

CITY OF SUTTER CREEK

ORDINANCE NO. 286

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUTTER CREEK ESTABLISHING THE RULES AND REGULATIONS GOVERNING THE DIVISION OF LAND WITHIN THE CITY OF SUTTER CREEK.

The City Council of the City of Sutter Creek does hereby ordain as follows:

Title 17

SUBDIVISIONS

Chapter 17.04

SUBDIVISION REGULATIONS--PURPOSE

17.04.010 Title purpose. This title is adopted:

A. To establish minimum permissible regulations and standards for the division and subdivision of land, for the design, improvement, and survey data related thereto, and for the physical alteration of the land involved therein, and;

B. To provide a guide for owners in the proper division of their land, and to provide for orderly development of the City consistent with the General Plan.

17.04.020 Planning commission--Designated. The planning commission of the City, hereinafter referred to as the planning commission, is designated as the advisory agency with respect to subdivisions as provided in the Subdivision Map Act of the State of California.

17.04.030 Planning commission--Duties. The planning commission shall assume all the duties with respect to the division and subdivision of land, the design and improvement thereof and the procedures relating thereto, which are specified by law and by this title. The planning commission shall impose those conditions required to insure compliance with the purposes of this Title.

17.04.040 Compliance required. It is unlawful for any individual, firm, association, trust, or any other legal entity, as a principal, agent, or otherwise to offer to sell or lease, to contract to sell or lease, or to sell or lease any division or subdivision of land or any part thereof in the city, unless and until all of the requirements hereinafter provided have been complied with.

Chapter 17.08

DEFINITIONS RELATING TO SUBDIVISIONS

17.08.010 Lot. "Lot" means a parcel of land under one ownership or capable of being used under the regulations of this title and the zoning ordinances of the city.

17.08.020 Map Act. "Map Act" means the Subdivision Map Act of the State of California.

17.08.030 Owner. "Owner" is the individual, firm, association, syndicate, co-partnership, or corporation having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under this Title.

17.08.040 Subdivider. "Subdivider" means any individual, firm, association, syndicate, co-partnership, corporation, trust or any other legal entity commencing proceedings under this Title to effect a subdivision of land thereunder for the Subdivider or for others except that employees and consultants of such persons or entities, acting in such capacity, are not "subdividers."

17.08.050 Subdivision. "Subdivision" means any subdivision as defined in the Subdivision Map Act of the State of California and also includes any unit or part or parts of a unit or contiguous units of real property improved or unimproved, which is divided for the purpose of sale or lease, whether immediate or future, by any subdivider into two or more parcels or lots, any one of which contains not less than seven thousand square feet of area; provided that this title shall not apply to the leasing of apartments, offices, stores, or similar space within an apartment building, industrial building, commercial building, or trailer park; nor shall this Title apply to mineral, gas, or oil leases, or any agency having the power of eminent domain.

17.08.060 Other definitions. The definitions and meanings of the following words and phrases as contained in the Subdivision Map Act of the State of California and amendments thereto are adopted as definitions of said words and phrases wherever they appear in this Title: advisory agency, design, final map, improvement, record of survey map, and tentative map.

Chapter 17.10

GENERAL REQUIREMENTS

17.10.010 Tentative maps. (§66425*) A tentative map shall be required as set forth in this title and Title 7, Division 2, Chapter 2, Article 1 of the Subdivision Map Act.

17.10.020 Vesting tentative map. (§66498.1 et seq. and §66474.2) All tentative maps approved pursuant to this title are deemed to be vesting tentative maps.

17.10.030 Vesting tentative maps--Option with subdivider. It is recognized that a subdivider may wish to identify a tentative map as a "vesting" tentative map. When the subdivider requires such an identification, the subdivider shall so indicate on both the tentative map and the application for subdivision.

17.10.040 Proof of access. No parcel or final map shall be approved unless there is proof, to the satisfaction of the City Engineer, that there is legal access to each parcel.

A. No tentative map shall be accepted as complete unless there are references on the tentative map to the type of legal access. The reference shall be to recorded deed, parcel or final map, court order or other right to access.

B. Access to new parcels shall be in accordance with this title and the City Improvement Standards.

17.10.050 Parcel maps. (§66463) A parcel map shall be filed, in accordance with this chapter, for all subdivisions for which a final map is not required.

17.10.060 Parcel map waiver. (§66428) Applications may be made to the planning commission for a parcel map waiver. Such application shall be accompanied by a tentative map drawn in compliance with the requirements of this title. The planning commission may approve the request for a parcel map waiver, when it finds the parcel(s) to be created consistent with the provisions of this title, the Subdivision Map Act, the General Plan, community, special, or specific plans, the zoning ordinance, applicable requirements for flood control, drainage plans, parcel design, roads, deeded access, sanitary disposal facilities, water supply availability, and environmental protection. When a parcel map is waived, the division of land shall be finalized by recordation of a deed and record of survey. The record of survey shall reference the date and resolution of the Planning Commission.

*Section references are to the Subdivision Map Act of the State of California.

17.10.070 Boundary line adjustments. A property owner, or adjacent property owners, may enter into an agreement to adjust the boundary lines of contiguous parcels under the provisions of Chapter 17.28. No tentative map shall be required.

17.10.080 Reversion to acreage or lot mergers. Previously subdivided lands may be reverted to acreage or merged subject to the procedures in Chapter 17.27.

17.10.100 Remainders. (§66424.6, §66434e) Requirements for remainder parcels and the application of fees and regulations therefore shall be as set forth herein.

A. Remainder parcels shall not be counted as a parcel for purposes of determining if a parcel or final map is required for the subdivision.

B. A remainder shall be counted as a parcel for purposes of determining the total amount of per-parcel application fees for the proposed project.

C. No conditions of project approval, except for those conditions related to construction of a single-family home (proof of domestic water supply, proof of method of sewage disposal, legal access to a public road) shall be imposed upon a remainder of more than five acres gross land area, provided that the parcel is designated so that it may be developed with not more than one single-family residence consistent with zoning requirements. If a remainder parcel is less than five acres of gross land area, the planning commission may treat the remainder as a parcel for purposes of imposing conditions so that the parcel may be subsequently sold. When a parcel is designated as a "remainder" or "not a part of this subdivision (NAPOTS)," it shall be counted as the "existing parcel" for purposes of school, traffic, and other mitigation fees based upon the number of lots created.

D. A remainder parcel shall not be subsequently sold unless the subdivider either:

1. Files a parcel map for the remainder pursuant to this title; or
2. Obtains a conditional certificate of compliance for the parcel pursuant to this title.

E. If the map includes a remainder parcel with a gross land area of five acres or more, that remainder parcel need not be shown on the final or parcel map unless specifically required by the planning commission.

17.10.120 Soils and/or hazardous materials report. A. A preliminary soils report and/or a hazardous materials report prepared by a civil engineer or engineering geologist registered in California, and based upon adequate test borings and/or other testing or analysis, may be required by the City Engineer for any subdivision for which a final map is required by this title.

B. When the City Engineer determines that a preliminary soils report is necessary, the planning commission may include the preparation of such report as a condition of approval of the tentative map.

C. When the preliminary soils report indicates the presence of critically expansive soils or other soils problems which, if not corrected or adequately addressed, would lead to structural defects, a soils investigation of each lot in the subdivision may be required.

D. Soils investigation shall be done by a professional engineer or engineering geologist of proper registration in California, who shall recommend the corrective actions necessary to prevent structural damage to structures proposed to be constructed in the area where such soils problems exist.

Chapter 17.12

TENTATIVE MAPS

17.12.010 Tentative map. A tentative map shall identify the total property proposed to be subdivided, shall show the plan of development proposed in detail, and shall be filed with the planning commission. The planning commission shall accept the tentative map for filing when the foregoing requirements have been complied with.

Tentative maps shall contain the following information:

A. The tract name or number, date, north point, scale, sufficient description to define the location and boundaries of the proposed tract and ties to existing permanent monument of record;

B. Name and address of record owner or owners;

C. Name and address of the subdivider;

D. Name and business address and number of the registered engineer or licensed surveyor who prepared the tentative map;

E. Sufficient elevations or contours to determine the general slope of the land, the high and low points thereof, and all drainage features. Areas subject to inundation or overflow shall be so indicated. If any portion of the subject property is identified on the Flood Hazard Boundary Maps, the subdivider shall identify the flood hazard area and elevation of the base flood in accordance with Chapter 17.16; [Moved from Section 17.12.060]

F. The locations, names, widths, and approximate grades and curve radii and horizontal alignment of all streets in the proposed subdivision.

G. The locations, names and existing pavement and right of way widths of all adjoining and contiguous streets and highways.

H. The approximate widths, locations, purposes, and restrictions of all existing and proposed easements;

I. Approximate layout and approximate dimensions of each lot. Lots shall be numbered, and total acreage of tract shall be shown; and

J. The dimensions and locations of any existing buildings which are to remain in place on the property.

K. Existing use or uses of the property;

L. Proposed use or uses of the property;

M. Statement of the improvements and public utilities proposed to be made or installed, and of the time at which such improvements are proposed to be completed;

N. Provisions for water supply and sewerage disposal;

O. Public areas proposed;

P. Proposed tree planting and removal as specified in Chapter 13.24 (Trees and Landscaping);

Q. Justification and reasons for any exceptions to the provisions of this title;

R. A description of existing zoning and any rezoning or variance proposed;

S. A preliminary copy of any proposed restrictive covenants shall be filed with the tentative map.

T. A preliminary grading plan, if any grading outside road rights of way is proposed.

U. All other requirements as set forth on the application required by the planning commission.

V. A tentative map shall include a certificate signed and dated by the owner or agent stating: "I am the [owner][agent of owner] of record and [I][he/she/they] consent(s) to the filing of this parcel map in compliance with the requirements of this title, and Title 7, Division 2 of the California Government Code, the Subdivision Map Act."

17.12.020 Tentative map submittal. Any subdivider seeking approval of a tentative map shall submit a completed application to the planning department. No tentative map shall be accepted as complete unless it complies with the requirements for submittal as established by the city council.

17.12.040 Fees. The City Council shall approve a schedule of fees for the processing of subdivisions to recover the costs incurred in reviewing proposed subdivisions. Said fees shall include costs incurred in reviewing tentative maps, final maps, and parcel maps. The City Council may review and adjust such fees if it deems necessary to cover all processing and review costs.

17.12.080 Review of a tentative map. A. Each tentative map and required forms and information shall be reviewed by the city planner prior to acceptance as a completed application. When the city planner does not require additional information, the application shall be deemed complete thirty calendar days after submission of the application. When additional information is required by the city planner, the application shall be deemed complete thirty calendar days after all information is received and accepted by the city planner.

B. The city planner may forward copies of the application to all persons, agencies, and districts the city planner deems should be notified.

C. No less than ten calendar days prior to the planning commission meeting for which the proposed tentative map is set for hearing, the city planner shall notice the meeting as required.

D. No less than three calendar days prior to the planning commission hearing, the city planner shall serve the subdivider a copy of the report to be presented to the planning commission.

E. All time limits not specified in this title shall be as specified by state law.

17.12.100 Planning commission action on the tentative map. The planning commission shall take action on a tentative map within fifty calendar days of the date on which the application is deemed complete. If an environmental impact report is required, the planning commission shall render its report or decision required by this section within forty-five calendar days after certification of the environmental impact report.

The planning commission shall determine whether the tentative map is in conformity with the General Plan, with the proper standards for lot and street design, with the improvement standards of the city, and with all provisions of this title. As conditions of approval, the commission may require a dedication of real property within the proposed subdivision for roads, including access and abutter's rights, drainage, public utility and other easements, may require the construction of reasonable off-site and on-site improvements for the parcels being created, and may impose other conditions of approval as the commission deems are necessary to ensure the public health, safety, and welfare.

Approval of a tentative or final map shall be denied by the City when it makes any of the following findings:

A. The proposed subdivision is not consistent with the general plan, any applicable specific, special or community plan, or the city subdivision ordinance; or

B. The subject property is not physically suitable for the type of development proposed; or

C. The design of the proposed subdivision or its proposed improvements is likely to cause serious public health problems; or

D. The design of the proposed subdivision or its improvements is likely to cause substantial environmental damage or substantially and avoidable injury to fish or wildlife in their habitat; or

E. The design of the proposed 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. The local agency may approve a map if it finds that alternative easements for access or for use will be substantially equivalent to those 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; or

F. The discharge of liquid or solid waste into a sewer or individual sewage disposal system would result in violation or add to a violation of existing requirements prescribed by the local health officer or the Central Valley Regional Water Quality Control Board; or

G. The proposed subdivision does not provide, to the extent feasible, for future passive or natural heating or cooling opportunities for the proposed new parcels. "Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors.

17.12.110 Alternative planning commission approval. Notwithstanding subsections A through G of Section 17.12.100, the City may approve a tentative map provided that:

A. An environmental impact report was prepared and certified as complete pursuant to the California Environmental Quality Act; and

B. A "statement of overriding considerations" is adopted pursuant to §21081 of the Public Resources Code, finding that "specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the environmental impact report."

17.12.120 Time limit extensions for application processing. The time limits for application processing specified in this Chapter and Title 7, Division 2 of the California Government Code may be extended upon mutual agreement of the City and the subdivider.

If an environmental impact report is required pursuant to §21000 et seq. of the Public Resources Code, the time limits shall be automatically extended to conform with the requirements of the California Environmental Quality Act.

17.12.140 Appeal of the planning commission decision. The subdivider or any aggrieved party may appeal the decision of the planning commission, or any conditions thereof, to the City Council. Refer to Chapter 17.31 for an explanation of the appeal process.

17.12.160 Subdivider's action. Following approval of a tentative map, the subdivider shall proceed to fulfill all conditions to such approval, and shall cause to be prepared and submitted to the department of public works, the plans, specifications, and other information related to subdivision improvements in accordance with City standards.

A. No work on any subdivision improvements shall be commenced without the written approval and authorization of the city manager.

B. No sale or lease of any lot shall be made between the subdivider and any other party prior to recordation of the final map.

C. Completion of the required improvements shall not be required prior to the approval of the final map if the subdivider has entered into an agreement with the City to complete such improvements within a mutually agreed time. In any case, construction of the improvements shall be required prior to the issuance of a permit or other grant of approval for development on any proposed new parcel. Performance required under any agreement entered into pursuant to this section shall be secured as provided in this title.

Chapter 17.16

SUBDIVISION DESIGN

17.16.010 Public improvements. Public improvements shall conform to the requirements of Section 17.24 and the City Improvement Standards. The planning commission may require any public improvements required for the orderly development of all public facilities.

17.16.060 Non-access and planting strips. When the rear or side lines of any lot borders a state highway, city arterial, or collector street, the subdivider may be required to dedicate a "no access" strip across the appropriate line(s) of such lots. When the rear or side lines of any lots border any state highway or city arterial, the subdivider may be required to dedicate a planting strip adjacent thereto.

17.16.080 Street names. All street names shall be approved by the planning commission and no duplication of street names shall be permitted.

17.16.100 Lots. A. The design of lots shall be in conformance with Title 18 of this code. Unless the proposed subdivision is part of a planned development (PD) project, no lot shall have less than sixty feet of street frontage except residential lots on curved or cul-de-sac streets, which may have a minimum street frontage of fifty feet, provided there is a minimum width at the established front yard set back line of sixty feet.

B. The side lines of all lots, so far as possible, shall be at right angles to streets or radial or approximately radial to curved streets and to center points of cul-de-sac turning circles.

C. No lots shall be divided by a city limit line.

D. Interior lots having a double frontage may be prohibited.

17.16.110 Sidewalks and walkways. The subdivider may be required to dedicate and improve walkways on-site to provide access to schools, parks, and other public areas.

17.16.120 Block--Length--Width. Unless the proposed subdivision is part of a planned development (PD) project, blocks shall be not more than one thousand nor less than four hundred feet in length and shall be of a width to contain two tiers of lots of approved dimensions, except that the planning commission may approve variations of the foregoing when it finds that pre-existing improvements or physical or natural features or conditions justify such variations.

17.16.130 General plan. In all respects, the subdivision will be considered in relation to the general plan of the City.

17.16.140 Covenants of restrictions. Two copies of proposed covenants of restrictions shall be filed with the tentative map, and two copies of any revisions thereof shall be filed with the city planner prior to approval of the final map.

17.16.150 Land subject to inundation. All lands within the subdivision subject to inundation or flooding by storm or overflow or other causes shall be identified on the final map. Limits shall be clearly identified by distance or elevation and shall be certified by a professional engineer or surveyor.

17.16.160 Public areas--Dedications--Fees. The subdivider may be required to dedicate sites for schools, parks, and other public areas as set forth on the general plan or as required by the planning commission.

17.16.170 Storm drainage. The subdivider shall dedicate a right-of-way for storm drainage purposes conforming substantially with the lines of any natural water course or channel, stream, or creek that traverses the subdivision. All storm drain improvements shall be in accordance with City Improvement Standards.

The planning commission may require adequate fencing or other protection of all ditches and streams.

In cases where drainage facilities are necessary on an area-wide basis to permit safe, healthful and convenient development of the area, the subdivider may be required to pay a pro rata share of such facilities' cost, as determined by the city council.

17.16.180 Additional access. The commission may find that secondary access to a project is necessary, and may require additional access(s) as a condition of approval. The commission may consider, among other things, the size of the project, its design, traffic volume, and location in determining secondary access requirements.

All subdivisions requiring secondary access shall be designed to provide more than one access from existing streets or future streets. Secondary access road(s) shall be constructed to the boundary of the subdivision on a vertical and horizontal alignment consistent with City Improvement Standards. Temporary cul-de-sac or other approved turnaround shall be constructed in lieu of secondary access(s) when approved by the planning commission.

When secondary access is part of phased development of a subdivision, the planning commission may require security sufficient to guarantee construction within the time specified by the commission.

Chapter 17.20

FINAL MAPS

17.20.010 Filing. Within two years after approval or conditional approval of the tentative map, the subdivider shall cause the subdivision, or any part thereof, to be surveyed and a final map thereof to be prepared in conformance with the tentative map and this chapter. Submittal for final map processing shall be filed with the city engineer, together with a checking fee, to be paid at such times and in such amounts as set forth by the city council.

Extensions of time up to twelve months each for filing of the final map may be granted by the planning commission provided written application is received by the planning commission at least 30 calendar days prior to expiration of the map.

At the time of filing of the final map with the city engineer, the subdivider shall also file therewith the following:

A. A preliminary title report issued by a title insurance company in the name of the owner of the land, issued to or for the benefit and protection of the city showing all parties whose consent is necessary and their interests therein;

B. Calculations, record maps, and traverse sheets used in computing or the distances, angles and courses shown on the final map and ties to existing and proposed monuments; and

C. All other submittals required or authorized by this Title.

17.20.020 Final map procedures, form, and content. (§66433) The final map shall be based on a field survey in accordance with the Land Surveyors Act, and shall conform to all applicable sections of this chapter.

A. The final map shall indicate the tract designation and drawings, certificates, acknowledgment, endorsements, offers and acceptances of dedication and notarial seals within the margin lines of the map. The first sheet of the map shall contain all certificates, including owner's consent to subdivision, and all acknowledgments, endorsements, offers and acceptances of dedication and notarial certificates required, by the Subdivision Map Act and this chapter.

B. When the final map consists of two or more sheets, a key map showing the relation of the sheets shall be placed on sheet one. Every sheet comprising the map shall bear the scale, north point, title sheet number and number of sheets comprising the map. Sheet one shall also contain a subtitle giving an exact description of the property being subdivided by reference to recorded maps.

C. Maps filed for the purpose of reverting subdivided land to acreage shall be conspicuously designated with the title "The Purpose of this Map is a REVERSION TO ACREAGE." Such maps may be prepared from record data.

D. Lots containing one acre or more shall show net acreage to nearest one-hundredth, and the total acreage of the subdivision shall be shown upon the map.

E. Whenever there has been established the monument line of a street or alley adjacent to or in the proposed subdivision, the data shall be shown on the final map, indicating all monuments found.

F. The map shall show the location and description of all monuments found in making the survey of the subdivision and determining its boundaries and location, and shall include bearings and distances to such other existing monuments as may be necessary to establish the position of the proposed subdivision in relation thereto.

G. The map shall show the monuments and side lines of all streets, the total width of all streets, the width of the portion being dedicated and the width of utility and other rights of way appearing on the map. The subdivider shall provide adequate monuments on the centerlines of all streets at intersections and at the ends of all tangents. Each street monument shall be tied to crosses cut in curbs or to other permanent objects located nearby and the ties shall be set forth on the final map.

H. The map shall show the side lines of all easements to which any lots are subject and reference to restrictions pertaining thereto. The easements shall be clearly labeled and identified. Any easement not of record shall be offered for dedication on the title sheet. Easements for storm drain, sewers, utilities, and other purposes shall be noted on the map. The widths, lengths, and bearings of easements and sufficient ties thereto shall be shown on the map. All easements dedicated by the map shall be properly set forth in the owner's certificate of dedication.

I. City limit lines abutting the subdivision shall be clearly designated and referenced.

J. Lot numbers shall begin with the number "1" and shall continue consecutively through the subdivision or each unit thereof with no omission or duplications, and all other parcels shall be identified by letters.

K. The final map shall particularly define, delineate, and designate all lots or parcels intended for private purposes; all parcels offered for dedication for any purpose, public or private; with all dimensions, boundaries and courses clearly shown and defined in every case. Parcels offered for dedication shall be so designated.

17.20.030 Certificates. The following certificates and acknowledgments must appear on the title sheet of a final map:

- A. Owner's certificate and acknowledgment and offers of dedication, where required.
- B. Certificate of Engineer or Surveyor.
- C. Certificate of approval of the City Engineer.
- D. Certificate of the City Clerk of approval of the City Council and acceptance or other action taken regarding easements and rights of way offered for dedication thereon;
- E. Certificate of the redemption officer of the County that the requirements of Sections 66492 through 66494 of the Map Act relative to payment of unpaid state, county, city, or local taxes or special assessments are in compliance;
- F. The certificate of the county recorder that the map is accepted for recording as required by Section 66449 of the Subdivision Map Act;
- G. Any other certificates required by the Subdivision Map Act or this chapter.

17.20.040 Action on final or parcel maps by City Engineer. Prior to recordation of a final or parcel map, the map shall be examined by the City Engineer to determine that: the subdivision as shown is substantially-in conformance with the approved tentative map; that any alterations or conditions approved or required by the planning commission have been met; that all provisions of local ordinance have been complied with; and that the city engineer is satisfied that the map is technically correct. When the map is found to be correct and in conformance with regulations of this chapter, the city engineer shall so certify on the map and transmit it to the city clerk for presentation to the city council.

17.20.045 City Clerk Review of Final Map. The City Clerk shall receive from each officer, department, or agency responsible for verifying compliance of the final map, a written report as to the compliance or noncompliance of the map with conditions as to matters under its jurisdiction. When all letters from departments of concern indicate that all conditions of the approved tentative map are in compliance, the City Clerk shall schedule the map with the City Council for final action.

17.20.050 Approval by City Council. At its first regular meeting following the filing of the map with the City Clerk, the City Council shall consider the map and all offers of dedication. The City Council may reject any or all offers of dedication. When the City Council determines that all improvements have been installed or will be installed as provided by this chapter, it shall approve the map. No map shall have any force of effect until it has been approved by the City Council, and no title to any property shown thereon or to any offer of dedication shall pass until the map has been recorded in the office of the county recorder.

17.20.060 Recordation. After the city clerk has executed the certificate of approval of the City Council, and all monies due the City have been paid, the final map shall be submitted to the county recorder for recording.

A. It shall be the responsibility of the subdivider to comply with all requirements of the county recorder.

B. The subdivider shall furnish to the county recorder evidence of title certifying that the names of all persons whose consent is necessary to pass clear title to the land being subdivided, and all acknowledgments thereto, appear on the certificates, consenting to the preparation of the map and making offers of dedication.

C. The subdivider shall pay all recording fees and charges required by county recorder for map recordation.

D. Maps shall be recorded within 45 calendar days of approval by City Council or they shall be returned to the City Clerk.

Chapter 17.22

PARCEL MAPS

17.22.010 Parcel map requirements. (§66445) Within the time limits set by Chapter 17.20 and after approval or conditional approval of a tentative map, the applicant may submit to the City Engineer two prints of a parcel map, which shall substantially conform to the approved or conditionally approved tentative map. The parcel map shall meet all the requirements of this chapter.

(§66448) Parcel maps shall be based on a field survey made in conformity with the Land Surveyor's Act or be compiled from recorded data when a record map delineates the exterior boundary of the land being divided and monumentation exists that completely delineates the parcels being formed. All angle points in lot lines shall be monumented. Monument requirements may be waived in special cases where natural boundaries of a permanent nature constitute a portion of the lot line. All street rights-of-way shall have a curvilinear alignment with the beginning and end of each curve monumented.

17.22.020 Evidence of title. Evidence of title required by the provisions of Section 66465 of the Subdivision Map Act shall be a parcel map guarantee, a land division guarantee, or an equivalent title guarantee issued by a title insurance company authorized by the laws of the state.

17.22.030 Parcel map certificates. (§66448) The following certificates shall appear on all parcel maps.

A. Engineer's (surveyor's) certificate:

This map was prepared by me or under by direction (and was compiled from record data) (and is based on a field survey) in conformance with the requirements of the Subdivision Map Act and local ordinances at the request of (name of person authorizing map) on (date). I hereby state that this parcel map substantially conforms to the approved or conditionally approved tentative map, if any.

Signed _____
R.C.E. (or L.S.) No. _____

B. Recorder's certificate:

Filed this ____ day of _____, _____, at ____m. in Book _____ of Parcel Maps at page _____, at the request of the Amador County Surveyor.

Signed _____ by
County Recorder

C. City Engineer's certificate:

This map conforms with the requirements of the Subdivision Map Act and local ordinance.

Date _____ Signed _____
(name and no.) City Engineer

D. Owner's certificate:

The undersigned, being the part(y)-(ies) holding a record title interest in the lands shown on this map, hereby consent(s) to the preparation and recordation of this parcel map and hereby irrevocably and in perpetuity offer(s) for dedication to the City of Sutter Creek any and all easements and dedications that appear on this map except those easements otherwise designated thereon.

Signed _____
Owner(s)

The City Engineer may require additional or alternative wording for the owner's certificate required for compliance with the conditions of approval or policies of the City Council.

E. City Clerk's certificate:

All offers of dedication for public utility easements that appear on this map were accepted (rejected) by the City Council on _____ by Resolution No. _____. All offers of dedication for rights-of-way that appear on this map were accepted (rejected) by the City Council on _____ by Resolution No. _____.

*(Said easements and rights-of-way remain subject to acceptance by resolution of the City Council at any later time.)

Date _____ Signed _____
City Clerk

*To be deleted if all easements and rights of way are to be accepted.

The City Engineer may provide for additional or alternative wording for the City Clerk's certificate required for compliance with the conditions of approval or policies of the City Council.

F. The parcel map shall contain a certificate by the engineer or surveyor responsible for the preparation of the map that states that all monuments are of the character and occupy that positions indicated, or that they will be set in such positions on or before a specified date. The certificate shall also state that the monuments are sufficient to enable the survey to be retraced.

The certificate required by this subsection may be combined with that certificate required by Subsection A of this section.

Chapter 17.24

IMPROVEMENTS

17.24.010 Standards and approval. All improvements required by the city for subdivision of land, including the placing of monuments, shall be installed in accordance with the standard specifications and improvement standards adopted by resolution of the city council, and shall be subject to inspection and approval by the city engineer and formal acceptance by resolution of the city council.

17.24.020 On-site improvements required. Subdivider shall improve all streets, highways, or public ways in the subdivision. Improvements shall be installed to permanent line and grade and to the satisfaction of the city engineer, in accordance with the City Improvement Standards.

All utility distribution facilities (including but not limited to electric, communication, and cable television lines) installed in and for the purpose of supplying service to any residential (or commercial) subdivision shall be placed underground except as follows:

1. Equipment appurtenant to underground facilities, such as surface mounted transformers, pedestal mounted terminal boxes and meter cabinets, and concealed ducts;
2. Poles supporting only high voltage wires, switches, transformers, and street lights.

The subdivider is responsible for complying with the requirements of this chapter, and shall make the necessary arrangements with utility companies involved for the installation of said facilities. City may defer subdivider's obligation to install improvements provided subdivider executes an improvement agreement with the city council.

17.24.030 Improvement Agreement. Prior to approval of the final or parcel map by the city council, the subdivider may execute and file an agreement with the city deferring improvements provided agreement specifies the period within which he shall complete all required improvement work to the satisfaction of the city council and provided improvement agreement complies with Section 66462 of the Subdivision Map Act.

Improvement agreements shall be reviewed and approved by City Attorney for compliance with this chapter prior to submittal to the city council. Improvement agreements shall be guaranteed by security in accordance with Chapter 17.26.

Chapter 17.26

IMPROVEMENT SECURITY

17.26.010 Manner set forth in state provisions. Any improvement agreement, contract or act required or authorized by the Subdivision Map Act, for which security is required, shall be secured in the manner provided for in Section 66499 et seq. of the California Government Code.

17.26.020 Amount. The improvement security shall be in the amount set forth in the improvement standards. When the improvement security is other than a bond or bonds furnished by duly authorized corporate surety, an additional amount shall be included as determined by the City Council as necessary to cover the cost and reasonable expenses and fees, including reasonable attorney's fees, that may be incurred by the City in successfully enforcing the obligation secured.

17.26.030 **Reduction in amount.** When required subdivision improvements are financed and installed pursuant to special assessment proceedings, the subdivider may apply to the city council for a reduction in the amount of the improvement security required under this chapter to an amount corresponding to the amount of faithful performance and labor and material bonds required by the special assessment act being used. The city council may grant such reduction if it finds that such bonds have been in fact provided and that the obligations secured thereby are substantially equivalent to those required by this title.

17.26.040 **Release.** Security given for the faithful performance of any act or agreement shall be released upon the final completion and acceptance of the act or work, subject to the following:

A. The City Engineer may release a portion of the security in conjunction with the acceptance of the performance of the act or work as it progresses, upon application by the subdivider; provided, however, that no such release shall be for an amount less than fifteen percent of the total improvement security given for faithful performance of the act or work, and that the security shall not be reduced to an amount less than twenty-five percent of the total improvement security given for faithful performance until final completion and acceptance of the act or work. In no event shall the City Engineer authorize a release of the improvement security that would reduce such security to an amount below that required to guarantee the completion of the act or work and any other obligation imposed by this title, the Subdivision Map Act, or the improvement agreement.

B. Security securing the payment to the contractor, his subcontractors and to persons furnishing labor, materials, or equipment may, after passage of the time within which claims of lien are required to be recorded pursuant to Article 3 (commencing with Section 3114) of Chapter 2 of Title 15 of Part 4 of Division 3 of the Civil Code, and after acceptance of the work, be reduced to an amount not less than the total claimed by all claimants for whom claims of lien have been recorded and notice thereof given in writing to the City Council, and if no such claims have been recorded, the security may be released in full.

C. No security given for the guarantee or warranty of work shall be released until the warranty period has expired and the guarantee is released by resolution of the city council.

Chapter 17.27

MERGED PARCELS - REVERSION TO ACREAGE

17.27.020 Merged parcels - reversion to acreage. (66499.11) No parcel legally created under the provisions of the subdivision ordinance in effect at the time of its creation shall be merged by any action of the City except where requested by the record owner of the subject property pursuant to this chapter except where a subdivider fails to complete subdivision improvements pursuant to Sections 17.24.010 and 17.24.020 of this chapter. Action by the city council pursuant to this section shall be in accordance with Chapter 6, Article 1, "Reversion to Acreage" of the Subdivision Map Act.

17.27.025 Merger of contiguous parcels. (§66499.20¼) Parcel map or record of survey may be filed for reverting to acreage, or merging land previously subdivided, and consisting of four or less contiguous parcels under common ownership. Mergers shall be subject to approval of the city council. Application for merger shall be in accordance with the procedures established by the city council. When a record of survey is the instrument evidencing the merger, it shall contain a city clerk certificate setting forth the date and resolution of the city council.

When easements exist along the common boundary of lots to be merged, a parcel map shall be filed as the instrument evidencing the merger. No tentative map shall be required for parcel maps required by this section.

Chapter 17.28

BOUNDARY LINE ADJUSTMENTS

17.28.010 Record of survey and parcel maps not required. (§66412) No record of survey or parcel map shall be required for a boundary line adjustment, meaning the relocation of the boundary line of adjoining property, when such relocation by deed does not result in the creation of an additional, separate and distinct parcel of real property. Such boundary line adjustment is not a subdivision of real property and is excluded from the provisions of this title; provided the boundary line adjustment is approved by resolution of the city council and no easements of record are affected by the adjustment.

A lot line adjustment in accordance with this section shall be reflected in a deed which shall be recorded within 365 calendar days of boundary line adjustment approval by the City. The deed shall make specific reference to the resolution and date of approval by City.

17.28.020 Record of survey or parcel map required. Whenever a proposed boundary line adjustment requires the relocation of existing utilities, easements, or other public improvements, a record of survey or parcel map shall be recorded. No tentative map will be required for any parcel map required by this section.

17.28.030 Procedure. Applicants for a boundary line adjustment shall submit a completed application to the City. Applicants shall also submit at the time of application:

- A. An application fee as established by resolution of the City Council;
- B. If an existing easement is involved, the applicant(s) must present, with the application, proof of approval of all public utilities affected;
- C. A preliminary title report covering all parcels affected;
- D. An eight and one-half inch by eleven inch drawing of the proposed boundary line adjustment that adequately shows the following:

- 1. Existing boundaries of all parcels affected.
- 2. Proposed boundary.
- 3. Location of all structures with dimensions to property lines, easements, roads, fences, wells, on-site septic systems, sewage disposal facilities, storm drainage systems, and other significant features.
- 4. All easements to remain, be relocated, or abandoned;
- 5. Drawing shall be to scale and show approximate distances of all lines.
- 6. Estimated area to the nearest tenth of an acre shall be noted on drawing.

E. The City Clerk will transmit copies of the application to the city planner, the building official, and the city engineer, and on receipt of written recommendation of approval or conditional approval of the proposed boundary line adjustment by the above-mentioned staff, City Clerk will schedule the application for consideration by the city council. Upon application approval by city council, applicant will be authorized to cause submittal of the instrument evidencing the boundary line adjustment as set forth herein.

Chapter 17.29

CERTIFICATE OF COMPLIANCE

17.29.010 Illegally created parcels. (§65499.34) No permit shall be issued for the development on any illegally created parcel.

17.29.020 Certificates of compliance. (§65499.35) Any person owning real property may request the city to determine whether such real property complies with the provisions of the Subdivision Map Act and of this chapter.

A. Applications for such determinations shall be filed with the City Clerk and shall contain a plot plan of the property and all record deed and maps pertaining to the property together with a fee established by resolution of the city council.

B. Within fifteen days of a filing of a request for the issuance of a certificate of compliance, the city engineer shall commence a review of the request to determine whether the property or the division thereof complies with the provisions of the Subdivision Map Act and this chapter, and whether a certificate of compliance shall be issued.

C. A certificate of compliance, when issued, shall be issued in accordance with Section 66499.35 of the Subdivision Map Act.

D. Any certificate of compliance issued conditionally shall specify such conditions and shall be reviewed by the planning commission.

E. When the City Engineer determines that such real property does not comply with the provisions of the Subdivision Map Act or local ordinance and that conditions cannot be imposed to protect the public health and public safety, the City Engineer shall deny the application for a certificate of compliance and advise the city council at its next regular meeting. Notice of denial of the application for a certificate of compliance shall be in accordance with Section 66499.35 of the Subdivision Map Act.

F. A recorded final map or parcel map shall constitute a certificate of compliance with respect to parcels of property described therein.

17.29.030 Appeals. Any decision of the City Engineer regarding a notice of violation or certificate of compliance may be appealed to the city council. No notice of violation or certificate of compliance shall be recorded until the city council's decision thereon has become final.

Chapter 17.30

EXCEPTIONS

17.30.010 Application. The planning commission may recommend that the city council authorize conditional exceptions to any of the requirements and regulations set forth in the ordinance. Application for any such exceptions shall be made by a petition of the subdivider, stating fully the grounds of the application and the fact relied upon by the petitioner. Such petition shall be filed with the tentative map of the subdivision. In order for the property referred to in the petition to come within the provisions of this section, it shall be necessary that the planning commission find the following facts with respect thereto:

- A. That there are special circumstances or conditions affecting the property;
- B. That the exception is necessary for the preservation and enjoyment of a substantial property right of the petitioner;
- C. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the territory in which the property is situated.

17.30.020 Planning commission action. A. In recommending such exceptions, the planning commission secures substantially the objectives of the regulations to which exceptions are requested, and acts to protect the public health, safety, convenience and general welfare.

B. In recommending the authorization of any exception under the provisions of this chapter, the planning commission shall report to the city council its findings with respect thereto and all facts in connection therewith, and shall specifically and fully set forth the exception recommended and the conditions designated.

17.30.030 City council action. Upon receipt of the report, the city council may by resolution authorize the planning commission to approve the tentative map with the exceptions and conditions the council deems necessary to substantially secure the objectives of this title.

Chapter 17.31

APPEAL

17.31.010 Appeal--Notice. Appeal may be made from any decision, determination or requirement of the planning commission, city planner, or city engineer by filing a notice thereof in writing with the city clerk within ten calendar days after such decision. The notice shall set forth in detail the action and the grounds upon which the subdivider or any aggrieved party is deemed to be aggrieved. The city council shall establish a schedule of fees for appeals to recover the costs incurred in reviewing such appeals. The city council may review and adjust such fees if it deems necessary to cover all processing and review costs.

17.31.020 Appeal--Filing--Report. The city clerk shall report the filing of such notice to the planning commission, the city planner, and the city engineer. A written report shall be submitted to the city council by the agency or person whose decision, determination, or requirement is being appealed.

17.31.030 Appeal--Action. The city council at its next regular meeting following the filing of such an appeal, or within thirty calendar days following the filing thereof, shall set the appeal for hearing to be held within thirty calendar days thereafter and any such hearing may for good cause be continued by order of the city council. Following the hearing, the city council may overrule or modify the decision, determination or requirement appealed from and enter any such order or orders as are in harmony with the spirit and purpose of this title.

Chapter 17.32

PENALTIES

17.32.010 Penalties. Any person, firm, corporation, partnership, or co-partnership who willfully violates any of the provisions or fails to comply with any of the mandatory requirements of this title is guilty of a misdemeanor, and upon conviction thereof is punishable by a fine of not to exceed five hundred dollars or by imprisonment in the county jail for not to exceed six months or by both fine and imprisonment, except that nothing herein contained shall be deemed to bar any legal equitable or summary remedy to which the city or other political subdivision, or any person, firm, corporation, partnership, or co-partnership may otherwise be entitled, and the city, or any other political subdivision or person, firm, corporation, partnership, or co-partnership may file a suit to the superior court of the county to restrain or enjoin any attempted or proposed subdivision or sale in violation of this title.

Chapter 17.33 [Not Used]

Chapter 17.34 Parkland dedication and in lieu fees for park and recreation purposes [unchanged]

17.35 Effective date. This Ordinance shall take effect thirty (30) calendar days from the date of adoption.

The foregoing Ordinance was duly passed and adopted by the City Council of the City of Sutter Creek on the 5th day of October, 1998, by the following vote:

AYES: Brent Parsons, Tim Murphy, Heidi A. Boitano-Nash
and Randy Aspinall

NOES: None

ABSENT: Edward A. Swift



W. BRENT PARSONS, Mayor

ATTEST:



NATALIE DOYLE, Deputy City Clerk

