

CHAPTER 4

IMPROVEMENTS AND DEDICATIONS

324-1. IMPROVEMENTS.

(a) Roads shall be designed and constructed to serve each lot in every subdivision.

(b) Any road, or part thereof, lying within the subdivision shall be constructed to the standards specified in the appendix to this division.

(c) In addition, off-site improvements may be required. The Director of Public Works shall require such off-site improvements as he finds necessary for:

(1) The orderly and planned improvement of the off-site roads to the standards specified in the appendix to this division, within a reasonable time, considering the probable future growth in the area;

(2) The safe and orderly movement of persons and vehicles; and

(3) Providing roads which can be maintained at a reasonable cost.

(d) Where sewer or community water systems are required, the subdivider shall construct the sewer and water systems to the standards of the governmental entity(ies) which will accept and maintain those systems. If no such governmental entity exists, the standards are as specified by the American Public Works Association.

(c) If, during the course of construction of any new street or any other improvements required by the Advisory Agency in connection with the approval of the subdivision plan, additional work is required owing to unforeseen conditions, such as, but not limited to, springs, ancient drains, wetlands, water courses, side-hill drainage from cuts, bedrock, or other conditions which were not apparent at the time of the approval by the Advisory Agency, the Director of Public Works may require such additional work to be done and may require additional surety. (Ord. 1146, § 40, 7/19/77)

323-2. PRIVATE LANES.

(a) Private lanes serving a subdivision approved in accordance with the provisions of this section shall not receive County maintenance.

(b) A reasonable plan or arrangement may be required for the maintenance and/or improvement of private lanes.

(c) The Advisory Agency may approve a subdivision served by private lanes if, in its opinion, all of the following conditions have been or will be satisfied:

- (1) The public convenience does not require and will not be served by public traffic through such subdivision.
- (2) The creation of such private lanes shall not render land adjoining such subdivision unreasonably inaccessible.
- (3) The subdivision map shall show the lanes clearly labeled "Non-County Lane" or "Non-County Road".
- (4) Before any part or lot of the subdivision is sold, the entrance thereto from a public street shall be posted and kept posted with an easily visible sign of at least two (2) square feet in size containing substantially the following words: "Not a County Road" or "Not a County Street" in letters at least two inches (2") high.
- (5) Lots abutting on a private lane shall be sold subject to a provision which shall appear on the subdivision map or instrument of waiver, which shall read substantially as follows:

"If the private lane or lanes shown on this plan of subdivision, or any part thereof, are to be accepted by the County for the benefit of the lot owners on such lane rather than the benefits of the County generally, such private lane or lanes or parts thereof shall first be improved at the sole cost of the affected lot owner or owners, so as to comply with the specifications as contained in the then applicable subdivision regulations relating to public streets."

- (6) Lanes shown on such subdivision plan shall be sufficiently wide and of such physical condition to allow access by emergency vehicles at all times of the year to the satisfaction of the Advisory Agency.
- (7) The lots proposed on the subdivision plan are not immediately and/or reasonably accessible from the accepted city, county or state highway. (Ord. 1146, § 41, 7/19/77; Ord. 1290, § 4, 12/12/78)

324-3. ACCESS.

In general, access shall be suitable for the declared use, which must be consistent with the highest and best use.

Where access is based on recorded documents or on permit, they shall be listed on the Parcel Map. If access is based on a permit that is revocable, it shall be so stated. If no such documents or permits are relied upon, a statement shall be placed on the Parcel Map clearly stating that there is no right of way of record.

A Final Map shall not be approved unless there is recorded access to each lot from a publicly maintained road. (Ord. 1146, § 42, 7/17/77)

324-4. DEDICATIONS AND OFFERS OF DEDICATION.

The Advisory Agency may require the dedication or an irrevocable offer of dedication of real property within the subdivision for streets and alleys (including access rights and abutter's rights), drainage, public utility or other public easements. If dedications or offers thereof are required, they may be made by certificate on the Final Map or Parcel Map or by separate instrument, as provided by Government Code § 66447. (Ord. 1146, § 43, 7/19/77)

324-5. WAIVER OF DIRECT ACCESS.

On all arterial roads and on all major collector roads and Advisory Agency may require dedication to the County of Humboldt of vehicular access rights across a portion of the frontage to be subdivided. (Ord. 1146, § 44, 7/19/77)

324-5.5. SPECIAL PROVISIONS FOR SUBDIVISIONS WITHIN TIMBERLAND PRESERVES.

(a) Subdivisions containing land zoned Timberland Preserve (TPZ) must comply with the requirements of Government Code § 51119.5. (Ord. 1266, § 2, 9/5/78)

(b) The required joint timber management plan must contain the following elements: (Ord. 1266, § 2, 9/5/78)

(1) Provide for the allocation of costs and expenses, if any, of the joint management of the timberland. (Ord. 1266, § 2, 9/5/78)

(2) Legal owner and parcel numbers (APN). (Ord. 1266, § 2, 9/5/78)

(3) Maps: A physical map showing external boundaries of the ownership, APN boundaries, road network, and location of improvements; and a soil-vegetation map showing acres of each type and major topographic features. (Ord. 1266, § 2, 9/5/78)

(4) Forest description containing summarized tables or area, volume by species 12" DBH+ and a discussion of growth and yield. (Ord. 1266, § 2, 9/5/78)

(5) Objectives of management, including next proposed harvest and future harvests. (Ord. 1266, § 2, 9/5/78)

(6) Silviculture, including methods of cutting, methods of logging, and methods to be used to reestablish or rehabilitate areas. (Ord. 1266, § 2, 9/5/78)

(7) Regulation, including rotation, protection and allowable cut. (Ord. 1266, § 2, 9/5/78)

(8) Certification of management plan by a licensed professional forester. (Ord. 1266, § 2, 9/5/78)

(c) The timber management plan must be updated at five- (5) year intervals. (Ord. 1266, § 2, 9/5/78)

(d) Development such as roads and buildings must be located outside of Timberland Preserve areas if possible. (Ord. 1266, § 2, 9/5/78)

(e) The subdivision approval may be made conditional upon compliance with prescribed forest management practices, such as requiring stocking of TPZ areas. (Ord. 1266, § 2, 9/5/78)

324-6. SPECIAL PROVISIONS FOR SIXTY-ACRE SUBDIVISIONS.

Notwithstanding the other provisions in this division, the following special provisions shall apply to subdivisions creating four (4) or fewer parcels, each of which is sixty (60) acres or larger in size:

(a) A Tentative Subdivision Map is not required.

(b) Road improvements are not required.

(c) The subdivider need not provide information with respect to the availability of water, the method of sewage disposal nor building site stability. (Ord. 1146, § 45, 7/19/77)

324-7. DEDICATION OF LAND FOR SCHOOLS.

Any subdivider, who within three (3) years develops or completes the development of one (1) or more subdivisions comprised of a single parcel or contiguous parcels having more than 400 dwelling units within a single school district which maintains an elementary school, shall dedicate to the school district within which such subdivision is located such land as the board of trustees of such school district shall deem to be necessary for the purpose of constructing thereon schools necessary to assure the residents of such subdivision of adequate elementary school service. (Ord. 1146, § 46, 7/19/77)

324-8. IMPROVEMENTS SIZED FOR PROPERTY NOT WITHIN SUBDIVISION.

The Advisory Agency may require that the improvements installed by subdivider for the benefit of the subdivision shall contain supplemental size, capacity or number for the benefit of property not within the subdivision and that such improvements be dedicated to the public, providing Government Code § 66486-9 are complied with. (Ord. 1146, § 47, 7/19/77)

324-9. OPEN-SPACE DEDICATIONS.

Land for open space may be conveyed by any of the following means, as determined by the Advisory Agency:

(a) Contingent upon the recommendation of the Parks and Recreation Commission, the approval of the Advisory Agency, and a resolution of acceptance by the Board of Supervisors, open-space land can be deeded to the County of Humboldt.

(b) Deeded to a homeowners' association within the subdivision upon terms and conditions approved by the Advisory Agency. Said terms and conditions must protect the public welfare, provide for future maintenance of the open space, and be in such form that all property owners within the subdivision have equal rights in and to the open space. The homeowners' association established to take title must be a legal entity capable of holding title and assuming the burden of ad valorem taxes assessed against the open space.

(c) Deeded to lot owners within the subdivision as undivided interests after any and all improvements required by the Advisory Agency have been completed. The open-space land must be readily accessible to all of the lot owners within the subdivision. In those cases in which ownership of open-space land is to be in undivided interests vested in individual lot owners, there must be covenants of record irrevocably binding the individual homesite lots to the companion undivided interest in the open space set aside.

(d) As a condition of approval on a Tentative Map for any planned unit development creating common open-space or recreational land, the subdivider shall prepare and submit a draft of the covenants, conditions and restrictions (CC&R's) applicable to the common land. The draft CC&R's shall be submitted to the Planning Director a minimum of thirty (30) days prior to the action on a Final Map.

The CC&R's shall outline the methods by which the common open-space, recreational areas and any facilities thereon will be conveyed, preserved, permanently maintained and payment of all taxes thereon assured. The Planning Director may require additional language to insure the foregoing. A report, containing the findings of the Director, shall be submitted to the Board of Supervisors prior to the approval of the Final Map. (Ord. 1146, § 48, 7/19/77)

324-10. FEES FOR PLANNED BRIDGES, MAJOR THOROUGHFARES AND DRAINAGE FACILITIES.

(a) Prior to filing of any Final Map or Parcel Map, the subdivider shall pay or cause to be paid any fees for defraying the actual or estimated costs of constructing planned drainage facilities for the removal or surface and storm waters from local or neighborhood drainage areas or sanitary sewer facilities for local sanitary sewer areas established pursuant to § 66483 of the Government Code.

(b) The purpose of this subsection is to make provisions for assessing and collecting fees as a condition of approval of a Final Map or as a condition of issuing a building permit for the purpose of defraying the actual or estimated costs of constructing bridges or major thoroughfares, pursuant to § 66484 of the Government Code. (Ord. 1146, § 49, 7/19/77)