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DIVISION OF LAND REGULATIONS – TITLE 17



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Sec. 17-50.

APPLICABILITY. All divisions of land, and the lots and parcels resulting therefrom, shall be subject to the provisions of this Article.

Sec. 17-51 General Plan.

(A) In all respects the division of land shall be considered in relation to the General Plan of the County, specific plans of the County, and preliminary plans and policies being considered by the Count, or other legally constituted Governmental body. If the limits of the land acquisition have been determined for any project being considered by the County or other legally constituted governmental body, the subdivider shall be required to either dedicate or reserve such lands as are required.

(B) The subdivider shall file a petition for reclassification of the zoning within the area of a parcel division or subdivision to conform to the proposed land use, lot sizes and dimensions. Said petition shall be filed upon approval of the tentative map and prior to submission of the final map or parcel map.

Sec. 17-52 Lot and Block Design and Configuration.

(A) The size and shape of lots shall be in conformance to any zoning, land use regulation, or ordinance effective in the area, provided however, that where this Chapter imposes more restrictive standards the requirements of this Chapter shall prevail.

(B) Where a water supply and distribution system and sanitary sewer system are provided, the lot area shall be not less than 6,000 square feet and the lot width shall be



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not less than sixty (60) feet in width on the building line or less than eighty (80) feet in depth, provided that corner lots shall be not less than seventy (70) feet in width on the building line.

(C) Where a water supply and distribution system is provided, the lot area shall be not less than twelve thousand (12,000) square feet; and a lot width shall be not less than eighty (80) feet, except for residential lots on curved or Cul-de-Sac streets, which shall have a minimum width at the building line of eighty (80) feet.

(D) When neither a water supply and distribution system nor a sanitary sewer system is provided, the lot area shall be not less than forty thousand (40,000) square feet; and a lot width shall be not less than one hundred (100) feet except for residential lots one curved or cul-de-sac streets, which shall have a minimum width at the building line of one hundred (100) feet.

(E) When approved by the Planning Commission, lots or parcels to be used exclusively for, but not limited to, well sites, sewage lift stations, drainage devices, sump pumps, parking lots, and other similar installations and appurtenances, need not meet the minimum lot area, depth-width ratios, or frontage requirements. Such lots or parcels shall be designated on the final map or parcel map for the purpose thereof and be shown as "Not a Building Site".

(F) No lot shall have a depth of greater than three (3) times the average width of the lot; provided, however that the Planning Commission may approve greater width-depth ratios when necessitated by topography or other physical conditions, or where property is to be used for commercial or industrial purposes.

(G) The side lines of all lots, so far as possible, shall be at right angles to the center line of the street, or radial, or approximately radial to curved streets.

(H) No lot shall be divided by a City or County boundary line.

(I) Building setback lines shall be indicated on the final map or parcel map as required by the County Zoning Code or other appropriate restriction.

(J) Lots having double frontage shall not be permitted, except as otherwise provided herein, except when necessitated by topography or other physical condition. In all cases access on one side shall be restricted by proper dedication or legal instrument.

(K) All lots shall be suitable for the purpose for which they are intended.

(L) Flag lots or parcels whose access to the abutting street is provided by a strip or segment which is a part of said lot or parcel may be approved by the Planning Commission when necessitated by topography or other special condition, provided



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however, that the main portion of the lot meets the provisions of this Chapter as to length, depth, area and design. In no case shall the access strip be less than twenty (20) feet in width nor greater than three hundred (300) feet in depth and improvements shall be constructed therein to provide an all weather driveway.

(M) Lots within frontage on a street, unless otherwise provided for herein, shall not be permitted.

(N) Deed restrictions or tract covenants shall be recorded with the final map or parcel map and shall include a provision that requires that no further division of land may be made unless the improvements, including, but not limited to streets, drainage facilities, and utilities are upgraded to conform to the proposed lot sizes, said regulations and standards being set forth in Articles VI and VII herein. To conform to the regulations and land improvement standards then in effect for the proposed lot sizes, said regulations and standards being set forth in Articles VI and VII herein.

(O) Any lot or parcel created by a division of land but not shown as a part thereof shall be of such size and shape as to conform to the provisions of this Chapter.

(P) No lot or parcel created by a division of land shall be excluded from the boundaries of the division of land for the purpose of avoiding dedication or improvement of any street, drainage, or flood control facility.

(Q) Each lot or parcel on a turn around, cul-de-sac or curved street, where the side lines thereof are diverging from the front to the rear of such lot or parcel, shall have a width of not less than sixty (60) feet, or the width required by this Chapter or the Zoning Code, whichever is greater, measured along the building setback line established by the minimum required front yard for the main building and between the side lines of such lot or parcel.

(R) Each lot or parcel on a curved street, when the side lines thereof are converging from the front to the rear of such lot or parcel, shall have an average width of not less than sixty (60) feet or the width required by this Chapter or the Zoning Code, whichever is greater.

(S)(1) Lots containing less than 2.5 acres shall be designed wherever possible to conform to existing easements unless said easements are relocated to conform with the proposed lot pattern. *(As amended by Ord. No. 3527, adopted 1984)*

(S)(2) When calculating the area of a lot or parcel of less than two (2) gross acres to determine compliance with this Chapter or the Zoning Code, all easements, except an easement created exclusively for the purpose of constructing and maintaining roadway slopes, shall be deducted. *(As amended by Ord. No. 3527, adopted 1984)*



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(T) Where a division of land proposes acreage tracts, the blocks shall be so divided as to provide for opening of necessary streets at locations that will permit the ultimate extension and opening of future streets to such intervals as will allow a subsequent division into blocks and lots of size to meet the requirements of law.

(U) Blocks shall be no longer than thirteen hundred (1,300) feet in length except where the Planning Commission determines that the topographic conditions, surrounding layout, or other circumstance requires longer blocks. Long blocks shall be provided when contiguous to major streets for the purpose of reducing the number of intersections.

(V) The width of each block shall be of sufficient size to lay out two tiers of lots therein of a size required by this Chapter unless otherwise approved by Planning Commission.

Sec. 17-53 Lot Access.

(A) Every subdivision and parcel division shall connect to a City, County, or State Maintained street or highway. The connection shall be made by:

(1) The division of land lying adjacent to and contiguous with the maintained street in sufficient length and with such topographic features so as to accommodate the construction of all improvements required as a condition of tentative map approval in conformance with applicable standards prescribed by this Chapter, or

(2) The division of land being connected to the maintained street by a non-exclusive easement for street, utility, and appurtenant drainage facilities right of way. Said easement shall be unencumbered by any senior rights that might serve to restrict the proposed use of the easement to be offered for dedication and shall be of such width and location so as to accommodate the construction of all improvements required as a condition of tentative map approval in conformance with applicable standards prescribed by this Chapter.

(B) Streets shall conform, as to alignment and width, with the circulation element of the General Plan. Street improvements shall be made as required by the "Mendocino County Subdivision and Street Classification Chart" adopted by Resolution of the Board of Supervisors. The Planning Commission shall classify subdivisions and the streets therein or connecting thereto upon the recommendation of the Director of Planning and the Road Commissioner. Street design shall conform with such standards as may be adopted by Resolution of the Board of Supervisors. Said standards shall apply, but not be limited, to the following design criteria; Design speed, horizontal alignment, maximum and minimum allowable grade, stub roads, drainage requirements, and street intersections.

(C) All streets shall, insofar as practicable be in alignment with existing adjacent streets by continuation of the centerlines thereof, or by adjustments by curves, and shall be in general conformity with plans made for the most advantageous development of the area



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in which the division of land lies. Where a division of land adjoins acreage, provision shall be made for adequate street access thereto.

(D) When a State Highway or a street classified as a major arterial in the circulation element of the General Plan passes through or is contiguous with a division of land, direct access to the lots or parcels from the public highway will not be permitted. Reserve strips, where required to control access over certain lot lines or over the ends of street stubs shall be dedicated to the County.

(E) All streets shall be named and such names shall be subject to the approval of the Planning Commission. Duplication of existing names will not be allowed unless the street is an obvious extension of an existing street.

(F) Prior to the Final approval of the work, or the acceptance of the roads into the County Maintained System by Resolution of the Board of Supervisors, the Subdivider shall enter into an unconditional maintenance and repair agreement for said improvements. Said agreement shall be for a period not to exceed twenty-four (24) months. Said maintenance and repair agreement shall be secured by the necessary surety in the form and the amount as approved by the Board of Supervisors.

(G) When an existing County road provides access to, passes through, or is contiguous with the proposed division of land, the Planning Commission may require improvements to be made to the County Road if such improvement is determined to be in the best public interest.

(H) The Planning Commission may require that a rough graded access be constructed to each lot or parcel within the division of land as a condition of the approval of a tentative map.

Sec. 17-54 Private Roads.

(A) No private roads shall be permitted in any parcel subdivision or major subdivision except where the Planning Commission determines that a private street system will adequately serve the proposed subdivision, will not be a substantial detriment to the adjoining properties, and will not disrupt or prevent the establishment of an orderly street pattern within the area of Subdivision.

(1) Satisfactory provisions shall be made for a lot owner's association or other organization to assume responsibility for the maintenance of said private roads and ownership of the street right of ways. Said provisions for maintenance shall be subject to the approval of the Planning Commission.

(B) Private roads shall be improved to the following standards:



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(1) When any lot within the subdivision contains a gross area of 2.5 acres or less, the private roads shall be improved to full County Standards as established by this Chapter.

(2) When the minimum lot size within the Subdivision is greater than 2.5 acres, but less than 10.0 acres, the private roads shall be improved to full County Standards as established by this Chapter, however, the surfacing may be a double bituminous chip seal in lieu of asphalt concrete.

(3) When the minimum lot size within the subdivision is 10.0 acres or greater, the private roads shall be improved to full County Standards as established by this Chapter; however, the surfacing may be omitted and the base rock may consist of locally available material spread to a minimum thickness of four (4) inches.

(C) The Planning Commission may require such guarantees and may impose such conditions as it deems necessary to carry out the provisions of this Chapter pertaining to private roads.

(D) Private roads and easements providing access to parcels within a parcel division shall be located and shown on the parcel map and improved as required by such standards as may be adopted by Resolution of the Board of Supervisors. (*Ord. No. 4001 (part), adopted 1998*)

Sec. 17-55 Water Supply and Distribution Systems.

(A) When any part of any proposed subdivision lies within five hundred (500) feet of any municipal, special district, or county system providing domestic water, water mains and services shall be installed to serve each lot in said subdivision and connected to such system, if approved by the governing body of such system. If the system or any part thereof is to be installed within the street right of way, the system location, including valve boxes, meter boxes, and fire hydrants and the system construction specifications shall be subject to the approval of the County Engineer.

Sec. 17-56 Sanitary Sewer Systems.

(A) When any part of any proposed subdivision lies within five hundred (500) feet of any municipal, special district, or county sewage disposal system providing sanitary sewer service and if a connection to said system is approved by the governing body of such system, sanitary sewer facilities including laterals shall be installed to serve each lot in said subdivision. If the system or any part thereof is to be installed within the street right of way, the system location and construction specifications shall be subject to the approval of the County Engineer.

Sec. 17-57 Drainage and Water Courses.



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(A) The subdivider shall provide drainage systems within the division of land to carry storm run-off both tributary to and originating within the division of land as determined necessary by the County Engineer on the basis of information and recommendations provided by the Engineer for the subdivider. Said systems shall be located within drainage easements delineated on the final map or parcel map. Drainage easements shall be offered for dedication. The alignment of drainage easements shall conform to the meanderings of the natural water course or to the alignment approved for the drainage system. Width of drainage easements shall be that required to encompass the natural water course or drainage system in conformance with the minimum standards prescribed in Article VII of this Chapter.

(B) Drainage easements shall be provided for all natural water-courses.

(C) Where a division of land causes an increase in and the unnatural concentration of surface waters onto adjacent private and public property the subdivider shall obtain an easement for drainage purposes across such property sufficient in width and improved in a manner adequate to handle the runoff of such surface water to a satisfactory point of disposal. If the owner of such adjacent private property agrees to accept such increased run-off and unnatural concentration of surface water and such agreement has been recorded the easement referred to herein shall not be necessary.

Sec. 17-58 Utilities.

(A) Electricity and communication services, and gas services where available, shall be installed as part of the improvements within all subdivisions wherein the minimum lot size is 2.5 acres or less. This requirement may be waived by the Planning Commission if it can be found to be in the public interest not to install the utilities as part of the subdivision improvements.

(B) All utility distribution facilities (including but not limited to electric, communication and cable television lines) installed in and for the purpose of supplying service to any residential or commercial subdivision wherein the minimum lot size is 2.5 acres or less shall be placed underground, except as follows:

Equipment appurtenant to underground facilities, such as surface mounted transformers, pedestal mounted terminal boxes and meter cabinets, and concealed ducts.

(1) The subdivider is responsible for complying with the requirements of this paragraph, and shall make the necessary arrangements with the utility companies involved for the installation of said facilities.

(2) The Planning Commission may waive the requirements of this paragraph if topographical, soil, or any other conditions make underground installation of said facilities unreasonable or impractical.



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(3) Industrial subdivision are excluded from the provisions of this paragraph.

(C) All underground utilities, water lines, sanitary sewers, and storm drains installed in streets shall be constructed prior to the surfacing of such street. Connections to all underground utilities, water lines, and sanitary sewers shall be laid to such lengths as will obviate the necessity for disturbing the street improvements when service connections thereto are made.

Sec. 17-59 Utility Easements.

(A) The minimum width of easements for public or private utilities, sanitary sewers, or water distribution systems shall be ten (10) feet.

(B) Easements for overhead utility lines shall be located at the rear of lots or parcels where practical and along the side of lots or parcel where necessary. Where practical the poles supporting such overhead lines shall not be installed within any street, alley, or easement designated exclusively for drainage purposes.

(C) Underground utility lines may be installed within street right of ways or along any lot line. When installed within street right of ways, their location and method of installation, insofar as it affects other improvements within the street right of way, shall be subject to the approval of the County Engineer.

(D) All utility easements shall also be designated as drainage easements on the final map or parcel map.

Sec. 17-60 Street Lighting.

(A) When underground utilities are to be installed within a subdivision where the minimum lot size is less than 12,000 square feet, provisions shall be made at the time the utility improvements are made to accommodate street lighting in the future if street lighting is not provided with the subdivision improvements.

Sec. 17-61 Alleys.

(A) When any lots or parcels are proposed for commercial or industrial usage, the subdivider may be required to dedicate and improve alleys at least twenty (20) feet wide at the rear of said lots or parcels with adequate ingress or egress for truck traffic.

Sec. 17-62 Walkways.

(A) The subdivider may be required to dedicate and improve walkways at least ten (10) feet wide across long blocks, along streets where cuts or fills may preclude otherwise



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normal pedestrian traffic along the side of said street, and to provide access to schools, parks or other public areas.

Sec. 17-63 Hazardous Areas.

(A) Areas known to be dangerous by reason of geological conditions, unstable sub-surface conditions, groundwater or seepage conditions, flood hazard, periodic inundation, erosion by the ocean, or any other dangerous condition shall not be divided except under restrictions as to the use of all or any part thereof to insure the safety and well being of the public.

Sec. 17-64 Fire Protection Features.

(A) In areas where the qualified fire officer is of the opinion there will be a fire hazard to the acreage surrounding the division of land or to the lots or parcels within the division of land, adequate fire protection features, including but not limited to access roads, fire breaks, and accessibility to sufficient and available water, shall be provided within or without the division of land.

Sec. 17-65 Ocean and Lake Access— Express Dedication.

(A) In any proposed subdivision coming within the provisions of this Chapter, there shall be offered for dedication whatever public access is required for subdivision by Sections 66478.11 and 66478.12 of the Map Act. For such divisions, the Planning Director shall, prior to action by the Planning Commission on the tentative map, conduct an investigation and render to the Commission a report stating his opinion as to what should be reasonable access and the governmental entity or entities operating within the County to which the proposed offer of dedication is to be made. (*Ord. No. 969, adopted 1972, as amended by Ord. No. 1433, adopted 1975*)