

Chapter 16.12

MINOR SUBDIVISIONS

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16.12.010 Procedure.

No person shall create a minor subdivision except in accordance with a parcel map approved pursuant to this title, resolutions passed in furtherance of this title 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 title. (Ord. 429 Sec.4.0(part), 1976).

16.12.020 Applicability.

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 conduit and appurtenances;

B. 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. (Ord. 429 Sec.4.0(part), 1976).

16.12.030 Tentative parcel map required.

A. Any person proposing to create a minor subdivision pursuant to this chapter shall file with the planning department a tentative parcel map application pursuant to the provisions of this title and resolutions passed in implementation of it. The planning department shall review and process the application pursuant to the provisions of this title and implementing resolutions. 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 thereon has been approved by the planning commission. (Ord.711 Sec.1, 1988).

B. Based on a report by the planning department the planning commission will take action on the application and environmental determination and adopt findings of fact on any division of land. The planning commission shall make its findings of fact within thirty-five (35) days following completion of a preliminary negative declaration or final environmental impact report. The findings and conditions shall be entered into the planning commission minutes filed in the planning department. The commission may also hold for further study if the initial study is insufficient. (Ord. 911 Sec.II, 1997; Ord. 711 Sec.1, 1988).

C. A preliminary map will be required for a lot line adjustment between two (2) or more adjacent parcels, where the land taken from one (1) parcel is added to an adjacent parcel, and where a greater number of parcels than originally existed is not thereby created, and this preliminary map may be approved by the planning director. Notice of an approved lot line adjustment shall be the same as specified by Section 17.08.120.D. of County Code. (Ord. 911 Sec.II, 1997; Ord. 711 Sec.1, 1988).

16.12.034 Completeness of application.

Not later than thirty (30) calendar days after receiving an application, the planning department shall notify the applicant in writing as to the completeness of the application. If the application is not complete, the planning department shall specify those parts of the application which are incomplete, and shall indicate the manner in which the application can be made to meet the requirements of the county. The applicant may be requested to clarify, amplify, correct or otherwise supplement the information required for the application. The applicant shall have the burden of informing himself of the requirements for compliance with Sections 16.12.090 through 16.12.190 of this chapter. After the planning department accepts an application as complete, the application shall not be refused for failure to provide any new, or additional information. (Ord. 711 Sec.2, 1988).

16.12.036 Procedure for processing tentative parcel and parcel maps.

Procedure for processing of tentative parcel and parcel maps described in Section 16.12.090 through 16.12.300 of this chapter shall be as follows:

A. Each application for a land division permit shall be submitted to the planning department.

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, other information, and the number of copies of such maps shall be set out by resolution.

C. Upon acceptance of the application for processing, the planning department will complete a preliminary staff report and initial study. After consultation with the applicant and affected agencies, staff will finalize recommendations on the project and determine whether a negative declaration should be issued or an environmental impact report be prepared. This would include any agreements to revise project plans or proposals in order to avoid or mitigate potential significant impacts.

D. If the staff determines a negative declaration should be issued, appropriate findings, and recommendations regarding the approval or denial of the application will be prepared. Staff will complete appropriate forms, and prepare a final report to the planning commission. A hearing will then be scheduled and public notice given for planning commission consideration of the environmental determination and the proposed subdivision.

E. If the staff determines an environmental impact report should be prepared, the matter shall be scheduled for consideration by the planning commission to confirm the requirements. A notice of preparation shall be prepared and distributed to establish the scope for the document. Upon completion of the environmental impact report in accordance with the county's environmental guidelines, staff will prepare a final report and schedule a noticed public hearing before the planning commission for certification of the environmental impact report and final action on the project.

F. With completion of all reports and environmental review procedures, a hearing will be scheduled before the planning commission. Public notice will be provided in accordance with the Map Act and Section 17.132 of County Code.

G. The public hearing will be conducted in accordance with Section 17.132 of county ordinance and planning commission resolution. Commission considerations will include all reports and recommendations from the staff. Testimony from the applicant and public will also be considered.

H. The commission will act to adopt a negative declaration, or certify the environmental impact report if one was prepared. The planning commission will take final action on the application by approving, conditionally approving, or denying the tentative map.

I. Action by the planning commission on either the project or the environmental determination is subject to appeal. The filing of appeals and subsequent hearings before the board of supervisors shall be in accordance with county ordinance Section 17.136 and appeals resolution.

J. When approval of the tentative map has been given, the applicant shall have three (3) years in which to submit the parcel map, pursuant to Section 16.12.430 of this chapter.

K. The county surveyor's office will take action on the map as per Government Code Section 66450.

L. 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. Under no conditions shall the original map and/or filing fee be submitted until they are requested. (Ord. 911 Sec.II, 1997; Ord. 711 Sec.3, 1988).

16.12.040 Alleys.

A. 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.

B. Alleys at the rear of industrial or unlimited multiple residential property shall have special considerations to design, location, and possible increase width, for the development of the particular use involved. (Ord. 429 Sec.4.2(part), 1976).

16.12.050 Front yard.

No buildings, exclusive of eaves, shall be erected closer than:

A. Fifty feet from the centerline of a forty foot or fifty foot existing or future local road;

B. Sixty-five feet from the centerline of a sixty-foot secondary road or a county major highway. (Ord. 429 Sec.4.2(part), 1976).

16.12.060 Side yard.

There shall be a side yard of not less than ten feet from the side of a building exclusive of eaves, to an interior proper-

ty line. A side yard on a corner lot, abutting a road or highway shall have the same requirements as the front yard of the lot. (Ord. 429 Sec.4.2(part), 1976).

16.12.070 Rear yard.

The depth of the rear yard shall be twenty-five feet; except, wherein a corner lot has a depth of not more than fifty feet, then the depth of the rear yard shall not be less than ten feet. Accessory buildings, exclusive of eaves, may be built to the ten-foot line, however, no permanent structure shall be located in a utility easement. (Ord. 429 Sec.4.2(part), 1976).

16.12.080 Fences and walls.

Fences and walls shall not exceed four feet in height in back of the front property setback line and shall not exceed six feet in height from side property lines, except on key or corner lots. (Ord. 429 Sec.4.2(part), 1976).

16.12.090 Copies of tentative parcel map--Information required.

Copies of a tentative map shall be drawn to scale on light paper using contrasting ink. Size shall be not larger than eighteen inches by twenty-six inches nor smaller than eight and one-half inches by eleven 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;
3. 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 course;
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, access across federal and/or state lands which are open to the public, a public road on which the county has expended funds for maintenance and improvement

from the Motor Vehicle License Fee Fund, a public road which has been adjudged as such by a court of competent jurisdiction, a private road which the county has improved pursuant to the provisions of Streets & Highways Code Section 969.5 and a grant of right-of-way has been made to the county for the use of the general public in perpetuity;

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. (Ord. 462 (part), 1977; Ord. 429 Sec.4.3(A), 1976).

16.12.100 Planning commission requirements.

Planning commission requirements are as follows:

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

B. Drainage and flood control on the property may require the approval by the county engineer if so requested by the planning commission.

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

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

E. All information shall be legible after reproduction.

F. A preliminary soil inventory and analysis may be requested of soil conservation service by the planning commission.

G. Prior to any final approval of a land division, as provided herein, the applicant shall file with the planning commission a certificate from the county tax collector acknowledging the records of the tax collector's office reflect there are no delinquent or unpaid tax liens against the property, or any part thereof, for unpaid state, county, or local taxes or special assessments not yet payable. The planning commission shall not approve the division until all delinquent and unpaid land assessments have been paid. (Ord. 446 Sec.1(part), 1977; Ord. 436 Sec.2, 1977; Ord. 429 Sec.4.3(B), 1976).

16.12.110 Road standards--Generally.

Any proposed easement shall be laid out in such a manner that a road can be constructed meeting the additional conditions set forth in Sections 16.12.120 through 16.12.180. (Ord. 429 Sec.4.3(C)(1)(part), 1976).

16.12.120 Road standards--Grade.

No portion of a proposed road will exceed fifteen percent grade upon completion of construction. (Ord. 462 (part), 1977; Ord. 429 Sec.4.3(C)(1)(a), 1976).

16.12.130 Road standards--Relationship to other roads.

The proposed road relates or will allow a relationship to existing or potential roads in the vicinity. (Ord. 462(part), 1977; Ord. 429 Sec.4.3(c)(1)(b), 1976).

16.12.140 Road standards--Staking margins.

The applicant shall identify the proposed easement by staking the outer margins of the easement at two-hundred-foot intervals on straight alignments and at fifty-foot intervals on curved alignments with wooden stakes not below thirty-six inches from the ground which are tied with colored ribbons visible at a distance of two hundred feet. (Ord. 462 (part), 1977; Ord. 429 Sec.4.3(C)(1)(c), 1976).

16.12.150 Road standards--Dedication.

There shall be an offer of road dedication for a road thirty feet or more on 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 the parcel or divisions thereof, a thirty-foot or more dedication shall be offered on each side of the centerline of the road. The centerline of the road shall be shown on the map and monumented in accordance with the requirements of the road department. (Ord. 462 (part), 1977; Ord. 429 Sec.4.3(C)(1)(d), 1976).

16.12.160 Road Standards--Nonexclusive Easement.

A. There shall be a nonexclusive easement for each parcel to one of the following:

1. A county highway;
2. A state highway;
3. Access across federal and/or state lands which are open to the public; and
4. A private road which the county has improved pursuant to the provisions of Streets & Highways Code Section 969.5 and a grant of right-of-way has been made to the county for the use of the general public in perpetuity. (Ord. 811 Sec.I, 1991; Ord. 462 (part), 1977; Ord. 429 Sec.4.3(C)(1)(e), 1976)

B. The access easement shall be sixty-foot wide nonexclusive as a condition of approval. The sixty-foot width may be reduced to such less width as required by the Planning Commission in relationship to the ultimate usage and potential future development. An irrevocable offer of dedication will be required on easements as required by the Mariposa County Road Improvement and Circulation Policy. Private easements shall be used, unless otherwise requested by the applicant, for rural roads serving less than 5 parcels and no off-site parcels. (Ord. 462 (part), 1977; Ord. 429 Sec.4.3(C)(1)(e), 1976; Ord. 767 Sec.1, 1990).

16.12.170 Road standards--Easement to conform to county standards.

Easement shall conform to Mariposa County improvement standards, adopted August 18, 1970, and addendum to standards, pursuant to Government Code Section 66462(b), which standards are in the office of the county clerk, county of Mariposa, Mariposa, California, or such less standards determined by the planning commission in relationship to ultimate usage and potential future development. Width of road shall be specified by the planning commission. Road surface will be determined by grade and soil type. The easement shall lead from each parcel created by parcel map, including remainder, to a road described in Section 16.12.160. (Ord. 462 (part), 1977; Ord. 429 Sec.4.3(C)(1)(f), 1976).

16.12.175 Road standards--Identification signs.

When an easement road is named in accordance with the adopted policy covering easement road naming, identification signs shall be installed in the following locations:

A. Within the subdivision's boundaries, sign shall be installed at the intersection of every named easement road, county road, state highway, or public road.

B. Any access easement which intersects a county road, state highway, or public road outside of the subdivision boundaries shall have an identification sign installed at said intersection.

All road identification signs shall be designed, constructed, and installed in accordance with the standards established by the county road department. (Ord. 593 Sec.1(part), 1982).

16.12.180 Road standards--Construction.

The planning commission may require the applicant to construct a road on the easement prior to recordation of the parcel map, and may require submittal of engineered plans for road improvement to the county engineer for approval. All road construction is subject to approval of the county engineer prior to recordation of parcel map. (Ord. 462 (part), 1977; Ord. 429 Sec.4.3(C)(1)(g), 1976).

16.12.190 Excavation and grading.

A. No person shall do any excavation, grading, or earthwork construction, including fill and embankments, without first having obtained a grading permit from the building official, except for the following:

1. Grading in an isolated, self-contained area if there is no danger apparent to private or public property;

2. 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 feet after the completion of such structure;

3. Cemetery graves;

4. Refuse disposal sites controlled by other regulations;

5. Excavations for wells or tunnels or utilities;
 6. 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;
 7. Exploratory excavations under the direction of soil engineers or engineering geologists;
 8. An excavation which (a) is less than two feet in depth, or (b) does not create a cut slope greater than five feet in height and steeper than one and one-half horizontal to one vertical;
 9. A fill less than one foot in depth, and placed on natural terrain with a slope flatter than five horizontal to one vertical, or less than three feet in depth, not intended to support structures, which does not exceed fifty cubic yards on any one lot and does not obstruct a drainage course.
- B. These exemptions may require a permit from another agency. The burden is upon the applicant to make inquiry if a permit is needed. (Ord. 429 Sec.4.3(D), 1976).

16.12.200 (Repealed).

16.12.210 Appeal of decision.

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. (Ord. 429 Sec.4.3(F)(1), 1976).

16.12.220 Parcel map--Drafting.

- A. Material shall be tracing cloth or polyester base film.
- B. Size shall be eighteen inches by twenty-six inches.
- C. Border shall be one inch on each side.
- D. All information shall be legible after reproduction.
- E. Map shall be lettered so as to read only from bottom or right side of map with eighteen inches binding edge to the left.
- F. Sheet numbering shall read "Sheet_____ of _____Sheets" if more than one sheet is required.
- G. Cross-referencing shall read "See Sheet_____" if more than one sheet is required.
- H. All property boundaries within the survey shall be shaded or shown by a heavy line to make them distinct.
- I. All linework, lettering, and signatures shall be done with black ink of a permanent type, preferably india ink, and shall be waterproof. (Ord. 429 Sec.4.4(A), 1976).

16.12.230 Parcel map--Title block.

Title block requirements are:

- A. Location shall be at the right side of the sheet(s).
- B. The title block shall contain the following information:
 1. RECORD of SURVEY or PARCEL MAP (large lettering);

2. Name of party(ies) for whom the survey was done;
Example: PARCEL MAP
for
John and Mary Jones
3. Description of location shall include base and meridian, range, township, section, and any further breakdown of the section as may apply;
4. Acreage involved;
5. Unincorporated area of county (if applicable);
6. Mariposa County, California;
7. Legal subdivision in which located (if applicable);
8. Date and scale. (Ord. 429 Sec.4.4(B), 1976).

16.12.240 Parcel map--North arrow.

- A. Shall point away from reader as described under Section 16.12.200E.
- B. If the north arrow is for grid north, true north shall be shown also with the required rotation between the two indicated thereon. (Ord. 429 Sec.4.4(C), 1976).

16.12.250 Parcel map--Certificates.

- A. Certificates shall appear on the right of the sheet whenever possible.
- B. Certificates shall consist of the following:
 1. Surveyor's certificate and seal;
 2. County surveyor's certificate;
 3. County recorder's certificate;
 4. Owner's Certificate;
 5. Acknowledgment. (Ord. 429 Sec.4.4(D), 1976).

16.12.260 Parcel map--Basis of bearing.

- A. Basis of bearing shall be taken from a line between two existing monuments set by one of the following methods:
 1. Astronomical observation by direct observation in accordance with latest acceptable methods. Calculations shall be submitted with the map;
 2. California State Plane Coordinate System, Zone III; show stations used and how they were determined;
 3. County surveyor's office records;
 4. Recorded map(s) which have been determined by subdivisions 1 through 3 above:
 - a. Magnetic bearing is not acceptable,
 - b. When referring to a map of record, a statement of determination of bearing shall be made,
 - c. If the basis of bearing on a record map cannot be determined, then methods 1 through 3 of this subsection shall be employed to arrive at a true basis of bearing,
 - d. If a recorded map is used, identify the line used as the basis of bearing.
- B. The basis of bearing shall be identified by a statement on the map under a heading "Basis of Bearing." (Ord. 429 Sec.4.4(E), 1976).

16.12.270 Parcel map--Monuments.

A. Monuments (set or found) shall be identified on the map by showing the following:

1. Material composition;
2. Outside dimensions (if applicable);
3. Relative ground elevation (if applicable);
4. Surveyor's or civil engineer's tag number (if none, so note).

B. 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.

C. 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. (Ord. 429 Sec.4.4(F), 1976).

16.12.280 Parcel map--References.

A. All reference data shall be data on file in the office of the county recorder or office of the county surveyor.

B. No reference shall be made to unrecorded information or maps not available in either of the two offices listed in subsection A.

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

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

E. Reference data may be submitted to the county surveyor's office to be kept on file for future reference.

F. Information regarding corner ties and filing same as per AB 1614 may be obtained at the office of the county surveyor. (Ord. 429 Sec.4.4(G), 1976).

16.12.290 Parcel map--Miscellaneous data.

A. Each parcel shall have its acreage shown.

B. Bearings and Distances.

1. (R&M) shall be shown after a bearing and distance when record information on adjoining property is in agreement.

2. (R) shall be shown after a bearing and distance when record information on adjoining property is not in agreement.

3. Conversion factors shall be given for all distances and bearings shown as part of the California State Plane Coordinate System.

C. Purpose, name, and width of roads, rights-of-way, and easements adjacent to and/or within the survey shall be indicated.

D. All easements given for access purposes shall be nonexclusive. Any other easements shall show the purpose for which they will be used.

E. 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.

F. When any curve is used as part of a survey, the following data shall be given:

1. Radius;
2. Central angle (delta);
3. Tangent distance;
4. Length of curve.

G. When a curve is shown as part of a survey, it shall be assumed that its radial bearing is a ninety degrees with lines abutting it. If a curve is not at ninety 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.

H. Information on Rancho Las Mariposas sections shall be considered as projected only and shall so state on the map. (Ord. 429 Sec.4.4(H), 1976).

16.12.300 Parcel map--Survey data.

A. There shall be a minimum of two survey ties to independent points and a reference made to said points. Survey ties shall be from the following:

1. Ties to adjoining property of record;
2. Legal subdivision corners;
3. Road right-of-way points;
4. Any point on file in the office of the county recorder or point on file in the office of the county surveyor;
5. Two or more U.S. Coast and Geodetic Survey on State of California triangulation stations.

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

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

D. 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.

E. 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.

F. 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 foot in five thousand 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. (Ord. 429 Sec.4.4(H), 1976).

16.12.310 (Repealed).

16.12.315 Approval of parcel maps.

A. It shall be the responsibility of the county engineer to approve all parcel maps prior to recordation in the official records. The county engineer shall ensure compliance with the following requirements prior to approving a parcel map for recordation.

1. Compliance with all conditions applied to the tentative parcel map by the planning commission.

2. Payment of property taxes on the subdivided property in accordance with Section 16.12.395 of this title.

3. That the parcel map is in substantial compliance with the tentative parcel map approved by the planning commission.

4. That the parcel map complies with all surveying, mapping, and other requirements established by the *Subdivision Map Act* and this title.

B. The county engineer shall have the authority to accept, accept subject to improvement, or reject offers of dedication on behalf of the public for dedications provided by certificates on a parcel map or other document. Action on such dedications shall take place in accordance with the provisions of this title, *The Mariposa County Road Improvement and Circulation Policy* and recommendations by the planning commission.

1. Public utility easements shall be accepted on behalf of the county and the public. Acceptance shall be solely for the purpose of permitting the development of necessary public utilities, and shall not obligate the county to assume any responsibility or liability related to the easements.

2. Offers of dedication for right-of-way contiguous to roads in the county road system shall be accepted for public access and maintenance.

3. Offers of dedication shall be accepted, accepted subject to improvement, or rejected. Offers of dedication for road right-of-way outside of the established county road system may be accepted for the purpose of access, circulation, public utility purposes and for use by the public but not for maintenance. Roads accepted for access may also be accepted into the county road system for maintenance at the direction of the board of supervisors providing they have been constructed to an appropriate level according to the *Mariposa County Improvement Standards*.

4. Offers of dedication for road rights-of-way accepted for public access and circulation but not for maintenance, shall not obligate the county to assume any liability or responsibility related to the right-of-way.

5. Any offers of dedication which are rejected shall remain open and may be accepted at any later date by the county engineer.

C. The county engineer, upon approval of a parcel map, shall sign a certificate on the map indicating the acceptance or rejection of the dedications offered by such map and transmit the map to the county recorder for recordation. (Ord. 779 Sec. 1, 1990).

16.12.320 Sanitary disposal requirements--Stockton Creek Watershed and Mariposa Creek Watershed.

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 the 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 Sections 16.12.330 through 16.12.380. (Ord. 429 Sec.4.6(A), 1976).

16.12.330 Percolation tests--Required when.

Percolation tests and soil analysis will be required on all proposed parcels of six acres or less, and on all parcels where the health department determines that soil tests are necessary to form a valid opinion and prepare a recommendation. 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. (Ord. 436 Sec.3, 1976; Ord. 429 Sec.4.6(B), 1976).

16.12.340 Repealed.

16.12.350 Repealed.

16.12.360 Repealed.

16.12.370 Repealed.

16.12.380 Repealed.

16.12.390 Additional requirements.

The following requirements may govern and/or supersede the information contained in this title:

- A. Land Surveyor's Act;
- B. Subdivision Map Act;
- C. Applicable state laws;
- D. Local ordinances and resolutions. (Ord. 429 Sec.4.7, 1976).

16.12.395 Payment of taxes.

Prior to the recordation of a parcel map or other document finalizing a subdivision, and as a condition thereof, all real property taxes assessed against any parcel or portion of a parcel set forth on said map, or other document, which at the time the map or other document is recorded are a lien against the property, but which are not yet payable, shall be paid. The burden of producing evidence to establish payment is full shall be upon the person or persons submitting such map for recording. (Ord. 684 Sec.1, 1987).

16.12.400 Waiver of parcel map.

A. Other provisions to the contrary notwithstanding, the requirement that a parcel map be prepared, filed with the county engineer and recorded may be waived providing 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 title and the Subdivision Map Act.

B. In the case of a minor subdivision wherein each resulting parcel has a gross area of not less than forty 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.

C. Other provisions to the contrary notwithstanding, the requirement that the signature of the holder or beneficial interests under the trust deeds or the trustee under such trust deeds appear on parcel maps is waived and said signatures may be omitted save and except in those situations where there has been a dedication or an offer of dedication in connection with the parcel map. (Ord. 450 Sec.1, 1977; Ord. 429 Sec.4.8, 1976).

16.12.410 Minimum parcel size.

A. Parcels shall have a minimum size of two and one-half 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 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 fifteen percent. The burden is upon the applicant to show that such system meets the laws and standards of the state and the county.

C. Parcels shall have a minimum size of nine thousand square feet if:

1. They are within a recognized public or private utility district or a recognized service area 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 and the county relating to domestic water supply and sewage disposal system. The burden is upon the applicant to show that such system meets the laws and standards of the state and county. (Ord. 462 (part), 1977; Ord. 429 Sec.4.9, 1976).

16.12.420 Mergers.

A parcel map may be filed, pursuant to the Subdivision Map Act, Chapter 6, section 66499.20-3/4, for the purpose of merging land previously subdivided and consisting of four or less contiguous parcels under the same ownership. The deputy advisory agency (planning director) is the approval authority for these proposals. The requirement for a parcel map may be waived by the deputy advisory agency upon finding that any dedications or offers of dedication to be vacated or abandoned are unnecessary for present or prospective public purposes. An instrument evidencing the merger and extinguishing any underlying historic parcels shall be recorded. (Ord. 920 Sec.II, 1997; Ord. 429 Sec.4.10, 1976).

16.12.430 Expiration of tentative maps.

An approved or conditionally approved tentative map shall expire at the end of the time period specified in Government Code Section 66452.6 and other provisions of state law, provided however, that the planning commission may extend the expiration day up to the time limit for extensions specified in state law after notice is given in the same manner as the original approval. (Ord. 911 Sec.II, 1997; Ord. 576 Sec.6, 1982).