

EXHIBIT C

LAND USE

CHAPTER IV: SUBDIVISIONS

SECTIONS 1 SUBDIVISIONS

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Sec. L-IV 1.1 Short Title

This Chapter may be referred to as the “Nevada County Subdivision Ordinance.”

Sec. L-IV 1.2 Purpose of Chapter

This Chapter is enacted pursuant to and supplementary to Cal. Gov’t Code §§ 66410 – 66499.40 and other provisions of the State for the purpose of adopting regulations for the design and improvement of subdivisions within the unincorporated territory of the County of Nevada, State of California.

Sec. L-IV 1.3 Definitions

As used in this Chapter, the following words and phrases shall have the meaning provided for them in this Section:

- A -

ADVISORY AGENCY refers to the body that is charged by the Board of Supervisors with making investigations and reports on the design and improvements of proposed divisions of real property, imposing of requirements of conditions thereon, and having the authority by local ordinance to approve, conditionally approve or disapprove a tentative map.

In the case of subdivisions proposing the creation of four or fewer parcels and that require the filing of a parcel map, the Advisory Agency shall be the Zoning Administrator as designated in the Administrative Code of the County of Nevada.

In the case of subdivisions that require the filing of a final map, the filing of a parcel map that creates more than four lots, or that create parcels containing sixty (60) acres or more, the Advisory Agency shall be the Planning Commission as that Commission is provided for in the Administrative Code of the County of Nevada. (Ord. 1097. (07/19/1982); Ord. 1896. (01/16/1996)

APPEAL BOARD refers to the Board of Supervisors, which shall be charged with hearing and making final determinations upon any appeals with respect to divisions of real property, the imposition of requirements or conditions thereon, or the kinds, nature and extent of the design or improvements, or both, recommended or required by the Advisory Agency.

Any decision of the Zoning Administrator or Planning Commission may be appealed directly to the Board of Supervisors.

APPLICANT means a person, firm, corporation, partnership, association, or other entity that submits a tentative map on behalf of himself or others. The applicant may be the legal owner of the subject property, prospective buyer or authorized representative. No form signed by the owner of the property consenting to the filing of the tentative map is required.

APPROVED ACCESS, when considering subdivisions that create parcels containing between twenty (20) and forty (40) acres in area or parcels zoned commercial or industrial, shall be interpreted to mean legal road access to a maintained public street

or highway, which road access complies with adopted County road standards for width, grade, alignment and improvement.

- B -

BOARD OF SUPERVISORS means the Board of Supervisors of the County of Nevada.

- C -

CONTIGUOUS means parcels having any point or line common to both parcels. Property shall be considered as contiguous units even if separated by roads, streets, utility easements or railroad rights-of-way.

COUNTY means the County of Nevada, a political subdivision of the State of California.

COUNTY ROAD is any road accepted into the County Road System pursuant to Streets and Highways Code § 941 or any road for which an offer of dedication to the County has been accepted or accepted subject to improvements.

- D -

DEPARTMENT OF PUBLIC WORKS is the County department which shall advise the Zoning Administrator or Planning Commission concerning streets, engineering and matters related to the office of County Surveyor.

DESIGN means (1) street alignments, grades and widths; (2) drainage and sanitary facilities and utilities, including alignments and grades thereof; (3) location and size of all required easements and rights-of-way; (4) fire roads and firebreaks; (5) lot size and configuration; (6) traffic access; (7) grading; (8) land to be dedicated for park and recreation purposes; and (9) such other specific requirements in the plan and configuration of the entire subdivision as may be necessary or convenient to insure conformity to or implementation of the general plan or applicable specific plan currently adopted by the County.

DEVELOPMENT means the uses to which the land, which is the subject of a map, shall be put, the buildings to be constructed on it, and all alterations of the land and construction incident thereto.

- E -

ENVIRONMENTAL SUBDIVISION refers to a subdivision of land for biotic and wildlife purposes pursuant to Cal. Gov't Code § 66418.2 and the section governing "Environmental Subdivisions" of this Chapter.

- F -

FINAL MAP refers to a map prepared in accordance with the provisions of this Chapter and any other applicable local ordinance, which map is designed to be placed on record in the office of the Clerk Recorder for the purpose of creating lots or parcels.

FLOOD HAZARD is the possibility of occurrence of overflow stormwater causing flooding of land or improvements or having sufficient velocity to transport or deposit debris, to scour the surface soil, to dislodge or damage buildings or to cause erosion of banks or channels.

FREEBOARD is the vertical distance from the water level in a ditch or channel to the top of bank or berm.

- G -

GRADING PLAN is an engineering plan prepared in accordance with Chapter governing "Buildings" of this Code. (Ord. 2009. (10/26/1999).)

GROSS AREA means the total area of the lot computed to the centerline of adjacent public or private streets, roads, highways or special district or public utility rights-of-way. If the parcel to be divided lies on both sides of the road or right-of-way, the total area of the right-of-way lying within the parcel may be computed in gross area.

The area of limited-access State or Federal highways shall not be computed in gross area.

Gross Area may include property devoted to lakes, reservoirs or streams if underlying fee is owned by the subdivider and the inundated area does not exceed twenty-five percent (25%) of the area of the parcel being created.

- I -

IMPROVEMENT refers to such street work and utilities to be installed, or agreed to be installed, by the subdivider on the land to be used for public or private streets, highways, ways and easements as are necessary for the general use of the lot owners in the subdivision and local neighborhood traffic and drainage needs as a condition precedent to the approval and acceptance of the final or parcel map thereof.

Improvement may also refer to such other specific improvements or types of improvements, the installation of which either the subdivider, public agencies, private utilities, any other entity approved by the local agency or by a combination of any of the foregoing, is necessary or convenient to ensure conformity with or implementation of the general plan or applicable specific plan currently adopted by the County.

IMPROVEMENT PLANS are engineering plans prepared by or under the direction of a civil engineer registered by the State of California showing the location and construction details of all improvements required for the subdivision.

INUNDATION is ponded stormwater or stormwater in motion of sufficient depth to damage property due to the mere presence of water or the depositing of silt.

- L -

LAND PROJECT refers to a subdivision that satisfies all of the following conditions:

1. The subdivision contains fifty (50) or more parcels of which any fifty (50) are both (a) not improved with residential, industrial, commercial, or institutional buildings and (b) offered for sale, lease or financing for the purposes other than commercial, institutional, or commercial agricultural uses.
2. The subdivision is located in an area in which reside less than 1,500 registered voters within the subdivision or within two miles of the boundaries of the property described in the final public report issued by the Department of Real Estate, State of California.
3. Not constituting a community apartment project as defined in Cal. Bus. & Prof. Code §11004, a project consisting of condominiums as defined in Cal. Civ. Code § 783, or a stock cooperative as defined Cal. Bus. & Prof. Code § 11003.2.

LEGISLATIVE BODY is the County of Nevada Board of Supervisors.

LOCAL AGENCY means the County of Nevada, State of California.

LOT means that portion of a parcel of land that is delineated or described as a single unit on the subdivision map.

LOT AREA means gross area for new parcels that contain one (1) acre or more, and net area for new parcels that contain less than one (1) acre.

- N -

NATURAL DRAINAGE COURSE is a drainage course having definable sides and bottom, but one that will not necessarily have year-round flow.

NET AREA means the total area of the lot owned by the current parcel owner or owners of record, exclusive of areas currently devoted, dedicated, or to be dedicated for roads, easements or water bodies.

- O -

OFF-SITE is anything lying outside the boundaries of a final map or parcel map.

- P -

PARCEL is all land which, prior to legal division, is contiguous and under one ownership.

PARCEL MAP refers to a map prepared in accordance with the provisions of this Chapter and any other applicable local ordinance, which map is designed to be placed on record in the office of the Clerk Recorder for the purpose of creating lots or parcels.

PRELIMINARY SOILS REPORT means a report prepared by a Soils Engineer based upon adequate test boring or excavation describing the conditions of the soils in the subdivision.

- R -

REMAINDER means the contiguous property of a subdivider which is not included within the boundaries of a final map or a parcel map.

- S -

SOILS ENGINEER is a licensed civil engineer, experienced in engineering geology, responsible for the soils engineering work outlined in this Chapter, including supervision, analysis and interpretation in the field of investigation and laboratory tests for a specific project, preparation of geologic and soils engineering recommendations and specifications, and supervision of grading construction work.

SPECIFICATIONS refer to the documents necessary to bring to a successful conclusion the improvements required in the subdivision. The specifications describing the method in which the work is to be accomplished shall be approved by the Department of Public Works.

STANDARD SPECIFICATIONS is the latest edition of the Nevada County Standard Construction Specifications or the latest edition of the Standard Specifications and Standard Plans of the State of California, Department of Transportation (Caltrans). Nevada County's Standard Specifications and Plans shall govern over Caltrans' Standard Specifications and Plans. Special provisions shall govern over both of these Standard Specifications and Plans.

STREETS include public and private roads and highways.

SUBDIVIDER means a person, firm, corporation, partnership or association who proposes to divide, divides or causes to be divided, real property into a subdivision for himself or for others. Contractors and subcontractors, including but not limited to consultants, employees, engineers and surveyors, employed to render services for the

development of the divided property shall be excluded from the definition of “subdivider.”

SUBDIVISION means the division of any improved or unimproved land, shown on the latest equalized County assessment roll as a unit or as contiguous units, for the purpose of sale, lease or financing, whether immediate or future. Subdivision includes a condominium project as defined in Cal. Civ. Code § 783, a community apartment project as defined in Cal. Civ. Code § 4105 or Cal. Bus. & Prof. Code § 11004 or the conversion of five or more existing dwelling units to a stock cooperative as defined in Cal. Bus. & Prof. Code § 11003.2. Any conveyance of land to a governmental agency, public entity or public utility shall not be considered a division of land for the purposes of computing the number of parcels.

SUBDIVISION MAP ACT means Cal. Gov’t Code §§ 66410 – 66499.40.

SWALE is a natural depression through which stormwaters travel but does not have well-defined sides and bottoms.

- T -

TENTATIVE MAP refers to a map made for the purpose of showing the design and improvements of a proposed subdivision and the existing conditions in and around it and need not be based upon an accurate or detailed final survey of the property. Any division of land within the County shall require the filing of a tentative map with the appropriate Advisory Agency for review and any conditions deemed necessary. (Ord. 767. (10/26/1976).)

- V -

VESTING TENTATIVE MAP refers to a map which meets the requirements of Cal. Gov’t Code §§ 66424.5(a) and 66452 and is authorized and approved pursuant to Cal. Gov’t Code §§ 66498.1 – 66498.9, and Section governing” Vesting Tentative Maps” in “Procedures” under “Subdivisions” of this Chapter. (Ord. 1883. (04/11/1995); Ord. 1919. (11/05/1996).)

Sec. L-IV 1.4 Designation of Advisory Agencies

A. The Planning Commission of the County shall be the Advisory Agency for all subdivisions dividing property into five or more parcels, whether a final map or parcel map is required.

B. The Zoning Administrator of the County shall be the Advisory Agency for all subdivisions dividing property into four parcels or fewer.

C. The Planning Director of the County shall be the Advisory Agency for all Urban Lot Splits pursuant to Cal. Gov't Code §§ 66411.7 – 66413.5.

Sec. L-IV 1.5 Requirements for Maps

A. The necessity for tentative, final and parcel maps shall be governed by the provisions of this Section.

B. Tentative maps shall be filed with the appropriate Advisory Agency for review, conditions and approval for any subdivision.

C. A final map shall be required for all subdivisions creating five (5) or more parcels, five (5) or more condominiums as defined in Cal. Civ. Code § 783, a community apartment project containing five or more parcels or the conversion of a dwelling to a stock cooperative containing five (5) or more dwelling units, except where one of the following occurs:

1. The land before the division contains less than five (5) acres, each parcel created by the division abuts upon a maintained public street or highway and no dedications or improvements are required by the latest adopted County standards.

2. Each parcel created by the division has a gross area of twenty (20) acres or more and has an approved access to a maintained public street or highway.

3. The land consists of one or more parcels of land having approved access to a public street or highway which comprises part of a tract of land zoned for industrial or commercial development and which will comply with adopted County of Nevada standards for street alignments and widths.

4. Each parcel created by the division has a gross area of forty (40) acres or more or is a quarter-quarter section or larger.

5. When land before division was conveyed by testamentary disposition to more than one person, each with an undivided interest, the individuals desire to segregate their interest in the property, and a note stating that the parcels are being created through testamentary disposition appears on the map.

D. A parcel map shall be required for all subdivisions creating four (4) or fewer parcels and those subdivisions excepted from the requirement of a final map by Subsections 1-5 of Subsection C of this Section.

E. This Section shall apply to subdivisions created for the purpose of gift, since division of a parcel for this purpose will result in parcels that may be sold immediately or in the future.

F. This Section shall not apply to boundary line adjustments. Provisions for boundary line adjustments are contained within Section governing “Boundary Line Adjustments” under “Comprehensive Site Development Standards” of the Nevada County Code.

G. Whenever a provision of this Chapter requires the filing of a tentative map for a development, a vesting tentative map may instead be filed in accordance with the provisions of Section governing Vesting Tentative Maps” in “Procedures” under “Subdivisions” of this Chapter. (Ord. 1883. (04/11/1995); Ord. 1896. (01/16/1996).)

Sec. L-IV 1.6 Appeal by Interested Persons

A subdivider, applicant, public agency or any interested person may file an appeal with the appropriate Appeal Board concerning any decision of the Advisory Agency. Any such appeal shall be filed with the Clerk of the Appeal Board within ten (10) days after the action of the Advisory Agency that is the subject of the appeal except in the case of denial of an extension of time, where a fifteen (15)-day appeal period is expressly provided for in this Chapter. Upon filing the appeal, the Appeal Board may set the matter for public hearing or may reject the appeal without hearing. Any on an appeal shall be held within thirty (30) days after the filing of the appeal in a manner prescribed in this Section of this Chapter. If the appeal is rejected, the appellant shall be notified within seven (7) days from the date of the Appeal Board’s decision. If a public hearing is held, the Appeal Board shall render its decision on the within seven (7) days from date of conclusion of the hearing. Any hearing may be continued from time to time.

The Appeal Board, in acting upon an appeal may sustain, modify, reject or overrule any recommendations or rulings of the Advisory Agency and may make findings and impose conditions as are not inconsistent with the provisions of this Chapter. (Ord. 767. (10/26/1976).)

Sec. L-IV 1.7 Public Hearings

Whenever a public hearing is held pursuant to this Chapter, notice of the time and place thereof, including a general description of the location of the subdivision or proposed subdivision, shall be given at least ten (10) days before the hearing. Such notice shall be given by publication once in a newspaper of general circulation published and circulated within the County. In addition to notice by publication, the local agency may give notice of the hearing in such other manner as it may deem necessary or desirable. Any interested person may appear at such hearing and shall be heard.

Sec. L-IV 1.8 Acts Prohibited

When the provisions of the Subdivision Map Act or of this Chapter require the execution of any certificate or affidavit or performance of some act by or on behalf of the County, no document shall be executed, nor shall such act be performed, other than by some person duly qualified therefore and designated so to act by the Board of Supervisors. (Ord. 1808. (11/10/1992).)

Sec. L-IV 1.9 Exemption for Duplicate Final or Parcel Maps

In any case where a person, firm or corporation acquires legally established, contiguous lots or parcels, there shall be no requirement for the filing of duplicate parcel or final maps, or records of survey, prior to sale of each parcel.

Sec. L-IV 1.10 Remedies

Any deed of conveyance, sale or contract to sell real property which has been divided, or which has resulted from a division in violation of the provisions of this Chapter or any previous ordinance of the County, is voidable at the sole option of the grantee, buyer or person contracting to purchase, his heirs, personal representative, or trustee in insolvency or bankruptcy within one year after the date of discovery of the violation of the provisions of this Chapter, but the deed of conveyance, sale or contract to sell is binding upon any successor in interest of the grantee, buyer or person contracting to purchase, other than those above enumerated, and upon the grantor, vendor, or person contracting to sell, or their assignee, heir or devisee.

Any grantee, or his successor in interest of real property that has been divided, or that has resulted from a division in violation of the provisions of this Chapter or any previous ordinance of the County, may, within one year of the date of discovery of such violation, bring an action in the Superior Court to recover any damages he has suffered by reason of such division of property. The action may be brought against the person who divided the property in violation of the provisions of this Chapter or the previous ordinance and against the successors in interest who have actual or constructive knowledge of such division of property.

This division does not bar any legal, equitable or summary remedy to which any aggrieved local agency or other public agency, or any person, firm or corporation may otherwise be entitled, and any such local agency or other public agency, or such person, firm or corporation may file a suit in the Superior Court of the county in

which any real property attempted to be subdivided or sold, leased or financed in violation of this division is located, to restrain or enjoin any attempted or proposed subdivision or sale, lease or financing in violation of this division.

The local agency shall not issue any permit or grant any approval necessary to develop any real property which has been divided, or which has resulted from a division, in violation of the provisions of this Chapter or any previous ordinance if it finds that development of such real property is contrary to the public health or the public safety. The authority to deny such permit or such approval shall apply whether the applicant therefore was the owner of the real property at the time of such violation or whether the applicant therefore is the current owner of the real property with, or without, actual or constructive knowledge of the violation at the time of the acquisition of their interest in such real property.

If the local agency does issue a permit or grant approval for the development of any such real property, it may impose such additional conditions as would have been applicable to the division of the property at the time the current owner of record acquired the property.

Sec. L-IV 1.11 Reserved

Sec. L-IV 1.12 Repeal

All ordinances and parts of ordinances of the County in conflict with this Chapter, to the extent of such conflict and no further, are hereby repealed. However, such repeal shall not affect any agreement, contract or bond executed pursuant to such ordinances or any right of action or action against a violation occurring thereunder.

Sec. L-IV 1.13 Prohibition and Penalty

Unless otherwise exempted by law, no person shall sell, lease, finance or convey in any manner any parcel or parcels of real property; commence construction of any building, except for model homes, for sale, lease or financing on any such property; nor allow occupancy of a building on any such property for which a final map or parcel map is required by this Chapter until such final map or parcel map, in full compliance with the provisions of this Chapter, has been filed for record by the Clerk Recorder. Any person who violates any provision of this Chapter shall be guilty of a misdemeanor. (Ord. 767. (10/26/1992).)

Sec. L-IV 1.14 Prohibition Against Specifying Roofing Material Within Subdivision

A. As a condition of approval of any subdivision, the subdivider shall be prohibited from imposing as a deed restriction and/or within the conditions, covenants and restrictions for the subdivided property a requirement specifying the type of roofing material for any dwelling or other structure built within the subdivision.

B. Such prohibition shall apply as a condition of approval irrespective of whether or not it is included as an express condition of approval on any letter or notice of approval of any subdivision.

EXHIBIT C

LAND USE

CHAPTER IV SUBDIVISIONS

SECTION 2 PROCEDURES

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Sec. L-IV 2.21	Certificates of Compliance

Sec. L-IV 2.1 Conformance with General Plan

In any area of the County where a general plan or any specific plan or any part or subject thereof has been officially adopted by the County in accordance with the provisions of Cal. Gov't Code §§ 65000 – 66499.58 of the Government Code, the

subdivision shall be considered in relation to the said plan for provision for sites for schools, parks, public buildings, street or other public areas and facilities in accordance with the recommendations of such plan.

Sec. L-IV 2.2 Environmental Review

All subdivisions shall be subject to environmental review pursuant to Chapter governing the California Environmental Quality Act of the Nevada County Land Use and Development Code, Cal. Pub. Res. Code §§ 21000 – 21189.70.10 and Chapter 3 of Title 14 of the California Code of Regulations.

All subdivision applications shall contain a completed Project Information Questionnaire for evaluation of environmental impacts.

Sec. L-IV 2.3 Lot Standards

- A. The minimum parcel size as shown in the General Plan Land Use Maps or the Zoning District Maps shall not apply to the creation of parcels for the following:
 - 1. Parcels occupied by governmental bodies or public or private utilities.
 - 2. Remainder parcels from which governmental bodies' or public or private utilities' parcels were divided (per Section 2.3.A.1 above) provided that the remainder parcels comply with Policy 3.19 of Chapter 3: Public Facilities and Services of the Nevada County General Plan. (Ord. 1251. (09/24/1984))
 - 3. Parcels created by Environmental Subdivisions, as provided for in this Chapter.
 - 4. Parcels created by Urban Lot Splits, as provided for in this Chapter.
- B. Lot Size Standards - All proposed lots or parcels in a subdivision shall comply with all appropriate requirements of Chapter governing Zoning Regulations of the Nevada County Codes as they now exist or may hereafter be amended; provided, however, when the land being divided is described as an aliquot part of a section (e.g., the northeast quarter of the southwest quarter), and the parcel is, as a result of an actual field survey, found to be less than that shown on the deed, the resulting parcels may be less than the required minimum lot size provided said deficiency is not greater than three percent (3%) of required size.
- C. Clustered Lot Sizes - Where required by the Nevada County General Plan, a clustered map option shall be required. When a clustered map is approved, the minimum parcel or lot sizes may be less than the minimum parcel sizes

established by the Zoning District Map, provided that the overall project density remains consistent with the base zoning district or General Plan land use designation. The minimum parcel or lot sizes shall be limited to that needed to meet water and sewage disposal standards, as determined by the Department of Environmental Health.

- D. C. Urban Lot Split Standards - All proposed lots or parcels in a subdivision shall comply with all appropriate requirements of governing Zoning Regulations of the Nevada County Code, and with all appropriate requirements of Cal. Gov't Code § 66411.7, as they now exist or may hereafter be amended.

Sec. L-IV 2.4 Findings

No tentative map shall be approved unless the Planning Agency shall find that:

- A. The proposed subdivision, together with the provisions for its design and improvements, is consistent with the Nevada County General Plan and with any specific plan which is in effect within the project area.
- B. Adequate public services exist within the project area and are available to serve the subdivision. Where public services are provided by independent special districts which have declared themselves to be impacted by development, a written statement from such special district(s) acknowledging their ability to service the project will be required at the time of project submittal. The written statement may recite that an agreement has been reached between the developer and the district to offset the impacts to the district.
- C. No finding is made pursuant to Cal. Gov't Code § 66474 that requires project denial.

Sec. L-IV 2.5 Vacation of Public Utility Easements

Upon its own initiative or at the request of an interested person, the Board of Supervisors may adopt a resolution of intent to vacate a public utility or public service easement. Such resolution shall contain a declaration of the intent to vacate, a statement that the vacation is pursuant to Cal. Sts. & High. Code §§ 8300 - 8363, and a description of the easement to be vacated with reference to a map or plan which shows the portion to be vacated. The resolution shall also set a date for a public hearing not less than fifteen (15) days from the adoption of the resolution. The

resolution shall be published and posted as otherwise required by law and as specifically required by Cal. Sts. & High. Code §§ 8322 and 8323.

Prior to the public hearing on the matter, the Board of Supervisors will request the Zoning Administrator review the proposed vacation and to determine if the vacation would be in conformance with the Nevada County General Plan.

At the public hearing, the Board of Supervisors shall hear evidence offered by the interested parties. Upon making a finding that the public utility or public service easement is no longer necessary for present or prospective public use, the Board of Supervisors may adopt a resolution vacating the public utility or public service easement. The Board of Supervisors may impose conditions which must first be satisfied and instruct the Clerk of the Board not to record the resolution of vacation until such conditions have been met. The Clerk of the Board shall be responsible for recording the resolution of vacation for which no fee shall be charged.

As an alternative to the above procedure, the Board of Supervisors may summarily vacate a public utility or public service easement upon following the procedure set forth in Cal. Sts. & High. Code § 8335 if the Board of Supervisors finds that the requirements of Cal. Sts. & High. Code § 8333 have been met.

The Board of Supervisors may, by resolution, set fees for the filing of a petition, which fees shall cover the costs associated with the investigations, mailings, publications and postings of such petition. (Ord. 1372. (04/14/1986).)

Sec. L-IV 2.6 Petition for Exceptions

Whenever the land involved in a subdivision is of such size or shape, is subject to such title limitations of record, is to be devoted to such use or is subject to such regulation by the zoning ordinance that it is impractical in the particular case to conform to the strict application of the requirements of this Chapter, the owner or authorized agent may make application to the Advisory Agency with the filing of the tentative map for such exceptions to the requirements of this Chapter as are reasonably necessary or expedient. Application for any such exception shall be made by verified petition of the subdivider stating fully the grounds of the petition and the facts relied upon by the petitioner. Such petition shall be filed with the tentative map of the subdivision.

In order for the property referred to in the petition to come within the provisions of this Section, it shall be necessary that the Advisory Agency shall find the following facts with respect thereto:

1. That there are special circumstances or conditions affecting said property;
2. That the exception is necessary for the preservation of a substantial property right of the petitioner;
3. That the granting of the exception will not be detrimental or injurious to other property in the territory in which said property is located;
4. That the granting of the exceptions will not constitute a grant of special privileges inconsistent with the limitations upon similar properties.

Further, if the petition proposes an exception to a Fire Safe standard, the following additional finding shall be made:

5. That an exception to any Fire Safe standard, including those standards adopted by Chapter governing "Fire Safety Regulations" and "Road Design Standards" of the Nevada County Land Use and Development Code, will provide the same practical effect of fire protection and is supported by the entity responsible for assuring compliance with Cal. Pub. Res. Code § 4290.

Sec. L-IV 2.7 Reserved Strips

Reserved strips controlling the access to public ways or that will not prove taxable for special improvements will not be approved.

Sec. L-IV 2.8 Public Access to Public Resources

Neither the Advisory Agency nor the Board of Supervisors shall approve either a tentative or final or parcel map of any proposed subdivision to be fronted upon a public waterway, river, stream, lake or reservoir which does not provide, or have available, reasonable public access by fee or easement from a public highway to that portion of the bank of the river, stream, lake or reservoir bordering or lying within the proposed subdivision. Reasonable public access shall be determined by the

Advisory Agency reviewing the tentative map. In making the determination, the Advisory Agency shall consider all of the following:

1. That access may be by highway, foot trail, bike trail, horse trail, or any other means of travel;
2. The size of the subdivision;
3. The type of riverbank and the various appropriate recreational, education, and scientific uses, including but not limited to, swimming, diving, boating, fishing, water skiing, scientific collection, and teaching;
4. The likelihood of trespass on private property and reasonable means of avoiding such trespass.

A public waterway, river or stream for the purpose of this Section means those waterways, rivers and streams defined in Cal. Harb. & Nav. §§ 100-106, any stream declared to be a public highway for fishing pursuant to Cal. Gov't Code §§ 25660-25662, the rivers listed in Cal. Fish & Game Code § 1505 as spawning areas and all waterways, rivers and streams downstream from any State or Federal or steelhead fish hatchery.

Neither the Advisory Agency nor the Board of Supervisors shall approve either a tentative or final or parcel map of any proposed subdivision to be fronted upon a public waterway, river or stream which does not provide for a dedication of a public easement along a portion of the bank of the river or stream bordering or lying within the proposed subdivision. The extent, width and character of the public easement shall be reasonably defined to achieve reasonable public use of the public waterway, river or stream consistent with public safety. The reasonableness and extent of the easement shall be determined by the Advisory Agency. In making the determination for reasonably defining the extent, width, and character of the public easement, the Advisory Agency shall consider all of the following:

1. That the easement may be for a foot trail, bicycle trail or horse trail.
2. The size of the subdivision.
3. The type of riverbank and the various appropriate recreational, education and scientific uses including but not limited to, swimming, diving, boating, fishing, water skiing, scientific collection and teaching.
4. The likelihood of trespass on private property and reasonable means of avoiding such trespass.

Any public access route or routes and any easement along the bank of a public waterway, river, or stream provided by the subdivider shall be expressly designated

on the tentative or final or parcel map, and such map shall expressly designate the governmental entity to which such route or routes are dedicated and its acceptance of such dedication.

Nothing contained in this Section shall require the Advisory Agency to disapprove a map solely on the basis that the reasonable public access otherwise required by this Section is not provided through or across the subdivision itself, if the Advisory Agency makes a finding that such reasonable public access is otherwise available within a reasonable distance from the subdivision. Any such finding shall be set forth on the face of the tentative, parcel or final map.

The provisions of this Section shall not apply to the final or parcel map of any subdivision which has been approved by the Advisory Agency prior to March 1, 1975.

Sec. L-IV 2.9 Reservations and Dedications

If requested by a special district providing service, the Advisory Agency may require the dedication of sites for fire stations and schools as provided for in the Subdivision Map Act.

Sec. L-IV 2.10 Fees

A. The developer shall pay fees for the processing of maps by the various County agencies and construction inspection in accordance with the latest fee schedule adopted by the Nevada County Board of Supervisors. All fees shall be paid prior to the processing of the various maps, unless otherwise authorized. Construction inspection fees shall be paid prior to the approval of the final improvement plans.

B. As a condition of approval of any tentative map, mitigation fees, where applicable, shall be paid pursuant to the provisions of Chapter governing "Mitigation and Development Fees" of this Code.

Sec. L-IV 2.11 Form of All Tentative Maps and Data to Accompany

A. The initial action in connection with the making of any subdivision shall be the preparation and filing of a tentative map or maps conforming to the provisions of this Chapter.

A tentative map, prepared by either a licensed land surveyor or a civil engineer who was registered prior to January 1, 1982, shall be drawn to scale and shall conform to all regulations contained in this Chapter unless a Petition for Exception, pursuant to Section governing "Petitions for Exceptions" in "Subdivisions" of this Code, is submitted therewith.

Every tentative map shall be clearly and legibly reproduced and shall show the following information:

1. The subdivision name, date of map version, north point, and scale. In the event the map is revised or modified during the application review process, the revision date shall be indicated on the revised map.
2. A detailed vicinity map showing the location of the proposed subdivision in relation to the surrounding area with mileage from the nearest County Road or State Highway.
3. A legend stating: the names, addresses and telephone numbers of record owners, the Assessors Parcel Numbers, the name of the subdivider (if different than the record owner), the engineer or surveyor preparing the tentative map, the source of water supply proposed, the method of sewage disposal proposed, responsible fire protection agency, source of public utilities, property zoning (existing and, if applicable, proposed), and number of new lots.
4. Sufficient legally described boundaries to define the proposed tract, and indication of adjacent subdivisions and current ownership of all adjacent parcels.
5. Location, names, present centerlines, widths, radius of all curves, and grades of adjacent or abutting roads and streets.
6. The location, names, widths, approximate grades, radius of all curves, and proposed centerlines of all streets proposed or existing in the subdivision.
7. Typical cross sections of proposed streets, showing all improvements proposed within the street right-of-way at such scale to clearly show the details thereof.
8. The dimensions and location of all existing easements, reserves and drainage ditches on or adjacent to property covered by the subdivision.

9. Location and use and dimensions of proposed easements (drainage, sewerage and public utilities).

10. Location and grade of proposed and existing driveways.

11. The location and use of all existing structures to remain on the property and setbacks from new property lines. All existing structures not proposed for retention shall be noted as such on the tentative map.

12. Topography shown with sufficient detail for proper study of building site, drainage, sewage disposal, and road locations.

13. The approximate lot size in square feet or gross acreage (net acreage if proposed lots are below one acre) and dimensions of all lots and radii of all curves.

14. Show location of all areas subject to inundation or stormwater overflow and the location, width and direction of flow of all water courses including canals and irrigation ditches.

15. Delineate all environmentally sensitive areas on the project site. Mapping shall reflect any biological resources identified and mapped in the biological inventory. Any sensitive cultural resources shall also be indicated simply as “environmentally sensitive areas.”

16. If applicable, the location of the proposed community fire-flow facility, if it is to be located on site.

17. Location of posted “Planning” sign. Property shall be posted for identification and property boundaries shall be flagged prior to application submittal.

B. Data and information on the following matters shall be either on the tentative map or contained in a written statement accompanying the same:

1. A current (within six months) preliminary title report prepared by a reputable title insurance company stating rights and interests in the property being subdivided.

2. Domestic water supply proposed by the subdivider. Information applicable to the feasibility of well drilling, analysis of the small water system, or a “will serve” letter from a public water purveyor, which ever is applicable, shall be supplied in accordance with Chapter governing “Water Supply and Resources” of the Nevada County Land Use and Development Code.
3. Proposed method of sewage disposal. When septic systems or community sewage disposal systems are proposed, data in accordance with the requirements of Chapter governing “Sewage Disposal” of the Nevada County Land Use and Development Code shall be submitted.
4. Information on the source of other public utilities.
5. Proposed drainage and control measures, including the proposed location of on-site detention facilities designed to minimize the discharge of pollutants into surface water drainage courses where required by General Plan policy.
6. A general development plan of contiguous subdivision units and parcels proposed for subdivision for the purpose of reference and information of the Planning Commission.
7. Existing and proposed uses of the property including any proposed public use areas.
8. Justifications and reasons for exceptions, if any, pursuant to Section governing “Petition for Exceptions” within “Subdivisions” of this Chapter.
9. For those subdivisions proposed on properties that may have contained prior hazardous land uses (e.g., surface and subsurface mining, milling, dump sites, artillery ranges, etc.), a Phase 1 site assessment shall be provided with the application. In the event the Phase 1 assessment concludes further investigative work may be necessary to fully identify or remediate potential on-site hazards, the subdivision application will automatically be deemed incomplete for processing until such issues have been fully quantified and an acceptable program for remediation or avoidance of any such hazard(s) has been established and approved by the responsible agency. The responsible agency will be determined based on the nature of the hazard but may include the Nevada County Department of Environmental Health or the California EPA, Department of Toxic Substances Control.

10. Information for flood reduction as required under Section governing “Standards for Subdivisions And Other Proposed Development” within “Provisions for Flood Hazard Reduction” in Floodplain Management of this Code. (Ord. 1514. (07/26/1988).)

11. Information for alternative energy source building site designs that minimize heat gain, heat loss, and the use of heating and cooling equipment when ambient conditions are extreme, and which permit use of the facility without heating or air conditioning when ambient conditions are moderate. Such features may include, but are not limited to, building orientation, native or proposed landscaping, or the use of architectural features such as insulation, thermal windows and doors, overhangs, skylights, thermal chimneys, and other design arrangements.

12. A preliminary soils report shall be provided for tentative maps for subdivisions that require either a final map or a parcel map that creates more than four lots. The report shall be prepared by a geotechnical engineer or by a civil engineer who specializes in soils investigation and is registered in this state and in accordance with Section governing “Grading” within “Subdivisions” of this Chapter. (Ord. 1883. (04/11/1995).)

Sec. L-IV 2.12 Tentative Maps

A. General:

No land shall be subdivided and developed pursuant to a tentative map for any purpose that is inconsistent with the General Plan or any applicable specific plan or not permitted by the Zoning Ordinance or other applicable provisions of the Nevada County Land Use and Development Code.

B. Filing and Processing:

A tentative map shall be filed in person with the Planning Department using the most current application forms in effect. Upon acceptance of the application, complete with all required supporting data, and filing fees, a receipt shall be issued to the applicant by the Planning Department, and the time for considering the tentative map shall start. Such acceptance shall not preclude the securing of additional information from the subdivider necessary for the proper consideration of the map, nor does it insure that the map does comply with the law and this Chapter.

The Planning Department shall circulate copies of the map and accompanying data to interested agencies with a request for comments relative to approval, disapproval or conditions necessary for approval of the tentative map. Within thirty (30) days of the issuance of the receipt, the Planning Department shall determine the completeness of the application and supporting data and shall commence with the preparation of the appropriate environmental document pursuant to Chapter governing "California Environmental Quality Act" of the Nevada County Land Use and Development Code; Cal. Pub. Res. Code §§ 21000 – 21189.70.10 , and Chapter 3 of Title 14 of the California Code of Regulations. Any report or recommendation on a tentative map by the staff to the Advisory Agency shall be in writing and a copy thereof served on the applicant at least three (3) days prior to any hearing or action on such map by the Advisory Agency.

The Advisory Agency shall consider the tentative map together with all reports received pertaining thereto. The Advisory Agency shall approve, disapprove, or conditionally approve the tentative map, unless the time for action is extended with the consent of the applicant.

The action of the Advisory Agency shall be endorsed upon the face of the tentative map or clearly attached by memorandum. In the event that the tentative map is disapproved, the reasons for such disapproval shall be stated upon the map or attached thereto by memorandum. A copy of the memorandum shall be sent to the subdivider and interested agencies, and one copy shall remain permanently in the files of the Planning Department of the County.

C. Expiration:

An approved or conditionally approved tentative map shall expire thirty-six (36) months after its approval or conditional approval. The foregoing 36-month period shall apply to any tentative map for which the initial twenty-four (24) month period has not expired prior to January 11, 2007. The expiration of the approved or conditionally approved tentative map shall terminate all proceedings and no final map or parcel map of all or any portion of the real property included within such tentative map shall be filed after the expiration date without first processing a new tentative map. (Ord. 2228. (12/12/2006).)

D. Extensions of Time:

Upon written application of the subdivider, filed and approved prior to the expiration of the approved or conditionally approved tentative map, the time at which such map

expires may be extended by the Advisory Agency authorized to act on the tentative map for a period or periods not exceeding a total of six (6) years, or as may be further specified by Cal. Gov't Code § 66452.6(e). (Ord. 2185. (08/09/2005).)

E. Appeals:

The subdivider, applicant, public agency, or any interested person adversely affected by a decision of the Advisory Agency may appeal said decision as provided for in Section governing "Appeal by Interested Persons" within "Subdivisions" of this Chapter.

If the Advisory Agency denies a subdivider's application for extension, the subdivider may appeal to the Nevada County Board of Supervisors within fifteen (15) days after the Advisory Agency has denied the extension as provided for in Section governing "Appeal by Interested Persons" within "Subdivisions" of this Chapter.

Sec. L-IV 2.13 Reserved

Sec. L-IV 2.14 Vesting Tentative Maps

A. General:

The purpose of this Section is to establish procedures for implementation of Cal. Gov't Code §§ 66498.1 – 66498.9. To accomplish this purpose, the regulations outlined in this Section are determined to be necessary for the preservation of the public health, safety and general welfare, and for the promotion of orderly growth and development. No land shall be subdivided and developed pursuant to a vesting tentative map for any purpose that is inconsistent with the General Plan or any applicable specific plan or not permitted by the Zoning Ordinance or other applicable provisions of the Nevada County Land Use and Development Code.

B. Filing and Processing:

1. A vesting tentative map shall be filed in the same form and have the same contents, accompanying data, and reports and shall be processed in the same manner as set forth in Section governing "Tentative Maps" within "Subdivisions" of this Chapter, except at the time a vesting tentative map is filed, it shall have printed

conspicuously on its face the words “Vesting Tentative Map.” Acceptance of the map application, supporting data, and filing fees shall not preclude the securing of additional information from the subdivider necessary for the proper consideration of the map, nor does it ensure that the map does comply with the law and this Chapter. The project description and public notice shall also reference the subdivision application as a “Vesting Tentative Map.”

2. At the time the vesting tentative map is filed, the applicant shall file a specific listing of those ordinances, current as of the application filing date or proposed in conjunction with the same application, that they wish to be vested upon the approval of the tentative map (and subsequent ordinance adoption, if applicable).

C. Expiration:

An approved or conditionally approved tentative map shall expire thirty-six (36) months after its approval or conditional approval. The foregoing thirty-six (36) month period shall apply to any tentative map for which the initial twenty-four (24) month period has not expired prior to January 11, 2007. The expiration of the approved or conditionally approved tentative map shall terminate all proceedings and no final map or parcel map of all or any portion of the real property included within such tentative map shall be filed after the expiration date without first processing a new tentative map. (Ord. 2228 (12/12/2006).)

D. Vested Rights:

Approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies, and standards described in Cal. Gov't Code § 66474.2. However, if Cal. Gov't Code § 66474.2 is repealed, the approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies, and standards in effect at the time the vesting tentative map is approved or conditionally approved. The vested rights are subject to the following limitations:

1. A permit, approval, extension, or entitlement associated with a vesting tentative map may be made conditional or denied if any of the following are determined:
 - a. A failure to do so would place the residents or occupants of the subdivision or the immediate community, or both, in a condition dangerous to their health or safety, or both.
 - b. The condition or denial is required in order to comply with state or federal law.

2. The rights referred to herein shall expire if a final map is not recorded prior to the expiration of the vesting tentative map. If the final map is recorded, these rights shall remain in effect for the following periods of time:

a. An initial time period of one (1) year beyond the recording of the final map. Where several final maps are recorded on various phases of a project covered by a single vesting tentative map, this initial time period shall begin for each phase when the final map for that phase is recorded.

b. The initial time period set forth in Section governing” Vesting Tentative Maps (D.2.a)” within “Subdivisions” above shall be automatically extended by any time used for processing a complete application for a grading permit or for design review, if such processing exceeds thirty (30) calendar days from the date a complete application is filed.

c. A subdivider may apply for a one (1) year extension at any time before the initial time period set forth in Section governing” Vesting Tentative Maps (D.2.a)” within “Subdivisions-“ above expires. If the extension for a final map or parcel map is denied, the subdivider may appeal that denial to the Board of Supervisors within fifteen (15) calendar days.

d. If the subdivider submits a complete application for a building permit during the periods of time specified in Sections governing” Vesting Tentative Maps (D.2.a)” within “Subdivisions-“through .(D.2.c), the rights referred to herein shall continue until the expiration of that permit, or any extension of that permit.

3. Whenever a subdivider files a vesting tentative map for a subdivision whose intended development is inconsistent with the Zoning Ordinance in existence at that time, such inconsistency shall be noted on the map. The County may deny such a vesting tentative map or approve it conditioned on the subdivider, or his/her designated representative, obtaining the necessary change in the Zoning Ordinance to eliminate the inconsistency. If the change in the Zoning Ordinance is obtained, the approved or conditionally approved vesting tentative map shall, notwithstanding the first paragraph of Section governing” Vesting Tentative Maps (D.2.)” within “Subdivisions-“, confer the vested right to proceed with the development in substantial compliance with the change in the Zoning Ordinance and the map, as approved.

4. Notwithstanding any provision of this Section, a property owner, or his/her designated representative, may seek approvals or permits for development which depart from the ordinances, policies, and standards described in the first paragraph of Sections governing” Vesting Tentative Maps (D.2.a) and (D.3)” within “Subdivisions-“, and the County may grant these approvals or issue these permits to the extent that the departures are authorized under applicable law.

E. Appeals:

The subdivider, applicant, public agency, or any interested person adversely affected by a decision of the Advisory Agency may appeal said decision as provided for in

Section governing “Appeal by Interested Persons” within “Subdivisions” of this Chapter.

Sec. L-IV 2.15 Environmental Subdivisions

A. General:

The purpose of this Section is to establish procedures for implementation of Cal. Gov’t Code § 66418.2. To accomplish this purpose, the regulations outlined in this Section are determined to be necessary for the preservation of the public health, safety and general welfare, and for the protection of important biotic and wildlife habitat. No land shall be subdivided and developed pursuant to an environmental subdivision for any purpose that is inconsistent with the General Plan or any applicable specific plan or not permitted by the Zoning Ordinance or other applicable provisions of the Nevada County Land Use and Development Code.

B. Filing and Processing:

1. An environmental subdivision map shall be filed in the same form and have the same contents, accompanying data, and reports and shall be processed in the same manner as set forth in Section governing “tentative Maps” within “Subdivisions” of this Chapter.

2. Such acceptance shall not preclude the securing of additional information from the subdivider necessary for the proper consideration of the map, nor does it ensure that the map does comply with the law and this Chapter. The Planning Department shall circulate copies of the map and accompanying data to interested agencies with a request for comments relative to approval, disapproval or conditions necessary for approval of the tentative map.

3. The standards for the parcel or parcels being created, and for the remainder parcel, are established in Section governing “-Land Divisions for Public Uses and Environmental Protection Purposes” within “Site Development Standards” in “Zoning” of the Nevada County Land Use and Development Code. The following required findings for approval of environmental subdivision shall be made by the Advisory Agency:

a. That factual biotic or wildlife data, or both, are, or will be available to the County.

b. That provisions have been made for the perpetual maintenance of the property as a biotic or wildlife habitat, or both, in accordance with the conditions specified by any local, state, or federal agency requiring mitigation.

c. That an easement will be recorded in the County to ensure compliance with those conditions specified by any local, state, or federal agency requiring mitigation. The easement shall contain a covenant with the County, or non-profit organization running with the land in perpetuity, that the landowner shall not construct or permit the construction of improvements except those for which the right is expressly reserved in the instrument. This reservation shall be not inconsistent with the purposes of Cal. Gov't Code § 66418.2 and shall not be incompatible with maintaining and preserving the biotic and/or wildlife character of the land.

d. The real property is at least twenty (20) acres in size, or it is less than twenty (20) acres in size, but is contiguous to other land that would also qualify as an environmental subdivision and the total combined acreage would be twenty (20) acres or more.

4. The Advisory Agency shall approve, disapprove, or conditionally approve the tentative map, unless the time for action is extended with the consent of the applicant. The action of the Advisory Agency shall be endorsed upon the face of the tentative map or clearly attached by memorandum. In the event that the tentative map is disapproved, the reasons for such disapproval shall be stated upon the map or attached thereto by memorandum. A copy of the memorandum shall be sent to the subdivider and interested agencies, and one copy shall remain permanently in the files of the Planning Department of the County.

C. Expiration:

An approved or conditionally approved tentative map shall expire thirty-six (36) months after its approval or conditional approval. The foregoing thirty-six (36) month period shall apply to any tentative map for which the initial twenty-four (24) - month period has not expired prior to January 11, 2007. The expiration of the approved or conditionally approved tentative map shall terminate all proceedings, and no final map or parcel map of all or any portion of the real property included within such tentative map shall be filed after the expiration date without first processing a new tentative map. (Ord. 2228. (12/12/2006).)

D. Extensions of Time:

Upon written application of the subdivider, filed and approved prior to the expiration of the approved or conditionally approved tentative map, the time at which such map expires may be extended by the Advisory Agency authorized to act on the tentative

map for a period or periods not exceeding a total of six (6) years, or as may be further specified by Cal. Gov't Code § 66452.6(e).

E. Appeals:

The subdivider, applicant, public agency, or any interested person adversely affected by a decision of the Advisory Agency may appeal said decision as provided for in Section governing "Appeal by Interested Persons" within "Subdivisions" of this Chapter.

If the Advisory Agency denies a subdivider's application for extension, the subdivider may appeal to the Nevada County Board of Supervisors as provided for in Section governing "Appeal by Interested Persons" within "Subdivisions" of this Chapter within fifteen (15) days after the Advisory Agency has denied the extension.

Sec. L-IV 2.16 Final Maps

A. Form and Content:

1. Conformance with Subdivision Map Act: The form and content of final maps shall be in conformance with the Subdivision Map Act and this Chapter.
2. Boundary Designation: The boundary of the subdivision shall be designated by a heavy, continuous, opaque black line applied in such a manner as not to obliterate figures or other data.
3. Title Sheet: The title sheet shall contain the subdivision number, conspicuously placed at the top of the sheet, and the location of the property being subdivided with reference to maps which have previously been recorded or by reference to the plat of a United States survey. A subdivision name may be added below the subdivision number. In case the property included within the subdivision lies wholly in unincorporated territory, the following words shall appear in the titles: "In the County of Nevada." If partly in unincorporated territory and partly within an incorporated city, the following words shall be used: "Lying within the County of Nevada and partly within the City of _____" If more than three sheets are used, a key diagram shall be included on the first map sheet.

4. Affidavits, Certificates, Dedications, Etc.: Affidavits, certificates, acknowledgements, endorsements, acceptances of dedication, and the notarial seals required by law and this Chapter, shall appear only once, on the title sheet. The above certificates, etc. may be legibly stamped or printed upon the map with opaque ink, or by photographic reproduction.

5. Scale, North Point: There shall appear on each map sheet the scale, the north point, and the basis of bearings.

6. Rights-of-Way, Easements:

a. Rights-of-way and easements for roads or streets, paths, stormwater drainage, sanitary sewers, or other public uses as may be required shall be dedicated to the public for future acceptance by a public agency, and the use shall be specified on the map.

b. Easements for an existing or proposed utility installation for the use of a private or non-governmental agency shall not be shown on the map unless there is a recorded conveyance to such individual or corporation, except as provided in paragraph (d) below.

c. All easements of record shall be shown on the map, together with all the names of the grantees and sufficient recording data to identify the conveyance, e.g., Recorder's document number and date, or book and page of Official Records.

d. Easements not disclosed by the records in the office of the Clerk Recorder and found by the surveyor or engineer to be existing shall be specifically designated on the map, identifying the apparent dominant tenements for which the easement was created.

e. The sidelines of all easements of record shall be shown by dashed lines on the final map with sufficient ties provided to determine the exact location within each lot.

7. Linear, Angular and Radial Data: Sufficient linear, angular and radial data shall be shown to determine the bearings and lengths of the boundary lines of the subdivision and of the boundary lines of every lot and parcel which is a part thereof. Length, radius and total central angle or radial bearings of all curves shall be shown.

8. Adjoining Corners of Adjoining Subdivisions: The adjoining corners of all adjoining subdivisions shall be identified by subdivision number or name when not identified by official number and reference to the book and page of the filed map showing such subdivision.
9. City Boundaries: City boundaries which cross or join the subdivision shall be clearly designated.
10. Monument Location: The location and description of all existing and proposed monuments shall be shown.
11. Printing or Lettering: All printing or lettering on the map shall be of one-eighth inch minimum height and of such shape and weight as to be readily legible on prints and other reproductions made from the original drawings.

B. Supplemental Documents:

1. Approval Required: The final map shall be accompanied by the following documents, if applicable, which shall be approved by proper authorities before the final map is submitted to the Board of Supervisors for approval:
 - a. Improvement Agreement: The improvement agreement shall be as specified in Section governing "Improvement Agreements and Security" within "Subdivisions" of this Chapter.
 - b. Improvement Security: The improvement security shall be as specified in Section governing "Improvement Agreements and Security" within "Subdivisions" of this Chapter.
 - c. Tax Certificate and Security: The subdivider shall file with the Director of the Department of Public Works a certificate executed by the County Tax Collector giving their estimate of all of the taxes and special assessments which are a lien on the property but which are not yet payable, together with security conditioned upon the payment of such taxes and special assessments. The subdivider shall also file with the Director of the Department of Public Works a certified copy of the certificate filed with the County Recorder pursuant to Cal. Gov't Code § 66492. (Ord. 1374. (04/28/1986).)

d. Soils Reports: When a soils report has been prepared, this fact shall be noted on the final map, together with the date of the report and the name of the engineer making the report.

e. Certification Letters: A letter shall be required of each independent special district that has entered into an agreement with a developer pursuant to Section governing “Findings” of adequate Services within “Subdivisions” of this Chapter certifying that such agreement has been fulfilled.

f. Supplemental Data: A supplemental final map data document shall be as specified in Subsection 2 below and shall be made part of the final map or recorded as a separate document with the Clerk Recorder.

2. Supplemental data shall be as required by the tentative map approval.

a. Where the supplemental final map data document is recorded as a separate document, it shall include the following:

1) Sufficient recording data to identify the recorded final map to which the supplemental data applies, including document number and date, as well as book and page;

2) Assessor’s parcel number(s) both before the recording of the final map;

3) Name and acknowledged signature of each entity with an ownership interest in the property.

b. The supplemental data document may include one or more supplemental maps for non-title information. Supplemental maps shall be drawn to scale and shall indicate site-specific information relative to future site development. Such information may include, but is not limited to, the location of sensitive resources, required setbacks, non-buildable areas, open space, and building envelopes. Supplemental maps may be drawn on 8-1/2” by 11” paper of durable quality and shall be legible and in permanent ink. If the 8-1/2” by 11” format is used the supplemental data shall be noted on the map similar to CC&R’s.

C. Submittal of Final Map for Technical Review:

1. The subdivider shall submit to the Planning Department for technical review prints of the final map, the number of which shall be determined by the Planning Department; the certificate sheet before the certificates on the original tracings are executed; the supplemental data document if it is to be filed as a separate document; a current preliminary title report acceptable to the Department of Public Works; the final map fee as required in the fee schedule for subdivisions in effect at the time the final map is submitted; and mathematical closure calculations prepared by the subdivider's engineer and showing the subdivision's exterior boundary and/or blocks and lots.

2. The error of map closure around the subdivision and around the interior lots shall not exceed one part in twenty thousand.

3. Within twenty (20) days, or such other time as may be mutually agreed upon, the Planning Department shall note any required corrections on one set of the preliminary prints and return them to the subdivider for final revision of the maps or documents. (Ord. 1883. (04/11/1995).)

D. Submittal of Final Map For Approval:

1. After the Planning Department completes the technical review in subsection C above, and after the subdivider makes any corrections identified during that technical review, the subdivider may submit the final map for approval. The original tracing and two sets of prints of the corrected map, signed by all parties required by the Subdivision Map Act and this Chapter to execute the certificates on the map, shall be submitted to the Planning Department. Upon final review, the Planning Department shall route the final map to the Department of Public Works for approval and transmittal to the Board of Supervisors. Any changes made by the subdivider other than those required as a result of the technical review process shall be marked by the subdivider in red on the revised prints.

2. Agency Action: The final map shall be presented to the Planning Department for filing at least five (5) days in advance of the Board of Supervisors' meeting at which the map is to be considered. The Department of Public Works shall present the map to the Board of Supervisors when all fees, supplementary documents and plans have been determined to be satisfactory.

3. Acceptance or Rejection of Dedications: On presentation of the final map, the Board of Supervisors, at its next meeting or within a period of not more than ten (10) days after such submission, shall approve the map if it conforms to all requirements

of the Subdivision Map Act and this Chapter. At the time of its actions thereon, the Board of Supervisors shall accept, reject, or accept subject to improvement any or all offers of dedication of streets and other easements. Upon approval of any final map, the Clerk of the Board of Supervisors shall submit the final map to the County Recorder for filing.

4. Evidence of Title: The subdivider shall present to the County Recorder the evidence of title required by the Subdivision Map Act prior to the County Recorder filing the final map.

5. Filing by Units: The subdivider may elect to file a final map for all or part of the approved tentative map in the sequence of units approved by the Planning Commission. The sequence of units shall be shown on the tentative map. Each final map which constitutes a part, or unit, of the approved tentative map shall have a separate subdivision number. The improvement agreement to be executed by the subdivider shall provide for the construction of such improvements as may be required to constitute a logical and orderly development of the whole subdivision by units.

6. Upon submittal of the final map for recordation, the subdivider shall, if it is available, submit an electronic copy of the map to the Assessor's Office in an AutoCAD.DWG file format using the California Stateplane Zone II coordinate system. If the AutoCAD.DWG file format is unavailable, then the subdivider shall, if it is available, submit an electronic copy of the map in the .DGN or .DXF file formats. If Stateplane coordinates are unavailable, the subdivider shall indicate the geographic position or benchmark of the drawing's origin and the drawing units (i.e., feet, meters, etc.). The electronic file, if submitted, shall be accompanied with a letter certifying the electronic copy is identical to the recorded map. (Ord. 1883. (04/11/1995).)

Sec. L-IV 2.17 Parcel Maps

A. Form and Contents:

1. Conformance with Subdivision Map Act: The form and contents of parcel maps shall be in conformance with the Subdivision Map Act and this Chapter.

2. Boundary Designation: The boundary of the subdivision shall be designated by a continuous heavy, opaque, black line applied in such a manner as not to obliterate figures or other data.

3. Title Sheet: The title sheet, if used, shall contain the subdivision number, conspicuously placed at the top of the sheet, and the location of the property being subdivided with reference to maps which have previously been recorded or by reference to the plat of the United States survey. In case the property included within the subdivision lies wholly in unincorporated territory, the following words shall appear in the titles: "In the County of Nevada." If partly in unincorporated territory and partly within an incorporated city, the following words shall be used: "Lying within the County of Nevada and partly within the City of _____" If more than three sheets are used, a key diagram shall be included in the first map sheet.

4. Affidavits, Certificates, Acknowledgements, Dedications, etc.: Affidavits, certificates, acknowledgements, endorsements, acceptances of dedication and the notarial seals required by law and this Chapter shall appear only once on the title sheet. The above certificates, etc. may be legibly stamped or printed upon the map with opaque ink or by photographic reproduction.

5. Scale, North Point: There shall appear on each map sheet the scale, the north point, and the basis of bearings.

6. Rights-of-Way and Easements:

a. Rights-of-way and easements for roads or streets, paths, stormwater drainage, sanitary sewers, or other public uses as may be required shall be dedicated to the public for future acceptance by a public agency, and the use shall be specified on the map.

b. Easements for an existing or proposed utility installation for the use of a private or non-governmental agency shall not be shown on the map unless there is a recorded conveyance to such individual or corporation, except as provided in paragraph (d) below.

c. All easements of record shall be shown on the map, together with the name of the grantees and sufficient recording data to identify the conveyance, e.g., Recorder's document number and date, or book and page of Official Records.

d. Easements not disclosed by the records in the office of the Clerk Recorder and found by the surveyor or engineer to be existing shall be specifically designated on the map, identifying the apparent dominant tenements for which the easement was created.

e. The sidelines of all easements of record shall be shown by dashed lines on the parcel map with sufficient ties provided to determine the exact location within each lot.

7. **Liner, Angular and Radial Data:** Sufficient linear, angular and radial data shall be shown to determine the bearings and lengths of the boundary lines of the subdivision and of the boundary lines of every lot and parcel which is a part thereof. Length, radius and total central angle or radial bearings of all curves shall be shown.

8. **Adjoining Corners of Adjoining Subdivisions:** The adjoining corners of all adjoining subdivisions shall be identified by official number and reference to the book and page of the filed map showing such subdivision.

9. **City Boundaries:** City boundaries which cross or join the subdivision shall be clearly designated.

10. **Monument Location:** The location and description of all existing and proposed monuments shall be shown.

11. **Printing and Lettering:** All printing or lettering on the map shall be of one-eighth inch minimum height and of such shape and weight as to be readily legible on prints and other reproductions made from the original drawings.

B. Submittal of Parcel Map for Technical Review:

1. The subdivider shall submit to the Planning Department for technical review prints of the parcel map, the number of which shall be determined by the Planning Department; the certificate sheet (if one is used) before the certificates on the original tracings are executed; the supplemental data document if it is to be filed as a separate document; a current preliminary title report, furnished by the subdivider and acceptable to the Department of Public Works; the parcel map fee as required in the fee schedule for subdivisions in effect at the time the parcel map is submitted; and mathematical closure calculations prepared by the subdivider's engineer and showing the subdivision's exterior boundary and/or blocks and lots.

2. The error of map closure around the subdivision and around the interior lots shall not exceed one part in twenty thousand.

3. Within twenty (20) days, or such other time as may be mutually agreed upon, the Planning Department shall note any required corrections on one set of the preliminary prints and return them to the subdivider for final revision of the maps or documents. (Ord. 1883. (04/11/1995).)

C. Supplemental Documents:

1. Approval Required: The parcel map shall be accompanied by the following documents, if applicable, which shall be approved by the proper authorities before the parcel map is submitted to the Board of Supervisors for approval:

a. Improvement Agreement: The improvement agreement shall be as specified in Section governing "Improvement Agreements and Security" within "Subdivisions" of this Chapter.

b. Improvement Security: Improvement security shall be as specified in Section governing "Improvement Agreements and Security" within "Subdivisions" of this Chapter.

c. Tax Certificate and Security: The subdivider shall file with the Director of the Department of Public Works a certificate executed by the County Tax Collector giving their estimate of all of the taxes and special assessments which are a lien on the property but which are not yet payable, together with security conditioned upon the payment of such taxes and special assessments. The subdivider shall also file with the Director of the Department Public Works a certified copy of the certificate filed with the County Recorder pursuant to Cal. Gov't Code § 66492. (Ord. 1381. (06/02/1986); Ord. 1374. (04/28/1986).)

d. Deed for Easements or Rights-of-way: Deeds for easements or rights-of-way required for road or drainage purposes which have been dedicated on the parcel map shall be required by separate instrument. Written evidence acceptable to the County in the form of rights of entry or permanent easements across private property outside the subdivision permitting or granting access to perform necessary construction work and permitting the maintenance of the facility shall be required.

e. Soils Report: When a soils report has been prepared, this fact shall be noted on the parcel map, together with the date of the report and the name of the engineer making the report.

f. Certification Letters: A letter shall be required of each independent special district that has entered into an agreement with a developer pursuant to Section governing “Findings” of Adequate Services within “Subdivisions” of this Chapter certifying that such agreement has been fulfilled.

g. Supplemental Data: The supplemental parcel map data document shall be as specified in Subsection 2 below and may be recorded as part of the parcel map or as a separate document.

2. Supplemental data shall be as required by the tentative map approval.

a. Where the supplemental parcel map data document is recorded as a separate document, it shall include the following:

1) Sufficient recording data to identify the recorded parcel map to which the supplemental data applies, including document number and date, as well as book and page;

2) Assessor’s parcel number(s) both before the recording of the final map;

3) Name and acknowledged signature of each entity with an ownership interest in the property.

b. The supplemental data document may include one or more supplemental maps for non-title information. Supplemental maps shall be drawn to scale and shall indicate site-specific information relative to future site development. Such information may include, but is not limited to, the location of sensitive resources, required setbacks, non-buildable areas, open space, and building envelopes. Supplemental maps may be drawn on 8-1/2” by 11” paper of durable quality and shall be legible and in permanent ink. If the 8-1/2” by 11” format is used the supplemental data shall be noted on the map similar to CC&R’s.

D. Submittal of Parcel Map for Approval:

1. After the Planning Department completes the technical review in Subsection B above, and after the subdivider makes any corrections identified during that technical review, the subdivider may submit the parcel map for approval. The original tracing and two sets of prints of the corrected map, with certificates and/or separate instruments signed by all parties required in the Subdivision Map Act and this Chapter, shall be submitted to the Planning Department. Upon final review, the Planning Department shall route the parcel map to the Department of Public Works for approval and transmittal to the Clerk Recorder. Any changes made by the subdivider other than those required through the technical review process shall be marked by the subdivider in red on the revised prints.

2. Agency Action: The parcel map may be presented to the Planning Department for approval after all fees, supplementary documents and plans have been determined to be satisfactory by the Department of Public Works and will be processed within thirty (30) days.

3. Evidence of Title: The subdivider shall present to the County Recorder the evidence of title required by the Subdivision Map Act prior to the County Recorder filing the parcel map.

4. Filing by Units: The subdivider may elect to file a parcel map for all or part of the approved tentative map in the sequence of units approved by the Advisory Agency. The sequence of units shall be shown on the tentative map. Each parcel map which constitutes a part, or unit, of the approved tentative map shall have a separate subdivision number. The improvement agreement to be executed by the subdivider shall provide for the construction of such improvements as may be required to constitute a logical and orderly development of the whole subdivision by units. (Ord. 1883. (04/11/1995).)

5. Upon submittal of the parcel map for recordation, the subdivider shall, if it is available, submit an electronic copy of the map to the Assessors Office in an AutoCAD.DWG file format using the California Stateplane Zone II coordinate system. If the AutoCAD.DWG file format is unavailable, then the subdivider shall, if it is available, an electronic copy of the map in the .DGN or .DXF. If Stateplane coordinates are unavailable, the subdivider shall indicate the geographic position or benchmark of the drawing's origin and the drawing units (i.e., feet, meters, etc.). The electronic file, if submitted, shall be accompanied with a letter certifying the electronic copy is identical to the recorded map.

E. Acceptance or Rejection of Dedications:

Upon presentation of a parcel map with offers of dedication by separate instrument, the County Surveyor, within thirty (30) days of such submittal, shall accept, reject, or accept subject to improvements any or all offers of dedication of streets or other easements. Upon approval of the parcel map, the County Surveyor shall submit the map to the County Recorder for filing.

Sec. L-IV 2.18 Corrections and Amendments of Maps and Supplemental Data Documents

A. Final maps, parcel maps and supplemental data documents recorded in the office of the Clerk Recorder and approved tentative maps may be amended pursuant to this Section.

1. Map errors or omissions on a recorded final map or parcel map may be corrected by a certificate of correction or an amending map as authorized by Cal. Gov't Code § 66469, as may be amended from time to time, and shall be processed in conformance with the Cal. Gov't Code §§ 66470 - 66472.1.

2. Other amendments to a recorded final or parcel map, including to supplemental data recorded as a part thereof, may be made by a certificate of correction or an amending map in accordance with the Subdivision Map Act and this Section.

3. Amendments to a supplemental data document recorded as a separate document may be made by recording an amended supplemental data document in accordance with this Section.

4. Amendments to an approved tentative map may be made in accordance with this Section.

B. A request to amend any item in subsections A.2 – A.4, above, shall be filed with the Planning Department, accompanied by the appropriate fee, and shall include:

1. Identification of the map or document sought to be changed and a detailed list of all of the current conditions of approval or other aspects sought to be changed;

2. Identification of the specific conditions of approval or other aspects sought to be changed, detailing the reasons therefore;

3. A statement of the changed conditions or other aspects to be substituted, if any; and

4. A statement of whether any prior modifications or alterations to the map or document have been sought and the disposition of each such request.

C. The request shall be noticed in the same manner as the initial application and shall be heard by the same hearing body that approved the final map, parcel map, or information in the supplemental data document. The hearing and the scope of review shall be limited to consideration of the effect of the amendments requested and not to the entire project. Action and findings shall be required only on the proposed amendments.

D. The amendment may be approved only if all of the following findings are made:

1. The amendment will have a cumulatively minor impact on the subdivision and its impacts;

2. The amendment conforms to the provisions of Cal. Gov't Code § 66474; and

3. The amendment would not affect any of the other findings for approval required by this Chapter.

4. In addition, all of the following findings shall be required for approval of amendments to recorded final maps or parcel maps or to recorded supplemental data documents:

a. There are changes in the circumstances that make the aspects sought to be changed no longer appropriate or necessary;

b. The modifications do not impose any additional burden on the present fee owner of the property; and

c. The modifications do not alter any right, title, or interest in the real property reflected on the recorded map. (Ord. 1895. (01/16/1996).)

Sec. L-IV 2.19 Reversions to Acreage

A. General:

Subdivided property shall be reverted to acreage by final map when the property to be reverted contains five or more contiguous parcels. Subdivided property may be reverted to acreage by parcel map pursuant to applicable sections of the Subdivision Map Act when the property being reverted consists of four (4) or less contiguous parcels under the same ownership.

B. Fees:

Petitions to revert property to acreage shall be accompanied by a fee in accordance with the latest fee schedule adopted by the Board of Supervisors. If the proceedings are initiated pursuant to action of the Board of Supervisors, the person or persons, other than a County agency, who requested that the Board of Supervisors initiate the proceedings shall pay the fee as specified. Fees are not refundable.

C. Initiation of Proceedings by Owners:

Proceedings to revert subdivided property to acreage may be initiated by petition of all owners of record of the property. The petition shall be filed with the Planning Department. The petition shall contain the information required below.

D. Initiation of Proceedings by the Board of Supervisors:

The Board of Supervisors, at the request of any person or on its own motion, may, by resolution, initiate proceedings to revert property to acreage.

E. Data for Reversion to Acreage:

Petitioners shall file the following with the Planning Department:

1. Evidence of title to the real property.

2. A final map or parcel map in the form prescribed by Sections governing “Final Maps” or “Parcel Maps” within “Procedures” In “Subdivisions” of this Chapter, delineating dedications that are a condition to reversion.

3. Sufficient data to enable the Board of Supervisors or Advisory Agency to make all of the determinations and findings required by this Section and the Subdivision Map Act.

4. Such other pertinent information as may be required by the Board of Supervisors or Advisory Agency.

F. Final Map Submittal for Checking:

The final map or parcel map required by this Section shall be submitted for checking as specified in Sections governing “Final Maps” or “Parcel Maps” within “Procedures” In “Subdivisions” of this Chapter. Mathematical closure calculations will not be required.

G. Proceedings Before the Board of Supervisors:

1. A public hearing shall be held before the Board of Supervisors or the Advisory Agency on all proposed reversions to acreage. Notice of the public hearing shall be given as provided in the Subdivision Map Act.

2. The Board of Supervisors may approve a reversion to acreage only if it finds that:

a. Dedications or offers of dedication to be vacated or abandoned by the reversion to acreage are unnecessary for present or prospective public purposes; and

b. Either:

1) All owners of an interest in the real property to be reverted to acreage have consented to the reversion; or

2) None of the improvements required to be made have been made within two years from the date the final or parcel map was filed for record or within the time allowed by agreement for completion of the improvements, whichever is later; or

3) None of the lots shown on the final or parcel map have been sold within five (5) years from the date such map was filed for record.

c. The Board of Supervisors shall require as conditions of the reversion:

1) The owners dedicate or offer to dedicate streets or easements.

2) The retention of all or a portion of previously paid subdivision fees, deposits or improvements securities if the same are necessary to accomplish any of the provisions of this Chapter.

H. Proceeding Before the Advisory Agency:

1. The Zoning Administrator shall review all proposals to revert previously subdivided land to acreage by parcel map.

2. The Zoning Administrator may approve a reversion to acreage only if it finds that:

a. There are no dedications or offers of dedication to be vacated or abandoned.

b. Either:

1) All owners of an interest in the real property to be reverted to acreage have consented to reversion; or

2) None of the improvements required to be made have been made within two years from the date the final or parcel map was filed for record or within the time allowed by agreement for completion of the improvements, whichever is later; or

3) None of the lots shown on the final or parcel map have been sold within five (5) years from the date such map was filed for record.

c. The Zoning Administrator shall require as conditions of the reversion:

1) The owners dedicate or offer to dedicate streets or easements.

2) The retention of all or a portion of previously paid subdivision fees, deposits or improvement securities if the same are necessary to accomplish any of the provisions of this Chapter. (Ord. 1896. (01/16/1996).)

I. Delivery of Final Maps:

After the hearing before the Board of Supervisors and approval of the final map by the County Surveyor, the County Surveyor shall deliver the final map to the County Recorder for filing.

J. Delivery of Parcel Maps:

After review by the Zoning Administrator and approval of the parcel map by the County Surveyor, the County Surveyor shall deliver the parcel map to the County Recorder for filing. (Ord. 1896. (01/16/1996).)

K. Effect of Filing Reversion Map with the County Recorder:

Reversion shall be effective upon the final map or parcel map being filed for record by the County Recorder. Upon such filings, all dedications and outstanding offers of dedication not shown on the map for reversion shall be of no further force or effect.

Sec. L-IV 2.20 Notice of Subdivision Violation: Proceedings:

A. Whenever any officer, official, or department head of the County of Nevada has knowledge that real property has been divided in violation of the provisions of the Subdivision Map Act or of the provisions of this Chapter, the Planning Director shall be notified. If the Director determines that there has been a violation, the Director shall cause to be filed a notice of intention to record a notice of violation, which shall be mailed by certified mail to the then-current owner(s) of record of the property in accord with the provisions of Cal. Gov't Code § 66499.36, as may be amended from time to time.

B. The notice shall contain a description of the violation(s) and an explanation as to why the subject parcel is not lawful if created before March 4, 1972, and shall specify the time, date and place of a meeting of the appropriate Advisory Agency of the County of Nevada no sooner than thirty (30) days and no later than sixty (60) days from the date of mailing at which the owner(s) of said property may present evidence as to why such notice should not be recorded. If, within fifteen (15) days of

receipt of the notice, the owner(s) fails to inform the Planning Department of his or her objection to recording the notice of violation, the Advisory Agency shall cause the Notice of Violation to be recorded with the Nevada County Recorder.

C. If the owner(s) timely object to recordation of the notice of violation, a public hearing shall be held at which evidence may be presented on the issue of whether there has been a violation(s). If, after the owner(s) has presented evidence, the Advisory Agency determines that there has been no violation, the Local Agency shall cause a clearance letter to be mailed to the then current owner(s) of record. If, after the owner(s) has presented the evidence, the Advisory Agency determines that the property has in fact been illegally divided, it shall cause the Notice of Violation to be recorded with the Nevada County Recorder.

D. A Notice of Violation, when recorded as provided herein, shall be deemed to be constructive notice of the violation to all successors in interest in such property. After recordation, a Notice of Violation can only be cleared through approval of a new subdivision application or Certificate of Compliance, if applicable, in compliance with the current provisions of the Subdivision Map Act and this Chapter.

Sec. L-IV 2.21 Certificates of Compliance

A. General:

Pursuant to Cal. Gov't Code § 66499.35, upon application to the Planning Department, a party owning real property or a vendee of such person pursuant to a contract of sale for such real property may obtain a Certificate of Compliance or a Conditional Certificate of Compliance. The Board of Supervisors may, by resolution, establish a fee to cover the cost of issuing and recording the Certificate of Compliance or Conditional Certificate of Compliance.

B. Fees:

An application and filing fee shall be made by verified petition of the owner or vendee for each parcel pursuant to a contract of sale identifying the property and shall be accompanied by all relevant documentation.

C. Processing:

1. Upon acceptance of the application, the Planning Department shall circulate copies of the application to the Department of Public Works, Environmental Health, and such other County departments as may be appropriate, which departments shall review same and submit their comments and recommendations to the Planning Department within thirty (30) days.

2. Thereafter the applications shall be reviewed and acted on by the Planning Director. If the Planning Director determines that the real property complies with the applicable provisions of the Subdivision Map Act and all local ordinances, the Planning Director shall make a finding to that effect and shall then cause a Certificate of Compliance to be recorded. If the Planning Director determines that the Certificate must include conditions, the application shall be set for a public hearing before the Zoning Administrator. The Planning Department shall review the matter and make its recommendation to the Zoning Administrator at the time of the public hearing.

3. If the Zoning Administrator determines that the real property complies with the applicable provisions of the Subdivision Map Act and all local ordinances, the Zoning Administrator shall make a finding to that effect and shall then cause a Certificate of Compliance to be recorded.

4. If the Zoning Administrator determines that the real property does not comply with the provisions of the Subdivision Map Act or with the applicable local ordinances enacted pursuant thereto, the Zoning Administrator may, as a condition of granting a Certificate of Compliance, impose such conditions as follows:

a. If the applicant was the owner of record at the time of the initial violation of the Subdivision Map Act or applicable local ordinances, created a parcel or parcels by a grant of real property in violation of the Subdivision Map Act or applicable local ordinances and is the current owner of record of one or more of the parcels created as a result of the grant in violation of the Subdivision Map Act or applicable local ordinances, the Zoning Administrator may impose such conditions as would be applicable to a current division of that property.

b. If the applicant does not fall under Subsection A above, the Zoning Administrator may impose such conditions as would have been applicable to the division of the property at the time the applicant acquired his or her interest in the property and which had been established at such time by the Subdivision Map Act or local ordinances enacted pursuant thereto.

5. Upon making the determination and establishing the conditions, the Zoning Administrator shall then cause a Conditional Certificate of Compliance to be recorded. Any conditions placed on a Conditional Certificate of Compliance must be fulfilled prior to the issuance of any permits or other grants of approval for development of the subject real property, but compliance with such conditions shall not be required until such time as permits or other grants of approval for development are issued by the County. (Ord. 1375. (05/06/1886); Ord. 1893. (01/16/1996).)

EXHIBIT C

LAND USE CHAPTER IV SUBDIVISIONS SECTION 3 REGULATIONS

Sections:

Sec. L-IV 3.1 Street Standards

Sec. L-IV 3.2 Water Supply and Distribution Requirements

Sec. L-IV 3.3 Sewage Disposal Standards

Sec. L-IV 3.4 Fire Protection Standards

Sec. L-IV 3.5 Drainage Standards

Sec. L-IV 3.6 Grading

Sec. L-IV 3.7 Surveying, Staking and Setting Monuments

Sec. L-IV 3.8 Soils Report

Sec. L-IV 3.9 Improvement Agreements and Security

Sec. L-IV 3.10 Formation of Service Entities

Sec. L-IV 3.11 Merger

Sec. L-IV 3.12 Inclusionary Affordable Housing Component

Sec. L-IV 3.1 Street Standards

A. Conformance to the General Plan:

The construction of streets and roads in a subdivision that are functionally classified in the Circulation Chapter of the Nevada County General Plan or any applicable specific plans shall be constructed consistent with their classification. The circulation and design aspects of streets in a subdivision shall conform to the intent of the General Plan and in all cases shall provide for the advantageous development of the general planning area within which the subdivision lies.

B. Conformance to Standard Specifications:

Any road improvements required in conjunction with any subdivision of land done under the provisions of this Chapter shall be completed consistent with the

requirements of Chapter governing “Road Standards” of the Nevada County Code. (Entire section amended by Ord. 1883. (04/11/1995))

Sec. L-IV 3.2 Water Supply and Distribution Requirements

Water supply and distribution improvements required in conjunction with any subdivision of land under the provisions of this Chapter shall be completed consistent with the requirements of Chapter governing “Water Supply and Resources” of the Nevada County Code.

Sec. L-IV 3.3 Sewage Disposal Standards

A. In subdivisions where sewage disposal shall be by individual systems or other on-site disposal systems, sewage disposal standards required in Chapter governing “Sewage Disposal” of the Nevada County Code shall apply to the subdivision prior to map recordation.

B. In subdivisions where sewage disposal is provided by a sanitation district, improvements required for connection to the district’s facilities shall conform to that district’s regulations. If annexation is required before connecting to the district, the subdivider shall initiate annexation prior to recordation of the parcel or final map.

C. In subdivisions where sewage disposal shall be by individual systems, every parcel map and final map to be recorded shall bear a statement that there is no guarantee that sewage can be disposed of on any lot or parcel on the recorded map.

Sec. L-IV 3.4 Fire Protection Standards

Fire protection improvements required in conjunction with any subdivision of land under the provisions of this Chapter shall be completed consistent with the requirements of Chapters governing “Zoning” and “Fire Safety Regulations” of the Nevada County Code.

Sec. L-IV 3.5 Drainage Standards

The subdivision shall be protected from inundation, flood, sheet overflow and pooling of local stormwater, springs and other surface waters. The design of

improvements shall be such that water accumulating within and from outside the subdivision will be carried off the subdivision without injury to any adjacent improvements, residential sites or residences to be installed on sites within the subdivision or adjoining areas. Water accumulating within and from outside the subdivision shall be carried to adequate storm drainage facilities or to a natural drainage course by such improvements as may be required to meet the design standards herein set forth or the latest standards adopted by the Board of Supervisors. Drainage design for the subdivision shall accommodate anticipated future development within the entire drainage area. Any off-site drainage facilities required to carry stormwater from the proposed subdivision to a defined channel or existing conduit shall be made adequate for the ultimate development in the entire drainage area. Cross-culverts shall as a minimum be designed to pass a Q10 with no head and Q100 with available head. Minimum culvert size shall be 18" diameter or equal.

Drainage channels within the subdivision shall as a minimum be designed to carry Q10 with a minimum freeboard of 0.5 feet and shall carry Q100 with no freeboard.

Sec. L-IV 3.6 Grading

All grading done in conjunction with the development of a subdivision shall be done in accordance with Chapter governing "Building" of the Nevada County Code. (Ord. 1747. (10/22/1991); Ord. 1919. (11/05/1996); Ord. 2009. (10/26/1999).)

Sec. L-IV 3.7 Surveying, Staking and Setting Monuments

A. Limit of Error in Mathematical Closure Calculations of Boundaries of Tracts and Lots:

A field survey of the boundaries of the tract and all lots and blocks must close within a limit of error of one in five thousand.

B. Staking All Corner Points, Curve Points, Etc.

All corner points and survey points in the subdivision, except for parcel maps filed from record data, shall be staked. Points sufficient for retracement on streets, easements and other lands to be dedicated for public use in the subdivision shall also be staked. All stakes shall be a minimum of three-fourths inch inside diameter pipe or five-eighths inch diameter steel rods, eighteen inches long. The pipe or rod shall be driven to within six (6) inches of the ground surface. All stakes shall be

permanently tagged with the engineer's or surveyor's registration number. (Ord. 767. (10/26/1976).)

C. Street Right-of-Way:

1 Permanent reference monuments shall be set on the road right-of-way at the beginning and ending of all curves to ensure that the right-of-way can be readily retraced.

2. Sufficient street right-of-way monuments shall be set to ensure that the right-of-way can be readily retraced. Monuments used for this purpose shall comply with this Section.

D. Permanent Reference Monuments for Final Map:

1. Sufficient permanent reference monuments shall be set to readily retrace the survey. Such monuments shall be readily accessible from the street right-of-way in locations approved by the Director of the Department of Public Works and shall be properly shown and dimensioned on the final or parcel map.

2. Monuments shall be set at all exterior boundaries of the subdivision prior to the filing of the final or parcel map. The subdivider shall submit a bond or other security if the internal monuments of the subdivision are to be set after the filing of the parcel map or final map. The surveyor or engineer preparing the final or parcel map shall certify thereon that the monuments will be set by a specified date. The cost of setting such monuments shall be included as a part of the other improvements.

Sec. L-IV 3.8 Soils Report

“A soils report” prepared by a registered civil engineer specializing in soils investigation shall be required for all subdivisions unless waived by the Building Department. The report shall indicate the presence of any critically expansive soils or any other soil problems which, if not corrected, may lead to structural defects. If the report indicates the presence of critically expansive soils or other soil problems which, if not corrected, may lead to defects in structures, buildings or other improvements, it shall further report on an investigation of each lot of the subdivision, including recommended corrective action which is likely to prevent structural damage to each building structure or improvement to be constructed. It shall also report on the suitability of earth materials for construction of stable

embankments and excavation slopes including those necessary for any artificial or natural drainage channel; recommendations for construction procedure is to obtain required stability; maximum design velocity for any natural or artificial drainage channel; and any other geologic features, slides, stable soil conditions, spring and seepage conditions, erosion control planting, or drainage facilities to enable proper development of the subdivision. The soils report shall be prepared on 8-1/2" by 11" paper of durable quality and documents which accompany report shall be of a convenient size and scale to fold into 8-1/2" by 11" sheets.

Sec. L-IV 3.9 Improvement Agreements and Security

A. Improvement Agreement:

Prior to the recording of a final map or parcel map, all improvements required to be installed or constructed by the subdivider must be in place and acceptable to the County. In lieu of performing the construction prior to recording of a final map or parcel map, a subdivider may enter into an agreement with the County whereby he agrees to construct, within two years of the execution of the agreement, all improvements necessary for the development, to repair any defects which occur within one (1) year of completion of such improvements, and to comply with all applicable laws and ordinances and conditions in performing the required acts.

B. Extensions of Time:

1. The subdivider may request extensions of time to complete the improvements required under this Agreement. Such request must be received not less than forty-five (45) days prior to the expiration of the Agreement or any extension thereto, and acted upon by the Board of Supervisors prior to expiration. Each such extension shall be for a period not to exceed two (2) years. No extension may be granted which will extend the period for completion of improvements more than five (5) years from the date of approval of the final map, except as provide under B.2 below. Grant of extension shall be conditioned upon the following:

- a. Modification of the required improvements to comply with the current County standards, if different from those standards in effect at the time of approval of the final map or prior extension, and
- b. Submission of additional security to reflect increases in construction costs resulting from such modifications, if any, and/or inflation.

2. Upon a showing of exceptional circumstances that have created a delay in completing the improvements under the Agreement, a subdivider may request the Board of Supervisors to grant an extension of the Agreement beyond five (5) years from the date of approval of the final map. Such request must be received not less than forty-five (45) days prior to the expiration of the Agreement extension. The Board of Supervisors may grant an extension of the Agreement beyond five (5) years from the date of the approval of the final map if it determines, based on substantial evidence provided by the subdivider, all of the following:

- a. The subdivider has made continued and substantial progress toward completing the improvements under the Agreement.
- b. It is likely subdivider will complete the remaining improvements within the additional time requested.
- c. The extension of time will not be detrimental to the health, safety, or welfare of the community.
- d. The subdivider is not currently in default of the Agreement or extension thereto. Any extension of the Agreement beyond five (5) years from the date of approval of the final map shall only be granted in increments of one (1) year. (Ord. 2359. (03/12/2013).)

C. Improvement Security:

If a subdivider enters into an agreement with the County in accordance with this Section, the subdivider shall furnish security to guarantee the successful completion of the items specified in said agreement. The security may be in one or more of the following forms, subject to approval by the County:

1. A bond or bonds by one or more duly authorized corporate sureties substantially in the form prescribed by the Subdivision Map Act;
2. A deposit either with the County or a responsible escrow agent or trust company selected by the County, cash or negotiable bonds of the kind approved for securing deposits of its public monies;

3. An irrevocable instrument of credit from one or more responsible financial institutions regulated by Federal or State government and pledging that the funds are on deposit and guaranteed for payment;

4. A lien upon the property to be divided, created by contract between the owner and the County, if the County 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.

5. Any form of security, including security interests in real property, which is acceptable to the County.

If the County elects to accept a security in the form of either Section 3.9.C.4 or 3.9.C.5 above, a contract shall be prepared creating a security interest, and the contract shall be recorded with the Nevada County Recorder. From the time of recordation of the written contract or document creating a security interest, a lien shall attach to the real property particularly described therein and shall have the priority of a judgment lien in an amount necessary to complete the agreed-to improvements. The recorded contract or security document shall be indexed in the Grantor Index to the names of all record owners of the real property as specified on the map and in the Grantee Index to the County of Nevada.

D. Improvement Security Amount. Amount of improvement security shall be provided as follows:

1. One hundred percent (100%) of the total estimated cost of the improvement or act to be performed to secure the faithful performance of the agreement provided, however, that if at the time of the filing of the final map for recordation a contract has been let and the construction work on the improvements has begun, the performance security may be reduced to an amount sufficient to complete the construction of the improvements. The amount of the security for partially completed improvements shall be established by the County engineer based upon their review of the scope of the improvements, the construction contract price (as executed between the subdivider and a qualified independent contractor), the stage or level of completion that the project has reached as of the date that the final map was submitted to the County for final plan check or at such later date as the County engineer may determine, and the cost to the County to complete the construction if the subdivider fails to do so.

2. In addition to Subsection 1 above, one hundred percent (100%) of the total estimated cost of the improvement or act to be performed securing payment to the contractor, the subcontractors and to persons furnishing labor, materials or equipment to them for the improvement or the performance of the required act provided, however, that if at the time of the filing of the final map for recordation a contract has been let and the construction work on the improvements has begun, the performance security may be reduced to an amount sufficient to complete the construction of the improvements. The amount of the security for partially completed improvements shall be established by the County engineer based upon his review of the scope of the improvements, the construction contract price (as executed between the subdivider and a qualified independent contractor), the stage or level of completion that the project has reached as of the date that the final map was submitted to the County for final plan check, or at such later date as the County engineer may determine, and the cost to the County to complete the construction if the subdivider fails to do so.

3. An additional amount of security in an amount equal to five percent (5%) of the total estimated cost of the improvement or \$1,000.00, whichever is greater, to cover the cost and reasonable expenses and fees, including reasonable attorneys' fees, which may be incurred by the County of Nevada in successfully enforcing the obligation secured.

4. The improvement security shall also secure the faithful performance of any changes or alterations in the work to the extent that such changes or alterations do not exceed ten percent (10%) of the original estimated cost of the improvement.

5. At the County's option, an additional amount of security to cover estimated costs and reasonable expenses and fees, including reasonable attorney's fees, that may be incurred by the County in successfully enforcing the obligation secured. (Ord. 1733. (09/10/1992); Urg. Ord. 1798. (08/25/1992).)

E. Improvement Security Release. The improvement security required hereunder shall be released in the following manner:

1. Security given for faithful performance of any act or agreement shall be released upon the final completion and acceptance of the act or work by the Board of Supervisors. The Board of Supervisors may provide for a partial release of the security upon the partial performance of the act or acceptance of the work as it progresses. The provisions for the partial release of letters of credit shall be consistent with Cal. Gov't Code § 66499.7(a).

2. Upon acceptance of the act or work by County and sixty-five (65) days after the recording of a notice of completion or ninety-five (95) days after completion of all work, if no notice of completion is filed, security given to secure payment to the contractor, subcontractors, and to persons furnishing labor, materials or equipment shall be reduced to an amount equal to the amount of all claims therefore filed and of which notice has been given to the Board of Supervisors plus an amount reasonably determined by the Board of Supervisors (Director of Public Works or other designee) to be required to assure the performance of any other obligations secured thereby. The balance of the security shall be released upon the settlement of all such claims and obligations for which the security was given and after the running of the one-year period set forth in Subsection F below. (Ord. 1733. (09/10/1991).)

F. Maintenance Security:

Upon satisfactory completion of all improvements, acts or obligations in the proper manner and within the time specified in the agreement, the security required by this Section to guarantee faithful performance of the work shall be reduced to ten percent (10%) of the original amount of such security to guarantee or warranty the work against any defective work or labor done or defective material used, and to guarantee maintenance of the work for a period of one year from the date of said satisfactory completion.

G. Improvement Security Forfeiture:

Upon the failure of the subdivider to complete any improvement, acts or obligations in the proper manner or within the time specified, the Board of Supervisors may upon notice in writing of not less than ten (10) days served upon the person responsible for the performance thereof or upon notice in writing of not less than twenty (20) days, served by registered mail addressed to the last known address of such person determine that the subdivider is in default and may cause the improvement security or such portion thereof as is necessary to complete the work or act and any other obligations of the subdivider secured thereby to be forfeited to the County. (Ord. 855. (08/21/1978).)

Sec. L-IV 3.10 Formation of Service Entities

Formation of an assessment district to provide for construction of improvements in a new subdivision is discouraged.

The formation of entities to provide for maintenance, snow removal, etc. shall be in accordance with the standard form agreement on file with the Director of Department of Public Works. Subdivisions above 4,000 feet elevation shall form a maintenance district to provide for snow removal if the streets are to be County maintained.

All private road subdivisions shall provide a maintenance entity in accordance with Section governing "Maintenance Agreements" in "Road Design Standards" of the Nevada County Code. (Ord. 1883. (04/11/1995).)

Sec. L-IV 3.11 Merger

A. Purpose and Intent:

It is the County's intention to exercise its ability to initiate and merge parcels only when there are valid health and safety reasons to support the merger. Additionally, it is the County's intention to also provide a process to accommodate voluntary merger requests. (Ord. 1894. (01/16/1996).)

B. Mergers Required:

Two or more contiguous parcels or units held by the same owner shall be merged if one (1) of the parcels or units does not conform to the minimum parcel or lot size required by the applicable standards of the base zoning district established in Chapter governing "Zoning" of the Nevada County Code, and if all of the following requirements are satisfied:

1. At least one (1) of the affected parcels has not been developed with a structure for which a building permit was issued or for which a building permit was not required at the time of construction; is developed only with an accessory structure or accessory structures; or is developed with a single structure, other than an accessory structure, that is also partially sited on a contiguous parcel or unit.

2. With respect to any affected parcel, one or more of the following conditions exist:

- a. Comprises less than 5,000 square feet in area at the time of the determination of merger;

b. Was not created in compliance with the applicable laws and ordinances in effect at the time of its creation;

c. Does not meet current standards for sewage disposal and domestic water supply as required by Chapters governing “Sewage Disposal” and “Water Supply and Resources” , respectively, of the Nevada County Code;

d. Does not meet slope stability standards. As defined herein, slope stability standards include lots with an average slope of thirty percent (30%) or greater, lots lying within landslide areas, and lots on Placer Diggings soils as identified in the 1975 Soil Survey of Nevada County prepared by the U.S. Department of Agriculture, Soil Conservation Service, and Forest Service;

e. Its development would create health or safety hazards;

f. Is inconsistent with the General Plan and any applicable specific plan other than minimum lot size or density standards.

3. For purposes of determining whether contiguous parcels are held by the same owner, ownership shall be determined as of the date that Notice of Intention to Determine Status is recorded pursuant to Section 3.11.C below;

4. Subsection B shall not apply if any of the conditions stated in Cal. Gov’t Code §§ 66451.11(b)(A), (B), (C), or (D) exist.

C. Notice of Intention to Determine Status:

Prior to recording a Notice of Merger, the Planning Department shall mail, by Certified Mail, a Notice of Intention to Determine Status to the current record owner of the property. The notice shall state that the affected parcels may be merged pursuant to this Section and that, within sixty (60) days from the date the Notice of Intention to Determine Status was recorded, the owner may request a hearing before the Board of Supervisors to present evidence that the property does not meet the criteria for merger. The Notice of Intention to Determine Status shall be filed for record at the office of the Clerk Recorder on the same day that the notice is mailed to the property owner.

D. Hearing of Determination of Status:

The owner of the affected property may file a written request for a hearing with the Board of Supervisors within sixty (60) days after recording of the Notice of Intention to Determine Status. Upon receipt of the request, a time, date and place for a hearing before the Board of Supervisors shall be established with a notice to the owner by Certified Mail. The hearing shall be conducted within sixty (60) days following the receipt of the owner's request, or may be postponed or continued by mutual consent of the Board of Supervisors and the property owner.

At the hearing, the property owner shall be given the opportunity to present any evidence that the affected property does not meet the requirements for merger specified in this Chapter.

At the conclusion of the hearing, the Board of Supervisors shall determine whether the affected parcels are to be merged or are not to be merged and shall notify the owner of the determination. The notification shall be mailed to the property owner within five (5) days of the date of the hearing.

E. Determination of Merger:

The determination of merger shall be based on factual evidence that shows that there are health and safety reasons which support the need to merge said parcels. If the Board of Supervisors makes a determination that the parcels are to be merged, a Notice of shall be recorded within thirty (30) days of the conclusion of the hearing. The Notice of Merger shall specify the name of the record owners and a description of the property.

If the Board of Supervisors makes a determination that the parcels shall not be merged, a release of the Notice of Intention to Determine Status shall be recorded and a clearance letter mailed to the owner.

F. Determination When No Hearing is Requested:

If the owner does not file a request for a hearing within sixty (60) days of the recording of the Notice of Intention to Determine Status, the Board of Supervisors may, at any time thereafter, make a determination that the parcels are or are not to be merged. If they are to be merged, a determination of shall be recorded within ninety (90) days of the mailing of the Notice of Intent to Determine Status.

G. Request to Merge by Property Owner (Voluntary Mergers):

1. If the merger of contiguous parcels or units is initiated by the record owner(s), the owner(s) may waive the right to a hearing before the Board of Supervisors and to all notices required by this Chapter. Upon signing the waiver by all person(s) having a record title interest in the real property, the Planning Director shall record a Notice of Merger. (Ord. 1894. (01/16/1996).)

2. The fee for processing mergers at the request of an owner shall be as specified on the latest Fee Schedule Resolution of the Board of Supervisors and the actual recording costs required of the County Recorder.

3. In such cases, a finding tied to health and safety will not be required.

H. Procedural Changes to the Merger Law in the Subdivision Map Act:

Any procedural due process change adopted in the Subdivision Map Act concerning the merger of lots or units shall automatically be followed as if it were contained herein. (Ord. 1472. (11/24/1987).)

Sec. L-IV 3.12 Inclusionary Affordable Housing Component

A. Purpose and Intent:

The Town of Truckee's unique housing situation leaves limited opportunities for local workers and their families to achieve home ownership as approximately fifty-percent (50%) of Truckee's housing are second homes for owners outside of the area. The high demand for second homes places great pressure on home prices in the Town and results in home prices which are out of reach for most of the local work force. It is the County's intent to maintain inclusionary housing requirements in the Town of Truckee Sphere of Influence to address the unique housing needs in eastern Nevada County, to provide for adequate housing opportunities for all economic segments of the greater Truckee community, and to assist in ensuring that these lands are developed and annexed in a manner that is consistent with the General Plan for Truckee.

B. Requirements for Inclusionary Affordable Housing Component:

All subdivisions creating twenty (20) or more lots, parcels or units within the Town of Truckee Sphere of Influence located within the Urban High Density, Urban Medium Density, and Urban Single Family Land Use Map designations, and any other subdivisions within these and any other General Plan Land Use designations selected pursuant to the General Plan Housing Chapter, shall have an inclusionary affordable housing component of 10 percent applied to the number of parcels/units in the proposed project and rounding up any fraction of a dwelling unit to one additional unit. The affordable inclusionary parcels/units may be located either on-site or off-site. These requirements do not apply to unincorporated areas outside of the Town of Truckee's Sphere of Influence.

The distribution of affordable inclusionary units among the qualifying Household Income Categories (very low, low, and moderate as shown below) shall equal the distribution ratios of the most current Regional Housing Need Allocation from the State.

- Very Low (less than 50% of AMI)
- Low (50 to 80% of AMI)
- Moderate (80 to 120% of AMI)
- Above Moderate (above 120% of AMI)

Assurance shall be provided by the developer that the inclusionary parcels/units remain continually available to very low, low and moderate income, senior citizen or disabled households as provided in Cal. Gov't Code § 65915(c) and Section governing "Continued Availability" of "Residential Density Bonuses and Incentives for Affordable and Senior Citizen Housing" in "Zoning" Ordinances of this Code.

C. Density Bonus and Incentives for Affordable Housing:

The County shall offer a density bonus to a project applicant equal to the number of inclusionary parcels/units as well as other incentives as provided for in "Continued Availability" of "Residential Density Bonuses and Incentives for Affordable and Senior Citizen Housing" in "Zoning" Ordinances to ensure that these projects are economically feasible. Whether or not to accept such bonus units shall be at the sole discretion of the applicant. (Ord. 2402. (12/08/2015); Ord. 2124. (07/22/2003); Ord. 1929. (01/07/1997).)