

Title 16

**SUBDIVISIONS**

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## Chapter 16.02

### GENERAL PROVISIONS

#### Sections:

- 16.02.010 Short title, citation.**
- 16.02.020 Authority and applicability.**
- 16.02.030 Purpose.**
- 16.02.040 Requirements generally.**

**16.02.010 Short title, citation.** This title shall be known and may be cited as the "Tuolumne County Land Division Ordinance." (Ord. 1562 • 2 (part), 1987).

**16.02.020 Authority and applicability.**

A. This title is adopted to supplement and implement the Subdivision Map Act, being Title 7, Section 4, Division 2 commencing with Section 664 1 0 of the Government Code. This title shall regulate land divisions for which the Subdivision Map Act requires a tentative and final or parcel map, except as exempted by Government Code Sections 66412, 66412.1, 66412.5 and 66428, and shall also regulate resubdivisions, parcel mergers, reversions to acreage, and boundary line adjustments.

B. This title shall not affect any agreement, bond or contract previously executed with the county with respect to any division of land, any rights accrued thereunder or any previous action to approve a tentative or final map. Conditions of approval and time limitations previously imposed thereon shall prevail, except that any map not previously expired or extended shall henceforth have a basic expiration time as set forth herein. (Ord. 1562 • 2 (part), 1987).

**16.02.030 Purpose.** This title is adopted to regulate the division of land to achieve the following purposes:

A. To implement the general plan of Tuolumne county which has been adopted by the board of supervisors as a long range, comprehensive guide to physical development of the county.

B. To implement the uniform zoning ordinance of Tuolumne county in providing lots of sufficient sizes and appropriate design for the purposes for which they are to be used.

C. To provide streets of adequate capacity and design so as to minimize safety hazards to drivers, pedestrians and vehicles.

D. To provide for water supply, sewage disposal, storm drainage and other utilities needed for the public health, safety and convenience.

E. To preserve the natural assets of the county and to create new beauty through skilled subdivision design, and to provide a means for encouraging orderly development of hillsides and mountainous areas in the county by relating the number and

distribution of dwelling units to the topographical, vegetative, geological and hydrological conditions, thus minimizing the dangers to life and property by fire, water pollution, soil erosion and land slippage.

F. To establish reasonable standards of design and procedures for subdivisions and resubdivisions.

G. To insure proper legal descriptions and monumenting of subdivided land. (Ord. 1562 • 2 (part), 1987).

**16.02.040 Requirements generally.** In addition to any and all requirements prescribed by law and contained within the provisions of the state subdivision Map Act, as amended, relating to the division of land and the filing of maps thereof, the general regulations set forth in this title for subdivisions and parcel maps in the county must be complied with. (Ord. 1562 • 2 (part), 1987).

## Chapter 16.04

### DEFINITIONS

#### Sections:

- 16.04.010 Access, required.
- 16.04.020 Adjacent property owner.
- 16.04.030 Adjoining.
- 16.04.040 Advisory agency.
- 16.04.050 Aggrieved party.
- 16.04.060 Appeal board.
- 16.04.070 Applicant.
- 16.04.080 Arterial.
- 16.04.090 Board.
- 16.04.110 Certificate of compliance.
- 16.04.120 Commission.
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- 16.04.140 Contractor.
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- 16.04.350 Major collector.
- 16.04.360 Merger.
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- 16.04.450 Resubdivision.
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- 16.04.480 Sale or lease.
- 16.04.490 Subdivider.
- 16.04.500 Subdivision.
- 16.04.510 Surveyor.

- 16.04.530 Tentative map.**
- 16.04.540 Townhouse lot.**
- 16.04.550 Turning-bulb.**
- 16.04.560 Vesting tentative map.**
- 16.04.570 Zoning ordinance.**

**16.04.010 Access, required.** "Access, required" means any road easement which meets the requirements of this title which has either been dedicated or deeded for the purpose of providing ingress and egress to the subject property. (Ord. 1562 • 2 (part), 1987).

**16.04.020 Adjacent property owner.** "Adjacent property owner", when used in this title to describe the types of notice of an action which must be given, means the owner of any real property, as shown in the latest information available in the county assessor's records, lying within the distance of the exterior boundary of the parcel for which an entitlement is sought as specified as follows:

Total Areas of Parcels Subject to Entitlement Distance for Notification

Less than 2 gross acres	300 feet
2 gross acres to less than 10 gross acres	500 feet
10 gross acres or larger	1,000 feet

(Ord. 2465 • 1 (part) 2002; Ord. 1562 • 2 (part), 1987).

**16.04.030 Adjoining.** "Adjoining" parcels are those which share a common property line. (Ord. 1562 • 2 (part), 1987).

**16.04.040 Advisory agency.** ■Advisory agency means an official body or a designated official charged with the duty of making investigations and reports on the design and improvements of proposed divisions of real property, the imposing of requirements or conditions thereon, or having the authority by local ordinance to approve, conditionally approve or disapprove maps. The board, the planning commission, the director or county surveyor shall act as an advisory agency, depending upon the type of proposed division.

The authority of each is set forth in the separate sections of this title for subdivision maps and parcel maps. (Ord. 2325 • 2, 2000; Ord. 1562 • 2 (part), 1987).

**16.04.050 Aggrieved party.** "Aggrieved party" means any person whose happiness or peace of mind is disturbed by the decisions or actions authorized by this title, or by the granting or denial

of entitlements under this title. (Ord. 1562 • 2 (part), 1987).

**16.04.060 Appeal board.** Except for divisions of real property for which the board of supervisors is designated as having the final approval authority, the board of supervisors is charged with the duty of hearing and making determinations upon appeals with respect to divisions of real property, the imposition of requirements or conditions thereon, or the kinds, nature and extend of the design or improvements required by the advisory agency. (Ord. 1562 • 2 (part), 1987).

**16.04.070 Applicant.** "Applicant" means any owner or his/her authorized agent who files an application for a division of land pursuant to the provisions of this chapter. (Ord. 1562 • 2 (part), 1987).

**16.04.080 Arterial.** "Arterial" means a road that serves statewide and interstate travel, primarily federal and state highways. (Ord. 1562 • 2 (part), 1987).

**16.04.090 Board.** "Board" means the board of supervisors of the county of Tuolumne. (Ord. 1562 • 2 (part), 1987).

**16.04.100.** (Repealed by Ord. 2132 • 1, 1996; Ord. 1562 • 2 (part), 1987).

**16.04.110 Certificate of compliance.** "Certificate of compliance" means a written determination recorded in the office of the county recorder which states that one or more parcels of land complies with applicable provisions of the Subdivision Map Act and local ordinance. A certificate of compliance may be a separate written instrument referring to a previously recorded map, or a recorded final map, parcel map or official map. (Ord. 1562 • 2 (part), 1987).

**16.04.120 Commission.** "Commission" means the planning commission of the county of Tuolumne. Refers to the Jamestown planning commission when property is located in their jurisdiction. (Ord. 1562 • 2 (part), 1987).

**16.04.130 Condominium.** "Condominium" means 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 such real property. A condominium may include, in addition, a separate interest in other portions of such real property. (Ord. 1562 • 2 (part), 1987).

**16.04.140 Contractor.** "Contractor" means any person or persons, firm, partnership, corporation or combination thereof who have entered into a contract with any person, corporation, company, developer, special district or the county of Tuolumne, or his/her or their legal representative, for the construction, or improvement of any road or other improvement required by this title. (Ord. 1562 • 2 (part), 1987).

**16.04.150 County surveyor.** "County Surveyor" means a person licensed to practice land surveying and appointed by the board of supervisors to the position of county surveyor. The consolidation of the office of county surveyor and any other county office shall not affect the authority of the county surveyor or any qualified deputy. (Ord. 2325 • 3, 2000; Ord. 1954 • 4, 1992; Ord. 1562 • 2 (part), 1987).

**16.04.160 Cul-de-sac.** "Cul-de-sac" means a street which connects with another street only at one end and has a turning bulb at the other end. (Ord. 1562 • 2 (part), 1987).

**16.04.170 Designated remainder parcel.** "Designated remainder parcel" means any portion of a unit of land to be divided which is not included within the boundaries of the parcel or final map, and is not designated as a parcel for the purpose of sale, lease or financing. (Ord. 1562 • 2 (part), 1987).

**16.04.180 Development.** "Development" means the next permit or entitlement granted a developer by Tuolumne county after the property has received a zoning classification consistent with its general plan designation. In the case of a land division, "development" is approval of a final map or a parcel map. (Ord. 1562 • 2 (part), 1987).

**16.04.190 Director.** "Director" means the public works director for the county of Tuolumne. (Ord. 1954 • 5, 1992; Ord. 1562 • 2 (part), 1987).

**16.04.200 Drainage protection area.** "Drainage protection area" means a designated area adjacent to a drainage course, ephemeral, intermittent or perennial stream or domestic water supply canal, lake, reservoir or spring, in which no effluent from a subsurface sewage disposal field may be discharged. (Ord. 1562 • 2 (part), 1987).

**16.04.210 Driveway.** A vehicular access that serves a single parcel, with not more than three dwelling units, and any number of accessory buildings. Two parcels may share a common driveway provided that the common portion of the driveway is a minimum of 18 feet in width, and easements have been established for use of the driveway by both parcels. (Ord. 2161 • 2, 1996; Ord. 1562 • 2 (part), 1987).

**16.04.220 Easement.** An interest in real property giving a person or public entity other than the owner of a parcel, a right, to use that parcel, or a portion, or to prevent the owner's use, for some specific purpose. Such specific purposes may include streets, alleys, bicycle paths, pedestrian facilities, equestrian trails, sanitary sewers, drainage, utilities or other public or private uses. (Ord. 2117 • 1, (1995); Ord. 1562 • 2 (part), 1987).

**16.04.230 Easement, public.** "Easement, public" means an easement which has been dedicated or otherwise conveyed to a public entity and accepted for use by the general public. (Ord. 1562 • 2 (part), 1987).

**16.04.240 Engineer.** "Engineer" means any person or persons legally authorized to practice civil engineering in the state of California who prepares or submits improvement plans and specifications to the department of public works of the county of Tuolumne for approval. (Ord. 2325 • 4, 2000; Ord. 1562 • 2 (part), 1987).

**16.04.250 Final map.** "Final map" means a map showing a proposed subdivision, for which a final map is required under G.C. Sec. 66426 which is prepared in accordance with the approved tentative map and filed for recordation in the office of the county recorder. The final map must be based on a survey and prepared under the direction of a registered civil engineer or licensed land surveyor. (Ord. 1562 • 2 (part), 1987).

**16.04.260 Fire flow.** "Fire flow" means the required rate of flow in gallons per minute for a duration of two hours at a minimum residual pressure of twenty pounds per square inch under pumping draft. (Ord. 1562 • 2 (part), 1987).

**16.04.270 Fire hazard reduction plan.** "Fire hazard reduction plan" means a plan and set of conditions imposed on development to insure that access, water availability, building construction, fuel load reductions etc., do improve the fire safety of the development. (Ord. 1562 • 2 (part), 1987).

**16.04.280 Flag lot.** "Flag lot" means a parcel which meets the width requirement at the front building line but with a width of less than forty feet on that portion abutting a street (does not apply to double-frontage or corner lots). (Ord. 1562 • 2 (part), 1987).

**16.04.290 General plan.** "General plan" means the Tuolumne county general plan, a comprehensive, long-term framework for the physical development of real property under the jurisdiction of the county. All development regulations and projects must be consistent with the policies of the general plan. (Ord. 1562 • 2 (part), 1987).

**16.04.300 Gift deed.** "Gift deed" means a deed for no fee. (Ord. 1562 • 2 (part), 1987).

**16.04.310 Gross acreage.** "Gross acreage" means total area of a parcel including easements, rights-of-way, lakes and streams. (Ord. 1562 • 2 (part), 1987).

**16.04.315 High-water mark.** ■High-water mark• means the highest level to which water will rise in a reservoir, lake or pond before it overflows, unless otherwise established by county ordinance or by the agency having jurisdiction over the reservoir, lake or pond. (Ord. 2394 • 1, 2001).

**16.04.320 Improvement.** "Improvement" means such street work and utilities 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 drainage needs as a condition precedent to the approval and acceptance of the final map thereof. (Ord. 1562 • 2 (part), 1987).

**16.04.330 Improvement plans.** "Improvement plans" means engineered plans prepared by or under the direction of a civil engineer, licensed by the state of California, showing the location and construction details of all improvements required for the project. (Ord. 1562 • 2 (part), 1987).

**16.04.340 Local road.** "Local road" means a road that provides access to immediately abutting land uses or rural areas; provides service over relatively short distances compared to collectors and arterials. (Ord. 1562 • 2 (part), 1987).

**16.04.345 Lot line adjustment.** ■Lot line adjustment• means the relocation of boundary lines between four or fewer existing adjoining lots or parcels that are not under common ownership,

where the land taken from one lot or parcel is added to an adjoining lot or parcel, and where a greater number of lots or parcels than originally existed is not thereby created. (Ord. 2471 • 2, 2002 (part); Ord. 2231 • 2, 1996).

**16.04.350 Major collector.** "Major collector" means a road that serves intraregional travel. Average travel distances are shorter than on arterial routes. (Ord. 1562 • 2 (part), 1987).

**16.04.360 Merger.** "Merger" means the elimination of boundary lines between lots or parcels, without reverting to acreage, to join any number of separate and contiguous lots parcels under one ownership into one lot or parcel. (Ord. 2132 • 3, 1996; Ord. 1562 • 2 (part), 1987).

**16.04.370 Minor collector.** "Minor collector" means a road that collects traffic from local roads and channels it to major collectors or arterials; serves to link locally important traffic generators. (Ord. 1562 • 2 (part), 1987).

**16.04.380 Net acreage.** "Net acreage" means the area of a parcel excluding areas within deeded or dedicated road easements or road easements that have been offered for dedication, and less the area of any reservoir, lake or pond on the parcel as measured at the high-water mark where that area exceeds twenty percent of the gross acreage of the parcel, except the dedication of the area of any reservoir, lake or pond on a parcel shall not apply where such parcel is being reconfigured or merged with one or more parcels. (Ord. 2394 • 2, 2001; (Ord. 1562 • 2 (part), 1987).

**16.04.390 Owner.** "Owner" means the fee title holder of record of the surface rights for a particular property or premises. (Ord. 1562 • 2 (part), 1987).

**16.04.400 Parcel.** "Parcel" means a lot, unit or tract of real property created by a division of land which is legally separate from any adjacent property. (Ord. 1562 • 2 (part), 1987).

**16.04.410 Parcel map.** "Parcel map" means a map showing a proposed subdivision, for which a final map is not required under G.C. Sec. 66426, which is prepared in accordance with the approved tentative parcel map and filed for record in the office of the county recorder. The parcel map must be based on a survey or compiled from record or filed data, and prepared under the direction of a registered civil engineer authorized to survey land in the state of California or a licensed land surveyor. (Ord. 1562 • 2 (part), 1987).

**16.04.420 Private sewage disposal system.**

"Private sewage disposal system" means a septic tank with the effluent there from discharging into a subsurface disposal field or an approved engineered system. (Ord. 1562 • 2 (part), 1987).

**16.04.430 Public sewer system.** "Public sewer system" means a community or regional system for the collection, treatment and disposal of sewage which meets all applicable state and local laws. (Ord. 1562 • 2 (part), 1987).

**16.04.440 Public water system.** "Public water system" means a distribution system which provides potable water to residents or businesses of an area or community, and is operated by either an association, district, mutual or public utility company form of organization legally authorized to provide water. (Ord. 1562 • 2 (part), 1987).

**16.04.450 Resubdivision.** "Resubdivision" means the merger and resubdividing of parcels under common ownership, or the adjustment of boundary lines between two or more parcels under common ownership. A resubdivision may not increase the number of parcels. (Ord. 1562 • 2 (part), 1987).

**16.04.460.** (Repealed by Ord. 2132 • 4, 1996; Ord. 1562 • 2 (part), 1987).

**16.04.470 Road.** (See definitions for arterial, local road, minor collector and major collector.) (Ord. 1562 • 2 (part), 1987).

**16.04.480 Sale or lease.** "Sale or lease" means any immediate or future transfer of ownership, or any possessory interest in land, including contract of sale, lease, devise, gift, intestate succession, or transfer, of an interest in a subdivision or part thereof, whether by metes and bounds, deed, contract, plat, map, lease, devise, gift intestate succession, or other written instrument. (Ord. 1562 • 2 (part), 1987).

**16.04.490 Subdivider.** ■Subdivider■ means a person, firm corporation, partnership or association who proposes to divide, divides or causes to be divided real property into a subdivision for himself or for others. An agent authorized in writing may act for a subdivider. (Ord. 2325 • 5, 2000; Ord. 1562 • 2 (part), 1987).

**16.04.500 Subdivision.** "Subdivision" means the division, by any subdivider of any unit or units of improved or unimproved land, or any portion thereof, for the purpose of sale, lease or financing, whether immediate or future except for leases of

agricultural land for agricultural purposes. (Ord. 1562 • 2 (part), 1987).

**16.04.510 Surveyor.** "Surveyor" means a person licensed to practice land surveying in the state of California; may include a registered civil engineer who is authorized to practice land surveying in California. (Ord. 1562 • 2 (part), 1987).

**16.04.530 Tentative map.** "Tentative map" means a map prepared in accordance with the provisions of this chapter for the purpose of initiating a division of land. The tentative map shall show the design and improvement of a proposed land division and the existing conditions in and around it and need not be based upon an accurate or detailed final survey of the property. (Ord. 1562 • 2 (part), 1987).

**16.04.540 Townhouse lot.** "Townhouse lot" means 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 a residential, industrial, or commercial unit and the land under such unit. A townhouse may include, in addition, a separate interest in other portions of such real property. (Ord. 1562 • 2 (part), 1987).

**16.04.550 Turning-bulb.** "Turning-bulb" means a circular, improved surface at the closed end of a cul-de-sac intended for the turning of vehicles. (Ord. 1562 • 2 (part), 1987).

**16.04.560 Vesting tentative map.** "Vesting tentative maps means a "tentative map" for a residential subdivision that shall have printed conspicuously on its face the words "vesting tentative map" at the time it is filed in accordance with Chapter 16.20 (Vesting tentative maps-Filing and processing), and is thereafter processed in accordance with the provisions of this chapter. (Ord. 1562 • 2 (part), 1987).

**16.04.570 Zoning ordinance.** "Zoning ordinance" refers to Title 17 of the Tuolumne County Ordinance Code otherwise known as the "Tuolumne County Uniform Zoning Ordinance Code," and all amendments thereto. (Ord. 1562 • 2 (part), 1987).

## Chapter 16.06

### GENERAL REGULATIONS

#### Sections:

- 16.06.010 Interpretation.**
- 16.06.020 Conflict with public and private provisions.**
- 16.06.030 Fees.**
- 16.06.040 Building site.**
- 16.06.050 Consistency with California Environmental Quality Act.**
- 16.06.060 Grounds for denial of tentative map.**
- 16.06.080 Gift deeds.**
- 16.06.090 Conditions.**
- 16.06.100 Improvements.**
- 16.06.110 Security for improvements.**
- 16.06.120 Reimbursement for supplemental improvements.**
- 16.06.130 Appeals.**
- 16.06.140 Amendment of recorded maps.**
- 16.06.150 Legal remedies.**

**16.06.010 Interpretation.** In their interpretation and application, the provisions of this title shall be held to the minimum requirements for the promotion of the public health, safety, and general welfare. (Ord. 1562 • 2 (part), 1987).

**16.06.020 Conflict with public and private provisions.**

A. Public Provisions. This title is not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute or other provision of law. Where any provision of this title imposes restrictions different from those imposed by any other provision of this title or any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher standards shall control.

Notwithstanding the above, land divisions into parcels of over forty acres for which a tentative parcel map was approved prior to the effective date of the ordinance codified in this title may, in lieu of the road standards previously required, comply with the applicable standards in Title 11.

B. Private Provisions. This title is not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of this title are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of this title shall govern.

Where the provisions of the easement, covenant, or private agreement or restriction impose duties and obligations more restrictive, or higher standards than the requirements of this title, or the determinations of the board in approving a land division or in enforcing these regulations, and such private provisions are not inconsistent with this title or determinations thereunder, then such private

provisions shall be operative and supplemental to this title and determinations made thereunder. In no case shall the county take responsibility for enforcing such private provisions. (Ord. 1584 • 1, 1987; Ord. 1562 • 2 (part), 1987).

**16.06.030 Fees.** All processing fees necessary to administer this title shall be submitted to the department of public works or the community development department, as hereinafter required, and shall be in conformance with Title 3. (Ord. 2314 • 61, 1999; Ord. 1562 • 2 (part), 1987).

**16.06.040 Building site.** Approval of a division of land pursuant to this title does not guarantee a building site. (Ord. 1562 • 2 (part), 1987).

**16.06.050 Consistency with California Environmental Quality Act.** Any measure necessary to mitigate a potentially significant impact as identified in an Environmental Impact Report or initial study prepared under the CEQA Guidelines may be voluntarily implemented by the subdivider or his/her successors in interest, or the map must be denied. Such measures, except when they are requirements of local ordinances, shall be attached to the tentative map as conditions of final approval, or recorded on the final map, or made a part of an approved development agreement, fire hazard reduction plan, use permit, or site development permit. (Ord. 1562 • 2 (part), 1987).

**16.06.060 Grounds for denial of tentative map.** The board, the director or county surveyor shall deny a tentative map within their respective jurisdiction if any of the following findings are made:

A. That the proposed map is not consistent with applicable general and specific plans as specified in Government Code Section 65451;

B. That the design or improvement of the proposed land division is not consistent with applicable general and specific plans;

C. That the site is not physically suitable for the type of development;

D. That the site is not physically suitable for the proposed density of development;

E. 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;

F. That the design of the subdivision or type of improvements is likely to cause serious public health problems;

G. 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 advisory agency 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;

H. The proposed division of land includes any land or parcel not zoned pursuant to the Tuolumne County Uniform Zoning Ordinance, Title 17 of this code;

I. The proposed division of land includes any portion of any parcel under a Tuolumne County land conservation contract which is proposed to be divided into a parcel smaller than thirty-seven acres, subject to Government Code Section 66474.4. (Ord. 2325 • 7, 2000; Ord. 1562 • 2 (part), 1987).

**16.06.080 Gift deeds.** Parcels created for gift deed purposes will require a parcel map or subdivision map according to the number of parcels proposed. (Ord. 1562 • 2 (part), 1987).

**16.06.090 Conditions.** Regulation of the division of land and the attachment of reasonable conditions to land division is an exercise of valid police power delegated by the state to this county. The subdivider, and all successors in interest, have the duty of compliance with conditions imposed on a tentative map for design, dedication, improvement, and restrictive use of the land so as to conform to the physical and economical development of the county and to ensure the safety and general welfare of the future parcel owners in the division and of the community at large. (Ord. 2296 • 27, 1999; Ord. 1562 • 2 (part), 1987).

**16.06.100 Improvements.** The subdivider shall improve land dedicated for roads, drainage and utility easements, as required by the approved improvement plans, as a condition precedent to the acceptance and approval of the final map. The required improvements shall be in accordance with the design and improvement standards for parcel and subdivision maps as provided in this title, and with any improvement standards for land divisions as established by the board by resolution or in this code. (Ord. 1562 • 2 (part), 1987).

**16.06.110 Security for improvements.**

A. If the required improvements are not satisfactorily completed prior to the filing of the map, the advisory agency and the owner may enter into an agreement whereby the owner agrees to complete the improvements within a specified time and, except as provided in the agreement, prior to the issuance of any building, site development or use permits for any parcel shown on the map. The agreement must be recorded and must be noted on the map. Security to guarantee the performance of the agreement shall be provided in the following amounts:

1. One hundred percent of the total estimated cost of the improvement or act to be performed as of the end of the period allowed for completion or performance, conditioned upon the faithful performance of the act or agreement; and

2. An additional amount of fifty percent of the total estimated cost of the improvement or the performance of the required act, securing payment to the contractor, to the subcontractors, and to persons furnishing labor, materials, or equipment to them for the improvements or the performance of the required act; and

3. An amount determined to be necessary to guarantee and warranty the work for a period of one year following the completion and acceptance thereof against any defective work or labor done, or defective materials furnished, which, in the case of roads which are to be accepted into the country-maintained system shall be no less than twenty-five percent of the estimated cost of construction; and

4. As a part of the obligation guaranteed by the security and in addition to the face amount of the security, there shall be included costs and reasonable expenses and fees, including reasonable attorneys' fees, and administration costs incurred by the county in successfully enforcing the obligations secured. Liability upon the security given for a faithful performance of the act or agreement shall be limited to:

a. The performance of the work covered by the agreement between the subdivider and the county or the performance of any required act; and

b. The performance of any changes or alternations in such work; provided, that all such changes or alterations do not exceed ten percent of the original estimated cost of the improvement; and

c. The guarantee and warranty of the work, for a period of one year following completion and acceptance thereof, against any defective work or labor done or defective materials furnished, in the performance of the agreement with the county or the performance of any required act; and

d. Costs and reasonable expenses and fees, including reasonable attorneys' fees.

B. The required security shall be provided in one of the forms authorized by the Government Code Section 66499 at the option of and subject to the approval of the county. Any faithful performance bond must be in the form set forth in Government Code Section 66499.1 and any laborers and material man surety bond must be in the form provided in Government Code Section 66499.2.

C. Any security in the form of money, negotiable bond or instrument of credit shall be a trust fund to guarantee performance and shall not be subject to enforcement of a money judgment by any creditors of the depositor until the obligation secured thereby is performed to the satisfaction of the county.

D. Any extension of time granted for delay caused without fault of the subdivider shall not operate to release the improvement security or securities provided. The surety or financial institution providing the security must waive the provisions of Section 2819 of the civil code in this regard.

E. Security given for faithful performance of any act or agreement may be released upon the performance of the act or final completion and acceptance of the required work. Partial release of the security upon partial performance may be approved by the director or county surveyor in a sum equal to the proportion of the work performed except that in no case shall a release in excess of eighty-five percent of the total amount be made until all work has been completed and accepted by formal action of the advisory agency. The determination by the director or county surveyor as to the amount of any partial release shall be final and conclusive.

F. Securities securing the payment to the contractor, his/her or her subcontractors and to persons furnishing labor, materials or equipment may, after passage of the time within which claims of lien are required to be recorded and after acceptance of the work, be reduced to an amount not less than the total claimed by all claimants for

whom claims of lien have been recorded and notice thereof given in writing to the county, and if no such claims have been recorded, the security may be released in full.

G. The partial release provision shall not apply to any guarantee or warranty period nor to security for costs and reasonable expenses and fees, including reasonable attorneys' fees. (Ord. 2325 • 8, 2000; Ord. 1562 • 2 (part), 1987).

#### **16.06.120 Reimbursement for supplemental improvements.**

A. When deemed necessary by the county, improvements installed by the subdivider for the benefit of the subdivision shall contain supplemental size, capacity, number or length for property not within the subdivision. These improvements shall be dedicated to the public on the final map or by separate instrument.

B. The county shall enter into an agreement with the subdivider to reimburse him/her for that portion of the cost of said improvements, in excess of the construction required for the subdivision.

C. Repayment of the costs, as required by the reimbursement agreement, shall be provided by one of the forms authorized by Government Code, Section 66487, at the option of, and subject to, the approval of the county. (Ord. 1562 • 2 (part), 1987).

**16.06.130 Appeals.** The board shall have the authority to hear and decide appeals when it is alleged that there has been any error in any order, requirement, decision, or determination made by the director or county surveyor in the administration or enforcement of this title. Any such appeal by the applicant or any aggrieved party shall be filed in writing with the clerk of the board within ten days after the action of the director or county surveyor which is being appealed, accompanied by the fee set forth in Chapter 3.40. The reasons for the appeal shall be stated. A copy of such appeal shall be sent to the director or county surveyor. Appeals not submitted in a timely manner will not be considered and will be returned. An appeal on any aspect of an application submits the entire application to comprehensive (de novo) review and the board shall consider the public record, receive testimony, and make all findings and determinations necessary to approve, conditionally approve, or deny the application. Said clerk shall schedule the appeal for hearing before the board within thirty days after the date of filing the appeal. Notice of such hearing shall be mailed to the owner, applicant, and appellant, if the latter is not the applicant, at least ten days before the hearing. Upon conclusion of the hearing the board shall, within seven days, declare its findings based upon the testimony and documents produced before it. It

may sustain, modify, reject, or overrule any rulings or actions of the director or county surveyor, and shall make such findings as are consistent with the provisions of state law and county ordinances. (Ord. 2325 • 9, 2000; Ord. 2296 • 28, 1999; Ord. 1562 • 2 (part), 1987).

**16.06.140 Amendment of recorded maps.** After a final map 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 as set forth in Sections 66469 through 66472.1 of the Government Code. (Ord. 1562 • 2 (part), 1987).

**16.06.150 Legal remedies.** This chapter does not bar any legal, equitable or summary remedy to which the county or any aggrieved person, firm or corporation may otherwise be entitled, and the county or any such person, firm or corporation may file a suit in the superior court of California for the county to restrain or enjoin any attempted or proposed division or sale in violation of this chapter. (Ord. 1562 • 2 (part), 1987).

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## Chapter 16.08

### GENERAL PLAN CONSISTENCY

#### Sections:

- 16.08.010 Consistency required.**
- 16.08.020 Urban development requirements.**
- 16.08.030 Fire hazard reduction.**
- 16.08.040 Seismic requirements.**
- 16.08.050 Grading.**
- 16.08.060 Density Bonuses.**

**16.08.010 Consistency required.** Any division of land must be consistent with the applicable policies of the Tuolumne county general plan. (Ord. 2471 • 1, 2002; Ord. 1562 • 2 (part), 1987).

**16.08.020 Urban development requirements.**

A. Any division of land, except on property zoned RE-10, RE-5, RE-3, RE-2, TPZ, A, P, M, BP, C-S, C-K, O or K, which results in a parcel less than two gross acres as defined in the general plan, shall meet the following requirements for urban development:

1. Public water, as defined in the general plan, shall be supplied to each parcel;
2. Paved roads, to the standards described in Title 11 for urban development, must provide access to each parcel;
3. Adequate levels of fire protection and police protection, as both are defined in the general plan, must be available at the time of development;
4. If the division of land constitutes urban development as defined by the Tuolumne county general plan and any portion of the site to be divided is located in unstable slope or landslide areas as delineated on the Tuolumne county general plan geotechnical interpretive maps or in areas where unstable slopes have been identified by a civil or geotechnical engineer licensed to practice in the State of California, but not mapped, a detailed engineering study must be submitted to the department of public works.

The study shall identify the extent of instability or potential for landsliding, and recommend design alterations, considerations or other features which could reduce the potential hazards to an acceptable level. The feasible recommendations from the study shall be integrated into the project approval process.

B. Urban development on lots of one-third acre or less, or with densities of three dwelling units (or more) per net acre, will be required to be served by and connected to a public sewer system. Public sewer will also be required in those areas of known or suspected geological limitations, if such lots fail to meet the requirements of Title 13. (Ord. 2471 • 1, 2002 (part); Ord. 2325 • 10, 2000; Ord. 1562 • 2 (part), 1987).

**16.08.030 Fire hazard reduction.** No division of land shall be approved in an area identified as high fire hazard on the General Plan Fire Hazard Maps, unless a fire hazard reduction plan has been approved by the planning division and the fire prevention bureau and attached as conditions of the map. (Ord. 2471 • 1, 2002 (part); Ord. 2314 • 62, 1999; Ord. 1562 • 2 (part), 1987).

**16.08.040 Seismic requirements.** Requirements for land divisions within areas capable of seismic activity, shall be followed. (Ord. 2471 • 1, 2002 (part); Ord. 1562 • 2 (part), 1987).

**16.08.050 Grading.** Grading on any site for which a tentative map has been submitted or approved, including grading in conjunction with an approved road plan, shall be in conformance with Chapter 12.20 of this code. (Ord. 2471 • 1, 2002 (part); Ord. 1562 • 2 (part), 1987).

**16.08.060 Density bonuses.** Developers who include very low, low or moderate income, or senior housing units in subdivision proposals may receive density bonuses in accordance with the general plan housing element or development incentives for affordable housing as adopted by the board of supervisors. (Ord. 2471 • 1, 2002 (part); Ord. 1562 • 2 (part), 1987).

## Chapter 16.09

### LOT LINE ADJUSTMENT

#### Sections:

**16.09.010 Approval required.**

**16.09.020 Procedure.**

**16.09.010 Approval required.** No lot line adjustment is effective, nor may any document seeking to evidence a lot line adjustment be submitted for recording, nor be recorded, until an application is approved by the County Surveyor, and consent to record is given pursuant to this chapter. (Ord. 2132 • 6 (part), 1996)

#### **16.09.020 Procedure.**

A. Processing. An applicant seeking a lot line adjustment shall submit an application to the County Surveyor with the following:

1. An exhibit drawn to scale and prepared by a Land Surveyor or qualified Civil Engineer. The exhibit shall include the existing and proposed lot or parcel lines, lot or parcel size prior to the proposed adjustment, lot or parcel size after the adjustment, assessor parcel numbers, location of existing improvements such as buildings, wells, roads, utilities, easements, and approximate location of each sewage treatment and disposal system that is within 100 feet of the lot or parcel lines proposed by the application.

2. If applicable, a letter from each utility company with facilities, infrastructure or easements existing on each of the lots or parcels to be adjusted regarding the effect the lot line adjustment may have on its interests.

3. A preliminary parcel map guarantee covering all affected lots or parcels.

B. Review. The review shall be limited to ensure the resulting lots or parcels conform to Chapters 13.04, 13.16, 15.04, and Title 17 of this code, to require repayment of real property taxes, and to facilitate relocation of utility facilities, infrastructure and easements. The community development department's review for compliance with Chapter 15.04 is limited to determine whether existing structure(s) will meet building setbacks after the lot line adjustment, on adjusted lines only. The community development department's review for compliance with Title 17 is limited to determine if the proposed lots or parcels comply with the minimum lot or parcel size requirement, whether existing structure(s) will meet building setbacks, on adjusted lines only, and that the number of primary zoning districts on a lot or parcel is not increased after the lot line adjustment. The environmental health division's review is limited to determine whether existing wells, septic tanks and leach fields

will meet setbacks, and whether the required minimum expansion area for repair of a sewage disposal system will exist on each applicable lot or parcel after the lot line adjustment. The department of public works' review is limited to determine whether existing utilities, infrastructure, and easements will need to be relocated. No tentative map, parcel map, final map, or record of survey shall be required as a condition to the approval of a lot line adjustment.

The County Surveyor shall take action within 21 calendar days after the completion of review by the advisory agencies, to approve, approve with conditions, or deny the application. The advisory agencies shall complete their review within 15 calendar days. The advisory agencies are limited to the building and safety division and planning division of the community development department, environmental health division, and department of public works.

C. Recording.

1. The lot line adjustment shall be reflected in a deed(s) which shall be recorded.

2. Any lot line adjustment must be evidenced by a County Surveyor's Consent to Record authorizing the recordation of the deed(s). The deed(s) recorded pursuant to this section shall include language reflecting that the transfer is a result of a lot line adjustment and not a division of land. The deed(s) shall be filed for recordation with the County Recorder within 36 months of the approval of the lot line adjustment. Extensions may be granted, upon application of the applicant, by the County Surveyor for a period or periods not exceeding a total of three (3) additional years. Failure to record the deed(s) within the required time shall terminate all proceedings and no deed(s) reflecting the lot line adjustment of the real property shall be recorded without first obtaining approval of a new lot line adjustment application.

3. Prior to issuance of the Consent to Record, the applicant shall submit to the County Surveyor, the following:

a. Proof that taxes and assessments due and payable on the lots or parcels have been paid.

b. A legal description for each resulting lot or parcel proposed by the application, prepared by a licensed Land Surveyor or qualified Civil Engineer to be recorded with the deed(s).

c. A consent form signed and acknowledged by all lien holders and other parties holding record title interest in the property.

d. If applicable, proof that all the conditions of approval have been completed.

4. No record of survey shall be required for a lot line adjustment unless required by Section 8762 of the Business and Professions Code. (Ord. 2314 • 63, 1999; Ord. 2132 • 6 (part), 1996).

## Chapter 16.10

### MERGER

#### Sections:

**16.10.010 Merger.**

**16.10.011 Approval required.**

**16.10.012 Procedure.**

#### **16.10.010 Merger.**

A. Any number of lots or parcels, under common ownership, may be merged, without reverting to acreage, only by parcel map with the approval of the County Surveyor.

B. The requirements of this title which ordinarily apply to lots or parcels created by parcel map are inapplicable to maps approved under this chapter, except that the parcel map shall comply with all laws and regulations governing the processing, form and content of parcel maps. (Ord. 2132 • 7 (part), 1996; Ord. 1562 • 2 (part), 1987).

**16.10.011 Approval required.** No merger is effective, nor may any map seeking to evidence the merger be submitted for recording, nor be recorded, until an application and map are approved by the County Surveyor pursuant to this chapter. (Ord. 2132 • 7 (part), 1996)

#### **16.10.012 Procedure.**

A. Processing. An applicant seeking a merger shall submit an application to the County Surveyor with the following:

1. An exhibit drawn to scale and prepared by a Land Surveyor or qualified Civil Engineer. The exhibit shall include the existing lots or parcels, the proposed lot or parcel, lot or parcel size prior to the proposed merger, lot or parcel area after the merger, and assessor parcel numbers.

2. If applicable, a letter from each utility company with facilities, infrastructure or easements existing on each of the lots or parcels to be adjusted regarding the effect the merger may have on its interests.

3. A preliminary parcel map guarantee covering all affected lots or parcels.

B. Review. The review shall be limited to ensure the resulting lots or parcels conform to Title 17 of this code. The community development department's review is limited to modifying zoning boundary maps in accordance with Section 17.70.015 of the Tuolumne County Ordinance Code. No tentative map shall be required as a condition to the approval of the merger. The instrument recorded to create the merger shall be a parcel map.

The County Surveyor shall take action within 21 calendar days after the completion of review by the

planning division, to approve, approve with conditions, or deny the application. The planning division shall complete its review within 15 calendar days.

C. Recording.

1. Any merger approved pursuant to this chapter must be evidenced by a County Surveyor's Decision approving the merger. The approval shall occur prior to the recordation of the parcel map. The parcel map shall be filed for recordation with the County Recorder within 36 months of the approval of the merger. Extensions may be granted, upon application of the applicant, by the County Surveyor for a period or periods not exceeding a total of three (3) additional years. Failure to record the parcel map within the required time shall terminate all proceedings and no parcel map reflecting the merger of the real property shall be recorded without first obtaining approval of a new merger application.

2. Prior to recordation of the parcel map, the applicant shall submit to the County Surveyor, the following:

a. Proof that taxes and assessments due and payable on the lots or parcels have been paid.

b. A request for separation form.

c. A parcel Map Guarantee.

d. If applicable, proof that all the conditions of approval have been completed.

e. The recording fee. (Ord. 2314 • 64, 1999; Ord. 2132 • 7 (part), 1996).

## Chapter 16.11

### RESUBDIVISION

#### Sections:

#### 16.11.010 Resubdivision.

#### 16.11.011 Approval required.

#### 16.11.012 Procedure.

**16.11.010 Resubdivision.** Lots or parcels may be merged and resubdivided into four or fewer lots or parcels by parcel map, or into five or more lots or parcels by final map or parcel map, as long as the number of lots or parcels is not increased. (Ord. 2473 • 1, 2002; Ord. 2132 • 8 (part), 1996;).

A. Resubdivisions resulting in five or more parcels shall comply with all requirements of this title which ordinarily apply to lots or parcels created by final map or parcel map and the procedures established in section 16.11.012 shall not apply to such resubdivisions.

B. Resubdivisions resulting in four or fewer parcels are exempt from any requirements of this title which ordinarily apply to lots or parcels created by parcel map, except that the parcel map shall comply with all laws and regulations governing the form and content of parcel maps. (Ord. 2473 • 1, 2002).

**16.11.011 Approval required.** No resubdivision is effective, nor may any map seeking to evidence the resubdivision be submitted for recording, nor be recorded, until an application and map are approved as provided in this chapter. (Ord. 2473 • 1, 2002; Ord. 2132 • 8 (part), 1996;).

#### 16.11.012 Procedure.

A. Processing. An applicant seeking a resubdivision resulting in four or fewer parcels shall submit an application to the County Surveyor with the following:

1. An exhibit drawn to scale and prepared by a Land Surveyor or qualified Civil Engineer. The exhibit shall include the existing and proposed lots or parcels, lot or parcel size prior to the proposed resubdivision, lot or parcel size after the resubdivision, assessor parcel numbers, location of existing improvements such as buildings, wells, roads, utilities, easements, and approximate location of each sewage treatment and disposal system that is within 100 feet of the lot or parcel lines proposed by the application.

2. If applicable, a letter from each utility company with facilities, infrastructure or easements existing on each of the lots or parcels to be adjusted regarding the effect the resubdivision may have on its interests.

3. A preliminary parcel map guarantee covering all affected lots or parcels.

B. Review. The review shall be limited to ensure the resulting lots or parcels conform to Chapters 13.04, 13.16, 15.04, and Title 17 of this code, and to facilitate relocation of utility facilities, infrastructure and easements. The community development department's review for compliance with Chapter 15.04 is limited to determine whether existing structure(s) will meet building setbacks after the resubdivision. The community development department's review for compliance with Title 17 is limited to determine if the proposed lots or parcels comply with the minimum lot or parcel size requirement, whether existing structure(s) will meet building setbacks, and that the number of primary zoning districts on a lot or parcel is not increased after the resubdivision. The environmental health division's review is limited to determine whether existing wells, septic tanks and leach fields will meet setbacks, and whether the required minimum expansion area for repair of a sewage disposal system will exist on each applicable lot or parcel after the resubdivision. The department of public works' review is limited to determine whether existing utilities, infrastructure, and easements will need to be relocated. No tentative map shall be required as a condition to the approval of the resubdivision. The instrument recorded to create the resubdivision shall be a parcel map or final map as applicable. The County Surveyor shall take action within 21 calendar days after the completion of review by the advisory agencies, to approve, approve with conditions, or deny the application. The advisory agencies shall complete their review within 15 calendar days. The advisory agencies are limited to the building and safety division and planning division of the community development department, environmental health division, and department of public works.

#### C. Recording.

1. Any resubdivision resulting in four or fewer parcels approved pursuant to this chapter must be evidenced by a County Surveyor's Decision approving the resubdivision.

The approval shall occur prior to the recordation of the parcel map. The parcel map shall be filed for recordation with the County Recorder within 36 months of the approval of the resubdivision.

Extensions may be granted, upon application of the applicant, by the County Surveyor for a period or periods not exceeding a total of three (3) additional years. Failure to record the parcel map within the required time shall terminate all proceedings and no parcel map reflecting the resubdivision of the real property shall be recorded without first obtaining approval of a new resubdivision application.

2. Prior to recordation of the parcel map, the applicant shall submit the following:

- a. Proof the taxes and assessments due and payable on the lots or parcels have been paid.
- b. A request for separation form.
- c. A Parcel Map Guarantee.
- d. The recording fee. (1996; Ord. 2473 ● 1, 2002; Ord. 2314 ● 65, 1999; Ord. 2132 ● 8 (part)).

## Chapter 16.12

### DEDICATIONS

#### Sections:

- 16.12.010 Provision for public ways.**
- 16.12.020 Waiver of access rights.**
- 16.12.030 Acceptance or rejection of offers of dedication.**

**16.12.010 Provision for public ways.** The subdivider shall make proper and adequate provisions for road and drainage and utility easement. The advisory agency shall require the dedication of such roads and drainage and utility easements as may be deemed necessary for the public use. The advisory agency may also require the dedication of certain roads and drainage and utility easements which, in its opinion, are necessary for the future serving of property adjacent to the land being subdivided. Roads thus required to be dedicated by the advisory agency and which do not serve any lot or parcel of the subdivision which is not already served by other roads of the proposed subdivision may not be required to be improved, as determined by the director. (Ord. 1562 • 2 (part), 1987).

**16.12.020 Waiver of access rights.** Whenever a dedication or offer of dedication is required, the advisory agency may also require the owner to include a waiver of direct access to any such street from any property shown on the final or parcel map as abutting thereon and if the dedication is accepted, any such waiver shall become effective in accordance with its provisions and shall be noted on the map. (Ord. 1562 • 2 (part), 1987).

**16.12.030 Acceptance or rejection of offers of dedication.** Acceptance or rejection of offers of dedication, and termination of rejected offers, shall be in conformance with Government Code Sections 66477.1, 66477.2, and 66477.3. (Ord. 1562 • 2 (part), 1987).

## Chapter 16.14

### CONSTRUCTION OF BRIDGES AND MAJOR THOROUGHFARES

#### Sections:

- 16.14.010 Authority.**
- 16.14.020 Fees required.**
- 16.14.030 Establishment of areas.**
- 16.14.040 Public notice and hearing.**
- 16.14.050 The public hearing and adoption by resolution.**
- 16.14.060 Conditions for benefit assessment fees.**
- 16.14.070 Protests of proposed fees.**
- 16.14.080 Bridge and major thoroughfare funds.**

**16.14.010 Authority.** Under authority of Government Code Section 66484, the advisory agency may, as a condition of approval of a final or parcel map, require from the applicant the payment of a fee for the purpose of defraying the actual or estimated cost of constructing bridges over waterways, railways, freeways, and canyons, or constructing major thoroughfares. (Ord. 1562 • 2 (part), 1987).

**16.14.020 Fees required.** As a condition for approving a final or parcel map, the subdivider shall pay the fee apportioned to the property which is located within an area of benefit as established by the board. (Ord. 1562 • 2 (part), 1987).

**16.14.030 Establishment of areas.**

A. The director is authorized to prepare and present to the board proposed benefit areas and assessments for the purposes stated in Section 16.14.010.

B. Each proposal for imposition of a benefit assessment fee shall include only those bridge and major thoroughfares designated on the circulation elements of the regional transportation plan and the Tuolumne county general plan. (Ord. 2325 • 11, 2000; Ord. 1562 • 2 (part), 1987).

**16.14.040 Public notice and hearing.**

A. Areas of benefit may be established by resolution of the board following a hearing. The clerk of the board shall cause the required notice pursuant to Government Code Section 65905 to be issued.

B. The notice shall contain preliminary information related to the boundaries of the proposed area of benefit, the estimated cost of the project, and the method of fee apportionment.

C. The notice may provide that each area of benefit include land or improvements which are the subject of any map applications considered at such proceedings. (Ord. 1562 • 2 (part), 1987).

**16.14.050 The public hearing and adoption by resolution.**

A. Pursuant to Section 16.14.040, the hearing shall consider the following:

1. The boundaries of the area of benefit;
2. The cost of the project, whether actual or estimated;
3. A fair method of allocation of cost to the area of benefit;
4. Establishment of the fee apportionment for the area benefitted.

B. A description of the boundaries of the area of benefit, the costs, whether actual or estimated, and the method of fee apportionment established at the hearing shall be incorporated in a resolution by the board, a copy of which shall be recorded with the county recorder. (Ord. 1562 • 2 (part), 1987).

**16.14.060 Conditions for benefit assessment fees.**

A. The payment of 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 boundaries of the area of benefit.

B. The payment of 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 the adoption of the boundaries of the area of benefit. C. The method of fee apportionment in the case of major thoroughfares shall not provide for higher fees on land which abuts the proposed improvements, except where the abutting properties are allowed direct usable access to major thoroughfares.

D. The apportioned fees adopted by the board shall be applicable to all property within the area of benefit and shall be payable as a condition of approval of the first entitlement which constitutes development as defined by the general plan for such properties or portions thereof. (Ord. 1562 • 2 (part), 1987).

**16.14.070 Protests of proposed fees.**

A. Owners of property within the area of benefit may file protests of the proposed benefit assessment up to the time of the close of the hearing.

B. All protests shall be in writing and delivered to the clerk of the board and no other protests or objections shall be considered. Any protests may be withdrawn by the owner making the same, in writing, at any time prior to the conclusion of a public hearing held pursuant to this section.

C. If within the time when protests may be filed, there is written protest, filed with the clerk of the board by the owners of more than one-half of the area of the property to be benefitted by the improvement, and sufficient protests are not withdrawn so as to reduce the area represented to less than one-half of that to be benefitted, then the proposed proceedings shall be abandoned, and the board shall not, for a period of 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 Government Code 66484.

D. If a majority protest is directed against only a portion of the improvement then all further proceedings under the provisions of this section to construct that portion of the improvements so protested against shall be barred for a period of one year, but the board shall not be barred from commencing new proceedings not including any part of the improvement or acquisition so protested against.

E. Nothing in this section shall prohibit the board, within the one-year period from commencing and carrying on new proceedings for the construction of a portion of the improvements so protested against if it finds by the affirmative vote of four-fifths of its members, that the owners of more than one-half of the area of the property to be benefitted are in favor of going forward with such portion of the improvement or acquisition. (Ord. 1562 • 2 (part), 1987).

**16.14.080 Bridge and major thoroughfare funds.**

A. When fees are paid pursuant to this section, such fees shall be deposited in a planned bridge facility and/or major thoroughfare fund. A separate fund shall be established for each planned bridge facility project or each planned major thoroughfare project.

B. Moneys deposited in the planned bridge facility fund and the major thoroughfare fund shall be expended solely for construction or reimbursement for construction of the improvement serving the area to be benefitted and from which the fees comprising the fund were collected or to

reimburse Tuolumne county for the cost of constructing the improvement.

C. The county may accept considerations in lieu of the payment of fees as provided in this section.

D. The county may advance moneys from the general fund or road fund to pay the cost of constructing the improvements and reimburse the general fund or road fund for such advances from the planned bridge facility or major thoroughfare funds established by this section.

E. The county may incur an interest bearing indebtedness for the construction and reconstruction of major thoroughfares and bridges provided that the sole security for such repayment of such indebtedness shall be moneys in major thoroughfares or bridge funds.

F. The provisions of the division are intended to be an addition to and not a substitute for other requirements of this code or the Subdivision Map Act including those provisions concerning the dedications of lands for public roads and the improvement of public roads as a condition of approval of a final map or parcel map. (Ord. 1562 • 2 (part), 1987).

## Chapter 16.16

### VARIANCES

#### Sections:

**16.16.010 Variances generally.**

**16.16.020 Application.**

**16.16.030 Issuance and mandatory findings.**

**16.16.010 Variances generally.** Variances from the terms of this title shall be granted only when, because of special circumstances applicable to the property, the strict application of this title deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification, and a particular hardship to the owner would result, as distinguished from a mere inconvenience or additional expense. Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated. In cases where this title specifically grants to the director the discretion to waive, reduce, or modify the terms herein, any aggrieved party shall submit an appeal in accordance with Section 16.06.130 and not a variance. (Ord. 1562 • 2 (part), 1987).

**16.16.020 Application.** The owner or his/her agent may make application for a variance on a form prescribed by the director and submitted to the transportation and engineering services department accompanied by the required fee and such maps and other information as are required for evaluation of the applicant's request, a list of the names and addresses of all adjacent property owners, and written statements and evidence showing that the mandatory findings in Section 16.16.030 can be made. (Ord. 1562 • 2 (part), 1987).

**16.16.030 Issuance and mandatory findings.**

A. Variances may be granted by the board. A variance may only be granted when these findings can be made:

1. Exceptional or extraordinary circumstances or conditions not of the applicant's or owner's own making apply to the physical surroundings, size, shape, or topographical conditions of the parcel, which circumstances or conditions do not apply generally to parcels in the same district;

2. Granting of the application is necessary for the preservation and enjoyment of substantial property rights of the applicant;

3. Granting of such application will not, under the circumstances of the particular case, be substantially detrimental to the health or safety of

persons residing or working in the neighborhood of the property of the applicant, and will not, under the circumstances of the particular case, be substantially detrimental to the public welfare or injurious to property or improvements in said neighborhood;

4. The variance is in conformity with the intent and purpose of the Subdivision Map Act and this title, and is consistent with the general plan.

B. The director shall conduct an investigation to determine whether the findings can be met and shall prepare a report and recommendation on the application.

C. Within forty-five days of receipt of a complete application, the director shall refer the application for a variance to the board for action. Such application shall be scheduled for hearing by the board within thirty days of the referral and all adjacent property owners shall be notified in person or by mail at least ten days prior to such hearing. Within forty-five days of the referral, the board shall approve, conditionally approve or deny the application. (Ord. 1562 • 2 (part), 1987).

## Chapter 16.18

### DEVELOPMENT AGREEMENTS

#### Sections:

- 16.18.010 Application.**
- 16.18.020 Review.**
- 16.18.030 Conditions.**
- 16.18.040 Expiration.**

**16.18.010 Application.** It is the intent of these regulations that land division review be carried out simultaneously with the review of a requested development agreement. If the subdivider wants a development agreement contract to apply to his/her land division, a development agreement application must be submitted to the community development department at the same time that a division of land is applied for. The plans required for a development agreement shall be submitted in a form to satisfy the requirements of the land division regulations in addition to the procedures and requirements for the consideration of development agreements, as adopted by the board by resolution. (Ord. 2314 • 66, 1999; Ord. 1562 • 2 (part), 1987).

**16.18.020 Review.** The technical advisory committee shall review the development agreement land division for compliance with this title and the resolution. The uses, terms, conditions, provisions, limitations and restrictions may be more or less restrictive than those specified elsewhere in this title, in Title 17, or in any resolution of the county such as: width of road rights-of-way, requirements of a performance bond, etc. The board shall make the final decision on the tentative map or parcel map and the development agreement. (Ord. 1562 • 2 (part), 1987).

**16.18.030 Conditions.** Conditions of the development agreement are binding on all future development within the land division unless the agreement is modified in accordance with county regulations. All future grading, structures, signs, road and drainage improvements, encroachments, resubdivisions, uses, etc., must be in conformance with the development agreement. Conditions of the development agreement may allow for construction to take place before the final map or parcel map is approved. (Ord. 1562 • 2 (part), 1987).

**16.18.040 Expiration.** The development agreement is valid and in force once approved by the board. A tentative map on property subject to a development agreement may be extended for the period of time provided for in the agreement, but not beyond the duration of the agreement. (Ord. 1562 • 2 (part), 1987).

## Chapter 16.20

### VESTING TENTATIVE MAPS

#### Sections:

- 16.20.010 Application.**
- 16.20.020 Filing and processing.**
- 16.20.030 Fees.**
- 16.20.040 Expiration.**
- 16.20.050 Vesting on approval of vesting tentative map.**
- 16.20.060 Vesting tentative map amendments.**
- 16.20.070 Applications inconsistent with current standards.**
- 16.20.080 Consistency.**
- 16.20.090 Compliance with local, state and federal laws.**

#### **16.20.010 Application.**

A. Whenever a provision of the Subdivision Map Act, as implemented and supplemented by this title, requires the filing of a tentative map or tentative parcel map, a vesting tentative map may instead be filed in accordance with the provisions of this chapter.

B. If the 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. (Ord. 1619 • 1, 1988; Ord. 1562 • (part), 1987).

**16.20.020 Filing and processing.** A vesting tentative 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 title for a tentative map except as hereinafter provided:

A. At the time a vesting tentative map is filed it shall have printed conspicuously on its face the words "vesting tentative map."

B. Prior to or simultaneously with the approval of a vesting tentative map for property zoned R-2, R-3 or for property in any commercial or industrial zone, the subdivider shall obtain a site development permit for the particular development to which rights shall be conferred. (Ord. 1619 • 2, 1988; Ord. 1562 • 2 (part), 1987).

**16.20.030 Fees.** Upon filing a vesting tentative map, the subdivider shall pay the fees required by the county for the filing and processing of a tentative map. (Ord. 1562 • 2 (part), 1987).

**16.20.040 Expiration.** The approval or conditional approval of a vesting tentative map shall expire at the end of the same time period, and shall be subject to the same extensions, established by this title for the expiration of the approval or conditional

approval of a tentative map. (Ord. 1562 • 2 (part), 1987).

#### **16.20.050 Vesting on approval of vesting tentative map.**

A. The approval or conditional approval of vesting tentative map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies, and standards described in Government Code Section 66474.2.

However, if Section 66474.2 of the Government Code is repealed, the approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development and substantial compliance with the ordinances, policies, and standards in effect at the time the vesting tentative map is approved or conditionally approved.

B. Notwithstanding subsection A of this section, a permit, approval, extension, or entitlement may be made conditional 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 map is not approved prior to the expiration of the vesting tentative map as provided in Section 16.20.040. If the final map is approved, these rights shall last for the following periods of time:

1. An initial time period of two years. Where several final maps are recorded on various phases of a project covered by a single vesting tentative map, this initial time period shall begin for each phase when the final map for that phase is recorded.

2. The initial time period set forth in subsection 1 above shall be automatically extended by any time used for processing a complete application for a grading permit or for design or architectural review,

if such processing exceeds thirty days, from the date a complete application is filed.

3. A subdivider may apply for a one year extension at any time before the initial time period set forth in subsection 1 expires. If the extension is denied, the subdivider may appeal that denial to the board of supervisors within fifteen days.

4. If the subdivider submits a complete application for a building permit during the periods of time specified in subsection 1 through 3 above, the rights referred to herein shall continue until the expiration of that permit. or any extension of that permit. (Ord. 1562 • 2 (part), 1987).

**16.20.060 Vesting tentative map amendments.**

At any time prior to the expiration of the vesting tentative map, the subdivider, or his/her or her assignee, may apply for an amendment to the vesting tentative map. (Ord. 1562 • 2 (part), 1987).

**16.20.070 Applications inconsistent with current standards.**

Notwithstanding any provision of this chapter, a property owner or his/her or her designee may seek approvals or permits for development which depart from the ordinances, policies, and standards described in Section 16.20.050, and the board of supervisors may grant these approvals or issue these permits to the extent that the departures are authorized under applicable law. (Ord. 1562 • 2 (part), 1987).

**16.20.080 Consistency.** No land shall be subdivided and developed pursuant to a vesting tentative map for any purpose which is inconsistent with the general plan and any applicable specific plan or not permitted by the zoning ordinance or other applicable provisions of this code. (Ord. 1562 • 2 (part), 1987).

**16.20.090 Compliance with local, state and federal laws.**

A. This chapter does not enlarge, diminish, or alter the types of conditions which may be imposed by the county on a development, nor in any way diminish or alter the power of the county to protect against a condition dangerous to the public health or safety.

B. The rights conferred by this chapter shall relate only to the imposition by the county of conditions or requirements created and imposed by county ordinance. Nothing in this chapter removes, diminishes, or affects the obligation of any subdivider to comply with the conditions and requirements of any state or federal laws, regulations, or policies and does not grant the county the option to disregard any state or federal laws, regulations or policies. (Ord. 1562 • 2 (part), 1987).

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## Chapter 16.22

### ENFORCEMENT

#### Sections:

- 16.22.010 Policy-Compliance required.**
- 16.22.020 Issuance or denial of permit-Imposition of conditions.**
- 16.22.025 Violation permit processing fee.**
- 16.22.030 Certificate of compliance.**
- 16.22.040 Notice of intention to record a notice of violation.**
- 16.22.050 Noncompliance a misdemeanor.**
- 16.22.060 Enforcement responsibility.**
- 16.22.070 Administrative enforcement.**

**16.22.010 Policy - Compliance required.** It is the policy of the county to strictly enforce the provisions of state law and this county's ordinances relative to division of land. The primary focus of the county's enforcement efforts shall be in regard to ongoing divisions of land. The county will also investigate in cases where a certificate of compliance has been requested or information is obtained indicating the possibility of a division of land without compliance with the applicable provisions of law. (Ord. 1562 • 2 (part), 1987).

**16.22.020 Issuance or denial of permit - Imposition of conditions.**

A. The county shall not issue any 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 and this title 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 such 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 of the current owner of record pursuant to a contract of sale of the real property with, or without, actual or constructive knowledge of the violation at the time of the acquisition of his/her interest in such real property.

B. If the county issues a permit or grants approval for the development of any such real property, it may impose only those conditions that would have been applicable to the division of the property at the time the applicant acquired his/her or her interest in such real property, and which has been established at such time by the Subdivision Map Act or this title, except that where the applicant was the owner of record at the time of the initial violation of the provisions of the Subdivision Map Act and this title who, by a grant of the real property created a parcel or parcels in violation of the Subdivision Map Act and this title, and such person is the current owner

of record of one or more of the parcels which were created as a result of the grant in violation of the Subdivision Map Act and this title, then the county may impose such conditions as would be applicable to a current division of the property, and except that if a conditional certificate of compliance has been filed for record under the provisions of Section 16.22.030 only such conditions stipulated in that certificate shall be applicable. (Ord. 1562 • 2 (part), 1987).

**16.22.025 Violation permit penalty.** An applicant for a permit to legalize a violation of this chapter, after service of a notice of violation, or a notice and order, in accordance with Chapter 1.10 of the Tuolumne County Ordinance Code, shall pay a violation permit penalty as established by the Board of Supervisors and set forth in Chapter 1.10 of the Tuolumne County Ordinance Code. This fee shall be paid in addition to the regular processing fee (Ord. 2612 • 14, 2005; Ord 2295 • 4, 1999; Ord. 2018 • 1 (part), 1993)

**16.22.030 Certificate of compliance.**

A. Any person owning real property or a vendee of such person pursuant to a contract of sale of such real property may request, and the director or county surveyor shall determine, whether such real property complies with the provisions of the Subdivision Map Act and this title. Upon making such a determination the director or county surveyor shall cause a certificate of compliance to be filed for record with the recorder of the county in which the real property is located and shall notify the property owner in writing of such recordings within ten days. The certificate of compliance shall identify the real property and shall state that the division thereof complies with applicable provisions of the Subdivision Map Act and this title. The board may impose a reasonable fee to cover the cost of issuing and recording the certificate of compliance.

B. If the director or county surveyor determines that such real property does not comply with the

provisions of the Subdivision Map Act and this title, he/she may, as a condition to granting a certificate of compliance, impose such conditions as would have been applicable to the division of the property at the time the applicant acquired his/her interest therein, and which had been established at such time by the Subdivision Map Act and this title, except that where the applicant was the owner of record at the time of the initial violation of the provisions of this division or of local ordinances enacted pursuant thereto who by a grant of the real property created a parcel or parcels in violation of this division or local ordinances enacted pursuant thereto, and such person is the current owner of record of one or more of the parcels which were created as a result of the grant in violation of the division or local ordinances enacted pursuant thereto, then the local agency may impose such conditions as would be applicable to a current division of the property. Upon making such a determination and establishing such conditions the county shall cause a conditional certificate of compliance to be filed for record with the recorder of the county in which the real property is located and shall notify the property owner in writing of such recording within ten days. Such certificate shall serve as notice to the property owner or vendee who has applied for the certificate pursuant to this section, 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 a time as a permit or other grant of approval for development of such property is issued by the county.

Some or all of the applicable conditions may be waived or modified if it is found that:

1. There are particular unique attributes of the particular parcel of land such that it would not be feasible to comply with the conditions;
2. The applicant has satisfactorily shown that he/she was a bona fide purchaser without knowledge of the violation; and
3. Such action would not be contrary to the public safety.

C. A certificate of compliance shall be issued for any real property which has been approved for development pursuant to Section 16.22.020.

D. A recorded final map or parcel map shall constitute a certificate of compliance with respect to the parcels of real property described therein. (Ord. 2325 • 12, 2000; Ord. 1562 • 2 (part), 1987).

#### **16.22.040 Notice of intention to record a notice of violation.**

A. Whenever the director or county surveyor has knowledge that real property has been divided in violation of the provisions of the Subdivision Map Act and this title, he/she shall cause to be mailed, by certified mail, to the then current owner of record of the property a notice of intention to record a notice of violation, describing the real property in detail, naming the owners thereof, and describing the violation, and stating that an opportunity will be given to the owner to present evidence. The notice shall specify a time, date, and place at which the owner may present evidence to the director or county surveyor why such notice should not be recorded, and shall also contain an explanation as to why the subject parcel is not lawful under subdivision (a) or (b) of Government Code Section 66412.6. The meeting shall take place no sooner than thirty days and not later than sixty days from date of mailing.

B. If, within fifteen days of receipt of the notice, the owner of the real property fails to inform the board of his/her or her objection to recording the notice of violation, the director or county surveyor shall record the notice of violation with the county recorder. If, after the owner has presented evidence, it is determined that there has been no violation, the director or county surveyor shall mail a clearance letter to the then current owner of record.

C. If, however, after the owner has presented evidence, the director or county surveyor determines that the property has in fact been illegally divided, the director or county surveyor shall record the notice of violation with the county recorder. The notice of violation, when recorded, shall be deemed to be constructive notice of the violation to all successors in interest in such property. The county recorder shall index the names of the fee owners in the general index. (Ord. 2325 • 14, 2000; Ord. 1562 • 2 (part), 1987).

**16.22.050 Noncompliance a misdemeanor.** No person shall sell, lease or finance any parcels of real property for which a final or parcel map is required, except as provided in Government Code Section 66499.30 (a) or (b), until such map thereof in full compliance with state law and local ordinance has been filed for record by the Recorder of the county in which any portion of the subdivision is located. Any person who violates any provision of this chapter shall be guilty of a misdemeanor. (Ord. 1562 • 2 (part), 1987).

**16.22.060 Enforcement responsibility.** The provisions of this title shall be enforced by the director, except enforcement of any restrictive conditions continuing after recordation of a final or parcel map shall be enforced by the community development department. (Ord. 2296 • 29, 1999).

**16.22.070 Administrative enforcement.**

Enforcement of any restrictive conditions continuing after recordation of a final or parcel map shall be enforced as provided in Chapter 1.10 of the Tuolumne County Ordinance Code.  
(Ord. 2296 • 30, 1999)

## Chapter 16.24

### PARCEL MAPS

#### Sections:

- 16.24.010 Authority to act on parcel maps.**
- 16.24.020 Action on tentative parcel maps for land under land conservation contracts or zoned AP Combining District or TPZ.**
- 16.24.030 Action by county surveyor on dedications.**
- 16.24.040 Preliminary soils report not required.**
- 16.24.050 Submission of tentative parcel map.**
- 16.24.060 Designated remainder parcels.**
- 16.24.070 Public hearing.**
- 16.24.080 Action on tentative parcel map.**
- 16.24.090 Time limits for tentative parcel map approvals.**
- 16.24.100 Requirements for completion.**
- 16.24.110 Certificates, acknowledgments and references.**
- 16.24.120 Survey requirements.**
- 16.24.130 Approval and recordation of parcel map.**
- 16.24.140 When improvements shall be provided.**
- 16.24.150 Road design.**
- 16.24.160 Road easements and rights-of-way.**
- 16.24.170 Public utility easements.**
- 16.24.180 Drainage easements.**
- 16.24.190 Parcel design.**
- 16.24.200 Water requirements.**
- 16.24.210 Development agreement when water system does not have the required fire flow.**
- 16.24.220 Fire hydrants.**
- 16.24.230 Parcel map waiver.**
- 16.24.240 Parcel map waiver procedures.**

**16.24.010 Authority to act on parcel maps.** The county surveyor is authorized to approve, conditionally approve, or deny parcel maps and tentative parcel maps, except when lands proposed to be divided are zoned AP (:agricultural preserve combining district), are under a land conservation contract, or are zoned TPZ (timberland production zone ) and any parcel less than one hundred sixty (160) acres is proposed to be created. (Ord. 2325 • 14, 2000; Ord. 1562 • 2 (part), 1987).

**16.24.020 Action on tentative parcel maps for lands under land conservation contracts or zoned AP Combining District or TPZ.** The county surveyor shall not have authority to approve, conditionally approve, or deny a tentative parcel map for real property which is zoned AP (:agricultural preserve combining district) or is under a land conservation contract. Said approval, conditional approval, or denial is reserved to the board, with the exception of mergers, lot line adjustments, and resubdivisions, for which the county surveyor retains authority to act. Within fifteen (15) working days after the filing of a completed tentative map and application form and completion of required environmental documents for such a map, the county surveyor shall schedule

consideration of the tentative map before the board for a hearing not more than thirty (30) days later and give at least ten (10) days written notice of such hearing to the applicant and all adjacent property owners. The above procedures shall also apply to tentative parcel maps in which land zoned TPZ (timberland production zone) is proposed to be divided into any parcel less than one hundred sixty (160) acres. (Ord. 2325 • 15, 2000; Ord. 1562 • 2 (part), 1987).

**16.24.030 Action by county surveyor on dedications.** The county surveyor may accept, reject, or accept for public use but reject for inclusion in the maintained system any dedications or offers of dedication which are made by certificate on any parcel map which is subject to final approval by the county surveyor. (Ord. 1562 • 2 (part), 1987).  
**16.24.040 Preliminary soils report not required.** A preliminary soils report as set forth in Government Code Section 66490 shall not be required for parcel maps. (Ord. 1562 • 2 (part), 1987).

**16.24.050 Submission of tentative parcel map.** A tentative map prepared by a land surveyor or civil engineer licensed to practice in the State of California is required for all parcel maps except for

those parcel maps required by Chapter 16.10 and Chapter 16.11. Tentative map applications for parcel maps shall be filed with the department of public works. A tentative map application is not complete until all of the items required by the tentative parcel map checklist, as established by the county surveyor, have been submitted to the applicable departments. An application is not complete until a planning application, fees and information necessary to satisfy the California Environmental Quality Act have been submitted to the planning division. (Ord. 2325 • 16, 2000; Ord. 2314 • 67, 1999; Ord. 1562 • 2 (part), 1987).

**16.24.060 Designated remainder parcels.** A designated remainder parcel shall not be Counted as a parcel for the purpose of determining whether a parcel map or final map is required.

A designated remainder parcel may subsequently be sold without any further requirement of the filing of a parcel map or final map, but the county may require a certificate of compliance or conditional certificate of compliance. (Ord. 1562 • 2 (part), 1987).

**16.24.070 Public hearing.** Prior to taking action on a tentative parcel map the county surveyor shall conduct a public hearing on such map. Notice of a public hearing shall be mailed to all adjacent property owners at least ten days prior to the hearing. (Ord. 1562 • 2 (part), 1987).

**16.24.080 Action on tentative parcel map.** Except as provided in Section 16.24.020, the county surveyor is authorized to approve, conditionally approve, or deny the tentative parcel map.

A copy of any report of action by the county surveyor on a tentative parcel map, or recommendation in writing to the board on a tentative parcel map, shall be served on the subdivider at least seven days prior to any hearing or action on such map by the county surveyor or the board. (Ord. 1562 • 2 (part), 1987).

**16.24.090 Time limits for tentative parcel map approvals.** An approved or conditionally approved tentative parcel map shall expire thirty-six (36) months or three (3) years after its approval. Extensions may be granted, upon application of the subdivider, by the county surveyor for a period or periods not exceeding a total of five (5) years. If the county surveyor denies an application for any extension, any aggrieved party may appeal the decision of the county surveyor to the board of supervisors within 15 days after the denial, by following the procedures in section 16.06.130.

The expiration of the approved or conditionally approved tentative parcel map shall terminate all

proceedings and no parcel map of all or any portion of the real property included within the tentative parcel map shall be filed without first processing a new tentative parcel map. (Ord. 2325 • 17, 2000; Ord. 1562 • 2 (part), 1987).

#### **16.24.100 Requirements for completion.**

A. Parcel maps shall conform to the minimum requirements of Government Code Section 66444 through 66450 inclusive; and to additional requirements as hereinafter provided. A parcel map shall be considered complete for checking when the subdivider submits two prints of a parcel map which substantially conforms to the approved tentative parcel map, which meets the requirements contained within the Subdivision Map Act, this title, and any other applicable state and county laws.

B. In addition, the application for a parcel map must comply with the parcel map checklist, as established by the county surveyor.

C. The subdivider shall submit to the department of transportation and engineering services complete sets of checkprints, traverse sheets, engineered improvement plans, letters of verification for driveways and other such materials as specified in the parcel map checklist.

D. The subdivider shall submit parcel map check fees, as specified on said checklist, and inspection fees for improvements, as required.

E. The parcel map shall be prepared by a surveyor. (Ord. 1562 • 2 (part), 1987).

#### **16.24.110 Certificates, acknowledgments and references.**

A. Certificates and acknowledgments on the maps shall be as set forth in Government Code Sections 66449 and 66450.

B. All certificates and acknowledgments not required by Government Code Sections 66449, 66450 and 66477.1 including dedications or offers of dedication, may be made by separate instrument to be recorded concurrently with the parcel map being filed for record.

C. Whenever a certificate or acknowledgment is made by separate instrument, there shall appear on the parcel map a reference to the separately recorded document. The county recorder shall complete the cross-reference to such concurrently recorded separate documents.

D. If dedications or offers of dedications are required, they may be made by separate instrument, which shall be recorded concurrently with or prior to the parcel map filed for record.

E. Requirements for construction of improvements shall be noticed by certificate on the parcel map. When a parcel map agreement or

other type of agreement is recorded concurrently with the map, there shall appear on

the map a reference to the separately recorded document. This reference shall be completed by the county recorder. (Ord. 1562 • 2 (part), 1987).

#### **16.24.120 Survey requirements.**

A. At the time of making the survey, monuments shall be set at all lot corners and angle points. If the map is compiled from record data, or if the monuments are to be set on or before a specified later date, at least one exterior boundary of the land being divided shall be adequately monumented or referenced before the map is recorded.

B. Durable monuments must be set on all boundary corners. Interior monuments will be required on all corners. The minimum monument requirements shall be a five-eighths inch minimum, round or square iron bar or other suitable permanent monument.

C. For road easements and rights-of-way with curvilinear alignment, the beginning and end of each curve shall be monumented at the right-of-way or easement line, on both sides for all on-site roads, and for all off-site roads on one or both sides at the discretion of the director or county surveyor. Boundary lines with curvilinear alignment shall be monumented at the beginning and end of each curve.

D. A designated remainder parcel with a gross area of five acres or more does not need to be indicated as a matter of survey, but only by deed reference to the existing boundaries and acreage of the remainder. (Ord. 2325 • 18, 2000; Ord. 1832 • 19 1991; Ord. 1562 • 2 (part), 1987).

#### **16.24.130 Approval and recordation of parcel map.**

A. After the checkprints and accompanying materials have been approved by the county surveyor, the subdivider shall submit the complete set of parcel maps, the signed and notarized parcel map agreement, if required, security for all incomplete improvements and monuments which are not set, and recording fees as required.

B. Upon receipt of the parcel map for checking and approval, accompanied by the required recording fees, the county surveyor shall comply with Section 66450 of the Government Code.

C. Prior to final approval of a parcel map as herein provided, the applicant shall file with the county surveyor a certificate from the county tax collector showing that, according to the records of his/her office, there are no liens against the property, or any part thereof, for unpaid state, county municipal or local taxes or special

assessments collected as taxes, except taxes or special assessments not yet payable. The parcel map shall not be approved until all such taxes and special assessments which are due and payable have been paid, and until a request for separation on the current tax roll has been filed with the county tax collector.

D. A parcel map conforming to the approved or conditionally approved tentative map may be filed with the county surveyor, or the board in the case of A-E:AP or certain TPZ maps, for approval after all required certificates on the map have been signed and, where necessary, acknowledged.

E. The county surveyor, or the board, shall approve the map if it conforms to all the requirements of this title and the Subdivision Map Act, or if it does not so conform, deny the map, within fifteen days from the date that the map is filed. The date the map shall be deemed filed with the board is the date on which the county surveyor receives the map on behalf of the clerk of the board.

The map may be approved if it is determined a technical and inadvertent failure to conform as required does not materially affect the validity of the map nor adversely impact the public health, safety or welfare.

F. When all certificates and security required under the provisions of Government Code Section 66492 and 66493 have been filed and deposited with the board clerk and approved by the county, the board clerk shall certify that the certificates have been filed and deposits have been made and shall transmit the parcel map to the county recorder.

G. The county recorder shall examine and record the map in accordance with Government Code Sections 66465 through 66468. 1, inclusive. (Ord. 2325 • 19, 2000; Ord. 1562 • 2 (part), 1987).

**16.24.140 When improvements shall be provided.** Except as otherwise provided in this title, the subdivider shall provide the applicable improvements as set forth in this title and Title 11 as a condition precedent to the filing of the parcel map. (Ord. 1562 • 2 (part), 1987).

#### **16.24.150 Road design.**

A. General Road Design. All roads shall be properly integrated with the existing and proposed system of roads and dedicated right-of-way as established on the regional transportation plan. All roads shall be properly related to special traffic generators such as industries, business districts, schools, churches, and shopping centers; to population densities; and to the pattern of existing and proposed land uses.

A road which meets the county standards for the zoning, density and location of the land division shall serve each parcel.

Local roads shall be laid out to conform as much as possible to the topography, to permit efficient drainage and utility systems, and to require the minimum number of streets necessary to provide convenient and safe access to property, including emergency response and evacuation needs.

Off-site road alignment may be modified by the director to allow construction of a road within an existing easement.

B. Determining Number of Parcels Served by a Road. For purposes of this title the number of parcels served by a road shall include all parcels for which the road must be used to reach a state- or county-maintained road.

Parcels with more than one access shall be counted unless the parcel is developed and served by another road.

C. Determining Which Roads Shall be Improved. The parcel map road and driveway improvement standards shall apply to any roads which serve any parcel within the proposed land division, and which do not meet the required development standards for the size, type, and density of the development. However, such standards shall apply to existing county roads only in conjunction with a commercial or industrial land division.

D. Specific Road Standards. All roads serving lots created by parcel map shall be constructed or improved in accordance with the applicable sections of Title 11.

E. Private Driveways. Private driveways need not be constructed or bonded for construction prior to the filing of the map, unless there is an existing building on the subject parcel. However, as a condition precedent to the filing of the parcel map, the applicant must demonstrate that a private driveway can be constructed on each parcel which would meet the standards for driveways as specified in Title

11 of this code. Demonstrated proof shall be submitted in the form of a letter signed by a licensed land surveyor or registered civil engineer that a road which meets the standards for a private driveway can be built from the access road to a building site on the parcel.

F. Cul-de-sac roads. Cul-de-sac roads shall be allowed only if within the limits as set forth in Title 11.

G. Continuation of Roadways. The alignment, dedication and improvement of roads shall provide for the continuation of existing and or proposed roads on adjacent properties when such continuation is necessary for convenient movement of traffic, effective fire protection, efficient provision of utilities, and where such continuation is in accordance with the regional transportation plan.

Any road which is a continuation of an existing road shall be constructed to the same or greater width as the existing road and in accordance with Title 11 of this code. Right of way dedication for the continuation of centerline of roads to adjacent properties shall be provided if the adjacent property is undeveloped. The right-of-way shall be extended to the common property line of the adjoining property. (Ord. 2325 • 20, 21, & 22, 2000; Ord. 1562 • 2 (part), 1987).

#### **16.24.160 Road easements and rights-of-way.**

A. Easements Required. Each parcel or remainder created by map shall be served by an easement for ingress and egress. Such easement shall be deeded, dedicated or adjudicated.

Any road easement required on a parcel map shall be so located, aligned, and of sufficient width that the required road, including cuts, fills, turning bulbs and turnouts can be built within it.

A dedicated maintenance easement shall be extended to five feet beyond the top of cuts and toe of fills.

B. Access From a Public Road. Frontage on any public road will not be counted as access for any parcel unless an encroachment permit is first obtained from the public agency controlling the road.

C. Standard Easement Width. No road easement shall be less than fifty feet in width unless a reduction in such width is specifically allowed by guidelines in the following sections.

D. On-site Road Easements. Where no more than four will be served by the easement, on-site road easements created for the purpose of serving lots within the division may be reduced to no less than twenty feet where a twelve-foot roadbed is required, twenty-five feet where a sixteen-foot roadbed is required, and thirty feet where a twenty-foot roadbed is required.

Whenever the easement continues through the property or there is potential for further division of the subject parcel, based on the minimum lot size of the general plan designation, an easement of sufficient width to allow construction of a twenty-foot wide roadbed with two-foot wide shoulders shall be required.

E. Existing Rights-of-way.

1. Onsite Road Easements. When an existing right-of-way or road is shown on a record map within the proposed land division, such right-of-way shall be dedicated to the county unless a public hearing is held and a finding made by the director that no such dedication is necessary for orderly development.

The width of such easement shall be fifty feet unless reduced by the director to a minimum of twenty feet.

2. Offsite Road Easements. A division of land may be allowed where the owner of any property through which the road easement passes refuses to allow widening of the road easement, if the easement is a minimum of twenty feet wide and is to serve a maximum of four parcels or if the easement is a minimum of thirty feet wide and is to serve a maximum of twelve parcels, provided that such easement is of sufficient width for a road to be built within it which meets the requirements of Title 11. In computing the number of parcels to be served, existing parcels and parcels sought to be created pursuant to this chapter shall be included. Notwithstanding the thirty feet minimum width requirement for easements serving twelve parcels, if a road can be constructed to meet the requirements of Title 11, including cuts and fills, within an existing off-site easement, and the underlying property owner refuses to allow widening of the easement, then the director may reduce the required width of easement to not less than twenty feet.

F. Access to Adjoining Parcel. When an adjoining parcel does not have legal access or if the terrain abutting the legal access of an adjoining parcel does not allow physical access and the owner of such parcel requests an easement or the director determines that such an easement is necessary for orderly development, the subdivider shall dedicate a road easement to the parcel. The width of the easement may be reduced to no less than twenty feet and shall be so designed that the road required for the type of development, as determined by the general plan designation and Title 11 can be built within it. If the topography would prevent the future building of such a road, the requirement may be waived by the director.

Any road which is a continuation of an existing road shall have an easement of the same, or greater, width, with the exceptions of easements ending with turning bulbs, cul-de-sacs or other unusual configurations such as varying widths to encompass tops of cuts or toes of fills. The nominal consistent width shall be continued.

G. County Rights-of-way. Where an existing county-maintained road that is designated as a major collector or future major collector road in the regional transportation plan crosses the subject parcel, the applicant shall dedicate forty feet minimum along each side of the centerline except where the county already possesses a deeded or dedicated easement of that width. Where an existing county-maintained road that is designated as a minor collector or future minor collector road in the regional transportation plan crosses the subject parcel, the applicant shall dedicate thirty-two feet minimum along each side of the centerline except

where the county already possesses a deeded or dedicated easement of that width. Where a plan line of a future road which has been adopted by the board of supervisors crosses the subject parcel, the director shall require the centerline of the dedicated rights-of-way to follow the centerline of said plan line. Where no plan line has been adopted, dedication shall be based on the county's best estimate and may require additional right-of-way.

Where an existing county-maintained road that is designated as a rural local road in the regional transportation plan crosses the subject parcel, the applicant shall dedicate twenty-five feet minimum along each side of the centerline except where the county already possesses a deed or dedicated easement of that width. If the director determines that a fifty-foot right-of-way will not be needed now or in the future, the director may reduce the required right-of-way but in no case to less than twenty feet from centerline.

If the director makes the finding that additional right-of-way is necessary to allow future widening of an arterial, collector or rural local road such requirement shall be increased to no more than fifty feet each side of the centerline. Upon request, the results of the finding shall be forwarded to the subdivider and his/her surveyor or engineer along with the request for the additional right-of-way. If the director makes the finding that realignment of the roadway is necessary for public safety, a new centerline may be established for the purpose of such dedication.

H. Commercial and Industrial Easements. Easements may be reduced to no less than thirty-six feet in width to serve commercial or industrial parcels.

I. Access Through Public Lands. Access through public lands must be provided to the subject parcel by permit or easement from the public agency with jurisdiction. No specified width is necessary when approved by the director.

J. Exceptions for Irrevocable, Reciprocal Easements. If irrevocable, reciprocal easements are provided for access, utilities or parking, and such easements are approved by the director, requirements for all other easements may be waived for commercial, industrial, townhouse or condominium land divisions. The documents providing such easements must be approved by county counsel. (Ord. 1684 • 1, 1989; Ord. 1678 • 1, 1989; Ord. 1562 • 2 (part), 1987).

#### **16.24.170 Public utility easements.**

A. All nonexclusive road and access dedications as specified in this title shall be further reserved and dedicated as public utility easements.

An aboveground public utility easement, eight feet in width, shall be provided along and across each parcel created pursuant to this title which abuts and adjoins such nonexclusive road or dedicated access.

B. A public utility easement, sixteen feet in width, shall be dedicated where existing utility facilities exist. Such easement shall extend to the farthest parcel served by such existing facilities unless provision has been made with the public utility or owner of the improvements to move them into an easement.

C. A public utility easement, a minimum of sixteen feet in width, shall be dedicated along any portion of the county's ditch system which lies within the subject parcel. The required width may be increased by the Tuolumne county water department.

D. With prior written approval of the Tuolumne county water department, a property owner may pipe and realign the county's ditch system on his/her property. (Ord. 1562 • 2 (part), 1987).

#### **16.24.180 Drainage easements.**

A. Where a land division is traversed by a watercourse, drainageway, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of such watercourse, and of such width and construction or both as will be adequate for the purpose. Wherever safe and feasible, as determined by the director, it is desirable that the drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume of flow.

B. Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within road rights-of-way, perpetual unobstructed easements at least fifteen feet in width for such drainage facilities shall be provided across property outside the road lines and with satisfactory access to the road. Easements shall be indicated on the map but shall not be accepted for maintenance by the county. Only those drainageways lying adjacent to or beneath county-maintained roads, and within dedicated road easements, shall be maintained by the county. Drainage easements shall be carried from the road to a natural watercourse or to other drainage facilities.

C. When a proposed drainage system will carry water across private land outside the subdivision, appropriate drainage rights must be secured and indicated on the final map. The applicant shall dedicate, a drainage easement along both sides of existing watercourses, of a width to be determined by the director. (Ord. 1562 • 2 (part), 1987).

#### **16.24.190 Parcel design.**

A. Minimum Acreage, Length and width. Every parcel shall be as large or larger than the minimum area allowed in the zoning district of the parcel, and shall also meet the width requirements of the zoning district. When land is zoned for division into lots two acres or larger in size, the required minimum area shall be the same as the gross acreage.

When land is zoned for division into lots 1.99 acres or smaller in size, the required minimum area shall be the same as the net acreage.

No parcel of less than five acres shall be created with an average ratio of length to width exceeding 4 to 1, except when the length is adjacent to a road easement.

B. Flag lots. Flag lots are permitted in any land division subject to the following conditions:

1. No portion of any flag lot two acres or smaller in size which is less than forty feet in width shall be applied to the minimum area requirements specified in the uniform zoning ordinance.

2. The length to width ratio requirement of 4 to 1 shall only apply to that portion of the flag lot which is at least forty feet wide.

3. Except as otherwise provided, no portion of any flag lot less than fifty feet in width may be used as a building site.

4. That portion of the flag lot which is less than forty feet in width and which provides access from a street shall not exceed five hundred feet in length.

5. Two lots may share a driveway which shall meet the standards specified herein for private driveways and access roads serving two parcels or less if an easement is dedicated for such driveway as required herein.

C. Combined Access Driveways. Where driveway access from an arterial or collector road may be necessary for several adjoining parcels, the director may require that such parcels be served by a combined access driveway and easement in order to limit possible traffic hazard on such road. Driveways shall not be designed so that vehicles must back onto arterial or collector roads.

Provision shall be made for a combined access driveway where cuts and fills along the front property line are in excess of five feet above or below road grade. Such driveways should begin and end at the "daylight" section at each end of the cut or fill, if possible. Easements for combined access driveways shall be no less than twenty feet in width. Such driveways shall be constructed to the minimum road standards in Title 11.

D. Parcel Drainage. Individual parcel drainage shall be coordinated with the general storm drainage pattern for the area. Drainage shall be designed so as to avoid concentration of storm

drainage water from each parcel to adjacent parcels.

E. Additional Parking in Snow Removal Areas.

Where any portion of a land division exceeds three thousand foot elevation and contains parcels less than two acres in gross area, two parking spaces shall be provided on each parcel as a condition to be fulfilled by the subdivider. Additional parking spaces may be required based upon parcel zoning of a higher density or use than single-family residential. These spaces should be at or near the elevation of the road. Off-site parking areas may be at combined locations to provide for up to three parcels if approved by the director. Locations for joint parking facilities shall be within common areas or additional dedicated easements. The subdivider must submit improvement plans which demonstrate where and how required parking spaces will be constructed. Parking spaces shall be constructed or bonded prior to recordation of the map.

F. Buffering Commercial Lots.

Adjacent residential areas shall be protected from potential nuisance from a proposed commercial or industrial land division by the provision of a setback on commercial or industrial property equal to that required for contiguous property. (Ord. 1895 • 1 1992; Ord. 1562 • 2 (part), 1987).

**16.24.200 Water requirements.**

A. Residential. For residential development of less than two acres per parcel, the public water system must be capable of supplying the following fire flows from the county standard hydrants at twenty psi residual pressure for a two-hour duration:

1. Two hundred fifty gallons per minute where there are densities greater than one parcel per two acres and up to and including one parcel per acre.
2. Five hundred gallons per minute where there are densities of more than one and up to and including six units per acre.
3. Seven hundred fifty gallons per minute where there are densities of more than six and up to and including nine units per acre.
4. One thousand two hundred fifty gallons per minute where densities are more than nine units per acre.

B. Commercial, industrial, mixed use, and business park. The minimum required fire flow for land divisions within the M-U, C-K, C-O, C-1, C-2, C-S, BP, M-1, and M-2 zoning districts shall be 1,500 gallons per minute. Water to meet the required fire flow must be available on each parcel prior to approval of a final parcel map except a new parcel is not required to have fire flow on it if:

1. The entire area of the proposed parcel is within three hundred feet (distance from hydrant to the parcel measured along a primary or paved

access road) of a hydrant with the fire flow set forth above; and

2. A deeded or dedicated easement is available between the water line serving the hydrant and the proposed parcel.

Standards for water mains, water storage for fire protection, and water supply shall be in accordance with title 15 of this code. (Ord. 2579 •13, 2004; Ord. 1562 • 2 (part), 1987).

**16.24.210 Development agreement when water system does not have the required fire flow.**

A property owner proposing a land division within an existing water system and within five hundred feet of an existing main line not meeting the required fire flow may propose, and the county may agree, to entering into a development agreement to allow the land division subject to the following terms and conditions, together with any other terms or conditions agreed upon:

A. All feasible improvements to upgrade the fire flow in the existing system are made. Feasible improvements are both technically possible and economically reasonable.

B. An engineering study may be required to aid in determining what improvements are feasible.

C. The owner may be required to contribute to improvements not feasible for this project alone.

D. Hookup to the system shall be designed and installed so as to accommodate the maximum flow available or projected.

E. Further extension of the line shall be prohibited unless the fire flow required for a land division is available.

F. Structures constructed on the property must be designed and constructed to meet the standards set forth in title 15 of this code.(Ord. 2579 •14, 2004)

**16.24.220 Fire hydrants.** Fire hydrants shall be located and installed in accordance with Title 15. (Ord. 1562 • 2 (part), 1987).

**16.24.230 Parcel map waiver.** Providing a waiver is granted pursuant to section 16.24.240, a parcel map may not be required for a land division which involves the creation of condominiums or townhouses or at the time of application complies with the requirements established by this code and the subdivision map act for such division, including but not limited to parcel size, design, drainage control, access, easements, sanitary disposal facilities, water requirements, environmental protection, survey requirements, fire protection and the Tuolumne County General Plan. Each parcel of the land division must be surveyed and shown on a map of record. (Ord. 2325 • 23, 2000).

**16.24.240 Parcel map waiver procedures.**

A. The subdivider may make application for a waiver of a parcel map on a form prescribed by the county surveyor and submitted to the department of public works accompanied by all required information and fees including all the items required by the tentative parcel map checklist.

B. The county surveyor shall hold a public hearing according to the procedures in Section 16.24.070 and determine if the land division complies with the requirements of this code and the subdivision map act.

C. Upon waiver of the parcel map requirement by the county surveyor, the subdivider shall submit an application, the proper legal descriptions and the fees for a certificate of compliance, for each parcel being created. The county surveyor shall then file a certificate of compliance for the parcels being created. (Ord. 2325 • 24, 2000).

## Chapter 16.26

### SUBDIVISION MAPS

#### Sections:

- 16.26.010 Authority to act on subdivision maps.**
- 16.26.020 Preliminary soils report.**
- 16.26.030 Unbonded improvements.**
- 16.26.040 Submission of tentative map.**
- 16.26.050 Review and recommendation.**
- 16.26.060 Public hearing.**
- 16.26.070 Time limits for tentative map approvals.**
- 16.26.080 Requirements for completion.**
- 16.26.090 Certificates, acknowledgments and references.**
- 16.26.100 Survey requirements.**
- 16.26.110 Approval and recordation of map.**
- 16.26.120 Park dedications or in-lieu fees.**
- 16.26.130 When improvements shall be provided.**
- 16.26.140 Road design.**
- 16.26.150 Road easements and rights-of-way.**
- 16.26.160 Public utility easements.**
- 16.26.170 Access easements to public waterways.**
- 16.26.180 Drainage.**
- 16.26.190 Lot design.**
- 16.26.200 Water requirements.**
- 16.26.210 Development agreement when water system does not have the required fire flow.**
- 16.26.220 Fire hydrants.**
- 16.26.230 Reasonable proof of Groundwater.**

#### **16.26.010 Authority to act on subdivision maps.**

The board shall approve, conditionally approve, or deny tentative subdivision maps. The board shall have the authority to approve a final subdivision map if it conforms to all the requirements of this title applicable at the time of approval or conditional approval of the tentative map and any rulings made thereunder, or, if it does not so conform, disapprove the map. At the time the legislative body approves a final map, it shall also accept, accept subject to improvements, or reject any offer of dedication. (Ord. 1562 • 2 (part), 1987).

#### **16.26.020 Preliminary soils report.**

**A.** Except as provided in subdivision D, a final map shall not be approved, until the subdivider submits a preliminary soils report to and obtains approval of the building and safety division, and, if required, submits and obtains approval of a soils investigation report. The soils report shall be prepared by a registered geotechnical or civil engineer and shall be based upon adequate observations and tests of the materials disclosed by appropriate test borings or excavations made within the boundary of the subdivision. There shall be a sufficient number of test borings to show the locations of significant classifications of soils within the subdivision.

**B.** If the building and safety division determines the preliminary soils report indicates the presence of potentially expansive soil or any soil condition which, if not corrected, may lead to structural defects, or the soil is such that any buildings, not requiring special design, would exceed the values set forth in the current edition of the Building Code, as adopted by the board, a soil investigation of each lot in the area of the questionable soil shall be required, and a registered geotechnical or civil engineer shall, in accordance with the current edition of the Building Code, as adopted by the board, recommend foundation design and construction criteria to safeguard against structural damage to each building to be constructed on that soil. Expansive soil as used in this section is defined as soils with an expansive index greater than 20, as determined by the current edition of the Building Code as adopted by the board. The soil investigation report shall be approved by the building and safety division and a copy thereof shall be filed with the building and safety division and with the department of public works.

**C.** The subdivision or portion thereof may be approved where such soil problems exist, if the building and safety division determines that the recommended action is likely to prevent structural damage. Parcels for which the board adopted

special structural design recommendations shall be noted on the final map. Any building permits issued on such parcels shall be in conformance with the structural design recommendations so adopted.

D. The preliminary soils report may be waived if the building and safety division has knowledge as to the qualities of the soil of the subdivision or lots such that no analysis is necessary, or if upon visual inspection, the classification of material, as specified in the current edition of the Building Code as adopted by the board, is such that no special design for foundations of one-story and two-story wood frame buildings is required, as determined by the building and safety division. (Ord. 2325 ● 25, 26, 27, & 28, 2000; Ord. 2314 ● 68, 1999; Ord. 1562 ● 2 (part), 1987).

**16.26.030 Unbonded improvements.** An agreement recorded between the county and the subdivider pursuant to Section 16.06.110 may allow the construction of model homes, clubhouses, entrance gates, recreation and park facilities, and other similar improvements. (Ord. 1562 ● 2 (part), 1987).

**16.26.040 Submission of tentative map.** A tentative map is required for all subdivision maps. Tentative map applications for subdivision maps shall be filed with the community development department. A tentative map application is not complete until all of the items required by the tentative subdivision map checklist, as established by the county surveyor, have been submitted to the applicable department. A complete application includes submittals to the community development department to satisfy the California Environmental Quality Act. (Ord. 2314 ● 69, 1999; Ord. 1562 ● 2 (part), 1987).

**16.26.050 Review and recommendation.** The planning commission shall review tentative subdivision maps and forward its recommendation to the board. The director of community development is responsible for reviewing tentative subdivision maps and advising the commission regarding environmental issues and conditions related to the map. The director of community development shall recommend action on tentative subdivision maps to the commission and board. Additional information pertaining to, or changes to, the tentative subdivision map resulting from the planning commission's referral of the map back to the director of community development shall be considered by the planning commission in making a recommendation to the board. Additional information pertaining to, or changes to, the tentative subdivision map resulting from the board's referral of the map back to the director of community

development shall not require consideration by the planning commission unless so directed by the board. (Ord. 2325 ● 29, 2000; Ord. 2314 ● 70, 1999; Ord. 1562 ● 2 (part), 1987).

**16.26.060 Public hearing.**

A. A copy of any staff recommendation to the commission on a tentative map shall be served on the subdivider and surveyor at least seven days prior to any hearing on such map by the commission.

B. Prior to taking action on a tentative subdivision map, the board shall conduct a public hearing on such map. Notice of the hearing shall be mailed to all adjacent property owners at least ten days prior to the hearing. (Ord. 1562 ● 2 (part), 1987).

**16.26.070 Time limits for tentative map approvals.**

A. An approved or conditionally approved tentative map shall expire thirty-six months or three years after its approval. Extensions may be granted, upon application of the subdivider, by the legislative body or the advisory agency for a period or periods not exceeding a total of three years.

B. The expiration of the approved or conditionally approved tentative map shall terminate all proceedings and no final map or all or any portion of the real property included within the tentative map shall be filed without first processing a new tentative map. (Ord. 1562 ● 2 (part), 1987).

**16.26.080 Requirements for completion.**

A. Final subdivision maps shall conform to the minimum requirements of Government Code Section 66434 through 66443 inclusive; and to additional requirements as hereinafter provided. A final map shall be considered complete for checking when the subdivider submits two prints of a final map which substantially conforms to the approved tentative subdivision map, which meets the requirements contained within the Subdivision Map Act, this title, and any other applicable state and county laws.

B. In addition, the application for a final map must comply with the final subdivision map checklist, as established by the county surveyor.

C. The subdivider shall submit to the county surveyor complete sets of checkprints, traverse sheets, engineered improvement plans, letters of verification for driveways and other such materials as specified in the final subdivision map checklist.

D. The subdivider shall submit final map check fees, as specified on said checklist, and inspection fees for improvements, as required.

E. The final map shall be prepared by a surveyor. (Ord. 1562 ● 2 (part), 1987).

**16.26.090 Certificates, acknowledgments and references.**

A. Certificates and acknowledgments on the map shall be as set forth in Government Code Sections 66441 and 66442.

B. All certificates and acknowledgments not required by Government Code Sections 66441, 66441 and 66477.1 including dedications or offers of dedication, may be made by separate instrument to be recorded concurrently with the final map being filed for record.

C. Whenever a certificate or acknowledgment is made by separate instrument, there shall appear on the final map a reference to the separately recorded document. The county recorder shall complete the cross-reference to such concurrently recorded separate documents.

D. Requirements for construction of improvements shall be noticed by certificate on the final map. When a subdivision agreement or other type of agreement is recorded concurrently with the map, there shall appear on the map a reference to the separately recorded document.

E. This reference shall be completed by the county recorder. (Ord. 1562 • 2 (part), 1987).

**16.26.100 Survey requirements.**

A. At the time of making the survey, monuments shall be set at all lot corners and angle points. If the map is compiled from record data, or if the monuments are to be set on or before a specified later date, at least one exterior boundary of the land being divided shall be adequately monumented or referenced before the map is recorded.

B. Durable monuments must be set on all boundary corners. Interior monuments will be required on all corners. The minimum monument requirements shall be a five-eighths inch round or square iron bar or other suitable permanent monuments.

C. For road easements and rights-of-way with curvilinear alignment, the beginning and end of each curve shall be monumented at the right-of-way or easement line, on both sides for all on-site roads, and for all off-site roads on one or both sides at the discretion of the director or county surveyor. Boundary lines with curvilinear alignment shall be monumented at the beginning and end of each curve.

D. A designated remainder parcel with a gross area of five acres or more does not need to be indicated as a matter of survey, but only be deed reference to the existing boundaries of such remainder and by acreage of such remainder. (Ord. 2325 • 31, 2000; Ord. 1832 • 2, 1991; Ord. 1562 • 2 (part), 1987).

**16.26.110 Approval and recordation of map.**

A. After the checkprints and accompanying materials have been approved by the county surveyor, the subdivider shall submit the complete set of final subdivision maps, the signed and notarized subdivision agreement, engineer's estimates, security for all incomplete improvements and monuments which are not set, and inspection fees for all improvements.

B. Upon receipt of the final map for checking and approval, accompanied by the required recording fees, the county surveyor shall comply with Section 66442 of the Government Code.

C. Prior to final approval of a final map as herein provided, the applicant shall file with the county surveyor a certificate from the county tax collector showing that according to the records of his/her office, there are no liens against the property, or any part thereof, for unpaid state, county, municipal or local taxes or special assessments collected as taxes, except taxes or special assessments not yet payable. The final map shall not be approved until all such taxes and special assessments which are due and payable have been paid, and until a request for separation on the current tax roll has been filed with the county tax collector.

D. A final map conforming to the approved or conditionally approved tentative map may be filed with the board for approval after all required certificates on such map have been signed and, where necessary, acknowledged.

E. The board, shall approve the map if it conforms to all the requirements of this title and the Subdivision Map Act, or if it does not so conform, deny the map, within fifteen days from the date that the map is filed. The date the map shall be deemed filed with the board is the date on which the county surveyor receives the map on behalf of the clerk of the board. The map may be approved if it is determined a technical and inadvertent failure to conform as required does not materially affect the validity of the map nor adversely impact the public health, safety or welfare.

F. When all certificates and security required under the provisions of Government Code Sections 66492 and 66493 have been filed and deposited with the board clerk and approved by the county, the board clerk shall certify that the certificates have been filed and deposits have been made and shall transmit the final map to the county recorder.

G. The county recorder shall examine and record the map in accordance with Government Code Sections 66465 through 66468.1, inclusive. (Ord. 2325 • 30, 2000; Ord. 1562 • 2 (part), 1987).

**16.26.120 Park dedications or in-lieu fees.**

A. Authority and Applicability. This section is enacted pursuant to the authority granted by Government Code Section 66477 and the Tuolumne county general plan.

The provision of this and following sections shall apply to all residential subdivisions of five parcels or more as a condition to their approval in Tuolumne county.

The provisions of this section shall not apply to any of the following:

1. Industrial and commercial subdivisions;
2. Condominium projects or stock cooperatives which consists of the subdivision of airspace in an existing apartment building which is more than five years old when no new dwelling units are added;
3. Resubdivisions;
4. Any subdivision excluded from such requirements by the Subdivision Map Act.
5. Any parcel within a subdivision for which the Board of Supervisors has granted an exemption from the requirements of this section to provide an incentive for the provision of affordable housing in accordance with section 65915 of the Government Code. (Ord. 2493 • 2, 2003).

B. Dedications or Fees Required. The board of supervisors shall require either the dedication of land or the payment of fees in lieu of such dedication, or a combination of any of the above, for the purpose of providing park and recreational facilities to serve future residents of the subdivision. The total area required to be dedicated shall be computed by multiplying the number of dwelling units to be included in the development by .01 acre, up to the limits set forth in Section 66477 of the Subdivision Map Act. As used in this division, "dwelling unit" means a building or a portion thereof, or a mobilehome, designed for residential occupation by one person or a group of two or more persons living together as a domestic unit; or an undeveloped parcel on which only one residence may be constructed. Parcels on which one duplex or two residences are allowed as permitted or conditional uses shall count as two dwelling units. When fees are to be paid in lieu of land dedication, such fees shall be based on this formula: Number of units x .01 x average assessed market price per acre based upon the tentative map and the appraisal by the County, up to the limits set forth in Section 66477 of the Subdivision Map Act. A combination of fee payment and land dedication is permissible if approved by the board. At the time of filing a tentative map, the developer shall, as part of such filing, indicate whether he/she prefers to dedicate land for park and recreation purposes, or to pay fees in lieu thereof, or receive credit for private park and recreation facilities, or a combination of the above. If he/she prefers to

dedicate land, he/she shall so designate the land area on the submitted map. The local agency shall submit with its proposed conditions for the tentative map a program for the use of the land or fees, or both, to develop park or recreational facilities to serve the residents of the proposed subdivision. The board of supervisors may approve, conditionally approve or deny the developer's proposal for dedicating of land for park and recreation purposes, paying of fees in lieu thereof, receiving credit for private park and recreation facilities, or a combination thereof. (Ord. 2493 • 1, 2003).

C. Criteria for Approval. After the tentative map has been filed, the community development department shall determine the suitability of the developer's proposal for park land or fees, or both, to serve the subdivision. In making this determination, the community development department shall consider the following factors:

1. Lands offered for dedication will substantially comply with the recreation element of the general plan;
2. The topography, soils, soil stability, drainage, access, location and general utility of land in the development available for dedication;
3. The size and shape of the development and land available for dedication,
4. How much land consisting of school playgrounds or public park lands is available for combination with dedicated lands in the formation of local park and recreation facilities; and
5. The space or local recreation facilities to be privately owned and maintained by future residents of the development.

The land, fees, or combination thereof, are to be used only for the purpose of developing new or rehabilitating existing neighborhood or community park or recreation facilities which will serve the subdivision; but if the county general plan or a specific plan contemplates a larger or more significant recreation development (such as an area or community park) which will serve an area including the subdivision, the dedicated land or fees may be devoted to such use, if it bears a reasonable relationship to the future inhabitants of the subdivision.

D. Credit for Privately Developed Facilities. If the subdivider provides park and recreational improvements to land dedicated for public park purposes, 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 title as determined by the community development department.

In order to encourage the provision of private park and recreation facilities, one hundred twenty-five percent credit may be obtained for private park and recreation dedication requirements if the board

makes findings that the following standards and criteria have been met prior to approval of the final subdivision map:

1. The park and/or recreation facility is to be owned and maintained by the future owner(s) of the development;

2. That the advisory agency has determined that it is in the public interest to grant such credit and has approved the necessary easements, covenants and/or instruments;

3. That evidence has been provided that the private ownership and maintenance of the area will be adequately provided for by recorded written agreement, covenants or restrictions; and

4. That the use of the private area is restricted for park and recreational purposes by an open space easement or other instrument which cannot be defeated or eliminated without the permission of the board and county counsel's office; and

5. That yards, court areas, setbacks and other open areas required to be maintained by the zoning and building ordinances and other regulations shall not be, and have not been, included in the computation of the amount of space in such private areas; and

6. That the proposed private area is reasonably adaptable for use for park or recreational purposes, taking into consideration such factors as size, shape, topography, geology, access and location; and

7. That facilities proposed for the area are in substantial accordance with the provisions of the general plan or adopted community or specific plans; and

8. That the area for which credit is given provides a minimum of three of the local park basic elements listed below or other recreational improvements that will meet the specific recreation park needs of the future residents of the subdivision:

**Minimum Acreage**

**Criteria Recommended**

a. Children's play apparatus area	.50 to	.75
b. Landscape park-like and quiet area	.50 to	1.00
c. Family picnic area	.25 to	.75
d. Game court area	.25 to	.50e.
Turf playfield	1.00 to	3.00
f. Swim pool (42 ft. x 75 ft. with adjacent deck and lawn area)	.25 to	.50
g. Recreation center building	.15 to	.25
h. Recreation community gardening	.10 to	.25

E. Procedures for Conveyance. Where dedication is required, it shall be accomplished in accordance with the provisions of the Subdivision Map Act. If land is accepted for dedication by the board of supervisors, it shall be conveyed to Tuolumne county at the time that the map is recorded with the county recorder.

Where fees are required by this title, the same shall be deposited with the county prior to the approval of the final subdivision map. Open space covenants or other instruments as provided in this title for private park or recreational facilities must be approved by the advisory agency and shall be recorded contemporaneously with the final map.

F. Use of Land or Fees.

1. All park and recreation fees collected pursuant to this title shall be placed in a special fund independent of the general fund and expended only for park and recreation acquisition and development. Fees collected pursuant to this chapter shall be utilized for providing mini-parks, neighborhood parks, community parks, regional parks and other special recreational facilities as are identified in the general plan, recreation element, and shall bear a reasonable relationship to the future inhabitants of the subdivision.

The community development department, in agreement with the local agency having park responsibility, if any, shall assure the establishment and development of the park and recreational facilities as specified in the schedule incorporated into the conditional approval of the subdivision map.

The schedule for use of the funds will be maintained by the county administrator.

Any fees collected under this section shall be committed within five years after the payment of such fees or the issuance of building permits on one-half the lots created by a subdivision, whichever occurs later.

The county administrator shall report to the board biannually or more frequently if deemed necessary by the board on the operation and administration of this title including the amount of fees collected, land acquired, park and recreation facilities developed and recommended changes to this chapter as are appropriate to its purpose and intent.

All land so dedicated or fees paid shall be held in trust by the county except that the county may transfer such land and/or fees to a local public agency having authority to develop new, or rehabilitate existing, neighborhood or community park and recreation facilities to serve the subdivision.

The board shall determine which public agency is to be responsible for development and maintenance of each park.

2. If any local public agency provides park and recreational services on a community-wide level and to the area within which the proposed subdivision is located, and elects to accept the land so dedicated or the fees in lieu thereof, such dedication shall be made or such fees shall be paid to such public agency on condition that it shall agree with the county to develop such land or use such

fees as set forth in the conditional approval for the subdivision and in accordance with said findings of the advisory agency, the recreation element of the general plan and shall bear a reasonable relationship to the future inhabitants of the subdivision.

G. Refund of Fees. If fees are not committed within the time frame allowed under subsection F they, without any deductions, shall be distributed proportionally and paid to the then record owners of the development.

If a final subdivision map or parcel map is vacated, and if the county still retains the land, or all, or a portion of, the fees then the county shall order return to him/her of such land or fees.

The provisions of item 1 below shall apply in case of abandonment of any project initiated under this section or in case there is a surplus of funds in the hands of the county after its completion.

1. The board shall determine by resolution the amount of the surplus funds, if any, and shall cause any such surplus to be refunded in the order following:

a. There shall be refunded to any public agency (including the county) any sums advanced by it for such project. Where sums have been advanced by several public agencies, and if the surplus is not sufficient to refund to each the full amount advanced by it, the refunds to them shall be according to any agreement between them, and if none, they shall share in proportion to the amounts of their respective advancements.

b. The remainder of the fees paid by the subdivider shall be refunded to the current owners of the lots within the subdivision in the same proportion which the area of each individual lot bears to the total area of the property within the subdivision.

c. There shall be transferred to the county park fund 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 of adoption of the resolution declaring a surplus.

2. In case any land or fees are paid to a public agency as mentioned in subsection F, it shall be required to enter into an agreement with the county providing that in case of abandonment of any project or in case there is a surplus of funds in its hand after completion of a project, it will transfer the same to the county for disposition according to item 1 of this subsection. (Ord. 2314 ● 71, 72, & 73, 1999; Ord. 1562 ● 2 (part), 1987).

**16.26.130 When improvements shall be provided.** Except as otherwise provided in this title, the subdivider shall provide the applicable improvements as set forth in this title and Titles 11 and 15 as a condition precedent to the acceptance

and approval of the final map. (Ord. 1562 ● 2 (part), 1987).

#### **16.26.140 Road design.**

A. General Road Design. All roads shall be properly integrated with the existing and proposed system of roads and dedicated rights-of-way as established on the regional transportation plan.

All roads shall be properly related to special traffic generators such as industries, business districts, schools, churches, and shopping centers; to population densities; and to the pattern of existing and proposed land uses.

A road which meets the county standards for the zoning, density and location of the subdivision shall serve each parcel.

Local roads shall be laid out to conform as must as possible to the topography, to permit efficient drainage and utility systems, and to require the minimum number of streets necessary to provide convenient and safe access to property.

Off-site road alignment may be modified by the director to allow construction of a road within an existing easement.

B. Determining Number of Parcels Served by a Road. For purposes of this title the number of parcels served by a road shall include all parcels for which the road must be used to reach a state or county maintained road. Parcels with more than one access shall be counted unless the parcel is developed and served by another road.

C. Determining Which Roads Shall be Improved. The subdivision road and driveway improvement standards shall apply to any roads, including existing county roads, which serve any lot within the proposed subdivision, and which do not meet the required development standards for the size, type, and density of the development or which require additional improvements to accommodate traffic created by the development.

D. Specific Road Standards. Roads to serve lots within subdivisions shall be constructed in accordance with the standards as set forth in Title 11.

Additional improvements to the county's circulation system may be required when warranted, such as by the projected daily trips (ADT) or on arterial or major collector roads as identified by the regional transportation plan, on a fair share contribution basis to maintain safety and acceptable levels of service. Such improvements may include, but not be limited to, above standard requirements such as wider lanes, left turn lanes or pockets, acceleration-deceleration tapers, bus turnouts and traffic signals.

For subdivisions of less than two acres per parcel, the following may also be required:

a. Periodic widening of the road shoulder for group location of mailboxes or for school bus loading stops;

b. Four feet extra pavement width on road shoulder on one side of the road for anticipated pedestrian traffic.

E. Private Driveways. Private driveways need not be constructed or bonded for construction prior to the filing of the map, unless there is an existing building on the subject parcel. However, as a condition precedent to the filing of the final map, the applicant must demonstrate that a private driveway can be constructed on each parcel which would meet the standards for driveways as specified in Title 11 of this code. Demonstrated proof shall be submitted in the form of a letter signed by a licensed land surveyor or registered civil engineer that a road which meets the standards for a private driveway can be built from the access road to a building site on the parcel.

F. Road Names. The continuation of existing contiguous roads within a new subdivision shall bear the names of such existing roads. The names of new roads shall be subject to the approval of the director or county surveyor and shall not approximate phonetically existing road names.

G. Continuation of Roadways. The alignment, dedication and improvement of roads shall provide for the continuation of existing and or proposed roads on adjacent properties when such continuation is necessary for convenient movement of traffic, effective fire protection, efficient provision of utilities, and where such continuation is in accordance with the regional transportation plan. Any road which is a continuation of an existing road shall be constructed to the same or greater width as the existing road and in accordance with Title 11 of this code. Right of way dedication for the continuation of centerline of roads to adjacent properties shall be provided if the adjacent property is undeveloped. The right-of-way shall be extended to the common property line of the adjoining property.

H. Cul-de-sac roads. Cul-de-sac roads shall be allowed only if within the limits as set forth in Title 11.

1. Intersections. Streets shall be laid out so as to intersect as nearly as possible at right angles. Not more than two streets shall intersect at any one point unless specifically approved by the director. Proposed new intersections along one side of an existing street shall, whenever practicable, coincide with any existing intersections on the opposite side of such street. (Ord. 2325 • 32, 33, 34, 35, & 36, 2000; Ord. 1562 • 2 (part), 1987).

**16.26.150 Road easements and rights-of-way.**

A. Easements Required. Each parcel or remainder created by a subdivision map shall be served by an easement for ingress or egress. Such easement shall be deeded, dedicated or adjudicated. Any road easement required on a subdivision map shall be so designed and of sufficient width that the required road including cuts, fills, turning bulbs and turnouts can be built within it.

A dedicated maintenance easement shall be extended to five feet beyond the top of cuts and toe of fills.

B. Standard Easement Width. No road easement shall be less than fifty feet in width unless a reduction in such width is specifically allowed by guidelines in the remainder of this section.

C. On-site Road Easements. The easement width may be reduced to no less than forty feet if no more than twelve parcels will be served and the road does not continue through or past the subdivision. The required width may be increased as necessary to accommodate the required road width.

Whenever the easement continues through the property or there is potential for further division of the subject parcel, based on the minimum lot size of the general plan designation, an easement of sufficient width to allow construction of a road of the same width as the interior roads required for the subdivision map shall be required.

D. Existing Rights-of-way. When an existing right-of-way or road is shown on a record map within the proposed land division, such right-of-way shall be dedicated to the county unless a public hearing is held and a finding made by the director that no such dedication is necessary for orderly development. The width of such easement shall be fifty feet unless reduced by the director to no less than thirty feet.

E. Access to Adjoining Parcel. When an adjoining parcel does not have legal access or if the terrain abutting the legal access of an adjoining parcel does not allow physical access and the owner of such parcel requires an easement or the director determines that such an easement is necessary for orderly development, the subdivider shall dedicate a road easement to the parcel. The width of the easement shall be fifty feet and may be reduced to no less than thirty feet, and shall be so designed that a road meeting the standards of Title 11 can be built within it. If the topography would prevent the future building of such a road, the requirement may be waived by the director.

Any road which is a continuation of an existing road shall have an easement of the same, or greater width, with the exceptions of easements ending with turning bulbs, cul-de-sacs or other unusual configurations such as varying widths to

encompass tops of cuts or toes of fills. The nominal consistent width shall be continued.

F. County Rights-of-way. Where an existing county-maintained road that is designated as a major collector or future major collector road in the regional transportation plan crosses the subject parcel, the applicant shall dedicate forty feet minimum along each side of the centerline except where the county already possesses a deeded or dedicated easement of that width. Where an existing county-maintained road that is designated as a minor collector or future minor collector road in the regional transportation plan crosses the subject parcel, the applicant shall dedicate thirty-two feet minimum along each side of the centerline except where the county already possesses a deeded or dedicated easement of that width. Where a plan line of a future road which has been adopted by the board of supervisors crosses the subject parcel, the director shall require the centerline of the dedicated right-of-way to follow the centerline of said plan line. Where no plan line has been adopted, dedication shall be based on the county's best estimate and may require additional right-of-way.

Where an existing county-maintained road that is designated as a rural local road in the regional transportation plan crosses the subject parcel, the applicant shall dedicate twenty-five feet minimum along each side of the centerline except where the county already possesses a deed or dedicated easement of that width. If the director determines that a fifty-foot right-of-way will not be needed now or in the future, the director may reduce the required right-of-way but in no case to less than twenty feet from centerline.

If the director makes the finding that additional right-of-way is necessary to allow future widening of an arterial, collector or rural local road such requirement shall be increased to no more than fifty feet each side of the centerline. Upon request, the results of the finding shall be forwarded to the subdivider and his/her surveyor or engineer along with the request for the additional right-of-way. If the director makes the finding that realignment of the roadway is necessary for public safety, a new centerline may be established for the purpose of such dedication.

G. Commercial and Industrial Easements. Easements may be reduced to no less than thirty-six feet in width to serve commercial or industrial parcels.

H. Access through public lands. Access through public lands must be provided to the subject parcel by permit or easement from the public agency with jurisdiction. No specified width is necessary when approved by the director.

I. Exceptions for Irrevocable, Reciprocal Easements. If irrevocable, reciprocal easements

are provided for access, utilities or parking, and such easements are approved by the director, requirements for all other easements may be waived for townhouse or condominium land divisions. The documents providing such easements must be approved by county counsel. (Ord. 1679 • 1, 1989; Ord. 1562 • 1 (part), 1987).

#### **16.26.160 Public utility easements.**

A. All nonexclusive road and access dedications as specified in this title shall be further reserved and dedicated as public utility easements. Public utility easements, eight feet in width shall be dedicated along each interior lot line. Public utility easements, sixteen feet in width shall be dedicated along the exterior boundary of the subdivision.

B. For subdivisions where underground utilities are specified, or mandated by California public utilities rules, the public utility easements dedicated shall be six feet in width along such interior lot line and twelve feet in width along the exterior boundary of the subdivision. Provision of a utility easement, along the exterior boundary may be waived if an equivalent easement exists along the adjacent boundary.

C. A public utility easement, sixteen feet in width, shall be dedicated where existing utility facilities exist. Such easement shall extend to the farthest parcel served by such existing facilities unless provision has been made with the public utility or owner of the improvements to move them into an easement.

D. A public utility easement, a minimum of sixteen feet in width, shall be dedicated along any portion of the county's ditch system which lies within the subject parcel. The required width may be increased by the Tuolumne county water department.

E. With prior written approval of the Tuolumne county water department, a property owner may pipe and realign the county's ditch system on his/her property. (Ord. 1562 • 2 (part), 1987).

#### **16.26.170 Access easements to public waterways.**

A. A subdivision proposed with frontage on a public waterway river or stream shall provide for a dedication of a public easement along a portion of the bank of the river or stream bordering or lying within the proposed subdivision.

B. The extent, width and character of the easement shall be approved pursuant to Government Code Section 66478.5.

C. Such a public easement shall not be required for an industrial subdivision.

D. Any subdivision proposed with frontage on a public waterway river or stream shall provide, or have available, reasonable public access by fee or

easement from a public highway to that portion of the bank of the river or stream bordering or lying within the proposed subdivision. Determination of the reasonableness of such public access shall be made pursuant to Government Code Section 66478.4. (Ord. 1562 • 2 (part), 1987).

#### **16.26.180 Drainage.**

A. Compliance with Road Improvement Standards. A drainage study shall be prepared.

B. Drainage Improvements. Drainage structures shall be installed or improved as necessary to convey storm waters from the project to the point where the waters enter a natural drainage which can adequately contain and convey the storm waters.

C. Drainage Easements and Preservation of Watercourses. Where a subdivision is traversed by a watercourse, drainageway, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of such watercourse, and of such width and construction or both as will be adequate for the purpose. Wherever safe and feasible, as determined by the director, it is desirable that the drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume of flow.

D. Location and Dedication of Drainage Easements. Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within road rights-of-way, perpetual unobstructed easements at least fifteen feet in width for such drainage facilities shall be provided across property outside the road lines and with satisfactory access to the road. Easements shall be indicated on the map, but shall not be accepted for maintenance by the county. Only those drainageways lying adjacent to or beneath county-maintained roads, and within dedicated road easements, shall be maintained by the county. Drainage easements shall be carried from the road to a natural watercourse or to other drainage facilities. When a proposed drainage system will carry water across private land outside the subdivision, appropriate drainage rights must be secured and indicated on the final map. The applicant shall dedicate a drainage easement along both sides of existing watercourses, of a width to be determined by the director.

E. Areas Subject to Flooding. Subdivision of lands identified as areas of special flood hazard under Chapter 15.24 shall comply with the standards outlined in Section 15.24.150 of the Tuolumne county code. (Ord. 1562 • 2 (part), 1987).

#### **16.26.190 Lot design.**

A. Minimum Acreage, Length and Width.

Every parcel shall be as large or larger than the minimum area allowed in the zoning district of the parcel, and shall also meet the width requirements of the zoning district.

When land is zoned for division into lots two acres or larger in size, the required minimum area shall be the same as the gross acreage. When land is zoned for division into lots 1.99 acres or smaller in size, the required minimum area shall be the same as the net acreage.

No parcel of less than five acres shall be created with an average ratio of length to width exceeding 4 to 1, except when the length is adjacent to a road easement.

B. Flag Lots. Flag lots are permitted in any land division subject to the following conditions:

1. No portion of any flag lot two acres or smaller in size which is less than forty feet in width shall be applied to the minimum area requirements specified in the uniform zoning ordinance;
2. The length to width ratio requirement of 4 to 1 shall only apply to that portion of the flag lot which is at least forty feet wide;
3. Except as otherwise provided, no portion of any flag lot less than fifty feet in width may be used as a building site;
4. That portion of the flag lot which is less than forty feet in width and which provides access from a street shall not exceed five hundred feet in length;
5. Two lots may share a driveway which shall meet the standards specified herein for private driveways and access roads serving two parcels or less if an easement is dedicated for such driveway as required herein.

C. Double Frontage Lots. Double frontage lots shall be avoided except where necessary to provide separation of residential development from traffic arterials or to overcome specific disadvantages of topography and orientation.

D. Combined Access Driveways. Where driveway access from an arterial or collector road may be necessary for several adjoining lots, the director may require that such lots be served by a combined access driveway and easement in order to limit possible traffic hazard on such road. Driveways shall not be designed so that vehicles must back onto arterial or collector roads.

Provision shall be made for a combined access driveway a minimum of sixteen feet in width where cuts and fills along the front property line are in excess of five feet above or below road grade. Such driveways should begin and end at the "daylight" section at each end of the cut or fill, if possible. Easements for combined access driveways shall be no less than twenty feet in width.

E. Corner Lot Size. Corner lot dimensions should generally be longer than the average inside

lot size to allow for the location of buildings which meet the minimum front yard setback from both streets and so that the driveway can be located on the tangent at least twenty feet from the curve radius of any intersection.

F. Lot Drainage. Individual lot drainage shall be coordinated with the general storm drainage pattern for the area. Drainage shall be designed so as to avoid concentration of storm drainage water from each lot to adjacent lots.

G. Additional Parking in Snow Removal Areas.

Where any portion of a land division exceeds three thousand foot elevation and contains parcels less than two acres in gross area, two parking spaces shall be provided on each parcel as a condition to be fulfilled by the subdivider. Additional parking spaces may be required based upon parcel zoning of a higher density or use than single-family residential. These spaces should be at or near the elevation of the road. Off-site parking areas may be at combined locations to provide for up to three parcels if approved by the director. Locations for joint parking facilities shall be within common areas or additional dedicated easements. The subdivider must submit improvement plans which demonstrate where and how required parking spaces will be constructed. Parking spaces shall be constructed or bonded prior to recordation of the map.

H. Buffering Commercial Lots. Adjacent residential areas shall be protected from potential nuisance from a proposed commercial or industrial land division by the provision of a setback on commercial or industrial property equal to that required for contiguous property. (Ord. 1895 • 2, 1992; Ord. 1562 • 2 (part), 1987).

**16.26.200 Water requirements.**

A. Residential. For residential development of less than two acres per parcel, the public water system must be capable of supplying the following fire flows from the county standard hydrants at twenty psi residual pressure for a two-hour duration:

1. Two hundred fifty gallons per minute where there are densities greater than one parcel per two acres and up to and including one parcel per acre.
2. Five hundred gallons per minute where there are densities of more than one and up to and including six parcels per acre.
3. Seven hundred fifty gallons per minute where there are densities of more than six and up to and including nine units per acre.
4. One thousand two hundred fifty gallons per minute where densities are more than nine units per acre.

B. Commercial, Industrial, mixed use, and business park. The minimum required fire flow for land divisions within the M-U, C-K, C-0, C-1, C-2, C-S, BP, M-1 and M-2 zoning districts shall be 1,500

gallons per minute. Water to meet the required fire flow must be available on each parcel prior to approval of a final parcel map except a new parcel is not required to have fire flow on it if:

1. The entire area of the proposed parcel is within three hundred feet (distance from hydrant to the parcel measured along a primary or paved access road) of a hydrant with the fire flow set forth above; and

2. A deeded or dedicated easement is available between the water line serving the hydrant and the proposed parcel.

Standards for water mains, water storage for fire protection, and water supply shall be in accordance with title 15 of this code. (Ord. 2579 •15, 2004; Ord. 1562 • 2 (part), 1987).

**16.26.210 Development agreement when water system does not have the required fire flow.** A property owner proposing a land division within an existing water system and within five hundred feet of an existing main line not meeting the required fire flow may propose, and the county may agree, to entering into a development agreement to allow the land division subject to the following terms and conditions, together with any other terms or conditions agreed upon:

A. All feasible improvements to upgrade the fire flow in the existing system are made. Feasible improvements are both technically possible and economically reasonable.

B. An engineering study may be required to aid in determining what improvements are feasible.

C. The owner may be required to contribute to improvements not feasible for this project alone.

D. Hookup to the system shall be designed and installed so as to accommodate the maximum flow available or projected.

E. Further extension of the line shall be prohibited unless the fire flow required for a land division is available.

F. Structures constructed on the property must be designed and constructed to meet the standards set forth in title 15 of this code. (Ord. 2579 •16, 2004)

**16.26.220 Fire hydrants.** Fire hydrants shall be located and installed in accordance with Title 15. (Ord. 1562 • 2 (part), 1987).

**16.26.230 Reasonable proof of groundwater.** For subdivisions which rely on individual wells to supply water, reasonable proof of groundwater availability on-site shall be provided to the environmental health department in a form as specified by their guidelines. For subdivisions with lots of five gross acres or more, groundwater proof shall be provided prior to approval of the final map.

For subdivisions with lots of less than five gross acres, groundwater proof shall be provided prior to the next county entitlement subsequent to approval of the tentative map. (Ord. 1562 • 2 (part), 1987).