

CHAPTER 5

ACTION ON TENTATIVE SUBDIVISION MAPS

325-1. SUBDIVISION TECHNICAL REVIEW COMMITTEE ACTION.

The Subdivision Technical Review Committee shall examine the Tentative Subdivision Map with the subdivider at a scheduled meeting, if requested by the subdivider or any member of the Subdivision Technical Review Committee, and shall:

(a) Hear and consider the staff report from the County Health Department on whether the proposed sewage disposal system or method is adequate and will operate without creating a public or private nuisance or menace to the public health or welfare.

(c) Hear and consider the recommendations of other government agencies.

(d) Prepare a report to the Advisory Agency indicating whether the design and improvements recommended conform to the requirements of this division, the Subdivision Map Act, Title III, Division 1 (Zoning), and other sections of this Code, improvement standards set forth by resolution of the Board of Supervisors, the General Plan and specific plans.

(e) Determine whether the subdivision is a land project as defined in § 11000.5 of the Business and Professions Code, and, if so, direct the Planning Director to forward a copy of the Tentative Subdivision Map to the State of California, Office of Intergovernmental Management. (GC § 66455.5) (Ord. 1146, § 50, 7/19/77)

325-2. SUBDIVISION TECHNICAL REVIEW COMMITTEE REPORT.

(a) The Subdivision Technical Review Committee shall prepare a written report and recommendations to the Advisory Agency on each application. The report and recommendations shall consider the relationship of the application to the Subdivision Map Act, this division, the Planning Division and other sections of this Code, the General Plan and specific plans. The report shall also include a discussion of any other matter bearing on the orderly development of the area. The report shall state the reasons the written recommendation of any County Department was not accepted by the Committee.

(b) The Subdivision Technical Review Committee shall serve a copy of its report on the subdivider and his agent by mail, or in person, at least three (3) days prior to any hearing or action on the application. Any changes or additions in the report shall be served at least three (3) days prior to the next hearing or action on the application. (GC § 66452.3) (Ord. 1146, § 51, 7/19/77)

325-3. PUBLIC NOTICE OF TENTATIVE SUBDIVISION MAP HEARING.

Whenever 160 acres or more is divided, the Advisory Agency shall not act on the Tentative Subdivision Map until notice has been mailed to all adjacent landowners as shown on the latest adopted tax roll. The notice shall state the time and place of the hearing on the Tentative Subdivision Map and shall be mailed at least ten (10) days prior to the scheduled hearing. (Ord. 1146, § 51.5, 7/19/77)

325-3.5. PUBLIC NOTICE OF SUBDIVISION APPLICATION.

Whenever access not of record is proposed for subdivision purposes, the Planning Department shall promptly, upon receipt of the tentative map, take reasonable steps to notify all owners or accessors of property (as shown on the latest equalized assessment roll) over which such prescriptive access appears to traverse that such an application has been received and, if approved, that the subdivider may be required to improve the access. The notification required by this section shall be considered directory only and shall not be grounds for invalidating the action taken. (Ord. 1352, § 2, 9/11/79)

325-4. ADVISORY AGENCY ACTION ON TENTATIVE SUBDIVISION MAPS.

The Advisory Agency shall examine the Tentative Subdivision Map at a public meeting and shall:

(a) Consider the staff report of the Subdivision Technical Review Committee, the environmental documents, and the responses or comments, if any, of any other County department, the subdivider and other interested agencies and parties.

(b) Determine whether the improvements recommended by the Director of Public Works and the design of the subdivision conform to the requirements of the Subdivision Map Act, this division and the Planning Division, other sections of this Code, the improvement standards set forth herein, the General Plan and specific plans of the County.

(c) Determine whether the discharge of waste from the proposed division of land into an existing community sewer system would result in violation of existing requirements prescribed by the California Regional Water Quality Control Board pursuant to Division 7 (commencing with Section 13000) of the Water Code.

(d) Within fifty (50) days of the official filing of the application, the Advisory Agency shall approve, approve with conditions, or disapprove the application and report its actions to the subdivider. (Ord. 1146, § 52, 7/19/77)

325-5. DISAPPROVAL OF APPLICATIONS FOR SUBDIVISION MAPS; FINDINGS.

The Advisory Agency shall disapprove an application for a Tentative Subdivision Map if it finds any of the following:

(a) That the proposed subdivision, its design or improvements, is inconsistent with the applicable General Plan or specific plans.

(b) That the site is not physically suitable for the type and density of development.

(c) That the design of the subdivision or the improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

(d) That the design of the subdivision or the type of improvements are likely to cause serious public health problems.

(e) That the design of the subdivision or the type of improvements will conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision. In this connection, the Advisory Agency may approve an application if it finds that alternate easements for access or for use will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction, and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed land division.

(f) That the subdivision fails to provide public access to public resources as required by Government Code §§ 66478.4-66478.13.

(g) That the proposed subdivision violates the provisions of this division and no exception has been granted as provided in § 325-9.

(h) That the proposed subdivision violates the provisions of the Planning Division as to area, setback or frontage requirement and no variance has been granted.

(i) That the proposed subdivision would violate any other section of this Code.

(j) That the discharge of waste from the proposed subdivision into an existing community sewer system would result in violation of existing requirements prescribed by the California Regional Water Quality Control Board pursuant to Division 7 (commencing with § 13000) of the Water Code. (GC §§ 66473-66474.7) (Ord. 1146, § 53, 7/19/77)

325-6. MAP APPLICATION FAILURE.

The Advisory Agency shall disapprove a map for failure to meet or perform any of the requirements or conditions imposed by the Map Act or this division; provided that such disapproval shall be accompanied by a finding identifying the requirements or conditions which have not been met or performed. When the failure of the map to comply with the Map Act or this division is the result of a technical and inadvertent error which, in the determination of the Advisory Agency, does not materially affect the validity of the map, the Advisory Agency, upon written request of the subdivider, may waive such failure and approve the map. (GC § 66473) (Ord. 1146, § 54, 7/19/77)

325-7. EXCESSIVE COST TO THE COUNTY.

Where the Advisory Agency determines that a subdivision requires undue expenditure by the County to improve existing County roads and bridges which do not conform to the minimum requirements or grade, alignment, width and construction set forth in these regulations, the Advisory Agency shall not approve such subdivision until the Board of Supervisors has approved such expenditures. (Ord. 1146, § 55, 7/19/77)

325-7.5. BOARD OF SUPERVISORS REVIEW OF ACTION OF THE ADVISORY AGENCY.

The Board of Supervisors hereby reserves the right to hear and decide all matters, decisions and actions taken under the authority of the subdivision regulations of the County of Humboldt. Within the time prescribed for appeals, the Board of Supervisors by its own motion may review and decide any action or decision of the Advisory Agency. The Board of Supervisors' decision in the matter shall be made after conducting a public hearing which has been duly noticed in the manner required by the Subdivision Map Act for appeals. (Ord. 1351, § 3, 8/28/79)

325-8. APPEALS.

The subdivider, any interested person or any public entity may appeal any action of the Advisory Agency to the Board of Supervisors. (GC §§ 66451.3, 66452.5, 66474.7) (Ord. 1146, § 56, 7/19/77)

325-9. EXCEPTIONS.

(a) The Advisory Agency may grant conditional exceptions to any of the requirements and regulations set forth in this division. Application for any such exception shall be made by a petition of the subdivider, stating fully the grounds for the exception and the facts relied upon by the petitioner. Such petition shall be filed with the Tentative Subdivision Map of the subdivision or within fifteen (15) days of the action on the subdivision by the Advisory Agency. In order for the property referred to in the petition to come within the provisions of this section, it shall be necessary that the following conditions exist:

- (1) That there are special circumstances or conditions affecting said property.
- (2) That the exception is necessary for the preservation and enjoyment of a substantial property right of the petitioner.
- (3) That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the territory in which said property is situated.

(b) In granting such exceptions, the Advisory Agency shall secure substantially the objectives of the regulations to which the exceptions are granted as to light, air, and public health, safety, convenience, and general welfare.

(c) The Advisory Agency shall file a report indicating the findings made and the action taken to the Board of Supervisors. The Board is not required to take further action thereon and receives the report for information only. (Ord. 1146, § 57, 7/19/77)

325-10. PLANNED UNIT SUBDIVISION EXCEPTIONS.

When a zone change and/or conditional use permit have been recommended for approval by the Planning Commission for a planned unit development zone, and such planned unit development zone is subdivided, exceptions to certain subdivision standards may be approved by the Advisory Agency on the Tentative Subdivision Map, subject to final rezoning action by the Board of Supervisors, as follows:

- (a) Exceptions to the requirements and regulations relating to lot size, width and shape may be permitted when:
 - (1) An open-space, recreational area or residual parcel for resource protection and maintenance is to be provided for the use and benefit of all the dwelling units in the development; and

(2) The total land area of the development divided by the total number of dwelling unit equal to or more than that required by the zoning regulations or General Plan in which the development is located. Total land area of the development shall include the land area of the open space, private driveway and walkways, recreational areas and/or residual parcel for resource protection and maintenance, but shall not include any land area being set aside for public use or private streets.

(b) Exceptions to the requirements that lots abut on a street may be permitted when:

(1) Adequate and permanent access from a street to each family dwelling unit is provided for pedestrians and emergency vehicles; and

(2) Adequate and permanent provisions for automobile off-street parking spaces are provided. (Ord. 1146, § 58, 7/19/77)

325-11. MINIMUM LOT SIZE MODIFICATION.

This section applies in those instances in which a subdivider proposes to develop his land to a maximum density allowable under the existing zoning. It does not apply in those instances in which the proposed land division stops short of the maximum density allowable by zoning or the existing General Plan. If the subdivider proposes reduced subdivision improvements premised upon a lesser density than allowed under current zoning, the requirements of paragraphs (5)A and (5)B of § 323-6(a) apply. In the event of phase development of larger land tracts - wherein subdivision of the total property is proposed to occur over a period of years - each and every map filed must stand on its own as to the requirements of this section.

In order to permit more flexibility to cope with difficulties due to topography and other natural or man-made features of Humboldt County, the minimum lot area in any zone or General Plan designation may be modified down to a maximum of fifty percent (50%) of the minimum lot size required. At the same time, no lot created by the subdivision shall be larger than 1.8 times the minimum lot size permitted under the applicable zoning or General Plan classification. Also, the number of lots shall not be more than would normally be allowed in the applicable zone or General Plan designation, nor shall the area of the total property in the before condition divided by the total number of lots to be created result in an average area less than that required in the applicable zone or General Plan designation.

The Advisory Agency shall, in determining the amount of each modification to the lots to be created by the subdivision, the arrangement of the lots, and the dimensions of each lot, find the following:

(a) The provisions for lots are in harmony with the topographic configuration of the site and the immediate area.

(b) Soil conditions both on-site and off-site will not be adversely affected.

(c) Hydrologic conditions of the site and the surrounding areas will not be adversely affected.

(d) The internal arrangement of the streets and access to public roads will not adversely affect the traffic patterns of the area and emergency vehicle access.

(e) The number, type and density of dwelling units and the design of the site conform to this section and are in the interest of the public welfare.

(f) The existing character of the area in terms of density and arrangement will not be adversely affected.

(g) Any existing inland wetlands, water course and tidal wetlands will not be adversely affected.

(h) Over-all conformance to the Humboldt County General Plan.

(i) Nothing herein permit lots less than 6,000 square feet in size. (Ord. 1146, § 59, 7/19/77)

325-12. BUILDING SETBACKS.

The Advisory Agency may establish building setbacks in excess of those required by the Planning Division. Such setbacks shall be shown on the Parcel Map or Final Map. (Ord. 1146, § 59.5, 7/19/77)