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### **Sec. 17-17 Subdivision.**

(A) **Definition.** "Subdivision" is the division of land as defined by California Government Code Section 66424 (Subdivision Map Act).

(B) **Exclusions.** "Division of Land" does not include, nor shall this Chapter apply to,

- (1) The financing or leasing of apartments, offices, stores, or similar space within an apartment building, industrial building, commercial building, mobile home park, or trailer park;
- (2) Mineral, oil, or gas leases;
- (3) Land dedicated cemetery purposes under the Health and Safety Code of the State of California;
- (4) The conveyance or transfer of any interest therein to the United States, to the State of California, to the County of Mendocino, or to any city, school district, special district, or public utility;



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(5) A boundary line adjustment which has been approved by the Subdivision Committee and which meets the definition of such as expressly set forth in this Chapter;

(6) The conveyance, transfer, creation, or establishment of an easement for sewer, water, or gas pipelines and appurtenance, or electrical or telephone poles and lines and appurtenances, or drainage, or private road purposes except when such private road easements are created by a subdivider over lands he has previously divided and said easements did not appear on the tentative map thereof;

(7) A lot or parcel of land released from a deed of trust where the owner of record remains unchanged; for the purpose of this exception, the division of land shall be deemed to occur upon a sale of such parcel or parcels to others than the parties to the Deed of Trust;

(8) The transfer of land or any interest therein by a deed which expressly restricts the use of the land to the construction, maintenance, and operation of a public utility; and

(9) A boundary line agreement entered into for the purpose of, and having the sole legal effect of, clearly establishing the common boundary line or lines between two or more contiguous property owners, said boundary line, or lines, having heretofore been uncertain as to physical location.

(C) **Condominiums.** "Subdivision" includes a condominium project, as defined in Section 1350 of the Civil Code, and a community apartment project as defined in Section 11004 of the Business and Professions Code.

(D) **Contiguity.** Property shall be considered as contiguous units even if it is separated by roads, streets, utility easements, or railroad rights of way.

(E) **Cumulation of Parcels.** The following rules shall apply for computing the number of parcels being created at the time of a division of land:

(1) In addition to the parcel or parcels being created, there shall be counted as a parcel every parcel contiguous to that being created, or contiguous to a parcel created subsequent to April 27, 1971, which has at any time subsequent to the aforesaid date been sold, leased, financed, given, conveyed, transferred, owned, or retained by the owner or subdivider.

(2) For the sole and limited purpose of determining whether a division of land is to be processed as a minor division, or as a subdivision or parcel division, there shall be counted as a parcel every parcel contiguous to that being created, or contiguous to a parcel created subsequent to September 20, 1963, which has at any time between that date up to and including April 27, 1971, been sold, leased, financed, given, conveyed, or transferred by the owner or subdivider.



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(3) The provisions of subdivisions (E)(1) and (E)(2) of this section do not apply if (a) the subdivider and the owner at the time of creating such previously-created parcel or parcels had no present intent to create any additional parcels out of contiguous property, and (b) the subdivider and the owner execute and file with the Director of Planning and Building Services a notarized affidavit to that effect on a form to be prescribed by the Director.

(4) Notwithstanding the provisions of subdivision (E)(3), if the Subdivision Committee determines there are facts which reasonably warrant a suspicion that the subdivider or owner intended to create an additional parcel or parcels at the time of the subdivision referred to in subdivision (E)(3), the subdivider and the owner, in addition to filing an affidavit, shall have the burden of proving, by clear and convincing evidence presented to the Committee, that there was a lack of such present intent to create an additional parcel or parcels at the time of that subdivision. (*Ord. No. 820, adopted 1971; Ord. No. 969, adopted 1972; Ord. No. 1078, adopted 1973; Ord. No. 1220, adopted 1974; Ord. No. 1433, adopted 1975; Ord. No. 4001 (part), adopted 1998*)

**Sec. 17-17.5 Boundary Line Adjustment.**

"Boundary line adjustment" means the transfer of property by deed to a respective owner or owners of contiguous property for the purpose of adjusting a boundary line and not for the purpose of creating an additional lot or parcel. In order for a transfer of property to be treated as a boundary line adjustment rather than as a division of land, there shall be submitted to the Director of Planning and Building Services a tentative map. The tentative map shall be clearly marked "Boundary Line Adjustment." The tentative map shall be a sketch clearly and legibly drawn. The minimum sheet size shall be eight and one-half (8 ½) by eleven (11) inches, and the scale shall be consistent with the content of the map. The tentative map of a proposed boundary line adjustment shall contain the following information:

- (A) A site sketch showing the location of affected properties.
- (B) Assessor's parcel numbers of affected properties.
- (C) Names, addresses, and phone numbers of affected property owners and their agents.
- (D) Date map was prepared, north point, and scale.
- (E) The approximate location of all existing or proposed easements together with the purpose thereof.
- (F) Proposed boundary line adjustment showing approximate location of existing and proposed property boundaries.



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(G) When deemed applicable by the Subdivision Committee, the approximate location of important physical features which are within or adjacent to the affected properties including, but not limited to, public and private streets, existing buildings, lakes and ponds, springs, significant water courses, fences, wells, private sewage disposal systems, culverts, underground structures, overhead structures, major excavations, and mining shafts.

(H) The tentative map shall be reviewed by the Subdivision Committee, which may approve the boundary line adjustment proposed therein subject to whatever conditions it deems reasonable and that conform to Government Code Section 66412, subdivision (d), including requirements to insure that the adjustment shall not have the effect of creating a new lot or parcel. When completed, a boundary line adjustment shall extinguish all underlying parcels, parcel fragments, and parcel lines, whether created by deed, patent, previous boundary line adjustment, or previous county subdivision.

(I) A boundary line adjustment shall not be approved by the Committee, nor shall the deed or deeds completing the adjustment be recorded, until the chairman of the Committee has certified in writing that all of the conditions of approval have been satisfied, including:

(1) That the Assessor has been notified, by a combining agreement, of the pending changes in parcel configuration; and

(2) That the Treasurer-Tax Collector certifies that all taxes and assessments due on each parcel affected by the adjustment have been paid or cleared, and that a deposit to secure payment of the taxes and assessments which are due but not yet payable have been made.

(J) Within two (2) years after approval by the Subdivision Committee, the owner or owners shall cause a deed or deeds to be recorded which shall cause the boundary lines to be adjusted as approved. No parcel map need be filed in order to accomplish a boundary line adjustment. Land which has been affected by a boundary line adjustment shall not be deemed by that fact alone to have been divided. (*Ord. No. 4001 (part), adopted 1998*)

**Sec. 17-18 Major Subdivision and Resubdivision.**

(a) "Major Subdivision" is a division of land into five (5) or more lots or parcels which does not qualify as a parcel subdivision and refers to the land or portion thereof so divided.

(b) "Resubdivision" is the addition, deletion, or rearrangement of any interior lots, lot boundary lines, easements, rights of way, or other lines shown or delineated on a final map of a subdivision of record, which final map was recorded on or after September 20, 1963. (*Ord. No. 1013, adopted 1972; Ord. No. 1433, adopted 1975; Ord. No. 1590, adopted 1975*)



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**Sec. 17-19 Parcel Subdivision.**

"Parcel Subdivision" is a subdivision creating five (5) or more parcels, and refers to the land or portion thereof so divided, where the Planning Commission finds that the proposed division conforms to adopted plans and standards, and provisions of law, and that one of the following conditions prevails:

- (a) The whole parcel before division contains less than five acres, each lot or parcel created by the division abuts upon a public maintained street or highway, and no dedications or improvements are required.
- (b) The division results in parcels each with a gross area of twenty (20) acres or more and each of which has an access approved by the Planning Commission to a public maintained street or highway.
- (c) The parcel or parcels of land being divided have approved access to a public maintained street or highway. They comprise part of a tract of land zoned for industrial or commercial development and the proposal receives approval of the Planning Commission as to access, street alignment and width, and other improvements.

**Sec. 17-20.**

"Minor Subdivision" is a subdivision creating two (2), three (3), or four (4) lots or parcels. (*Ord. No. 1433, adopted 1975*)

**Sec. 17-21.**

"Map Act" means the Subdivision Map Act of the State of California as set forth in the Government Code, Sections 65000, et seq. (*Ord. No. 1433, adopted 1975*)

**Sec. 17-22.**

"Owner" means the individual, co-tenancy, firm, association, syndicate, co-partnership, corporation, trust, group, or any legal entity having ownership of the property involved. (*Ord. No. 3365 and 3370, adopted 1982*)

**Sec. 17-23.**

"Subdivider" means any individual, firm, association, syndicate, copartnership, corporation, trust, group, or any legal entity commencing proceedings under the provisions of this Chapter to effect a division of land hereunder for himself or for another, or causing a division of land for himself or for others.

**Sec. 17-24 Definition of Parcel.**



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"Parcel means a unit of land held by one owner. (*Ord. No. 3350, adopted 1981, as amended by Ord. No. 3357, adopted 1981, as amended by Ord. No. 3365 and 3370, adopted 1982*)

**Sec. 17-25.**

"Lot" means a parcel of land held by one owner. (*Ord. No. 3350, adopted 1981, as amended by Ord. No. 3357, adopted 1981, as amended by Ord. No. 3365 and 3370, adopted 1982*)

**Sec. 17-26.**

"Tentative Map" refers to a map made for the purpose of showing the design of a proposed division of land and the existing conditions in and around it. The map shall be prepared in sufficient detail to meet the requirements for filing as prescribed herein.

**Sec. 17-27.**

"Parcel Map" refers to a map prepared from existing data, field engineering data, or a combination thereof, in accordance with the provisions of this Chapter and the Map Act.

**Sec. 17-28.**

"Final Map" refers to a map prepared for filing in accordance with the provisions of this Chapter and the Map Act, which map is designed to be placed on record in the office of the Mendocino County Recorder.

**Sec. 17-29.**

"Record of Survey Map" refers to a map prepared for filing in accordance with provisions of the Land Surveyors Act for the purpose of establishing or correcting existing land boundaries, property lines, and easements.

**Sec. 17-30.**

"Reversion to Acreage Map" refers to a map prepared in accordance with the provisions of the Map Act and this Chapter for purposes of reverting previous division of lands to acreage.

**Sec. 17-31.**

"Street" refers to a parcel designated according to the provisions of this Chapter to provide a traveled way for vehicular traffic and access to abutting property and shall include the following definitions within its definition:



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(A) "Road" means a way vehicular traffic, whether designated as a street, highway, thoroughfare, road, alley, avenue, boulevard, land, place, court, circle, drive or way, which has been dedicated for public use and accepted by the County, or has been laid out and constructed as a County Road by the County, or has been made a public road pursuant to law. "Road" includes public roads constructed by Federal and State agencies, but not private roads or private alleys.

(B) "Private Road" means a way for vehicular traffic, however designated, which is not intended to be acceptable by the County, and for which any offer of dedication or other offer for acceptance by the County shall be rejected until such time as specified conditions for future acceptance have been fully complied with.

(C) "Arterial" is a street of general City-County importance which is a limited access street carrying major traffic through several areas.

(D) "Major Street" is a street of primary importance to traffic circulation between major traffic generators within a given area of the County.

(E) "Collector Street" is a street which collects traffic from Local, Loop or Cul-de-Sac Streets and additionally provides access to lots.

(F) "Local Street" is a street with a projected traffic count of 100-500 ADT., used primarily for access to abutting properties.

(G) "Loop" or "Cul-de-Sac" is a single loop or dead end street providing access to less than twenty (20) lots. Maximum length of cul-de-sac street shall be 600 feet. Maximum length of a street shall be 1200 feet.

**Sec. 17-32.**

"General Plan" means that comprehensive, long term general plan adopted by the County of Mendocino pursuant to Section 65,300 et. seq. of the Government Code.

**Sec. 17-33.**

"Engineer" means a Civil Engineer competent to practice Civil Engineering as defined in Section 6731, and registered under the provisions of, the Business and Professions Code of the State of California, who is retained by the Subdivider, Owner, Developer or Contractor to provide civil engineering services.

**Sec. 17-34.**

"Soils engineer" means a civil engineer or an engineering geologist, provided such person is registered as such in the State of California. (*Ord. No. 1220, adopted 1974*)



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**Sec. 17-35.**

"Surveyor" means a Land Surveyor licensed under the Land Surveyors Act of the State of California or a Civil Engineer registered in the State of California who is retained by the Subdivider, Owner, Developer or Contractor to provide land surveying services.

**Sec. 17-36.**

"Qualified Fire Officer" means:

(A) In area defined as "state responsibility lands" by Section 4127 and 4126 of the Public Resources Code of the State of California, the qualified fire officer shall be the state forest ranger in charge of the Mendocino Ranger Unit of the California Division of Forestry.

(B) In areas of "local responsibility", as defined by Section 4127 of the Public Resources Code of the State of California, the qualified fire officer shall be the fire chief of a legally organized local fire department within the boundaries of a legal fire district, county service area, or utility district.

(C) In areas where joint fire protection responsibility exists (State and local), submission of the fire prevention and protection recommendations shall be the responsibility of the State forest ranger in charge of the Mendocino Ranger Unit of the California Division of Forestry, who will make such recommendations after consultation with the fire Chief of the Fire department of the legally constituted fire district where the proposed subdivision is to be located. The state forest ranger's report to the Planning Commission shall reflect the advice and counsel of said local fire chief.

**Sec. 17-37 Easement.**

"Easement" means a permanent right of access or use of land for a specific purpose.

**Sec. 17-38 Improvement.**

(A) "Improvement" refers to such street work and utilities to be installed, or agreed to be installed, by the subdivider on the land to be used for public or private streets, highways, ways, and easements as are necessary for the general use of the lot owners in the subdivision and local neighborhood traffic and drainage needs as a condition precedent to the approval and acceptance of the final map thereof.

(B) "Improvement" also refers to such other specific improvements or types of improvements, the installation of which, either by the subdivider, by public agencies, by private utilities, by any other entity approved by the local agency, or by a combination thereof, is necessary or convenient to ensure conformity to or implementation of all



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applicable general and specific plans of Mendocino County. (*Ord. No. 969, adopted 1972; Ord. No. 1433, adopted 1975*)

**Sec. 17-38.5 Design.**

"Design" means (1) street alignments, grades, and widths; (2) drainage and sanitary facilities, water systems, and utilities, including alignments and grades thereof; (3) locations and size of all required easements and rights of way; (4) fire roads and fire breaks; (5) lot size and configuration; (6) traffic access; (7) grading; (8) land to be dedicated for park or recreational purposes; and (9) such other specific requirements in the plans and configurations of the entire subdivision as may be necessary or convenient to ensure conformity to or implementation of all applicable general and specific plans of Mendocino County. (*Ord. No. 969, adopted 1972; Ord. No. 1433, adopted 1975*)

**Sec. 17-39 May and Shall.**

For the Purpose of this Chapter, "Shall" is mandatory; "May" is permissive.