

CHAPTER 6

FINAL AND PARCEL MAPS

ARTICLE I. COMPLETION OF IMPROVEMENTS

326-1. COMPLIANCE WITH CONDITIONS OF TENTATIVE SUBDIVISION MAP APPROVAL.

Prior to filing the Final Map, Parcel Map or Instrument of Waiver, the subdivider must meet or comply with the conditions of approval of the Tentative Subdivision Map. If improvements were required, the subdivider shall either have completed the improvements or have executed an agreement with the County to complete the improvements. The form and requirements of the agreement are specified in § 326-2 and 326-3. (Ord. 1146, § 60, 7/19/77)

326-2. IMPROVEMENT AGREEMENT.

(a) If the subdivision improvements have not been completed prior to filing the Final Map, Parcel Map or Instrument of Waiver, the owner or owners of the subdivision shall enter into an agreement with the County of Humboldt agreeing to have the work described in the improvement plans completed. In the case of Final Map Subdivisions, the improvements must be completed within two (2) years following recordation of the Final Map. In the case of Parcel Map Subdivisions, the improvements must be completed within two (2) years following recordation of the Final Map. In the case of Parcel Map Subdivisions, the improvements must be completed within the period specified by the Advisory Agency.

The agreement may provide for the improvements to be installed in units (subject to the provisions of § 66499 of the Map Act) for extensions of time under specified conditions, or for the termination of the agreement upon reversion of the subdivision or a part thereof to acreage. (Ord. 1246, § 1, 8/8/78)

(b) The subdivision agreement shall guarantee that all streets and storm drain improvements and equipment deemed necessary for the use of such subdivision, or the proper drainage thereof and including, but not limited to, street surfacing, sidewalks, curbs and gutters, culverts, bridges, and storm drains, shall be free from defects of material or workmanship and shall perform satisfactorily for a period of at least one (1) year from and after acceptance of such improvements as complete.

The subdivider shall agree to repair any defects in any such improvements and to replace any defective improvements which cannot be repaired and which occur or arise within said one (1) year period at his/her own expense. (Ord. 1146, § 61, 7/19/77)

326-3. IMPROVEMENT PLANS.

(a) If subdivision improvements are required, improvement plans may be required by the Department of Public Works for all or part of the improvements. The Department may require the plans to be prepared by a registered civil engineer.

(b) The improvement plans must be approved by the Department of Public Works prior to the making of any improvements.

(c) An itemized estimate of costs for all improvements required for the subdivision shall be submitted with the improvement plans if the improvements are not to be completed prior to the recording of the Final or Parcel Map or Instrument of Waiver or separate recorded instrument referenced thereto.

(d) To insure proper design and to simplify and speed checking procedures, it may be required that design calculations and related information be submitted with the improvement plans. (Ord. 1146, § 62, 7/19/77)

326-4. IMPROVEMENT SPECIFICATIONS.

All of the subdivision improvements required shall be constructed in accordance with the specifications therefor which are contained in the portion of the appendix to this division entitled "Design and Improvement Standards." All of the subdivision improvements required by the County shall be carried out in full compliance with the specifications as set forth or referred to in said appendix. Nothing contained in said appendix shall be construed to prohibit the subdivider from constructing a higher type of improvement than specified herein. (Ord. 1146 § 63, 7/19/77)

326-5. UTILITIES PLACEMENT.

Except as otherwise approved by the Advisory Agency, all utilities shall be placed as directed by the affected utility companies and approved by the Department of Public Works. (Ord. 1146, § 64, 7/19/77)

326-6. SUBDIVISION SECURITY AMOUNTS.

Prior to the execution of the agreement (by the County) provided in § 326-2, the subdivider shall furnish the County with the following securities: (Ord. 1365, § 1, 11/06/79)

(a) A good and sufficient security given for faithful performance of the agreement in an amount equal to the approved cost estimate. (Ord. 1365, § 1, 11/06/79)

(b) A good and sufficient security securing the payment to laborers and materialmen in an amount equal to fifty percent (50%) of the approved cost estimate. (Ord. 1365, § 1, 11/06/79)

(c) A good and sufficient security securing the subdivider's guarantee and warranty of workmanship and materials in an amount equal to five percent (5%) of the approved cost estimate. (Ord. 1365, § 1, 11/06/79)

(d) A good and sufficient security securing subdivider's obligation to pay County's reasonable expenses, fees and attorney fees incurred in successfully enforcing the subdivision agreement in an amount equal to five percent (5%) of the approved cost estimate. (Ord. 1365, § 1, 11/06/79)

(e) A good and sufficient security in an amount equal to estimated cost of setting all monuments. (Ord. 1365, § 1, 11/06/79)

(f) A certificate from the County Tax Collector showing that all payable taxes are paid and, in the case of a Final Map Subdivision, a bond for the payment of taxes then a lien but not yet payable. (Ord. 1365, § 1, 11/06/79)

(g) Evidence of cash payment of all fees required for the checking and filing of maps, for the inspection of improvements, and for the payment of street signs and traffic control devices to be furnished and installed by the County. (Ord. 1146, § 65, 7/19/77; Ord. 1365, § 1, 11/06/79)

326-6.2. FORM OF SECURITY.

As used in § 326-6, "good and sufficient security" means any of the following: (Ord. 1365, § 2, 11/06/79)

(a) A bond or bonds by one or more duly authorized corporate sureties. (Ord. 1365, § 2, 11/06/79)

(b) A deposit, either with the County or a responsible escrow company or trust company, at the option of the County, of money or negotiable bonds of the kind approved for securing deposits or public moneys. (Ord. 1365, § 2, 11/06/79)

(c) An instrument of credit from one or more financial institutions subject to the regulation by the state or federal government and pledging that the funds necessary to carry out the act or agreement are on deposit and guaranteed for payment. (Ord. 1365, § 2, 11/06/79)

(d) A lien upon the property to be divided, created by contract between the owner and the County, if the Advisory Agency expressly finds that it would not be in the public interest to require the installation of the required improvement sooner than two (2) years after the recordation of the map. (Ord. 1365, § 2, 11/06/79)

(e) In the case of parcel map subdivisions of four (4) or fewer lots, a lien upon real property if approved by the Director of Public Works. (Ord. 1365, § 2, 11/6/79)

326-6.3. REAL PROPERTY LIENS.

(a) The Director of Public Works shall have the discretion to accept or reject liens upon real property offered as good and sufficient subdivision security. (Ord. 1365, § 3, 11/06/79)

(b) In considering offered liens, the Director of Public Works may consider any factor he finds relevant and may require the subdivider to submit such information he deems necessary. (Ord. 1365, § 3, 11/06/79)

(c) An application to the Director of Public Works shall contain the following: (Ord. 1365, § 3, 11/06/79)

- (1) A current appraisal prepared by an independent appraiser commonly accepted by financial institutions or a certified copy of the Humboldt County Assessor's appraisal. (Ord. 1365, § 3, 11/06/79)
- (2) A current preliminary title report. (Ord. 1365, § 3, 11/06/79)
- (3) A current credit report. (Ord. 1365, § 3, 11/06/79)
- (4) A contract for the installation of the subdivision improvements unless the subdivider is licensed to perform such work. (Ord. 1365, § 3, 11/06/79)
- (5) A loan commitment or other source of funding the construction. (Ord. 1365, § 3, 11/06/79)
- (6) Two (2) copies of the tentative map and letter of approval. (Ord. 1365, § 3, 11/06/79)
- (7) An application fee in the amount set by resolution of the Board of Supervisors. (Ord. 1365, § 3, 11/06/79)

(d) Subdivision real property liens shall be senior to all other liens and shall not exceed seventy percent (70%) of the appraised unsubdivided value of the property. (Ord. 1365, § 3, 11/06/79)

(e) Upon approval, an escrow shall be opened providing for the preparation of the deed of trust, issuance of a standard form title policy in favor of the County of Humboldt in the amount of the lien, closure of escrow within forty-five (45) days and payment of all escrow cost fees and expenses by the subdivider. (Ord. 1365, § 3, 11/06/79)

(f) The Director of Public Works may grant partial releases as long as the sufficient security remains to cover uncompleted improvements. (Ord. 1365, § 3, 11/06/79)

326-7. NON-ACCEPTANCE OF PREMATURE WORK.

Any improvements made which have been done without complying with the procedures set forth in §§ 326-2 through 326-5 and §§ 326-11 through 326-16 of this chapter will not be accepted for maintenance by the County of Humboldt. (Ord. 1146, § 66, 7.19/77)

ARTICLE II. INSPECTION OF IMPROVEMENTS

326-11. INSPECTION.

(a) Authorized representatives of the County and of all affected public or private utilities shall have the right to enter upon the site of said improvements for the purpose of inspecting the same, and shall be furnished with samples of material as may be required for the making of tests to determine the acceptability of such materials.

(b) Until completion of construction of all subdivision improvements and to facilitate inspection, each road and each lot in such subdivision shall be conspicuously posted with a sign indicating the road name and lot number when required. (Ord. 1146, § 70, 7/19/77; Ord. 1290, § 5, 12/12/78)

326-12. TIME AND TYPE OF INSPECTION.

The Director of Public Works shall, within ten (10) working days of a request therefor, make such inspections as are required and as he deems necessary to insure that all construction is in accordance with the approved plans and specifications. Unless waived in writing by the Director of Public Works, inspections would normally consist of, but are not limited to, the following:

- (a) An inspection after completion of the clearing operation.
- (b) Inspection during the construction of all earthwork operations.
- (c) An inspection of the subgrade prior to the placing of the aggregate base.
- (d) An inspection of the aggregate base prior to the placing of the roadway surfacing.
- (e) An inspection of concrete forms and reinforcing prior to the placing of any concrete therein.

- (f) An inspection of the placing of any concrete or roadway surfacing.
- (g) Utilities placement.
- (h) Drainage facilities.
- (i) A final inspection upon completion of all improvements within the subdivision. (Ord. 1146, § 71, 7/19/77; Ord. 1290, § 6, 12/12/78)

326-13. IMPROVEMENT REVIEW AND INSPECTION FEES.

The subdivider shall bear the actual costs of review and inspection which include, but shall not be limited to: review of improvement plans, review of drainage plans, consultation on improvement requirements where no plans are submitted, site review, laboratory fees, and all field inspections.

Deposits shall be posted with the Department of Public Works in accordance with the following:

(a) Parcel and Final Maps Accompanied with a Subdivision Agreement and Security. If the subdivider enters into a subdivision agreement and posts a security for the improvements, there shall be a cash deposit equal to the estimated cost of review and inspection which shall be three percent (3%) or \$200.00, whichever is greater, of the estimated cost of all improvements included in the subdivision agreement.

(b) Parcel Maps where there is an Unsecured Subdivision Agreement. If the subdivider elects to construct improvements after recording a parcel map by entering into an unsecured subdivision agreement, a cash deposit equal to the estimated cost of review and inspection shall be posted prior to commencement of any improvement work. The amount of deposit shall be determined by the Department of Public Works, but shall be a minimum of \$200.00.

(c) Maps where there is no Subdivision Agreement. If the Subdivider elects to construct improvements prior to recording a parcel map or final map and not enter into a subdivision agreement, a cash deposit shall be posted prior to commencement of any improvement work. The amount of deposit shall be determined by the Department of Public Works, but shall be a minimum of \$200.00.

(d) Deposition of Deposit. The actual cost of review and inspection shall be deducted from the cash deposit established pursuant to subsections (a), (b) or (c) above. Any surplus remaining thereafter shall be refunded to the subdivider. If actual costs of review and inspection exceed the cash deposit, the subdivider shall pay to the County any excess upon receipt of a billing from the County for such excess charge. (Ord. 1146, § 72, 7/19/77; Ord. 1615, § 2, 9/13/83)

326-14. SURVEY.

(a) A field survey shall be made in conformity with the Land Surveyor's Act, for all subdivisions except where a Parcel Map waiver has been granted.

(b) Traverse work sheet in a form approved by the County Surveyor, together with complete sets of blue line or black and white check prints of the Final Map or Parcel Map, shall be submitted to the Director of Public Works for checking and approval.

(c) All surveys for Final and Parcel Maps, in addition to conforming to requirements of § 8814 of the Public Resources Code, State of California, may be tied to the California Coordinate System.

(d) All monuments, property lines, center lines of streets, alleys and easements, within or adjoining the tract, shall be shown on the Final or Parcel Map. (Ord. 1146, § 73, 7/19/77)

326-15. MONUMENTS.

(a) Monuments shall be set in accordance with the provisions contained in §§ 66495-66498 of the Map Act and the other provisions of this section.

(b) The engineer or surveyor shall set monuments in such a manner that the property lines may be retraced in any area of the subdivision with a minimum of difficulty.

(c) On all subdivisions containing less than five (5) parcels, at least two (2) property corner monuments on one (1) property line shall be set or referenced to existing physical objects on each parcel being created. When the General Plan or existing land zoning laws prevent any further property divisions of the parcels being created, all property corner monuments shall be set unless the parcels are in excess of one (1) acre in size.

(d) On all subdivisions containing five (5) or more parcels, all lot corners shall be monumented.

(1) All monuments and their locations shall be subject to inspection by the approval of the Director of Public Works.

(2) As a minimum, road centerline monuments shall be set at all street intersections but not greater than 1,000 feet apart. In rural subdivisions, roads shall be sufficiently monumented in a manner acceptable to the Department of Public Works so as to be located and retractable in any area of the subdivision with a minimum of difficulty. Where the roadway surfacing is rock or gravel, road monuments may be located along the right of way line of this roads, rather than in the road itself.

(3) Any monument or bench mark, as required by these specifications, that is disturbed or destroyed before acceptance of all improvements, shall be replaced by the subdivider.

(e) Monumentation of some lot corners may be waived in writing for good cause by the Department of Public Works. An adverse decision may be appealed to the Subdivision Waiver Appeals Board.

(f) Monuments may be set after recordation of the Final or Parcel Map but not later than thirty (30) days after completion of the improvements. A statement shall appear on the map by the surveyor to certify as to the date which the monuments will be set. (Ord. 1146, § 74, 7/19/77)

326-16. "AS BUILT" IMPROVEMENT PLANS.

If the road will be maintained by the County, a reproducible set of improvement plans; showing any and all deviations from the previously submitted improvement plans, shall be filed with the County Department of Public Works, prior to the release of the improvement securities. (Ord. 1146, § 75, 7/19/77)

ARTICLE III. FINAL MAP

326-21. FILING OF FINAL MAP.

A tracing and four (4) legible prints of the Final Map in form as required by the Map Act and §§ 326-21 through 326-23 of this Code shall be filed with the County Surveyor within twenty-four (24) months of the approval of the Tentative Subdivision Map. An extension of filing time, not exceeding that permitted by the Map Act, may be granted

by the Advisory Agency approving the Tentative Subdivision Map. Modification of a Tentative Subdivision Map after approval or conditional approval shall not extend the time limits imposed by this section. (GC Sections 66452.6, 66456-62, 66464-68) (Ord. 1146, § 80, 7/19/77; Ord. 1586, § 1, 4/12/83)

326-22. FORM OF FINAL MAP.

(a) The form of the Final map shall be as specified in § 66434 of the Map Act, except that the size of each sheet shall be a minimum of eighteen by twenty-seven inches (18" x 27") and that the margin on the left side of the map shall be a minimum of two inches (2"). (GC §§ 66430, 66433, 66443) (Ord. 1146, § 81, 7/19/77)

(b) In addition to any other certifications required to be placed on the map by the Subdivision Map Act, the map shall contain the certification required by Government Code § 66492 (or any successor section thereto). Said certification shall be in the form prescribed by the County Tax Collector. (Ord. 1961, § 1, 3/3/92)

(c) Pursuant to Government Code § 66468.2, the duties of the Clerk of the Board with respect to the filing of the Maps as set forth in Title 7, Division 2, Chapter 3, Article 5 of the Government Code, are hereby delegated to the County Tax Collector. (Ord. 1961, § 1, 3/3/92)

326-23. FINAL 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 a Final Map shall be disapproved only for failure to meet or perform requirements or conditions which were applicable to the subdivision at the time of approval of the Tentative Subdivision Map and provided further 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, § 82, 7/19/77)

326-24. PRELIMINARY SOIL REPORTS TO ACCOMPANY FINAL MAP.

(a) Every final map subdivision and every subdivision in which any lot created by said parcel map subdivision is less than ten (10) acres in size, shall be accompanied by a preliminary soils report, prepared by a civil engineer who is registered by the State of California, based upon adequate test borings or excavations of the soil qualities of the proposed subdivision; provided, however, that such preliminary soil report may be waived by the Planning Department, upon the recommendation of the Building Department, where it has been determined that, due to the knowledge of soils within the subdivision, no preliminary soil report is necessary. (Ord. 596 § 1, 5/16/67)

(b) If the preliminary soil report indicates the presence of critically expansive soils or other soil problems, which, if not corrected, might lead to structural defects in buildings proposed to be constructed upon said subdivision, a soil investigation shall be made of each lot in the subdivision. Such soil investigation shall be prepared by a civil engineer who is registered in the State of California and qualified in geology and soils engineering and shall recommend corrective action which is likely to prevent structural damage to each building proposed to be constructed and not aggravate the existing hazard. (Ord. 988, § 2, 7/23/74)

(c) When such soil report or reports have been prepared, as required by subsections (a) and (b) hereof, this fact shall be noted on the final or parcel map, together with the date of the report and the name of the engineer making the report. (Ord. 596, § 3, 5/16/67)

(d) The Building Department of the County of Humboldt shall approve the soil investigation if it determines that the recommended action is likely to prevent structural damage to each building proposed to be constructed. Such approved recommended action shall be incorporated in the construction of each building as a condition of the building permit. (Ord. 596, § 4, 5/16/67)

(e) Whether a proposed building site is within a subdivision or not, the Building Department shall review each building permit application and require a soil report prepared in the manner required by subsection (b) hereof when the proposed building site and improvements are in a location that may have mud slide hazards, or when such a building site is on land composed of filled areas, on marsh land, on land which has an average slope of fifteen percent (15%) or more, and when said Building Department has reason to believe that the proposed building site contains expansive soils or other soil problems which, if not corrected, might lead to structural defects in buildings proposed to be constructed upon said proposed building site. (Ord. 988, § 3, 7/23/74)

(f) Any person aggrieved by any determination or condition made pursuant to subsections (b) and (d) hereof may appeal such determination or condition to such appeal board as is established pursuant to the provisions of §§ 317-51 to 317-55 of this Code, and appeals shall be taken in the manner prescribed by the rules and regulations of said appeals board. (Ord. 596, § 6, 5/16/67)

ARTICLE IV. PARCEL MAP

326-31. FILING OF PARCEL MAP.

A tracing and three legible prints of the Parcel Map shall be filed within twenty-four (24) months of approval of the Tentative Subdivision Map. An extension of time not exceeding that permitted by the Map Act may be granted by the Advisory Agency approving the Tentative Subdivision Map as provided in the Map Act. Modification of a Tentative Subdivision Map after approval or conditional approval shall not extend the time limits imposed by this section.

The map filed with the County Surveyor with evidence that all conditions of approval have been met. The County Surveyor shall review the map to determine if: (1) it conforms to the Tentative Subdivision map; (2) all conditions of approval have been met; (3) it is in conformance with the Map Act and this division; and (4) it is technically accurate.

If the County Surveyor affirmatively determines the above, he shall sign the map and forward it to the Recorder. The County Surveyor shall either sign the map or reject it within twenty (20) days from the date it is filed unless the subdivider and County Surveyor mutually agree to extend said time. The County Surveyor may accept, accept subject to improvement or reject dedications or offers of dedications that are made by a statement on the map. The County Surveyor shall certify the acceptance or rejection of the dedication on the map. (Ord. 1290, § 7, 12/12/78; Ord. 1612, § 1, 8/16/83; Ord. 1961, § 2, 3/3/92)

326-32. FORM OF PARCEL MAP.

(a) The form of the Parcel Map shall be as specified in § 66445 of the Map Act, except that the size of each sheet shall be a minimum of eighteen by twenty-seven inches (18" x 27") and that the margin on the left side of the map shall be a minimum of two inches (2"). (Ord. 1146, § 91, 7/19/77)

(b) In addition to any other certifications required to be placed on the map by the Subdivision Map Act, the map shall contain the certification required by Government Code § 66492 (or any successor section thereto). Said certification shall be in the form prescribed by the County Tax Collector. (Ord. 1961, § 3, 3/3/92)

(c) Pursuant to Government Code § 66468.2, the duties of the Clerk of the Board with respect to the filing of Maps as set forth in Title 7, Division 2, Chapter 3, Article 6 of the Government Code, are hereby delegated to the County Tax Collector. (Ord. 1961, § 3, 3/3/92)

326-33. PARCEL 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 a Parcel Map shall be disapproved only for failure to meet or perform requirements or conditions which were applicable to the subdivision at the time of approval of the Tentative Subdivision Map and provided further 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. (Ord. 1146, § 92, 7/19/77)

326-34. WAIVER OF REQUIREMENT OF PARCEL MAP.

(a) The requirement that a Parcel Map be prepared and recorded may be waived in accordance with the procedures set forth in this section if the preparation and recordation of a Parcel Map will create an undue hardship and the absence of survey data will not be detrimental to future owners of the lots created, or an abundance of survey data exists or record such that the survey and preparation of the Parcel Map is an unnecessary expense and the parcels can be conveyed by metes and bounds descriptions. A Tentative Subdivision Map approved by the Advisory Agency shall be required in cases where a Parcel Map is waived.

(b) An application for waiver of the requirement of a Parcel map shall be filed with the County Surveyor upon such forms as prescribed by the County Surveyor. The filing of such application shall be accompanied with payment of a filing fee as established by resolution of the Board of Supervisors.

(c) An application for waiver of the requirement of a Parcel Map shall be acted upon by the County Surveyor within twenty (20) days after its filing, unless such time is extended by agreement with the applicant. The County shall by written instrument approve or conditionally approve the application for waiver if it is determined that:

(1) The requirement of a Parcel Map will create an undue hardship and the absence of survey data will not be detrimental to future owners of the lots created, of an abundance of survey data exists of record such that the survey and preparation of the Parcel Map is an unnecessary expense and the parcels can be reconveyed by metes and bounds descriptions; and

(2) The Board of Supervisors or the Advisory Agency has made a finding that the proposed subdivision complies with the requirements of the Subdivision Map Act and this division as to area, improvement and design, flood water drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection, and other requirements of the Subdivision Map Act and this division.

Any requirements for the construction of reasonable off-site and on-site improvements for a lot being created by the proposed division of land shall be set forth in the instrument approving the application of waiver.

(d) The instrument of Waiver shall be duly acknowledged. The County Surveyor shall arrange for recordation of the instrument of waiver pursuant to Government Code § 66411.1.

(e) Within ten (10) days after denial of any application for waiver by the County Surveyor, a subdivider may appeal to the Humboldt County Subdivision Waiver Appeals Board. The Humboldt County Subdivision Waiver Appeals Board, hereby created, shall consist of three (3) members who are qualified by training and experience to pass upon matters pertaining to land boundaries. (Ord. 1290, § 8, 12/12/78)