MARIPOSA COUNTY ORDINANCE NO. 429

The Board of Supervisors of the County of Mariposa do ordain as follows:

I.

Conformity to General Plan and Waiver

SECTION 1.0: General Plan Conformance; Time for or Waiver of Report.

A. A report as to conformity to the General Plan, which is required pursuant to Section 65402 of the Government Code as the result of a proposed division of land, may be included as part of and at the same time as the action taken by the advisory agency on such division of land.

B. Such report is not required for a proposed subdivision which involves (1) the disposition of the remainder of a larger parcel which was acquired and used in part for street purposes; (2) acquisitions, dispositions or abandonments for street widening; or (3) alignment projects, provided that the advisory agency expressly finds that any such disposition for street purposes, acquisitions, dispositions, or abandonments for street widening, or alignment projects is of a minor nature.

II.

Citation and Authority

SECTION 2.0: Citation and Authority.

This ordinance is adopted to implement and supplement the Subdivision Map Act and may be cited as the "Subdivision Ordinance of Mariposa County".

III.

Definitions

SECTION 3.0: Definitions.

The following words and phrases shall have the meaning respectively ascribed to them:

CERTIFICATE OF COMPLIANCE means a document describing a unit or contiguous units of real property and stating that the division thereof complies with applicable provisions of the Subdivision Map Act and County ordinances enacted pursuant thereto.

MAJOR SUBDIVISION means a subdivision of five or more lots.

MINOR SUBDIVISION means a subdivision of four or fewer lots.

PARCEL MAP means a map prepared pursuant to Article 3 (commencing with Section 66444), Chapter 2, Division 2, Title 7 of the Government Code (Subdivision Map Act).

PLANNED DEVELOPMENT means a proposal made by a subdivider for a proposed subdivision or portion of a proposed subdivision to achieve a specific design of residential, commercial, or industrial use mixture which carry out the objective of the General Plan and would otherwise be prohibited by certain portions of the Subdivision Ordinance.

SUBDIVIDER means a person, firm, corporation, partnership, or association who proposed to divide, divides, or causes to be divided real property into a subdivision for himself or for others.

SUBDIVISION means the division of any improved or unimproved land shown on the latest equalized County assessment roll as a unit or as contiguous units, for the purpose of sale, lease, or financing, whether immediate or future.

SUBDIVISION MAP ACT means the Subdivision Map Act as set forth in Division 2 of Title 7 of the Government Code of the State of California.

TENTATIVE MAP means a map prepared for the purpose of showing the design of a proposed major subdivision and filed with the Planning Commission precedent to the preparation and filing of a final map.

TENTATIVE PARCEL MAP means a map prepared for the purpose of showing the design of a proposed minor subdivision and filed with the Planning Commission precedent to the preparation and filing of a parcel map or precedent to waiver of requirement for a parcel map.
IV. Minor Subdivisions

SECTION 4.0: Minor Subdivisions.

No person shall create a minor subdivision except in accordance with a parcel map approved pursuant to this ordinance, resolutions passed in furtherance of this ordinance and the Subdivision Map Act and filed in the office of the County Recorder unless such requirement for a parcel map is otherwise waived pursuant to this Ordinance.

The provisions of this Chapter shall not apply to:

A. The conveyance, transfer, creation, or establishment of an easement for sewer, water, or gas pipelines and appurtenances or electrical or telephone poles and lines or conduct and appurtenances;

S. The conveyance or transfer of land or any interest therein by or to the United States, state, county, city, school district, special district, or public utility.

SECTION 4.1: Tentative Parcel Map Required.

Any person proposing to create a minor subdivision pursuant to this division shall file with the Planning Commission a tentative parcel map pursuant to the provisions of this ordinance and resolutions passed in implementation of it. The County Engineer shall not certify a parcel map pursuant to Section 66450 of the Subdivision Map Act unless prior thereto a tentative parcel map of the minor subdivision shown therein shall have been filed with and approved by the Planning Commission.

The Planning Commission will make findings of fact on any division of land. The Planning Commission shall make its findings of fact within 30 days following acceptance for work; entering them into the Planning Commission Minutes and filing them in the Planning Commission office; or, hold for further study if the Initial Study is insufficient; or, refer the application to the Environmental Review/ Land Use Technical Advisory Committee for their recommendation.

SECTION 4.2: Utility Easements, Alleys, Setbacks.

Alleys, not less than twenty (20) feet wide, shall be provided for all lots classified as and to be used for commercial purposes. Alley intersection shall have a property line radius of not less than ten (10) feet or an equivalent angle.

Alleys at the rear of industrial or unlimited multiple residential property shall have special consideration as to design, location, and possible increase width, for the development of the particular use involved.

Front Yard: No buildings, exclusive of eves, shall be erected closer than: (1) fifty (50) feet from the center line of a forty (40) foot or fifty (50) foot existing or future local road; (2) sixty-five (65) feet from the center line of a sixty (60) foot secondary road or a County major highway.

Side Yard: There shall be a side yard of not less than ten (10) feet from the side of a building, exclusive of eves, to an interior property line. A side yard on a corner lot, abutting a road or highway shall have the same requirements as the front yard of said lot.

Rear Yard: The depth of the rear yard shall be twenty-five (25) feet, except wherein a corner lot has a depth of not more than fifty (50) feet, then the depth of the rear yard shall not be less than ten (10) feet. Accessory buildings, exclusive of eves, may be built to the ten (10) foot line. However, no permanent structure shall be located in a utility easement.

Fences and Walls: Shall not exceed four (4) feet in height in back of the front property setback line and shall not exceed six (6) feet in height from side property line, except on key or corner lots.

SECTION 4.3: Tentative Parcel Map Requirements.

A. Copies of a tentative map shall be drawn to scale on light paper using contrasting ink. Size shall be not larger than 18 inches by 26 inches nor smaller than 8 ½ inches by 11 inches, and shall include the following:

1. The boundary line of the land proposed for division with approximate dimensions based on the latest deed(s) or other record data.

2. The location designated by township, range, section, quarter section, townsite, or subdivision.
13. Name and address of the applicant.

4. Name and address of legal owner of record.

5. If the map is prepared by a licensed land surveyor or registered civil engineer, his name, address, and license number.

6. Date prepared.

7. North arrow and scale.

8. Locations, widths, and purposes of existing and proposed easements for utilities, drainage, and access.

9. Approximate percent of grade with arrows indicating the direction of slope and the location of natural drainage courses.

10. Names of all adjoining property owners.

11. Parcel layout with approximate dimensions along all property lines and an identifying number or letter for each new parcel. Parcel lines should follow existing easements wherever possible.

12. The approximate area in acres of each parcel.

13. The approximate area in acres of the entire parcel before subdivision.

14. Locations, names, widths, and approximate grades of existing and proposed roads whether public or private.

15. All present easements and proposed easements to be dedicated.

16. Access route to the proposed division of land from a County highway, a state highway, a road which has been open to the public for more than five years, or a road across federal or state lands which is open to the public.

17. Vicinity sketch showing information such as roads, adjoining sections, creeks, and other data sufficient to locate the proposed division of land and to show its relation to the surrounding area.

18. Source of water supply either existing or proposed.

19. Type of sewer disposal system either existing or proposed.

20. Location of existing water or sewer systems if known.

21. All improvements: buildings, pads, mobile homes.

E. Planning Commission requirements:

1. Lot design: a maximum of 4-to-1 ratio on parcel size. A variance may be granted.

2. Drainage and flood control on the property may require the approval by the County Engineer, if so requested by the Planning Commission.

3. The property must be identifiable by signs that clearly state the land division number and location of sign on the property.

4. Topographical maps are required with all tentative parcel maps.

5. All information shall be legible after reproduction.

6. A preliminary soil inventory and analysis shall be requested of Soil Conservation Service by the Planning Commission.

Road standards for Minor Subdivision:

1. Any proposed easement shall be laid out in such a manner that a road can be constructed meeting the following additional conditions:
   a. Proposed road will not exceed 15 percent grade upon completion of construction.
   b. The proposed road relates or will allow a relationship to existing or potential roads in the vicinity.
c. The applicant shall identify the proposed easement by staking the outer margins of the easement at 200-foot intervals or straight alignments and at 50-foot intervals on curved alignments with wooden stakes not below 36 inches from the ground which are tied with colored ribbons visible at a distance of 200 feet.

D. Excavation and grading:

1. No person shall do any excavation, grading, or earthwork construction, including fills and embankments, without first having obtained a grading permit from the Building Official, except for the following:
   a. Grading in an isolated, self-contained area if there is no danger apparent to private or public property.
   b. An excavation below finished grade for construction authorized by a valid building permit. This shall not exempt any fill made with the material from such excavation nor exempt any excavation having an unsupported height greater than five (5) feet after the completion of such structure.
   c. Cemetery graves.
   d. Refuse disposal sites controlled by other regulations.
   e. Excavations for wells or tunnels or utilities.
   f. Mining, quarrying, excavating, processing, stockpiling of rock, sand, gravel, aggregate, or clay where established and provided for by law, provided such operations do not affect the lateral support or increase the stresses in or pressure upon any adjacent or contiguous property.
   g. Exploratory excavations under the direction of soil engineers or engineering geologists.
   h. An excavation which (1) is less than two (2) feet in depth, or (2) which does not create a cut slope greater than five (5) feet in height and steeper than one and one-half (1 1/2) horizontal to one (1) vertical.
   i. A fill less than one (1) foot in depth, and placed on natural terrain with a slope flatter than five (5) horizontal to one (1) vertical, or less than three (3) feet in depth, not intended to support structures, which does not exceed fifty (50) cubic yards on any one lot and does not obstruct a drainage course.

2. These exceptions may require a permit from another agency. The burden is upon the applicant to make inquiry if a permit is needed.

E. Rejection, reinspection, and burden of proof:

1. Failure to comply with any or all of Section 4.3 (a), (b), (c), and/or (d) shall be cause for the Planning Commission to return such map for corrections. Should such map fail to comply with Section 4.3 (a), (b), (c), and/or (d), it shall be cause for rejection of a tentative map. Any applicant who fails to provide sufficient information and markings on the property which results in the postponement of action on the application at a regular meeting of the Planning Commission must pay a reinspection fee. The applicant shall have the burden of informing himself of the requirements for compliance with Section 4.3 (a), (b), (c), and/or (d).

F. Appeal:

1. The Board of Supervisors will serve as an appeal board on application denials or to a person who is dissatisfied with the findings of the Planning Commission.

SECTION 4.4: Parcel Map Requirements.

A. Drafting:

1. Material shall be tracing cloth or polyester base film.
2. Size shall be 18 inches by 26 inches.
3. Border shall be one inch on each side.
4. All information shall be legible after reproduction.
5. Map shall be lettered so as to read only from bottom or right side of map with 18 inches binding edge to the left.

6. Sheet numbering shall read "Sheet ___ of ___ Sheets" if more than one sheet is required.

7. Cross referencing shall read "See Sheet ___" if more than one sheet is required.

8. All property boundaries within the survey shall be shaded or shown by a heavy line to make them distinct.

9. All linework, lettering, and signatures shall be done with black ink of a permanent type, preferably India ink, and shall be waterproof.

B. Title block:

1. Location shall be at the right side of the sheet(s).

2. The title block shall contain the following information:
   a. RECORD of SURVEY or PARCEL MAP (large lettering).
   b. Name of party(ies) for whom the survey was done.
      
      Example: PARCEL MAP
      for
      John and Mary Jones
   c. Description of location shall include base and meridian, range, township, section, and any further breakdown of the section as may apply.
   d. Acreage involved.
   e. Unincorporated area of County (if applicable).
   f. Mariposa County, California.
   g. Legal subdivision in which located (if applicable).
   h. Date and scale.

C. North arrow:

1. Shall point away from reader as described under "Drafting", Part 5.

2. If the North arrow is for Grid North, True North shall be shown also with the required rotation between the two indicated thereon.

D. Certificates:

1. Certificates shall appear on the right side of the sheet whenever possible.

2. Certificates shall consist of the following:
   a. Surveyor's certificate and seal.
   b. County Surveyor's certificate.
   c. County Recorder's certificate.
   d. Owner's certificate.
   e. Acknowledgement.

E. Basis of bearing:

1. Shall be taken from a line between two (2) existing monuments set by one of the following methods:
   a. Astronomical observation by direct observation in accordance with latest acceptable methods.
      1) Calculations shall be submitted with the map.
b. California State Plane Coordinate System, Zone III.
   1) Show stations used and how they were determined.

   c. County Surveyor's Office records.

   d. Recorded map(s) which have been determined by (a) through (c) above.
      1) Magnetic bearing is not acceptable.
      2) When referring to a map of record, a statement of determination of bearing shall
         be made.
      3) If the basis of bearing on a record map cannot be determined, then methods (a)
         through (c) shall be employed to arrive at a true basis of bearing.
      4) If a recorded map is used, identify the line used as the basis of bearing.

2. The basis of bearing shall be identified by a statement on the map under a heading "Basis
   of Bearing".

F. Monuments [set or found]:
1. Shall be identified on the map by showing the following:
   a. Material composition.
   b. Outside dimensions [if applicable].
   c. Relative ground elevation [if applicable].
   d. Surveyor's or Civil Engineer's tag number [if none, so note].

2. If found monuments are accepted as recorded corners or line monuments, they shall be so
   noted on the map. A full description of such, together with record information, shall be
   given.

3. All monuments, set or found, shall be shown in a legend table along with their graphic
   symbol. The table shall have the heading "Legend" and shall also contain any other graphic
   symbols used on the map.

G. References:
1. All reference data shall be data on file in the office of the County Recorder or office of
   the County Surveyor.

2. No reference shall be made to unrecorded information or maps not available in either of the
   two above offices.

3. A number code may be used to identify each separate reference item.

4. All reference shall be listed in a table under the heading "Reference Data" along with its
   number code if so used.

5. Reference data may be submitted to the County Surveyor's Office to be kept on file for
   future reference.

6. Information regarding corner ties and filing same as per AB 1614 may be obtained at the
   office of the County Surveyor.

H. Miscellaneous data:
1. Each parcel shall have its acreage shown.

2. Bearings and distances:
   a. [R6N] shall be shown after a bearing and distance when record information on adjoining
      property is in agreement.
   b. [R] shall be shown after a bearing and distance when record information on adjoining
      property is not in agreement.
c. Conversion factors shall be given for all distances and bearings shown as part of the California State Plane Coordinate System.

3. Indicate purpose, name, and width of roads, rights-of-way, and easements adjacent to and/or within the survey.

4. All easements given for access purposes shall be non-exclusive. Any other easements shall show the purpose for which they will be used.

5. The name(s) of all adjoining property owners shall be shown on the map. The deed reference for each property owner, as well as surrounding property owners, may be required if the County Surveyor deems it important to the clarification of the property.

6. When any curve is used as part of a survey, the following data shall be given:
   a. Radius.
   b. Central angle (delta).
   c. Tangent distance.
   d. Length of curve.

7. When a curve is shown as part of a survey, it shall be assumed that its radial bearing is at 90 degrees with lines abutting it. If a curve is not at 90 degrees with said lines, it shall be so noted and a radial bearing given for each end of the curve. If a curve consists of more than one curve (compound curve), the radial bearing at the tangent point of each curve shall be given for all points of intersection.

8. Information on Rancho Las MariPOSAS sections shall be considered as projected only and shall so state on the map.

1. Survey data:

   1. There shall be a minimum of two [2] survey ties to independent points and a reference made to said points. Survey ties shall be from the following:
      a. Ties to adjoining property of record.
      b. Legal subdivision corners.
      c. Road right-of-way points.
      d. Any point on file in the office of County Recorder or point on file in the office of County Surveyor.
      e. Two [2] or more U.S. Coast and Geodetic Survey or State of California triangulation stations.

   2. It shall be the responsibility of the surveyor to use the latest record or filed data that affect the particular surveys.

   3. All curves shall be monumented at the B.C.'s and E.C.'s, not at the P.I.'s. Said points shall be referenced to the limits of any road, right-of-way, or easement if their lasting durability is in question.

   4. All corners bordering on the centerline of a County road, access easement, road which has been open to the public for more than five years, or in close proximity thereto, shall be witness cornered to the right-of-way, edge, or limits of said line. If no such line exists, witness corner points shall be placed a distance off said line as to insure their durability.

   5. All maps shall be based upon a field survey and in conformance with the Land Surveyor's Act, all corners that define the property description and divisions thereto, shall be set in the field and shown on the map to be filed.

   6. Boundary and lot closure calculations, as well as certification thereto, shall be submitted with each map. The error in any boundary closure shall not exceed one (1) foot in five thousand (5,000) feet. Mathematical data (calculations) shall provide a total boundary or parcel closure as well as closure of each division created. Closure calculations to various reference points may be required if the County Surveyor deems them necessary to the approval of the map or divisions thereof.
J. Planning Commission requirements:

1. Lot design: a maximum of 4-to-1 ratio on parcel size. A variance may be granted.

2. Drainage and flood control on the property may require the approval by the County Engineer, as so requested by the Planning Commission.

3. The property must be identifiable by signs that clearly state the land division number and location of sign on the property.

4. There shall be an offer of road dedication for a road thirty [30] feet of either side of the centerline when the property fronts on a County road. If the property owner owns on both sides of the road, both sides of the road shall be offered for dedication. In the event that a County road passes through a parcel of land, but does not form the boundary of said parcel or divisions thereof, a thirty [30] foot dedication shall be offered on each side of the centerline of said road. The centerline of said road shall be shown on the map and monuments in accordance with the requirements of the Road Department.

5. There shall be a non-exclusive forty [40] foot wide access easement for each parcel to one of the following: (a) a County highway; (b) a state highway; (c) a road across federal lands which are open to the public; (d) a public road on which the County has expended funds for the maintenance and improvement with funds from the Motor Vehicle License Fee Fund; (e) a public road which has been adjudged as such by a court of competent jurisdiction; (f) a private road which the County has improved pursuant to the provisions of Streets and Highways Code 949.5 and a grant of right-of-way has been made to the County of Mariposa for the use of the general public in perpetuity. In those cases where terrain and other factors dictate, a variance may be granted pursuant to Mariposa County Ordinance No. 388, Section 12. Prior to any subdivision of land which contains an existing thirty [30] foot non-exclusive easement, said easement will be increased to forty [40] feet as a condition of approval. The burden of proof is on the applicant to provide evidence by way of record data and/or other relevant evidence of said easement and access as required by the Planning Commission and the County Surveyor.

6. Easements shall be mapped and laid out in a manner which will provide an access not to exceed 15 percent grade. In cases where the grade exceeds 15 percent, the Planning Commission shall decide each application on a case-by-case basis.

7. Easements to be granted with the map (as determined by the County Surveyor and Engineer):
   a. If a split results in a parcel of ten [10] acres of less, the Planning Commission may require the applicant to construct a road on the easement to County standards gravel-paving is hereby waived.
   b. If a split results in a parcel of forty [40] acres or less, the Planning Commission may require the applicant to construct a road on the easement to County road standards graded-gravel and paving waived.
   c. County road standards concerning width are hereby waived. Width of road cross section shall be specified by the Planning Commission.
   d. The construction shall lead from each parcel created by parcel map, including remainder, to a road described in Section 4.4 [3] [5].

8. The Board of Supervisors will serve as an appeal board on application denials.

SECTION 4.5: Procedure for Processing of Tentative Parcel and Parcel Maps Described in Sections 4.3 and 4.4 of This Ordinance.

A. Each application for a land division permit shall be submitted to the Planning Commission office.

B. Each application shall be accompanied by the following:
   1. Application fee.
   2. Copies of the tentative map.
   3. Topographical map.
   4. The amount of the fee and the number of copies of such maps shall be set out by resolution.
C. The Planning Commission shall make its findings of fact within thirty-five (35) days following acceptance for work; entering them into the Planning Commission Minutes and filing them in the Planning Commission office; or, hold for further study if the Initial Study is insufficient; or, refer the application to the Environmental Review/Land Use Technical Advisory Committee for their recommendation.

D. When approval of the tentative map has been given, the applicant shall have one (1) year in which to submit the parcel map.

E. The County Surveyor's office will take action on the map as per Government Code, Section 66450.

F. When the map is ready for recording, the County Surveyor will request the original map and filing fee from the applicant or person preparing the map. The County Surveyor will also inform the Planning Commission and Health Department that the map has been recorded.

NOTE: Under no conditions shall the original map and/or filing fee be submitted until they are requested.

SECTION 4.6: Sanitary Disposal Requirements and Methods Requisite for Minor Subdivisions.

A. Stockton Creek Watershed and Mariposa Creek Watershed.

1. In order to maintain water quality control on Stockton Creek and Mariposa Creek Watersheds, above the Town of Mariposa, as delineated on the maps of said Watersheds which may be found in the office of the Planning Commission, no minor subdivision will be approved without percolation tests approved by the Health Department. Percolation tests must be performed in the method set out in this Section.

B. Percolation tests and soil analysis will be required on all proposed parcels of six (6) acres or less. The applicant may appeal the decision of the Health Department to the Planning Commission or the Board of Supervisors if the applicant feels the requirement is excessive or unnecessary.

C. There will be required at least four (4) percolation tests performed at depths of not less than 36 inches in holes located approximately fifty (50) feet apart. In addition, there shall be one test hole to a depth of approximately eight (8) feet or until an impervious material is contacted, whichever depth is less. Percolation tests shall be performed by a licensed engineer or a registered sanitarian, and the results submitted over his signature and license or registration number. The tests shall be as outlined in Subsection G of Section 4.6.

D. If the percolation test stabilized rate is 30 minutes or less and the slope of the land is 15 percent or less, 2.5-acre parcels, exclusive of easements, may be approved. In special circumstances such as isolated parcels, hardship cases, etc., smaller parcels may be permitted, but only after a finding by the Planning Commission arrived at in a public session that the public health would not be endangered.

E. If the percolation test stabilized rate is more than 30 minutes or the slope exceeds 15 percent, parcel sizes must be in excess of 2.5 acres, exclusive of easements. The parcel size will be determined by the percolation rate arrived at and may be in excess of six (6) acres.

F. If the slope is 30 percent or greater or the percolation rate exceeds 60 minutes per inch, no parcel will be considered suitable for division.

G. Method of making percolation tests:

1. Dig or bore a minimum of four (4) holes with horizontal dimension of approximately six (6) inches and with straight sides to the minimum depth of 36 inches.

2. Thoroughly wet sides and bottom of the holes by soaking for 24 hours.

3. While the bottom is moist, place six (6) inches of water in the holes.

4. Record the time, in minutes, required for this water to completely percolate into the soil. Divide this time by six (6) to get time for one (1) inch to percolate into the soil.

5. Repeat the test until the average time for two (2) successive tests does not vary more than 20 percent, the last of which will be assumed to be the stabilized rate of percolation.

6. Test results must be submitted to the Health Department within 72 hours of testing to be valid. Results after that time will not be considered. Test data should include the following:
a. Date; performed by whom.
b. Weather conditions at time of tests.
c. Location of holes (to be shown on tentative parcel map).
d. Depth of test holes.
e. Soil profile in each hole.
f. Stabilized percolation rates, each hole.

SECTION 4.7: Miscellaneous.

The following requirements may govern and/or supersede the information contained in this ordinance:
A. Land Surveyor's Act.
B. Subdivision Map Act.
C. Applicable State Laws.
D. Local Ordinances and Resolutions.

SECTION 4.8: Waiver of Parcel Map.

Other provision to the contrary notwithstanding, the requirement that a parcel map be prepared, filed with the County Engineer and recorded may be waived provided a finding is made by the Planning Commission that the proposed subdivision complies with the 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 division and the Subdivision Map Act:

A. A minor subdivision wherein each resulting parcel has a gross area of not less than forty (40) acres or is not less than a quarter of a quarter section. An applicant for a subdivision pursuant to this section shall file a tentative parcel map pursuant to this chapter together with a written request that the parcel map requirement be waived.

SECTION 4.9: Minimum Parcel Size.

A. Parcels shall have a minimum size of two and one-half (2 1/2) acres (exclusive of easement) if the domestic water system and the sewage disposal system is to be developed on the parcel.

B. Parcels shall have a minimum of one (1) acre (exclusive of easement) if the domestic water system or the sewage disposal system is to be developed on the lot where the slope does not exceed 15 percent. The burden is upon the applicant to show that such system meets said laws and standards of the State of California and the County of Mariposa.

C. Parcels shall have a minimum size of 9,000 square feet if:
1. They are within a recognized Public Utility District which provides both domestic water and a sewage disposal system, or
2. They provide a system which satisfies the laws and standards of the State of California and the County of Mariposa relating to domestic water supply and sewage disposal system. The burden is upon the applicant to show that such system meets said laws and standards of the State of California and County of Mariposa.

SECTION 4.10: Reversion to Acreage.

A parcel map may be filed, pursuant to the Subdivision Map Act, Chapter 6, for the purpose of reverting to acreage land previously subdivided and consisting of four (4) or less contiguous parcels under the same ownership.
V.

Major Subdivision - Procedure

SECTION 5: Major Subdivision - Procedure

SECTION 5.0: Tentative Map Required.

A. Any person proposing to create a major subdivision shall file a tentative map pursuant to this chapter. The Board of Supervisors shall not approve a final map unless prior thereto a tentative map of the subdivision shown thereon shall have been filed with and reported on by the Planning Commission.

B. Where a parcel map is authorized for a major subdivision pursuant to the Subdivision Map Act, the County Engineer shall not approve such map unless prior thereto a tentative map of the subdivision shown thereon shall have been filed with and reported on by the Planning Commission.

SECTION 5.1: Tentative Map to Conform to Rules of Planning Commission and the Board of Supervisors.

All tentative maps shall be in the form and shall contain and be accompanied by the data specified by the rules and regulations prescribed by the Planning Commission and approved by the Board of Supervisors and shall be accompanied by either a negative declaration or a draft environmental impact report prepared in accordance with rules and procedures adopted by the Board of Supervisors pursuant to the Environmental Quality Act of 1970.

SECTION 5.2: Grading Plan.

There shall be filed with each tentative map an approximate grading plan showing any grading proposed for the creation of building sites within the subdivision. In the event no such grading is proposed, a statement to the effect shall be filed with the tentative map.

SECTION 5.3: Planning Commission Duties.

The Planning Commission is authorized and directed to carry out the following actions:

A. Provide notice as follows:

1. Publish notice of the time and place of any public hearing once, in a newspaper of general circulation published and circulated within the County of Mariposa at least 10 days before said hearing;

2. Notify by mail the owners of property within a radius of three hundred [300] feet of the exterior boundaries of the property covered by any tentative map. The names and addresses of such owners shall be determined according to Section 65905 of the Government Code, and the notices shall be deposited in the United States mails with postage prepaid not less than five [5] days prior to the date of such consideration.

Provided, however, notice as herein specified shall not be required in cases where the question before the Commission is a request for an extension of time for filing a final map or a modification to a previously approved resolution of approval not affecting any design or improvement.

B. Investigate each tentative map filed with it pursuant to this Ordinance or the Subdivision Map Act and the improvements proposed to be constructed and installed in or to serve the subdivision and make its report with respect to the design and improvements of the subdivision and the kind, nature, and extent of the proposed improvements.

C. Obtain the recommendations of the Technical Advisory Committee with respect to the design of the proposed subdivision.

D. Approve, disapprove, or return for corrections tentative maps filed with it pursuant to this division or the Subdivision Map Act; provided, however, that with respect to the following described tentative maps, the Planning Commission shall not approve any tentative map with respect to which the Planning Commission has found that one of the following conditions exists:

1. The site is not physically suitable for the type of development.

2. The site is not physically suitable for the proposed density of development.

3. The design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
4. The design of the subdivision or the proposed improvements are not likely to cause serious public health problems. In any event, the report of the Planning Commission, together with a copy of any approved tentative map, shall be filed by said Commission with the Clerk of the Board of Supervisors. If the report concerns a tentative map with respect to which the Planning Commission reported its recommendations to the Board of Supervisors, the Board of Supervisors shall act upon the report within the time prescribed by the Subdivision Map Act.

5. Where the Planning Commission approves a tentative map, it shall prescribe, pursuant to the provisions of this division the kind, nature, and extent of the improvements to be constructed or installed in or to serve the subdivisions for which such tentative map is filed, provided, however, where the Planning Commission does not prescribe the kind, nature, or extent of the improvements to be constructed or installed, improvements shall be constructed and installed pursuant to the Mariposa County standards.

6. Except when a tentative map is one as to which final approval can be given only by the Board of Supervisors as hereinbefore provided, or when an appeal is taken to the Board of Supervisors as hereinbefore provided, the actions of the Planning Commission specified in this section shall fulfill the requirements for approval of tentative maps by the Board of Supervisors pursuant to the provisions of Sections 66426 and 66427 of the Subdivision Map Act; provided, however, no final map shall be filed in the office of the County Recorder until such map has been approved by the Board of Supervisors.

SECTION 5.4: Assignment of Certain Responsibilities to Planning Commission.

The responsibilities of the Board of Supervisors pursuant to Sections 66473.5, 66474, 66474.1, and 66474.6 of the Government Code are hereby assigned to the Planning Commission with respect to those tentative maps which the Planning Commission is authorized to approve or disapprove.

SECTION 5.5: Modification of Regulations.

Whenever the Planning Commission finds with respect to a subdivision or after an appeal to the Board of Supervisors said Board finds that the real property to be divided is of such size or shape or is subject to such title or limitations on record or is affected by such topographical location or conditions, or is to be devoted to such usage, that it is impossible or impractical in the particular case for the subdivider to conform fully to the requirements of this division, the Planning Commission or the Board of Supervisors may waive or modify such requirements as it deems reasonably necessary; provided, however, any such waiver or modification shall be in conformity with the spirit and purpose of the Subdivision Map Act and of this ordinance. The Planning Commission or Board of Supervisors may waive or modify such requirements upon such reasonable conditions as it deems appropriate.

SECTION 5.6: Appeal to Board of Supervisors.

A. Where the subdivider is dissatisfied with any action of the Planning Commission with respect to a tentative map, he may appeal to the Board of Supervisors as provided in Section 66452.5 of the Subdivision Map Act. Notice of any appeal by the Board of Supervisors on any appeal by any subdivider shall be given in the manner provided for in Section 5.3 for consideration of tentative maps by the Planning Commission.

B. Any interested person may appeal to the Board of Supervisors from any decision of the Planning Commission made relative to the responsibilities assigned to it in Section 5.3. Any such appellant shall be subject to the same procedural requirements and shall be entitled to the same notice and rights regarding testimony as apply to the subdivider under Section 66452.5 of the Government Code.

C. Whenever the Board of Supervisors holds a hearing on an appeal from the decision of the Planning Commission and thereafter takes no action because a motion on the item failed to carry by the required vote, the Clerk of the Board of Supervisors shall set the matter for a noticed public hearing as required. If such hearing is requested by the Board of Supervisors, such a request must be made within 30 days of the date when the motion on the item failed to carry. If no such request is made within such period, the decision of the Planning Commission shall be deemed sustained.

SECTION 5.7: Revised Tentative Map.

Where a subdivider desires to revise or alter a proposed subdivision for which a tentative map has been approved by the Planning Commission or the Board of Supervisors, the subdivider may file with the Planning Commission a revised tentative map on payment of the fees set out pursuant to resolution.

A. A revised tentative map shall conform to the following requirements:
1. The proposed subdivision shown on such map shall generally conform to the street and lot pattern shown on the approved tentative map.

2. The proposed subdivision shown on such map shall include only one contiguous area consisting of all or a portion of the subdivision shown on the approved tentative map together with such additional land, if any, as the subdivider desires to include.

3. The map shall contain all of the information required on tentative maps and shall be accompanied by such data as is required to be filed with tentative maps.

B. A revised tentative map may be filed within 18 months after the approval of the tentative map by the Planning Commission or Board of Supervisors or, if an extension of time is granted, within the period specified.

C. Upon the filing of a revised tentative map and payment of the prescribed fee, such revised tentative map shall be treated in all respects as an original tentative map and shall be reported on, approved, or disapproved in the same manner as a tentative map, provided, however, that the subdivider shall have 18 months from the approval of the original tentative map within which to record a final map, which 18-month period may be extended by the Planning Commission or Board of Supervisors, such extension not to exceed one year pursuant to Section 66432.6 of the Government Code.

D. Nothing in this Section shall be construed as a limitation on the power of the Board of Supervisors or Planning Commission to approve alterations of a tentative map approved by such Board or Commission.

VI.
Major Subdivisions - Requirements

SECTION 6: Major Subdivisions - Requirements.

SECTION 6.0: Design of Subdivisions.

All major subdivisions shall conform to the following requirements as to design.

SECTION 6.1: Streets and Roads, Grading and Other Improvements.

Streets, roads, grading, and other improvements in a proposed major subdivision shall conform to the Mariposa County Improvement Standards adopted August 18, 1970, and Addendum to Standards pursuant to Government Code 66462 [b] which standards are in the office of the County Clerk, County of Mariposa, Mariposa, California.

SECTION 6.2: Lots.

A. Lots shall have a minimum area of 10,000 square feet and a minimum width at the front building line of 65 feet, where the slope does not exceed 15 percent and where neither the domestic drinking water system or the sewage disposal system is developed on the lot.

The Planning Commission may require lot sizes in excess of the minimum lot size should it find that the slope exceeds 15 percent.

1. Parcels shall have a minimum size of one (1) acre (exclusive of easement) if either the domestic drinking water system or the sewage disposal system is to be developed on the lot where the slope does not exceed 15 percent. The minimum dimension of any lot shall be 100 feet without a variance from the Planning Commission pursuant to Articles II and III of Ordinance No. 388. The burden is upon the applicant to show that such system meets said laws and standards of the State of California and County of Mariposa.

2. If both the sewage disposal system and the domestic drinking water system are developed on the same lot, then the minimum lot size shall be 2 1/2 acres (exclusive of easement) where the slope does not exceed 15 percent. [Refer to Section 4.6 d, e, and f]. The minimum dimension of any lot shall be 100 feet without a variance from the Planning Commission pursuant to Article II and III of Ordinance No. 388.

3. In either Subsection 1, 2, or 3, approval of the sewage and water system shall first be obtained from the Mariposa County Health Department.

a. If the sewage disposal system is proposed to be developed on the individual lot, percolation tests must be performed as required by the County Health Department.
There shall be a minimum of one percolation test performed on each lot as described in Section 4.5.1. (One test hole per lot, unless otherwise required by the Health Department.) In addition, there shall be one test boring to a depth of approximately eight feet, or until an impervious material is contacted, on every fourth lot in the proposed subdivision. Percolation tests shall be performed by a licensed engineer or a registered sanitarian and the results submitted over his signature and license or registration number.

B. No lot shall be divided by a county, city, or school district boundary line.

C. The side lines of lots shall be approximately at right angles to the street line or straight streets or to the tangent on curved streets.

SECTION 6.3: Blocks.

A. Blocks more than 1,200 feet in length may be cause for disapproval of a tentative map.

B. Pedestrian ways at least 10 feet wide may be required in long blocks.

SECTION 6.4: Utility Easements, Alleys, Setbacks.

Alleys not less than twenty (20) feet wide shall be provided for all lots classified as and to be used for commercial purposes. Alley intersection shall have a property line radius of not less than ten (10) feet or an equivalent angle.

Alleys at the rear of industrial or unlimited multiple residential property shall have special consideration as to design, location, and possible increase width, for the development of the particular use involved.

Front Yard: No buildings (exclusive of eves) shall be erected closer than (1) fifty (50) feet from the center line of a forty (40) foot or fifty (50) foot existing or future local road or (2) sixty-five (65) feet from the center line of a sixty (60) foot secondary road of a County major highway.

Side Yard: There shall be a side yard of not less than ten (10) feet from the side of a building (exclusive of eves) to an interior property line. A side yard on a corner lot, abutting a road or highway, shall have the same requirements as the front yard of said lot.

Rear Yard: The depth of the rear yard shall be twenty-five (25) feet, except, wherein a corner lot has a depth of not more than fifty (50) feet, then the depth of the rear yard shall be not less than ten (10) feet. Accessory buildings (exclusive of eves) may be built to the ten (10) foot line. However, no permanent structure shall be located in a utility easement.

Fences and Walls: Shall not exceed four (4) feet in height in back of the front property setback line and shall not exceed six (6) feet in height from side property line, except key or corner lots.

SECTION 6.5: Record of Easements.

The final map shall show the center line data, width, and side lines of all easements to which the lots are subject. If the easement is not definitely located of record, a statement as to the easement shall appear on the title sheet. Easements for storm drains, sewers, and other purposes shall be designated by broken lines. Distances and bearings on the side lines of the lots which are cut by an easement shall be so shown as to indicate clearly the actual lengths of the lot lines. The width of the easement and the lengths and the bearings of the lines thereof and sufficient ties to locate the easement definitively with respect to the subdivision shall be shown. The easement shall be clearly labeled and identified and if already of record, proper reference to the records given. Easements being dedicated shall be so indicated in the certificate of dedication.

SECTION 6.6: Established Lines.

Whenever the County Road Commissioner has established the center line of a street or alley, those data shall be considered in making the surveys and in preparing the final map, and all monuments found shall be indicated on the map. Proper references made to field books or maps of public record, relating to the monuments. If the points were resurveyed by ties, that fact shall be stated. The final map shall show city boundaries crossing or adjoining the subdivision clearly designated and tied in.

SECTION 6.7: Lot Numbers.

The lots shall be numbered consecutively, commencing with the number one, with no omissions or duplications, provided that where the subdivision is a continuation of or an addition to an existing subdivision, the lot number may commence with the number immediately following the last or highest number of such existing subdivision and in all other respects shall conform with the preceding requirements. Each lot shall be shown entirely on one sheet. Blocks may be used. They shall be numbered or lettered consecutively.
SECTION 6.8: Dedication.

A. The subdivider shall offer to dedicate right-of-way for streets within the subdivision in accordance with Mariposa County standards.

B. No final map shall be approved unless the street or streets providing primary access from a County highway or state highway to the subdivision are dedicated to and maintained by the County, or in those applicable cases to the Countywide service area, or state and said street or streets meet County standards of right-of-way width.

C. Streets which are proposed on the exterior boundaries of a subdivision shall have a dedicated width of not less than 50 feet together with a strip of land one foot wide on its outer edge which shall be offered to the County for street purposes and over which access rights are relinquished.

D. All streets proposed to be terminated at the subdivision boundary shall include a strip of land one foot wide on its outer edge which shall be offered to the County for street purposes and over which access rights are relinquished.

E. Where it is necessary to extend a street beyond the boundaries of a subdivision to provide adequate circulation for residents of the subdivision, the subdivider shall cause the required easements to be dedicated to the County and shall improve said easements in accordance with Mariposa County standards.

F. Where a drainage facility or flood control facility is necessary for the use of lot owners or for the protection of lots, adequate rights-of-way for such drainage facilities or flood control facilities shall be offered for dedication to the County or to such other public entities as the Planning Commission designates and shall be shown on the map.

G. Drainage facilities and flood control facilities within and without the subdivision shall be provided so as to carry storm runoff both tributary to and originating within the subdivision.

H. The subdivider shall offer to dedicate land for park purposes, schools and sanitary disposal sites, pay fees in lieu thereof, or do a combination of both, pursuant to Chapter 1 of Division 10 of Title 8 of the Subdivision Map Act.

I. Whenever a subdivision, subject to the terms of this Ordinance, will result in an increased use of any private, public, or County road, street, or highway beyond the capacity of such road, street, or highway; or wherever, by reason of such subdivision, it is necessary or desirable to improve any private, public, or County road, street, or highway to a higher standard in the interests of public safety or in order to accomplish the purpose of this Ordinance, the subdivider or subdivider proposing such subdivision may be required, as a condition of approval of such subdivision, to improve any private, public, or County road, street, or highway to County road standards then applicable under this Ordinance or any amendment or replacement thereof. Such improvement may include, but shall not necessarily be limited to, any or all of the following:

1. Payment of cost of acquisition of right-of-way or rights-of-way where any such road, street, or highway is owned wholly or in part by someone other than the subdivider or subdivider;

2. Dedication of such right-of-way or rights-of-way as may be necessary in order to meet County road standards as to width, grade, or alignment of any such road, street, or highway;

3. The payment of plan checking fees with regard to acquisition or improvement of any such road, street, or highway;

4. Posting of performance and labor and material bonds for improving any such road, street, or highway.

The County and any subdivider or subdivider may enter into a cooperative agreement for the acquisition or improvement of any such road, street, or highway upon such terms as may be acceptable to the parties. In the event of the refusal or failure of any subdivider or subdivider to meet the County's requirements in the acquisition or improvement of any such private or public or County road, street, or highway, such refusal or failure may be deemed cause for withholding approval of any tentative or final map filed under the provisions of this Ordinance.

J. Each subdivider shall cause the preparation of soil reports for every subdivision as defined by the Ordinance and by Sections 66490 and 66497 of the Subdivision Map Act. Such soil tests shall meet the requirements of the Health and Safety Code, Section 17953 - 17957 and the following requirements:

1. A preliminary soil report prepared by a civil engineer registered by the State of California, based upon adequate test borings or excavations shall be presented to the Planning Commission
with the tentative map of any subdivision, unless the County Engineer or other authorized 
ensforcement agency of the County determines that, due to the knowledge such engineer or 
agency has as to the soil qualities of the soil of the subdivision or lot, no preliminary 
analysis is necessary.

2. If the preliminary soil report indicates the presence of critical expansive soils or other 
soil problems which, if not corrected, would lead to structural defects in any building 
to be constructed, a soil investigation shall take place as to each lot in the subdivision. 
The soil investigation shall be prepared by a civil engineer who is registered in the State 
of California, and shall recommend corrective action which is likely to prevent structural 
damage to any building proposed to be constructed on the expansive or other problem soil.

3. The County Engineer or other enforcement agency charged with the administration and 
enforcement of this ordinance shall approve the investigation if it is determined that 
the recommended action is likely to prevent structural damage to each building to be 
constructed.

4. As a condition to the building permit, the approved recommended action must be incorporated 
in the construction of each building. No building shall be constructed unless such condi-
tion has been inserted in the building permit issued thereof, and such condition complied 
with, or unless the approved recommended action has been complied with in the construction 
of such building.

5. An appeal may be made to the Board of Supervisors from any determination or decision made 
by the County Engineer or other authorized enforcement agency regarding the requirements 
of this Section.

SECTION 6.9: Required Improvements.

A. Before approving a final map or a parcel map containing five (5) or more parcels pursuant to the 
provisions of Government Code, Section 66426 (b) and (d), the Board of Supervisors shall require, 
and before approving a tentative map of a major subdivision, the County Engineer shall require:

1. That the subdivider grade and improve or agree to grade and improve all land dedicated or 
to be dedicated for streets and easements, and all private streets and private easements 
laid out on a final map or parcel map in such manner and with such improvements as are 
necessary for the use of the lot owners in the subdivision and local neighborhood traffic 
and drainage needs, and in accordance with the Mariposa County standards;

2. That the subdivider install or agree to install all drainage and flood control structures 
and facilities required by the County Engineer, which drainage and flood control structures 
and facilities shall conform to the Mariposa County standards;

3. That the subdivider provide proof satisfactory to the County Sanitarian that there exists 
an adequate potable water supply available to each lot or parcel. The Board of Supervisors 
will require that the major subdivider develop and test the water before approval of the 
final map;

4. That the subdivider provide all necessary easements and rights-of-way to accommodate all 
streets, drainage, and flood control structures and facilities and sewer systems extending 
beyond the boundaries of the subdivision.

B. If the Board of Supervisors rejects the offer of dedication of streets delineated on the map 
pursuant to Section 66477.1 of the Subdivision Map Act, no surfacing shall be required on any 
street so rejected by said Board; provided, however, this provision shall not be construed as 
relieving the subdivider of the obligation of:

1. Grading such rejected streets to grades and widths required by the Mariposa County standards.

2. Installing all drainage structures and facilities required by the County Engineer and which 
shall conform to the Mariposa County standards.

3. Installing water supply pipelines, fire hydrants, and connections as may be required by 
the Planning Commission or Board of Supervisors.

C. Where the Planning Commission or Board of Supervisors determines that by reason of the size and 
shape of the proposed lots, the nature of the terrain to be subdivided, the soil condition of 
the lots, and the development of the area in the vicinity of the proposed subdivision, a public 
sewage disposal system serving the lots will be required to preserve the public health, the 
Board of Supervisors shall require the subdivider to install or agree to install a public sewage 
disposal system or a public sewer system serving said lots as a condition precedent to the 
approval of any parcel map or final map.
SECTION 6.10: Monuments.

A. Every final map shall show the following monuments which shall be set by a licensed surveyor or engineer:

1. Boundary monuments: The exterior boundary of the subdivision shall be monumented with permanent monuments not smaller than two-inch [2"] iron pipes at least twenty-four [24] inches long set at each corner, at intermediate points along the boundary not more than one thousand [1,000] feet apart and at the beginning and end points of all curves; provided, if any existing record and identified monument meeting the foregoing requirements is found at any such corner or point, such monument may be used in lieu of a new monument.

2. Lot corner monuments: All lot corners, except when coincident with exterior boundary corner, shall be monumented with permanent monuments of one of the following types: (a) Three-fourth-inch [3/4"] diameter iron pipe at least eighteen [18] inches long; (b) one-half-inch [1/2"] diameter steel rod at least twelve [12] inches long; (c) lead plug and copper identification disks set in concrete sidewalks or curbs.

3. Such additional monuments to mark the limiting lines of streets as the County Engineer may require.

B. The subdivider shall cause the foregoing monuments to be set by a licensed surveyor or engineer.

C. All monuments and their installation shall conform to the Mariposa County standards.

D. All of the foregoing monuments shall be set prior to the approval of the map by the Board of Supervisors unless the setting thereof is deferred in accordance with Section 66496 of the Subdivision Map Act; provided, however, the setting of exterior boundary monuments shall not be deferred if the County Engineer determines that such monuments might be disturbed by the construction of improvements.

E. Where the setting of monuments is deferred following filing of a final map, such monuments shall be set within 30 days after the completion of the required improvements and the acceptance thereof by the County. The setting of monuments shall not be deferred if a parcel map is filed.

SECTION 6.11: Improvement Security: Required.

Any improvement agreement, contract, or act required or authorized by the Subdivision Map Act, for which security is required, shall be secured in the manner provided for in Section 66499 of the Subdivision Map Act.


The improvement security shall be in the amount set forth or authorized in Section 66499.3 of the Subdivision Map Act. If the improvement security is other than a bond or bonds furnished by duly authorized corporate surety, an additional amount shall be included as determined by the Board of Supervisors as necessary to cover the cost and reasonable expenses and fees, including reasonable attorneys' fees, which may be incurred by the County in successfully enforcing the obligation secured.

The improvement security shall also secure the faithful performance of any changes or alterations in the work to the extent that such changes or alterations do not exceed ten percent of the original estimated cost of the improvement.


The improvement security required hereunder shall be released in the following manner:

A. Security given for faithful performance of any act or agreement shall be released upon the final completion and acceptance of the act or work subject to the provisions of subparagraph (b) hereof.

B. The County Engineer or other designee may release a portion of the security in conjunction with the acceptance of the performance of the act or work as it progresses upon application therefor by the subdividers; provided, however, that no such release shall be for an amount less than 50 percent of the total improvement security given for faithful performance of the act or work and that the security shall not be reduced to an amount less than 50 percent of the total improvement security given for faithful performance until final completion and acceptance of the act or work. In no event shall the County Engineer authorize a release of the improvement security which would reduce such security to an amount below that required to guarantee the completion of the act or work and any other obligation imposed by this ordinance, the Subdivision Map Act, or the improvement agreement.
C. Security given to secure payment to the contractor, his subcontractors, and to persons furnishing labor, materials, or equipment, may, six months after the completion and acceptance of the act or work, be reduced to an amount equal to the amount of all claims then for filed and of which notice has been given to the legislative body, plus an amount reasonably determined by the County Engineer to be required to assure the performance of any other obligations secured thereby. The balance of the security shall be released upon the settlement of all such claims and obligations for which the security was given.

D. No security given for the guaranty or warranty of work shall be released until the expiration of the period thereof.

SECTION 6.14: Reversions.

A. Subdivided real property may be reverted to acreage, pursuant to the Subdivision Map Act, Chapter 6. Proceedings for reversion to acreage may be initiated by the legislative body on its own motion or by petition of all of the owners of record of the real property within the subdivision.

VII.

Fees

SECTION 7.0: Fees; Tentative, Parcel, and Final Maps.

Every person submitting a tentative, parcel, or final map shall pay a processing fee in an amount prescribed by resolution of the Board of Supervisors passed pursuant to this Ordinance.

VIII.

Planned Development

SECTION 8.0: Planned Development.

A. A planned development may be proposed for any minor or major subdivision as described in this Ordinance.

B. A planned development is intended to provide an alternative which can permit and enjoin logical or desirable development and carry out the objective of the General Plan by:

1. Permitting the initial development or enlargement of commercial districts in close proximity to residential areas while protecting the character and quality of adjacent residential uses.

2. Permitting commercial developments on lots smaller than County minimums in appropriate locations within commercial land use classification with suitable controls imposed.

3. Permitting clusters of multiple-family developments or single-family dwellings on lots smaller than County minimums in appropriate locations within single-family land use classifications with suitable controls imposed.

4. Providing for the location, under suitable safeguards of desirable types of research and manufacturing uses adjacent to and within commercial or residential uses.

5. Permitting planned developments on a large scale which would include a combination of any two or all of the above-mentioned developments.

6. Permitting the re-development of parcels for residential, commercial, or industrial purposes or any combination thereof, in areas already built upon, but which now have marginal development.

C. Application for a planned development zone may be filed and processed simultaneously with application for minor or major subdivision.

IX.

Enforcement

SECTION 9.0: Enforcement.

Whenever the County Assessor or the head of any other County department finds that the provisions of this Section or the Subdivision Map Act have been violated, he shall report such violation to the Planning Commission. It shall be the duty of said Planning Commission to investigate such report and enforce the provision of this Section and the Subdivision Map Act.
SECTION 9.1: Notice of Violation.

Whenever the Planning Commission has knowledge that real property has been divided, or has resulted from division, in violation of the provisions of the Subdivision Map Act or County ordinances enacted pursuant thereto applicable at the time such violation occurred, it shall cause to be filed for record with the County Recorder a notice of violation. Such notice of violation, when recorded, shall be deemed to be constructive notice of the violation to all successors in interest in such real property.


No person shall convey any parcel or parcels of real property nor shall any permits be issued nor any construction commenced upon property for which a subdivision map is required by this Ordinance or the Subdivision Map Act, until such map thereof is in full compliance with the provisions of this Ordinance and the Subdivision Map Act has been filed for record by the County Recorder.

SECTION 9.3: Building Permit Applications to Be Referred to Planning Commission.

Whenever any person submits an application to the Building Inspector and/or County Sanitarian for a building permit, or permit to install a septic tank, the Building Inspector and/or County Sanitarian shall refer such application together with the plot plan to the Planning Commission for their determination as to whether such proposed construction would create a subdivision. The Building Inspector shall not issue any building permit or permit to install for such proposed construction unless the Planning Commission has approved the plot plan and determined that the proposed construction would not constitute a violation of the Subdivision Map Act or this Ordinance.

SECTION 9.4: Inspection of Building Permit for Subdivision Violation; Certificate of Compliance.

Upon receipt of a written notification from the permit-issuing authority, or the body authorized to grant approval, that a permit or approval is being sought to develop real property which has been subdivided or which has resulted from a division in violation of the Subdivision Map Act or the Subdivision Map Ordinance, or upon receipt of a written request for a determination from the owner of such real property, the Planning Commission, or on appeal, the Board of Supervisors, shall determine whether such real property is or is not approved for development, and shall so inform the owner thereof and the authority or body which has originated said notification. If it is determined that such real property is otherwise approved for development, but for the apparent violation of the Subdivision Map Act and/or Subdivision Ordinance, the Planning Commission, or on appeal, the Board of Supervisors, shall impose such conditions including dedication requirements as would have been applicable to the division of the property at the time the current owner of record acquired the property and are appropriate to satisfy the requirements of the Subdivision Map Act, the Subdivision Ordinance, public health and safety considerations and other considerations as are hereinafter specified, and upon the completion of all such conditions, the Planning Commission shall cause a Certificate of Compliance relative to the subject real property and reflecting such conditions to be filed with the County Recorder.

SECTION 9.5: Properties Eligible for Certificate of Compliance.

Certificates of Compliance shall be issued for only real property that:

A. Was divided, or resulted from a division, in compliance with County ordinances regulating the division of real property and the Subdivision Map Act applicable at the time such real property was divided or resulted from such division.

SECTION 9.6: Appeal to Planning Commission and Board of Supervisors.

Any interested person may likewise appeal to the Planning Commission and the Board of Supervisors from any decision of the Planning Commission made relative to the provisions of Government Code Sections 66473.5, 66474, 66474.1, and 66452.5.

SECTION 9.7: Penalties.

Any person, firm, or corporation, whether as principal, agent, employee, or otherwise, violating any of the provisions of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof, shall be punishable by a fine of not more than three hundred dollars ($300) or by imprisonment in the County Jail of the County for a term not exceeding three (3) months or by both fine and imprisonment.

PASSED AND ADOPTED, by the Board of Supervisors of the County of Mariposa, this 24th day of August, 1976, by the following vote: AYES: Clark, Dalton, Long, Richardson.

NOES: None.

ABSENT: Moffett.

NOT VOTING: None.

ATTEST:

[Signature]
ELLEN BRONSON, County Clerk &
ex officio Clerk of the Board

[Signature]
TOM R. RICHARDSON, Chairman Pro Tem
Board of Supervisors