



ARTICLE V. MINOR SUBDIVISIONS

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Sec. 17-47.

A tentative map and a parcel map shall be required for every subdivision deemed to be a minor subdivision within the meaning of Section 17-20, except that a parcel map may be waived pursuant to the procedures established in Section 17-49. Such maps shall conform to the following requirements:

(A) TENTATIVE MAPS.

(1) Form. The tentative map shall be a sketch clearly and legibly drawn. The minimum sheet size shall be 8 ½ x 11 inches. The minimum scale shall be one (1) inch equals one hundred (100) feet unless otherwise approved by the Director of Planning.

(2) Content. The tentative map of a minor division shall contain the following information:

(a) Names, addresses, and phone numbers of owners, subdivider, and person who prepared the map.

(b) Date map was prepared, north point, and scale.

(c) The approximate width and location of all proposed or existing easements together with the purpose thereof.

(d) The proposed lot layout, approximate dimensions, and approximate area of all lots or parcels. All proposed lots or parcels shall be numbered consecutively throughout the entire division of land.

(e) A red border on the map to indicate the boundaries of the land to be divided.

(f) Approximate location, width, name and status as public or private of all existing and proposed streets lying within and adjacent to the division of land.

(g) The outline of any existing buildings to remain in place and their approximate locations in relation to existing or proposed lot lines.



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(h) Lines indicating direction of slope and approximate percent of grade or sufficient contour lines to indicate the general slope of the land.

(i) The approximate locations of areas subject to inundation; the approximate location of existing or proposed lakes, ponds, springs, or reservoirs; and the location, width, and direction of flow of all significant water courses existing and proposed to the same degree of accuracy that road and other proposed improvements are shown.

(j) The approximate location of property line fences, wells, private sewage systems, culverts, drain pipes, underground structures, above ground structures, major excavations, or other hazards within the area to be divided or within two hundred (200) feet adjacent thereto.

(k) The Assessor's parcel numbers of the property to be divided, together with the Assessor's parcel numbers and date acquired, transferred, leased, or financed of any property contiguous to the property to be divided in which the owner or subdivider of said property has had any ownership interest subsequent to September 20, 1963.

(l) A site sketch showing the location of the proposed minor subdivision in relation to the surrounding area.

(3) Accompanying Statements. The following statements or information shall either appear on or shall be submitted with the tentative map of a minor subdivision:

(a) A statement detailing both the existing and proposed uses of the subject property and specifying the source of domestic water and the method proposed to handle sewage disposal for the proposed lots or parcels.

(b) A statement of and specific justification for any variances requested from the provisions of this Chapter or of Chapter 20 of the Mendocino County Code.

(c) A statement indicating whether or not the property proposed to be divided was the result of a previous minor subdivision approved subsequent to January 1, 1970 and, if so, whether a parcel map or unilateral agreement was recorded to complete that subdivision.

(4) Accompanying Documents. The following documents shall be submitted with the tentative map of a minor subdivision:

(a) A preliminary title report, issued within thirty (30) days of the date of the submission of the map, detailing the ownership of the property proposed to be divided.

(b) A declaration signed under penalty of perjury by each legal owner of the property to be divided to the effect that the tentative map and related exhibits and documents show



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all of the properties contiguous thereto in which such owner now holds, or has held at any time subsequent to September 20, 1963, any ownership interest.

(c) A completed environmental impact questionnaire on the forms supplied by the Planning Director.

(B) Parcel maps shall conform to the requirements of Section 17-46(C), (D), (E), and (F), subsections (1) to (8). (*Ord. No. 1720, adopted 1976; Ord. No. 1814, adopted 1976*)

Sec. 17-48 Procedures.

(A) Tentative Maps.

(1) Eight (8) prints and one (1) reproducible copy of the tentative map, eight (8) copies of all required accompanying information and documentation, and the required fee shall be submitted to the Director of Planning. A tentative map shall be deemed to be filed when it has been submitted to and endorsed by the Director of Planning and Building Services as complete and as containing all information and documentation required by this Article.

(2) Within twenty-eight (28) days of the filing of a tentative map, the Subdivision Committee shall consider such tentative map and shall impose conditions, if any, required pursuant to Section 17-48.5(A)(2) and shall recommended to the Planning Commission the denial, the approval, or the conditional approval of the proposed tentative map.

(3) The recommendations made and conditions imposed by the Subdivision Committee shall at least five (5) days prior to consideration by the Planning Commission be forwarded in writing to the Commission and, by United States mail, to the subdivider.

(4) Within fifty (50) days of the date of filing of a tentative map, unless such time is extended by the mutual consent of the subdivider and the Planning Commission, the Planning Commission shall approve, conditionally approve, or deny the tentative map.

(B) Parcel maps shall be processed pursuant to the procedures established in Section 17-46. (*Ord. No. 1720, adopted 1976; Ord. No. 1814, adopted 1976; Ord. No. 4001 (part), adopted 1998*)

Sec. 17-48.5 Requirements.

(A) The Subdivision Committee shall examine each proposed tentative map for compliance with the provisions of this Chapter and with the Subdivision Map Act, shall impose any conditions necessary to secure compliance therewith, and shall recommend approval, conditional approval, or denial to the Planning Commission.



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(1) Prior to the imposition of any conditions or the determination of any recommendations, the Subdivision Committee shall make findings with respect to the following requirements:

- (a) The tentative map, and information supplied therewith, complies with all of the requirements of Section 17-47(A).
- (b) The proposed minor subdivision is fully consistent with the General Plan, any applicable specific plan, and any amendment thereto which has been favorably recommended by the Commission to the Board of Supervisors.
- (c) The land which is proposed to be subdivided has received a specific zone classification and the proposed subdivision is fully consistent with all of the requirements of such zone classification or, if the land has not been specifically zoned or the proposed subdivision is not fully consistent with applicable zoning, applications for such zoning actions or necessary variances have been made.
- (d) The proposed minor subdivision fully complies with all requirements of Article VI of this Chapter.
- (e) Access to each parcel is provided by one of the following methods:
 - (i) Access to each parcel will be provided by fronting on a publicly maintained street or a private road easement of adequate width. If the private road easement serves four or less parcels or lots, adequate width of easement shall be that required to build and maintain an eighteen (18) foot wide road within the easement with a minimum easement width of forty (40) feet. If the private road easement serves more than four (4) parcels or has a potential to serve more than four (4) parcels, adequate width of the easement shall be that required to conform with the provisions of this Chapter pertaining to street requirements for subdivisions or parcel divisions.
 - (ii) The Planning Commission may approve a tentative map creating parcels with access by way of existing dead-end easements where the length exceeds six hundred (600) feet provided that such easement complies with the minimum width requirements prescribed above. Where the minor division creates lots each having a gross area of ten (10) acres or more, the Planning Commission may approve a tentative map creating a dead-end easement where the length exceeds six hundred (600) feet provided that such easement extends to the exterior boundary line of the proposed division of land so that future connections may be made.
- (f) Where lots or parcels front on a County-maintained street or highway of insufficient width or where the existing right of way is not deeded to the County, right of way sufficient for the ultimate street and other improvements will be provided by grant deed



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to the County. If the residual parcel can legally be further divided, such rights of way need not be required to be deeded to the County from the residual parcel.

(g) Evidence available to the Committee indicates that water is or will be available to the parcel proposed to be divided and that the proposed method of sewage disposal is adequate. Such evidence shall if required be subject to confirmation, by actual testing if necessary to the satisfaction of the Department of Public Health.

(h) Drainage, grading, street and other improvements shall be provided as may be necessary for local traffic, drainage or sanitary needs.

(i) To the extent such is required by Chapter 22 of this code, an environmental impact report has been prepared by the County, properly certified as complete, and properly considered in determining whether to approve, conditionally approve, or disapprove the proposed minor division.

(2) The Subdivision Committee may recommend to the Planning Commission approval or conditional approval of a proposed minor subdivision only if the Committee shall have made affirmative findings on each of the requirements listed in Section 17-48.5(A)(1), except that the Committee may impose as a condition of approval any reasonable condition, full compliance with which would, in the opinion of the committee, permit an affirmative finding to be made.

(B) The Planning Commission may approve, conditionally approve, or deny a proposed minor subdivision.

(1) Where the land proposed to be minor subdivided has not received a specific zone classification, or a change of zone classification or variance is necessary pursuant to Section 17-48.5(A)(1)(c), the Commission shall not consider the proposed minor subdivision unless and until the Commission shall have made a recommendation or taken final action with respect thereto. Any action then taken by the Commission shall be fully consistent with such recommendation or action.

(2) If a minor subdivision is conditionally approved, such approval shall not become effective until each of the conditions of approval have been complied with and until the owner has executed an agreement to fulfill said conditions. Failure to comply with any such condition of approval within twenty-four (24) months shall result in the approval of the tentative map deemed withdrawn and of no effect. Upon application of the subdivider prior to the expiration of the twenty-four (24) month period, an extension or extensions of time to file with the Recorder the parcel map or unilateral agreement may be granted by the Subdivision Committee. The period of any such single extension shall not exceed eighteen (18) months and the sum total of all extensions shall not exceed thirty-six (36) months. Application for such an extension shall be submitted to the Planning and



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Building Services Department at least forty-five (45) days prior to the expiration date and shall be accompanied by the required fee.

(a) Said agreement shall be executed on a form provided by County and shall be ratified on behalf of County by the Director of Planning and Building Services Department.

(b) Said agreement shall provide that all conditions of approval of the tentative map, except improvements, shall be fulfilled prior to submission of the parcel map or unilateral agreement for filing.

(c) Said agreement shall provide that if improvements required as a condition of approval of the tentative map have not been completed to the satisfaction of the responsible government official at the time the parcel map or unilateral agreement is submitted for filing the owner shall enter into a secured subdivision improvement agreement pursuant to the provisions of Article VIII of this Chapter. In such case the period of time specified in Section 17-74(A) shall not exceed one year. The agreement shall further provide that failure to submit to a secured subdivision improvement agreement shall constitute a material breach of contract for which the County may refuse to accept the parcel map or unilateral agreement and/or commence suit for any legal and equitable relief that it deems fitting.

(d) The agreement shall provide that a division is conditional upon, and in consideration of full compliance with, the terms of the agreement, and should the owner violate any of the terms and conditions of the agreement, approval of the subdivision shall be deemed revoked.

(3) Conditions of approval adopted or imposed by the Commission may be modified pursuant to Section 17-41(O) by the Planning Commission, provided that the request for modification be first referred to the Committee for recommendation.

(4) Conditions of approval adopted or imposed by the Board may be modified pursuant to Section 17-41(O) by the Board, provided that the request for modification be first referred to the Commission for its recommendation.

(5) Written notice of the decision of the Commission, or, in the event of an appeal, the Board, shall be given to the subdivider within ten (10) days of such decision. Such notice shall fully set forth all conditions of approval and the period within which such conditions must be satisfied. (*Ord. No. 1720, adopted 1976; Ord. No. 1814, adopted 1976;; Ord. No. 3089, adopted 1978; Ord. No. 3526, adopted 1984; Ord. No. 4001 (part), adopted 1998*)

Sec. 17-49 Waiver of Parcel Map.



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(A) At the request of the subdivider, made on the forms supplied by the Director of Planning, submitted along with the tentative map, the Commission may waive the requirement of a parcel map in the following types of minor subdivisions:

- (1) Any minor subdivision resulting in the creation of only two parcels.
- (2) Any minor subdivision resulting in the creation of up to four (4) parcels each of which is forty (40) acres in size or larger or a greater-quarter section as determined by government survey.
- (3) Any minor subdivision resulting in up to four (4) parcels created by a lease for agricultural purposes.

(B) Such request for waiver shall first be referred to the Committee, which shall make findings with respect to the following matters:

(1) The proposed minor subdivision complies generally with all requirements of the Subdivision Map Act and of this Chapter and specifically with requirements of the Act and this Chapter with respect to:

- (a) Area.
- (b) Improvement and design.
- (c) Flood and water drainage control.
- (d) Appropriate improved public roads.
- (e) Sanitary disposal facilities.
- (f) Water supply availability.
- (g) Environmental protection.

(2) The proposed minor subdivision complies with the requirements of all applicable Board of Supervisors resolutions establishing standards for map waivers. Such resolutions are available for inspection at the Planning Department.

(C) The Commission may approve a waiver request only if it finds, or adopts the findings of the Committee, that the proposed minor subdivision meets all of the requirements set forth in subsection (B).

(D) Within twenty-four (24) months of the tentative approval of a minor division, or within such time period as extended pursuant to Section 17-48.5(B)(2), for which a map



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waiver has been approved by the commission, the subdivider may submit to the Director of the Department of Planning and Building Services:

(1) A statement signed by the subdivider under penalty of perjury that since the submission of the title report with the tentative map there has occurred no change in the ownership as reflected by that report.

(2) A unilateral agreement, prepared for recording, setting forth:

(a) A list of all requirements imposed as a condition of approval of the tentative map.

(b) A statement signed by the owner and subdivider under penalty of perjury attesting that all of the conditions of approval of the tentative map have been met.

(E) Within seven (7) days of the submission of such report and agreement, the Director of Planning shall:

(1) Examine such report to ensure that all persons listed therein as record title holders have consented to the minor subdivision.

(2) Examine the unilateral agreement to ensure that it accurately sets forth the conditions of approval and certifies substantial compliance therewith.

If the Director of Planning is satisfied that the report and agreement comply with the above requirements, he shall then endorse his approval upon the face of the agreement.

(F) When such unilateral agreement, properly endorsed, shall have been filed for record and written notice thereof given to the Director of Planning, the minor subdivision shall be deemed to be effective, and the parcels created thereby may be conveyed or otherwise transferred.

(G) Prior to the conveyance of any parcel of a minor subdivision for which the parcel map is waived, a copy of the recorded agreement shall be submitted to the buyer, lessee, or financier, as the case may be, for each parcel created and to the escrow company or title company processing the transfer. (*Ord. No. 1720, adopted 1976; Ord. No. 1814, adopted 1976; Ord. No. 3089, adopted 1978; Ord. No. 3526, adopted 1984; Ord. No. 4001 (part), adopted 1998*)