

## Title 17

### SUBDIVISIONS ~~AND LAND DIVISIONS~~

**Chapters:**

#### Chapter 17.04 GENERAL PROVISIONS

**Sections:**

**17.04.010 Title.**

This title shall be known as the "Mono County subdivision ~~and land division~~ ordinance"; further, it shall be deemed to be the "local ordinance" under the California Subdivision Map Act (SMA), specifically Section 66411 of the Government Code.

**17.04.020 Purpose.**

This title is enacted for the purpose of adopting subdivision and land division regulations in accordance with the Subdivision Map Act- (SMA) Subdivision Map Act contained in Government Code Sections 66410 et seq.; further, this title is intended to promote public health, safety, and general welfare and, consistent with Mono County General Plan; the orderly growth and development of the county; the proper use of land; the conservation, stabilization, and protection of the value of property; and to establish adequate provisions for utilities and other conveniences in land use.

**17.04.030 Advisory agency.**

The Mono County ~~planning commission~~ Commission Planning - (commission) is designated as the advisory agency pursuant to Section 66415 of the Government Code.

#### Chapter 17.08 DEFINITIONS

**Sections:**

**17.08.010 Definitions generally.**

In addition to those definitions given in the Land Use Element of the Mono County General Plan, -and other c Chapters 1-04 of the Mono County this code, the following words and phrases shall have the meaning given in this chapter. These definitions shall be supplementary to the definitions contained in the SMA. In the event of a conflict, definitions in first the SMA first and then the Mono County General Plan second supersede this chapter.

**17.08.020 Access road.**

"Access road" means any street or road passing adjacent to or through the subdivision which carries the major flow of traffic, and onto which traffic entering from side streets and driveways may be controlled.

**17.08.030 Block.**

"Block" means an area of land within a subdivision, which area is either entirely bounded by streets (except alleys), or by streets (except alleys) and the exterior boundary or boundaries of the subdivision.

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### **17.08.040 Building site.**

"Building site" means a parcel or lot occupied or intended to be occupied by buildings or structures.

### **17.08.040 Building Envelope.**

"Building envelope" means a designated area of a parcel or lot within which all construction and associated land disturbance excluding driveway access must be contained. It may be used in subdivision or specific plans to maintain neighborhood character and protect environmental features.

### **17.08.045 California Environmental Quality Act (CEQA).**

"California Environmental Quality Act (CEQA)" means the state law that requires local agencies to identify and disclose potentially significant environmental impacts of proposed projects and to avoid or reduce those impacts where possible. Promulgated in Public Resources Code Section 21000 et seq., implementation direction is found in the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15000-15387.

### **17.08.047 Certificate of compliance.**

"Certificate of compliance" means evidence of a formal determination by Mono County of whether certain real property in the county complies with the SMA and County ordinances enacted pursuant thereto, recorded by the County in response to a request for such a determination made pursuant to SMA Section 66499.35.

### **17.08.048 Conditional certificate of compliance.**

"Conditional certificate of compliance" means a certificate of compliance setting forth conditions that must be satisfied before the real property that is the subject of the certificate will be deemed by Mono County to comply with the SMA and/or County ordinances enacted pursuant thereto.

### **17.08.050 ~~Commission~~Commission.**

"~~Commission~~Commission" means the Mono County ~~planning commission~~Commission Planning, the body duly appointed, authorized and acting per Section 65300 of the Government Code and Chapter 2.36 of this code, and when used herein may apply to the ~~eommission~~Commission's duly authorized representatives.

### **17.08.060~~51~~ Conversion of existing residential facilities by subdivision.**

"Conversion of existing residential facilities by subdivision" means apartments, mobile home parks or other multi-family residential facilities which are converted to individual ownership by subdivision. "~~Subdivision~~" shall be as defined in Section 17.08.420 of this code and Section 66424 et seq. of the Government Code.

### **17.08.060 ~~Design.~~**

- A. — Design refers to street alignment grades and widths, alignment and widths of easements and rights-of-way for drainage, proper grading and erosion control (including the prevention of sedimentation or damage to off-site property), water supply, sanitary sewers and minimum lot area and width.
- B. — Design also includes land to be dedicated for park or recreational purposes.
- C. — Design also refers to such specific requirements in the plan and configuration of the entire subdivision as may be necessary or convenient to insure conformity to or implementation of applicable general or specific plans of a city or county.

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**~~17.08.070 Director of public works.~~**

~~"Director of public works" means the director of public works of Mono County, or his designated representative.~~

**17.08.070 Director of Public Works**

"Director of Public Works" means the Director of Public Works of Mono County, or designated representative. For the purposes of this ordinance, the public works director is interchangeable with county engineer and county surveyor.

**17.08.080 Drainage way.**

"Drainage way" means a natural depression in the earth's surface, such as swales, ravines, draws and hollows, in which surface waters collect as a result of rain or melting snow, but at other times are destitute of water.

~~17.08.090 Environmental impact report.~~

~~"Environmental impact report" (EIR) means a detailed statement setting forth the environmental effects and considerations pertaining to a project as specified in Section 21100 of the California Environmental Quality Act.~~

**17.08.100 Final map.**

"Final map" means a map prepared in accordance with the provisions of this title and the SMA Subdivision Map Act of the state, and which is designed to be recorded in the recorder's office.

**~~17.08.110 Flood hazard.~~**

~~"Flood hazard" means possible occurrence of flood waters and/or overflow causing inundation of lands or improvements, or stream having sufficient velocity to transport or deposit debris, to scour the surface soil, to dislodge or damage buildings or to cause erosion of the banks or channels.~~

**~~17.08.120 Flood plain.~~**

~~"Flood plain" means areas adjoining a watercourse, lake or other body of water that have been or may be covered by flood waters.~~

**~~17.08.130 Flood water.~~**

~~"Flood water" means waters flowing over the surface of the land which have escaped from a stream or other body of water, never to return to their point of origin.~~

**17.08.140 Frontage.**

"Frontage" means that portion of the lot or block measured along the property line adjacent to the street.

**~~17.08.150 Health department.~~**

~~"Health department" means the Mono County health department.~~

**~~17.08.160 Health officer.~~**

~~"Health officer" means the Mono County health officer or his designated representative.~~

**17.08.170 Highway or street.**

"Street" or "highway" means all streets, roads, highways, avenues, boulevards, drives, sidewalks, lanes, esplanades, alleys, equestrian, bicycle or snowmobile lanes, utilized principally for pedestrian or vehicular traffic, and includes the entire area between the right-of-way boundaries.

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### **17.08.180 Improvement plan.**

"Improvement plan" means an engineering plan submitted by a civil engineer registered by the state, showing the location and construction details of all [infrastructure and public](#) improvements required for the subdivision. [Such improvements may include, but are not limited to, roads, sidewalks, water and sewer lines, draining systems, \(underground\) electrical utilities, and landscaping.](#)

### **17.08.190 Land Development Technical Advisory Committee (LDTAC).**

["Land Development Technical Advisory Committee \(LDTAC\)" means a technical committee consisting of the directors of the Mono County Public Works, Environmental Health, and Community Development departments \(CDD\), and any other affected County department, or their designated representatives. It provides technical review and recommendations on land development projects, and its purposes include coordination among County departments, efficient and timely permit processing, and informing applicants of County requirements early in the development review process.](#)

#### ~~17.08.190 Improvements.~~

- ~~A. "Improvements" refers to 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 necessary for the general use of the lot owners in the subdivision and local neighborhood traffic and drainage needs, including those required to prevent sedimentation or damage to off-site property, as a condition precedent to the approval and acceptance of the final map thereof.~~
- ~~B. "Improvement" also refers to such specific improvements or types of improvements the installation of which, either by the subdivider, by public agencies, by private utilities or by a combination thereof, is necessary or convenient to insure conformity to or implementation of applicable general or specific plans and the zoning ordinance of a city or county.~~

### ~~17.08.200 Land division.~~

~~"Land division" refers to any real property, improved or unimproved, shown on the latest equalized county assessment roll as a unit or contiguous units, under one ownership, which is divided for the purpose of sale, lease or financing, whether immediate or future, by any person into two or more parcels, provided the property division does not constitute a subdivision of as defined in this title.~~

### ~~17.08.210 Land project.~~

~~"Land project" is a subdivision or subdivided lands within this state which satisfies all of the following conditions:~~

- ~~A. The subdivision or subdivided lands contain fifty or more parcels of which any fifty are both:~~
- ~~1. Not improved with residential, industrial, commercial or institutional buildings, and~~
  - ~~2. Offered for sale, lease or financing for purposes other than industrial, commercial, institutional or commercial agricultural uses;~~
- ~~B. The subdivision or subdivided lands are located in an area in which reside less than one thousand five hundred registered voters within the subdivision or within two miles of the boundaries of the property described in the final public report;~~
- ~~C. Not constituting a community apartment project as defined in Section 11004 of the Business and Professions Code, a project consisting of condominiums as defined in Section 783 of the Civil Code, or a stock cooperative as defined in Section 11003.2 of the Business and Professions Code.~~

### **17.08.220 Lot.**

"Lot" means that portion of land in a subdivision which is delineated or described as a single integral unit as shown on the map of the subdivision or parcel map.

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### **17.08.225 Lot Line Adjustment.**

"Lot line adjustment," as defined in the SMA, means the adjustment of the boundaries between four or fewer existing adjoining parcels, where the land taken from one parcel is added to an adjacent parcel, and where a greater number of parcels than originally existed is not thereby created if the lot line adjustment is approved by the local agency or advisory agency.

### **17.08.230 Noncounty improvements.**

"Noncounty improvements" means improvements to be made by the ~~subdivider~~ **Applicant** but not required to be offered for dedication to the county. Such noncounty improvements may include private areas, private sewage disposal, sewer systems to be furnished to other governmental entities and water distribution systems to be furnished to other governmental entities.

### **~~17.08.240 Owner.~~**

~~"Owner" is a person, firm, association, syndicate, copartnership, corporation or other legal entity having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under the Subdivision Map Act and this title, whether acting in the capacity of a joint owner, co-owner, guardian, executor, administrator or other person holding property in trust and whether in person or by subdividers, agents, representatives or otherwise.~~

### **17.08.250 Parcel.**

"Parcel" means real property which is contiguous and under one ownership. Property shall be considered contiguous even if separated by streets, easements or railroad rights-of-way.

### **17.08.260 Park.**

"Park" means public or private land or open space reserved from non-recreational dwelling unit development that is devoted to active or passive recreation.

### **17.08.270 Path.**

"Path" means a way designed for use only by pedestrian.

- A. "Public paths" means only such paths whose right-of-way is dedicated upon a subdivision map or deeded to and accepted by the governing ~~board~~ **Board** of the ~~e~~ **C**ounty.
- B. "Private path" means a path offered for the benefit of the owners of certain lots, which lots shall be designated for that purpose on the subdivision map.

### **~~17.08.280 Person.~~**

~~"Person" means an individual, partnership, corporation, business association or group of individuals, and any governmental entity.~~

### **~~17.08.290 Planning department.~~**

~~"Planning department" means the Mono County planning department.~~

### **~~17.08.300 Planning director.~~**

~~"Planning director" means the director of building and planning or his designated representative.~~

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### **17.08.310 Ponding of local storm water.**

"Ponding of local storm water" means standing storm water in local depressions. As distinguished from sheet overflow, this water originates on or in the vicinity of the subdivision and due to the condition of the ground surface does not reach a drainage channel or conduit.

### **17.08.320 Private street.**

"Private street" means any parcel of land or nonexclusive easement not owned by the ~~e~~County, a city, ~~or~~ the ~~S~~state, ~~and~~ not offered for dedication to the public, and which is used or intended to be used for vehicular access to a lot or parcel.

### **17.08.325 Health and Human Services Department.**

~~"Health and Human Services DepartmentPHD" means the Mono County Health and Human Services Department, Environmental Health Division.~~

### **17.08.330 Public ways.**

"Public ways" means all streets, roads, highways, esplanades, easements, rights-of-way, tunnels, culverts, wires, pipes, lines, tubes and any or all other property rights or interests, facilities, or improvements, including fee interests and rights less than in fee, together with improvements, therein or thereon, owned, possessed, held, or under the control of a political subdivision and/or public and private utility entities.

### ~~**17.08.340 Public works department.**~~

~~"Public works department" means the Mono County department of public works.~~

### ~~**17.08.350 Road.**~~

~~For a definition of "road," see "highway or street," Section 17.08.170.~~

~~er" means the county director of transportation. As provided in Section 2.28.035 of this code, the director of public works is, ex officio, the county director of transportation.~~

### **17.08.370 Road department.**

"Road ~~D~~epartment" means the Mono County ~~R~~oad ~~D~~epartment.

### **17.08.380 Sheet flow.**

"Sheet flow" means water of minor depths, either quiescent or flowing at velocities less than those necessary to produce serious scour.

### **17.08.390 Standard plans.**

"Standard plans" means the ~~R~~oad ~~D~~epartment standard plans, including ~~S~~state standard plans and specifications.

### ~~**17.08.400 Street.**~~

~~For a definition of "street," see "highway or street" Section 17.08.170.~~

### ~~**17.08.410 Subdivider.**~~

~~"Subdivider" shall be as defined by Section 66423 of the Government Code.~~

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### **17.08.420 Subdivision.**

"Subdivision" shall be as defined in Section 66424 et seq. of the Government Code.

### **17.08.420 Subdivision Map Act.**

"Subdivision Map Act (SMA)" means the California law governing the division of land for sale, lease, or financing purposes. Defined in Section 66424 et seq. of the Government Code, the SMA vests the regulation, design, and improvement of subdivisions in the legislative bodies of local agencies, such as Mono County.

### **17.08.430 Surface water.**

"Surface water" means water falling upon, arising from, and naturally spreading over lands and produced by rainfall, melting snow, or springs.

### **17.08.440 Surveyor.**

"Surveyor" means the Mono County ~~S~~surveyor, appointed by the ~~board of supervisors~~Board of Supervisors, consistent with SMA 66417, unless the context indicates otherwise.

### **~~17.08.450 Tentative map.~~**

~~"Tentative map" means a map for the purpose of showing the design of a proposed subdivision or land division and the existing conditions in and around it.~~

### **17.08.460 Trail.**

"Trail" means a way designed for use by pedestrians, bicycles, and horses, unless otherwise specified.

### **17.08.470 Watercourse.**

"Watercourse" means a running stream of water; a natural stream, including rivers, creeks, runs, and rivulets. It may sometimes be dry, but must flow in a definite channel.

### **~~17.08.480 Interpretation of words.~~**

~~As used in this title, "section" means a section of this title unless some other statute is specifically mentioned.~~

## **Chapter 17.09 SUBDIVISION MAPS GENERALLY**

### **Sections:**

#### **17.09.010 Map requirements.**

- A. A tentative and final map shall be required for all subdivisions ~~creating five or more lots or units, including when a parcel or tract map is required, except when excluded by SMA Section 66426 and 66428, or as waived as provided hereinafter.~~  
~~A tentative parcel map and parcel map shall be required for all subdivisions for which a tentative and final map are not required, except where the parcel map is waived as hereinafter provided, or where the subdivision is a portion of the operating right of way of a railroad corporation defined as such by Section 230 of the Public Utilities Code, which are created by short term lease terminable by either party on not more than thirty days' notice in writing.~~
- B. A map is not required for the sale of the entirety of a designated remainder.

#### **17.09.020 Decision authority.**

The following bodies are the final approval/denial authority for subdivision related maps unless they are appealed as provided in each type of subdivision application covered in this title.

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- A. For certificates of compliance, parcel map waivers, lot line adjustments, and voluntary lot mergers; the Land Development Technical Advisory Committee.
  - B. For tentative parcel maps, vesting tentative parcel maps, and parcel map extensions; the Planning Commission.
  - C. For tentative and final subdivision maps, including tentative map extensions, tentative map modifications, recorded final map amendments, and vesting tentative maps; the Board of Supervisors.
  - A-D. For final subdivision maps and final parcel maps; the County Surveyor, provided no interpretation or independent judgement is required to determine compliance, and no offers of dedication are included.

#### **17.09.020 Public hearing notice.**

Unless otherwise required by the SMA, subdivision-related public hearings by the Planning Commission and Board of Supervisors shall comply with Chapter 46 – Noticing Requirements of the General Plan Land use Element.

#### **17.09.030 Appeals.**

Unless otherwise required by the SMA, appeals of subdivision-related decisions shall comply with land use element Chapter 47 – Appeals.

#### **17.09.040 Environmental review.**

All actions shall comply with the environmental review requirements of the California Environmental Quality Act (CEQA) and implementing handbook of Mono County.

#### **17.09.050 Processing.**

All subdivision-related applications, including lot mergers and lot line adjustments, shall be submitted to the Community Development Department for processing. Processing includes application acceptance; CEQA review; circulation to affected departments, agencies, utilities, entities and interested parties; compilation and review of comments; scheduling of meetings and hearings; issuance of staff reports and transmittal of staff, LDTAC, and Planning Commission recommendations; staffing coordination hearings and meetings; and filing of notice of determinations and decisions. The Public Works Director or County Surveyor or County Engineer is lead staff for improvement plans, records of survey, performance bonds, soils report reviews, soils report waivers, work inspections, final map scheduling, final map modification scheduling, and transmittal of lot line adjustments to County Recorder.

## **Chapter 17.11 VESTING TENTATIVE MAPS**

### **Sections:**

#### **17.11.010 Applicability.**

Vesting tentative maps shall conform with the provisions of Government Code, Division 2, Chapter 4.5, Section 66498.1 et seq.

#### **17.11.020 Processing and approval.**

With the exception of additional rights that may be conferred in conjunction with Section 17.11.010, vesting tentative maps shall be processed and approved in general conformance with the applicable provisions for final maps and/or parcel maps as specified in this title.

## **Chapter 17.12 ~~SUBDIVISIONS—PRELIMINARY APPROVAL AND~~ TENTATIVE TRACT MAPS**

**Sections:**

**17.12.010 Preliminary Application acceptance.**

Each proposed subdivision requires submittal of a Tentative Tract Map application ~~shall be submitted~~ to the Community Development ~~planning Department (CDD)~~ for processing ~~preliminary consideration in map form~~. The tentative map application shall be prepared in accordance with the Subdivision Map Act, the Mono County General Plan, specific plans, application form, and the provisions of this title. ~~Such~~ submittal may be prior to the completion of final surveys but shall be prior to the start of any grading or construction work within the proposed subdivision. A digital copy and three paper Twelve copies and one reproducible copy (sepia) of the tentative map are required at the time of submittal. A reproducible copy may be required upon request of the County Surveyor. ~~and additional copies required by the commission shall be provided without delay.~~ Within thirty five working days after submission of the tentative map application and following initial review by the CDD ~~other required data~~, the Land Development Technical Advisory Committee (LDTAC) ~~planning department~~ shall determine if the application is complete for formal acceptance. ~~whether the map and accompanying data is in general compliance with the provisions of state law and this chapter.~~ If it is not complete, in compliance, it the application shall be returned to the subdivider Applicant by the CDD community development department with a written list of deficiencies specification of reasons why it does not comply.

**17.12.020 Tentative tract map—Filing application fee.**

Each ~~applicant~~ subdivider, at the time of submittal of the tentative map application, shall pay applicable permit and environmental ~~the following fees of the Mono County fee schedule.~~

- ~~A. Permit Fee. Persons applying for permits under this chapter shall pay a fee in an amount set by resolution of the board of supervisors, not to exceed the county's cost of administering this chapter.~~
- ~~B. A deposit for the cost of the EIR if such a report is required;~~
- ~~C. A tentative map and environmental impact report review fee to the department of public works in accordance with the current schedule as established from time to time by resolution as authorized by Chapter 3.02.~~

**17.12.030 Tentative tract map—Distribution after preliminary acceptance.**

After application acceptance by the LDTAC, ~~such maps are submitted and prior to the completion of the requirements of Chapter 16.04,~~ the CDD community development planning department shall forward distribute copies to the Public Works Department, health department Health and Human Services Department, the affected water or utility district ~~(if the proposed subdivision lies within any such district)~~, the local fire district and/or Calfire, the servicing applicable school districts, district(s), the utility companies serving the area, and other affected ~~entities agencies~~. Upon the completion of the requirements of the California Environmental Quality Act (CEQA) Chapter 16.04, the information shall be sent to the same ~~agencies entities entities~~. Each entity such agency or district may submit its written findings and recommendations to the Community Development planning Department prior to the final decision Land Development Technical Advisory review committee conference meeting.

**17.12.040 Environmental review.**

The environmental impact of the proposed project application all activities regulated by the provisions of this title or the Subdivision Map Act (Government Code Sections 66410 et seq.) shall be reviewed in accordance with CEQA as provided by Chapter 16.04 prior to the filing of the tentative map. Time periods for action shall comply with SMA Section 66452.1 and CEQA Section 21151.5.

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### **17.12.050 Land development technical advisory committee—Role.**

The land development technical advisory committee described in Section 19.01.700 of the Mono County Code shall provide technical advice upon request to decision-makers regarding proposed tentative maps and perform such other tasks as may be required by this chapter.

### **17.12.060 Land Development Technical Advisory Committee—Conference Meeting.**

- A. The Applicant subdivider and all interested agencies shall be given written notice of the LDTAC land development technical advisory committee conference meeting at least three five days prior to the meeting in accordance with California public meeting laws (Brown Act).
- B. The departments of health Health and Human Services and Ppublic Wworks shall be given copies of the tentative map and accompanying data required by this chapter, including the EIRs a minimum of fifteen working days CEQA documents, prior to the land development technical advisory committee conference meeting.
- C. A written LDTAC recommendation report shall be transmitted prepared by the land development technical advisory committee and submitted to the commission Commission and a Applicant, subdivider and project engineer prior to the commission Commission meeting hearing at which the tentative map will be considered.

### **17.12.070 Hearing before the commission Commission.**

Consistent with SMA Section 66452.1 time frames Within fifty calendar days after the filing of the tentative map with the commission, unless the time is extended with the consent of the subdivider, and following the close of the public hearing, the commission Planning Commission shall, in writing, report and recommend the approval, conditional approval or disapproval of the proposed subdivision to the Bboard. Such report may be in the form of a memorandum attached to a copy of the tentative map, or other form adopted by the commission. The report shall be accompanied by such data as is deemed appropriate by the commission Commission to facilitate the determinations required by SMA Section 66474, 66474.01, and 66474.02 of the Government Code.

### **17.12.080 Action by the board of supervisors Board of Supervisors.**

The board of supervisors Board of Supervisors shall act upon the Commission report and recommendation advisory agency report within ten days or at its next succeeding regular meeting after receipt of the report consistent with time periods of Section 66452.2 of the SMA and Section 21151.5 of CEQA. Any reports or recommendations on the maps made by the advisory agency Commission to the governing body Board of Supervisors shall be submitted in writing provided to the Applicant subdivider prior to final action on the at least three days prior to hearing or final action on the tentative map consistent with SMA Section 66452.3 of the SMA. maps by the governing body. Such required submission in writing shall be deemed complied with when such reports or recommendations are placed in the mail directed to the subdivider at his designated address and bearing the proper postage. Board action shall be based on findings required by SMA Sections 66474, 66474.01, and 66474.02.

### **17.12.090 Tentative map—Action time limit.**

The time limit for acting and reporting on the tentative maps as specified in this chapter may be extended only as provided in Section 17.20.020. If no action by the board of supervisors Board of Supervisors is taken within these time limits or any authorized extensions thereof, the tentative map as filed shall be deemed to be approved and it shall be the duty of the Clerk of the bBoard to certify its approval consistent with Section 66452.4 of the SMA. No map can be deemed approved until appropriate action on the environmental determination has been taken as required by the California Environmental Quality Act and the adopted guidelines thereunder as set forth in the Appendix of this code.

### 17.12.100 Tentative tract map—Form and content.

The tentative map shall be clearly and legibly drawn on one sheet whenever possible. The following items shall be included unless waived by the LDTAC. Additional items based on specific site conditions may be requested by the LDTAC, and shall contain the following information:

- A. The title may contain such name as may be selected by the Applicant-subdivider and shall contain the tract number which may be obtained from the CDD-planning community development department;
- B. Names and addresses of the legal owner of the property, applicant, subdivider and civil engineer or licensed land sssurveyor who prepared the map;
- C. Contours showing accurately the existing terrain within the subdivision and adjacent area as required;
- D. For subdivisions of average lot size of less than one acre, the map shall be drawn to an engineer's scale of not less than one inch equals fifty feet;
- E. For subdivisions of average lot size of one acre or more, the map shall be drawn to an engineer's scale of not less than one inch equals one hundred feet;
- F. The contour interval shall conform to the mapping standards for the scale used. Every fifth contour shall be of heavier weight and labeled. Care shall be exercised in labeling contours so that the elevation of any contour is readily discernible. Contours may be omitted when the lines fall closer than ten contours per inch, provided that all contours at the bottom and top of slope changes are shown. In no event shall the heavy contours be omitted.

Spot elevations shall be expressed to the nearest one-tenth of a foot. On comparatively level terrain where contours are more than one hundred feet apart at map scale, the contours may be omitted and spot elevations substituted therefor. Additional spot elevations shall be shown at intervals along the center of dikes, roads, and ditches at summits, depressions, saddles, or at other existing permanent installations.

At least ninety percent of all contours shall be within one-half contour of true elevation, except that in areas where the ground is completely obscured by dense brush or timber, ninety percent of all contours shall be within one contour interval. Contours in obscured areas shall be indicated by dashed lines. Mapping not having this accuracy shall be rejected;

- G. When the map contains more than one sheet, the sheets shall be indexed to show the relative position of each sheet;
- H. The outline of existing slides, slips, sump areas and areas subject to inundation or avalanche;
- I. The approximate edges of pavements of existing paved roads, driveways within or adjacent to public right-of-way and easements or within private common right-of-way;
- J. Approximate existing property lines and approximate boundaries of existing easements within the subdivision with the names of owners of record;
- K. The proposed lot and street layout with scaled dimensions of the lots, and the minimum, maximum, and average lot area;
- L. The approximate width, location, and purpose of all existing and proposed easements. Easements shall be shown for utilities such as electric, telephone, internet, cable television, sewer and water lines, and for drainage and access when applicable;
- M. Street names, widths of streets and easements, approximate grade, approximate point of grade change, and radius of curves along centerlines of each street;
- N. Typical road sections shown may refer to the standard plans;
- O. Areas designated for public and/or common purpose;
- P. Location, approximate grade, direction of flow, and type of facility of existing drainage channels and storm drains;

- Q. A vicinity map showing roads, adjoining subdivisions, towns, creeks, and other data sufficient to locate the proposed subdivision and show its relation to community development;
- R. The line of high and low water and flood plain on all lots abutting any lake, river, stream, reservoir, or other body of water;
- S. North arrow and scales for maps, contour interval;
- T. Existing and proposed use of all existing structures;
- U. Names of adjacent property owners or subdivisions;
- V. Approximate toe of fills and top of cuts;
- W. Approximate finish contour lines along roadways;
- X. Parking areas and access solutions for individual lots may be required;
- Y. Condominium parking plans in accordance with [zoning-General Plan](#) requirements and [Road Department](#) standards when applicable.

#### **17.12.110 Tentative [tract map](#)—Accompanying data.**

The tentative [tract](#) map shall include the following:

- A. Existing and proposed use of the property;
- B. Description of the proposed subdivision, including the number of lots, their average and minimum size, and nature of development; [including orientation and other considerations under SMA Section 66473.1](#);
- C. Source, adequacy, potability and right thereto of water supply;
- D. Method of sewage disposal proposed;
- E. Plans for draining areas subject to inundation;
- F. Other improvements proposed;
- G. Approximate construction phasing so that each phase of construction is completed within one construction season;
- H. Calculations needed for developments as to density, open space, land coverage, and parking, etc.;
- I. The proposed or intended method of fire protection and, if applicable, approval of the fire district within which the subdivision is located; [compliance with the Safety Element of the Mono County General Plan \(see action 3.A.2.a\) and compliance with SMA Section 66474.02](#);
- J. The proposed means that will be used to assure the proper administration and maintenance of common areas and open space, including a statement of intent regarding proposed deed restrictions;
- K. A preliminary soils report shall be prepared by a civil engineer/engineering geologist, licensed to practice in the state of California, for the proposed subdivision addressing the unified soil classification of the soils, the depth of the water table, the degree of soil moisture from surface to a minimum depth of eight feet, the compaction of the soil at a minimum depth of two feet, and the expansive characteristics of the soil for the proposed project site. If this preliminary report indicates the presence of critically expansive soil or other soils or geological problems, which could lead to structural defects, or any other hazards, a soils report for each parcel, together with the proposed mitigation measures to alleviate identified problems shall be required.
  - a. The requirements of a preliminary soils report may be waived by the ~~county engineer~~[County Engineer](#) if the project civil engineer/engineering geologist certifies that no soils problems exist on the site, and that such certification is based on sufficient soils reports prepared for the subdivision under consideration to demonstrate soil stability and the lack of soils problems on the proposed project site. The project proponent shall have the burden of demonstrating the required information. The decision to waive such requirements, based upon the certification of the project proponent's civil engineer/engineering geologist of the absence of any soils related problems, shall be solely within the discretion of the ~~county engineer~~[County Engineer](#). The fee for review of soils reports or consideration of soils report waiver shall be set by resolution of the ~~board of supervisors~~[Board of Supervisors](#);

- L. When part of a large single ownership area, a sketch showing proposed future development outside of the proposed subdivision;
- M. Plot plans and elevations of proposed buildings in planned unit developments, or condominiums;
- N. A survey prepared by a qualified person identifying tree coverage within the proposed subdivision in terms of type, weakness, maturity, potential hazard, infestations, vigor, density and spacing;
- O. A vegetation preservation and protection plan showing which trees are to be removed and the location and type of vegetation that is to be planted;
- P. Information concerning the ability of the existing and proposed drainage facilities to handle the natural flows and the additional runoff that will be generated by the subdivision at ultimate development. The methods to be used to convey surface waters to the natural drainage courses or drainage systems.

#### **17.12.120 Improvement plans.**

Following approval or conditional approval of the tentative map by the ~~B~~board, the ~~A~~applicant subdivider shall prepare and submit to the public works department two sets of improvement plans. The improvement plans shall comply with and incorporate all conditions attached to the tentative map approval, such as grading and landscaping plans, and shall be accompanied by twenty percent of the inspection fee, based on a preliminary engineer's estimate.

#### **17.12.130 Tentative map—Modification.**

The ~~A~~applicant subdivider may request the modification of the approved tentative map. Application for modification of an approved tentative map shall be made as in the case of a tentative map, ~~including review by the LDTAC and Planning Commission~~. No modification shall be deemed approved until approved by the ~~B~~board. Upon such approval, the modified tentative map shall control, provided the final map is filed within twenty-four months from the date of approval of the original tentative map, plus such additional time periods and extensions obtained pursuant to Section 17.20.020. Filing fees for the modifications of the tentative map ~~shall be the same as for the original map; are set forth in the fee schedule adopted by the Board. provided, however, fees collected for each subdivision lot shown on the original tentative map shall not be collected again.~~

## **Chapter 17.13 CONVERSION OF EXISTING RESIDENTIAL FACILITIES BY SUBDIVISION**

### **Sections:**

#### **17.13.010 Intent.**

It is the intent of this chapter to protect a dwindling rental housing and mobile home space supply by regulating the conversion of apartments and mobile home spaces to individual ownership by subdivision.

#### **17.13.020 Requirements generally.**

~~Each~~Each ~~subdivider~~applicant converting existing residential facilities by subdivision shall comply with all the requirements of Sections 17.16.020 through 17.16.140, ~~and SMA Section 66427 et seq.~~

#### **17.13.025 ExemptionExemptions**

~~Conversion projects conveying the units or mobile home spaces directly to the current renters shall be subject to the SMA exempt from this chapter and exempt from Section 17.13.02 of this chapter, provided short-term rental of units are prohibited. Such conversion projects shall be subject to subject only to the standards at the time~~

~~of the original approval or, if an existing nonconforming use, subject to Chapter 34 – Nonconforming Uses of the Mono County General Plan Land Use Element.~~

### 17.13.030 Standards for conversion.

The standards for conversion of an existing residential development which shall be required as conditions of approval of a subdivision map for condominium or other forms of ownership where title is conveyed for an individual unit or mobile home space are as follows:

- A. Off-street parking shall be provided as would be required for new developments;
- B. Snow storage areas shall be provided as would be required for new developments;
- C. ~~Deficiencies in trash collection areas and landscaping in accordance with standards adopted pursuant to the zoning ordinance general plan shall be corrected;~~
- ~~C.D. Pursuant to SMA Section 66451.3(b), notice shall be given by mail to each tenant of the subject property and shall include notification of the tenant's right to appear and be heard.~~
- E. In addition to all applicable notices required by state law and Mono County ordinances, the management or owner, after all required permits requesting a change of use have been approved by the County, shall give the tenants six months or more written notice of termination of tenancy;
- ~~D.F. Conversion of residential rental units to short-term rental units is prohibited unless the map specifies the individual units are eligible to apply for the applicable land use permits to authorize short-term rentals;~~
- ~~E.G. All required permits and/or map act proceedings requesting a change of use shall in addition to other County approvals require final approval by the Planning Commission and/or board of supervisors Board of Supervisors.~~

### 17.13.040 Application for conversion of existing residential facilities.

Application for a use permit shall be filed ~~with the planning department~~ pursuant to ~~Chapter 40 of the General Plan Land Use Element, Title 19 of this code.~~ Upon receipt of an application for use permit to convert residential facilities, the department shall mark or stamp the application as a conversion project, and prepare a ~~staff~~ report setting forth findings of ~~General Plan consistency, zoning development standard compliance,~~ and subdivision compliance.

## Chapter 17.16 SUBDIVISIONS—REQUIREMENTS AND IMPROVEMENTS

### Sections:

#### 17.16.010 Requirements generally.

Each ~~subdivider applicant~~ shall comply with ~~all of the following~~ requirements in this chapter ~~of Sections 17.16.020 through 17.16.140. In the event of conflict with separately adopted Public Works standards, the Public Works director Public Works Director shall determine which standard applies. In the event of conflicts with state minimum fire safe standards, state standards shall prevail.~~

#### 17.16.020 Highways and roads.

The ~~project applicant subdivider~~ shall comply with the current ~~Road Department~~ standards for all construction. All streets shall be constructed to ~~road department Road Department~~ standards and offered for dedication as public streets unless ~~specifically waived in writing by the public works director Public Works Director, a variance is granted by the board of supervisors.~~

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### 17.16.030 Sewage disposal.

- A. ~~The commission~~ Project conditions may require that the Applicant subdivider connect to a sewer and drain system having adequate plant capacity to handle the subdivision; that the Applicant subdivider construct an adequate sewage treatment plant and collection lines if there is no district having adequate capacity serving the proposed subdivision; or conditions may require such other means of sewage disposal as shall be approved by the ~~health department~~ Health and Human Services.
- B. Lots not served by sewers shall be suitable for private sewage disposal, pursuant to guidelines and criteria adopted by the ~~b~~Board, health department Health and Human Services, and Lahontan Regional Water Quality Control Board.
- C. In those areas within a subdivision served by a sewer system under the jurisdiction of the County, all sewer lines, sewage treatment facilities and appurtenances shall be constructed in accordance with the requirements of the Public Works Department and ~~health department~~ Health and Human Services. When within a local sanitary district it may be inspected by the Public Works Department, under joint cooperation, if so desired by the sanitation district.
- D. Approval of improvement plans by the serving utility district for sewer improvements is required. A letter shall be submitted to the ~~commission~~ Commission -stating that the district has reserved sewage disposal capacity to serve this development.

### 17.16.040 Flooding and drainage.

- A. The Applicant subdivider shall design the subdivision in accordance with Flood Plain Regulation, Chapter 21 of the Mono County General Plan Land Use Element so that it shall be protected from inundation, flood hazard, sheet flow, springs and other surface waters. The design of improvements shall be such that water occurring within the subdivision will be carried off without injury to any improvements, residential sites, or residences to be installed within the subdivision. The design shall provide for prevention of erosion or siltation that would be detrimental to the environment of the adjoining area. Waters occurring within the subdivision shall be carried to a storm drainage facility or natural watercourse by such improvements as may be required to meet the design standards set forth. Drainage design within the subdivision shall accommodate reasonable anticipated future development within the drainage area. Any off-tract outlet drainage facility required to carry drainage from the proposed subdivision to a defined channel or conduit shall be made adequate for the ultimate state of development in the drainage area.
- B. When any watercourse traverses or serves a subdivision, adequate on-site and/or off-site easements for storm drainage purposes shall be provided.
- C. Upon ~~commission~~ County requirement, a storm drainage maintenance district or acceptable alternate shall be established for the maintenance of storm drainage facilities constructed in conjunction with the subdivision. When a drainage master plan has been adopted for the drainage area, the subdivider applicant shall pay a fee for his/her pro rata share of the cost of the contract or the estimated cost of constructing the drainage facilities within the drainage area.

### 17.16.050 Water supply.

- A. ~~The commission may~~ It may be required that the Applicant subdivider connect to a water treatment and distribution system having adequate plant capacity to handle the subdivision; that the subdivider Applicant construct an adequate water treatment and distribution system if there is no district or water company having adequate capacity serving the proposed subdivision; or may require such other means of water treatment and distribution as shall provide adequate water to meet domestic and fire use. ~~The recommended minimum volume for fire use is five hundred gallons per minute for the duration of four hours.~~ Fire flows shall be consistent with applicable fire district and state fire safe requirements.

A.

~~B.~~ In those areas within a subdivision served by a water furnishing district or water company under the jurisdiction of the ~~C~~ounty, all lines and facilities shall be constructed in accordance with the requirements of the ~~P~~ublic ~~W~~orks ~~D~~epartment and the ~~health department~~Health and Human Services.

~~B.~~

~~C.~~ For a subdivision which averages a lot size of two and one-half acres or more, Domestic water shall be provided subject to all requirements, including the General Plan, applicable area and/or specific plans, Lahontan Basin Plan, Local Area Management Plan, applicable environmental mitigation measures, and ~~health department~~Health and Human Services requirements. Consistent with these requirements, the ~~subdivider~~ Applicant shall prove the availability of water for domestic use. If a domestic system is provided, it shall be adequate for fire protection.

~~C.~~

~~For subdivisions with average lot size of less than two and one-half acres, domestic water shall be provided to all lots from a central water supply source and distribution system. Storage facilities for domestic water shall have a minimum capacity of twelve hour flow, approved by the health department. The system shall also provide for adequate fire protection.~~

~~E. Mutual water companies and home owners' associations shall not be permitted to be the water suppliers. Individual water treatment systems in a subdivision are not permitted.~~

~~D.~~ D.F. Domestic water shall meet all the local and state standards for quality and quantity. Any source treatment plant, storage facility, distribution lines and appurtenances used to render water safe for domestic use must be approved by the local and/or State Health Department.

~~D.~~

~~E.~~ E.G. Approval of improvement plans by the utility district for water service supply and maintenance is required. A letter shall be submitted ~~by the district to the commission~~, stating that the district has the capacity to serve and meet the flows and volumes required for domestic use and fire protection for this development; over and above previously approved and existing users.

### 17.16.060 Lot size.

In addition to ~~minimum zoning requirements~~General Plan development standards, subdivision layout shall reflect efficient use of developable land. ~~†~~The following items shall be considered ~~by the commission~~ in determining the minimum lot size:

- A. The suitability of the land for the proposed lot density;
- B. The suitability of the individual lot sites for the proposed use.

The specific items to be considered in determining A and B above shall include, but not be limited to:

- 1. Access and parking;
- 2. Building sites on the lot;
- 3. Excessive grading required for the installation of driveways, parking, and utilities;
- 4. Revegetation of cut, fills, and trenches that may be required;
- 5. Drainage and erosion control, on- and off-site;
- 6. Any of the items ~~mentioned~~ identified in the ~~environmental impact study~~CEQA environmental document.

C. Where sewage disposal is by individual septic system, the design of the lots and sewage system shall be pursuant to guidelines and criteria adopted by the ~~board~~Board, health departmentHealth and Human Services, and Lahontan Regional Water Quality Control Board.

### 17.16.070 Blocks—Acre or larger lot subdivisions.

Where a parcel is first subdivided into acre or larger tracts, the blocks ~~shall~~ should be such in size and shape and be so divided as to provide highways, streets, and alleys at such intervals as will permit a subsequent division of any parcel into lots of normal size.

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### 17.16.080 Block lengths.

Blocks ~~shall~~should not exceed one thousand feet between street lines. In acre subdivisions, block lengths up to fifteen hundred feet may be approved. In any case where topographic conditions warrant, larger blocks may be permitted. When pedestrian, bicycle, trail bike, or snowmobile ways are platted, the minimum width shall be ten feet.

### 17.16.090 Block widths.

Blocks shall be of sufficient width to permit the platting of two tiers of lots of normal depth, and in the case of subdivisions remote from any existing subdivision, no block shall be less than two hundred feet nor more than three hundred sixty feet wide, except where the land is being laid out in acre or larger tracts.

### 17.16.100 Title report.

The ~~a~~Applicant subdivider shall furnish satisfactory evidence as to the person that has title to the land, and identify all persons having security interests or liens on the land.

### 17.16.110 Inundation and avalanches.

The Applicant subdivider shall furnish evidence satisfactory to the LDTAC development review committee that the land proposed for subdivision is not subject to, or measures have been incorporated to mitigate impacts from, flooding, inundation, avalanches, or land and earth slides, consistent with the General Plan.

### 17.16.120 Easements.

The subdivider shall be required to offer an irrevocable offer of dedication of real property or easement as determined by the Director of Public Works, within the subdivision for streets, alleys, including access rights and abutter's rights, drainage, public utility easements and other public easements. Easements of sufficient width will be required along natural watercourses, conforming substantially to the lines of such channels.

~~The applicant subdivider shall be required to offer for dedication easements and rights of way for utilities. Easements of sufficient width will be required along natural watercourses, conforming substantially to the lines of such channels.~~SMA Section

### 17.16.130 Building sites.

The creation of building sites through mass pad grading and successive padding or terracing is prohibited. Building sites within flood plains, watercourses, or high-water level of any lake that are inconsistent with the general plan flood plain regulations are prohibited, and ~~the~~ Applicant subdivider shall provide through deed restrictions, conditions, covenants and restrictions, easements, or other methods acceptable to the County assurances that no building or structures will be constructed in such areas that violates General Plan flood plain regulations.

### 17.16.140 Conditions, covenants and restrictions.

Conditions, covenants and restrictions (CC and R's) ~~shall~~ may be required for subdivisions based upon LDTAC recommendations prepared for all subdivisions. When required by the commission, the CC and R's ~~shall~~ may include provisions for maintenance of recreational facilities, open space, parking areas, etc., ~~and these provisions shall be enforceable by the county.~~

### 17.16.150 Public access.

In accordance with Article 4 of SMA all cases where a subdivision fronts on a public waterway or stream, reasonable public access by fee or easement shall be provided from a public highway to the portion of such waterway within the proposed subdivision and a public easement shall be provided along the portion of such

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waterway within the subdivision. In accordance with the General Plan Open Space and Conservation Element, require easements or other appropriate mechanisms to ensure access to irrigation facilities.

### **17.16.160 Bicycle and equestrian paths.**

Whenever an applicant subdivider is required pursuant to Section 66475 11611 of the Business and Professions Code to dedicate roadways to the public, ~~the Applicant he shall also be required to~~ shall dedicate such additional land as may be necessary and feasible to provide multi-modal paths (pedestrian, bicycle, equestrian) for the use and safety of the residents of the subdivision; ~~if the subdivision, as shown on the final map thereof, contains two hundred or more parcels. Dedication may be required by the commission for a subdivision of less than two hundred lots, when in the opinion of the commission there is a need.~~

### **17.16.170 Schools.**

~~Subdivision impacts to schools shall be mitigated in accordance with applicable sections of the Education Code (17620) and Government Code (Chapter 4.7). Each subdivider and his successors, who within three years develop or complete the development of one or more subdivisions in one or more school districts maintaining an elementary school, may be required to dedicate to the school district such land as the local governing body of the school district deems necessary for the purpose of constructing thereon schools necessary to assure the residents of the subdivision adequate elementary school service.~~

- ~~A. This section shall be applicable only to a subdivider and his successors who have owned the land being subdivided for less than ten years prior to the filing of the tentative map.~~
- ~~B. This requirement of dedication shall automatically terminate unless the school district enters into a binding commitment with the subdivider to accept the dedication within thirty days after the requirement is imposed by the county. Such dedication may be made any time before, concurrently with or up to sixty days after the filing of the final map on any portion of the subdivision.~~
- ~~C. The school district shall, in the event that it accepts the dedication, repay to the subdivider or his successors the original cost to the subdivider of the dedicated land, plus a sum equal to the total of the following amount:
  - ~~1. The cost of any improvements to the dedicated land since acquisition by the subdivider;~~
  - ~~2. The taxes assessed against the dedicated land from the date of the school district's offer to enter into the binding commitment to accept dedication;~~
  - ~~3. Any other costs incurred by the subdivider in maintenance of such dedicated land, including interest costs incurred on any loan covering such land.~~~~
- ~~D. Any person aggrieved by or failing to agree to the reasonableness of any requirement imposed pursuant to this section may bring a special proceeding in the Superior Court pursuant to Section 66499.37 of Government Code.~~

### **17.16.180 Parks and recreational facilities.**

~~Each subdivider~~ The Applicant may be required ~~by the commission~~ Commission to dedicate land for park or recreational purposes or, as a fee in lieu thereof, the reasonable market value of such land, or any combination of such land and fee, in accordance with the General Plan and Sections 66007 and 66477 of the SMA.

- ~~A. The park area may be up to five percent of the area of the subdivision.~~
- ~~B. The land so dedicated shall be used only for the purpose of providing park or recreational facilities to serve the subdivision.~~
- ~~C. Park and recreational facilities required by this section shall conform to the general plan for such area and the principles and standards contained therein.~~
- ~~D. The amount and location of land required to be dedicated shall bear a reasonable relationship to the use of the park and recreational facilities by the future inhabitants of the subdivision.~~
- ~~E. At the time of dedication, the county shall specify when development of the park or facilities will begin.~~

- F. ~~The provisions of the section do not apply to industrial subdivisions, nor do they apply to condominium projects or stock cooperatives which consist of the subdivision of airspace in an existing apartment building which is more than five years old when no new dwelling units are added, nor do they apply to parcel maps for a subdivision containing less than five parcels for a shopping center containing more than 300,000 square feet of gross leasable area and no residential development or uses.~~
- G. ~~Only the payment of fees may be required for subdivisions of fifty units or less.~~

### 17.16.190 Community improvements.

Whenever ~~the commission~~Commission ~~requires~~ the installation of roads, sewers, water supply systems or drainage facilities by the Applicant ~~subdivider~~are required, and such improvements are of benefit and value to land other than that located within the subdivision, ~~the commission~~Commission ~~may recommend to the board~~ an agreement with the Applicant ~~subdivider to for reimbursement~~ reimburse him in whole or part for the use of such improvements by lands other than those developed by the ~~subdivider~~Applicant, ~~and may recommend to the board~~may be required. ~~The imposition and collection of a charge for the use of such facilities as provided in the Subdivision Map Act~~SMA (Article 6) may also be imposed.

### 17.16.195 Reserved areas for public purposes.

The ~~board of supervisors~~Board of Supervisors may, as a condition of the approval of a tentative and/or final map, require the ~~subdivider~~Applicant to reserve areas of real property within the subdivision to be used for public purposes ~~including consistent with Article 4 of the SMA, including~~ but not limited to parks, recreational facilities, fire stations, libraries, or other public uses, ~~subject to the following conditions and/or findings:~~

1. ~~The requirement for reservation is based upon an adopted specific or an adopted general plan containing a community facilities element, a recreation and parks element or a public building element, and the required reservations are in accordance with the definite principles and standards contained therein;~~
  2. ~~The ordinance codified in this chapter has been in effect for thirty days prior to the filing of the tentative map;~~
  3. ~~The reserved area is of such size and shape as to permit the balance of the property within which the reservation is located to develop in an orderly and efficient manner;~~
  4. ~~The amount of land reserved will not make development of the remaining land held by the subdivider economically unfeasible;~~
  5. ~~The designation of the reserved area is such that it:~~
    - a. ~~Conforms to the specific or general plan adopted for the area,~~
    - b. ~~Is in such multiples of streets and parcels as to permit an efficient division of the reserved area in the event that the reserved area is not acquired within the prescribed period.~~
- B. ~~The public agency for whose benefit an area has been reserved shall at the time of approval of the final map or parcel map enter into a binding agreement to acquire such reserved area within two years after completion and acceptance of all improvements unless such period of time is extended by mutual agreement. The purchase price shall be the market value of the area at the time of the filing of the tentative map plus the taxes against such reserved area from the date of reservation and any other costs incurred by the subdivider in maintaining that area including costs incurred on any loan covering that area.~~

### 17.16.200 Underground utilities.

At the time the tentative map is approved, ~~a requirement~~ ~~the commission~~Commission ~~may impose, as a condition of such approval, the requirements to install underground utilities shall be imposed to comply with the General Plan and California Public Utilities Commission (CPUC) regulations (e.g., CPUC Rule 15).~~ Undergrounding shall be mandatory for all subdivisions ~~with a lot size of three acres or less~~ and all condominium projects.

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### 17.16.210 Formation of entities.

The ~~subdivider~~ Applicant may be required to form appropriate legal entities to operate and perform all required maintenance and services if they are not a regular county-wide public service, or if the ~~subdivider~~ Applicant desires a level of service greater than those the County is able to provide.

### 17.16.220 Improvements generally.

- A. Prior to approval or conditional approval of the tentative map, ~~the commission~~ Commission shall require ~~such~~ street improvements; utilities; drainage structures and facilities; erosion control; fences; planting; right-of-way dedication; and other provisions for public safety, health, and general welfare, both within the subdivision and off the site, ~~as are, in its opinion, necessary may be required as necessary. and in accord with the law and the terms of Chapters 17.12 through 17.28.~~ Such requirements shall be consistent with SMA Section 66477 and may include provisions for maintenance, and all construction shall be in accord with ~~road department~~ Road Department standards and state minimum fire safe standards.
- B. Paving of roads prior to acceptance into the County road system shall be required in all subdivisions. All underground utilities, including sewer connections, located within street rights-of-way shall be stubbed out to the property line of each lot abutting the right-of-way.
- C. Unpaved roads in existing subdivisions shall not be accepted into the ~~county~~ County road system until paved.
- D. Unpaved roads in existing subdivisions already included in the ~~county~~ County road system may be paved only if the total cost for such work is borne by the abutting property owners.
- E. Paving under subsections C and D shall be done only if the abutting property owners agree to the formation of an assessment district or other appropriate district, or other means of financing. Such work of construction or reconstruction shall be done in accordance with ~~Public Works~~ the road department Standards.
- E.F. All improvements shall comply with Public Works Standards.

### 17.16.230 Streets and highways—Relation to topography.

Topographic conditions shall determine the general pattern of blocks and natural contours shall control the placement and alignment of streets, highways, and ways.

### 17.16.240 Streets and highways—Relation to adjoining and adjacent street system.

The arrangement of streets shall provide for the direct continuation of the centerlines of the principal existing streets or highways in adjacent or adjoining subdivided areas.

### 17.16.250 Street names.

Streets that are extensions of or obviously in alignment with existing streets shall bear the names of existing streets. The names of new streets shall be subject to the approval of the ~~De~~irector of ~~P~~ublic ~~W~~orks ~~transportation~~ and IT ~~De~~irector, pursuant to Section 13.35.10 and Chapter 15.20, and shall not duplicate the existing street names, except as provided above.

### 17.16.260 Highway-Street widths.

~~Street and road widths and rights-of-way shall comply with Public Works Standards. In no case shall the width of a major or minor collector highway be less than eighty feet nor the width of a local highway be less than sixty feet.~~

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### 17.16.270 Half streets.

Half streets on the subdivision boundary will not be approved except when necessary to complete an existing abutting half street on an adjoining subdivision, in which case the ~~subdivider~~ Applicant may be required to improve the entire roadway to full Ccounty standards.

### 17.16.280 Street grades.

Street grades shall comply ~~For subdivisions on natural ground of gradient less than fifteen percent, grades shall not be less than four tenths of one percent and not greater than fifteen percent. For subdivisions on natural ground of gradient greater than fifteen percent, grades shall not exceed fifteen percent except by special permission of the road department and consistent with the state fire safe standards, and then the slope shall not exceed twenty percent. Profiles may be required of any and all streets at the discretion of the road department. Potential major collector highways may be limited to grades not to exceed seven percent.~~

### 17.16.290 Curves.

Road development, including the radius curvature, shall comply with state fire safe standards. ~~The desirable minimum radius of a curve measured on centerline shall be three hundred feet. Where topographic or other conditions make the attainment of this minimum impracticable, the road commissioner may allow a lesser radius.~~

### 17.16.300 Intersections.

The intersections of streets shall be at an angle of ninety degrees, or as close to such angle as is practicable, but in no case shall an intersection be at an angle less than thirty degrees. Where more than four streets intersect at a common point, the intersection shall be of sufficient size and so designed as to provide adequately and safely for the maximum anticipate volume of traffic entering from all streets.

### 17.16.310 Dead-end streets.

Where necessary to give access to or permit a satisfactory subdivision of adjoining land, streets shall run through to the boundary of the property and the resulting dead-end streets may be approved with a temporary turnaround, but in all cases a turnaround having a minimum radius of pavement of forty feet with a right-of-way radius of fifty feet shall be provided. In those cases where, in the judgment of the ~~public works director~~ Public Works Director, ~~road commissioner~~ extraordinary conditions make strict compliance with this rule impracticable, s/he may allow an alternate design may be allowed if consistent with state fire safe requirements. Dead-end streets must meet state fire safe standards.

### 17.16.320 Design of pavement.

Design of all subdivision paving shall be by California bearing ratio or by stabilometer, or methods of sampling and testing shall be those approved by the Department of Transportation, Business and Transportation Agency of the ~~s~~State and recorded in their current "Standard Testing Procedures." In no case shall the thickness of paving be less than two inches. The ~~subdivider~~ Applicant must have prior approval by the ~~Public Works Director~~ road commissioner for the method of testing and laboratory to be used. The subgrade shall be compacted to a depth of six inches to ninety percent relative value. The structural section shall be determined by engineering analysis and approved by the ~~road commissioner~~ Public Works Director.

### 17.16.330 Streets and highways—Drainage requirements.

- A. Design Factors. Sufficient drainage facilities designed in accordance with accepted engineering ~~principle~~ principles, and located in public streets or drainage ~~easement~~ easements, shall be provided to care for drainage within the project. Drainage facilities shall be approved by the ~~road department~~ Road Department.
- B. Hydraulic Gradient. Drainage shall be accomplished by gravity.

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- C. Protection. Sufficient width to accommodate mechanical equipment for cleaning shall be provided unless the ditch is concrete lined, in which case access for workmen shall be provided.

#### **17.16.340 Alleys.**

An alley having a minimum width of twenty feet may be required in the rear of commercial lots. In residential blocks, the provision of alleys is optional ~~with for the subdivider~~Applicant, but where they are provided, the minimum width shall be sixteen feet. A diagonal cutoff shall be made at all acute and right-angle intersections of alleys, measuring not less than five feet in each direction from the corner.

#### **~~17.16.350 Lot widths.~~**

~~Width of a lot shall be defined as the average width measured in that portion of a lot paralleling the road, which portion has a depth not exceeding three times the width. All lots shall have a minimum width of sixty feet. Lots on cul-de-sacs shall have a minimum street frontage of thirty feet.~~

#### **~~17.16.360 Lot depth.~~**

~~All lots shall have a minimum depth of one hundred feet. Depths of lots shall be defined as the average distance from the right of way line of the lot to its rear line, measured perpendicular, or radially, to the centerline of the street.~~

#### **~~17.16.370 Lots—Ratio of depth to width.~~**

~~The maximum ratio of depth to width, as defined in Sections 17.16.350 and 17.16.360, is three to one.~~

#### **~~17.16.380 Lot lines.~~**

~~The side lines of all lots, except those exceptional locations where views are important, shall be approximately at right angles to the street on which the lot faces, or approximately radial if the street is curved.~~

#### **~~17.16.390 Corner lots.~~**

~~Property lines of corner lots shall be rounded at the street corner by a radius of not less than fifteen feet.~~

#### **17.16.400 Lot area.**

The minimum lot area shall conform to the zoning-designated land use, as specified in the General Plan land use designation, ordinance (Title 19 of this code) for the zones in which the subdivision is located. ~~In no case shall the area be less than seventy-five hundred square feet.~~

#### **~~17.16.410 Restrictions.~~**

~~When no precise zoning plan is in force in the territory in which land to be subdivided is located, the subdivider shall prepare a proposed zoning for the area and shall apply for rezoning. The final map cannot be recorded until the area is precisely zoned. For subdivisions defined as land projects, Section 11000.5 of the Business and Professions Code, the adoption of a specific plan is also necessary.~~

#### **17.16.430 Incidental consideration.**

In all subdivisions, due regard must be shown for all natural features, such as large trees, natural groves, watercourses, scenic points, historic spots, and similar community assets, which will add attractiveness and value to the property if preserved.

#### **17.16.440 Access roads.**

Lack of adequate access roads to a subdivision may be basis for denial. Access must comply with the State Minimum Fire Safe Standards.

## Chapter 17.20 SUBDIVISIONS—FINAL MAPS

### Sections:

#### 17.20.010 Content and form—Generally.

The general form and contents of the final map shall comply with the Subdivision Map Act in the Government Code, Section 66433 et seq., and with requirements of Sections 17.20.020 through 17.20.150.

#### 17.20.015 Supplemental map sheets.

With respect to any final map, the ~~director of public works~~Public Works Director may require the preparation of a supplemental map sheet or sheets, to be recorded simultaneously with the final map, containing the information described in Government Code Section 66434.2(b) and/or such other information pertaining to the map as the ~~director of public works~~Public Works Director deems appropriate. Any such supplemental sheet or sheets shall conform to the requirements of Government Code Section 66434.2(a).

#### 17.20.020 Expiration—Extension of time.

- A. An approved or conditionally approved tentative map shall expire twenty-four months after its approval or conditional approval.
- B. ~~Consistent with 66452 et seq (Article 2), u~~Upon written application filed with the ~~planning department~~ CDD ~~not later than forty five days~~ prior to the expiration of the approved or conditionally approved tentative map, the time at which the map expires may be extended for the ~~a one year period or successive one year periods not to exceed a total of three additional years. maximum allowed under the SMA.~~
- C. Where there has been a timely written application for an extension of a tentative map, the tentative map shall not expire until a decision has been given by the ~~planning commission~~Planning Commission for a ~~parcel map or the board of supervisors~~Board of Supervisors for a tract map. ~~planning commission and any appeals therefrom to the board of supervisors have been decided or the time limits for such appeals have expired. The time for appeal under this section is fifteen days after the planning commission has denied the extension.~~In all other cases, the expiration of the approved or conditionally approved tentative map shall terminate all further proceedings thereon, and no applications for extensions or modifications shall be considered, and no final map of all or any portion of the real property included within the tentative map shall be filed without first processing a new tentative map.

#### ~~17.20.030 Boundary markings.~~

~~The boundary of the subdivision shall be designated by a colored line approximately one eighth inch wide applied adjacent to the boundary line on the back side of the sheet. This shall cause a shaded line to appear on the prints in such a manner as not to obliterate figures or other data.~~

#### 17.20.040 Title sheet.

The title sheet shall contain the subdivision tract number, conspicuously placed on the sheet, and the location of the property being subdivided, with references to maps which have been previously recorded, or by reference to the plat of the United States Survey. A subdivision name may be added below the subdivision tract number. In case the property included with the subdivision lies wholly in unincorporated territory, the following words shall appear in the title: "In the County of Mono."

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**17.20.050 Certificates—Map key and scale.**

Affidavits, certificates, acknowledgments, endorsements, acceptances, or dedications and the notarial seals required by law and this division shall appear only once on the title sheet. ~~The above certificates, etc., shall be placed thereon with black India ink or by photographic reproduction.~~ If more than three sheets are used for the map, a key diagram shall be included. In addition to those certificates prescribed by Section 66435 et seq. of the Government Code, certificates by the approving authority ~~planning commission~~ and the health officer shall be on the map indicating their approval of the subdivision. ~~The scale must appear on each sheet, except on a title sheet not containing a map. Minimum scales used on maps shall be as follows:~~

<u>Standard lot subdivisions</u>	<u>1" = 50'</u>
<u>Rural subdivision</u>	<u>1" = 100'</u>
<u>Planned unit development</u>	<u>1" = 20'</u>

~~or as approved by the county surveyor.~~ The basis of bearing shall be approved by the County Surveyor and shall be required on one sheet only. The map shall show the equation of bearing to the true north. All easements required to be dedicated shall have their particular use specified on the map. The ~~subdivider~~ Applicant shall provide the County Surveyor with letters from all involved utilities stating that the easements as provided on the final map are satisfactory. Easements for an existing or proposed utility installation for the use of a private or nongovernmental agency shall not be shown on the map unless there is a recorded conveyance to such individual or corporation, except as provided by Section 17.20.060.

**17.20.060 Previously undisclosed easements—Designations.**

Easements not disclosed by the records in the office of the ~~county recorder~~ County Recorder, and found by the Surveyor or Engineer to be existing in the subdivision prior to the date of filing for record of the subdivision map, shall be specifically designated on the map, naming the party or parties using the easement and describing the specific purpose for which the easement is being used.

**17.20.070 Previously existing easements—Designations.**

Easements evidenced by the records in the office of the ~~county recorder~~ County Recorder prior to the date of filing for record of the subdivision map shall be specifically designated thereon by the volume and page of the conveyance which established the easement, and the name of the grantee in the conveyance who or which reserved the easement.

**17.20.080 Easements—Side lines.**

The side lines of all such record easements shall be shown by dashed lines on the final map with the width, lengths and bearings thereof, in figures if available from the records.

**17.20.090 Subdivision location information.**

The map shall show the definite location of the subdivision and particularly its relation to surrounding subdivisions, surveys, public land surveys and, in addition, shall make reference to the recorder's book and page of such subdivisions and surveys.

**17.20.100 County or city boundary designations.**

City or county boundaries crossing or joining the subdivision shall be clearly designated and no lot shall be divided by such boundary.

**17.20.110 Monument designations.**

The location and description of all existing and proposed monuments shall be shown and the relation of these monuments and the lines formed by these monuments to existing surveys shall be shown and noted.

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### 17.20.120 Street data.

The map shall show the centerline of each street, the boundary of each street, including the width of the portion of any fractional street being dedicated, the width of existing road rights-of-way when available from the public records, and the widths on each side of the centerline of whole streets. The widths and locations of adjacent streets shall be shown as determined from public records. Whenever the ~~P~~public ~~W~~works department ~~or a city engineer~~ has established either the centerline or monument line of the street and such information is made a public record, this location and data shall be shown on the final map.

### 17.20.130 Interpretive data.

Sufficient linear, angular and radial data shall be shown to determine the bearings and lengths of the centerline of roads, the boundary lines of the subdivision and the boundary lines of every lot and parcel which is a part thereof. Other ties necessary for interpretation of the map and location of the points, lines, and areas depicted will be shown.

### 17.20.140 Survey procedures.

The survey to be used in preparation of the final map shall be made in a manner satisfactory to the ~~D~~department of ~~P~~public ~~w~~Works, and all monuments shall be subject to the inspection and approval of the ~~D~~department of ~~P~~public ~~W~~works before approval of the final map.

A. Markers and monuments shall be set as follows:

1. Along exterior boundaries at all angle points, the beginning and ending of curves, and at intervals not in excess of one thousand feet;
2. At the intersections of the centerlines of all streets, or on offsets properly tied into such intersections. These monuments shall be buried concrete with acceptable lamphold-type covers;
3. Angle points and the beginning and ending of all curves on the centerlines of all streets shall be marked by permanent monuments not less substantial than galvanized iron pipe five-eighths inch in diameter by twenty-four inches in length, or steel rods not less than one-half inch in diameter or concrete monuments six inches square or six inches in diameter at the top and twelve inches square or twelve inches in diameter at the base, not less than eighteen inches long and properly centered with lead plug and copper tacks, or other permanent metal markers, and buried not less than twelve inches below the finished grade of the street or the surface of the ground with eight inch spike at surface;
4. In case the streets are to be paved and sidewalks constructed, the angle points, beginning and ending of all curves and the centerline intersection of streets shall be marked with lead plugs and copper tacks on centerline in the pavement. All block corners shall be marked with lead plugs, and copper tacks in sidewalks at the intersection of two lines, each five feet from the property line, and parallel to the street right-of-way;
5. All street and alley corners shall be marked by permanent monuments not less substantial than galvanized iron pipe five-eighths inch in diameter by twenty-four inches in length driven flush with the ground.
6. All lot corners shall be marked by permanent monuments not less substantial than galvanized iron pipe five-eighths inch in diameter by twenty-four inches in length, or steel rods not less than one-half inch in diameter or concrete monuments six inches square or six inches in diameter at the top and twelve inches square or twelve inches in diameter at the base, not less than eighteen inches long and properly centered with lead plug and copper tacks, or other permanent metal markers not less than fourteen inches long, driven flush with the ground.

B. The types of markers, the sizes used at the above locations, and ties, where necessary, shall all be clearly indicated on the final map.

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- C. If any shortage or excess is found by the ~~S~~urveyor on the ground between existing monuments, compared with the original records, any division of the total must bear its proportion of such excess or shortage.
  - D. For the subdivision of public lands or sections, property for the restoration of lost section corners, and for the retracement of section lines, the method to be followed shall be in accord with the instruction set forth in the "Manual of Instructions for the Survey of Public Lands of the United States," published by the ~~Commission~~Commissioner of the General Land Office, Department of the Interior, Washington, D.C.

#### **17.20.150 Lots.**

- A. Each lot or parcel being created shall be either numbered or lettered. If numbered, it must comply with the requirements of a building site as defined by the ~~zoning code~~General Plan Land Use Element.
- B. Lettered lots or parcels may not be used as building sites and need not comply with the requirements for a building site.
- C. Lettered lots other than streets shall be labeled as to their intended use. Numbered lots may be labeled as to their intended use.
- D. Lot numbers or letters shall begin with the number (1), or the letter "A," which ever is applicable, and continue consecutively with no omissions or duplications except that on multiple unit developments numbering or lettering of lots may begin where the numbering or lettering of a previous unit stopped. All figures shall be conspicuous and solid.
- E. Each lot or parcel must be shown in its entirety on one sheet of the map.
- F. No ditto marks shall be used in the dimension and data.
- G. For lots or parcels, the net acreage shall be shown to one hundredths of an acre. The area in the streets and the total area of the subdivision shall be shown. For lots ~~zoned-designated~~ commercial, the net square footage shall be shown.

#### **17.20.160 Checking—Fees.**

- A. The ~~subdivider~~Applicant shall pay ~~fees~~ to the ~~C~~ounty ~~fees~~ for the ~~s~~urveyor's services in checking the final map based on the current fee schedule as established from time to time by resolution of the ~~board of supervisors~~Board of Supervisors. All fees shall be paid prior to the time the map is set for approval ~~by the commission~~. Said fee includes the cost of printing copies of the final map. After recording, one set of intermediates will be sent to the ~~S~~urveyor who prepared the map.
- B. Prior to the execution of the certificates on the original tracing, the ~~subdivider~~Applicant shall submit two sets of prints of the map and certificate sheet to the ~~C~~ounty ~~S~~urveyor. The preliminary prints shall be accompanied by a preliminary title report of the property shown on the map and by traverse sheets prepared by the ~~subdivider's~~a~~Applicant's~~ engineer or ~~surveyor~~Surveyor showing by mathematical closures proof of the accuracy of all surveying information shown on the map. These shall be submitted ~~on computer output sheets~~ in a readily usable ~~printed~~ form. If computation sheets are not in an acceptable form, they shall be rejected and returned with the maps.
- C. The error of closure for a traverse of the boundaries of the tract blocks or lots shall be one in five thousand or less.
- D. Within twenty calendar days after submission of the required documents, the ~~C~~ounty ~~S~~urveyor shall approve the same or disapprove them and return to the ~~subdivider~~Applicant for correction.

#### **17.20.170 Final Map Requirements~~Commission approval~~Recommendation.**

The final map shall be in substantial conformance with the tentative map and be accompanied by the following documents. ~~All applicable items must be completed prior to review and recommendation by the planning commission. All applicable items must be approved prior to review for approval by the planning director, and ratification of the decision of the planning director by the planning commission:~~

- A. The improvement plans, approved and signed by the ~~D~~irector of ~~P~~ublic ~~W~~orks;

- B. A subdivision agreement, approved by ~~the County Counsel~~, guaranteeing that the ~~subdivider~~ Applicant will complete the construction of improvements within a time period specified by the County and will make full payment therefor;
- C. Cash deposit or acceptable surety bond equivalent to the estimated cost of construction of all improvements, monuments, landscaping, guaranteeing performance of work, payment for labor and materials, and any other claims that may arise as a result of the improvement work, as set forth in the subdivision agreement;
- D. Deeds for easements on right-of-way required for road, drainage or other purposes which have not been dedicated on the final map;
- E. Written evidence acceptable to the ~~Public Works Department~~ in the form of right of entry or permanent easements across private property outside of the subdivision permitting or granting access to perform necessary construction work, permitting the maintenance of the facility, and providing access to the subdivision;
- F. Agreements acceptable to the ~~Public Works Department~~, executed by the owners of existing utility easements within proposed road right-of-way, consenting to the joint use of the right-of-way as may be required by the County for the convenience and public use of the road;
- G. Two copies of fully executed CC&R's shall be ~~approved in final form by county counsel; reviewed~~ approved in final form by County Counsel to ensure any applicable conditions required by the map are included;
- H. Deposit made with ~~R~~Recorder for recording fees;
- I. Proof of payment from ~~T~~ax Collector showing that all payable taxes have been paid, and a bond or cash deposit guaranteeing payment of taxes and assessments then a lien, but not yet payable, as required by the Subdivision Map Act;
- J. Cash payment or proof of payment for all checking and filing fees; inspection of construction; cash deposits as required by the fire districts or water company or districts having jurisdiction of fire hydrant rental fees, and other applicable fees or deposits; all approved by the County ~~S~~urveyor;
- ~~K.~~ Evidence of formation of legal entities when required to operate and perform all required maintenance and services.
- ~~L.~~ Any conditions or requirements of 1) Mono County departments that were approved as part of the tentative map, 2) applicable federal or state law, and 3) applicable Mono County or other regulations.
- ~~K-M.~~ The Applicant shall submit a digital CAD or Shapefile of the map exhibit.

#### 17.20.180 Final map Board approval.

- A. When the final map conforms to the tentative map, General Plan, local ordinances, the Subdivision Map Act, other applicable state laws, and is technically correct, the original tracing of the final map, signed by all parties required to execute the owner's certificate and ~~surveyors~~ Surveyor's certificate on the map, shall be reviewed by LDTAC who will make a recommendation to the County ~~S~~urveyor. Pursuant to the procedure and timeframes in SMA Section 66458(d), ~~the County Surveyor is delegated authority to approve or disapprove the final map provided no interpretation or independent judgement is required to determine compliance, and no offers of dedication are included. If the County Surveyor finds that determining substantial compliance with the tentative tract map requires interpretation or judgement outside of a ministerial approval, or the map contains related actions to be taken by the~~ ~~GPC commission~~ Commission Board of Supervisors Board of Supervisors, then s/he shall refer the map to the Board.
- B. The County ~~s~~Surveyor's decision may be appealed pursuant to Chapter 47 of the Mono County General Plan Land Use Element.
- ~~A-C.~~ In accordance with SMA Section 66458, ~~W~~within ten working days after the final map and all required supplementary documents have been received, the board shall consider the final map. The board shall accept or reject any or all offers of dedication. For final maps that are not complex, controversial, or do not require other related board of supervisors' actions, the county surveyor is delegated authority to

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~~approve or disapprove final maps as provided in SMA Section 66458(d), without prior action by the planning commission~~ Commission or board of supervisors. The notification requirements and appeal provisions of SMA Section 66458(d) apply. As provided for in SMA Section 66474.1, a final map shall not be denied if it is in substantial compliance with the previously approved tentative map.

~~B-D.~~ Upon approval of the final map ~~by the board,~~ the ~~County Surveyor~~ clerk of the board shall transmit the map, deeds, and other necessary documents to the ~~county recorder~~ County Recorder for recording.

~~E.~~ The ~~subdivider~~ Applicant shall also present to the ~~R~~ recorder evidence that upon the date of recording, as shown by public record, the parties consenting to the recordation of the map are all of the parties having a record title interest in the land subdivided, whose signatures are required by the provisions of the Subdivision Map Act; otherwise, the map shall not be recorded.

~~C.~~

### **17.20.190 Multiple final maps. Approval by units**

~~A subdivider~~ An applicant may elect to file a final map covering only a portion of the approved tentative map consistent with SMA Section 66456.1. This is allowable only if ~~he the~~ Applicant declares such intention ~~to the Commission~~ at the time ~~he files~~ the tentative map ~~is filed,~~ or if the ~~commission~~ Commission approves the phasing. Each such final map for a portion of the tentative map shall be given a suffix subdivision tract number. All of the requirements for approval of a full final map shall apply to approval for a partial final map, and the subdivision agreement required of the ~~subdivider~~ Applicant shall provide for the construction of such improvements as may be necessary to constitute a logical and orderly development by units of the whole subdivision.

## **Chapter 17.21 MODIFICATIONS TO RECORDED MAPS**

### **Sections:**

#### **17.21.010 Purpose.**

The purpose of this chapter is to provide findings, procedures, mitigation requirements, and fees for modifications of recorded final maps and parcel map or conditions of approval of a recorded map when there has been a change of circumstances that make any or all conditions of a recorded final map or parcel map no longer appropriate or necessary, in conformity with Government Code Section 66472.1, and as that section may be amended from time to time.

#### **17.21.020 Fees.**

The fees charged for such a modification of a final map or a parcel map shall be set forth in a fee schedule adopted by the Board of Supervisors. ~~the same as those fees charged for the application for the approval of a tentative map or parcel map.~~

#### **17.21.30 Application and initial review process.**

~~A.~~ Applicant. An applicant for a modification or amendment to a recorded final map or parcel map shall be either:

~~A.~~ ~~The~~ owner of title to the subject property or his or her authorized representative, ~~or~~ ~~The~~ ~~community development department~~ CDD.

B. Application. An application brought by any person other than the community development department shall be submitted to the ~~community development department~~ CDD for preliminary consideration in map form and shall include a certified copy of the recorded map to be modified, specific reference to the conditions of the map that are to be modified, the facts that demonstrate the change of circumstances that have made the existing condition or conditions no longer appropriate or necessary, and proposals for modification or amendment of the recorded map.

~~C.~~ ~~Within five working days,~~ ~~the~~ ~~community development department~~ CDD shall determine if the application for ~~an~~ amending a map and ~~the~~ accompanying data is ~~complete~~ in general compliance with the

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~~provisions of state law and this chapter.~~ If the application is not ~~in compliance~~complete, it shall be returned to the ~~A~~applicant with a written ~~list of deficiencies~~specification of reasons why it is not in compliance.

~~C.D.~~ Application Acceptance. The CDD shall schedule the complete application for the next LDTAC meeting for application acceptance. The LDTAC shall review the submittal to ensure the information required by the application has been provided, and shall take action to accept or reject the application for processing. If the application is not complete, it shall be returned to the Aapplicant with a written list of deficiencies.

~~D.E.~~ Distribution to County dDepartments. Following application acceptance, the approval by the community development department of an application for a modified map, the ~~community development department~~CDD shall forward copies to the ~~P~~ublic ~~W~~orks ~~D~~epartment, ~~health department~~Health and Human Services, ~~C~~ounty ~~C~~ounsel, and any other departments, districts, or government agencies that may be affected by the modifications made to the recorded map.

~~E.F.~~ Environmental Review. The environmental impact of any proposed modification of a recorded map shall be assessed and reviewed by the ~~community development department~~CDD, and the ~~community development department~~CDD shall determine the scope of the environmental review necessary to meet the requirements of the California Environmental Quality Act.

#### **17.21.040 Land development technical advisory committee review.**

The ~~LDTAC land development technical advisory committee~~ shall provide a review of the proposed modification or amendment to a recorded map, formally accept the application as complete, and ~~shall~~ provide technical advice to the decision-makers regarding the proposed modification. The technical advice shall consider, but not be limited to, a review of the map condition(s) proposed to be modified, the purported changed circumstances, and the reasons why the changed circumstances make the existing map conditions proposed to be modified no longer necessary or appropriate (see SMA section 66472.1). The ~~LDTAC land development technical advisory committee~~ shall hold a conference meeting with the ~~A~~applicant as provided in Section 17.12.060 of this title to review its technical advice.

#### **17.21.050 Hearing before ~~planning commission~~ Planning Commission.**

The application for a modified recorded map shall be heard by the ~~P~~lanning ~~commission~~Commission, ~~in the same manner as provided in Section 17.12.070 of this title.~~ The hearing shall be a public hearing in compliance with the notice requirements in Government Code Section 66451.3, ~~and as that section may be amended from time to time, and as applicable to the approval of tentative maps and parcel maps,~~ and shall be confined to consider ingation and recommending action onof the proposed modification.

#### **17.21.060 Action by ~~board of supervisors~~ Board of Supervisors.**

The application for a modified recorded map shall be heard by the board of supervisors~~Board of Supervisors. shall act upon the advisory report of the planning commission within ten days or at its next succeeding regular meeting after the receipt of the report.~~ The hearing shall be a public hearing in compliance with the notice requirements set forth in Government Code Section 66451.3, ~~and as that section may be amended from time to time, and as applicable to the approval of tentative maps and parcel maps,~~ and shall be confined to consideration and action of n the proposed modification.

#### **17.21.070 Required findings.**

- A. Consistent with SMA section 66472.1 ~~F~~the ~~A~~applicant must substantiate the following facts, and, in approving the modification, the board of supervisors~~Board of Supervisors shall find:~~
1. That there are changes in circumstances which make any or all of the conditions or the design of a recorded final map or parcel map no longer appropriate or necessary;
  2. That the proposed modification(s) do not impose any additional burdens on the present owner of the property;
  3. That such modification(s) would not alter any right, title or interest in the real property;

4. That the proposed modification(s) are consistent with applicable general and specific plans;
5. That the proposed modification(s) do not result in an increased number of dwelling units or a greater density than set forth in the recorded map except for accessory dwelling units streamlined under state law, state density bonus law units, or units otherwise addressing an affordable or workforce housing need in a manner acceptable to the Mono County Housing Program or designee;
6. That the site is physically suitable for the type and proposed density of the development;
7. That the design of the subdivision or proposed improvements, as modified, will not be likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat; and
8. That the design of the subdivision or type of improvements will not be likely to cause serious public health problems; or conflict with public easements; or requirements related to drainage, snow storage, or other requirements set forth in the recorded map deemed necessary and appropriate by the Public Works Department.
- 8-9. The additional findings of SMA Section 66474.02, if applicable.

#### **17.21.080 Mitigation requirements.**

- A. If amended conditions of a final map were initially imposed as conditions to mitigate an impact that pertained to public health, welfare, or safety, an open space policy, an agricultural preservation policy, a wildlife preservation policy, or any mitigation requirement imposed pursuant to CEQA or any General Plan policy, an additional mitigation requirement may be imposed to offset the removal of the final map condition.
- B. Any mitigation requirement imposed shall bear a reasonable relationship to the elimination, reduction or amendment to any originally imposed condition that is proposed to be amended, and may include, and not be limited to, the payment of a mitigation fee, the dedication of land, or any other reasonably related requirement.

#### **17.21.090 Recordation of amending map.**

Following approval of the modified recorded map by the board of supervisorsBoard of Supervisors, the Applicant shall submit to the County engineerCounty Engineer either an amending map, or a certificate of correction, as determined by the Public Works Department. The amending map, or certificate of correction, shall thereafter be recorded in the same manner as the recording of a final map or parcel map.

## **Chapter 17.24 SUBDIVISIONS—IMPROVEMENTS REGULATION**

### **Sections:**

#### **17.24.010 Inspection and control of work.**

- A. All work done in constructing the improvements and all materials furnished shall be subject to the inspection of the Public Works Department.
- B. The Public Works Department shall have access to the work at all times during its construction and shall be furnished with every reasonable facility for ascertaining that the materials used and the workmanship are in accordance with the requirements of this division.
- C. If any of the work on improvements is done by the subdividerApplicant prior to the approval of the improvement plans, or prior to the inspections of the improvements as required by the Director of Public Works, such work may be rejected and shall be deemed to have been done at the risk and peril of the subdividerApplicant.

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### 17.24.020 Inspection fee.

- A. The inspection fee for inspection of plans, work, and materials following shall be an amount set by resolution of the ~~board of supervisors~~Board of Supervisors, not to exceed the County's cost of administering this chapter.
- B. The cost of the improvements shall be based upon the construction cost plus ten percent for contingencies as estimated by the Director of public Works. If a construction contract has been let, the contract amount plus ten percent for contingencies shall be used as the job cost, provided the following does not apply: If the subdividerApplicant has any greater than a fifty-percent financial interest in the party with whom such contract is made, an estimate approved by the Director of Public Works shall be used as the job cost. It shall be the responsibility of the subdividerApplicant to establish that he has no such financial interest in the party with whom such contract is made. If any portion of the work has been done at the time of depositing the fee, the subdividerApplicant shall pay to the County the inspection fee plus fifteen percent thereof for the inspection and testing required to verify the quantity and quality of the work done. Twenty percent of the fee, as determined from an acceptable engineer's estimate, shall accompany the first submission of improvement plans, specifications and estimates. This portion of the fee shall be nonrefundable, whether or not construction is commenced. The remaining eighty percent of the inspection fee, with adjustments for changes in the estimate, shall be paid by the developer to the County prior to the Director of public works signing of the improvement plans ~~by the director of public works~~.

### 17.24.030 Prosecution of work.

The subdividerApplicant shall prosecute the work to completion without undue delay except for inclement weather or other reasonable cause. Delay in completion of the work beyond the period stated in the subdivision agreement, unless an extension thereof is approved by the ~~board~~Board and the surety company, may result in forfeiture of the cash deposits and/or security or a portion thereof for the completion of the work.

### 17.24.040 Acceptance of work.

- A. When all work required by the improvement plans, or a complete unit thereof, is complete to the satisfaction of the Director of public Works, he shall issue a certificate to the ~~board~~Board stating the work, or a portion thereof, has been satisfactorily completed and recommending the acceptance by the ~~board~~Board.
- B. When the work is satisfactorily completed and accepted by the ~~board~~Board, it shall file a notice of completion as to the required improvements in the eOffice of the ~~county recorder~~County Recorder.
- C. In subdivisions in which the County has required that non-county improvements be completed to eCounty standards, upon certification by the Director of Public Works that such non-county improvements have been completed to eCounty standards, the ~~board~~Board may release that portion of the performance bonds covering non-county improvements.

## Chapter 17.28 SUBDIVISIONS—VARIANCES

### Sections:

#### ~~17.28.010 Variances—Generally.~~

~~Subject to confirmation by the board, the commission may authorize conditional variance from these regulations when in its opinion undue hardship may result from strict compliance. In granting any variance, the commission shall prescribe only conditions that it deems necessary to or desirable for the public interest and which have a direct relation to the granting of the variance. In making its findings, as required hereinbelow, the commission shall take into account the nature of the proposed use of the land and the existing use of land in the~~

vicinity, the number of persons to reside or work in the proposed subdivision, and the conditions in the vicinity. A variance shall be granted only when the commission finds:

- A. That there are special and unique circumstances or conditions affecting the property such that the strict application of the provisions of this title would deprive the applicant of the reasonable use of his land. Special circumstances may include, but shall not be limited to: Unusual shape or limited size of original parcel, extreme topography, unusual drainage problems or design difficulties created by the pattern of existing recorded subdivisions of contiguous properties;
- B. That the variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner;
- C. That the granting of the variance will not be detrimental to the public welfare or injurious to other property in that territory in which the property is situated, and will not alter the essential character of the neighborhood.

### **~~17.28.020 Temporary variances.~~**

~~Subject to the confirmation by the board, the commission may authorize temporary variances from the requirements of this title, subject to conditions which shall assure, as a matter of law, full compliance with the requirements of this title within a reasonable period of time. Such conditions may include, but shall not be limited to: Irrevocable offers of dedication of road right of way, the posting of bonds to assure compliance with any provisions of this title, and the conditions that the applicant and his successors in title shall limit or abstain from requesting certain further actions of the county that he might otherwise be entitled to with respect to the property.~~

## **Chapter 17.32 SUBDIVISIONS—VIOLATIONS**

### **Sections:**

#### **17.32.010 Penal provisions.**

The penal provisions shall be as prescribed in Section 1.12.010 of this Code and Section 66499.30 et seq. of the Government Code.

## **Chapter 17.36 ~~LAND DIVISIONS~~ Tentative Parcel Map**

### **Sections:**

#### **17.36.010 Applicability.**

- A. This chapter shall apply to all subdivisions for which a tentative and final subdivision map are not required by SMA Sections 66426, and 66428 et seq., except where the parcel map is waived as herein provided. A tentative parcel map is required where a parcel map is required by the SMA. ~~any land division in the county as defined in this section.~~
- B. "Land division" refers to any real property, improved or unimproved, shown on the latest equalized county assessment roll as a unit or contiguous units under one ownership which is divided for the purpose of sale, lease or financing, whether immediate or future, by any person, into two or more parcels, provided the property division does not constitute a subdivision as defined in Section 66424 et seq. of the Government Code.
- C. County general plan, specific plans and zoning ordinances shall include any plans and zoning ordinances now in force and such other plans or alterations as may be adopted.
- D. ~~Land division does not include the following:~~

1. Any division of land which conforms in all respects to a subdivision of record, endorsed by the ~~commission~~ and approved by the board, duly recorded and on file with the county recorder as a public record established pursuant to the State Subdivision Map Act and Chapters 17.12 through 17.32;
  2. Any division of land which is created by action of a body having the power of eminent domain;
  3. Any sale of mineral, oil or gas rights;
  4. Land dedicated for cemetery purposes under the Health and Safety Code of the state;
  5. The conveyance, transfer, creation or establishment of an easement for roadway, sewer, water, gas, electricity and telephone service or similar purposes.
- E. Land division does not include the following, providing the advisory agency grants a waiver pursuant to Section 17.36.020; however, the recording of a parcel map is required:
1. The conveyance of land or transfer of lands made or required by court decree or the interstate or testamentary disposition of land;
  2. Any conveyance or transfer of land in which the parcel created is completely utilized to increase the area of a contiguous ownership or parcel, without creating a new or additional building site;
    4. The combining of several small parcels into a lesser number of parcels, providing that if two or more parcels remain, all parcels meet the development standards of the existing or probable zoning district.

### 17.36.020 Waiver provisions.

A. Pursuant to SMA Section 66428(b), the following procedures apply to tentative and parcel map waivers:

1. A complete parcel map application and fees must be submitted with a written description of how the project is consistent with a circumstance eligible for a waiver. Fees are waived for circumstances listed in Section 17.36.020.B.1.
2. The LDTAC shall review the parcel map application and determine if it is complete for processing a waiver request. ~~If the application is not complete, it shall be returned to the Applicant with a written list of deficiencies.~~
3. ~~The commission~~Commission or LDTAC shall render the waiver decision as set forth in Sections 17.36.020.B.1 and B.2.
4. Pursuant to SMA Section 66451.7, applications for parcel map waivers shall be acted upon within 60 days of the application being deemed complete pursuant to Section 65943.
5. Waiver determinations may be appealed subject to Mono County General Plan Land Use Element Chapter 47.

~~A. 17.36.020 Waiver provisions:~~

B. ~~A p~~Tentative and final parcel map waivers may be granted by the LDTAC for the following circumstances:

1. Parcel map waivers shall be granted pursuant to the ~~shall not be required for~~ circumstances listed in ~~listed under~~ SMA Section 66428(a)(a)(2) for a portion(s) of the operating right-of-way of a railroad corporation, and transfers to/from government agencies, etc., unless a showing is made in individual cases, upon substantial evidence, that public policy or safety necessitates a parcel map. For example, ~~landone~~ or more development standards for the intended use cannot be met, or the project is likely to result in one or more significant environmental impact(s). Such parcel map waivers are ministerial pursuant to the circumstances in SMA Section 66428(a) and therefore are exempt from CEQA per Guidelines §15268.
2. A tentative and final parcel map shall be waived for the circumstances listed below provided the following findings can be made pursuant to ~~The requirements of a tentative and final parcel map shall be waived pursuant to~~ SMA Section 66428(b): the proposed division of land complies with requirements as to area; improvement and design; flood and water drainage control; appropriate improved public roads; sanitary disposal facilities; water supply availability; environmental protection and other requirements of this chapter, the Mono County General Plan, and local ordinances which are applicable to division of land pursuant to the SMA. The waiver request is subject to CEQA compliance.

~~Construction of a condominium or other multi-family residential project on a single parcel of land that is conditioned to prohibit short-term rental of the units; and~~  
~~Subdivisions of four or fewer parcels pursuant to the circumstances set forth in SMA Section 66426(a-e)~~

~~— for the construction of a condominium project on a single parcel of land that is conditioned to prohibit short-term rental of the units, and for subdivisions of four or fewer parcels pursuant to the circumstances set forth in SMA Section 66426(a-e) provided the commission or LDTAC makes the following findings: the proposed division of land complies with requirements as to area; improvement and design; flood and water drainage control; appropriate improved public roads; sanitary disposal facilities; water supply availability; environmental protection and other requirements of this chapter, the Mono County General Plan, and local ordinances which are applicable to division of land pursuant to the SMA. A complete parcel map application and fees are required to complete the evaluation to make the findings.~~

~~A waiver exempting subsection E of Section 17.36.010 from the definition of land division by the commission may be granted providing that the advisory agency makes the finding that the proposed division of land complies with requirements as to area, improvement and design, flood and water drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection and other requirements of this chapter and local ordinances which are applicable to division of land pursuant to subdivision (B) or subdivision (C)(4) of Section 11535 of the Business and Professions Code. (a)(2)~~

#### **17.36.030 Environmental review.**

~~The environmental impact of all activities regulated by the provisions of this title and of the Subdivision Map Act (Government Code Section 66410 et seq.) shall be reviewed and taken into account in the regulation of such activities, as provided by Chapter 16.04 of this code.~~

#### **17.36.040 Land development technical advisory committee—Role.**

~~The land development technical advisory committee described in Section 19.01.700 of the Mono County Code, which is sometimes also referred to in this chapter as the "land division review committee," shall provide technical advice upon request to decision makers regarding proposed land divisions and perform such other tasks as may be required by this chapter.~~

#### **17.36.050 Tentative parcel map application.**

- A. ~~The application for a land division tentative parcel map shall be on forms prescribed by the planning director and shall be provided by and submitted to the planning department Community Development Department. Applications shall be accompanied by a digital copy and at least six print copies and one three reproducible paper copies copy of the tentative parcel map for the proposed land division. When all information required by the application has been submitted, LDTAC shall review the application and accept or reject it as complete for processing. If the application is not complete, it shall be returned to the Applicant with a written list of deficiencies. the planning director determines that the application, data, and tentative parcel map are in general conformance with this chapter, general plan, and state law, he shall enter the filing date on the application shall be deemed complete by the LDTAC and initiate the environmental evaluation under CEQA will be initiated. and land division committee review procedures. Time limits for the Commission to act on the application shall commence after certification of the CEQA document consistent with SMA Section 66452.1.~~
- B. Each subdivider applicant, at the time of submittal of the tentative parcel map application, shall pay the application fee based on the current fee schedule adopted as established from time to time by resolution of the Board of Supervisors. following fee:
  1. Twenty five dollars, no part of which shall be refundable:

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- ~~2. Such fees as are required by other ordinances;~~
  - ~~3. Additional fees for the environmental report;~~
  - ~~4. A tentative map and environmental impact report review fee to the department of public works in accordance with the current schedule as established from time to time by resolution as authorized by Chapter 3-02.~~
- C. The ~~land division tentative parcel map~~ application information shall include:
1. The name, address, email address, and telephone number of the Applicant and the name, address, email address, and telephone number of the owner, if he is not the Applicant. This should be accompanied by a preliminary title report from an authorized title company;
  2. A copy of the County Assessor's map with the property of the proposed land division delineated;
  3. The source, name of the supplier, quality and an estimate of the available quantity of domestic water;
  4. The method of sewage disposal and name of sewage agency, if any;
  5. The proposed use of the parcels;
  6. The existing land use zoning designation of the land;
  7. The signature of the Applicant and the date of application;
  8. Such other information as deemed necessary by the LDTAC, ~~land division review committee~~.
- D. The tentative parcel map of the proposed land division shall be clearly and legibly drawn on 18"x 26" sheets ~~eighteen inches by twenty-six inches in size~~, using an engineer's scale ~~in all cases~~. A marginal line shall be drawn around each sheet leaving a blank margin of one inch. The map shall show:
1. The boundaries of the land proposed to be divided with dimensions and the net area, exclusive of roads;
  2. The existing or proposed right-of-way lines of eCounty roads or streets within or abutting the land and the location and width of pavement including the roadway pavement, curbs, gutters and sidewalks, both existing and proposed;
  3. The existing and proposed parcel lines with dimensions and area of each parcel;
  4. The location, with dimensions, and the use of any existing structures and improvements on the land or under-ground, including wells, sewerage, etc.;
  5. The location of drainage provisions, watercourses, and area subject to flooding;
  6. Any existing or proposed easement which may have influenced the proposed parcel line locations or may influence the locations of buildings;
  7. The name and address of the person who prepared the map and the date of preparation;
  8. The north point and scale;
  9. Such other information as deemed necessary by the LDTAC ~~land division committee~~, including maps of adjoining land which may have been previously divided.

#### **17.36.060 LDTAC review. ~~Referral to committee~~.**

- A. The tentative parcel map application and accompanying data shall be considered by the LDTAC land division review committee at a meeting held within fifteen working days after the filing date of the completed application.
- B. The Applicant and all interested agencies shall be given written notice of the meeting at least three five days prior to meeting.
- C. The departments of health HHS and public Works shall be given copies of the tentative map and accompanying data required by this chapter, including the CEQA document, EIR, ~~a minimum of ten working days prior to the LDTAC meeting land division review committee conference~~.

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### **17.36.070 ~~Committee conference meeting report.~~**

- ~~A.D.~~ ~~T~~he ~~D~~irector of ~~P~~ublic ~~W~~orks ~~or designated agent~~ shall report on the effect each proposed land division would have on drainage, public improvements, roads, and such ~~other~~ matters ~~as he may deem~~ necessary to secure compliance with this ~~chapter title~~ and other laws regulating land division.
- ~~B.E.~~ The ~~planning~~ ~~Community Development~~ ~~D~~irector ~~or designated agent~~ shall report on the proposed parcel design, parcel size, proposed use, and such other matters ~~as he may deem~~ necessary to secure compliance to this title and ~~to any zoning ordinance applicable as well as conformance to the the~~ ~~General~~ ~~P~~lan, ~~including a recommended zoning for the parcel if it is not precisely zoned.~~
- ~~C.F.~~ The ~~health officer~~ ~~Environmental Health Director~~ or ~~his duly appointed designated~~ agent shall report on the adequacy of the proposed water supply for domestic purposes, the adequacy of the proposed sewerage, and any other matters affecting the public health. The ~~A~~pplicant for each land division application may be required to make tests and investigation as deemed necessary by the ~~health~~ ~~department~~ ~~Health and Human Services.~~

### **17.36.080 ~~Committee LDTAC action.~~**

- A. The ~~land division review committee~~ ~~LDTAC~~ shall recommend to the ~~planning commission~~ ~~Planning Commission project conditions~~ and approval, conditional approval, or disapproval of the tentative map by a majority vote of the ~~committee~~ ~~LDTAC~~. The ~~committee-LDTAC~~ recommendation shall be submitted in a written report.
- B. The ~~land division review committee-LDTAC~~ may recommend, as conditions of approval of the tentative map, such dedications and improvements as it deems reasonable and necessary.
- C. The estimated construction cost of any improvements required by the ~~C~~ounty shall be approved by the ~~D~~irector of ~~P~~ublic ~~W~~orks and shall be secured by a faithful performance bond, cash deposit, or certified check.

### **17.36.090 Minimum requirements.**

The ~~LDTAC~~ ~~land division review committee~~ may recommend approval or conditional approval of the tentative ~~parcel~~ map only when the following conditions are found:

- A. The information or basis for information shown on the map is accurate;
- B. The proposed division as related to other intended or existing divisions would not constitute a subdivision as defined in the ~~S~~state and ~~C~~ounty subdivision laws;
- C. All parcels of the map and intended use thereof will meet use, minimum building site area, site width, yard area, and access requirements for the existing or probable ~~land use designation zoning district~~;
- D. Adequate access to all of the parcels will be provided ~~in compliance with the State Minimum Fire Safe Standards~~;
- E. Requirements of ~~Health and Human Services~~ ~~health officer~~ will be observed in the size and development of such parcels;
- F. Drainage, grading and improvements, pursuant to County regulations, would be provided so as not to adversely affect parcels of the land division, ~~C~~ounty roads, or the neighborhood;
- G. Use is made of public sewerage and water facilities when available.
- ~~H.~~ A preliminary soils report shall be prepared by a civil engineer/engineering geologist, licensed to practice in the state of California, for the proposed subdivision addressing the unified soil classification of the soils, the depth of the water table, the degree of soil moisture from surface to a minimum depth of eight feet, the compaction of the soil at a minimum depth of two feet, and the expansive characteristics of the soil for the proposed project site. If this preliminary report indicates the presence of critically expansive soil or other soils or geological problems, which could lead to structural defects, or any other hazards, a soils report for each parcel, together with the proposed mitigation measures to alleviate identified problems shall be required.
- ~~—~~ ~~At the sole discretion of the~~ ~~public works director~~ ~~Public Works Director, a waiver of t~~ The requirements of a preliminary soils report may be ~~granted~~ ~~waived by the county engineer~~ if the project civil

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engineer/engineering geologist certifies that no soils problems exist on the site, and that such certification is based on sufficient soils reports prepared for or adjacent to the subdivision under consideration to demonstrate soil stability and the lack of soils problems on the proposed project site. ~~The project proponent shall have the burden of demonstrating the required information. The decision to waive such requirements, based upon the certification of the project proponent's civil engineer/engineering geologist of the absence of any soils related problems, shall be solely within the discretion of the county engineer.~~

H. ~~The fee for review of soils reports or consideration of soils report waiver shall be set by resolution of the board of supervisors~~Board of Supervisors.

#### **17.36.100 ~~Planning commission~~Planning Commission action.**

- A. ~~Within fifty days of filing, or such other time that is mutually agreed upon, t~~The ~~planning commission~~Planning Commission shall approve, conditionally approve, or deny the tentative parcel map based upon findings of SMA Sections 66474, 66474.01, 66474.02.
- B. ~~Upon recommendation of the land division review committee and prior~~LDTAC to during approval or conditional approval of the tentative map, tThe ~~planning commission~~Planning Commission shall require such street improvements; utilities; drainage structures and facilities; erosion control; fences; planting; right-of-way dedication; and other provisions for public safety, health, and general welfare within the area of the tentative map and such off-site improvements as are, in its opinion, necessary and in accord with the law and terms of this chapter. All construction shall be in accord with ~~road department~~Road Department standards.

#### **17.36.110 Appeals.**

- A. If the ~~subdivider~~Applicant or any interested person is dissatisfied with any action taken or requirement imposed upon the tentative map by the ~~commission~~Commission, he or she may appeal the same to the ~~board~~Board ~~if the appellant raised the objections on the record of the commission proceeding in accordance with Ggeneral Pplan Lland Uuse Eelement Chapter 47 and SMA Section 66452.5. If the appellant raised the objections on the record of the Commission proceeding~~
- ~~B. The appeal shall be made in writing and filed with the clerk to the board within ten calendar days after the action was taken or requirement imposed. Hearing on such appeal shall be held before the board within thirty calendar days after the filing of the appeal. Within ten days following the conclusion of the hearing, the board shall issue a written finding sustaining, modifying, rejecting or overruling any action taken or requirement appealed, except that such findings shall not be inconsistent with any requirements of state law or of this chapter.~~

#### **17.36.120 Parcel map—Expiration—Extensions of time.**

- A. After the approval or conditional approval of the tentative map, a parcel map shall be prepared in conformity with the approved or conditionally approved tentative map by a licensed land ~~surveyors~~Surveyor or registered civil engineer, pursuant to the ~~State Subdivision Map Act~~SMA. The parcel map shall be based on a field survey and shall conform to all the survey and map requirements for a final map.
- B. In addition to other required certificates, a certificate on the parcel map signed by the ~~commission~~Commission as acknowledgement that the map is in accord with the approved or conditionally approved tentative map shall be required.
- C. In addition to other required certificates, a certificate on the parcel map signed by the ~~T~~Tax Collector of the ~~C~~County stating that there are no liens of any kind against the property or any part thereof for any delinquent ~~C~~County, municipal, or local taxes or special assessments shall be required.
- D. The ~~approved tentative parcel map~~ land division shall be deemed final complete when processed and found consistent with applicable sections of Chapter 17.20 and the approved parcel map thereof is filed in the ~~O~~office of the ~~county recorder~~County Recorder.

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- E. An approved or conditionally approved tentative parcel map shall expire twenty-four months after its approval or conditional approval. Where there has been a timely written application for an extension of a tentative map as allowed by the SMA and provided for in Section 17.20.020 herein, the tentative map shall not expire until a decision has been given by the ~~planning commission~~Planning Commission and any appeals therefrom to the ~~board of supervisors~~Board of Supervisors have been decided or the time limits for such appeals have expired. The time for appeal under this section is within ten-fifteen days after the ~~planning commission~~Planning Commission has denied the extension, consistent with Chapter 47 of the gGeneral Pplan Lland Uuse Eelement. In all other cases, the expiration of the approved or conditionally approved tentative map shall terminate all further proceedings thereon, and no applications for extensions or modifications shall be considered, and no final map of all or any portion of the real property included within the tentative map shall be filed without first processing a new tentative map.

#### **17.36.121 Checking—Fees.**

- A. The ~~subdivider~~Applicant shall pay to the County fees for the Surveyor's services in checking the parcel map based on the current fee schedule as established from time to time by resolution of the ~~board of supervisors~~Board of Supervisors. All fees shall be paid prior to the time the map is set for approval by the commissionCommission. ~~Said fee includes the cost of printing copies of the parcel map. After recording, one set of intermediates will be sent to the surveyor who prepared the map.~~

#### **17.36.130 Penal provisions.**

The penal provisions shall be as prescribed in Section 1.12.010 of this Code and Section 66499.30 of the Government Code.

## **Chapter 17.37 LOT LINE ADJUSTMENTS**

### **Sections:**

#### **17.37.010 Purpose.**

Section 66412 of the Government Code ~~of the state of California~~ provides that lot line adjustments are excluded from the requirements of the Subdivision Map ActSMA when they have been approved by the local agency\_ ~~or advisory agency. The purpose of this chapter is to provide a procedure for granting such approval.~~ The lot line procedure is not intended to be used for subdividing property and may be used only in those situations where the provisions of the Subdivision Map ActSMA do not apply, ~~and the Mono County subdivision code do not apply. The lot line adjustment procedure provided for in this chapter should include only those lot line adjustments that are of a minor and routine nature where extensive review and public involvement is not necessary.~~

#### **17.37.020 Alternative procedures.**

Nothing in this chapter is intended to prohibit an subdividerapplicant from proposing lot line adjustments in conjunction with a subdivision of land which is being proposed by means of a final map or parcel map; (see Government Code Section 66410 et seq. and applicable provisions of Title 17 of the Mono County Code) as an alternative to the procedures as set forth in this chapter.

#### **17.37.030 Definitions.**

- A. ~~Lot Line Adjustment. "Lot line adjustment," as defined in the SMA used in this section, means the adjustment of the boundaries between four or fewer existing adjoining parcels two or more adjacent parcels, where the land taken from one parcel is added to an adjacent parcel, and where a greater number of parcels than originally existed is not thereby created if the lot line adjustment is approved by the local agency or advisory agency.~~

~~B. Advisory Agency. The advisory agency for lot line adjustments shall be the LDTAC land development technical advisory committee described in Section 19.01.700 of the Mono County Code.~~

### **17.37.040 A17.37.040 Application for lot line adjustment—Filing fees—Distribution.**

~~A. Advisory Agency. The advisory agency for lot line adjustments shall be the LDTAC.~~

~~A-B. An application for lot line adjustment, as described in Section 17.37.050 of this chapter, is required for all lot line adjustments.~~

~~B-C. The applicant for a lot line adjustment shall deliver to the ~~planning~~Community Development ~~Department~~ the original application for lot line adjustment, a digital copy, and ~~eighteen~~ three paper copies thereof.~~

~~C-D. Persons applying for permits under this chapter shall pay a fee in an amount set by resolution of the ~~board of supervisors~~Board of Supervisors, not to exceed the ~~County's~~county's costs of administering this chapter.~~

~~D-E. The application for lot line adjustment shall not be deemed to be filed until the ~~planning community development~~ department has made a review of the application and any accompanying documents for completeness, and LDTAC has accepted the application as complete for processing. ~~Such review shall also include certification by the public works department that all maps and documents are technically correct and formal acceptance of a complete application by the LDTAC.~~~~

~~E-F. Within five days ~~After~~ the ~~LDTAC planning department~~ has determined that the application is complete, the ~~planning Community Development Department~~ shall submit copies of the lot line adjustment and any accompanying documents to the ~~Public Works Department~~, the County ~~Health Department~~Health and Human Services, and to any public utility affected, together with a request for recommendations on the proposed lot line adjustment. The ~~planning Community Development Department~~ may also transmit copies of the lot line adjustment map to fire districts, water districts, irrigation districts, community services districts, and other public and private agencies affected by the proposed lot line adjustment, together with a request for recommendations on the proposed lot line adjustment.~~

~~F-G. When the ~~LDTAC planning department~~ has determined that the application is complete, the application shall be deemed filed. Within thirty days of the date that the application has been filed, the application shall be scheduled for review by ~~the advisory agency~~LDTAC.~~

~~G-H. The ~~applicant~~ shall be notified, in writing by US postal mail or electronic mail, by the ~~planning Community Development Department~~ ~~ten days~~ prior to the ~~LDTAC~~ review of the application for lot line adjustment ~~by the advisory agency~~LDTAC. The notification shall give the date, time, and place of the meeting at which the application will be reviewed. Notice shall be deemed to have been given upon sending of an e-mail or deposit of the notice in the United States mail.~~

### **17.37.050 Application for lot line adjustment—Requirements.**

A. The application for lot line adjustment shall be submitted on the forms ~~as provided for this purpose~~ by the ~~planning Community Development Department~~. The forms, ~~and~~ documents, ~~shall be typed~~, and the exhibits ~~shall be filled out and~~, drawn legibly and reproducible. ~~Also, to assure the reproducibility of the documents, the use of black ink is encouraged on all forms, maps and documents.~~

B. Forms to be submitted.

1. Exhibit "A" ~~—~~Application for Lot Line Adjustment.\*

This form must be filled out completely. The record title owners of all parcels involved must sign the application form. A current title report, covering all existing parcels to be considered in the lot line adjustment must accompany the application.

2. Exhibit "B" ~~—~~Lot Line Adjustment Map.

This map must be drawn in black ink on the form provided or full-size plan sheets. The map must be clear and readable. The following information shall be provided on the map (additional information may be required):

- —Map scale and north arrow (map scale shall be decimal or engineer's scale adequate and appropriate for the maps.)
  - —The location of the project site in relation to existing streets and, when available, the approximate distance to the nearest cross street. (Must be detailed enough to allow someone not familiar with the area to locate the project site).
  - —The existing and proposed lot layout. Show bearings and distances for all parcel lines. Use a heavy solid line for the exterior project boundary, solid lines for proposed property lines, and light dashed lines for existing property lines to be adjusted.
  - —A number for each new parcel (Parcel 1, Parcel 2, etc.) and the net area of each new parcel. Net area equals the gross area minus any easements that may restrict the surface use of the property, such as vehicular, pedestrian, or equestrian easements.
3. Exhibit "C"     —Site Plan.
- Since only certain information shall be shown on the lot line adjustment map (Exhibit "B"), a second map is required showing additional information necessary to verify compliance with adopted County ordinances. This information shall be submitted on the form labeled Exhibit "C" Site Plan. This map must be drawn in black ink on the form provided. The map must be clear and readable. The following information shall be provided on the site plan (additional information may be required):
- —Map scale and north arrow (scale should be the same as used on Exhibit "B")
  - —The location and width of all existing or proposed easements or rights-of-way, whether public or private; for roads, drainage, sewers, or flood control purposes. Label the easements as existing or proposed and indicate to whom the easement is granted.
  - —The location of any aboveground or underground structures on the site. Dimension distances from proposed property lines to structures. If there are no structures on the lots proposed for adjustment, add a note on the map stating that fact.
4. ~~NOTE:~~ Applicable sections of the California Land Surveyors Act may require that the above referenced "Exhibit B" and "Exhibit C" be prepared by a person licensed to practice land surveying in the State of California.

### 17.37.060 Maps and documents.

Upon approval of the application for lot line adjustment by the ~~advisory agency~~LDTAC, the applicant shall be required to submit the following maps and documents to the County Surveyor for ~~his~~ review and approval.

A. ~~Record of survey.~~ Lot Line Adjustment Map

- —The Applicant shall ~~cause to be prepared,~~ a lot line adjustment map exhibit in accordance with the approved application for a lot line adjustment. ~~by a person licensed to practice land surveying in the state of California, a record of survey map.~~
- —The lot line adjustment map exhibit ~~record of survey~~ shall indicate that sufficient monuments have been set to determine the precise location of the adjusted lot lines (monuments shall be required at all newly created lot corners and angle points in the adjusted lot lines).  
—The lot line adjustment map exhibit record of survey shall be prepared in accordance with the approved application for lot line adjustment.
- —The title block of the ~~lot line adjustment map exhibit record of survey~~ shall indicate in this title block, in an appropriate manner, that it is for a lot line adjustment ~~purposes~~.
- —In accordance with Government Code 66412(d), no record of survey shall be required for a lot line adjustment unless required by Section 8762 of the Business and Professions Code.

B. Deeds. The Applicant shall ~~cause to be prepared~~ all necessary deeds to effectuate the proposed lot line adjustment. The County Surveyor shall review the deeds for conformance with the approved application for lot line adjustment. The deeds shall be in a form acceptable for recording and shall record concurrently with, and make reference to, the required lot line adjustment map exhibit ~~record of survey~~.

~~B-C.~~ The Applicant shall submit a digital CAD or Shapefile of the map exhibit.

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### 17.37.070 Dedications and improvements.

- A. In reviewing the application for lot line adjustment, the ~~advisory agency~~LDTAC should comply with the general principle that, unless minor in nature, dedications and improvements required for subdivisions involving tentative, final, or parcel ~~approved~~ maps are not applicable to lot line adjustments ~~unless necessary to ensure adjusted lots conform to the General Plan, specific plans, and building ordinances.~~
- B. Whenever the ~~advisory agency~~LDTAC determines that dedications and/or improvements are necessary in order to carry out the provisions of this chapter, they shall determine what dedications and/or improvements, shall be made by the ~~A~~applicant pursuant to SMA section 66412 (d). The ~~advisory agency~~LDTAC shall then advise the ~~A~~applicant ~~what of the required~~ dedications and/or improvements, ~~shall be required. When the advisory agency determines that improvements are required, they shall also determine on what and the~~ date such improvements are to be completed. Agreements for constructing such improvements, security for such agreements, and all other matters pertaining to such dedications or improvements shall be governed by the same principles as set forth for parcel maps in Section 66410 et seq. of the Government Code.

### 17.37.080 Approval.

The ~~advisory agency~~LDTAC may approve the proposed lot line adjustment whenever the following conditions have been ~~met~~complied with:

- A. The lots which will result from the proposed lot line adjustment conform to applicable ~~G~~general ~~P~~plan, ~~zoning specific plan~~, and building code regulations in effect in the area.
- B. The lots generally comply with regulations set forth in Title 17 of the Mono County ~~S~~subdivision ~~C~~code particularly those sections pertaining to size, shape, and dimensions of lots.
- C. The proposed lot line adjustment does not appear, under the circumstances of the particular case, to be detrimental to the health, safety, convenience, or general welfare of persons residing or working in the neighborhood or to the general welfare of the county.

### 17.37.090 Disapproval.

The ~~LDTAC~~ ~~advisory agency~~ shall disapprove any application for ~~a~~ lot line adjustment that does not comply with the criteria for approval as established in ~~SMA~~ Section 17.37.080. In addition, the ~~advisory agency~~LDTAC may disapprove any application for ~~a~~ lot line adjustment if it is determined that there is no real relationship between the existing parcels and the proposed new parcels or that major improvements are required, indicating that the proposed lot line adjustment would be more adequately processed as a final or parcel map in accordance with Section 66410 et seq. of the Government Code.

### 17.37.100 Notice.

The ~~A~~applicant shall be notified, in writing, by the ~~C~~community ~~D~~development ~~planning~~ ~~D~~department, within fifteen calendar days, of the approval, conditional approval, or disapproval by the ~~LDTAC~~ ~~advisory agency~~. Notice shall be deemed to have been given upon ~~e-mail transmittal or~~ deposit of said notice in the United States mail.

### 17.37.110 Recording lot line adjustments.

- A. Should dedications or improvements be required, the ~~lot line adjustment map exhibit~~ ~~record of survey for the lot line adjustment~~ shall not be recorded until such time as said dedications or improvements have been made in accordance with Section 17.37.070.
- B. Upon approval by the County Surveyor of all maps and documents required in accordance with this chapter and payment by the ~~A~~applicant of all fees ~~including~~ ~~lot record of survey map check fees~~; the County Surveyor shall transmit the approved lot line adjustment, as shown on the ~~lot line adjustment map exhibit~~ ~~record of survey~~ and all other required documents to the County Recorder for recordation.

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- C. Any requests for a certificate of compliance regarding a lot line adjustment shall be submitted and processed in accordance with Chapter 17.50 of this code.
  - D. An approved lot line adjustment shall expire twelve months after its approval by the ~~advisory agency~~LDTAC. The expiration of the approved lot line adjustment shall terminate all proceedings and no maps or documents of all, or any portion, of the real property included within the approved lot line adjustment shall be recorded without first processing a new application in accordance with this chapter.

### **17.37.120 Appeals.**

- A. If the ~~advisory agency~~LDTAC disapproves a lot line adjustment, the ~~A~~applicant may appeal such decision to the ~~planning commission~~Planning Commission. The appeal shall be processed within the same time limits and be subject to the same procedures and requirements as set forth for tentative maps in Section 66410 et seq. of the Government Code.
- B. The fee established for the necessary additional administrative costs in processing the appeal shall be set by resolution of the ~~board of supervisors~~Board of Supervisors, not to exceed the ~~e~~County's cost of administering this chapter.

## Chapter 17.38 VOLUNTARY MERGERS

### Sections:

### 17.38 Voluntary Mergers

#### 17.38.010. Purpose.

Under SMA Section 66499.20.3, a county may, by ordinance, authorize the merger of continuous parcels under common ownership, and shall require the recordation of an instrument evidencing the merger. The purpose of this chapter is to provide a procedure for granting such mergers.

#### 17.38.020 Application, LDTAC, and Recordation

The proposed merger of two or more continuous parcels under common ownership shall be submitted on with application forms available from the ~~C~~community ~~d~~Development ~~D~~department. The ~~A~~applicant shall provide all required information specified on the application form. Applications are processed consistent with procedures specified in the application form and are similar to those required for Lot Line Adjustments in Section 17.37. Complete applications are accepted and considered for approval, approval with conditions, or denial by the ~~Land Development Technical Advisory Committee~~LDTAC.

When all maps and documents supporting a lot merger granted by LDTAC are approved by the County Surveyor, a Lot Merger Notice shall be transmitted to the County Recorder for recordation.

## **Chapter 17.40 DEVELOPMENT FEES**

### Sections:

#### 17.40.010 Fees.

In addition to any other fees prescribed by the county, every person dividing land as below defined within the county shall pay a sum computed as follows:

- A. Subdivisions. Two hundred dollars per lot, piece or parcel of land. A condominium is considered a subdivision for the purpose of this section;
- B. Land Divisions. A land division other than a subdivision which creates one or more lots, but not more than four, all of which are less than one acre in area, fifty dollars per lot, piece or parcel;
- C. Land Divisions. If the division as stated in subsection B of this section creates any lot, piece or parcel in excess of one acre in area, all lots shall be charged two hundred dollars per lot.
- A. Additional per unit fee for Mammoth Lakes and June Lake: an additional one hundred dollar fee shall be charged for every new condominium or multi-family unit proposed within the communities of Mammoth Lakes or June Lake. The fees charged under this section shall be collected until such time as the indebtedness incurred from the contingency fund for the benefit of the Mammoth Lakes community and the indebtedness incurred from the contingency fund for the benefit of the June Lake community is refunded by their respective communities as authorized under Minute Orders 82-1612 and 83-16 respectively. Affordable housing and single family residences are exempt from this fee requirement.

**17.40.020 Time for payment.**

The above fees shall be due and payable upon application to the Mono County planning commission for a tentative map, under the Mono County subdivision ordinance or the land division ordinance, or such further ordinances as may require preliminary map filings which affect lands. Payment hereunder, once made for each condominium, lot, piece or parcel, shall be credited to any future construction of that unit up to one hundred dollars. The same shall not be true of any other construction upon a lot, piece or parcel hereunder, unless construction is by the developer or subdivider.

**17.40.030 Definitions.**

- A. "Person" includes every person, firm, or corporation applying for action under and by virtue of the land division ordinance, subdivision ordinance or other land division oriented ordinances.
- B. "Subdivision" includes and is understood as the law of this state defines the term including condominiums and condominiums under Section 1350 et seq., of the Civil Code, laws of the state of California, known as single lot condominiums.

(Ord. 75-424 B § 1 (part), 1975.)

**17.40.040 Specification of budget.**

All sums collected pursuant to this chapter shall be deposited to the general fund. The building and planning department shall within the budget process develop a program or programs to the following aims:

- A. Matching moneys for federal and state planning programs;
- B. Costs attributable to former and future legislative mandated and optional elements of the general plan and other broad planning purposes (e.g., governmentally originated area wide environmental studies, area general plans, specific plans, etc.);
- C. Costs attributable to joint planning agreements and functions with federal and state agencies;
- D. The acquisition and development of open space lands for recreation purposes. Only those lands identified on the Mono County Open/Space Acquisition Priority List shall be eligible for acquisition with funds collected pursuant to this chapter. The development of open space may include the construction of necessary recreation facilities, trails, parks and appurtenant facilities.

**Chapter 17.44 CONSTRUCTION OF BRIDGES AND MAJOR THOROUGHFARES**

**Sections:**

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#### **17.44.010 Fees or consideration in lieu of fees—May be required as condition of approval of final map.**

The Mono County board of supervisors may, as a condition of the approval of a final map, as defined in the Subdivision Map Act, require from the applicant the payment of a fee, or consideration in lieu of fees, for the purposes of defraying the actual or estimated cost of constructing bridges over waterways, railways, freeways and canyons, or constructing major thoroughfares.

#### **17.44.020 Fees or consideration in lieu of fees—Required when.**

The Mono County board of supervisors, as a condition of the approval of a final map, as defined in the Subdivision Map Act, may require the payment of fees, or consideration in lieu of fees, only in the event of compliance with provisions of the following subsections:

- A. In a case on the proposed construction of a bridge, the project for which the fee, or consideration in lieu of fees, is required is within the ambit of, and is consistent with, the circulation element of the Mono Plan or June Lake General Plan, or such other general plan as may be adopted subsequent to the effective date of the ordinance codified in this chapter, and only in the event that the proposed bridge is within the ambit of the transportation or flood control provisions of such general plan which identify railways, freeways, streams or canyons for which bridge crossings are required and only in the event that such proposed bridge construction is consistent with the transportation and flood control provisions of said general plan.
- B. In the event that the proposed construction project is of a major thoroughfare, the payment of fees, or consideration in lieu of fees, should be required only in the event the proposed major thoroughfare construction project is within the ambit of, and consistent with, the circulation element of the Mono Plan or June Lake General Plan, or such other general plan as may be adopted within the county subsequent to the effective date of the ordinance codified in this chapter, and that the proposed major thoroughfare construction project is within the ambit of, and consistent with, the provisions of the circulation element of such general plans which identify those major thoroughfares whose primary purpose is to carry through traffic and provide a network connecting to the state highway system located within the areas governed by the general plan referenced above.
- C. In no event shall the payment of fees, or consideration in lieu of fees, be required unless the circulation element of the general plan for the area within which the bridge or major thoroughfare is to be built has been adopted by the local agency at least thirty days prior to the filing of the application for approval of final map.
- D. Prior to the payment of any fees, or consideration in lieu of fee, the local legislative body for the area within which the proposed construction project is to take place, shall determine the boundaries of the area which will benefit by the proposed construction project. This area of benefit may include land or improvements in addition to those which are the subject of any application for approval of final map. The local legislative body shall then notice a public hearing to be held by the governing body for the area benefited, and notice of this hearing shall be given pursuant to Section 65905 of the Government Code. In addition to the requirements of Section 65905 of the Government Code, such notice shall contain preliminary information related to the boundaries of the area of benefit, estimated cost of the project, and the method of fee apportionment.
- E. The fees, or consideration in lieu of fees, shall not be required unless at such public hearing, duly noticed, the local governing board does establish the boundaries of the area of benefit, the cost, whether actual or estimated, and a fair method of allocating costs to the area of benefit and fee apportionment. The method of fee apportionment, in the case of major thoroughfares, shall not provide for higher fees on land which abuts the proposed improvement except where abutting property is provided direct usable access to the major thoroughfare. A description of the boundaries of the area of benefit, the cost, whether actual or estimated, and the method of fee apportionment established at the hearing shall be incorporated in a resolution of the governing body, a certified copy of which shall be recorded by the governing body conducting the hearing with the recorder of the

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county in which the area of benefit is located. Such apportionment fee shall be applicable to all property within the area of benefit and with respect to those lands which may not be subject to the payment of fees pursuant to this section, the governing agency shall either make provision for the payment of the share of improvement costs apportioned to such lands from other sources or impose a reasonable charge on property within the area pursuant to the provisions of Section 66489 of the Government Code.

- F. ~~Payment of fees, or consideration in lieu of fees, shall not be required unless the major thoroughfares are an addition to, or a reconstruction of, any existing major thoroughfares serving the area at the time of the adoption of the boundaries of the areas of benefit.~~
  - G. ~~Payment of fees shall not be required unless, in the case of a planned bridge facility, such 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. Fees shall not be expended to reimburse the cost of existing bridge facility construction.~~
  - H. ~~Fees, or consideration in lieu of fees, shall not be required if, prior to the date set for hearing there is filed with the clerk of the legislative body, a written protest by the owners of more than one half of the area of the property to be benefited by the improvement, and such protests are not withdrawn so as to reduce the area represented to less than one half of that area to be benefited. In the event protests are filed by owners of more than one half the area of the property to be benefited then the proposed proceedings shall be abandoned and the legislative body shall not, for a period of one year from the date of filing of that written protest, commence or carry on any proceedings for the same improvement or acquisition under the provisions of this section. Should a majority of protest be directed only to a portion of the improvement then all further proceedings under the provisions of this section to construct that portion of the improvement so protested shall be barred for a period of one year but the legislative body shall not be barred from commencing new proceedings, not including any part of the improvement or acquisition so protested. The legislative body may, within such one-year period, commence and carry on new proceedings for the construction of a portion of the improvements so protested against if it finds, by affirmative vote of four fifths of its members, that the owners of more than one half of the area of the property to be benefited are in favor of going forward with such portion of the improvement or acquisition.~~
  - I. ~~Fees paid pursuant to this section shall be deposited in the planned bridge facility or major thoroughfare fund. A fund shall be established for each planned bridge facility or planned major thoroughfare project. Moneys in such fund shall be expended solely for the construction or reimbursement for construction of the improvements serving the area to be benefited and from which the fees comprising the fund were collected, or to reimburse the local agency for the cost of constructing the improvement.~~
  - J. ~~A local agency imposing fees pursuant to this section may advance money from its general fund or road fund to pay the cost of constructing the improvements and may reimburse the general fund or road fund from such advances from planned bridge facility or major thoroughfare fund established to finance the construction of such improvement.~~
  - K. ~~A local agency imposing fees pursuant to this section may incur an interest bearing indebtedness for the construction of bridge facilities or major thoroughfares; provided, that the sole security for repayment of such indebtedness shall be the moneys in planned bridge facility or major thoroughfare funds.~~
  - L. ~~The legislative body or local agency may accept such considerations, in lieu of fees, if such legislative body or local agency in its discretion believes they are equivalent to fees that would be required.~~
- (Ord. 79-474 § 1 (part), 1979.)

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~~17.44.030 Fees or consideration in lieu of fees—Required upon compliance with Section 17.44.020.~~

~~Should the legislative body or local agency comply with all of the conditions set forth in Section 17.44.020, such legislative body or local agency shall require the payment of fees, or consideration in lieu of fees, as a condition of the approval of a final map for such property or portions thereof.~~

## Chapter 17.50 CERTIFICATES OF COMPLIANCE

### Sections:

#### 17.50.010 Purpose.

This chapter is intended to establish procedures for processing ~~of~~ requests for certificates of compliance and/or conditional certificates of compliance ~~made~~ pursuant to Section 66499.35 of the California Government Code.

#### ~~17.50.020 Definitions.~~

~~As used in this chapter:~~

- ~~A. "Certificate of compliance" means evidence of a formal determination by Mono County of whether certain real property in the county complies with the SMA California Subdivision Map Act (Government Code Section 66410 et seq.) and county ordinances enacted pursuant thereto, recorded by the county in response to a request for such a determination made pursuant to SMA Government Code Section 66499.35.~~
- ~~B. "Conditional certificate of compliance" means a certificate of compliance setting forth conditions that must be satisfied before the real property that is the subject of the certificate will be deemed by Mono County to comply with the California Subdivision Map Act SMA and/or county ordinances enacted pursuant thereto.~~
- ~~C. "Land development technical advisory committee" means the committee described in Section 19.01.700 of the Mono County Code.~~

#### 17.50.030 Land ~~D~~evelopment ~~t~~echnical ~~a~~dvisory ~~e~~Committee—Authority to grant certificates of compliance.

The ~~LDTAC~~ ~~land development technical advisory committee~~ shall have the authority to determine on behalf of Mono County whether real property in the county complies with the ~~SMA California Subdivision Map Act~~ and/or ~~C~~ounty ordinances enacted pursuant thereto and to issue certificates of compliance or conditional certificates of compliance in accordance with ~~SMA Government Code~~ Section 66499.35. The conditional certificate of compliance shall, to the extent permitted by Section 66499.35, set forth any and all conditions whose satisfaction is necessary before the real property that is the subject of the certificate shall be deemed to comply with the ~~SMA California Subdivision Map Act~~ and any ~~C~~ounty ordinances enacted pursuant thereto.

#### 17.50.040 Compliance determination process.

Applications for certificates of compliance shall be submitted to the ~~LDTAC~~ ~~land development technical advisory committee~~ on forms ~~available from the Community Development Department developed by that committee~~ along with the appropriate processing fee for such applications ~~as adopted by the BOS, duly established by county ordinance or resolution~~. The ~~LDTAC committee~~ may also require any additional information that it deems necessary in order to make a determination of compliance pursuant to this chapter. The ~~A~~pplicant shall be notified of any ~~C~~ommittee meeting at which the application will be considered and shall be given an opportunity to be heard at that meeting before the ~~LDTAC committee~~ makes a final determination on the application. The ~~A~~pplicant may appeal any final determination of the ~~LDTAC committee~~ to the ~~planning commission~~ ~~Planning Commission~~. The appeal shall be filed and processed within the same time limits and shall be subject to the same

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procedures and requirements as set forth for decisions regarding tentative maps in Section 66410 et seq. of the ~~SMA Government Code~~, including the payment ~~of any fees duly established by county ordinance or resolution for the processing of such appeals~~. The ~~planning commission~~ Planning Commission may approve or modify the ~~C~~committee's determination in any respect, including the addition or subtraction of any conditions to granting the certificate of compliance.

**17.50.050 Certificate—Form and recording procedure.**

To the extent required by ~~SMA Government Code~~ Section 66499.35 or other applicable provision of state law, the final compliance determination of the ~~land development technical advisory committee~~ LDTAC, or the final decision-making body in the event a ~~LDTAC committee~~ determination is timely appealed, shall be memorialized in a certificate of compliance or conditional certificate of compliance. The form of such certificates shall be developed by the ~~committee~~ LDTAC in consultation with ~~the C~~county ~~C~~counsel and shall, at a minimum, include any provisions required by ~~SMA Government Code~~ Section 66499.35. The certificate shall be signed by the ~~LDTAC committee chair man~~ or, in the case of a timely appeal, by the chair of the final decision-making body. The ~~LDTAC committee~~, or final decision-making body in the event of a timely appeal, shall thereafter cause the certificate, to be filed for record on behalf of Mono County with the ~~county recorder~~ County Recorder.