incur because of any legal action or other proceeding arising from the development.
- (k) Any other deposits, reimbursements, fees or conditions as required by County ordinance or resolution and as may be required by the Department of Public Works.
- (l) Any other provisions required by the County as reasonably necessary to effectuate the purposes and provisions of the Subdivision Map Act and this Part.

23.17 - Improvement Security

23.17.001 - Improvement Security

- (a) General. Any improvement agreement, contract or act required or authorized by the Subdivision Map Act or this Part, for which security is required, shall be secured in accordance with Sections 66499 *et seq.* of the Subdivision Map Act and as provided below.

No final map or parcel map shall be signed by the County Surveyor or recorded until all improvement securities and improvement agreements required by this Section have been completed and accepted by the County or responsible agency.

- (b) Form of Security. The form of security shall be one of or the combination of the following at the option and subject to the approval of the County:
 - 1. Bond or bonds by one or more duly authorized corporate sureties. The form of the bond or bonds shall be in accordance with Sections 66499.1 and 66499.2 of the Subdivision Map Act.

2. A deposit, either with the County or a responsible escrow agent or trust company, at the option of the County, of money or negotiable bonds of the kind approved for securing deposits of public monies.
3. An instrument of credit or letter of credit from one (1) 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.
4. A lien upon the property to be divided, created by contract between the owner and the local agency, if the Board of Supervisors finds that it would not be in the public interest to require the installation of the required improvement sooner than two years after the recordation of the map.
5. Security interests in real property, found to be acceptable to the Board of Supervisors.

Any contract or security interest in real property entered into as security for performance pursuant to paragraph (4) or paragraph (5) of this Section shall be recorded with the county recorder of the county in which the subject real property is located. From the time of recordation of the written contract or document creating a security interest, a lien shall attach to the real property particularly described therein and shall have the priority of a judgment lien in an amount necessary to complete the agreed to improvements. The recorded contract or security document shall be indexed in the Grantor Index to the names of all record owners of the real property as specified on the map and in the Grantee Index to the local agency approving the map.

6. Any other form of security as provided in Section 66499 of the Subdivision Map Act.
- (c) Security for Performance. The form of security shall comply with Government Code Section 66499.1.
- (d) Amount of Security. A performance bond or other security in the amount of one hundred percent (100%) of the total estimated construction costs 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 payment to subdivider's contractor, subcontractors, and to persons furnishing labor, materials or equipment for the construction or installation of improvements. As a part of the obligation guaranteed by the security, and in addition to the full amount of the security, there shall be included costs and reasonable expenses and fees, including attorneys' fees, incurred by the County in enforcing the obligations secured.

The estimate of improvement costs shall be as approved by the Director of the Department of Public Works and shall provide for:

1. Not less than five percent (5%) nor more than ten percent (10%) of the total construction costs for contingencies.
2. Increase for projected inflation computed to the estimated midpoint of construction.
3. All utility installation costs or a certification acceptable to the Department of Public Works from the utility company that adequate security has been

deposited to ensure installation.

- (e) Warranty Security. Upon acceptance of the subdivision improvements by the County, the subdivider shall provide security in the amount as required by the Department of Public Works to guarantee the improvements against any defective work or labor done or defective materials used in the performance of the improvements throughout the warranty period which shall be the period of one (1) year following completion and acceptance of the improvements. The amount of the warranty security shall not be less than fifteen percent (15%) of the cost of the construction of the improvements.
- (f) Reduction in Performance Security. The Department of Public Works may authorize in writing the release of a portion of the security in conjunction with the acceptance of the satisfactory completion of a part of the improvements as the work progresses upon application by the subdivider, but in no case shall the security be reduced to less than fifteen percent (15%) of the total improvement security given for faithful performance. The amount of reduction of the security shall be determined by the Department of Public Works; however, in no event shall the Department of Public Works authorize a release of the improvement security which would reduce security to an amount below that required to guarantee the completion of the improvements and any other obligation imposed by the Subdivision Map Act, this Part or the improvement agreement.
- (g) Release of Improvement Security.
 - 1. Performance Security. The performance security shall be released only upon acceptance of the improvements by the County and when an approved warranty security has been filed with the Department of Public Works. If a warranty security is not submitted, performance security shall be released twelve (12) months after acceptance of improvements and correction of all warranty deficiencies.
 - 2. Material and Labor Security. Security given to secure payment to the contractor, subcontractors and to persons furnishing labor, materials or equipment may, six (6) months after the completion and acceptance of the improvements by the County, be reduced to an amount equal to the amount of all claims therefore filed and of which notice has been given to the Board of Supervisors. The balance of the security shall be released upon the settlement of all claims and obligations for which the security was given.
 - 3. Warranty Security. The warranty security shall be released upon satisfactory completion of the warranty period, provided:
 - A. All deficiencies appearing on the warranty deficiency list for the subdivision have been corrected.
 - B. Not less than twelve (12) months have elapsed since the acceptance of the improvements by the County.
- (h) Alternative Release of Improvement Security. If and when subdivision improvements are financed and installed by special assessment proceedings, the Director of Public Works may permit a reduction in the subdivider's security in an amount equal to the contractor's bonds for faithful performance, labor and material.
- (h) In all cases where the performance of the obligation for which the security is required is subject to the approval of another agency, the Department of Public Works shall not release the security until the obligation is performed to the satisfaction of such other agency. Such agency shall have two months after completion of the performance of the

obligation to register its satisfaction or dissatisfaction. If at the end of that period it has not registered its satisfaction or dissatisfaction, it shall be conclusively deemed that the performance of the obligation was done to its satisfaction.

23.17.002 - Construction and Inspection

Unless otherwise specified in the conditions of approval, the construction methods and materials for all improvements shall conform to the standard engineering specifications and all other standard plans and specifications of the County.

Construction shall not commence until all required improvement plans have been approved by the Department of Public Works. All improvements are subject to inspection by the Department of Public Works in accordance with the County's approved specifications. Any work completed without inspection by the County may be rejected.

23.17.003 - Completion of Improvements

- (a) Subdivisions of Five (5) or More Parcels. The improvements for subdivisions of five (5) or more parcels shall be completed by the subdivider within twelve (12) months, or such later time as approved by the Department of Public Works, not to exceed thirty-six (36) months, from the recording of the final map, unless an extension is granted as provided herein.

Should the subdivider fail to complete the improvements within the specified time, the County may, by resolution of the Board of Supervisors and at its option, cause any or all uncompleted improvements to be completed and the parties executing the security or securities shall be firmly bound for the payment of all necessary costs.

- (b) Subdivisions of Four (4) or Fewer Parcels.

1. Whenever improvements are required to be constructed as a condition of approval of a parcel map, requirements for the construction of such improvements shall be notified by certificate on the parcel map and by recording a Covenant of Improvement Requirements. The Planning Commission may require that the subdivider enter into a secured agreement to construct all or part of the required improvements. The construction of such improvements shall be completed prior to subsequent issuance of a permit or other grant of approval for the development of the parcels being created or at a time specified pursuant to an agreement between the subdivider and the County.
2. Agreement to Improve. If, as a condition of approval of a parcel map, the subdivider has been required to enter into an agreement to construct or install improvements required under this Part, the subdivider shall provide a good and sufficient improvement security as defined in Section 66499 of the Government Code in the amounts provided in Subsection 23.17.001. The subdivider shall prepare detailed plans and specifications of the improvements to be constructed. After said plans and specifications have been approved by the Director of Public Works, such plans and specifications shall be made a part of any such agreement and of the improvement security.
3. Covenant of Improvement Requirements. In addition to the Certificate of Improvements under Subsection 23.07.010, as noticed on the parcel map, the subdivider shall execute a Covenant of Improvement Requirements to be filed in the Office of the County Recorder. This document shall act as constructive notice of the improvements required and the time of their completion.

4. All required improvements shall be inspected and approved by the Director or Public Works. Improvements shall be installed in accordance with the County's standards and specifications and the County's grading regulations approved by the Board of Supervisors and on file in the Office of the Public Works Department.
 5. Release of Improvement Requirements. Upon satisfactory completion of the improvements as noticed on the parcel map by the Certificate of Improvements, a request may be made to have the County File a Release of Improvement Requirements in the Office of the County Recorder. The person or persons requesting the Release of Improvement Requirements to be filed shall submit such requests in writing to the Department of Public Works along with satisfactory proof that the improvements are completed. The recording of this Release of Improvement Requirements will be constructive notice to any government agency when an application for a development permit or other grant of approval for the development of any of the parcels of a parcel map is made.
- (c) Extensions. The completion date may be extended by the Director of Public Works Department upon written request by the subdivider and the submittal of adequate evidence to justify the extension. The request shall be made prior to expiration of the subdivision improvement agreement.

The subdivider shall enter into a subdivision improvement agreement extension with the County. The agreement shall be prepared by the Department of Public Works, approved as to form by the County Counsel, executed by the subdivider and surety and transmitted to the Board of Supervisors for its consideration. If approved by the Board, the Clerk to the Board shall execute the agreement on behalf of the County.

In consideration of a subdivision improvement agreement extension, the following may be required:

1. Revision of improvement plans to provide for current design and construction standards when required by the Department of Public Works.
2. Revised improvement construction estimates to reflect current improvement costs as approved by the Department of Public Works.
3. Increase of improvement securities in accordance with revised construction estimates.
4. Inspection fees may be increased to reflect current construction costs but shall not be subject to any decrease or refund.

The Board of Supervisors may impose additional requirements as recommended by the Department of Public Works or as it may deem necessary as a condition to approving any time extension for the completion of improvements.

The subdivider shall pay a fee in an amount set by the Board of Supervisors.

- (d) As-Built Plans. Upon completion of the improvements, the subdivider shall submit to the Department of Public Works a reproducible set of as-built improvement plans.

23.17.004 - Acceptance of Improvements

- (a) General. With respect to all subdivision, when all improvement deficiencies have been corrected and as-built improvement plans submitted, the completed subdivision improvements shall be considered by the Department of Public Works for acceptance.

Acceptance of the improvements shall imply only that the improvements have been completed satisfactorily.

- (b) Acceptance. If the subdivision improvements have been accepted by the Board of Supervisors, the Board of Supervisors shall direct the County Clerk to file an Acceptance of Public Improvements with the County Recorder.
- (c) Acceptance of a Portion of the Improvements. When requested by the subdivider in writing, the Department of Public Works may consider acceptance of a portion of the improvements. Such improvements will be accepted by the Department of Public Works only if the Department of Public Works finds that it is in the public interest to do so and such improvements are for the use of the general public.

Acceptance of a portion of the improvements shall not relieve the subdivider from any other requirements imposed by this Part.

23.18 - [Reserved]

23.19 - Monumentation

23.19.001 - Monumentation

- (a) An accurate and complete survey shall be made of the land to be subdivided unless acceptable record data is used. With the final map, the subdivider shall file a traverse sheet or sheets, in a form approved by the Department of Public Works, giving latitudes, departures and coordinates of the boundary of the subdivision and blocks therein. Traverse of the boundaries of the tract, and of all lots and blocks, must close within a limit of error of one part in ten thousand (10,000). If any shortage or excess is found on the ground between monuments, compared with the original record, any division of the total must bear its proportion of such excess or shortage. The traverse sheet shall be transmitted to the Department of Public Works, which shall approve it before the final map may be approved by the Planning Commission.
- (b) In making the survey on which the final map is based, the engineer or surveyor shall set permanent monuments at all angle and curve points on the exterior boundaries of the subdivision, and shall set two permanent monuments within sight of each other in each block.
- (c) Permanent monuments shall be no less substantial than one and three-quarter inch (1-3/4" I.D.) by thirty inch (30") iron pipe, set to be visible from the surface of the surrounding ground, with the center point marked by a copper tack or pin.
- (d) Galvanized pipe, no less substantial than one-half inch (1/2") by thirty inches (30"), set in the ground as prescribed for permanent monuments, shall be placed at the beginning and end of all curves and at all single points.
- (e) Monuments no less substantial than steel pins, one-half inch (1/2") in diameter by eighteen inches (18") long, and set in the ground as prescribed for permanent monuments, shall be set at all corners.
- (f) Standard monuments, as shown in the adopted "Standards and Specifications" of the County, shall be placed along the center line of streets and alleys at all intersections, and

at the beginning and ending of curves, unless waived by the Department of Public Works because of geological or topographical conditions.

- (g) All monuments shall be tagged or plugged with the license number of the engineer or surveyor responsible for their installation.
- (h) All monuments shall be subject to inspection and approval by the Department of Public Works before it approves the final map.
 - 1. The purpose of monumentation is to enable the survey to be retraced.
 - 2. The Department of Public Works may vary the requirements of this Subsection because of geological or topographical conditions.
 - 3. There shall be an inspection fee paid to the Department of Public Works based on actual cost of field inspection of monumentation.
- (i) Provided that a cash deposit or approved bond, in an amount set by the Department of Public Works, is filed by the subdivider to guarantee such work, monuments may be set after the approval of the final map, but not later than the time of acceptance of the subdivision improvements by the Board of Supervisors.

23.20 - Supplemental Improvement Capacity

23.20.001 - Supplemental Size or Length May Be Required

As a condition of approval of a tentative parcel or subdivision map, there may be imposed a requirement that improvements installed by the subdivider for the benefit of the subdivision contain supplemental size, capacity, number or length for the benefit of property not within the subdivision and that those improvements be dedicated to the public. However, when such supplemental size, capacity, number or length is solely for the benefit of property not within the subdivision, the County shall, subject to the provisions of Sections 66486 and 66487 of the Subdivision Map Act, enter into an agreement with the subdivider to reimburse the subdivider for that portion of the cost of such improvements equal to the difference between the amount it would have cost the subdivider to install such improvements to serve the subdivision only and the actual cost of such improvements.

23.20.002 – Reimbursement

- (a) The Board of Supervisors shall determine the method for payment of the costs required by a reimbursement agreement, which method may include, but shall not be limited to, the following:
 - 1. The collection from other persons, including public agencies, using such improvements for the benefit of real property not within the subdivision, a reasonable charge for such use.
 - 2. The contribution to the subdivider of that part of the cost of the improvements that is attributable to the benefit of real property outside the subdivision and the levy of a charge upon the real property benefited to reimburse the County for such costs, together with interest thereon, if any, paid to the subdivider.
 - 3. No charge, area of benefit or local benefit district shall be established unless and until a public hearing is noticed and held thereon by the Board of Supervisors in accordance with the provisions of Sections 20.11 and 20.12, and the Board of Supervisors finds that the charge, area of benefit or local benefit district is

reasonably related to the cost of such supplemental improvements and the actual ultimate beneficiaries thereof.

- (b) In addition to the notice required by Section 20.11, written notice of the hearing shall be given to those who own property within the proposed area of benefit as shown on the last equalized assessment roll, and the potential users of the supplemental improvements insofar as they can be ascertained at the time. Such notices shall be mailed by the County Clerk at least ten (10) days prior to the date established for the hearing. As a condition of approval of a tentative subdivision or parcel map, the County may require improvements that contain supplemental size, capacity, number or length for the benefit of property not within the subdivision, and that those improvements be dedicated to the public. Supplemental length may include minimum sized offsite sewer lines necessary to reach a sewer outlet in existence at that time.

23.21 - [Reserved]

23.22 - Reversions to Acreage

23.22.001 – General

Subdivided property may be reverted to acreage pursuant to the provisions of the Subdivision Map Act and this Section.

Subdivisions may also be merged and resubdivided without reverting to acreage pursuant to Section 66499.20 1/2 of the Subdivision Map Act and this Section.

23.22.002 - Initiation of Proceedings

- (a) By Owners. Proceedings to revert subdivided property to acreage may be initiated by petition of all of the owners of record of the property. The petition shall be in a form prescribed by the Planning Department. The petition shall contain the information required by Subsection 23.22.003 and any other information as required by the Planning Department.
- (b) By Board of Supervisors. The Board of Supervisors, at the request of any person or on its own motion may, by resolution, initiate proceedings to revert property to acreage. The Board of Supervisors shall direct the Department to obtain the necessary information to initiate and conduct the proceedings.

23.22.003 - Contents of Petition

The petition shall contain, but not be limited to, the following:

- (a) Evidence of title to the real property.
- (b) Evidence of the consent of all of the owners of an interest in the property.
- (c) Evidence that none of the improvements required to be made have been made within two (2) 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 later.
- (d) Evidence that no lots shown on the final or parcel map have been sold within five (5) years from the date such final or parcel map was filed for record.
- (e) A final or parcel map in the form, and with the contents, prescribed by Section 23.07 or Section 23.10, as the case may be, which delineates dedications which will not be vacated

and dedications required as a condition to reversion. Final or parcel maps shall be conspicuously designated with the title, "The Purpose of this Map is a Reversion to Acreage."

23.22.004 - Submittal of Petition to the Department of Public Works

The final or parcel map for the reversion, together with all other data as required by this Section, shall be submitted to the Department of Public Works for review.

Upon finding that the petition meets with all the requirements of the Subdivision Map Act or this Section, the Department of Public Works shall submit the final or parcel map, together with a report and recommendations of approval or conditional approval of the reversion to acreage, to the Board of Supervisors for its consideration.

23.22.005 - Board of Supervisors Approval

A public hearing shall be held by the Board of Supervisors on all proposed reversions to acreage. Notice of the public hearing shall be given by the Clerk of the Board of Supervisors as provided in Section 20.11.

The Board of Supervisors may approve a reversion to acreage only if it finds and records by resolution that:

- (a) Dedications or offers of dedication to be vacated or abandoned by the reversion to acreage are unnecessary for present or prospective public purposes; 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 (2) 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 later; or
 - 3. No lots shown on the final or parcel map have been sold within five (5) years from the date such map was filed for record.

The Board of Supervisors may require as conditions of the reversion:

- (c) The owners dedicate or offer to dedicate streets, public rights-of-way or easements.
- (d) The retention of all or a portion of previously paid subdivision fees, deposits or improvement securities if the same are necessary to accomplish any of the purposes or provisions of the Subdivision Map Act or this Part.
- (e) Such other conditions of reversion as are necessary to accomplish the purposes or provisions of the Subdivision Map Act or this Part or necessary to protect the public health, safety or welfare.

23.22.006 - Filing with the County Recorder

Upon approval of the reversion to acreage, the County Clerk shall transmit the final or parcel map, together with the Board of Supervisors resolution approving the reversion, to the County Recorder for recordation. Reversion shall be effective upon the final map being filed for record by the

County Recorder. Upon filing, all dedications and offers of dedication not shown on the final or parcel map for reversion shall be of no further force and effect.

23.23 - [Reserved]

23.24 - Parcel Mergers

23.24.001 - Purpose

The following provisions govern both Applicant- (non-Local Agency) Initiated parcel mergers and County-initiated mergers.

23.24.002 – Scope

This Part governs the process for merger of two or more contiguous parcels of real property into a resultant parcel or parcels which are fewer in number than those parcels existing prior to the completion of the merger through the elimination of one or more common boundary lines between the previously existing contiguous parcels. Recognizing that parcel mergers may affect existing land use patterns, plans, subdivision agreements, covenants, conditions and restrictions, and other or similar economic, social, health and safety issues of significant local impact, it is intended that this Part be the exclusive mechanism for non-County initiated parcel mergers within the County of Sierra.

23.24.003 – Definitions

In addition to those definitions set forth Section 23.02 of the Sierra County Code, the following definitions shall apply to this Part.

23.24.004 - Contiguous Parcels

"Contiguous Parcels" means two or more lots or acreage, which have one or more common boundary lines shared by such lots or acreage and which lots or acreage are owned by the same entity or individual in identical form of ownership.

23.24.005 – Merger

“Merger” means the elimination of one or more common boundary line(s) between two or more contiguous parcels, resulting in a lot or lots of fewer number and of greater size than those existing prior to the merger.

23.24.006 - Application(s)

Parcel Merger applications shall be submitted to the Planning Department and shall consist of the following:

- (a) A completed application on forms provided by the Planning Department.
- (b) The appropriate fee as determined by Resolution of the Board.
- (c) Two copies of a preliminary title report for all properties whose boundaries would be altered by the proposed Parcel Merger. Title reports shall name the current record owners and shall not be more than six (6) months old.
- (d) Six (6) copies of a Tentative Parcel Merger Map, prepared by the applicant or the applicant's agent, legibly drawn and accurately to scale on one sheet of reproducible paper or polyester base film eighteen (18) by twenty-six (26) inches in size. A Tentative Parcel Merger Map shall show all of the following information:
 - 1. Boundary lines, dimensions, and approximate areas of the original parcels and of the Merged Parcel(s).
 - 2. Locations and dimensions of each existing structure, including outbuildings, proposed building sites, approximate distances between structures, and approximate distances between structures and boundary lines of both the original parcel boundaries and the merged parcel boundaries.
 - 3. Names, locations and widths of all existing streets and roads on or bounding the original parcel and of all new access routes being proposed.
 - 4. Locations and dimensions of all existing and proposed easements, utility lines, right-of-ways, and underground structures of any kind.
 - 5. Approximate slope of the land.
 - 6. Scale of map (standard engineering scale), north arrow, and vicinity map.
 - 7. Location of existing and proposed domestic water supplies and location of existing and proposed septic tanks and leach fields for all lots affected by the Parcel Merger.
 - 8. Approximate location of all watercourses, drainage channels, drainage structures, and springs.
 - 9. Approximate locations of all high water lines of lakes, reservoirs, streams, and rivers.
 - 10. Date of preparation of the map.
 - 11. Assessor's parcel numbers and Book and Page Number from the Official Records for all existing deeds on all parcels affected by the Parcel Merger.
 - 12. Name, address, and telephone number of the applicant, of the person who prepared the map, and of all parties having any record interest in the real property shown on the map.

13. A statement granting consent to the preparation and submittal of the map, with signatures of the applicant and of the record owners of all the parcels whose boundaries are affected by the Parcel Merger.

23.24.007 - Application Deemed Complete

The application for the Parcel Merger shall be deemed complete when all of the information required by this Section is received by the County Planning Department. The County Planning Department shall determine whether the application is complete within thirty (30) days from the receipt of the application. If no written determination of the completeness of the application is made within that period, the application shall be deemed complete.

23.24.008 - Environmental Review

The Planning Department shall, within thirty (30) days after deeming the application for Parcel Merger to be complete, determine whether or not the proposed Parcel Merger is exempt from the requirements of the California Environmental Quality Act and of the Sierra County Code. If the proposed Parcel Merger is determined to be exempt, the application for Parcel Merger shall be deemed filed and notification of such shall be made to the applicant by the Planning Department. If the project is determined to be not exempt, the provisions of Part 38 of the Sierra County Code shall apply.

23.24.009 - Departmental Review

The Planning Department shall distribute the copies of the application to the Health Department, Tax Collector, Assessor, Department of Public Works, and County Surveyor for comment. A ten (10) working day review period shall be placed on each application to allow for the submittal of written comments from said County departments or other interested parties.

23.24.010 - Administrative Hearing and Determination

The Planning Director shall schedule the Parcel Merger application for an administrative hearing in which the applicant, or the applicant's agent, and County departments and interested parties will be afforded the opportunity to be present and provide evidence. Notice of such hearing shall be given pursuant to Government Code Section 5091 and shall be mailed or delivered at least ten (10) days prior to the hearing to all owners of real property as shown on the latest equalized assessment roll within 300 feet of the real property that is the subject of the hearing. The Planning Director may, with due cause, continue a hearing to another time and place, however, upon conclusion of any hearing, the Planning Director or his designee shall approve, approve with conditions, or deny the application. Written notice of the action and of the right to appeal shall be mailed to the applicant within three (3) days after conclusion of the hearing. The decision of the Planning Director, or his designee, shall be considered binding unless the decision is appealed to the Planning Commission within fifteen (15) days after the decision of the Planning Director.

23.24.011 - Administrative Criteria

A Parcel Merger application shall not be approved unless and until it is deemed complete and the Planning Director finds, based on substantial evidence in the record, that the boundaries of each lot affected by the proposed Parcel Merger meet criteria set forth in either Subsection (a) or Subsection (b) below:

- (a)
 1. Is consistent with the Sierra County General Plan; and
 2. Conforms to the Sierra County Zoning Code; and

3. The boundaries of each resultant lot or lots shall conform to applicable laws pertaining to land development; and
4. The locations of all existing utilities, infrastructure and easements for each lot whose boundaries are affected by the Proposed Merger shall conform to the Sierra County Code in effect at the time of application; and
5. No violation of any County ordinance or California state law exists at the time of the approval of the Parcel Merger.

[OR]

- (b) That nonconforming parcel or parcels which are involved in the Parcel Merger were created prior to the adoption of the Sierra County Zoning Code and that such Parcel Merger will meet the following criteria:
1. Meets the criteria set forth in Subsections 23.24.011(a) 1, 3, 4 and 5; and
 2. The merger of such parcels results in the creation of a larger parcel or parcels than that which existed prior to such proposed Parcel Merger; and/or,
 3. The acquisition of frontage along a County Road or State Highway for one or more of the affected parcels.

23.24.012 - Conditions of Approval

Conditions may be placed on the Parcel Merger by the Planning Director or his designee to ensure that the negative effects of the proposed Parcel Merger, if any, will be mitigated or eliminated, and that such condition(s) will be complied with prior to recordation of the applicable documents which effectuate the Parcel Merger. Such conditions shall include a provision, where applicable, that any Parcel Merger approved will not operate to diminish or defeat the rights or interests of any party or entity which existed of record prior to the Parcel Merger, including but not necessarily limited to security instruments, deed restrictions, covenants, conditions and restrictions, assessments, and similar rights or obligations. The requirement of such conditions on the Parcel Merger may include the submittal of appropriate security to assure future compliance, where relevant.

23.24.013 - Appeal of Administrative Decision

The approval, conditional approval, or denial of a Parcel Merger application (“the Decision”) by the Planning Director or the Planning Director's designee may be appealed directly to the Planning Commission by any person or entity whose property rights or interests are affected by the Decision. A written appeal shall be filed with the Secretary of the Planning Commission within fifteen (15) days after the Decision.

23.24.014 - Appeal of Planning Commission Decision (Applicant Defined)

Any interested person may appeal the decision of the Planning Commission pursuant to Section 20.13.

23.24.015 -Final Processing. Process Completion

Within thirty (30) days of an approval, conditional approval, or an appeal resulting in approval, the Director of Planning shall coordinate the recording of all applicable documents which are required to effectuate the Parcel Merger with the applicant, the applicant's title officer, or agent, providing the following criteria have been met:

- (a) The appeal period has expired or an appeal has resulted in approval by the Planning Commission and/or Board of Supervisors.
- (b) The Planning Director has certified in writing that any conditions placed on the approved Parcel Merger Map have been satisfied.
- (c) The County Tax Collector has certified in writing that the tax requirements at the time of recordation of the documents which effectuate the Parcel Merger have been satisfied.
- (d) Unless waived by the Planning Director, with the concurrence of the County Surveyor, the applicant, or the applicant's title company or agent has submitted copies of the Grant Deed or Deeds for the land proposed to be conveyed for the Parcel Merger and the County Surveyor has determined that the Grant Deed or Deeds are in substantial compliance with the approved Tentative Parcel Merger Map, and that said grant deed or deeds contain the words "FOR PURPOSES OF PARCEL MERGER."
- (c) In cases where Deeds of Trust are affected by the merger, the applicant, or the applicant's title company or agent, has submitted copies of the Partial Reconveyance and Supplemental Deeds of Trust to the County Surveyor and the County Surveyor has determined that said documents are in substantial compliance with the approved Parcel Merger, the Subdivision Map Act, and this Section.
- (d) Unless waived pursuant to this paragraph, property corners created by the Parcel Merger have been monumented in accordance the Land Surveyor's Act; the applicant has submitted a Record of Survey map and a deed to effectuate the Parcel Merger to the County Surveyor; and the County Surveyor has determined that said deed and Record of Survey map are in substantial conformance with the approved Parcel Merger Map. The title of the deed and Record of Survey map shall include the words "PARCEL MERGER". The requirements for monumentation and filing of a Record of Survey map may be waived by the Director of Planning with the concurrence of the County Surveyor if:
 - a. The Parcel Merger transfers aliquot parts of sections consisting of quarter-quarter sections or larger; or
 - b. The Merged Parcels can be easily and satisfactorily located from existing monumentation and record information.
 - c. All applicable fees have been paid.

23.24.016 - Recordation of Notice of Map

A Parcel Merger shall be effected either by the recordation of a Parcel Merger Map or at the discretion of the Director of Planning with the concurrence of the County Surveyor, by recordation of a Notice of Parcel Merger in form approved by the Director of Planning. In the event the Director of Planning waives the requirement for the recordation of a Parcel Merger Map, condition (f) of provision 23.24.015 above may be waived. The Parcel Merger Map or the Notice of Parcel Merger shall contain the following statements, the execution of which are conditions precedent to the recordation of the Parcel Merger Map or Notice of Parcel Merger, as the case pertains:

TAX COLLECTOR'S STATEMENT

The Tax Collector of the County of Sierra, State of California, does hereby certify that there are no liens against the parcels as shown hereon, for unpaid property taxes or special assessments not yet payable. Estimated taxes or special assessments which are a lien but not yet payable have been deposited with the Tax Collector. This statement is valid through _____.

Sierra County Tax Collector
Date: _____

PLANNING DIRECTOR'S STATEMENT

The Sierra County Planning Director has reviewed and found the proposed Parcel Merger, as shown hereon, to be in compliance with the Subdivision Map Act and local ordinance. All conditions of approval have been satisfactorily complied with.

Sierra County Planning Director
Date: _____

COUNTY SURVEYOR'S STATEMENT

The Sierra County Surveyor has reviewed and found the proposed Parcel Merger, as shown hereon, to be in compliance with the Subdivision Map Act and local ordinance.

Sierra County Surveyor
Date: _____

Recordation of the Record of Survey map, Notice of Merger, Partial Reconveyance, and Supplementary Deeds of Trust, if applicable, shall be concurrent and shall constitute constructive notice of the Parcel Merger.

23.24.017 - Expiration

An approval or conditional approval shall expire six (6) months from the date of approval of the Parcel Merger application, unless a request for an extension has been filed. Upon written request by the surveyor or engineer filing the Record of Survey map, an extension of up to an additional ninety (90) days may be granted by the Planning Director if he determines that unavoidable delay has prevented the timely submittal of the Parcel Merger Map or other documents necessary to effect the Parcel Merger.

23.24.018 - Exclusive Authority for County Initiated Merger of Contiguous Parcels

Subsections 23.24.018 through 23.24.025 provide the sole and exclusive authority for County initiated merger of contiguous parcels. On and after January 1, 1984, parcels may be merged by initiation of such mergers by the local agencies only in accordance with the authority and procedures prescribed by these Subsections.

23.24.019 - Requirements for Merger

Contiguous parcels or units held by the same owner shall be merged if any one of the contiguous parcels or units held by the same owner does not conform to standards for minimum parcel size, under the zoning ordinance of the County applicable to the parcels or units of land and if all of the following requirements are satisfied:

- (a) At least one of the affected parcels is undeveloped by any structure for which a building permit was issued or for which a building permit was not required at the time of construction, or is developed only with an accessory structure or accessory structures, or is developed with a single structure, other than an accessory structure, that is also partially sited on a contiguous parcel or unit.
- (b) With respect to any affected parcel, one or more of the following conditions exists:
 - 1. Comprises less than 5,000 square feet in area at the time of the determination of merger.
 - 2. Was not created in compliance with applicable laws and ordinances in effect at the time of its creation.
 - 3. Does not meet current standards for sewage disposal and domestic water supply.
 - 4. Does not meet slope stability standards.
 - 5. Has no legal access which is adequate for vehicular and safety equipment access and maneuverability.
 - 6. Its development would create health or safety hazards.
 - 7. Is inconsistent with the General Plan and any Specific Plan, other than minimum lot size or density standards.

For purposes of determining whether contiguous parcels are held by the same owner, ownership shall be determined as of the date that notice of intention to determine status is recorded.

This Subsection shall not apply if one of the following conditions exist:

- 1. On or before July 1, 1981, one or more of the contiguous parcels or units of land is enforceably restricted open space land pursuant to a contract, agreement, scenic restriction, or open space easement, as defined and set forth in Section 421 of the Revenue and Taxation Code.
- 2. On or before July 1, 1981, one or more of the contiguous parcels or units of land is timberland as defined in subsection (f) of Section 51100, or is land devoted to an agricultural use as defined in subsection (b) of Section 51201.
- 3. On or before July 1, 1981, one or more of the contiguous parcels or units of land is located within 2,000 feet of the site on which an existing commercial mineral resource extraction use is being made, whether or not the extraction is being made pursuant to a use permit issued by the local agency.
- 4. On or before July 1, 1981, one or more of the contiguous parcels or units of land is located within 2,000 feet of future commercial mineral extraction site as

shown on a plan for which a use permit or other permit authorizing commercial mineral resource extraction has been issued by the local agency.

For purposes of subparagraphs (3) and (4) of this subdivision, “mineral resource extraction” means gas, oil, hydrocarbon, gravel, or sand extraction, geothermal wells, or other similar commercial mining activity.

23.24.020 - Filing Notice of Merger

A merger of parcels becomes effective when the County causes to be filed for record with the Recorder of the County in which the real property is located, a notice of merger specifying the names of the record owners and particularly describing the real property.

Notice of Intention to Determine Status

Prior to recording a notice of merger, the County shall cause to be mailed by certified mail to the current record owner of the property a notice of intention to determine status, notifying the owner that the affected parcels may be merged pursuant to standards specified in the merger ordinance, and advising the owner of the opportunity to request a hearing on determination of status and to present evidence at the hearing that the property does not meet the criteria for merger. The notice of intention to determine status shall be filed for record with the recorder of the county in which the real property is located on the date that notice is mailed to the property owner.

23.24.021 - Property Owner’s Request for Hearing

At any time within thirty (30) days after recording of the notice of intention to determine status, the owner of the affected property may file with the Planning Commission a request for a hearing on determination of status.

23.24.022 - Hearing on Determination of Status

Upon receiving a request for a hearing on determination of status, the County shall fix a time, date and place for a hearing to be conducted by the Planning Commission and shall so notify the property owner by certified mail. The hearing shall be conducted not less than thirty (30) days following the County's receipt of the property owner's request therefore, but may be postponed or continued with the mutual consent of the County and the property owner.

23.24.023 - Determination of Merger

At the hearing, the property owner shall be given the opportunity to present any evidence that the affected property does not meet the standards for merger specified in the merger ordinance.

At the conclusion of the hearing, the Planning Commission shall make a determination that the affected parcels are to be merged or are not to be merged and shall so notify the owner of its determination. A determination of merger shall be recorded within thirty (30) days after conclusion of the hearing.

23.24.024 - Time Limit for Requesting a Hearing

If, within a thirty (30) day period specified in Subsection 23.24.021, the owner does not file a request for a hearing, the local agency may, at any time thereafter, make a determination that the affected parcels are to be merged or are not to be merged. A determination of merger shall be recorded as provided for in Subsection 23.24.023 no later than ninety (90) days following the mailing of notice as required by Subsection 23.24.020.

23.24.025 - Determination of Nonmerger

If, in accordance with Subsection 23.24.023 or 23.24.024, the Planning Commission determines that the subject property shall not be merged, it shall cause to be recorded in the manner specified in Subsection 23.24.020 a release of the notice of intention to determine status, recorded pursuant to Section 66451.13 of the Government Code, and shall forward a clearance letter to the then current owner of record.

23.25 - Correction and Amendment of Maps

23.25.001 – Requirements

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:

- (a) To correct an error in any course or distance shown thereon.
- (b) To show any course or distance that was omitted therefrom.
- (c) To correct an error in the description of the real property shown on the map.
- (d) To indicate monuments set after the death, disability or retirement from practice of the engineer or surveyor charged with responsibilities for setting monuments.
- (e) To show the proper location of any monument which has been changed in location, or character, or originally was shown at the wrong location or incorrectly as to its character.
- (f) To correct any additional information filed or recorded pursuant to Government Code 66434.2, if the correction does not impose any additional burden on the present fee owner of the property and does not affect any right, title or interest in the real property reflected on the recorded map.
- (g) 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 or distances from which an error is not ascertainable from the data shown on the final or parcel map.
- (h) To make modifications when 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 set for public hearing by the Planning Commission. The Planning Commission shall confine the hearing to consideration of, and action on, the proposed modification. No modification shall be approved unless the Commission makes the findings as set forth in Government Code 66474. Any decision of the Commission may be appealed by an interested party pursuant to Section 20.13.

23.25.002 - Form and Contents

The amending map or certificate of 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 Section 23.07 if a final map, and Section 23.10 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.

23.25.003 - Submittal and Approval by Department of Public Works

The amending map or certificate of correction, complete as to final form including those approved by the Commission pursuant to Subsection 23.25.001(h), shall be submitted to the County Surveyor for review and approval. Within twenty (20) days, the Department of Public Works shall examine the amending map or certificate of correction and if the only changes made are those set forth in Subsections 23.25.001 and 23.05.002, this fact shall be certified by the Department of Public Works on the amending map or certificate of correction. If the map or certificate does not comply, the document shall be returned to the engineer or surveyor preparing the document with a written statement of changes to bring the document into compliance. Upon re-submittal, the County Surveyor shall have ten (10) days to submit the document to the County Recorder after approval.

23.25.004 - Filing with the County Recorder

The amending map or certificate of correction certified by the Department of Public Works 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 an index of recorded certificates of correction, or amended maps, as appropriate. Thereupon, the original 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.

23.26 - Enforcement

23.26.001 - Prohibition

- (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 is required by the Subdivision Map Act or this Part, until such a map, in full compliance with the provisions of the Subdivision Map Act and this Part, and has been filed for record by the County Recorder.
- (b) 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 parcel map is required by the Subdivision Map Act or this Part, until such a map, in full compliance with the provisions of the Subdivision Map Act and this Part and has been filed for record by the County Recorder.
- (c) Conveyances of any part of a division of real property for which a final or parcel map is required by the Subdivision Map Act or this Part shall not be made by parcel or block number, letter or other designation, unless and until such map has been filed for record by the County Recorder.
- (d) This Section does not apply to any parcel or parcels of a subdivision offered for sale or lease, contracted for sale or lease, or sold or leased in compliance with or exempt from any law, including this Part, regulating the design and improvement of subdivisions in effect at the time the subdivision was established.
- (e) Nothing contained in subdivisions (a) and (b) 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 map or parcel map, as required under the Subdivision Map Act or this Part.

23.26.002 – Remedies

- (a) Any deed of conveyance, sale or contract to sell real property which has been divided, or which has resulted from a division, in violation of the provisions of the Subdivision Map Act or this Part, or is voidable at the sole option of the grantee, buyer or person contracting to purchase, any heirs, personal representative, or trustee in insolvency or bankruptcy thereof within one (1) year after the date of discovery of such violation. The deed of conveyance, sale or contract to sell is binding upon any successor in interest of the grantee, buyer or person contracting to purchase, other than those above enumerated, and upon the grantor, vendor or person contracting to sell, or his or her assignee, heir or devisee.
- (b) Any grantee, or successor in interest thereof, of real property which has been divided, or which has resulted from a division, in violation of the provisions of this Part or the Subdivision Map Act may, within one (1) year of the date of discovery of such violation, bring an action in the superior court to recover any damages suffered by reason of such division of property. The action may be brought against the person who so divided the property and against any successors in interest who have actual or constructive knowledge of such division of property.

The provisions of this Subsection shall not apply to the conveyance of any parcel of real property identified in a certificate of compliance filed pursuant to Subsection 23.26.003 or identified in a recorded final map or parcel map, from and after the date of recording.

The provisions of this Subsection shall not limit or affect in any way the rights of a grantee or successor in interest under any other provision of law.

- (c) This Subsection does not bar any legal, equitable or summary remedy to which the County or other public agency, or any person, firm or corporation may otherwise be entitled, and the County or other public agency, or such person, firm or corporation may file a suit in the superior court to restrain or enjoin any attempted or proposed subdivision or sale, lease, or financing in violation of the Subdivision Map Act or this Part.
- (d) The County shall not issue a permit or grant any approval necessary to develop any real property which has been divided, or which has resulted from a division, in violation of the provisions of the Subdivision Map Act or this Part if it finds that development of such real property is contrary to the public health or the public safety. The authority to deny such a permit or approval shall apply whether the applicant therefore was the owner of record at the time of such violation or whether the applicant therefore is either the current owner of record or a vendee thereof with, or without, actual or constructive knowledge of the violation at the time of the acquisition of an interest in such real property.

If the County issues a permit or grants approval for the development of any real property illegally subdivided, the County may impose those additional conditions which would have been applicable to the division of the property at the time the current owner of record acquired the property. If the property has the same owner of record as at the time of the initial violation, the County may impose conditions applicable to a current division of the property. If a conditional Certificate of Compliance has been filed for record in accordance with the provisions of Subsection 23.26.006, only those conditions stipulated in that certificate shall be applicable.

23.26.003 - Certificate of Compliance

Any person owning real property or a vendee of such person pursuant to a contract of sale of such real property may request the Planning Director to determine whether the real property complies with the provisions of the Subdivision Map Act and this Part.

23.26.004 - Certificate of Compliance-Application

The application shall contain the following data and accompanying documents:

- (a) A map legibly drawn, to an engineer's scale, with the scale shown on the map showing the subject property with dimensions and the gross and net area, and the following:
 - 1. Location, width and names of all streets and roads adjacent to and providing access to the property.
 - 2. The location and use of all structures on the property, with the distances from the structures to the parcel boundaries and distances between structures, and all existing utilities and easements.
 - 3. The name, address, telephone number and signature of the current owner(s) of the property, and the name, address and telephone number of the person preparing the map, if different from the owner.
 - 4. The current zoning on the property and the current Assessor's parcel number.
- (b) A legible copy of the current owner's grant deed or contract of sale, or the recording data therefore.
- (c) A map or the current Assessor's parcel number, together with the current Assessor' parcel numbers of all other property owned by the applicant that is contiguous to the subject real property.
- (d) Documentation of recorded access to the subject property unless abutting a public street.
- (e) A legal description for the subject property, to be typed on plain white paper, 8-1/2" by 11", with 1" margins at the top, sides and bottom. This legal description shall be reproducible so as to yield a legible copy that can be used as a part of a recorded Certificate of Compliance.
- (f) The date and recording data of the deed, map or document whereby the property was first divided as indicated in the application.
- (g) Appropriate fee prescribed by resolution of the Board of Supervisors.

23.26.005 - Issuance of Certificate

If the Planning Director determines that the real property complies with the provisions of the Subdivision Map Act and this Part, the Department shall file a Certificate of Compliance for record with the County Recorder. The Certificate of Compliance shall identify the real property and shall state that the division thereof complies with the provisions of the Subdivision Map Act and this Part. The Planning Director may charge a fee in accordance with a resolution adopted by the Board of Supervisors.

23.26.006 - Issuance of a Conditional Certificate

If the Planning Director determines that the real property does not comply with the provisions of the Subdivision Map Act or this Part, the Planning Director may, as a condition to granting a Certificate of Compliance, impose conditions in accordance with Subsection 23.26.002. Upon the Planning Director making such a determination and establishing such conditions, the Department shall file a conditional Certificate of Compliance for record with the County Recorder. Such

certificate shall serve as notice to the property owner or vendee who has applied for the certificate, 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.

Compliance with such conditions shall not be required until such time as a permit or other grant of approval for development of such property is issued by the County.

23.26.007 - Effect of a Recorded Map

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

23.26.008 - Effect of an Official Map

Subject to the provisions of Section 66499.35(e) of the Subdivision Map Act, an official map prepared pursuant to Section 66499.52(b) of the Subdivision Map Act shall constitute a Certificate of Compliance with respect to the parcels of real property described therein.

23.26.009 - Notice of Violation

If the Planning Director has knowledge that real property has been divided in violation of the provisions of the Subdivision Map Act or this Part, a Notice of Intention to Record a Notice of Violation shall be mailed by the Department by certified mail to the current owner of record. The notice shall describe the property in detail, name the owners, describe the violation and state that the owner will be given the opportunity to present evidence. The notice shall also contain an explanation as to why the subject parcel is not lawful under Section 66412.6(a) or (b) of the Subdivision Map Act. The notice shall specify the date, time and place for a meeting at which the owner may present evidence to the Planning Director why a notice of violation should not be recorded.

The meeting shall be held no sooner than thirty (30) days and no later than sixty (60) days from the date of mailing of the Notice of Intention to Record a Notice of Violation. If, within fifteen (15) days of receipt of the notice, the owner fails to file with the Department a written objection to recording the Notice of Violation, the Department shall file the Notice of Violation for record with the County Recorder. If, after the owner has presented evidence, the Planning Director determines that there has been no violation, the Department shall mail a clearance letter to the then current owner of record. If, however, after the owner has presented evidence, the Planning Director determines that the property has in fact been illegally divided, the Department shall record the Notice of Violation for record with the County Recorder, but not until after the appeal period has passed, and in circumstances in which no appeal has been filed.

The Notice of Violation, when recorded, shall be deemed to be constructive notice of the violation to all successors in interest in such property.

23.26.010 - Appeals of Planning Director Action

Appeals of any Planning Director action pursuant to Section 20.13. The Planning Commission and/or Board of Supervisors shall determine whether or not a violation has occurred, and shall record a Notice of Violation when it determines that the property has been illegally divided. (Ordinance 902, eff. 7/6/00)