

Sutter County

SUBDIVISION ORDINANCE



July 2005
\$3.50

Sutter County

SUBDIVISION ORDINANCE

The following Sutter County Subdivision Ordinance has been retyped from the official Sutter County Ordinance Code. The official Subdivision Code is codified in Chapter 1400 of the Sutter County Ordinance Code and should be referred to for any questions pertaining to the accuracy of any section of this code.

Sutter County

SUBDIVISION ORDINANCE

INDEX

REGULATIONS FOR THE SUBDIVISION OF LAND

<u>SECTION</u>		<u>PAGE</u>
1400-050	AUTHORITY	1
1400-100	PURPOSES OF THE CHAPTER	1
	1400-105 Consideration	1
	1400-110 General Responsibilities	2
	1400-115 General Requirements	2
1400-150	DEFINITIONS	3
1400-200	TENTATIVE MAPS - PROCEDURE AND CONTENTS	5
	1400-205 Preliminary Conference.....	5
	1400-210 Submittal	5
	1400-215 Form of Tentative Map	5
	1400-220 Acceptance	6
	1400-225 Fees	7
	1400-230 Distribution	7
	1400-235 Filing.....	7
	1400-240 Community Services Director Report.....	7
	1400-245 Planning Commission Action on Tentative Map.....	7
	1400-246 Planning Commission Action on a Tentative Map in Conjunction With Legislative Actions	8
1400-250	VESTING TENTATIVE MAPS - PROCEDURE AND CONTENTS	8
	1400-251 Application.....	8
	1400-252 Procedure.....	8
	1400-253 Rights Conferred	9
	1400-254 Zoning Inconsistencies.....	9
	1400-255 Modification of Conditions	10
1400-300	FINAL MAP FOR SUBDIVISION	10
	1400-305 Filing Subdivision Map	10
	1400-310 Fees	10
	1400-315 Data to Accompany Final Map	10
	1400-320 Preparation of Final Map.....	11
	1400-325 Action on Final Map by Public Works Director and County Surveyor	13
	1400-330 Action on Final Map by Community Services Director	13

Sutter County

SUBDIVISION ORDINANCE

	1400-335	Approval by the Board of Supervisors.....	14
	1400-340	Public Improvement Agreement.....	14
	1400-345	Disapproval by Board of Supervisors.....	14
	1400-346	Waiver of Final Map	14
	1400-350	Recordation.....	14
1400-400		PARCEL MAP - PROCEDURE AND CONTENTS.....	14
	1400-410	Parcel Maps	14
	1400-420	Map Checking Fees for Records of Survey	15
	1400-430	Fees for Record Search	15
1400-450		IMPROVEMENT SECURITY	15
	1400-455	Improvement Security Required.....	15
	1400-460	Form of Security	16
1400-500		STANDARDS AND REQUIREMENTS FOR SUBDIVISIONS	16
	1400-505	Requirements.....	16
	1400-510	Access to Public Streets	16
	1400-515	Lot Standards.....	16
	1400-520	Streets.....	17
	1400-525	Street Patterns	17
	1400-530	Design Adjacent to Arterials.....	18
	1400-535	Street Names	18
	1400-540	Alleys.....	18
	1400-545	Grades, Curves and Sight Distances.....	18
	1400-550	Curbs, Sidewalks and Pedestrian Ways	19
	1400-555	Utilities and Easements.....	19
	1400-560	Water Courses	19
	1400-565	Block Standards.....	19
	1400-570	Neighborhood Facilities Reservation of Site	19
	1400-575	Non-Residential Subdivisions	19
1400-580		SPECIAL PROVISION: SUBDIVISION AND LOT LINE ADJUSTMENT OF AGRICULTURAL PARCELS, DEDICATION TO AGRICULTURAL USE	20
1400-700		PUBLIC IMPROVEMENTS.....	21
	1400-710	Minimum Requirements	21
	1400-715	(Untitled).....	22
	1400-720	(Untitled).....	22
	1400-725	Fire Hydrants.....	22
	1400-731	Park Acquisition and Development Fees	22
	1400-735	(Untitled).....	23
	1400-740	(Untitled).....	23
	1400-745	(Untitled).....	23
	1400-750	(Untitled).....	23
	1400-755	(Untitled).....	23
	1400-760	Underground Utility Facilities	24

Sutter County

SUBDIVISION ORDINANCE

	1400-765	Underground Utilities - General.....	24
	1400-770	Completion	24
	1400-775	Fees	24
1400-800		MODIFICATION (EXCEPTIONS)	24
	1400-810	Modification of Provisions of Chapter.....	24
	1400-815	Referral of Proposed Modifications.....	25
	1400-820	Planning Commission to Conform Substantially With Objectives of Regulations	25
	1400-825	Condominiums, Community Apartments and Cluster Type Subdivisions.....	25
	1400-830	Certificate of Correction or Amending Map	25
1400-850		APPEALS	26
1400-900		ISSUANCE OF BUILDING PERMITS	26
1400-925		CERTIFICATES OF COMPLIANCE.....	26
1400-940		LOT LINE ADJUSTMENT	28
1400-945		VOLUNTARY MERGER OF PARCELS.....	29
1400-950		VALIDITY	30
1400-1000		PENALTIES	31
1400-1050		ENFORCEMENT	31

Sutter County

Subdivision Ordinance

Chapter 1400

REGULATIONS FOR THE SUBDIVISION OF LAND

SECTIONS:

1400-050	Authority
1400-100	Purposes of the Chapter
1400-150	Definitions
1400-200	Tentative Maps - Procedure and Contents
1400-250	Vesting Tentative Maps - Procedure and Contents
1400-300	Final Maps for Subdivision
1400-400	Parcel Maps - Procedure and Contents
1400-450	Improvement Security
1400-500	Standards and Requirements for Subdivisions
1400-580	Special Provision: Subdivision and Lot Line Adjustment of Agricultural Parcels, Dedication to Agricultural Use
1400-700	Public Improvements
1400-800	Modification (Exceptions)
1400-850	Appeals
1400-900	Issuance of Building Permits
1400-925	Certificates of Compliance
1400-940	Lot Line Adjustments
1400-945	Voluntary Merger of Parcels
1400-950	Validity
1400-1000	Penalties
1400-1050	Enforcement

1400-050 AUTHORITY

This Chapter is enacted pursuant to Section II of Article XI of the Constitution of California and the general laws of the State of California, including the Subdivision Map Act. The provisions of this Chapter are supplemental to the provisions of the Subdivision Map Act (Title 7, div. 2 (commencing with §66410) of the Gov. Code). In the event of any conflict or inconsistency between this Chapter and the Subdivision Map Act, the latter shall control.

1400-100 PURPOSES OF THE CHAPTER

The purpose of this Chapter and any hereafter adopted, is to regulate and control the design and improvement of land for all purposes within the County of Sutter in order to preserve and enhance the health, safety, welfare and amenities of the community.

1400-105 Consideration

(a) **General Plan and Zoning Law.** The

Sutter County General Plan shall guide the use of all land within the unincorporated area of the County. The size and design of lots, the nature of utilities, the design and improvement of streets, the type and intensity of land use, and the provisions for any special facilities shall conform to the standards established in the General Plan, the zoning ordinance of the County of Sutter, and any applicable specific plan, master plan, community plan, precise plans, and the like.

(b) **Community Facilities.** The policies and programs of the General Plan shall be used in evaluating the impact of a subdivision on community facilities. This Chapter establishes procedures for the referral of proposed subdivision data to other departments, interested boards, bureaus and other governmental agencies and utility companies, both public and private, so that the extension of community facilities and utilities may be accomplished in an orderly manner, and coordinated with the development of the subdivision. To facilitate the acquisition of land

Sutter County

Subdivision Ordinance

required to implement this policy, the County may require that the subdivider dedicate land, grant easements, or otherwise reserve land for parks, playgrounds, thoroughfares, utility easements, or any other public facility or purpose.

1400-110 General Responsibilities

(a) Subdivider. Maps shall be prepared in accordance with the standards contained in this Chapter. Public improvements shall be designed in a manner consistent with the public improvement standards of the County. Maps shall be processed in accordance with these regulations.

(b) Community Services Director. The Community Services Director or his designee shall analyze tentative maps to determine conformity with the General Plan and the zoning code, design guidelines, and any and all other regulations applicable to subdivision maps. The Community Services Director or his designee shall be responsible for the analysis of the environmental impacts of the proposed project and for the expeditious processing of tentative maps.

(c) Public Works Director. The County Public Works Director shall report to the Community Services Department with regard to engineering requirements, including but not limited to street width, grade, and alignment. The Public Works Director shall also determine whether the proposed public improvements are consistent with the provisions of this Chapter and all other applicable County standards and shall inspect and approve or disapprove the improvements. . The Public Works Director is responsible for expeditious processing of final and parcel maps.

(d) Other County Departments. Tentative maps shall be distributed to relevant county departments for review and comments.

(e) Planning Commission. The Planning Commission is the advisory agency to the Board of Supervisors and is charged with making investigations and reports on the design and improvements of proposed divisions of land. Any action by the Planning Commission to approve or disapprove a tentative map shall be

final unless the decision is appealed to the Board of Supervisors as set forth in Section 1400-200 of this Chapter. Actions of the Planning Commission shall be reported directly to the applicant.

(f) Board of Supervisors. The Board of Supervisors shall have final jurisdiction in the approval of final maps, any appeal filed on the tentative maps, and the establishment of requirements for the standards of design of public improvements that may be proposed for dedication as a result of the subdivision process.

(g) Subdivision Advisory Committee. A Subdivision Advisory Committee is established. It shall have the following duties, powers, and authorities: (a) To examine and review subdivision proposals; and (b) to consider and coordinate recommendations on all matters which may hereby be assigned to it by the Board of Supervisors. Its recommendations shall be communicated to the subdivider.

(h) County Surveyor. The County Surveyor shall examine all final and parcel maps and shall certify thereon that the map is substantially the same as the approved tentative map, the provisions of the Subdivision Map Act and this Chapter have been complied with, and that the map is technically correct.

(i) Other Public Agencies. Tentative maps shall be referred for information and comment to special districts, governmental boards, bureaus, utility companies, and other agencies that provide public and private facilities and services to the proposed subdivision, and to such agencies that the Community Services Director determines may be affected.

1400-115 General Requirements

(a) Tentative and Final Map Required. A tentative and final map shall be required for all subdivisions creating five or more parcels, five or more condominiums as defined in Section 783 of the Civil Code, a community apartment project containing five or more parcels, or for the conversion of a dwelling to a stock cooperative containing five or more dwelling units, except where any one of the following occurs:

- (1) The land before division contains less

Sutter County

Subdivision Ordinance

than five acres, each parcel created by the division abuts upon a maintained public street or highway and no dedications or improvements are required by the Board of Supervisors; or

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

(3) The land consists of a parcel or 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 has the approval of the governing body as to street alignments and widths; or

(4) Each parcel created by the division has a gross area of 40 acres or more, or each of which is a quarter-quarter section or larger; or

(5) Until January 1, 2003, the land being subdivided is solely for the creation of an environmental subdivision pursuant to Section 66418.2 of the Subdivision Map Act.

(b) Tentative and Parcel Map Required. A tentative and parcel map shall be required for those subdivisions described in paragraphs (a)(1), (a)(2), (a)(3), (a)(4) and (a)(5) and for any subdivisions creating four or fewer parcels.

(c) Waiver of Recording of Parcel Map. The requirement of a parcel map may be waived by the approving authority whenever a parcel map is imposed by this Chapter or the Subdivision Map Act, including the requirement for a parcel map imposed by Government Code section 66426. A parcel map may be waived only on a finding made by the Planning Commission or the Board of Supervisors, upon review of the tentative map, that the proposed division of land complies with requirements established by this Chapter and the Subdivision Map Act as to area, improvement and design, floodwater and drainage control, appropriate public roads, sanitary disposal facilities, water supply availability, environmental protection, and other requirements of this Chapter and the Subdivision Map Act. If the parcel map has been waived, the subdivision shall be recorded as a certificate of compliance or conditional certificate of compliance.

(d) Exclusions. This Chapter shall be inapplicable to the same matters that are set forth in Government Code 66412, which creates exceptions to the Subdivision Map Act.

1400-150 DEFINITIONS

To the extent any of the definitions set forth in this Chapter conflict with the Subdivision Map Act, the Subdivision Map Act shall control.

(a) “Bedroom” shall mean any room within a residential dwelling unit which is designed to be used for sleeping purposes and contains a closet of sufficient size to hold clothing. One living room with entry closet shall not be considered a “bedroom” in each residential dwelling unit other than a studio or efficiency apartment.

(b) “Community Services Director” shall mean the Director of the Sutter County Community Services Department or his designee.

(c) “Construction” shall mean putting together, assembling, erecting or altering of construction materials, components or modules into a structure, or a portion of a structure, and includes reconstructing, enlarging or altering any structure. Construction also includes the moving and locating of a building, or portion thereof, onto a lot or parcel of land, and also includes the improvement of land as a mobile home lot.

(d) “Dwelling, One-Family” as used in this Chapter, shall mean a detached building of permanent character, placed in a permanent location which is planned, designed or used as a residence for one family only, living independently of other families or persons.

(e) “Dwelling, Two-Family” as used in this Chapter shall mean a building of permanent location which is planned, designed or used for residential purposes for two families living independently of each other in independent dwelling units.

(f) “Dwelling, Multiple” as used in this Chapter shall mean a building of permanent character placed in a permanent location which is planned, designed or used for residential purposes, for three or more families living

Sutter County

Subdivision Ordinance

independently of each other in independent dwelling units.

(g) “**Family**” as used in this Chapter shall mean one or more persons occupying a premises and living as a single housekeeping unit as distinguished from a group occupying a hotel, club, fraternity or sorority house.

(h) “**Final Map**” shall mean a map prepared in accordance with the provisions of the Subdivision Map Act and this Chapter, which map is designed to be placed on record in the office of the County Recorder.

(i) “**Lot**” shall mean for the purpose of this Chapter a parcel or portion of land established for purposes of sale, lease, finance, division of interest or separate use, separated from other lands by description of a final map or parcel map.

(j) “**Subdivision Map Act**” shall mean the Subdivision Map Act of the State of California.

(k) “**Mobile Home**” shall mean a structure transportable in one or more sections, designed and equipped to contain not more than two dwelling units to be used with or without a foundation system. Mobile home does not include a recreational vehicle, commercial coach, or factory-built housing as defined by state law.

(l) “**Mobile Home Lot**” shall mean any parcel or lot upon which a mobile home is placed for residential use.

(m) “**Mobile Home Park**” shall mean any area or tract of land established by permit under Part 2.1 of Division 13 of the Health and Safety Code containing one or more mobile home lots. The term “mobile home park” shall include a “recreational trailer park”, “temporary trailer park”, or “travel trailer park” as those terms are defined in Part 2.1 of Division 13 of the Health and Safety Code.

(n) “**Parcel Map**” shall mean a map prepared in accordance with the provisions of the Subdivision Map Act and this Chapter, which map is designed to be placed on record in the office of the County Recorder.

(o) “**Person**” shall mean any domestic or foreign corporation, firm, association, syndicate, joint stock company, partnership of any kind, joint venture club, society or individual.

(p) “**Residential Dwelling Unit**” shall mean a building or mobile home, or a portion of a building or mobile home which is planned, designed or used as a residence for one family only living independently of other families or persons and having its own bathroom and house-keeping facilities included in said unit (for example a one-family dwelling, each unit of a multiple dwelling, and each apartment of an apartment house or condominium).

(q) “**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 and for others.

(r)(1) “**Subdivision**” means the division, by any subdivider, of any unit or units of improved or unimproved land, or any portion thereof shown on the latest equalized County assessment role as a single unit or as contiguous units, for the purpose of sale, lease, or financing, whether immediate or future. Property shall be considered as contiguous units, even if it is separated by roads, streets, utility easements, or railroad rights-of-way. “Subdivision” includes a condominium project, as defined in subdivision (f) of section 1351 of the Civil Code, a community apartment project, as defined in subdivision (d) of Section 1351 of the Civil Code, or the conversion of five or more existing dwelling units to a stock cooperative, as defined in subdivision (m) of section 1351 of the Civil Code.

(2) Any conveyance of land to a governmental agency, public entity, public utility, or subsidiary of a public utility for conveyance to that public utility for rights-a-way shall not be considered a division of land for purposes of computing the number of parcels. For purposes of this section, any conveyance of land to a governmental agency shall include a fee interest, an easement, or a license.

(s) “**Subdivision Advisory Committee**” shall mean the following officials or their representatives: the Community Services

Sutter County

Subdivision Ordinance

Director, the Environmental Health Division Chief, and the Public Works Director.

(t) **“Tentative Map”** shall mean a map prepared by or under the direction of a registered civil engineer or licensed land surveyor in accordance with the provisions of the Subdivision Map Act and this Chapter to show the design of a proposed subdivision and the existing conditions in and around the land proposed to be divided. Such map need not be based upon an accurate or detailed field survey; however, it shall be graphically accurate to reasonable tolerances.

(u) **“Vesting Tentative Map”** shall mean a tentative map prepared in accordance with the provisions of the Subdivision Map Act and this Chapter which has conspicuously printed upon its face the words “Vesting Tentative Map” at the time it is submitted and which is processed in accordance with the provisions of this Chapter.

1400-200 TENTATIVE MAPS - PROCEDURE AND CONTENTS

1400-205 Preliminary Conference. Prior to the submittal of a tentative map, the subdivider is encouraged to consult with the staff of the Community Services Department for technical advice and procedural instructions. Preliminary map of the subdivision may be submitted and discussed. The preliminary map should be to a scale and detail sufficient to indicate the essential characteristics of the subdivision, including the number, size and design of lots; the location and width of streets; the location of any important reservations or easements; the relation of the subdivision to all surrounding lands and any other detail necessary to enable preliminary review. When a preliminary map is submitted, the Community Services Director shall schedule a conference with the subdivider and the Subdivision Advisory Committee to discuss the preliminary map and recommendations thereon.

1400-210 Submittal. Fifteen copies, or additional copies as deemed necessary by the Community Services Director, of a tentative map, an 8½ by 11 inches reduction of the tentative map, a statement of the proposed division of land, the information required by the Community Services Director pertaining to the

environmental impact of the proposed project, a signed hazardous waste and substance statement pursuant to Section 56962.5(d) and (f) of the Government Code, and appropriate fees shall be submitted to the Community Services Department.

1400-215 Form of Tentative Map

(a) **Size and Scale.** Tentative maps shall be eighteen by twenty-six inches (18" x 26") in size and to a scale of one inch (1") equals one hundred feet (100') for large areas, and to a scale of one inch (1") equals fifty feet (50') for small areas unless otherwise approved by the Community Services Director.

(b) **Information Required.** Every tentative map shall be clearly and legibly reproduced and shall contain the following information:

(1) A key or location map on which shall be shown the general area including adjacent property, subdivisions and roads.

(2) The tract name or number, date, north point, scale and sufficient description to define location and boundaries of the proposed tract.

(3) Name and address of recorded owner or owners.

(4) Name and address of subdivider.

(5) Name and business address of the person who prepared the map.

(6) Acreage of proposed tract to the nearest tenth (10th) of an acre.

(7) Sufficient elevations, contours or notations indicating direction and percent of slope to determine the general slope of the land, the high and low point thereof, and the general slope of all property within 100 feet of the property being subdivided.

(8) The locations, names, widths and grades of all roads, streets, highways and ways in the proposed subdivision, and identification of which are to be offered for dedication.

(9) The locations, names, and existing pavement and right-of-way widths of all

Sutter County

Subdivision Ordinance

adjoining and contiguous highways, streets and ways.

(10) Locations and size of all pipelines and structures used in connection therewith.

(11) Location and character of all existing public utilities.

(12) The widths, locations, and purposes of all existing and proposed easements.

(13) Lot layout, dimensions of each lot, and lot numbers.

(14) City limit lines existing within the general vicinity of the subdivision.

(15) Bearings and distances to quarter-section bounds within the general vicinity of the subdivision.

(16) Boundaries of any units within the subdivision if the subdivision is to be recorded in stages.

(17) Names and owners of land immediately adjacent to the subdivision.

(18) The outline of any existing buildings to remain in place and their locations in relation to existing or proposed street and lot lines, along with the location of any wells, septic tanks, leach fields, or minimum usable sewage disposal area (MUSDA).

(19) Location of all trees proposed to remain in place, standing within the boundaries of proposed public rights-of-way.

(20) Location of all areas subject to inundation or storm water overflow, 10-Year Flood Plains, and the location, width and direction of flow of all water courses within 100 feet of the property.

(21) Typical section of the proposed street improvements.

(22) Assessor's parcel number of the property being subdivided.

(23) Location of all on-site and off-site water wells and septic systems, either existing or

abandon, within 100 feet of the property.

(c) Statement Required. A statement shall be presented by the subdivider in written form accompanying the map and shall contain the following information:

(1) Improvements and public utilities proposed to be made or installed and the time at which such improvements are proposed to be completed.

(2) Proposed plan for drainage.

(3) Provision for sewerage and sewage disposal.

(4) Provision for proposed water supply.

(5) Public areas proposed.

(6) Type and location of street lighting proposed.

(7) Proposed building setback lines and width of side yards.

(8) Justification and reasons for any exceptions to provisions of this Chapter, or for any amendments to the Zoning Law, which may be requested in conjunction with the subdivision proposed.

(9) A copy of any restrictive covenants, by-laws, or articles of incorporation proposed shall be attached to the owner's statement as required.

(10) The existing use or uses of the property.

(11) The proposed use or uses of the property.

(12) The tree plantings proposed.

(13) Statement from owner of record, if different than subdivider, consenting to division of land by subdivision.

(14) Statement giving name and address of individual designated to receive all official communications regarding the subdivision.

(15) A statement that the subdivision map

Sutter County

Subdivision Ordinance

will be recorded by multiple final maps, if appropriate.

1400-220 Acceptance. The Community Services Director, or his authorized representative, shall examine the tentative map and environmental documents upon presentation and shall not accept said map for distribution unless the same is in full conformance with this Chapter as to form, data, information and other matters required to be shown thereon or furnished therewith.

1400-225 Fees. At the time of a request for a preliminary conference, acceptance of a tentative map or vesting tentative map for distribution, submittal of an application for an extension of time of approval of a tentative map, waiver of final map requirements, certificate of correction or amending map, a lot line adjustment, a certificate of compliance, or appeal, a fee shall be paid as established by resolution of the Board of Supervisors.

1400-230 Distribution. The Community Services Director shall transmit the requested number of copies of the tentative map, together with accompanying data to such public agencies, utility companies and other departments as may be concerned. Each of the public agencies, utilities and other departments shall, within ten (10) days from receipt of a copy of a tentative map, or within forty-five (45) days if a Draft Environmental Impact Report is required, forward to the Community Services Director a written report of its findings and recommendations thereon. If a reply is not received within the time allowed by this section, it will be assumed that the map conforms to the requirements of the public agency or utility company concerned.

1400-235 Filing. Upon his finding that the tentative map is drawn in compliance with the standards and requirements of this Chapter, is accompanied by a properly completed check sheet and other required data, that reports from departments and agencies concerned have been received, and that an appropriate environmental document has been prepared pursuant to the California Environmental Quality Act, the Community Services Director shall officially file the tentative map and present it to the Subdivision Advisory Committee. The

Committee shall review the tentative map and the recommendations of the various agencies involved with the subdivider or his duly authorized representative within ten (10) days from the date of the official filing of the tentative map.

1400-240 Community Services Director Report. The Community Services Director shall prepare a written report on the conformity of the tentative map to the provisions of the General Plan, the Zoning Ordinance, the recommendation of other agencies, and all other applicable requirements of this and other ordinances and regulations of the County of Sutter and/or the State of California. Any report or recommendations on the tentative map shall be provided to the subdivider at least three (3) days prior to any hearing or action on such map by the Planning Commission or the Board of Supervisors. Such required submission in writing shall be deemed complied with when such reports or recommendations are placed in the mail, directed to the subdivider at the address designated in the subdivider's statement.

1400-245 Planning Commission Action on Tentative Map. The Planning Commission shall hold a hearing and take action to approve, conditionally approve, or disapprove the tentative map within fifty (50) days after the filing thereof, unless such time is extended by agreement with the subdivider. Notice of the hearing shall be published in a local newspaper and mailed to property owners owning property within 400 feet of the proposed subdivision at least 10 days before the hearing.

(a) Findings - Determination. If the Planning Commission finds that the proposed map complies with the requirements of this Chapter and the Subdivision Map Act and the Zoning Laws of the County, it shall approve or conditionally approve the map. The Planning Commission shall deny the approval of a tentative map if it makes any of the following findings:

(1) That the proposed map is not consistent with applicable general and specific plans.

(2) That the design or improvement of the proposed subdivision is not consistent with

Sutter County

Subdivision Ordinance

applicable general and specific plans as specified in Government Code section 65451.

(3) That the site is not physically suitable for the proposed density of development.

(4) That the site is not physically suitable for the type of development.

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

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

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

(8) The proposed map would have significant, unmitigated impacts upon the environment, for which a statement of overriding considerations cannot be made pursuant to the California Environmental Quality Act.

(b) Report to Subdivider. The Planning Commission shall report its action directly to the subdivider or his designated representative.

(c) Report to the Board of Supervisors. Following action by the Planning Commission, a copy of the tentative map, together with a copy of the Planning Commission action thereon, shall be transmitted to the Board of Supervisors for its information.

1400-246 Planning Commission Action on a Tentative Map in Conjunction With Legislative Actions.

(a) If the County receives an application for a tentative map that requires a general plan amendment or rezoning, or both, to render the land use proposed by the tentative map consistent with the general plan and zoning, the Board of Supervisors shall be the final decision-making body on such tentative maps. Notwithstanding any other provision of this Chapter, any action by the Planning Commission on such tentative maps shall be a recommendation to the Board of Supervisors.

(b) Applications for a tentative map, general plan amendment, or a rezoning as described in subdivision (a) shall be considered at a public hearing by the Board of Supervisors. Following the public hearing, the Board of Supervisors shall make appropriate findings and approve, approve with conditions, or deny the tentative map.

1400-250 VESTING TENTATIVE MAPS - PROCEDURE AND CONTENTS

1400-251 Application

Whenever the provisions of the Subdivision Map Act or of this Chapter require the filing of a tentative map, a vesting tentative map may instead be filed in accordance with the provisions of this Chapter.

If a subdivider does not seek the rights conferred by this Chapter, the filing of a vesting tentative map shall not be a prerequisite to any approval to any proposed subdivision, permit for construction, or work preparatory to construction.

1400-252 Procedures

(a) Filing and Procedures. A vesting tentative map shall be filed in the same form and have the same content, accompanying data, and reports as a tentative map. It shall be processed in the same manner as a tentative map and containing the following additional information:

(1) At the time a vesting tentative map is filed, it shall have printed conspicuously on its face the words "Vesting Tentative Map."

Sutter County

Subdivision Ordinance

(2) Plot plans of each proposed parcel showing compliance with Building and Zoning Ordinance requirements.

(3) Detail grading and engineering plans and specifications for the improvement and development of the proposed subdivision.

(4) Building plans, including heights, size and number of bedrooms.

(5) Soil and geological studies and other studies or reports that would normally be deferred to the building permit stage for the proposed development of the particular subdivision.

(6) Subdivisions which propose the use of septic systems shall also show on each proposed lot a Minimum Usable Sewage Disposal Area meeting the requirements of the Environmental Health Program.

(7) If the subdivision included any properties which would require Design Review under Division 85 of Chapter 1500 of the Sutter County Ordinance Code, then all the required submittals of Division 85 shall be provided.

(b) Expiration. Approval of a vesting tentative map shall expire at the end of the same time period, and shall be subject to the same extensions established by this Chapter for the expiration of the approval of a tentative map.

(c) Revisions of Existing Tentative Maps Not Allowed. A tentative map previously filed may not be amended to be a vesting tentative map. Instead, a new vesting tentative map shall be required.

1400-253 Rights Conferred

(a) Approval Standards. 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 Section 66474.2 of the California Government Code. However, if Section 66474.2 of the California Government Code is repealed, the 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 was approved.

(b) Additional Permit Conditions or Denials. 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:

(1) 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.

(2) The condition or denial is required in order to comply with state or federal law.

(c) Expiration of Rights Conferred. The rights conferred by approval of a vesting tentative map shall expire if a final map or parcel map is not recorded prior to the expiration of the vesting tentative map. If the final map or parcel map is recorded, these rights shall last for the following periods of time:

(1) An initial time period of one (1) year beyond the recording of the final or parcel map. Where several final or parcel maps are to be 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 or parcel map for that phase is recorded.

(2) The initial time period set forth above in Section 1400-253(c)(1) shall automatically be extended by any time period used for processing a complete application for a grading permit or for design or architectural review, if such processing exceeds thirty (30) days from the date the complete application is filed.

(3) A subdivider may apply for a one year (1) extension at any time before the initial time period set forth in Section 1400-253(c)(1) above expires. If the extension is denied, notwithstanding the time period specified in Section 1400-850 of this Chapter, the subdivider may appeal that denial to the Board of Supervisors within fifteen (15) calendar days. Any such appeal shall be processed pursuant to Section 1400-850.

(4) If the subdivider or other interested party submits a complete application for a

Sutter County

Subdivision Ordinance

building permit during the periods of time specified in Sections 1400-253(c)(1) through 1400-253(c)(3), the rights conferred by the vesting tentative map shall continue until the expiration of that building permit, or any extension of the permit.

1400-254 Zoning Inconsistencies

Whenever a subdivider files a vesting tentative map for a subdivision whose intended development is inconsistent with the Zoning Ordinance in existence at the time, such inconsistency shall be noted on the vesting tentative map. Such a vesting tentative map may be denied or may be approved conditioned upon 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 vesting tentative map shall, notwithstanding Section 1400-253(a), confer the vested right to proceed with development in substantial compliance with the change in the Zoning Ordinance and the map as approved.

The rights conferred by this section shall be for the time periods set forth in Section 1400-253(c).

1400-255 Modification of Conditions of Approval

Notwithstanding any provision of this Chapter, a property owner, or his/her designated representative, may seek approvals or permits for development which departs from the ordinances, policies, and standards described in Sections 1400-253(a) and 1400-254, and the County may grant these approval or issue these permits to the extent that the departures are authorized under applicable law.

1400-300 FINAL MAPS FOR SUBDIVISIONS

1400-305 Filing Subdivision Map. Within thirty-six (36) months after approval or conditional approval of the approved tentative map, a subdivider may cause his subdivision, or any part thereof, to be surveyed and a final map thereof prepared in conformance with the tentative map, including conformance with any conditions attached to such approval. However,

if the subdivider is required to expend the amount of money set forth in Section 66452.6 of the Government Code to construct, improve, or finance the construction or improvement of public improvements outside the property boundaries of the tentative map, excluding improvements of public rights-of-way which abut the boundary of the property to be subdivided and which are reasonably related to the development of that property, each filing of a phase of a multiple final map shall extend the expiration of the approved or conditionally approved tentative map by thirty six (36) months from the date of its expiration, as provided in this section, or the date of the previously filed final map, whichever is later. The extensions shall not extend the tentative map more than ten (10) years from its approval or conditional approval. However, a tentative map on property subject to a development agreement authorized by Article 2.5 (commencing with Section 65864) of Chapter 4 of Division 1 of the Subdivision Map Act may be extended for the period of time provided for in the agreement, but not beyond the duration of the agreement. The number of phased final maps that may be filed shall be determined at the time of the approval or conditional approval of the tentative map. "Public improvements" as used in this section, include traffic controls, streets, roads, highways, freeways, bridges, overcrossings, street interchanges, flood control or storm drain facilities, sewer facilities, water facilities, and lighting facilities.

Upon application of the subdivider filed prior to the expiration of the approved or conditionally approved tentative map, the time at which the map expires may be extended by the Planning Commission for a period or periods not exceeding a total of five (5) years. Prior to the expiration of an approved or conditionally approved tentative map, upon an application by the subdivider to extend that map, the map shall automatically be extended for sixty (60) days or until the application for the extension is approved, conditionally approved, or denied, whichever occurs first. The final map shall be filed with the Public Works Director in accordance with the requirements of this Chapter.

1400-310 Fees. At the time of filing of a final map for review by the County Surveyor, the

Sutter County

Subdivision Ordinance

subdivider shall pay a map checking fee as established by a resolution of the Board of Supervisors. The subdivider shall pay recording fees for recordation of the final map as required by the County Recorder.

1400-315 Data to Accompany Final Map.

Prior to or at the time of submitting the final map of a subdivision to the Public Works Director, the subdivider shall submit therewith the following documents:

(a) **Traverse Sheets.** Calculation and traverse sheets in a form approved by the Public Works Director giving bearings and distance and coordinates of the boundary of the subdivision and blocks and lots therein shown on the final map.

(b) **Public Improvement Plans.** The original tracings of detailed plans, cross sections and profiles of this Chapter and of all other improvements proposed to be installed as required by the provisions of this Chapter and of all other improvements proposed to be installed by the subdivider in, on, over, or under any street, right-of-way, easement, or parcel of land dedicated by the map or previously dedicated, including the estimated cost thereof, shall be filed with the Public Works Director for his approval and signature. All such plans shall be prepared in accordance with the requirements of the Public Works Director. Plan sheets shall be twenty-four by thirty-six inches (24" x 36") with one inch (1") left margin.

(c) A no-access rights certificate shall be shown on the final map where required by the Public Works Director.

(d) **Design Data.** Design data assumptions and computations for proper analysis in accordance with sound engineering practice.

(e) **Report and Guarantee of Clear Title.** The final map shall be accompanied by a current report prepared by a duly authorized title company naming the persons whose consent is necessary for the preparation and recordation of such map and for dedication of the streets, alleys, and other public places shown on the map and certifying that as of the date of the preparation of the report, the persons therein named are all the persons necessary to give

clear title to such subdivision. At the time of recording said map, following approval by the Board of Supervisors, there shall be filed with the County Recorder a guarantee executed by a duly authorized title company showing the persons (naming them) consenting to the preparation and recordation of such map and offering for dedication the streets, alleys, and other public places shown thereon are all the persons necessary to pass clear title to such subdivision and the dedications shown thereon.

(f) The Agreement and Bonds specified in that section of this Chapter entitled "Improvement Security".

(g) **Deed Restrictions: By-Laws and/or Articles of Incorporation.** Two (2) copies of all deed restrictions, by-laws and articles of incorporation.

(h) **Electronic Copy of Final Map.** An electronic copy of the map to be recorded shall be provided in AutoCAD® "DWG" format, release 14 or newer, on a standard 1.44 megabyte disk or other format and disk size acceptable to the Community Services Department.

1400-320 Preparation of Final Map

(a) **Size, Material, Scale.** The final map shall be legibly drawn, printed or reproduced by a process guaranteeing a permanent record in black on tracing cloth or polyester base film. Certificates, affidavits, and acknowledgments may be legibly printed upon the map with opaque ink. If ink is used on polyester base film, the ink surface shall be coated with a suitable substance to insure permanent legibility. The dimensions of each sheet of such map shall be eighteen inches by twenty-six inches (18" x 26"). A marginal line shall be drawn completely around each sheet leaving an entirely blank margin of one inch (1"). The scale of the map shall be sufficient to show all details clearly and in no case shall be greater than one inch (1") equals one hundred feet (100') nor less than one inch (1") equals fifty feet (50'). A scale greater than 1" equals 100' may be permitted subject to authorization by the Public Works Director. Enough sheets shall be used to accomplish this end. The number of each sheet and the total number of sheets comprising the map shall be

Sutter County

Subdivision Ordinance

stated on each of the sheets and the relation of each adjoining sheet shall be clearly shown by a small key map on the first sheet. Each sheet of such map proper shall show the date of the survey, north point, written graphic scale, and other information as necessary. The map shall be so made and shall be in such condition when filed that good legible prints and negatives can be made there from.

(b) Title. The title of each sheet of such final map shall consist of the approved name and unit number of the tract, if any, at the lower right hand corner of the sheet, followed by the words, "County of Sutter". Maps filed for the purpose of showing a reversion to acreage to land previously subdivided shall be conspicuously marked with the words "Reversion to Acreage".

(c) Coordinate System. Wherever the County Surveyor has established a system of coordinates, then the survey shall be tied into such system. The adjoining corners of all adjoining lots shall be identified by lot and block numbers, subdivision name and place of record, or other proper designation.

(d) Subdivision Boundary. An accurate and complete boundary survey to second order accuracy shall be made of the land to be subdivided. A traverse of the exterior boundaries of the tract and of each block when computed from field measurements on the ground, shall close within a limit of one foot (1') to ten thousand feet (10,000') or in the case of a parcel map, shall be based either upon a field survey made in conformity with the Land Surveyors Act or be compiled from recorded or filed data when sufficient survey information exists on filed maps to locate and retrace the exterior boundary lines of the parcel map if the location of at least one of these boundary lines can be established from an existing monumented line. The boundary of the subdivision shall be indicated on the final map by a red-orange border applied to the reverse side of the tracing.

(e) Dimensions, Bearing, Curve Data. The final map shall show all survey and mathematical information and data necessary to locate all monuments thereon, including bearing and distance of straight lines and central angle, radius, and arc length of curves, and such

information as may be necessary to determine the location of the centers of the curves.

(f) Lots and Blocks. All lots and blocks and all parcels offered for dedication for any purpose shall be particularly delineated and designated with all dimensions, boundaries, and courses clearly shown and defined in every case; except in the case of a parcel map, the location of any remainder of the original parcel shall be shown, but need not be shown as a matter of survey but only by reference to the existing record boundaries of such remainder if such remainder has a gross area of twenty (20) acres or more. Parcels offered for dedication other than for streets and easements shall be designated by letter. Sufficient linear, angular and curve data shall be shown to determine readily the bearing and length of the boundary lines of every block, lot, and parcel which is a part thereof. Sheets shall be so arranged that no lot is split between two or more sheets and, wherever practical, blocks in their entirety shall be shown on one sheet. No ditto marks shall be used for lot dimensions. Lot numbers shall begin with the numeral "1" and continue consecutively throughout the tract, with no omissions or duplications.

(g) Streets. The map shall show the right-of-way lines of each street, and the width of any portion being dedicated and widths of any existing dedications. The widths and locations of adjacent streets and other public properties within fifty feet (50') of the subdivision shall be shown. If any street in the subdivision is a continuation or approximately a continuation of any existing street, the conformity or the amount of non-conformity of such street to such existing streets shall be accurately shown. Whenever the centerline of a street has been established or recorded, the data shall be shown on the final map.

(h) Building Setback Line. The map shall show building setback lines on all streets by long, thick dash lines if such setback lines do not conform with the standards of the zoning laws of the County.

(i) Easements. The side lines of all easements, including utility and new access easements shall be shown by fine dashed lines. If any easement already of record cannot be

Sutter County

Subdivision Ordinance

definitely located, a statement of the existence, the nature thereof, and its recorded reference shall appear on the title sheet. Distances and bearings on the side lines of lots which are cut by an easement shall be narrowed or so shown that the map will indicate clearly the actual lengths of the lot lines. The widths of all easements and sufficient ties thereto to definitely locate the same with respect to the subdivision shall be shown. All easements shall be clearly labeled and identified. If an easement shown on the map is already of record, its recorded reference shall be given. If an easement is being dedicated by the map, it shall be set out in the owner's certificate of dedication.

(j) High Water Line. The map shall show the line of mean high water with a fine continuous line in case the subdivision includes or is adjacent to areas subject to periodic inundation or other waters, and the use of such areas may be required to be restricted by a covenant of restrictions.

(k) Monuments. The map shall fully and clearly show what stakes, monuments or other evidence to determine the boundaries of the subdivision were found on the ground and each adjacent corner of each adjoining subdivision or portion thereof, by lot and block numbers, tract name or number and place of record, by section, municipality and range, or other proper designation. Any monument or benchmark as required by this Chapter, that is disturbed or destroyed before acceptance of all improvements, shall be shown on the final map:

(1) The location of all monuments placed in making the survey. If any points were reset by ties, the fact shall be stated.

(2) Concrete monuments depressed below street grade with cast iron ring and cover of a type approved by the Public Works Director shall be set at intersections of street centerline tangents or offsets there from, or as required by the Public Works Director. The exact location of all such monuments shall be shown on the final map.

(3) All lot corners shall be permanently monumented.

(4) All monuments shall be set prior to

acceptance of the public improvements by the Board of Supervisors.

(l) Certificate, Acknowledgment and Description. The title sheet of the map, below the title, shall show the name of the engineer or surveyor, together with the date of the survey, the scale of the map and the number of sheets. The following certificates, acknowledgments and description shall appear on the title sheet of the final map and such certificates may be combined where appropriate:

(1) Certificate by Parties Holding Title. A certificate in accordance with the provisions of Section 66436 of the Subdivision Map Act.

(2) Dedication Certificate. A certificate in accordance with Section 66439 of the Subdivision Map Act.

(3) Engineer's Certificate. A certificate in accordance with Section 66441 of the Subdivision Map Act.

(4) Certificate to be Executed. Certificates for execution by each of the following:

- a. County Surveyor.
- b. County Clerk.
- c. Community Services Director.
- d. County Recorder.

(m) Description of Property. A description of all property being subdivided by reference to maps or deeds of the property shown thereon as shall have been previously recorded or filed. Each reference in such description to any tract or subdivision shall show a complete reference to the book and page or records of the County. The description shall also include reference to any vacated area with the number of the ordinance vacating thereof.

(n) Certificate Regarding Tax Lien. Prior to the filing of the final map with the Board of Supervisors, the subdivider shall file the certificate and documents set forth in Section 66492 of the Subdivision Map Act or any amendments thereto relating to taxes and assessments.

(o) Other Affidavits, Etc. Such other affidavits, certificates, acknowledgments,

Sutter County

Subdivision Ordinance

endorsements, and notarial seals as are required by law and by this Chapter.

(p) **Additional Information for Simultaneous Recordation.** At the time of filing of the final map by the subdivider, additional information may be required to be submitted for simultaneous recordation. Such additional survey and map information may include, but not be limited to: building setback lines, flood hazard zones, and agricultural protection landscape buffers. The additional information shall be in the form of an additional map sheet which shall indicate its relationship to the final map, and shall contain a statement that the additional information is for informational purposes, describing conditions as of the date of filing, and is not intended to affect record title interest. The additional map sheet may also contain a notation that the additional information is derived from public records or reports, and does not imply the correctness or sufficiency of those records or reports by the preparer of the additional map sheet.

1400-325 Certification of Final Map by Public Works Director and County Surveyor. Upon receipt of the final map and other data submitted therewith, the Public Works Director or his/her authorized representative shall examine such to determine that the subdivision as shown is substantially the same as it appeared on the tentative map, and any approved alterations thereof, that all provisions of this Chapter and the Subdivision Map Act applicable at the time of approval of the tentative map have been complied with, and that he is satisfied that the map is technically correct. If the Public Works Director determines that the final map is not in full conformity with the tentative map, he shall advise the subdivider of the changes or additions that must be made to make such purposes and shall afford the subdivider an opportunity to make such changes or additions. If the Public Works Director shall determine that full conformity therewith has been made, he shall so certify said map and shall transmit said map to the County Surveyor, who shall check the map and certify as to its accuracy and technical correctness. Upon certification by the County Surveyor of the accuracy and technical correctness of the map, the County Surveyor shall transmit the map and certification to the Clerk to the Board of

Supervisors.

1400-330 Action on Final Map by Community Services Director. The Community Services Director or his/her authorized representative shall examine the final map and determine if all lots and parcels created by said map conform with the requirements of all zoning laws of the County and the tentative map approved by the Planning Commission and upon said finding, shall execute the appropriate certificate on the map.

1400-335 Approval by the Board of Supervisors. The Board of Supervisors shall, at the meeting at which it receives the map or, at its next regular meeting after the meeting at which it receives the map, approve the map if it conforms to all the requirements of the Subdivision Map Act and this Chapter applicable at the time of approval or conditional approval of the tentative map and any rulings made thereunder. The meeting at which the legislative body receives the map shall be the date on which the clerk of the legislative body receives the map. The foregoing notwithstanding, the Board shall not consider the final map until the agenda notice requirements of the Ralph M. Brown Act have been met. At the time the Board of Supervisors approves a final map, it shall also accept, accept subject to improvement, or reject any offer of dedication. The Clerk of the Board of Supervisors shall certify on the map the action by the Board of Supervisors.

1400-340 Public Improvement Agreement. If, at the time of approval of the final map by the Board of Supervisors, any public improvements required by the County pursuant to the provisions of this Chapter have not been completed and accepted in accordance with County standards applicable at the time of the approval or conditional approval of the tentative map, the Board of Supervisors, as a condition precedent to the approval of the final map, shall require the subdivider to enter into an agreement with the County upon mutually agreeable terms to thereafter complete such improvements at the subdivider's expense. Such agreement shall be secured by improvement security in the amount and form set forth in this Chapter.

Sutter County

Subdivision Ordinance

1400-345 Disapproval by Board of Supervisors.

(a) The Board of Supervisors shall not approve a final map if it finds that the subdivider failed to meet any of the requirements imposed by the Subdivision Map Act or by this Chapter or by the conditional approval of the tentative map that applied to the property when the tentative map was approved. The disapproval must be accompanied by a finding identifying the requirements that were not met. Within thirty (30) days after the Board of Supervisors has disapproved any map, the subdivider may file with the Public Works Director a map altered to meet the requirements of the Board of Supervisors. In such case, the Public Works Director and County Surveyor shall review the altered map for conformance with the requirements of the Board of Supervisors and shall then submit the altered map to the Board of Supervisors for its approval along with a certificate that the altered map is technically correct. No final map shall have any force or effect and no offer of dedication shall be accepted until the County Surveyor has recorded the map with the County Recorder.

(b) The Board of Supervisors shall not deny approval of a final or parcel map if a tentative map has been previously approved for the proposed subdivision and if the Board finds that the final or parcel map is in substantial compliance with the previously approve map.

1400-346 Waiver of Final Map Requirements.

The Board of Supervisors may waive the requirements of this Chapter for any map which fails to comply with the requirements or conditions of this Chapter or of the Subdivision Map Act when the failure of the map is the result of a technical and inadvertent error which, in the determination of the Board of Supervisors, does not materially affect the validity of the map. Any request for waiver under this section shall be filed with the Clerk of the Board and accompanied by a fee as may be required by resolution of the Board of Supervisors.

1400-350 Recordation. When the Board of Supervisors shall have approved the final map as set forth in this Chapter, the County Surveyor shall record the same with the County Recorder.

1400-400 PARCEL MAPS - PROCEDURE

AND CONTENTS

1400-410 Parcel Maps.

(a) Filing. Within thirty-six (36) months after approval or conditional approval of the tentative map, a subdivider may cause a parcel map to be prepared by a registered civil engineer or licensed land surveyor in conformance with the tentative map as approved or conditionally approved by the Planning Commission. Upon application of the subdivider filed prior to the expiration of the approved or conditionally approved tentative map, the time at which the map expires may be extended by the Planning Commission for a period or periods not exceeding a total of five (5) years. Prior to the expiration of an approved or conditionally approved tentative map, upon an application by subdivider to extend that map, the map shall automatically be extended for sixty (60) days or until the application for the extension is approved, conditionally approved, or denied, whichever occurs first. The parcel map shall be filed with the Public Works Director, along with a statement signed by the recorded property owner authorizing recordation of the parcel map.

(b) Data to Accompany Parcel Map. At the time of filing a parcel map with the Public Works Director, the subdivider shall submit therewith the appropriate documents specified by this Chapter plus an electronic copy of the map to be recorded shall be provided in AutoCAD® "DWG" format, release 14 or newer, on a standard 1.44 megabyte disk or other format and disk size acceptable by the Community Services Department.

(c) Fees. At the time of the filing of a parcel map for review by the County Surveyor's Office, the subdivider shall pay a parcel map checking fee as established by resolution of the Board of Supervisors. The subdivider shall pay recording fees for recordation of the parcel map as established by the County Recorder.

(d) Form. The parcel map shall be prepared in conformance with all provisions of this Chapter and shall include the following:

- (1) Engineer's Certificate.
- (2) County Surveyor's Certificate.
- (3) County Recorder's Certificate.

Sutter County

Subdivision Ordinance

- (4) Dedication Certificate.
- (5) Community Services Director's Certificate.
- (6) Certificate by parties holding title.

(e) Public Improvement Agreement. If, at the time of filing of the parcel map by the subdivider, any public improvements required by the County pursuant to the provisions of this Chapter have not been completed and accepted in accordance with County standards applicable at the time of the approval or conditional approval of the tentative map, the subdivider, as a condition precedent to recordation of the parcel map, shall enter into an agreement with the County upon mutual agreeable terms to thereafter complete such improvements at the subdivider's expense. Such agreement shall be secured by improvement security in the amount and form set forth under the section of this Chapter entitled "Public Improvements".

(f) Action on Parcel Map by Public Works Director and County Surveyor. Upon receipt of the parcel map, together with the required fees and data, the Public Works Director shall examine same to determine whether said map substantially conforms with the approved tentative map and with all changes and requirements imposed as conditions of approval by the Planning Commission. If the Public Works Director determines that the parcel map fully conforms with all of the requirements set forth herein, he shall so certify the map and transmit it to the County Surveyor, who shall check the map and certify as to its accuracy and technical correctness, and transmit it to the County Clerk.

(g) Additional Information for Simultaneous Recordation. At the time of filing of the parcel map by the subdivider, additional information may be required to be submitted for simultaneous recordation. Such additional survey and map information may include, but not be limited to: building setback lines, flood hazard zones, and agricultural protection landscape buffers. The additional information shall be in the form of an additional map sheet which shall indicate its relationship to the parcel map, and shall contain a statement that the additional information is for informational purposes, describing conditions as of the date of filing, and is not intended to affect record title interest. The

additional map sheet may also contain a notation that the additional information is derived from public records or reports, and does not imply the correctness or sufficiency of those records or reports by the preparer of the additional map sheet.

1400-420 Map Checking Fees for Records of Survey. At the time of filing of a record of survey for review by the County Surveyor's Office, the surveyor or engineer shall pay a record of survey map checking fee as established by a resolution of the Board of Supervisors. The surveyor or engineer shall pay recording fees for recordation of the record of survey as established by the County Recorder.

1400-430 Fees for Record Search. At the time of a submittal of a request to the office of the County Surveyor to perform a record search pertaining to rights-of-way, record maps and other information affecting properties, the person or the entity requesting such information shall pay a fee as established by a resolution adopted by the Board of Supervisors.

1400-450 IMPROVEMENT SECURITY

1400-455 Improvement Security Required. Whenever this Chapter authorizes or requires the furnishing of security in connection with the performance of any act or agreement, such security shall be one of the following at the option of and subject to the approval of the County:

(a) Bond or bonds by one or more duly authorized corporate sureties.

(b) A deposit, either with the County or a responsible escrow agent or trust company, at the option of the County, of money or negotiable bonds of the kind approved for securing deposits of public monies.

(c) An instrument of credit from one or more financial institutions subject to regulation by the State or Federal government and pledging that the funds necessary to carry out the act or agreement are on deposit and guaranteed for payment.

1400-460 Form of Security.

Sutter County

Subdivision Ordinance

(a) A bond or bonds by one or more duly authorized corporate sureties to secure the faithful performance of any agreement or for the security of laborers and materialmen shall be in substantially the form prescribed by Section 66499.1 and 66499.2 of the Subdivision Map Act.

(b) **Amount of Security.** Security to guarantee the performance of any act or agreement shall be in the following amounts:

(1) The total estimated cost of the improvement or of the act to be performed as determined by the Public Works Director, conditioned upon the faithful performance of the act or agreement; and

(2) An additional amount that is 100% of the total estimated cost of the improvement or the performance of the required act, securing payment to the contractor, to the subcontractors, and to persons furnishing labor, materials, or equipment to them for the improvement or the performance of the required act. If the security consists of a cash deposit or an instrument of credit, the amount shall be 50% of the total estimated cost of the improvements.

(3) Five percent (5%) of the security shall be retained for the guaranty and warranty of the work for a period of one year following completion and acceptance against defective work or labor done, or defective materials furnished.

(c) **Liability of Security.** Any liability upon the security given for the faithful performance of any act or agreement shall be limited to the condition prescribed by Section 66499.9 of the Subdivision Map Act.

(d) **Release of Security.** Improvement security may be released in whole or in part in the manner prescribed by the Board of Supervisors consistent with the provisions of Government Code 66499.7.

1400-500 STANDARDS AND REQUIREMENTS FOR SUBDIVISIONS

1400-505 Requirements. Except where modified in accordance with this Chapter, each subdivision and the map thereof shall be in

conformity with the standards set forth or referred to in this Chapter.

1400-510 Access to Public Streets. All lots or parcels created by the subdivision of land shall have access to public streets improved to standards hereinafter required. Private streets shall not normally be permitted. However, if the Planning Commission finds that the most logical development of land requires that lots be created which are served by a private street or other means of access, and makes such findings in writing with the reasons therefore, then such access may be approved by the Planning Commission. The subdivider shall submit a development plan showing the alignment, width, grade, and material specifications of any proposed private street, the topography and means of access to each lot, drainage and sewerage of the lots served by such private streets and a plan satisfactory to the Board of Supervisors for ownership and maintenance of said street and the liability for taxes thereon. Construction of the private street or access shall be completed prior to occupancy of any buildings on lots served by a private street.

1400-515 Lot Standards. The size, shape, and orientation of lots shall be appropriate to the location of the proposed subdivision and to the types of developments contemplated. The following principles and standards shall be observed.

(a) The minimum area and dimension of all lots shall conform to the requirements of the zoning laws of the County for the district in which the subdivision is located except as provided under the provisions of this Chapter under the section entitled "Public Improvements".

(b) No residential lot, except a zero lot line lot, shall have a width less than fifty feet (50') at the street frontage, except for residential lots on the curve of curved or cul-de-sac streets, which shall have a minimum street frontage of forty feet (40'). Such lots on the curve of curved or cul-de-sac streets shall be a minimum of fifty feet (50') wide at the front street yard setback.

(c) No lot, except a zero lot line lot, shall have an area of less than 5,000 square feet. The

Sutter County

Subdivision Ordinance

foregoing sentence notwithstanding, a larger minimum size may be required by the Planning Commission, the Sutter County Zoning Code, or the Sutter County Environmental Health Division pursuant to provisions of the Sutter County Ordinance Code.

(d) For lots of less than 5 acres in size, the average width of the lot shall not be less than one-third the average depth, and the lot width should not be greater than the depth. This depth-to-width requirement shall not apply to Ranchette parcels.

(a) Conformance. The streets shall conform in principle to the street requirements of the General Plan and in width and alignment to the streets shown on any precise plan adopted by the Board of Supervisors relating to streets, and shall conform to the requirements of this Chapter.

(b) Minimum Standards. Where higher standards have not been established as set forth in subsection (a) of this section, all major and minor streets shall be platted according to the following minimums except higher standards may be required where streets are to serve commercial or industrial property or where probable traffic conditions warrant:

1400-520 Streets.

	<u>Type of Street</u>	<u>Right-of-way Width *(ft.)</u>	<u>Curb to Curb Width*(ft.)</u>
1.	Major street or highway - urban (Arterial)	72 -120	52 -100
2.	Major street or highway - rural (Arterial)	60 - 72	40 - 52
3.	Collector - urban		
4.	Collector - rural		
5.	Standard residential street - urban (Local)	60 - 72 40 - 60	40 - 52 40 - 52
6.	Standard residential street - rural (Local)	40 - 60	40 - 50
7.	Interior residential & cul-de-sac - urban & rural (Local)	40 - 50 40 - 49	40 27 - 36
8.	Private street and alleys	As determined by the Planning Commission	As determined by the Planning Commission

* Plus additional easements for utilities.

“Interior residential and cul-de-sac streets” as used in this subsection means streets which serve only lots which are wholly within the subdivision. That is, the term is intended to apply to streets other than through streets. It is not intended to apply to that portion of streets adjacent to the exterior boundaries of the subdivision nor to streets within the subdivision that are aligned, generally, with streets lying outside the subdivision.

These minimum standards include a requirement that subdividers fully improve any half-street adjacent to their subdivision with full

street improvements.

1400-525 Street Patterns. The street patterns in the subdivision shall be in general conformity with a plan for the most advantageous development of adjoining areas and the entire neighborhood or district. The following principles shall be observed:

(a) Where appropriate to the design, proposed streets shall be contiguous and in alignment with existing, planned or platted streets with which they are to connect.

Sutter County

Subdivision Ordinance

(b) Proposed streets shall be extended to the boundary lines of the land to be subdivided, unless prevented by topography or other physical conditions, or unless, in the option of the Planning Commission, such extension is not necessary for the coordination of the subdivision with the existing layout or the most advantageous future development of adjacent tracts. A "No Access Rights" Certificate shall be shown on the final map where required by the Public Works Director.

(c) Where necessary to give access to or permit a satisfactory subdivision of adjoining land, streets shall extend to the boundary of the property and the resulting dead-end streets may be approved without turnaround or a temporary turnaround may be required which shall have a minimum radius of forty feet (40'). In all other cases, a turnaround shall have a minimum right-of-way radius of fifty feet (50') and a curb radius of forty feet (40').

(d) No cul-de-sac shall exceed 600 feet in length from the center of the turnaround to the centerline of the intersecting street.

(e) Proposed streets shall intersect one another as nearly at right angles as the conditions and other limiting factors of good design shall permit.

(f) Excessively long straight standard subdivision streets, conducive to high speed traffic, are to be discouraged.

(g) The centerlines of all streets wherever practicable shall be the continuation of the centerlines of existing streets or shall be offset at least two hundred feet (200').

1400-530 Design Adjacent to Arterials. Subdivision design adjacent to major streets or highways shall be as determined by the Planning Commission.

(a) Street design shall have the purpose of making adjacent lots, if for residential use, desirable for such use by cushioning the impact of heavy traffic and of minimizing the interference with traffic on such arterials.

(b) The number of intersection streets along arterials shall be held to a minimum.

(c) When the rear or side lines of any lots border a State highway or major street, the subdivider may be required to execute and deliver to the County an instrument prohibiting the right of ingress and egress to such lots across the side lines of such highways.

(d) Service Roads: Off-Street Parking. When lots proposed for commercial or industrial uses front on any major or secondary street or highway, the subdivider may be required to dedicate and improve a parallel service road to provide ingress and egress to and from such lots. When any lots proposed for residential use front on a State highway or major street, the subdivider may be required to dedicate and improve a service road at the front of such lots or to back lots to the highway or major streets.

(e) In addition to the requirements for a service road, the Planning Commission may require adequate off-street parking areas for all lots proposed for commercial, multiple family or industrial use.

1400-535 Street Names. All street names shall be as approved by the Public Works Director and no duplication of street names shall be permitted.

1400-540 Alleys. When lots are proposed for commercial or industrial use, alleys at least twenty-four feet (24') in width may be required at the rear thereof.

1400-545 Grades, Curves and Sight Distances. Grades, curves and sight distances shall be subject to approval by the Public Works Director to insure proper drainage and safety for vehicles and pedestrians. The following principles and minimum standards shall be observed:

(a) Grades of streets shall not be less than 0.20 percent (0.20%) and not greater than six percent (6%).

(b) Street intersections shall be rounded with curves having a minimum radius of twenty feet (20') at property lines. A greater curve radius may be required if streets intersect at other than right angles or if the street is either a collector or arterial street.

Sutter County

Subdivision Ordinance

(c) The centerline curve radius on all streets and highways shall conform to accepted engineering standards of design and shall be subject to approval by the Public Works Director.

1400-550 Curbs, Sidewalks and Pedestrian Ways.

(a) Curbs and gutters as shown on the County's standard detail drawings shall be required.

(b) When required for access to schools, playgrounds, shopping centers, transportation facilities, other community facilities, or for unusually long blocks, the subdivider shall construct pedestrian ways not less than ten feet (10') in width.

(c) Residential streets having a street width of less than forty-five (45) feet shall have barrier curbs.

1400-555 Utilities and Easements.

(a) Utility easements, not less than eight feet (8') in width may be required for utility purposes.

(b) All utility distribution facilities shall be placed underground except as hereinafter provided in this Chapter.

1400-560 Water Courses. The subdivider shall dedicate right-of-way for storm drainage conforming substantially with the lines of any natural water course that traverses the subdivision, or at the option of the Planning Commission, the subdivider shall provide by dedication further and sufficient easements or constructions or both, to dispose of such surface and storm water.

1400-565 Block Standards. The major dimensions of a block shall not exceed 1,320 feet in length nor less than 440 feet in length between street centerlines unless modified in accordance with the provisions of the section of this Chapter entitled "Public Improvements".

1400-570 Neighborhood Facilities. Reservation of Site. The subdivider may be required to reserve sites, appropriate in area and location for necessary and desirable

neighborhood facilities, such as schools, parks and playgrounds. School sites shall be dedicated in accordance with the provisions of Section 66478 of the Subdivision Map Act and of the appropriate section of this Chapter.

1400-575 Non-Residential Subdivisions.

(a) **Conformance to General Plan.** The street and lot layout of a non-residential subdivision shall be appropriate to the land use for which the subdivision is proposed, and shall conform to the proposed land use and standards established in the General Plan and zoning laws of the County.

(b) **Types of Non-Residential Subdivisions.** Non-residential subdivisions shall include industrial tracts and may include commercial tracts.

(c) **Principles and Standards.** In addition to the principles and standards in this ordinance which are appropriate to the planning of all subdivisions, the subdivider shall demonstrate to the satisfaction of the Planning Commission that the zoning and street, parcel and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed:

(1) Proposed industrial parcels shall be suitable in area and dimensions to the types of industrial development anticipated.

(2) Street rights-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be generated thereon.

(3) Special requirements may be imposed by the County with respect to street, curb and gutter, and sidewalk design and construction.

(4) Special requirements may be imposed by the County with respect to the installation of public utilities, including water, sewer, fire protection and storm drainage.

(5) Every effort shall be made to protect adjacent residential areas from potential nuisance from the proposed non-residential subdivisions, including the provisions of extra

Sutter County

Subdivision Ordinance

depth in parcels backing upon existing or potential residential development and provisions for a permanently landscaped buffer strip when necessary.

(6) Streets carrying non-residential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing or potential residential areas, or connected to streets extended for predominantly residential traffic.

1400-580 SPECIAL PROVISION: SUBDIVISION AND LOT LINE ADJUSTMENT OF AGRICULTURAL PARCELS, DEDICATION TO AGRICULTURAL USE

Pursuant to Policies 6.A-1 and 6.A-2 of the Sutter County General Plan, the Board of Supervisors recognizes the need for property owners involved in direct agricultural pursuits to subdivide parcels, or reconfigure their boundaries through lot line adjustment, for the purposes of estate planning, business planning, or financial planning without changing the agricultural use of the property.

(a) **Scope.** This section shall apply only to those parcels located in the AG (General Agricultural) District, the A-2 (Exclusive Agricultural) District, and which may not be subdivided or reconfigured by lot line adjustment because the subdivision or lot line adjustment does not fully comply with the requirements of ordinances, policies and standards of the County of Sutter, including, without limitation, required frontage on a County-maintained road.

(b) **Special Provision.** Parcels within the Scope of this section may be subdivided or reconfigured by lot line adjustment without meeting the requirement for frontage on an existing County-maintained road, subject to strict compliance with the Requirements set forth in subsection (c), and full compliance with all other requirements of ordinances, policies and standards of the County of Sutter.

(c) **Requirements.** The Special Provision of subparagraph (b) shall be applicable only if all of the following requirements are met:

(1) The property owner shall submit a declaration under penalty of perjury attesting

that the subdivision or lot line adjustment is for the purpose of financial planning, business planning, or estate planning.

(2) The property owner shall enter into an agreement with the County of Sutter that shall be recorded, shall run with the land, and shall be binding upon the property owner's heirs, devisees, successors, and assigns. The agreement shall provide that:

(i) The use of any parcel that is created by subdivision or reconfigured by lot line adjustment pursuant to this section shall be restricted to agriculture, and that subdivision or lot line adjustment pursuant to this section shall not be construed as a grant of entitlement to any non-agricultural use, whether allowed by right or by permit in the zoning district in which the parcel is located, including, without limitation, the construction and use of any new agricultural, residential or commercial structure. Future non-agricultural use of such parcel shall be permitted, however, if and when such use fully complies with the requirements of applicable ordinances, policies and standards then in effect.

(ii) The recordation of an easement for access to any parcel created by subdivision or reconfigured by lot line adjustment pursuant to this section, or the provision therefore on any final map or parcel map, shall not be construed as a grant of access, either public or private, for the purpose of any non-agricultural use or future development of such parcel, including, without limitation, the construction and use of any new agricultural, residential or commercial structure. Future non-agricultural use of such parcel shall be permitted, however, if and when such use fully complies with the requirements of applicable ordinances, policies and standards then in effect.

(iii) Subdivision or reconfiguration by lot line adjustment pursuant to this section is strictly for the purpose of estate planning, business planning, or financial planning, in order to enhance present and future agricultural use. Accordingly, no variance may be granted under Division 84 (Sections 1500-8410 through 1500-8420, inclusive) of the Sutter County Ordinance Code in order to permit any non-agricultural use on any parcel created by subdivision or

Sutter County

Subdivision Ordinance

reconfigured by lot line adjustment pursuant to this section, including, without limitation, the construction and use of any new residential or commercial structure.

(iv) The conveyance of a parcel created by subdivision or reconfigured by lot line adjustment pursuant to this section shall not entitle the transferee thereof to any non-agricultural use of such parcel, whether allowed by right or by permit in the zoning district in which the parcel is located, including, without limitation, the construction and use of any new agricultural, residential or commercial structure. Future non-agricultural use of such parcel shall be permitted, however, if and when such use fully complies with the requirements of applicable ordinances, policies and standards then in effect.

(v) Notwithstanding the foregoing, for

“This parcel was subdivided and/or reconfigured for the purpose of estate planning, business planning, or financial planning only. Special restrictions govern the uses allowed on this parcel, as well as the potential for further subdivision of this parcel, or its reconfiguration by lot line adjustment. These restrictions are set forth in the Sutter County Ordinance Code, including Section 1400-580, and the agreement recorded herewith.”

“No site evaluation to determine the suitability of any parcel(s) depicted herein for utilizing an on-site sewage system has been conducted, nor shall any use of any such parcel(s) be permitted that generates sewage or wastewater regulated by the Sutter County Department of Community Services, Environmental Health Division or by the Central Valley Regional Water Quality Control Board unless all requirements of the Sutter County Ordinance Code, or any amendments thereto in effect at the time of development, are met.”

(5) The agreement required under subsection (c)(2), above, shall be recorded with the final map or parcel map for any subdivision pursuant to this section, or with the deed conforming to the reconfiguration of any parcel by lot line adjustment pursuant to this section.

(6) The restrictions on the use of parcels created or reconfigured pursuant to this section shall not preclude the future non-agricultural use of any such parcel if and when such use fully complies with the requirements of ordinances, policies and standards then in effect. Upon application of the owner of any such parcel, the Director of Community Services may record an

lands located in the Open Space and Recreational Area of the FPARC (Food Processing, Agricultural and Recreation Combining) District, the agreement required hereunder shall include as a permitted use, in addition to agricultural use, those uses permitted in such Open Space and Recreational Area of the FPARC District.

(3) Subdivision or reconfiguration by lot line adjustment pursuant to this section shall be consistent with the Sutter County General Plan, including, but not limited to, requirements for minimum parcel size.

(4) The following shall be printed on the final map or parcel map for any subdivision pursuant to this section, or on any deed evidencing the reconfiguration of any parcel by lot line adjustment pursuant to this section:

appropriate document releasing such parcel from the restrictions of the agreement required under subsection (c)(2), above.

(d) Staff Duties. The Community Services Department shall maintain a list of all parcels subdivided pursuant to this section.

1400-700 PUBLIC IMPROVEMENTS

1400-710 Minimum Requirements. The subdivider shall improve or agree to improve, all streets, pedestrian ways or easements and public utilities in the subdivision and adjacent thereto required to serve the subdivision. No

Sutter County

Subdivision Ordinance

permanent improvement work shall be commenced until improvement plans and profiles have been approved by the Public Works Director and a subdivision agreement contract has been concluded between the subdivider and the County. Improvements shall be installed to permanent line and grade and to the satisfaction of the Public Works Director, and in accordance with the standard specifications on file in the office of the Public Works Director. The minimum improvement which the subdivider shall make or agree to make at the cost of the subdivider, prior to acceptance and approval of the final subdivision map or parcel map by the County, shall be as set forth in the following sections.

1400-715. Grading, curbs, and gutters, paving, drainage structures necessary for the proper use and drainage of streets, adjacent property and pedestrian ways, and for the public safety.

1400-720. All streets and pedestrian ways shall be improved to widths and grades shown on the improvement plans and profiles signed by the Public Works Director and approved by the Board of Supervisors as established by law. The subdivider shall improve the extension of all subdivision streets and pedestrian ways to the intercepting paving line of any County road, City street, or State highway.

1400-725 Water Supplies and Fire Hydrants. Subdividers of residential subdivisions subject to provisions of this Chapter shall cause to be installed fire hydrants, gated connections and appurtenances, including an adequate source of water supply for fire protection, in conformity with standards established by the Uniform Fire Code (UFC) published by the International Fire Code Institute, Section 903 - Water Supplies and Fire Hydrant, current edition as adopted by the Sutter County Board of Supervisors. Such hydrants, connections and appurtenances including an adequate source of water shall be part of the improvement plan of the subdivision.

The plans for such fire hydrants, gated connections and appurtenances, including an adequate source of water as required herein, and the plans therefor, shall be subject to inspection and approval of the Chief of the

Protection District within which the subdivision is situated, or if none, the County Fire Services Chief.

If the subdivider has not installed or caused to be installed said hydrants, gated connections and appurtenances, including an adequate source of water, prior to the recordation of the final subdivision map or record of survey maps, he shall:

(a) Include such installation in the contract and bonds required of the subdivider pursuant to this Chapter and ordinances regulating the subdivision of land;

(b) The Board of Supervisors of the County of Sutter may, upon the verified petition of a subdivider and upon the recommendation of the Planning Commission, subject to the requirements of this Chapter, postpone the installation of fire hydrants, gated connections and appurtenances, including an adequate source of water upon finding that the expected population growth in the area does not warrant all of the improvements to be installed.

1400-731 Park Acquisition and Development Fees.

(a) **Fee Imposed.** The Board of Supervisors of the County of Sutter has determined, given the extent of developed recreational facilities in this county and the need for the same as well as the rate of fee collection established by this section that the fees to be paid hereunder bear a reasonable relationship to the use of the park and recreational facilities by future inhabitants of the subdivisions affected by these provisions. A residential development fee is hereby imposed on the privilege of constructing in the County of Sutter any mobilehome lot or residential dwelling unit, and every person to whom a permit to construct any residential dwelling unit in the County of Sutter is issued, and every person to whom a permit to construct and install electrical and plumbing equipment to service a mobilehome lot in the County of Sutter is issued, shall pay to the County of Sutter such fee.

(b) **Fee Schedule.** A schedule of fees shall be established by resolution of the Board of Supervisors.

Sutter County

Subdivision Ordinance

(c) **Payment of Fees.** The residential development fee herein required to be paid shall be due and payable at the time a building permit is issued to construct the same, and the amount of fee imposed for the construction of any mobilehome lot shall be due and payable at the time a building permit or other appropriate permit is issued to build the same.

(d) **Refunds.** Any fee paid to the County under this Section for any residential dwelling unit or mobilehome lot which is not constructed shall be refunded upon application of the applicant and a showing to the satisfaction of the Building Official that the building or unit has not been constructed or construction commenced and that the building permit issued for the building or unit has been canceled or surrendered or otherwise does not authorize the construction of the building or unit.

(e) **Place of Payment.** The residential development fee shall be paid to the County Building Official or his authorized agent.

(f) **Exemptions.** The fee imposed under this Section shall not apply to the following:

(1) Construction or reconstruction of a residential dwelling unit which was damaged or destroyed by earthquake, fire, flood or other cause over which the owner had no control (provided that compliance with any building code or other ordinance requirement of the County of Sutter or of any other applicable law shall not be deemed a cause over which the owner has no control), but only if the number of bedrooms in the dwelling unit is not increased. If such number is increased, then the fee imposed under this ordinance shall apply to increased number of bedrooms.

(2) Enlargement, expansion, remodeling and/or alteration of a residential dwelling unit but only if the number of bedrooms therein is not increased. If the number of bedrooms in the residential dwelling unit is increased, then the fee imposed under this ordinance shall apply to such increased number of bedrooms.

(g) **Use of Fee for Acquisition, Improvement and Expansion of Public Park, Playground and Recreational Facilities.** All of the residential development fees collected

pursuant to the provisions of this Section shall be placed in a special account which is hereby created and established for such purpose.

Fees collected pursuant to this Section shall be used and expended solely for the development, improvement and/or expansion of existing public park, playground and recreational facilities; and for the development of any new above-described facilities constructed or installed within or upon public property owned by the County of Sutter or property in which County has a leasehold interest or where County is given a right to use the same for public playground or recreational purposes; and for the acquisition of properties for the above stated purposes within the unincorporated areas of Sutter County.

(h) Relationship to County Impact Fee.

Any residence located within the Yuba City Urban Area as defined by Chapter 1360 of the Sutter County Ordinance Code for which a park development or improvement impact fee is paid or was previously paid under Chapter 1360 or previous Chapter 1370 of the Sutter County Ordinance Code shall be exempt from paying Park Acquisition and Development fees as required under this Section.

1400-735. Storm water drains shall be installed as shown on the improvement plans signed by the Public Works Director.

1400-740. When provided, water mains and individual lot services shall be of sufficient size to furnish an adequate water supply for each lot or parcel in the subdivision and to provide adequate fire protection.

1400-745. Street name signs shall be provided and placed as required by the Public Works Director.

1400-750. Permanent monuments, barricades and traffic safety devices shall be placed as required by the Public Works Director.

1400-755. Street lighting facilities shall be provided in accordance with the recommendations of the Public Works Director. Lighting shall be adequate to permit proper policing of the subdivision.

Sutter County

Subdivision Ordinance

1400-760 Underground Utility Facilities. All new utility facilities (including, but not limited to, electric, communication and cable television lines) extended to and installed within any new subdivision shall be placed underground. The installation of the facilities of privately owned utility companies shall be made in accordance with the Utilities Rules and Regulations on file with the Public Utilities Commission. Exempt from this requirement are: Equipment appurtenant to underground facilities, such as surface mounted transformers, pedestal mounted terminal boxes and meter cabinets, and concealed ducts.

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

(b) Public rights-of-way and easements where utilities are to be placed underground shall be graded to within six inches (6") of the final grade prior to the installation of those utilities.

(c) Grades of curbs shall be determined and staked before utilities are installed underground.

1400-765 Underground Utilities - General. All underground utilities installed in streets or alleys shall be constructed prior to the surfacing of such streets or alleys. Connections for all underground utilities shall be laid to such lengths as will obviate the necessity for disturbing the street or alley improvements when service connections thereto are made. Where necessary, dry conduit shall be installed for future underground utility crossings.

1400-770 Completion. A complete set of improvement plans "as built" shall be filed with the Public Works Director upon completion of said improvements. Said "as built" plans to be drawn on copies of the original tracings and certified as to accuracy and completeness by the subdivider's licensed contractor or engineer. Upon receipt and acceptance of said "as built" plans, the Public Works Director shall recommend to the Board of Supervisors formal acceptance of the improvements by the County.

1400-775 Fees.

(a) At the time of acceptance of a tentative map for distribution, the subdivider shall pay at the Community Services Department a tentative map checking fee to the Public Works Director as established by resolution adopted by the Board of Supervisors.

(b) In the event that public improvements are required, the subdivider shall pay to the Public Works Department plan checking and inspection fees as established by resolution adopted by the Board of Supervisors.

1400-800 MODIFICATION (EXCEPTIONS)

1400-810 Modification of Provisions of Chapter. Whenever the land involved in any subdivision is of such size or shape or is subject to such title limitations of record or is affected by such topographical location or conditions or is to be devoted to such use that it is impossible, impractical, or undesirable in a particular case for the subdivider fully to conform to the regulations contained in this Chapter, the Planning Commission may permit modification thereof as may be reasonably necessary if such modifications are in conformity with the spirit and purpose of the Subdivision Map Act and of this Chapter. Application for any such modifications shall be made by a petition of the subdivider, stating fully the grounds of the application and the facts relied upon by the petitioner. Such petition shall be filed with or after the acceptance of 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 Planning Commission shall find the following facts with respect thereto:

(a) There are exceptional or extraordinary circumstances or conditions applicable to the property such as topography, fixed rights-of-way, unique location of easements, etc.; or

(b) Because of the unique nature of a particular subdivision concept, design innovations are proposed which meet the functional standards of the zoning and subdivision regulations without strict adherence to the requirements of this Chapter; or

Sutter County

Subdivision Ordinance

(c) That the modification is necessary for the preservation and enjoyment of a substantial property right of the petitioner; or

(d) That the granting of the modification will not be detrimental to the public welfare or safety, or injurious to other property in the territory in which said property is situated.

1400-815 Referral of Proposed Modifications. Each proposed modification shall be referred to the officer of the department under whose jurisdiction the regulation comes and such officer or department shall transmit to the Planning Commission his or its written recommendation, which recommendations shall be reviewed prior to the recommending of any modification.

1400-820 Planning Commission to Conform Substantially With Objectives of Regulations. In approving or conditionally approving such exception or modification, the Planning Commission shall secure substantially the objectives of the regulations to which the modifications are granted, as to light, air and public health, safety, convenience and general welfare.

1400-825 Condominiums, Community Apartments and Cluster Type Subdivisions. In the case of condominium subdivisions and community apartment subdivisions, as defined by the Subdivision Map Act of the State of California, and cluster type subdivisions, the Planning Commission may approve or conditionally approve such subdivisions providing that the following findings are made:

(a) Adequate light and air space, vehicular and pedestrian access, utilities, including but not limited to water, sewer, electrical power, gas and storm drainage; public services, such as fire protection, police protection, and solid waste disposal; landscaping and such other factors as the County may deem appropriate, be provided to insure the development of improvements necessary to protect the health, safety, and welfare of the citizens of Sutter County.

(b) That a legal entity pursuant to the laws of the State of California will be established for the control and maintenance of all land and

improvements to be held in common. Such legal entity shall possess the authority to make sufficient assessment and be responsible for the maintenance of all facilities and shall be self-sustaining.

(c) That the granting of approval or conditional approval of such subdivision shall not be detrimental to the public welfare or injurious to other property in the territory in which such property is situated.

(d) The proposed subdivision is consistent with the policies and programs of the Sutter County General Plan.

1400-830 Certificate of Correction or Amending Map. After a final map or parcel map is filed in the office of the county recorder, such a recorded final map may be modified by a Certificate of Correction or an Amending Map pursuant to the provisions of Section 66472.1 of the Government Code. Any such modification shall be set for public hearing as provided for in such section. Applications for such Certificates of Correction or Amending Maps shall be submitted to the Clerk of the Board of Supervisors. Such application shall identify the proposed modification and the change of circumstances which justify such modification and shall be accompanied by a fee as may be required by resolution of the Board of Supervisors.

1400-850 APPEALS

(a) **Notice of Appeal.** Any interested person adversely affected by an action of the Planning Commission, the Community Services Director, or the Public Works Director on any matter pertaining to this Chapter, may file an appeal with the Board of Supervisors by filing a notice thereof in writing with the Clerk of the Board of Supervisors within ten (10) days after such decision is made. A person includes, but is not limited to, a county officer, as defined by California Government Code section 24000. If the tenth day falls on a Saturday or Sunday, then Saturday and Sunday will be considered holidays and the appeal may be filed on the immediately following business day. Such notice of appeal shall set forth in detail the action and grounds upon which said person deems himself aggrieved and shall be accompanied by a fee as

Sutter County

Subdivision Ordinance

required by resolution of the Board of Supervisors.

In exception to the above, an appeal to the Board of Supervisors of the denial of the extension of a tentative map by the Planning Commission may be filed in the manner as prescribed above within fifteen (15) days of the Planning Commission's action to deny the extension.

(b) Report of the County Clerk to the Community Services Director and Public Works Director. The Clerk of the Board of Supervisors shall report the filing of an appeal to the Community Services Director and to the Public Works Director. The Community Services Director shall prepare a written report to the Board of Supervisors on the decision, determination, or requirement being appealed, and shall provide said report to the Board of Supervisors and the aggrieved party at least three (3) days prior to the hearing.

(c) Action on Appeal. Upon receipt of an appeal, the Board of Supervisors shall set the matter for a public hearing de novo on the appealed action and the entire application or proceeding that contains the appealed action. At the public hearing, the Board of Supervisors shall consider the record and any additional evidence offered. The Board of Supervisors may confirm, modify, or reverse the action appealed and any other action or issue involved in the application or proceeding as it deems appropriate including but not limited to the issuance of a permit. Such action shall be final. Such hearing shall be held within thirty (30) days after the date that the Board of Supervisors received the appeal. The hearing may be continued by the Board of Supervisors for up to an additional sixty (60) days. Upon conclusion of the hearing, the Board of Supervisors shall within ten (10) days, declare its findings.

(d) Notice Requirements. The Clerk of the Board of Supervisors shall provide notice to all owners' of property within 400 feet of the property on which the appeal is filed and shall publish a notice in a paper of general circulation. Mailing and publication of the notice shall be at least ten (10) days prior to the hearing date.

1400-900 ISSUANCE OF BUILDING

PERMITS

No building permit, except for not more than three model homes, shall be issued for the construction of any building, structure, or other work on any parcel proposed to be created until a parcel map or final map has been approved and recorded in accordance with the provisions of this Chapter and of Title 7, Division 2, Chapter 3, Article 6, beginning at Section 66464 of the Government Code of the State of California and recorded in the office of the County Recorder.

1400-925 CERTIFICATES OF COMPLIANCE

(a) Application Requirements. Any owner of real property, or a vendee pursuant to a sale, may file an application for a certificate of compliance. The application shall be made to the Community Services Department on a form prepared by the Department and shall be accompanied by the following:

(1) A fee as required by resolution of the Board of Supervisors;

(2) A legible map drawn in ink or a clear "blue-line" print. The map shall show the subject property with dimensions, the scale of the map, the gross and net area, access to the property, nearby or adjacent street or road names and right-of-way locations. If the map exceeds 11 inches by 17 inches in size, an 8½ inches by 11 inches reduction shall also be required;

(3) A legible copy of the current owner's grant deed or a contract of sale showing fee ownership or sale of the subject property;

(4) Legible copies of all deeds affecting the property beginning with the deed that describes the property prior to its current configuration to the present unless the parcel was created through a recorded final map, parcel map or official map or unless waived by the Department. A typed copy of all handwritten deeds shall be prepared by the applicant along with copies of all handwritten deeds and copies of earlier deeds in the chain of title or deeds describing adjacent properties shall be submitted by the applicant if requested by the Community Services Department, and

(5) A preliminary title report prepared within

Sutter County

Subdivision Ordinance

the last six months or other documents showing past title, financing or leasing of the subject property if required by the Department.

(b) Review and Approval. Upon receipt of a complete application, the Department shall make one of the following determinations:

(1) The parcel was created in conformance with the Subdivision Map Act and the Sutter County Subdivision Ordinance.

(2) The parcel was not created in conformance with the Subdivision Map Act and the Sutter County Subdivision Ordinance.

If the Department determines that the parcel was created in conformance with the Subdivision Map Act and the Sutter County Subdivision Ordinance, it shall issue a certificate of compliance.

If the Department determines that the parcel was not created in conformance with the Subdivision Map Act and the Sutter County Subdivision Ordinance, it shall issue a conditional certificate of compliance. The Department may impose any conditions that would have been applicable to the division of the property at the time the applicant acquired his or her interest therein. Where the applicant was the owner of record at the time of the initial violation of the provisions of the Subdivision Map Act or the Sutter County Subdivision Ordinance and who created a parcel or parcels in violation of the Subdivision Map Act or the Sutter County Subdivision Ordinance and is the current owner of record of one or more of the parcels that were created, the Department may impose any conditions which would be applicable to a current division of the property.

(c) Notice of Determination to Applicant. Upon making a determination as required in section b above, the Department shall notify the applicant of its decision.

(d) Notice of Appeal. Any property owner disagreeing with a decision of the Department on a certificate of compliance may file an appeal with the Board of Supervisors by filing a notice thereof in writing with the County Clerk within ten (10) days after such decision is issued. If the tenth day falls on a Saturday or Sunday, then

Saturday and Sunday will be considered holidays and the appeal may be filed on the immediately following business day. The notice of appeal shall set forth in detail grounds of the appeal. The notice shall be accompanied by a fee as required by resolution of the Board of Supervisors.

(e) Report of the County Clerk to the Community Services Department. The County Clerk shall report the filing of the appeal to the Community Services Department within two (2) working days of receipt of the appeal. Within thirty (30) day of receipt of an appeal from the County Clerk, the Department shall prepare a written report to the Board of Supervisors on the determination or requirement being appealed, and shall provide the report to the Board of Supervisors and the aggrieved party at least three (3) days prior to the hearing.

(f) Action on Appeal. The Board of Supervisors shall set the matter for hearing within thirty (30) days of the date that the Board receives the appeal. The hearing may be continued by the Board of Supervisors for a period not to exceed sixty (60) days. Upon conclusion of the hearing, the Board of Supervisors shall declare its findings based upon the evidence received.

The Board of Supervisors may approve, disapprove, or modify the decision or determination of any matter appealed. The Board may enter any such orders as are in harmony with the spirit and purposes of this Chapter.

(g) Recordation of Approved Certificate. Upon the approval of a certificate of compliance or conditional certificate of compliance, the Department shall record the approved certificate.

1400-940 LOT LINE ADJUSTMENTS

(a) Application Requirements. Any owner or owners of real property may file an application for a lot line adjustment. The application shall be made to the Community Services Department on a form prepared by said Department and shall be accompanied by the following:

(1) A fee as required by resolution of the

Sutter County

Subdivision Ordinance

Board of Supervisors;

(2) Three (3) copies of a legible map drawn in ink or a “blue-line” print. The map shall show the subject property as it currently exists and as it would exist after the lot line adjustment, the scale of the map, the gross and net area, access to the property and nearby or adjacent streets or roads name and right-of-way location. The map shall also show the location and use of all improvements and structures on the property, the distance from the improvements and structures to the proposed parcel boundaries, the distance between structures, and all existing utilities and easements;

(3) A copy of the current descriptions of the subject properties;

(4) A copy of the description of the proposed parcels as they would exist after the lot line adjustment. The descriptions shall be prepared, signed and sealed by a licensed land surveyor or other person licensed to prepare said descriptions unless the descriptions are from existing or previously recorded documents;

(5) All applications for a lot line adjustment requesting more parcels than shown in the deed descriptions shall provide sufficient legible documentation in the form of recorded maps, deeds, land patents, or other documents to determine the number of parcels involved in the application; and

(6) A title report prepared within the last six months if required by the Community Services Department.

(b) Review and Approval. Upon receipt of a complete application, the Community Services Department shall review the documentation and determine if the parcels conform to this section, if the descriptions accurately reflect the proposed adjustment, and if the adjustment complies with Chapter 1300 and Chapter 1500 of the Sutter County Ordinance Code, and the California Subdivision Map Act.

Upon review of the documentation and determination that the adjustment conforms to this section and to Chapters 1300 and 1500 of the Sutter County Ordinance Code and the General Plan, the Community Services

Department shall refer the adjustment to the Environmental Health Division Chief and the Public Works Director or their authorized representative for their review and approval or denial. Upon receipt back from the Environmental Health Division Chief and the Director of Public Works, the Community Services Director or his or her authorized representative shall approve or deny the lot line adjustment.

(c) Criteria for Review and Conditions of Application. The review of the lot line adjustment shall be limited to a determination of whether or not the parcels resulting from the lot line adjustment conform to the Sutter County zoning and building ordinances, and the General Plan. The lot line adjustment may be conditioned to require changes necessary to comply with the building and zoning ordinances, and the General Plan, to facilitate the relocation of existing utilities, infrastructure, or easements, to require the prepayment of real property taxes prior to the approval of the lot line adjustment, or the recordation of a Record of Survey if required pursuant to Section 8762 of the Business and Profession Code.

Additionally, any parcels which are reconfigured through lot line adjustment which have an existing deed of trust shall have that deed of trust amended to reflect the change in the property's configuration.

(d) Recordation and Expiration of Application. The lot line adjustment shall be reflected in a deed, which shall be recorded within two (2) years of its approval, otherwise, the approval of the lot line adjustment shall be null and void. The recorded deed shall specifically reference the application number of the lot line adjustment.

(e) Extension of Lot Line Adjustment. Prior to the expiration of a lot line adjustment, any property owner(s) may file a written request with the Community Services Department for an extension of the lot line adjustment. Such request for extension shall be accompanied by a fee as required by resolution of the Board of Supervisors and shall be signed by all the current owners of the subject property. The Community Services Department shall extend the lot line adjustment for a period of two years if

Sutter County

Subdivision Ordinance

it complies with the Sutter County Building and Zoning Ordinances and other requirements of this section in effect at the time of the filing of the request for the extension, or, upon failure to comply with said ordinances or requirements, the Community Services Department shall deny the request for extension. Only one (1) extension for a period of two (2) years may be granted.

1400-945 VOLUNTARY MERGER OF PARCELS

(a) Application Requirements. Any property owner(s) may file an application for the merger of two or more contiguous parcels with the Community Services Department. The application shall be on a form prepared by the Department and shall be accompanied by the following:

(1) A fee as required by resolution of the Board of Supervisors;

(2) A Certificate of Merger signed and notarized by all parties having a record title interest in the subject property consenting to the merger;

(3) A legible map drawn in ink or a "blue-line" print or, upon prior approval of the Community Services Department, an Assessor's Parcel map showing the parcels to be merged. The map shall show the subject property as it currently exists and as it would exist after the merger. If required by the Community Services Department the map shall show its scale, the gross and net area of the merged parcels, access to the property and nearby or adjacent streets, or roads name and right-of-way location, the location and use of all improvements and structures on the property, the distance from the improvements and structures to the proposed parcel boundaries, the distance between structures, and all existing utilities and easements;

(4) A clear copy of the current descriptions of the subject properties;

(5) A copy of the most recent recorded deed of the property showing the current ownership of the subject property;

(6) A description of the proposed merged parcel as it would exist after the merger. The description shall be prepared, signed and sealed by a licensed land surveyor or other person licensed to prepare said descriptions unless the descriptions are from previously recorded documents;

(7) A title report prepared within the last six months if required by the Community Services Department; and

(8) Such additional information and/or documents as may be determined to be necessary by the Community Services Department in order to determine ownership of the subject property.

(b) Criteria for Review. The review of the application for merger shall be limited to a determination of whether or not the parcels proposed to be merged are contiguous, the accuracy of the proposed description, and, if the subject property contains two or more residential structures except for farm labor residences approved by use permit pursuant to the Sutter County Zoning Code, the density of the merged parcel is consistent with the density requirements of the Sutter County General Plan.

(c) Review and Approval. Upon receipt of a complete application, the Community Services Department shall review the application for conformance with this section. The Community Services Department may refer the adjustment to the Public Works Director or his or her authorized representative for review of the merged parcel's description.

Upon completion of review of the merger application and determination that the merger conforms to this section, the Community Services Director or his or her authorized representative shall approve, approve with conditions, or deny the merger and shall notify the applicant and property owner.

(d) Recordation of Certificate of Merger. Upon approval of the merger application by the Community Services Director or his authorized representative, the Community Services Department shall record a Certificate of Merger reflecting the merger of the properties.

Sutter County

Subdivision Ordinance

The Certificate of Merger shall include the owners consent to the merger along with the following statements:

(1) Approval of the merger does not guarantee that the resulting parcel is developable or is considered a "lot" as defined by the Sutter County Zoning Code.

(2) The individual parcels that have been merged are not separately available for sale, lease, or financing purposes.

(3) The merger has not been reviewed by the Environmental Health Division of the Sutter County Community Services Department, and, therefore, approval and recordation of the merger does not guarantee that the merged parcel complies with the requirements of the Sutter County Ordinance Code for the placement of a sewage disposal system thereon.

(e) Modification of Encumbrances. Prior to or concurrently with the recordation of the Certificate of Merger, all encumbrances, including deeds of trust, shall be modified to apply uniformly to each entire resulting merged parcel, rather than to the portions of each resulting parcel corresponding to the separate parcels prior to the merger.

(f) Development of Parcel. Prior to the development of any parcel merged under this section, the property owner shall provide access as required by the Sutter County Zoning Code, demonstrate that a sewage system meeting the requirements of the Sutter County Ordinance Code can be located on the property, and comply with all other requirements of the Sutter County Ordinance Code for the development of property.

1400-950 VALIDITY

If any section, subsection, sentence, clause, or phrase of this Chapter is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Chapter. The Board of Supervisors of the County of Sutter hereby declares that it would have passed this Chapter and each section, subsection, sentence, clause,

and phrase thereof, irrespective of the fact that any one or more other sections, subsections, clauses, or phrases be declared invalid or unconstitutional.

1400-1000 PENALTIES

Any person, firm, corporation, partnership, or co-partnership that willfully violates any of the provisions or fails to comply with any of the mandatory requirements of this Chapter is guilty of a misdemeanor or infraction, except that nothing contained in this ordinance shall be deemed to bar any legal or equitable remedy to which the County of Sutter or any other person, firm, corporation, partnership, or governmental entity may have to restrain or enjoin any attempted or proposed subdivision or sale in violation of this Chapter.

1400-1050 ENFORCEMENT

The Community Services Director shall be responsible for the enforcement of this Chapter.