

Division IV: Land Divisions

Chapter 11.39	General Provisions.....	V-1
11.39.010	Citation and Authority	IV-1
11.39.020	Purpose.....	IV-1
11.39.030	Applicability	IV-1
11.39.040	Exemptions.....	IV-1
11.39.050	Application and Review Procedures	IV-2
11.39.060	Maps Required.....	IV-2
11.39.070	Condominiums; Community Apartment Project, Stock Cooperative Project; Three-Dimensional Portions.....	IV-4
Chapter 11.40	Tentative Maps	IV-5
11.40.010	General	IV-5
11.40.020	Form and Contents.....	IV-5
11.40.030	Review and Referral.....	IV-5
11.40.040	Action on the Tentative Map.....	IV-6
11.40.050	Expiration and Extensions	IV-8
11.40.060	Amendments to Approved Tentative Maps.....	IV-10
Chapter 11.41	Parcel and Final Maps	IV-11
11.41.010	General	IV-11
11.41.020	Final Maps—Submittal by Units	IV-11
11.41.030	Survey Required	IV-11
11.41.040	Form and Contents of Maps.....	IV-12
11.41.050	Required Approval; Final Map	IV-13
11.41.060	Certificates.....	IV-13
11.41.070	Acceptance of Dedications.....	IV-13
11.41.080	Security Agreement; Bond.....	IV-13
11.41.090	Required Signatures/Certificates.....	IV-14
11.41.100	Filing with County Recorder.....	IV-14
11.41.110	Correction or Amendment.....	IV-14
Chapter 11.42	Vesting Tentative Maps	IV-15
11.42.010	Purpose.....	IV-15
11.42.020	Scope; Applicability; Consistency.....	IV-15
11.42.030	Procedures.....	IV-15
11.42.040	Vesting on Approval	IV-16

11.42.050	Expiration.....	V-17
Chapter 11.43	Reversions, Mergers, Resubdivisions, and Lot Line Adjustments	IV-18
11.43.010	Reversions to Acreage.....	IV-18
11.43.020	Parcel Mergers	IV-19
11.43.030	Mergers and Resubdivisions.....	IV-20
11.43.040	Lot Line Adjustments.....	IV-20
Chapter 11.44	Subdivision Design	IV-23
11.44.010	Purpose.....	IV-23
11.44.020	Countywide Lot and Site Design Standards	IV-23
11.44.030	Street System and Connectivity	IV-24
11.44.040	Roadway Design.....	IV-25
11.44.050	Energy Conservation and Solar Access.....	IV-26
11.44.060	Protection of Natural and Cultural Resources	IV-26
11.44.070	Agricultural Buffers	IV-27
11.44.080	Rural Lot Design Guidelines.....	IV-28
11.44.090	Valley Growth Boundary Design Guidelines	IV-31
11.44.100	Infill Development in Urban Residential Areas.....	IV-32
11.44.110	Waiver of Subdivision Standards.....	IV-32
Chapter 11.45	Dedications and Reservations	IV-34
11.45.010	Purpose.....	IV-34
11.45.020	Roads and Other Public Rights-of-Way.....	IV-34
11.45.030	Bicycle Paths	IV-35
11.45.040	Transit Facilities	IV-35
11.45.050	Solar Access Easements.....	IV-35
11.45.060	Parkland.....	IV-35
11.45.070	School Sites	IV-39
11.45.080	Public Access to Waterways, Lakes, Reservoirs.....	IV-39
11.45.090	Drainage Easements	IV-39
11.45.100	Acceptance of Dedications.....	IV-40
11.45.110	Recording Dedications.....	IV-40
11.45.120	Reservations.....	IV-41
Chapter 11.46	Improvements	IV-42
11.46.010	Purpose.....	IV-42
11.46.020	General Provisions.....	IV-42
11.46.030	Improvements Required	IV-42

11.46.040	Improvement Plans.....	V-47
11.46.050	Improvement Agreements.....	IV-47
11.46.060	Deferred Improvement Agreements	IV-47
11.46.070	Improvement Security.....	IV-47
11.46.080	Construction Inspection	IV-49
11.46.090	Acceptance of Improvements.....	IV-49
Chapter 11.47	Amendments and Enforcement.....	IV-51
11.47.010	Correction and Amendment of Maps	IV-51
11.47.020	Enforcement and Judicial Review	IV-53
Chapter 11.48	Reserved	IV-56
Chapter 11.49	Reserved	IV-56
Chapter 11.50	Reserved	IV-56
Chapter 11.51	Reserved	IV-56

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Chapter 11.39 General Provisions

Sections:

11.39.010	Citation and Authority
11.39.020	Purpose
11.39.030	Applicability
11.39.040	Exemptions
11.39.050	Application and Review Procedures
11.39.060	Maps Required
11.39.070	Condominiums; Community Apartment Project, Stock Cooperative Project; Three-Dimensional Portions

11.39.010 Citation and Authority

Division IV of this Code shall be known and cited as the “Subdivision Ordinance of Yuba County” and will be referred to herein as “the Subdivision Ordinance” or “this division.”

Authority for this division is found in Title 7, Division 2 of the California Government Code, commencing with Section 66410, hereinafter referred to as the “Subdivision Map Act,” as may be amended from time to time.

11.39.020 Purpose

The purpose of this division is to regulate the division of land within Yuba County. The provisions of this division implement and supplement the requirements of the Subdivision Map Act concerning the design and improvement of subdivisions and regulating other divisions of land within the County, including the form and content of all maps and the procedure to be followed in securing official approval. It is also the purpose of this division to ensure that the design and improvements of subdivisions are consistent with and promote the goals and policies of the General Plan. In order to protect and preserve public health, safety and general welfare and promote orderly growth and development, the provisions of this division are more specifically intended to:

- A. Protect and enhance property values;
- B. Ensure that new developments are served by adequate infrastructure, facilities, and services; and
- C. Provide for the future development of adjacent properties.

11.39.030 Applicability

The regulations set forth in this division apply to all parts of subdivisions within Yuba County and to the preparation of subdivision maps and to other maps provided for by the Subdivision Map Act. Each subdivision and each part thereof lying within the County shall be made and each map shall be prepared and presented for approval as provided for and required by this division. Areas that fall within the FP Overlay District shall comply with the provisions of Chapter 11.14 and Chapter 10.30

11.39.040 Exemptions

This division shall not apply to any projects or uses listed as Exclusions in Section 66412 et seq. of the Subdivision Map Act.

11.39.050 Application and Review Procedures

- A. **Application.** Any person who proposes to subdivide land regulated by this division shall first file an application with the Planning Department on the prescribed application forms in accordance with the application procedures in Chapter 11.53, Common Procedures.
- B. **Environmental Review.** Actions and projects governed by the provisions of this division shall be subject to Chapter 11.54, Environmental Review and any other guidelines and regulations that the County has adopted for the preparation and consideration of Initial Studies, Negative Declarations, and Environmental Impact Reports in compliance with the California Environmental Quality Act (State Public Resources Code Sec. 21000 et seq.) and the State CEQA Guidelines (California Code of Regulations, Sec. 15000 et seq.).
- C. **Notification Procedures.**
 - 1. Whenever this division requires a public hearing, notification shall be provided and the hearing shall be conducted in compliance with the provisions for public notice and hearings in Section 11.53.050, Notice of Public Hearings.
 - 2. If the proposed subdivision is a conversion of residential real property to a condominium project, community apartment project, or stock cooperative project, in addition to the notification required by Section 11.53.050, Notice of Public Hearings, notice shall be given by United States mail to each tenant of the subject property, and shall include notification of the tenant's right to appear and be heard.
- D. **Appeals.** Decisions that are subject to appeal under the Subdivision Map Act or the provisions of this Code shall be filed and processed in compliance with the procedures for appeals and calls for review in Section 11.53.150, Appeals and Calls for Review.

11.39.060 Maps Required

The provisions of this section shall determine the need for tentative subdivision or vesting tentative maps, final maps, tentative parcel maps, and parcel maps.

- A. **Tentative Subdivision and Final Maps.** A tentative subdivision map 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 the conversion of a dwelling to a stock cooperative containing five or more dwelling units, except where one of the following occurs:
 - 1. The land before division contains less 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 legislative body.
 - 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.
 - 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.
 - 4. Each parcel created by the division has a gross area of not less than 40 acres or is not less than a quarter of a quarter section.

5. The land being subdivided is solely for the creation of an environmental subdivision pursuant to Section 66418.2 of the Subdivision Map Act.

A tentative and parcel map shall be required for those subdivisions described in subsections (1) through (5).

- B. **Tentative Parcel and Parcel Maps.** A tentative parcel map and parcel map shall be required for all divisions of land into four or fewer parcels, as well as for divisions of land into five or more parcels described in Subsections (1) through (5) of Subsection A, Tentative Subdivision and Final Maps, above, except that a tentative parcel map and parcel map shall not be required for the following:

1. **Right-of-Way Subdivisions.** Subdivisions of a portion of the operating right-of-way of a railroad corporation, defined by Section 230 of the Public Utilities Code that are created by short-term leases terminable by either party on not more than 30 days' notice in writing.
2. **Conveyances.** Land conveyed to or from a governmental agency, public entity, public utility, or a subsidiary of a public utility for conveyance to that public utility for rights-of-way, unless a showing is made in individual cases, upon substantial evidence, that public policy necessitates a parcel map. For purposes of this section, land conveyed to or from a governmental agency shall include a fee interest, a leasehold interest, an easement, or a license.
3. **Lot Line Adjustments.** Lot line adjustments that meet the requirements of Section 11.43.040, Lot Line Adjustments.
4. **Required Dedication.** A division of land into four or fewer parcels for the purpose of dedication of land to a governmental agency, public entity or public utility pursuant to a requirement the County has imposed as a condition of approval of a development project.

- C. **Waiver of Preparation of Parcel Maps.**

1. The Development Review Committee may, upon written request of the applicant, waive or conditionally waive the filing of a parcel map provided that it specifically makes a finding that the proposed subdivision complies with requirements of the Subdivision Map Act and this division as to area, improvement and design, flood water drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection, and other requirements of the Subdivision Map Act or this division.
2. The applicant shall submit a tentative map with the request for waiver.
3. No waiver of preparation of a parcel map is valid unless the applicant records, within 60 days of approval of the waiver, a certificate on a form provided by the Community Development and Services Agency. On the form, the applicant shall provide a legal description that indicates the boundaries of the parcels and all conditions of approval.

- D. **Conveyances to Governmental Agencies, Public Entities or Public Utilities for Rights-Of-Way; Computing Number of Parcels.** 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-of-way shall not be considered a division of land for purposes of computing the number of parcels as further defined in Section 66426.5 of the Subdivision Map Act. For purposes of this section, any conveyance of land to a governmental agency shall include a fee interest, a leasehold interest, an easement, or a license as referenced in Section 66428(a)(2) of the Subdivision Map Act.

11.39.070 Condominiums; Community Apartment Project, Stock Cooperative Project; Three-Dimensional Portions

- A. A map of a condominium project, a community apartment project, or of the conversion of five or more existing dwelling units to a stock cooperative project need not show the buildings nor the manner in which the buildings or the airspace above the property shown on the map are to be divided, nor shall the governing body have the right to refuse approval of a tentative map, parcel map, or final map of the project on account of the design or the location of buildings on the property shown on the map that are not violative of this Code or on account of the manner in which airspace is to be divided in conveying the condominium.
- B. A map need not include a condominium plan or plans, as defined in Civil Code Section 1351(e), and the Board of Supervisors may not refuse approval of a tentative map, parcel map, or final map of the project on account of the absence of a condominium plan.
- C. Fees and lot design requirements shall be computed and imposed with respect to those maps on the basis of parcels or lots of the surface of the land shown thereon as included in the project.
- D. Nothing herein shall be deemed to limit the power of the Board of Supervisors or delegated governing body to regulate the design or location of buildings in a project pursuant to the standards of this Code.
- E. If the governing body has approved a parcel map or final map for the establishment of condominiums on property pursuant to the requirements of this division, the separation of a three-dimensional portion or portions of the property from the remainder of the property or the division of that three-dimensional portion or portions into condominiums shall not constitute a further subdivision as defined in Section 66424 of the Subdivision Map Act, provided each of the following conditions has been satisfied:
 - 1. The total number of condominiums established is not increased above the number authorized by the County in approving the parcel map or final map.
 - 2. A perpetual estate or an estate for years in the remainder of the property is held by the condominium owners in undivided interests in common, or by an association as defined in Civil Code Section 1351(a), and the duration of the estate in the remainder of the property is the same as the duration of the estate in the condominiums.
 - 3. The three-dimensional portion or portions of property are described on a condominium plan or plans, as defined in Civil Code Section 1351(e).

Chapter 11.40 Tentative Maps

Sections:

11.40.010	General
11.40.020	Form and Contents
11.40.030	Review and Referral
11.40.040	Action on the Tentative Map
11.40.050	Expiration and Extensions
11.40.060	Amendments to Approved Tentative Maps

11.40.010 General

The form and contents, submittal and approval of tentative maps shall be governed by the provisions of this chapter. The term “tentative map” shall encompass both tentative parcel maps and tentative subdivision maps. Tentative Maps for areas that fall within the FP Overlay District shall comply with the provisions of Chapter 11.14 and Chapter 10.30.

11.40.020 Form and Contents

Applications for tentative maps shall be filed with the Planning Department on the prescribed application forms in accordance with the application procedures in Chapter 11.53, Common Procedures. In addition, the tentative map shall be clearly and legibly drawn on sheets of 18 x 26 inches, using an engineer's scale in all cases. A marginal line shall be drawn around each sheet leaving a blank margin of one inch.

11.40.030 Review and Referral

- A. **Determination of Complete Application.** The Planning Director shall determine whether the application is complete within 30 days after receipt of the application and shall notify the applicant of its determination in writing. The tentative map application shall be accepted for filing only when the Planning Director determines that:
1. All maps and information required by this division and the Subdivision Map Act have been submitted, checked, and accepted as complete;
 2. All information required to conduct environmental review in compliance with the California Environmental Quality Act, and the County’s environmental review regulations (Chapter 11.54, Environmental Review) has been submitted;
 3. The required fees and deposits have been paid.
- B. **Referral.** The Planning Department may transmit copies of the application, the tentative map and any accompanying data to other departments of the County, other public agencies or interested persons for review and comment. Section 66453 et seq. of the Subdivision Map Act shall be complied with as required therein.
- C. **Public Hearing.** Upon determining that an application for a tentative map is complete, the Planning Director shall schedule the proposed map for review and public hearing and shall provide notice of the public hearing according to the requirements of Section 11.53.050, Notice of Public Hearings.

- D. **Report or Recommendation.** Any report or recommendation on a tentative map by the staff of the County to the Development Review Committee, Planning Commission or Board of Supervisors shall be in writing, and a copy thereof shall be served upon the applicant at least three days prior to any hearing or action on such map by the governing body.

11.40.040 Action on the Tentative Map

- A. **Final Date of Filing.** The application is not to be considered filed for purposes of Subsection 11.40.040(B), Action Required, below, until a certificate of exemption from environmental review or a negative declaration is approved and adopted or, if an environmental impact report is required, the EIR is finally approved and adopted and these documents are filed as required by law. The governing body may review the application prior to filing but may not take final action until filing is completed.
- B. **Action Required.** Within 50 days after the date upon which the application is deemed finally filed, unless the applicant and the Planning Director agree to extend said time period, the governing body shall approve, conditionally approve or disapprove a tentative parcel map by a majority vote of the Committee. The Planning Director shall supply the applicant with a written statement of the action taken by the Committee.
- C. **Basis for Action.** The approval, conditional approval, or denial of a tentative map shall be based on the ordinances, policies, and standards in effect on the date of notification to the developer of the determination that the application is complete. If the County has initiated formal proceedings and published notice of an ordinance or resolution amending ordinances, policies, and standards applicable to the developer's project prior to acceptance of a complete application, the amended ordinances, policies, and standards in effect on the date of complete application shall apply.
- D. **When Deemed Approved.** If no action is taken by the Development Review Committee (in the case of a tentative parcel map) or the Planning Commission (in the case of a tentative subdivision map) within the time limit as specified, and all other State and County requirements have been met, including but not limited to the California Environmental Quality Act, the tentative map application shall be deemed to be approved if it complies with other applicable provisions of the Subdivision Map Act, this division, other County ordinances, and the General Plan, and it shall be the duty of the County Clerk to certify the approval. The appeal period to the Board of Supervisors shall begin on the date of such certification.
- E. **Required Findings for Approval.** The Development Review Committee (in the case of a tentative parcel map) or the Planning Commission (in the case of a tentative subdivision map) may approve or conditionally approve a tentative map only if it makes all of the following findings:
1. **Consistency.** The proposed subdivision, together with the provisions for its design and improvement, is consistent with the General Plan, any applicable specific plan, the Development Code, and other applicable provisions of the County Code. A proposed subdivision shall be considered consistent with the General Plan or a specific plan only when the proposed subdivision or land use is compatible with the objectives, policies, general land uses, and programs specified in such a plan.
 2. **Passive and Natural Heating and Cooling.** The design of the subdivision shall provide, to the extent feasible, for future passive and natural heating and cooling features in accordance with Section 66473.1 of the Subdivision Map Act.

3. **Availability of Water.** Water will be available and sufficient to serve a proposed subdivision with more than 500 dwelling units in accordance with Section 66473.7 of the Subdivision Map Act.
- F. **Basis for Denial.** The Development Review Committee or Planning Commission shall deny approval of a tentative map if it makes any of the following findings:
1. The proposed map is not consistent with the General Plan, any applicable specific plans, or any applicable provision of this division.
 2. The design or improvement of the proposed subdivision is not consistent with the General Plan or any applicable specific plans or adopted policies of the County.
 3. The site is not physically suitable for the type of development proposed.
 4. The site is not physically suitable for the proposed density of development.
 5. 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. The design of the subdivision or the type of improvements are likely to cause serious public health problems.
 7. 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 Development Review Committee or Planning Commission 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 easements 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 the Development Review Committee or Planning Commission to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.
 8. Either the resulting parcels following a subdivision of the land would be too small to sustain their agricultural use or the subdivision will result in residential development not incidental to the commercial agricultural use of the land, according to the specific provisions of Section 66474.4 of the Subdivision Map Act.
 9. The waste discharge into the sewer system from the proposed subdivision would add to, or result in, violations of requirements imposed by the Central Valley Regional Water Quality Control Board.
 10. The proposed subdivision is to be fronted upon a public waterway, lake or reservoir, river or stream that does not provide, or have available, reasonable public access by fee or easement from a public highway to that portion of the bank of the river or stream bordering or lying within the proposed subdivision. The governing body shall initially determine whether the proposed subdivision provides for reasonable public access, and in making that determination, shall consider all of the factors and criteria contained in Sections 66478.4, 66478.5, and 66478.12 of the Subdivision Map Act.

11. The project does not make use of public sewage and water facilities when available. Construction of on or off-site facilities or removal of existing facilities relating to water or sewage may be made a condition of approval. Availability shall be determined by the governing body considering:
 - a. Rational engineering design and reasonable cost of the proposed system.
 - b. Policy of the public agency providing public sewage or water facilities.
 - c. Such other information deemed necessary by the governing body to reach a conclusion as to availability of public sewage or water facilities.
12. Any other finding requiring disapproval of a tentative map as set out in Section 66474 et seq. of the Subdivision Map Act.

G. **Conditions of Approval.** In approving an application for a tentative map, the Development Review Committee or Planning Commission may impose any conditions necessary to make the required findings for approval of Subsections (E) and to meet the requirements of this ordinance.

1. **Conditions Generally.** Conditions may include a condition prohibiting further subdivision of any units on any grounds consistent with the protection of the public health, safety and welfare, based upon written findings of fact.
2. **Tentative Parcel Maps.**
 - a. The Development Review Committee may require, as conditions of approval of a tentative parcel map, dedications of rights-of-way, easements, and the construction of reasonable off-site and on-site improvements for the parcels being created.
 - b. The Development Review Committee shall have the power to make findings as set out in Section 66411.1 of the Subdivision Map Act to require the fulfillment of construction requirements within a reasonable time following approval of the parcel map and prior to the issuance of a permit or other grant of approval for the development of a parcel.
 - c. At the option and discretion of the Public Works Director, the County will accept any of the forms of security provided for in Section 66499 of the Subdivision Map Act.
3. **Tentative Subdivision Maps.** The decision-making authority may require, as conditions of approval of tentative subdivision maps, all conditions, dedications or improvements which may be required by local ordinance under the Subdivision Map Act, together with the payment of fees in lieu thereof, and subject to all conditions as set forth in the Subdivision Map Act. The decision-making authority may require any conditions necessary to bring the project into conformance with all local ordinances and standards as set forth by resolution or ordinance of the Board of Supervisors including a provision permitting County enforcement of any required conditions, restrictions or agreements.
4. **Enforcement.** Any condition, when appropriate for enforcement, may be required to be placed in all deeds of units shown on the map as a restriction on the land conveyed.

11.40.050 Expiration and Extensions

- A. **Expiration.** The approval or conditional approval of a tentative map shall expire 36 months from the date the map was approved or conditionally approved.

1. The period of time specified shall not include any period of time during which a development moratorium is in effect according to Section 66452.6(b) of the Subdivision Map Act.
 2. The period of time specified above shall not include any period of time during which a lawsuit has been filed and is pending in a court of competent jurisdiction involving the approval or conditional approval of a tentative map only if a stay of the time period is approved by the Board of Supervisors. Within 10 days of the service of the initial petition or complaint upon the County, the subdivider shall, in writing, to the CDSA Director, request a stay in the time period of the tentative map. Within 40 days after receiving the request, the Board of Supervisors shall either stay the time period for up to five years or deny the requested stay. The request for the stay shall be a hearing with notice to the subdivider and to the appellant/petitioner and upon conclusion of the hearing, the Board of Supervisors shall, within 10 days, declare its findings.
- B. **Extension.** A tentative map may be eligible for an extension of time pursuant to Section 66452.6 of the Subdivision Map Act.
1. ***Automatic Extensions.*** Any extensions as provided for by the California State Legislature shall automatically be applied to the expiration date of an approved tentative map.
 - a. If the subdivider is required to expend funds (amount as set forth in the Subdivision Map Act) 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 that abut the boundary of the property to be subdivided and that are reasonably related to the development of that property, each filing of a final map authorized by Section 66456.1 of the Subdivision Map Act shall extend the expiration of the approved or conditionally approved tentative map by 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 10 years from its approval or conditional approval. However, a tentative map on property subject to a development agreement authorized by Government Code Section 65864 et seq. 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 by the Development Review Committee at the time of the approval or conditional approval of the tentative map.
 - b. "Public improvements," as used in this Subsection, include traffic controls, streets, roads, highways, freeways, bridges, overcrossings, street interchanges, flood control or storm drain facilities, sewer facilities, water facilities, and lighting facilities.
 2. ***Discretionary Extensions.*** A tentative map may be eligible for an extension of time provided that a complete application form is received by the Planning Department prior to the expiration date of the approved or conditionally approved tentative map.
 - a. Upon timely filing of an application for an extension of time, the tentative map shall automatically be extended for 60 days or until the application for the extension is approved, conditionally approved, or denied by the Development Review Committee at a public hearing, whichever occurs first.
 - b. The Development Review Committee may extend the original expiration date of a tentative map for a period up to 24 months. In no case shall the parcel map approval exceed a total of five years from the date the tentative map was originally approved,

except for those time extensions provided by Section 66452.6 of the Subdivision Map Act. Prior to approving an extension, the Development Review Committee shall make a determination that:

- i. The tentative map is still consistent with the General Plan and any adopted community plan or specific plan.
- ii. The subdivider has demonstrated that the project has been pursued in a timely manner, which shall include proof of submittal of improvement plans for the project or any other items that demonstrate progress.
- c. If the Development Review Committee denies approval of an extension, the subdivider may appeal such denial in writing to the Board of Supervisors, pursuant to Section 2.25.040 of the County Code, within 10 calendar days of the denial.

- C. **Termination of Proceedings.** The expiration of the approved or conditionally approved tentative map shall terminate all proceedings and no final map or final parcel map of all or any portion of the real property included within the tentative map shall be filed with the Yuba County Recorder without first processing an application for a new tentative map.

11.40.060 Amendments to Approved Tentative Maps

Amendments to tentative maps may be made in accordance with Section 11.47.010, Correction and Amendment of Maps. A public hearing may be required.

Chapter 11.41 Parcel and Final Maps

Sections:

11.41.010	General
11.41.020	Final Maps—Submittal by Units
11.41.030	Survey Required
11.41.040	Form and Contents of Maps
11.41.050	Required Approval; Final Map
11.41.060	Certificates
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11.41.090	Required Signatures/Certificates
11.41.100	Filing with County Recorder
11.41.110	Correction or Amendment

11.41.010 General

After the approval or conditional approval of a tentative map and prior to the expiration of the tentative map, the subdivider may cause the real property included within the tentative map to be surveyed and a final map or parcel map prepared in accordance with the approved or conditionally approved tentative map.

The form, contents, accompanying data, and filing of final maps and parcel maps shall be governed by the provisions of this chapter. Final maps and parcel maps shall be prepared by or under the direction of a person registered as a civil engineer prior to January 1, 1982 or a licensed land surveyor. Parcel maps for areas that fall within the FP Overlay District shall comply with the provisions of Chapter 11.14 and Chapter 10.30.

11.41.020 Final Maps—Submittal by Units

- A. Multiple final maps relating to an approved or conditionally approved tentative subdivision map may be filed prior to the expiration of the tentative map if the subdivider, at the time the tentative subdivision map is filed, informs the Development Review Committee in writing of the subdivider's intention to file multiple final maps on the tentative subdivision map, or if after the filing of the tentative subdivision map, the subdivider and Development Review Committee concur in the filing of multiple final maps. In providing the notice, the subdivider shall not be required to define the number or configuration of the proposed multiple maps.
- B. The decision-making authority shall approve the sequence of map approvals. The filing of a final map on a portion of an approved or conditionally approved tentative subdivision map shall not invalidate any part of the tentative map. Each final map that constitutes a part, or unit, or the approved or conditionally approved tentative subdivision map shall have a separate subdivision number. The public improvement agreement executed by the subdivider shall provide for the construction of improvements as required to constitute a logical and orderly development of the whole subdivision.

11.41.030 Survey Required

An accurate and complete survey of the land to be subdivided shall be made by a qualified person registered as a civil engineer prior to January 1, 1982 or a licensed land surveyor. All monuments, property lines, centerlines of streets, alleys, and easements adjoining or within the subdivision shall be tied into the survey. The allowable

error of closure on any portion of the final map shall not exceed 1/1,000 for field closures and 1/10,000 for calculated closures.

11.41.040 Form and Contents of Maps

- A. **Preparation.** The final map or parcel map shall be prepared by or under the direction of a person registered as a civil engineer prior to January 1, 1982 or a licensed land surveyor.
- B. **General.** The form and contents of maps shall be as required by the County Surveyor. In addition, final maps shall be prepared in conformance with Section 66433 et seq. of the Subdivision Map Act, and parcel maps shall be prepared in conformance with Section 66444 et seq. of the Subdivision Map Act.
- C. **Title and Designation of Maps.**
1. All subdivisions shall be designated by number in the following manner:
 - a. *Final Maps.* The tentative and final maps shall be entitled "Tract No. _____, Yuba County, California, being a subdivision of (here set forth the legal description or other sufficient description to show boundaries and location of the tract)," the section(s), township(s) and range(s) or rancho.
 - b. *Parcel Maps.* The parcel map shall be entitled "Parcel Map No. _____(No.), Yuba County, California being a subdivision of (here set forth the legal description or other sufficient description to show boundaries and location),"including the section(s), township(s) and range or rancho.
 - c. It shall be permissible to use either words or figures in designating the tract number.
 - d. At the discretion of the developer, a final map may also have a name, but it shall be subordinate to the assigned number.
 2. It shall be the duty of the County Surveyor to furnish any subdivider (including a subdivision within the boundaries of any municipality) with the next unallocated consecutive number for the purpose of this section.
 - a. In the event the final map or parcel map covers only a portion of the subdivision delineated upon the tentative map, the remaining portion will, when covered by a final map or parcel map, bear the next available number as furnished by the County Surveyor.
 - b. When a number has been assigned to a tentative map and the subdivider fails to file a final map or parcel map thereof, such number shall not be assigned to any other map.
- D. **Monuments.** The location and description of all existing and proposed monuments shall be shown. All monuments set shall be of the type and character as outlined in Section 66495 of the Subdivision Map Act and the Yuba County Improvement Standards. The final map or parcel map shall be monumented in the following manner:
1. All tract maps shall have all lot corners monumented except where such boundary line lies on meander line, and in that case, reference monuments shall be set.
 2. All street centerlines shall be monumented at points of street intersections, radius points of cul-de-sacs, and at the beginning and end termination of street centerline curves. Any deviation from the street monuments described herein shall not be permitted unless prior approval is

obtained from the County Surveyor. The County Surveyor may permit such deviation for good cause. Interior monuments may be set after the filing of the final map in conformance with Section 66496 of the Subdivision Map Act.

11.41.050 Required Approval; Final Map

After all required certificates on the final map are signed and, where necessary, acknowledged, the final map conforming to the approved or conditionally approved tentative map may be filed for approval of the County Surveyor.

- A. The County Surveyor shall notify the Board of Supervisors at its next regular meeting after the County Surveyor receives the map that the County Surveyor is reviewing the map for final approval.
- B. The Clerk of the Board of Supervisors shall provide notice of any pending approval or disapproval by the County Surveyor, which notice shall be attached and posted with the Board of Supervisors' regular agenda and shall be mailed to interested parties who request notice.
- C. The County Surveyor shall approve or disapprove the final map within ten days following the meeting of the Board of Supervisors.

The Board of Supervisors shall periodically review the delegation of final map approval authority provided herein to the County Surveyor.

11.41.060 Certificates

All certificates required by the Subdivision Map Act shall be included in proper form and appropriately signed or acknowledged. In addition, in the case of a parcel map, there shall be a certificate signed by the County Surveyor acknowledging that the parcel map is in substantial compliance with the approved or conditionally approved tentative map.

11.41.070 Acceptance of Dedications

- A. With respect to parcel maps and final maps, the County Surveyor may accept or reject dedications and offers of dedication that are made by a statement on the face of the map or by separate instrument.
- B. Except as provided in Subsection (A) above, at the time the Board of Supervisors approves the final map, it shall also accept, accept subject to improvement, or reject any offer of dedication and the Clerk shall certify on the map the action taken by the Board of Supervisors.

11.41.080 Security Agreement; Bond

If, at the time of approval of the final map or parcel map, any required improvements have not been completed and accepted, the Public Works Director shall require the subdivider to enter into an agreement to thereafter complete the improvements at the subdivider's expense or an agreement to initiate and consummate proceedings under an appropriate special assessment act for the financing and completion of such improvements, provided that the latter agreement stipulates that if the improvements are not completed under the special assessment act, the subdivider must agree to complete them at the subdivider's expense. Subdivider shall provide County adequate security pursuant to Section 11.46.070 and the Subdivision Map Act prior to approval of the final map or parcel map.

11.41.090 Required Signatures/Certificates

- A. No final map or parcel map that creates a subdivision shall be filed with the County without the written consent of all parties having any record title interest in the real property proposed to be subdivided, except as otherwise provided in accordance with the provisions of Government Code Section 66436, or any other provision of the Subdivision Map Act or this division.
- B. Pursuant to Section 66435.1 of the Subdivision Map Act, certificates required for final maps by Sections 66436 and 66443 of the Map Act may be made either on the face of the map or by separate instrument to be recorded concurrently with the required map.
- C. Certificates required for parcel maps by Sections 66447 of the Map Act may be made either on the face of the map or by separate instrument to be recorded concurrently with the required map.

11.41.100 Filing with County Recorder

- A. After the approval by the County of a final map or parcel map of a subdivision, the map shall be transmitted to the County Recorder. When all certificates and security required under the provisions of the Subdivision Map Act or by local regulations have been filed and deposited with the Clerk of the Board of Supervisors (or other County office as designated by the Board of Supervisors) the County Surveyor shall certify that the certificates have been filed and deposits have been made and shall transmit the final map to the County Recorder. In the case of a parcel map, the map shall be certified as complete and transmitted to the County Recorder by the County Surveyor.
- B. If the subdivider dedicates property to the County, the County Surveyor or Clerk of the Board of Supervisors shall also prepare or cause to be prepared and forward for recording a certificate concerning the dedication as provided in Section 66477.5 of the Subdivision Map Act. Said statement shall either be on the face of the map or by separate instrument recorded concurrently with the map,
- C. The subdivider shall present to the County Recorder evidence that the parties consenting to the filing are all of the parties having a record title interest in the real property being subdivided whose signatures are required by this division or the Subdivision Map Act, as shown by the records in the office of the Recorder, or the map shall not be filed.
- D. The County Recorder shall have 10 days within which to examine a final map or parcel map and either reject or accept it for filing. If the County Recorder accepts the map for filing, the acceptance shall be certified on the face of the map. The map shall then be filed as provided in the Subdivision Map Act and other provisions of law.
- E. The filing and recording of a final map or parcel map by the County Recorder shall automatically and finally determine the validity of the map and, when recorded, shall impart constructive notice thereof, subject only to the provisions in the Subdivision Map Act for filing a certificate of correction or an amending map as provided by Section 11.47.010, Correction and Amendment of Maps.

11.41.110 Correction or Amendment

Corrections and amendments to final maps and parcel maps may be made in accordance with Section 11.47.010, Correction and Amendment of Maps. A public hearing may be required.

Chapter 11.42 Vesting Tentative Maps

Sections:

11.42.010	Purpose
11.42.020	Scope; Applicability; Consistency
11.42.030	Procedures
11.42.040	Vesting on Approval
11.42.050	Expiration

11.42.010 Purpose

It is the purpose of this chapter to establish procedures necessary for the implementation of Section 66498.1 of the Subdivision Map Act, and to supplement the provisions of the Subdivision Map Act and this division regarding vesting tentative maps.

11.42.020 Scope; Applicability; Consistency

A. Vesting Tentative Map—Right to File.

1. This chapter shall apply only to residential developments. Whenever a provision of the Subdivision Map Act, as implemented and supplemented by this division, requires the filing of a tentative map, a vesting tentative map may instead be filed, in accordance with the provisions of this chapter.
2. If a subdivider does not seek the rights conferred by a vesting tentative map, the filing of a vesting tentative map shall not be a prerequisite to any approval for any proposed subdivision, permit for construction, or work preparatory to construction.

B. **General Plan Consistency.** No land shall be subdivided and developed pursuant to a vesting tentative map for any purpose that is inconsistent with the General Plan and any applicable specific plan.

C. **Development Code Consistency.** No land shall be subdivided and developed pursuant to a vesting tentative map in such a way that is not permitted by the Development Code (this Code), except as provided in Subsection 11.42.030(D), Development Inconsistent with Zoning, of this chapter, or as authorized by a variance, waiver, or other permit under this Code.

D. **Subdivision Ordinance Applicability.** Except as otherwise set forth in the provisions of this chapter, the provisions of the Subdivision Ordinance (this division) shall apply to vesting tentative maps.

11.42.030 Procedures

A. **Filing and Processing.** A vesting tentative map shall be filed in the same form and have the same contents, accompanying data and reports, and shall be processed in the same manner as set forth in this division for a tentative map except as hereinafter provided. At the time a vesting tentative map is filed, it shall have printed conspicuously on its face the words “Vesting Tentative Map” and be accompanied by the following information:

1. Height, size and location of building(s).
2. Provide information on the proposed use of the building(s).
3. Sewer, water, storm drain and road details.

4. Detailed grading plans.
 5. Geological studies.
 6. Flood control information as required by the Department of Public Works.
 7. Architectural plans as required by the Planning Department.
 8. Any other studies deemed required by the Planning Department.
- B. **Other Discretionary Approvals.** A subdivider shall obtain all discretionary approvals that will be required under this Code in conjunction with the approval or conditional approval of the vesting tentative map in order to construct the development including, but not limited to, general plan amendments, zoning changes, conditional use permits, variances, and design review. An application for a vesting tentative map shall be determined to be incomplete if other required discretionary permit applications have not been submitted at the same time.
- C. **Fees and Charges.**
1. Upon filing a vesting tentative map, the subdivider shall pay fees and charges required by ordinance or resolution for the filing and processing of a tentative subdivision map, or tentative parcel map, according to the type of subdivision.
 2. Subject to the terms and conditions of any development agreement between the County and subdivider, the amount of any fee or charge imposed by the County as a condition of approval of a vesting tentative map shall be the amount of such fee or charge in effect at the time the fee or charge is required to be paid, and shall not be the amount of such fee or charge in effect on the date of vesting of the vesting tentative map.
 3. The provisions of Subsection (2) above shall be made a condition of approval of each vesting tentative map.
- D. **Development Inconsistent with Zoning (Effect of Inconsistent Zoning on Vesting Tentative Maps).** Whenever a subdivider files a vesting tentative map for a subdivision whose proposed development is inconsistent with this Code in existence at the time of filing, such inconsistency shall be noted on the map. The County may deny such a vesting tentative map or approve it conditioned on the subdivider, or his or her designee, obtaining the necessary amendment to the Development Code to eliminate the inconsistency. If the amendment to the Development Code is obtained, the approved or conditionally approved vesting tentative map shall confer the vested right to proceed with the development in substantial compliance with the change in the Development Code and the vesting tentative map, as approved.

11.42.040 Vesting on Approval

- A. The approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with the development in substantial compliance with the ordinances, policies, and standards in effect at the date the application is deemed to be complete, or according to the provisions of Section 66474.2 of the Subdivision Map Act. However, if Section 66474.2 is repealed, the approval or conditional approval of a vesting tentative map shall convert a vested right to proceed with development in substantial compliance with the ordinances, policies and standards in effect at the time the vesting tentative map is approved or conditionally approved.
- B. Notwithstanding Subsection (A), a permit approval extension or entitlement may be made conditional or denied if any of the following are determined:

1. A failure to do so would place the residents of the subdivision or the immediate community, or both, in a condition dangerous to their health or safety.
 2. The condition or denial is required in order to comply with both State and federal law.
- C. The rights referred to herein shall expire if a final map is not approved prior to the expiration of the vesting tentative map as provided in Section 11.42.050, Expiration. If the final map is approved, these rights shall last for the following periods of time:
1. An initial time period of two years. Where several final maps are recorded on various phases of a project covered by a single vesting tentative map, this initial time period shall begin for each phase when the final map for that phase is recorded.
 2. The initial time set forth above shall be automatically extended by any time used by the County for processing a complete application for a grading permit or for design or architectural review, if such processing exceeds 30 days, from the date a complete application is filed.
 3. A subdivider may apply for a one-year extension at any time before the initial time period set forth expires. If the extension is denied, the subdivider may appeal that denial to the Board of Supervisors within 15 days.
 4. If the subdivider submits a complete application for a building permit during the periods of time specified in paragraphs (1) through (3), the rights referred to herein shall continue until the expiration of that permit or any extension of that permit.

11.42.050 Expiration

The approval or conditional 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 division for the expiration of the approval or conditional approval of a tentative subdivision map or tentative parcel map, respectively.

Chapter 11.43 Reversions, Mergers, Resubdivisions, and Lot Line Adjustments

Sections:

11.43.010	Reversions to Acreage
11.43.020	Parcel Mergers
11.43.030	Mergers and Resubdivisions
11.43.040	Lot Line Adjustments

11.43.010 Reversions to Acreage

- A. **Purpose.** This section establishes procedures and standards, consistent with the requirements of Section 66499.11 et seq. of the Subdivision Map Act, for the reversion of previously subdivided property to acreage.
- B. **Initiation of Proceedings.** Proceedings to revert subdivided property to acreage may be initiated by the Board of Supervisors or by petition of all of the owners of record of the property. The petition shall be in a form prescribed by the CDSA Director and shall contain information deemed necessary to comply with the requirements of the Subdivision Map Act.
- C. **Contents of Petition.** The petition shall contain all of the following:
1. Evidence of title to the real property within the subdivision;
 2. Evidence sufficient to permit the Development Review Committee or Planning Commission to make all of the findings required by Section 11.43.010(E);
 3. A final map or parcel map in the form required by this division, which delineates dedications that will not be vacated and dedications required as a condition to reversion. Final maps or parcel maps shall be conspicuously designated with the title, "The Purpose of this Map is a Reversion to Acreage";
 4. Fees as required by the County toward processing and plan checking costs in accordance with Title 13 of the County Code; and
 5. Any other information the Community Development and Services Agency may require.
- D. **Hearing.** A duly-noticed public hearing shall be held by the Development Review Committee if the reversion is to be by a parcel map or by the Planning Commission if the reversion is to be by final map. Any decision of the Development Review Committee or Planning Commission may be appealed to the Board of Supervisors by any interested person as outlined in Section 11.53.150 Appeals and Calls for Review. The decision of the Board of Supervisors on appeal shall be final and conclusive.
- E. **Required Findings.** The Development Review Committee or Planning Commission may approve a reversion to acreage only if it finds that dedications or offers of dedication to be vacated or abandoned by the reversion to acreage are unnecessary for present or prospective public purposes and that:
1. All owners of an interest in the real property within the subdivision have consented to reversion; or
 2. None of the improvements required to be made have been made within two years from the date the final map or parcel map was filed for recording, or within the time allowed by agreement for completion of the improvements, whichever is later; or

3. No lots shown on the final map or parcel map were sold within five years from the date such map was filed for recording.
- F. **Conditions.** The Development Review Committee or Planning Commission shall require as conditions of the reversion that:
1. The owners dedicate or offer to dedicate streets, public rights-of-way or easements;
 2. The retention of all or a portion of previously paid subdivision fees, deposits or improvement securities if necessary to accomplish the purposes of this section; and
 3. Such other conditions as are necessary to accomplish the purposes of this section or necessary to protect the public health, safety, or welfare.
- G. **Filing with County Recorder.** Upon approval of the reversion to acreage, the final map or parcel map for reversion shall be submitted to the County Surveyor for review and certification pursuant to the Subdivision Map Act. Once the County Surveyor certifies the final map or parcel map for reversion, he or she shall deliver it to the County Recorder for filing. Reversions shall be effective when the final map or parcel map is filed with the County Recorder.

11.43.020 Parcel Mergers

- A. **Purpose.** This section establishes procedures and standards, consistent with the requirements of the Subdivision Map Act, for the merger of contiguous parcels of land that were created under the provisions of the Subdivision Map Act or any prior State law regulating the division of land.
- B. **Requirements for Parcel Merger, County-Initiated.** Pursuant to the Subdivision Map Act and the requirements of this section, the County may initiate the merger of two or more contiguous parcels or units held by the same owner if any one of the contiguous parcels or units does not conform to the standards for minimum parcel size established by this Code, and if all the requirements of Article 1.5, Merger of Parcels, of the Subdivision Map Act are satisfied.
- C. **Requirements for Parcel Merger, Applicant-Initiated.** Requirements for Parcel Merger, applicant-initiated. Property owner(s) may request and initiate proceedings for the merger of real property by submitting an application consistent with Section 11.53.020, Application Form and Fees, and the requirements of this section and the Subdivision Map Act. Any two or more contiguous parcels in common ownership, regardless of whether they were created by map or by conveyance, may be merged so as to create one new parcel.
1. An application for a merger shall be processed as an application for a ministerial permit without public notice or hearing, where all of the preexisting parcels are legal lots and any existing structures will continue to comply with all zoning and development standards once merged into a single parcel; OR
 2. In all other cases, upon receipt of a complete application, the Planning Director shall process the application and schedule the matter for a hearing before the Development Review Committee. The Development Review Committee may impose those conditions, with respect to the parcel(s) which it could require for the issuance of a conditional certificate of compliance. If the request is approved, the recording of the parcel notice of merger shall create one new parcel out of the affected existing parcels by eliminating all common lot lines that separate such parcels from each other. The notice shall also specify the names of the record owners and particularly describing the real property.

11.43.030 Mergers and Resubdivisions

- A. **Purpose.** This section establishes procedures and standards, consistent with the requirements of the Subdivision Map Act, for the merger and resubdivision of parcels without first reverting to acreage.
- B. **Requirements for Mergers and Resubdivisions.** Subdivided lands may be merged and resubdivided without reverting to acreage by complying with the applicable requirements for the subdivision of land as provided by the Subdivision Map Act and this chapter.
 - 1. A tentative parcel map and parcel map shall be required for resubdivisions creating four or fewer parcels. A tentative subdivision and final map shall be required for resubdivisions creating five or more parcels.
 - 2. Any unused fees or deposits previously made pursuant to this Code pertaining to the property shall be credited pro rata towards any requirements for the same purposes which are applicable at the time of resubdivision.
 - 3. The filing of the parcel map or final map shall constitute legal merging of the separate parcels into one parcel and the resubdivision of such parcel.
 - 4. The filing of the parcel map or final map shall constitute abandonment of all public streets and public easements not shown on the map. There shall be a written notation of such abandonment listed by reference to the recording data creating said public streets or public easements. The County Surveyor shall certify such abandonments on the map.

11.43.040 Lot Line Adjustments

- A. **Purpose.** This section establishes the procedures and standards for changing the boundary or boundaries between four or fewer existing adjoining parcels as provided for in Section 66412(g) of the Subdivision Map Act.
- B. **Criteria for Approval of Lot Line Adjustments.** The County Surveyor shall approve a lot line adjustment, subject to certain conditions of approval pursuant to Section 66412(d) of the Subdivision Map Act, based on a determination that:
 - 1. The adjustment is between four or fewer parcels and no additional parcels are created;
 - 2. The adjustment is between parcels legally created in compliance with the Subdivision Map Act;
 - 3. If the adjustment includes a designated Remainder Parcel from a subdivision or parcel map or a parcel created in violation of the Subdivision Map Act, a Certificate of Compliance or a Conditional Certificate of Compliance shall be required to complete the lot line adjustment, which may be processed concurrently subject to application and current fees;
 - 4. The depth of a lot that is less than 330 feet wide (average) shall be not greater than three times the average width of the parcel. Nor shall such width be greater than such depth unless required for a purpose inherent with the proposed use of the lot, or physical conditions (i.e. mountain, peninsula between 2 roads) exist warranting such; and,
 - 5. The lots proposed in the adjustment will comply with the provisions of the General Plan; any applicable specific plan; this Code; and Title X, Buildings and Construction, of the County Code.

- a. Non-conforming lots: In instances where a Lot Line Adjustment includes a lot(s) that is non-conforming as to size, width, or depth the Lot Line Adjustment will not result in creating additional non-conforming lot(s) or increase the non-conformity of an existing non-conforming lot.

C. **Procedures.** An application for a lot line adjustment shall be made to the Planning Department as outlined in Section 11.53.020, Application Form and Fees.

1. Within 30 days of the receipt of the application, the County Surveyor will determine if the application is deemed complete or whether additional information is necessary to determine whether the proposed adjustments meet the requirements of this section. No Record of Survey shall be required for a lot line adjustment unless it is required by Section 8762 of the Business and Professions Code or is a condition of an accompanying Certificate of Compliance.
 - a. The applicant shall submit all information necessary to determine parcels included in the lot line adjustment are legal parcels pursuant to the Subdivision Map Act.
 - b. The County will not process any lot line adjustments for parcels that have Code Enforcement, Environmental Health Department or other Community Development and Services Agency liens placed on them or properties which have outstanding fees owed to the County.
2. An application for approval of a lot line adjustment may be subject to environmental review if the proposed lot line adjustment does not meet Subsection 11.43.040(B), Criteria for Approval of Lot Line Adjustments.
3. Within 30 days of the receipt of a complete application, the County Surveyor shall approve, conditionally approve, or deny the application for a lot line adjustment if the application is exempt from environmental review. If the application requires environmental review, the Planning Director shall take action in compliance with the deadlines specified in Chapter 11.54, Environmental Review and the approving authority for the Lot Line Adjustment shall be the Development Review Committee.
4. If the County Surveyor or Development Review Committee determines that the proposed adjustment does not meet the criteria in Subsection 11.43.040(B), Criteria for Approval of Lot Line Adjustments, the County Surveyor or Committee shall deny the adjustment and provide written notification to the applicant of the decision.

- D. **Recording with County Recorder.** Lot line adjustment approval will not be effective until the “Certificate of Lot Line Adjustment Approval” containing approved exhibits, and the associated documents of transfer, that shall be reflected in a deed, to affect the new resultant property boundaries and any reconveyances or modification of deeds of trust are recorded with the County Recorder.

Chapter 11.44 Subdivision Design

Sections:

11.44.010	Purpose
11.44.020	Countywide Lot and Site Design
11.44.030	Street System and Connectivity
11.44.040	Roadway Design
11.44.050	Energy Conservation and Solar Access
11.44.060	Protection of Natural and Cultural Resources
11.44.070	Agricultural Buffers
11.44.080	Rural Lot Design Guidelines
11.44.110	Valley Growth Boundary Design Guidelines
11.44.100	Infill Development in Urban Residential Areas
11.44.110	Waiver of Subdivision Standards

11.44.010 Purpose

The purpose of this chapter is to provide standards for the design of subdivisions, including the design and layout of lots, blocks, and roadways within a subdivision, connections between subdivisions and adjacent uses and developments, and the preservation of natural resources.

11.44.020 Countywide Lot and Site Design Standards

The design of all lots in the subdivision including parcel maps shall comply with the following standards:

- A. Every lot shall contain the minimum lot area for the zone in which it is located.
- B. Lot lines should maintain a linear configuration without unnecessary jogs and turns to the maximum extent possible. This assists in orderly subdivision design and avoids confusion for future property owners when trying to determine the legal lot limits of their properties.
- C. Side parcel lines shall be as close as practical to right angles to existing rights-of-way.
- D. With the exception of small lot designs, condominiums, and non-residential maps (designed as a center, business park or campus) lots shall have a minimum street frontage as stipulated by the zone district and a minimum depth of 70 feet, measured at right angles from the street line, or as near thereto as is practicable. Cul-de-sac and interior "knuckle" lots shall have a minimum frontage of 40 feet.
- E. For lots less than 330 feet wide (average), the depth of the lot shall be not greater than three times the average width of the parcel. Nor shall such width be greater than such depth unless required for a purpose inherent with the proposed use of the lot, or physical conditions (i.e. mountain, peninsula between 2 roads) exist warranting such.
- F. Residential through lots are only permitted where access is restricted along one of the frontages excluding alleys.
- G. When streets are proposed within the subdivision, all parcels of the subdivision shall be designed to have direct frontage on a street. Tiered or stacked parcels, served by multiple fee strips or easements, shall not be allowed.

- H. Parcels one acre or smaller in size shall provide both a public sewer service and public water supply. Parcels between one acre and 2.5 acres in size shall provide either a public sewer service or public water supply as determined by the Environmental Health Director.

11.44.030 Street System and Connectivity

A. **Block Design.**

1. ***Block Length.***

- a. *Within Valley Growth Boundary.* For new subdivisions within the Valley Growth Boundary, block length is limited to 450 feet. A block length up to 600 feet shall only be allowed when a mid-block pedestrian connection is provided.
- b. *Outside Valley Growth Boundary.* Blocks shall be not more than 1,400 feet in length. The hearing body may approve variations of the foregoing when it finds that pre-existing improvements or physical or natural features or conditions justify such variations.

2. ***Block Width.*** Blocks shall be of a width to contain two tiers of lots of legal and approved dimensions, except that the decision-making authority may approve variations of the foregoing when it finds that pre-existing improvements or physical or natural features or conditions justify such variations.

3. ***Block Pattern, Valley Growth Boundary.*** New subdivisions within the Valley Growth Boundary shall arrange roads in an interconnected block pattern, so that local pedestrian, bicycle, and automobile traffic do not have to use arterial streets to circulate within the neighborhood.

B. **Connection to Adjacent Areas.** Streets shall be aligned with existing and planned arterial and collector streets in adjacent quadrants or neighborhoods.

1. ***Frequency of Access.*** Subdivisions shall be connected to adjacent planned development areas and adjacent roadways at a minimum of 600-foot intervals. This minimum interval does not apply to development areas that are adjacent to existing or planned limited-access highways, freeways, or expressways, or other areas where physical constraints would make this level of connectivity infeasible.
2. ***Extension.*** The subdivision shall provide for planned access to undeveloped property adjoining the subdivision.

C. **Pedestrian Connections.** Pedestrian and bicycle ways may be required:

1. Through the middle of blocks over 450 feet in length;
2. To connect dead-end streets;
3. To provide access to parks, schools, shopping centers, or similar facilities; and/or
4. To provide access to greenways, trails, or bikeways shown in the General Plan and Bikeway Master Plan.

D. **Cul-de-Sacs and Temporary Dead-End Streets.**

1. ***Valley Growth Boundary.*** Within the Valley Growth Boundary, the maximum allowable length of a cul-de-sac is 400 feet unless an exception is approved by the hearing body.

2. **Rural Areas.** Outside the Valley Growth Boundary, the maximum length of cul-de-sacs or temporary dead-end streets shall not be more than the following:
 - a. 800 feet for parcels zoned for less than one acre.
 - b. 1,320 feet for parcels zoned for one acre to 4.99 acres.
 - c. 2,640 feet for parcels zoned for five acres to 19.99 acres.
 - d. 5,280 feet for parcels zoned for 20 acres or larger.
3. **Turnarounds.** A hammer head/T may be used in lieu of the standard cul-de-sac with approval of the Public Works Director. In subdivisions where cul-de-sacs or temporary dead-end streets are proposed, offers of dedication of additional rights-of-way may be required to allow for circulatory looped roads, but construction on the additional rights-of-way may be deferred until future development occurs.
 - a. Subdivisions outside the Valley Growth Boundary utilizing cul-de-sacs or temporary dead end streets shall construct a turnaround every 1,320 feet.
- E. **Gated Developments.** Gated residential developments shall be prohibited unless the hearing body makes the following findings:
 1. Multi-modal connectivity and emergency access to and from surrounding areas will not be significantly impaired.
 2. Emergency access can be provided consistent with the standards of the relevant fire district.

11.44.040 Roadway Design

- A. **Horizontal Radius.** Minimum centerline curve radius for all roads within subdivisions shall be as follows:
 1. **Arterial and Collector Roads.** As required by Highway Design Manual of the State of California to meet future design speeds.
 2. **Local Roads.** Minimum center line radius of 200 feet. Waiver of this requirement may be granted by the Public Works Department due to topographic conditions but in no case may the radius be less than 100 feet.
 3. **Cul-de-sacs Serving up to Four Parcels and Residential Driveways.** Topographic conditions shall determine the general pattern of alignment. In no instance shall the center line radius be less than 50 feet.
- B. **Vertical Radius.** The vertical curve alignment for all classes of roads except driveways and local roads serving up to four parcels shall conform to the design requirements of the Highway Design Manual of the State of California. Vertical curve alignment for driveways and local roads shall be as approved by the Public Works Director.
- C. **Maximum Road Grade.** Roads should be aligned to conform to existing land contours and minimize grading to the extent feasible. The maximum road grade shall be as follows:
 1. Arterial and collector roads: eight percent.
 2. Local roads: 12 percent.
 3. Local roads serving up to four parcels: 15 percent; however paving will be required when grade exceeds 12 percent.

4. **Exceptions.** The vertical grade requirements for arterial, collector and local roads may be partially waived by the Director of Public Works for good cause, but in no case shall such waivers exceed three percent (3%). In such cases additional road structural requirements may be imposed, such as the use of asphalt concrete instead of gravel.
- D. **Driveways.** Driveways shall be constructed in conformance with Yuba County Standards and Specifications and fire safe standards to access the home site within each parcel prior to the issuance of the final Certificate of Occupancy.

11.44.050 Energy Conservation and Solar Access

- A. Subdivisions shall provide, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision. Examples of passive or natural heating opportunities in subdivision design include design of lot size and configuration to permit orientation of a structure in an east-west alignment for southern exposure.
- B. Examples of passive or natural cooling opportunities include design of lot size and configuration to permit orientation of a structure to take advantage of shade or prevailing breezes.
- C. Consideration shall be given to local climate, contour, and configuration of the parcel to be divided, and to other design and improvement requirements, and such provision shall not result in reducing allowable densities or the percentage of a lot which may be occupied by a building or structure.
- D. The requirements of this section do not apply to condominium projects that consist of the subdivision of airspace in an existing building when no new structures are added.
- E. For the purposes of this section, "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.

11.44.060 Protection of Natural and Cultural Resources

- A. **Resource Protection.** Sensitive habitat areas, archeological resources, and designated and potential historic resources shall be shown and identified on all tentative maps, and on any improvement and landscape plans. Such features shall be preserved as required by the Development Review Committee or Planning Commission as part of tentative map approval.

B. Existing Trees.

1. All existing oak trees that have a diameter at breast height (DBH) of six inches or greater and all other trees that have a DBH of 30 inches or greater shall be shown on the tentative map or tentative parcel map with a notation as to the size, species and dripline. All trees proposed for removal shall be clearly designated.
2. Existing trees may be required to be preserved. In cases in which tree preservation is required, all grading and necessary tree trimming shall be conducted under the supervision of a certified arborist or registered forester reviewed and approved by the Community Development and Services Agency.
3. Trees within a proposed public right-of-way shall be removed only for good cause to protect the public safety or to allow the installation of adequate public facilities as may be approved by the Public Works Director.

11.44.070 Agricultural Buffers

- A. **Purpose.** The purpose of the agricultural buffer requirement is to provide for the long-term viability of agricultural operations and minimize potential conflicts between agricultural uses and new, non-agricultural development and uses.
- B. **Where Required.** Agricultural buffers are required for new subdivisions at the edges of a Rural Community Boundary or the Valley Growth Boundary where they are adjacent to any Agricultural District or property line of any lot used for agriculture purposes except as provided below.
1. Agricultural buffers are not required in areas adjacent to planned urban development shown on the General Plan Land Use Diagram.
 2. Agricultural buffers are not required for subdivisions, or portions thereof, adjacent to existing rural residential development on parcels of five acres or less.
- C. **Buffer Requirement.** The size of the buffer shall be a minimum of 50 feet and may be up to 500 feet depending on crop type, agricultural practices, topography, prevalent wind and other relevant factors as determined by the Agricultural Commissioner. The buffer shall be provided and maintained on the site of the proposed subdivision.
- D. **Buffer Location.** The agricultural buffer shall be located:
1. On the property on which the subdivision is proposed.
 2. Adjacent to the common lot line between the site of the proposed subdivision and the adjacent Agriculture District or use.
 3. Where a roadway lies between the site of the proposed subdivision and the adjacent agriculturally zoned lot, the buffer shall be located adjacent to the right of way, and its width may be reduced by the width of the roadway.
- E. **Use of Buffers.** The agricultural buffer shall incorporate vegetative or other physical barriers as determined necessary to minimize potential land use conflicts. Agricultural buffers should not be used for dwellings, structures designed for human occupancy or outdoor areas designed for intensive human use. Agricultural buffers may accommodate drainage, trails, roads, other facilities or infrastructure, community gardens, native landscaping, and other uses that would be compatible with ongoing agricultural operations and provide valuable services or amenities.

- F. **Buffer Management Plan.** Agricultural buffers shall be maintained in accordance with a buffer management plan acceptable to and approved by the County. Such plans shall, at a minimum, address the following:
1. A description of site conditions such as vegetation and habitat type, natural and man-made features, and allowable uses;
 2. Grass and brush clearing for fire fuel management, as required by site conditions and maintenance of any landscaping;
 3. Erosion control;
 4. Any drainage facilities, including ditches and detention basins or other infrastructure improvements including but not limited to trails, roads, or recreational amenities;
 5. Fencing if required for the protection of resources; and
 6. Other natural resource management activities and uses if applicable. Buffer management plans shall include provisions for long-term maintenance of improvements and facilities that will not result in a fiscal impact on the County.

11.44.080 Rural Lot Design Guidelines

- A. **Purpose.** The rural lands of the County contain numerous resources that are critical to the character, health, safety, well-being, and viability of Yuba County, including its environment and residents. The value of rural land is recognized by the County in the General Plan, which aims to protect and preserve the resources and character of these lands. When land is subdivided, impacts occur directly to the lands and to the surrounding area. In rural lands, these impacts can have significant ramifications to the region's resources and, therefore, these lands must be planned carefully. Rural lands also tend to have the greatest risk of wildfires, and as such, human safety and defensibility should be a key focus of any subdivision. To address these concerns, the County has a number of regulations that relate to subdivisions within areas designated in the General Plan as Rural Communities and Natural Resources. Additionally, there are numerous other local and State regulations that must be complied with for the subdivision of land to be approved.

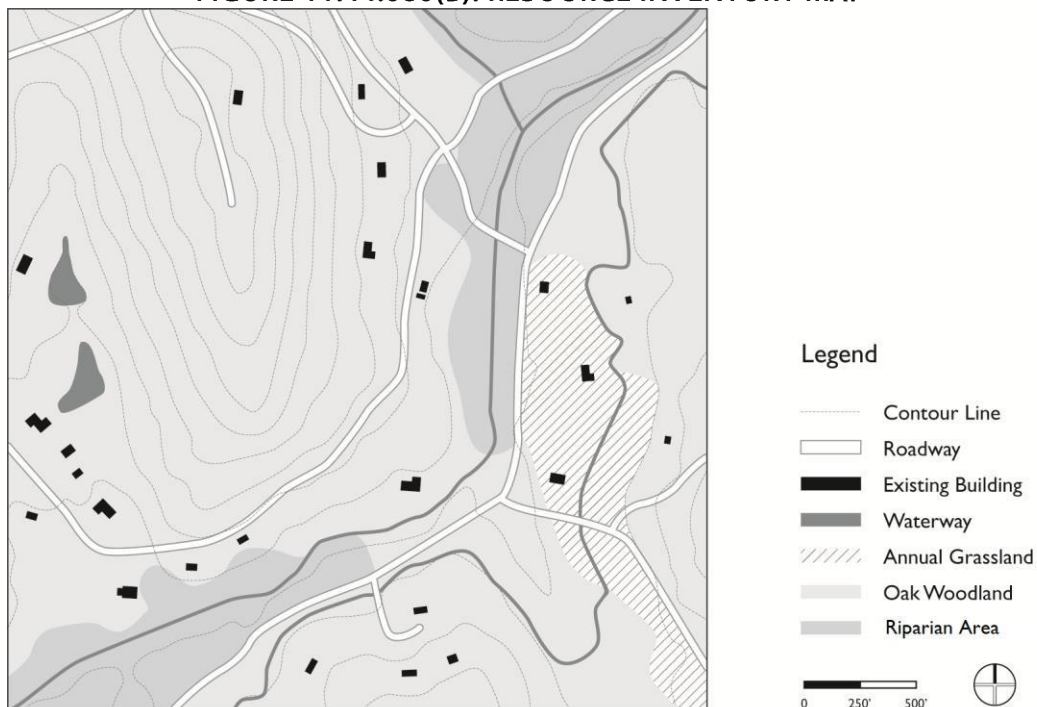
In addition to the Subdivision standards addressed in Sections 11.44.020 through 11.44.070, rural parcel maps and subdivisions shall comply with the rural lot design requirements listed below.

- B. **Resource Inventory Mapping.** The County requires submittal of a Resource Inventory Map for parcel map and subdivision tract map applications located outside of the Valley Growth Boundary. The Resource Inventory Map identifies the project site's natural features and other physical characteristics and constraints. The purpose of the resource inventory is to ensure the subdivision design takes into account the site's significant resources and to evaluate the subdivision's impacts on those resources. It is advised that this map be prepared early in the planning process since the resources identified are fundamental to the location of building pads and overall design of the map. The County will not deem an application complete until a complete and accurate Resource Inventory Map has been submitted. The Resource Inventory Map is required to include the following and may consist of one single exhibit or a group of exhibits:
1. Steep slopes (those slopes equal to or greater than 25% grade).
 2. All existing buildings and structures on the land.
 3. Any known historic mining uses.

4. All encumbrances (easements, covenants, etc.).
5. Hydrologic characteristics (water courses, flow direction, storm drains, areas subject to inundation).
6. Biological Resources Map (prepared by a qualified consultant pursuant to County guidelines) or land cover on site (oak woodlands, grassland, oak savannah, wetlands, riparian areas, etc.) Biological mapping requirements are available at the CDSA public counter or can be viewed on the CDSA website.
7. Cultural Resources. If the project area is identified as moderate to high sensitivity for prehistoric resources on the Yuba County Prehistoric Resource Sensitivity Map (General Plan Exhibit NR-6) a pedestrian survey shall be conducted and avoidance areas identified on the Resource Inventory map. Based on the findings of the pedestrian survey, additional technical studies may be required.

Note: All maps and overlays should be drawn to scale. An example of a Resource Inventory Map prepared following this guidance is provided as Figure 11.44.080(B).

FIGURE 11.44.080(B): RESOURCE INVENTORY MAP



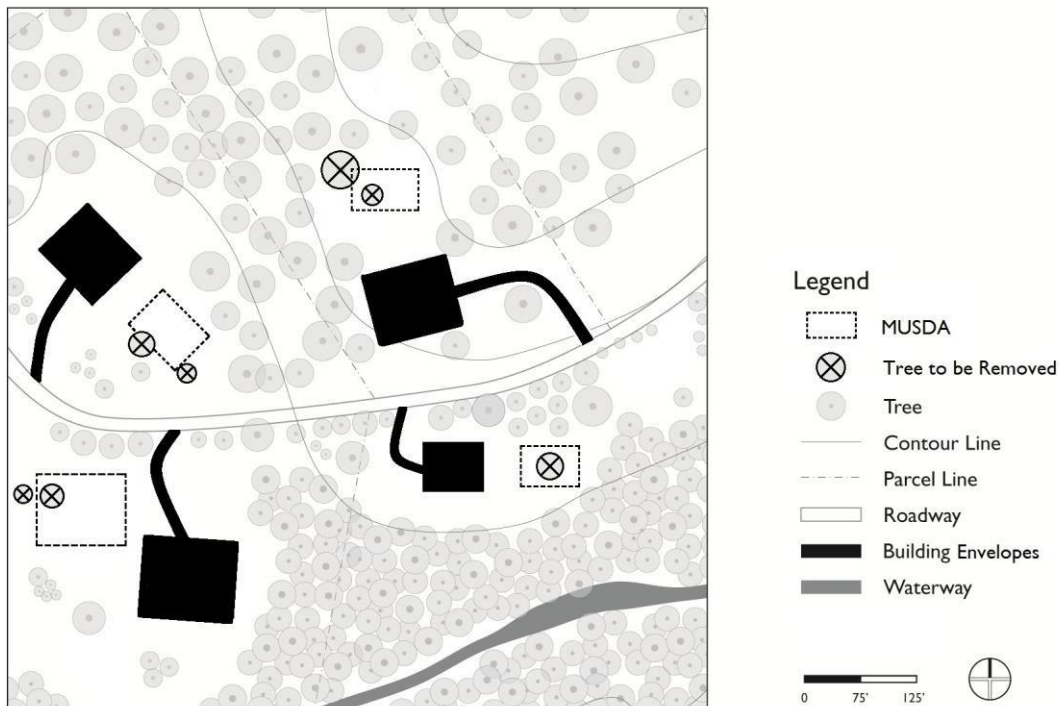
- C. **Locating Housing Sites/Building Envelopes.** The number of housing sites shall be consistent with the density for the zone district and the intended use of the land. Subdividers that wish to accommodate accessory structures and uses to a primary residence should seek out large enough building envelopes to accommodate the additional uses. Building envelopes may also be used to reduce

the study area for cultural, biological, or other environmental analysis. Additional requirements include:

1. Locate the development in areas that avoid impacts to environmental and cultural resources. Compliance with this requirement will largely be achieved through the process of identifying areas for avoidance identified in the Resource Inventory Map(s).
2. Locate and design the development in a manner that maximizes defensibility from wildland fires and accommodates all necessary fuel modification on-site. Homes and other habitable structures require areas where the vegetation can be managed in a way to reduce the fire risk to the home. These areas are referred to as fuel modification zones. These areas typically extend 30 – 100 feet from the structure. Defensibility is also improved by locating structures and/or home sites closer together, eliminating open space/fuel loads between homes, setting back homes from slopes, woodlands or other areas of increased fire intensity.
3. Minor modifications to the location of approved building envelopes may be approved by the Planning Director upon determination that the change is in substantial conformance with the tentative map approval and environmental document prepared for the project. Changes not deemed to be in substantial conformance will require approval of a tentative map modification by the Development Review Committee or in instances where the map has been recorded, preparation and adoption of an environmental assessment to address any impacts the change in the building envelop may have on the environment.

Note: All maps should be drawn to scale. An example of a Building Envelope Map prepared following this guidance is provided as Figure 11.44.080(C).

FIGURE 11.44.080(C): LOCATING HOUSING SITES/BUILDING ENVELOPES



D. **Access Easements.** Where development is allowed pursuant to this section and due to existing development or other site constraints access from a public or private roadway is not feasible, access easements shall be provided as specified below.

1. Access to no more than two rear parcels shall be over a strip of land having a width of not less than 30 feet held in fee or easement and shall be separated from the access for the front parcel.
2. The number of parcels served by the above easements include all parcels, both on site and off site, located along the length of the easement that depend upon the easement for access whether those parcels are improved or unimproved.
3. Tiered or stacked parcels, served by multiple fee strips or easements, shall not be allowed.

11.44.090 Valley Growth Boundary Design Guidelines

In addition to the Subdivision standards addressed in Sections 11.44.020 through 11.44.070, parcel maps and subdivisions within the Valley Growth Boundary shall comply with all the requirements and development standards of the Development Code, including base zoning district regulations, and any applicable design guidelines.

11.44.100 Infill Development in Urban Residential Areas

In-fill development is allowed in the RS, RM, and RH districts, where the configuration of the property prior to division does not permit division in accordance with the minimum lot dimensions and street frontage requirements of the base district standards, provided the lots after subdivision meet the minimum lot size required under the provisions of the applicable zone.

- A. **Access Easements.** Where infill development is allowed pursuant to this section and due to existing development or other site constraints, access from a public roadway is not feasible, access easements shall be provided as specified below.
 - 1. Access to a single rear parcel for a single or two-unit dwelling (flag lot) shall be over a strip of land having a width of not less than 15 feet held in fee or easement by such rear parcel.
 - 2. Access serving two or more parcels or a multi-unit dwelling shall be served by a non-exclusive easement for road and utility purposes having a width of not less than 30 feet.
 - 3. The number of parcels served by the above easements include all parcels, both on site and off site, located along the length of the easement that depend upon the easement for access whether those parcels are improved or unimproved.
 - 4. Access easements for in-fill developments shall not be offered for dedication or deeded to the County.

11.44.110 Waiver of Subdivision Standards

Any of the subdivision standards imposed by this chapter or resolutions adopted thereto may be waived by the hearing body if the hearing body finds that an alternative design substantially conforms to the intent of the standards of this chapter and to the General Plan.

- A. Upon approval of a Planned Unit Development, any variation from subdivision or improvement standards that is explicitly shown within the PUD plan or any conditions of approval shall be deemed a waiver of that standard.
- B. Upon approval of a specific plan or amendment adding a specific plan zoning district, any variation from subdivision or improvement standards that are explicitly shown or specified within the specific plan or specific plan zoning district, shall be deemed a waiver of that standard by the Board of Supervisors.
- C. Whenever, in the opinion of the Development Review Committee or Planning Commission, the land involved in a subdivision is of such size or shape, or is affected by topographical location or condition so that it is impossible or infeasible for the subdivider to conform fully with this division, the Development Review Committee or Planning Commission may consider such modification from its requirements as is reasonably necessary. No modification shall be approved without a specific finding by the Development Review Committee or Planning Commission stating the exact reason making the strict letter of this division impossible or infeasible to observe, and a further finding that the modification is in conformity with the intent and purpose of the Subdivision Map Act and this division.
 - 1. A request for modification or waiver shall be filed with the subdivision application. The application shall state in writing the nature of the waiver requested and explain why the findings necessary to grant the waiver are satisfied.
 - 2. A decision to grant a waiver or modification shall be based on the following findings:

- a. The waiver or modification is necessary due to the physical characteristics of the property, irregular property boundaries, or other unusual circumstance. Or the waiver or modification will allow for the protection of natural and/or cultural resources. In no case shall a waiver to parcel size exceed five percent of the minimum parcel size required by the zone district.
- b. There are no alternatives to the requested waiver or modification that could provide an equivalent level of benefit to the applicant with less potential detriment to surrounding owners and occupants or to the general public.
- c. The granting of the requested waiver or modification would not be detrimental to the health or safety of the public or occupants of the property or result in a change in land use or density that would be inconsistent with the requirements of this Code.

Chapter 11.45 Dedications and Reservations

Sections:

11.45.010	Purpose
11.45.020	Roads and Other Public Rights-of-Way
11.45.030	Bicycle Paths
11.45.040	Transit Facilities
11.45.050	Solar Access Easements
11.45.060	Parkland
11.45.070	School Sites
11.45.080	Public Access to Waterways, Lakes, Reservoirs
11.45.090	Drainage Easements
11.45.100	Acceptance of Dedications
11.45.110	Recording Dedications
11.45.120	Reservations

11.45.010 Purpose

This chapter establishes the dedications and reservations that the County may impose on a subdivider as a condition for approval of a tentative map or a parcel map. The purpose of this chapter is to ensure that new developments designate lands in appropriate locations, sizes, and free of constraints to accommodate public facilities and infrastructure needed to serve such development and/or pay a fair-share fee for land acquisition.

11.45.020 Roads and Other Public Rights-of-Way

When required as a condition of approval for a tentative map, the subdivider shall dedicate or make an irrevocable offer of dedication of land within the subdivision that is needed for roads and other public rights-of-way according to the standards below. Such dedication shall be either in fee or easement as determined by the Public Works Director.

- A. If the proposed subdivision lies only on one side of an existing County road, the subdivider shall offer to dedicate rights-of-way not less than one-half of that required by the Circulation section of the Community Development Element of the General Plan, adjacent to the center line of said County Road. If the subdivision includes both sides of an existing County road, the subdivider shall offer to dedicate an over-all width of right-of-way of at least that required by the adopted Yuba County Circulation Plan. Dedication of land not adjacent to an existing County road may be required for planned projects per said circulation plan.
- B. As part of the subdivision, the owner shall dedicate right-of-way in accordance with the Circulation section of the Community Development Element of the General Plan. Right-of-way for roads within new subdivisions or for adjoining roads required to give access to the subdivision that are not shown on the Vehicular Circulation Diagram shall be dedicated to the standards of their highest future use.
- C. **Waiver of Right-of-Way Dedications by Public Works.** The Public Works Director may authorize a reduction in the requirements for right-of-way dedications if he or she finds that the standard requirements would affect existing structures, existing land uses, or new subdivisions where the sidewalk will be detached from the curb. In no case may a reduction be granted under this subsection that would allow for right-of-way width of less than 30 feet.

11.45.030 Bicycle Paths

When required as a condition of approval for a tentative map, the subdivider shall dedicate or make an irrevocable offer of dedication of land that is needed to provide bicycle paths for the use, safety, and benefit of the residents of the subdivision or that is in accordance with the Bikeway Master Plan.

11.45.040 Transit Facilities

When required as a condition of approval for a tentative map, the subdivider shall dedicate or make an irrevocable offer of dedication of land within the subdivision for local transit facilities such as bus turnouts, benches, shelters, landing pads and similar items that directly benefit the residents of a subdivision.

11.45.050 Solar Access Easements

At such time as the County has adopted solar access standards, and when required as a condition of approval for a tentative subdivision map, the subdivider shall dedicate or make an irrevocable offer of dedication of easements for the purpose of assuring that each parcel or unit in the subdivision for which approval is sought has the ability to receive sunlight across adjacent parcels or units in the subdivision for any solar energy system. The dimensions and locations of such easements shall be in accordance with any standards for solar access adopted by the Board of Supervisors.

11.45.060 Parkland

- A. **Authority.** This section is adopted under the provisions of Section 66477 of the Subdivision Map Act and the power of the County of Yuba to protect the public health, safety and welfare of its residents.
- B. **Applicability and Exemptions.** This section applies to subdivisions of land classified by the County for, or otherwise proposed for, residential use. This section does not apply to:
 - 1. Subdivisions containing fewer than five parcels and not used for residential purposes, provided that a condition is placed on the approval of such parcel map that if a building permit is requested for construction of a residential structure or structures on one or more of the parcels within four years of filing the parcel map with the County Recorder, the fee shall be paid by the owner of each such parcel as a condition to issuance of such permit.
 - 2. Commercial or industrial subdivisions.
 - 3. Condominium projects or stock cooperatives that consist of the subdivision of airspace in an existing apartment building that is more than five years old when no new dwelling units are added.
- C. **Requirement for and Use of Land and/or Fees.** As a condition to the approval of a tentative or parcel or subdivision map, each subdivider of land for residential use shall dedicate or reserve land, pay fees in lieu of such dedication of land, or a combination of both, for park or recreational purposes. Park and recreational purposes shall include land and facilities for the activity of recreational community gardening.
 - 1. **Use of Land and Fees.** The land, fees, or combination thereof are to be used only for the purpose of developing (including acquiring the necessary land) new, or rehabilitating existing, neighborhood or community park or recreational facilities to serve the subdivision.
- D. **Amount of Land and/or Fee to be Dedicated.**

1. **General Standard.** The amount of land or fees, or both, shall be the amount necessary to provide five acres of park area per 1,000 persons residing within a subdivision. The general standard is .005 acre/person.
2. **Standard for Determining Proportion of Subdivision to be Dedicated.** If a park or recreational facility has been designated in the plans and is to be located within a proposed subdivision, then the subdivider shall dedicate land for a park or recreational purposes sufficient in size and topography that bears a reasonable relationship to serve the present and future needs of the future residents of the subdivision. The formula for determining the amount of required dedicated land shall be as follows:

Required Dedication (acres) = 0.005 x Average Number of Persons/Dwelling Unit x Number of Dwelling Units.
 - a. *Average Number Persons/Dwelling Unit.* The average number of persons per dwelling unit based on the 2030 General Plan is 2.90 for low density residential (i.e. RS and RR zone districts), 2.50 for medium density residential, and 1.5 for high density residential.
 - b. *Dwelling Units.* The total number of dwelling units of the same type in a subdivision. If a mixture of dwelling unit types exist in a subdivision, the land to be dedicated for each type shall be separately calculated and then added together to obtain the land to be dedicated for a subdivision.
3. **Standard for Determining Amount of Fees.** If a park or recreational facility has not been designated in the plans in whole or part within a subdivision, the subdivider shall pay fees in the amount of 120 percent of the Fair Market Value per acre of the required dedication. The fees equal the amount obtained by multiplying the general standard times the value of land that would have been dedicated if such dedication were made under this section, plus another 20 percent of this amount towards off-site improvements.
 - a. *Fair Market Value.* The fair market value shall be determined by a written appraisal acceptable to the County and paid for by the developer. The appraisal shall be made within 30 days prior to the date the subdivider files a parcel or final map. The subdivider shall notify the County of the expected filing date at least six weeks prior to filing date of a parcel or final map. If the parcel or final map to which the appraisal relates is not filed within one year after the date of the appraisal, a new appraisal shall be prepared as provided by this section. In appraising the fair market value per acre, the appraisal shall consider, but is not limited to, the following:
 - i. Approval of and conditions of the tentative subdivision map;
 - ii. General Plan or community plan designation;
 - iii. Zoning district;
 - iv. Property location;
 - v. Off-site improvements facilitating use of the property; and
 - vi. Site characteristics of the property.
4. **Standard for Determining Combination of Dedication and Fees.** If the amount of land required for dedication under this section exceeds the portion of land within a subdivision necessary to complete the site within the subdivision for a park or recreational facility proposed in the plans, the subdivider shall dedicate land for park or recreational purposes

necessary to complete the site. In addition, the subdivider shall pay fees in the amount of 120 percent of the Fair Market Value per acre for the remaining portion of required dedication.

- E. **Fees Only Subdivisions; Exceptions.** Only the payment of fees may be required in subdivisions containing 50 parcels or less, except that when a condominium project, stock cooperative, or community apartment project exceeds 50 dwelling units, dedication of land may be required notwithstanding that the number of parcels may be less than 50.

This subsection does not prohibit the voluntary dedication by a subdivider and acceptance by County of land for park or recreational purposes in subdivisions of 50 parcels or less. The credit provisions of this section shall not apply to such a voluntary dedication of land.

F. **Credits.**

1. **Generally.** If the subdivider provides park and recreational improvements to the dedicated land, the value of the improvements together with any equipment located thereon shall be a credit against the payment of fees or dedication of land required by this section. However, the subdivider shall not receive a credit for any of the following:
 - a. Any street improvement and utility connection including, but not limited to, curbs, gutters, street paving, traffic control devices, street trees or sidewalks within the boundaries of the land that would have been constructed or installed, regardless of the land being dedicated for park or recreational purposes.
 - b. Fencing along the property line of that portion of the subdivision contiguous to the land.
 - c. Improved drainage through the land.
 - d. Other minimal improvements that the County determines are essential for the County's acceptance of the land.
2. **Credit for Private Common Open Space.** In addition to any other credit provided by this section, common interest developments, as defined in Civil Code Section 1351, shall be eligible to receive a credit against the payment of fees or dedication of land required by this section for 50 percent of the value of private common open space within the development which is usable for active recreational uses and where all of the following conditions are satisfied:
 - a. Yards, setbacks, and other open areas required by the zoning and building ordinances, including areas credited against minimum lot sizes, shall not be included in computing the amount of such private common open space;
 - b. Private ownership and maintenance of the open space shall be adequately provided for by deeds and recorded covenants;
 - c. Use of the private common open space shall be restricted for park and recreational purposes by recorded covenants which run with the land in favor of the existing and future owners of the property within the development and which cannot be eliminated without the consent of County;
 - d. The proposed private common open space is reasonably adaptable for use for park and recreational purposes as determined by the County; and
 - e. The private common open space for which credit is given shall meet the needs of the future residents of the development, or, alternatively, that the land or facilities offered,

or both, provide a special recreational benefit to the development not otherwise provided in available park and recreational facilities.

G. **Procedures.**

1. ***Determination and Factors.*** The amount and location of land to be dedicated or the fees to be paid, or a combination of both, shall be solely determined by the Community Development and Services Agency Director, after consulting with the Planning Director and the director of the local public parks agency, if one exists, considering the intent of this section, the principal considerations hereafter described, and the following factors:
 - a. Consistency with the Yuba County Parks Master Plan and the General Plan.
 - b. The natural features, access, and location of land in the subdivision available for dedication;
 - c. Size and shape of the subdivision and land available for dedication;
 - d. Feasibility of dedication;
 - e. The location of existing and proposed park sites and railways; and
 - f. The design and location of proposed park and recreational facility improvements.
2. ***Principal Consideration.*** Principal consideration shall be given to land that offers one or more of the following:
 - a. A variety of recreational potential for all age groups.
 - b. Recreational opportunities within walking distance from residential areas or homes.
 - c. Possibility for expansion or connection with school grounds.
 - d. Integration with hiking, riding and bicycle trails, natural stream reserves and other open space.
 - e. Coordination with all other park systems.
 - f. Access to at least one existing or proposed public street.
3. ***Time of Land Determination, Fee Percentage and Conveyance.***
 - a. The amount and location of the land to be dedicated and the percentage of the fees to be paid shall be determined at the time of the approval under this division of a tentative parcel or subdivision map.
 - b. At the time of filing of the final map or parcel map, fee simple absolute title to the dedicated land shall be conveyed in compliance with this section and Government Code Section 27281.
4. ***Time of Fee Amount Determination and Payment.*** The CDSA Director shall determine the amount of fees or remaining fees to be paid after receiving the written appraisal provided by this section. The CDSA Director shall notify the director of the local public parks agency and the subdivider in writing of the amount of the fees to be paid. The fees shall be paid and received at or prior to the time of filing of the final map or parcel map.

11.45.070 School Sites

As a condition of approval of a final subdivision map, a subdivider who develops or completes the development of one or more subdivisions may be required to dedicate to the school district, or districts, within which such subdivision is to be located, such land as the school district deems necessary for the purpose of constructing schools necessary to assure the residents of the subdivision adequate elementary school service.

- A. **Procedure.** The requirement of dedication shall be imposed at the time of approval of the tentative map. If within 30 days after the requirement of dedication is imposed by the County, the school district does not offer to enter into a binding commitment with the subdivider to accept the dedication, the requirement shall be automatically terminated. The required dedication may be made any time, before, concurrently with, or up to 60 days after the filing of the final map on any portion of the subdivision.
- B. **Payments to Subdivider.** The school district shall, if it accepts the dedication of land, repay the subdivider the original cost to the subdivider of the dedicated land, plus a sum equal to the total of the following:
 - 1. **Improvement Costs.** The cost of any improvements to the dedicated land since acquisition by the subdivider;
 - 2. **Assessed Taxes.** The taxes assessed against the dedicated land from the date of the school district's offer to enter into the binding commitment to accept the dedication; and
 - 3. **Other Costs.** Any other costs incurred by the subdivider to maintain the dedicated land, including interest costs incurred on any loan on the land.
- C. **Exceptions.** The requirements for dedication shall not apply to a subdivider who has owned the land being subdivided for more than 10 years prior to the filing of the tentative map.

11.45.080 Public Access to Waterways, Lakes, Reservoirs

- A. **Waterways.** For any subdivision that fronts upon a public waterway, river, or stream:
 - 1. Reasonable public access shall be provided by fee or easement from a public roadway to that portion of the bank of the river or stream bordering or lying within the proposed subdivision. "Reasonable access" shall be determined by the hearing body according to the provisions of Section 66478.4 of the Subdivision Map Act.
 - 2. A public easement shall be dedicated along a portion of the bank of the river or stream bordering or lying within the proposed subdivision, consistent with the provisions of Section 66478.5 of the Subdivision Map Act.
- B. **Lakes and Reservoirs.** For any subdivision that fronts upon any lake or reservoir that is owned in part or entirely by any public agency, reasonable public access shall be provided by fee or easement from public roadways to any water of the lake or reservoir upon which the subdivision borders either within the subdivision or a reasonable distance from the subdivision. "Reasonable access" and "reasonable distance" shall be determined by the hearing body according to the provisions of Section 66478.12 of the Subdivision Map Act.

11.45.090 Drainage Easements

- A. **Closed Conduits.** An easement no less than 15 feet in width, or that which is sufficient to contain the closed conduit and appurtenances plus two feet on one side of the conduit and a 10-foot maintenance

way on the other side of the conduit, whichever is greater, shall be offered for dedication on the final map or parcel map of the subdivision. Drainage easements for closed conduits shall not traverse a building site and shall, insofar as possible, be placed along or adjacent to lot boundary lines in a straight alignment without angle points.

- B. **Meandering Drainage Easements (M.D.E.).** The width of the easement shall be to the limits of the 100-year flood plain or up to a maximum of 20 feet from the general centerline of the drainage course (which shall be shown on the final map or parcel map). The acceptance of such M.D.E. on behalf of the public does not obligate the County for the maintenance of such drainage easement.
- C. **Earth Channels and Maintained Waterways.** Where earth channels or maintained waterways are constructed within the subdivision, easements shall be provided according to the following standards:
 - 1. Channels less than 30 feet in width shall have a sufficient easement dedicated to contain the top width of the channel, plus a 12-foot continuous maintenance way on one side and four feet on the other side.
 - 2. Channels 30 feet or greater in width shall have a sufficient easement dedicated to contain the top width of the channel, plus a 14-foot continuous maintenance way on both sides of the channel or waterway.
 - 3. Any fencing requirement will be determined by the decision-making authority.

11.45.100 Acceptance of Dedications

At the time the County approves a final map or parcel map, the County shall also accept, accept subject to improvement, or reject, any offer of dedication. The County shall certify or have stated on the final map or parcel map the County's action.

- A. **Offers of Dedication.** If, at the time the final map or parcel map is approved, any streets, paths, alleys, public utility easements, rights-of-way for local transit facilities that directly benefit the residents of a subdivision, or storm drainage easements are not accepted by the County, the offer of dedication shall remain open and the Board of Supervisors may, by resolution at any later date, accept and open the streets, paths, alleys or storm drainage easements for public use, which acceptance shall be recorded in the office of the County Recorder.
- B. **Termination of Offers.** Offers of dedications may be terminated and abandoned in the same manner as prescribed for the summary vacation of streets by Section 8300 et seq. of the Streets and Highways Code.

11.45.110 Recording Dedications

The County shall record a certificate or statement on the face of the map with the County Recorder for any dedication for public purpose or for making public improvements or constructing public facilities, other than for open space, parks, or schools. If by certificate, the certificate shall be attached to the map. The certificate or statement shall contain the name and address of the subdivider dedicating the property; a legal description of the real property being dedicated or adequately depicted on the map; and a statement that the County shall reconvey the property to the subdivider if the County makes a determination that the same public purpose for which the property was dedicated does not exist, or the property or any portion thereof is not needed for public utilities.

11.45.120 Reservations

- A. **General.** As a condition of approval of a tentative map, the subdivider shall reserve sites, appropriate in area and location, for parks, recreational facilities, fire stations, libraries or other public uses according to the standards contained in this subsection and the Subdivision Map Act.
- B. **Designated Areas (Standards for Reservation).** Where a park, recreational facility, fire station, library, school, or other public use is shown on the General Plan or an adopted specific plan, the subdivider may be required by the County to reserve sites determined by the County to be in accordance with the policies and standards of the General Plan or such specific plan. The reserved area must be of such size and shape as to permit the balance of the property to develop in an orderly and efficient manner. The amount of land reserved shall not make development of the remaining land held by the subdivider economically unfeasible. The reserved area shall conform to the General Plan or specific plan, and shall be in such multiples of streets and parcels as to permit an efficient division of the reserved area in the event that it is not acquired within the prescribed period.
- C. **Acquisition.** The County or other public agency for whose benefit an area has been reserved shall, at the time of recordation of the final map or parcel map, enter into a binding agreement to acquire such reserved area within two years after the completion and acceptance of all improvements, unless the period of time is extended by mutual agreement between the subdivider and the public agency for whose benefit the area has been reserved.
- D. **Purchase Price.** The purchase price shall be the market value of the reserved area at the time of the filing of the tentative map plus the taxes against the reserved area from the date of the reservation and any other costs incurred by the subdivider in the maintenance of the reserved area, including interest costs incurred on any loan covering the reserved area.
- E. **Termination.** If the public agency for whose benefit an area has been reserved does not enter into a binding agreement at the time of recordation of the final map or parcel map, as provided for in Section 66480 of the Subdivision Map Act and Subsection (C) above, the reservation of the area shall automatically terminate.

Chapter 11.46 Improvements

Sections:

11.46.010	Purpose
11.46.020	General Provisions
11.46.030	Improvements Required
11.46.040	Improvement Plans
11.46.050	Improvement Agreements
11.46.060	Deferred Improvement Agreements
11.46.070	Improvement Security
11.46.080	Construction Inspection
11.46.090	Acceptance of Improvements

11.46.010 Purpose

This chapter establishes standards and regulations for improvements for subdivisions. The purpose of this chapter is to ensure that new developments are served by adequate infrastructure, facilities, and services.

11.46.020 General Provisions

- A. No subdivision map, parcel map, or other division of land subject to the provisions of this division or the Subdivision Map Act shall be approved unless improvements are constructed or required to be constructed to serve the lots being created.
- B. All improvements required by the County in the subdivision of land shall be designed and installed in accordance with the standards of this Division, and where applicable, with the current Yuba County Standard Specifications and Standard Plans.
- C. Requirements for construction of on-site and off-site improvements for subdivisions of four or fewer parcels shall be noted on the parcel map, or waiver of parcel map, or the subdivision improvement agreement recorded prior to or concurrent with the parcel map.
- D. As a condition of approval of a tentative map, there may be imposed a requirement that improvements installed by the subdivider for the benefit of the subdivision contain supplemental size, capacity, number or length for the benefit of property not within the subdivision and that those improvements be dedicated to the public, subject to the provisions of Sections 66485 – 66489 of the Subdivision Map Act.

11.46.030 Improvements Required

A. Road Improvements.

1. **General.** The subdivider shall improve, or agree to improve, all streets, highways, or public ways within the subdivision, as well as all necessary off-site improvements so that the subdivision will conform to the requirements set forth below. All required improvements shall be installed to permanent line and grade and to the satisfaction of the Public Works Director in accordance with the Standard Plans and Specifications of the County of Yuba as they exist or may be established from time to time.
2. **Improvements of Existing County Roads.** Existing County roads along or through proposed subdivisions shall be improved or constructed in accordance with the Yuba County

Standard Plans and Specifications based on the current road usage classification as determined by the Department of Public Works, instead of the designation provided by the Vehicular Circulation Plan of the General Plan.

- a. *Exceptions for Parcel Maps.* For maps creating four or fewer parcels, the Department of Public Works may waive or defer the requirements for curbs, gutters and sidewalks in urban areas for said maps if it makes either of the findings provided for in Subsection 11.46.030(K), Waiver of Improvements by Public Works Director.
3. ***Improvements of Off-site Roads.*** Off-site improvements to County and non-County roads giving access to the parcels being created may be required where warranted by projected increased traffic resulting from the proposed subdivision and shall be required when existing access will not meet requirements necessary to provide for public health and safety. An equivalent amount of frontage improvements may be transferred off-site to another section of the road giving access to the parcels being created so as to provide a systematic method of improving the access road.
4. ***Improvements of Roads Within Subdivision.*** Improvements for existing and proposed roads within the subdivision that are offered for dedication shall be constructed in accordance with the Circulation section of the General Plan and Yuba County Standard Plans and Specifications or as may be modified by the Public Works Director due to special overriding circumstances such as topography, property configuration, etc. Yuba County Standards Plans and Specifications are online at the Public Works Section of the Yuba County Website and available at the Yuba County Department of Public Works. Said Standards are hereby established and readopted as such by this provision.
 - a. All street names shall be as approved by the County Surveyor acting as the Address Coordinator.
 - b. A cul-de-sac with a minimum right-of-way radius as defined in the Yuba County Standard Plans and Specifications shall be provided at the end of any dead-end street or road easement, including those which may be designed to be temporary in nature. In rural areas, a 60-foot long hammer head/T turnaround may be constructed in lieu of the standard cul-de-sac with the approval of the Public Works Director. This determination shall be based upon the location, terrain, soil conditions, number of parcels on the roadway to the turnaround, and any other special consideration.
 - c. No improvements or dedications of land shall be required as to contiguous remainder parcels.
5. ***Waivers to Road Improvement Requirements and Standards.*** The Public Works Director may waive the requirement for paving at his or her discretion upon consideration of all of the following performance standards, and when in his or her judgment:
 - a. The road serving the land prior to division is unpaved and the total land served by said road is more than 75 percent developed at the primary residential density permitted under terms of the zoning governing the use of said properties.
 - b. There are no current capital improvement plans to pave the road serving the land prior to division.
 - c. The waiver shall be consistent with the intent of this division and with the Yuba County General Plan.

- d. Parcel sizes are 20 acres or greater.
- B. **Pedestrian Ways.** Pedestrian ways, including paving, landscaping, and fences as approved by the Development Review Committee, Planning Commission or the CDSA Director, may be required:
1. Through the middle of blocks that are more than 600 feet in length;
 2. To connect streets that have only one outlet;
 3. To provide access to playgrounds, parks, schools, shopping centers, or similar community facilities; and/or
 4. To provide access to greenways, trails or bikeways shown in the General Plan or Bikeway Master Plan.
- C. **Bikeways.** Bikeways shall be required by the Public Works Director and Planning Director in all locations shown in the General Plan, Bikeway Master Plan, and/or as approved by the Planning Commission and Board of Supervisors.
1. Widths shall be subject to approval by the Public Works Director.
 2. Appropriate signs and pavement markings as may be required by the Public Works Director shall be furnished and installed by the subdivider.
- D. **Trails and Greenways.** Trail and greenway improvements shall be provided and graded as may be required by the Public Works Director and Planning Director in all locations shown in the General Plan and any implementing plan that the County adopts, or as approved by the Planning Commission and Board of Supervisors. Improvements (e.g., fencing, signs, etc.) to trails and greenways shall be provided as necessary for the public health, safety, and general welfare.
- E. **Street Trees.** The subdivider shall be required to plant street trees at 40 feet on center along all public or private streets within and/or bordering the subdivision located within the Valley Growth Boundary, consistent with the standards in Chapter 11.24, Landscape.
- F. **Drainage (Stormwater).**
1. **General Drainage Requirements.** Subdivisions shall be protected from flood hazard and inundation by storm waters. The design and construction of drainage facilities shall be such that water course traversing the subdivision and water emanating from within the subdivision will be carried through and off the subdivision without injury to improvements, residential sites, or adjacent properties. Drainage design shall be in accordance with the Yuba County Standard Plans and Specifications and the National Pollution Discharge Elimination System (NPDES) General Permit for Waste Discharge Requirements (Order No. 2013-0001-DWQ or future permits or modifications thereto).
 - a. Drainage water entering the subdivision shall be received and discharged from the subdivision at the locations and as nearly as possible in the manner as existed prior to the construction of the drainage facilities within the subdivision. Post-development peak flows shall not exceed pre-development peak flows, unless downstream conditions can accommodate the increase.
 - b. Drainage waters originating within a proposed subdivision shall be conveyed into a permanent drainage facility. Such facility shall consist of either a well-defined natural channel or waterway containing sufficient capacity to accommodate the design discharge of the ultimate drainage of the watershed in which the subdivision is located without experiencing bank erosion or overtopping, or a constructed facility having

adequate capacity to carry the design discharge of the subdivision. All required drainage facilities shall be constructed by the developer.

- c. Drainage waters shall not be discharged onto existing County rights-of-way except in a manner approved by the Public Works Department. Proposed subdivisions fronting on existing County rights-of-way shall also conform to these sections.

2. **Hydraulic Design.** Design quantities of flow for major waterways will be provided the subdivider by the County, if the data is available. Design flows for secondary and minor drainage facilities shall be computed by the subdivider's engineer. The Rational Method may be used to calculate peak flows provided that the watershed is less than 100 acres and there are no detention or retention facilities included in the drainage system. Runoff coefficients and intensity-duration curves shall be as approved by the Department of Public Works. Drainage systems that incorporate detention or retention facilities within the drainage system shall use the unit hydrograph method.

- a. The hydraulic design of the subdivision shall be such that after accumulating all energy losses through the various drainage transmission systems within the subdivision, depth of flow in the streets shall not exceed curb heights or encroach into the travel ways for 25-year average recurrence intervals and, depth of flow or ponding shall not be within one foot elevation of finished floors of residences constructed within the subdivision for a 100-year recurrence interval Unless approved by the Department of Public Works, no design energy grade line of any closed or open waterway, or any bridges, culverts or other appurtenances thereto, excepting curb and gutter or roadside ditch sections shall at any point be less than two feet below ground level for a 100 year event.
- b. Within the subdivision, catchbasins shall be so placed along the streets that the width of flow in the gutter will not exceed two feet for a one-year average recurrence interval. Bridges and box culverts spanning open waterways shall have a minimum freeboard above high water surface of one foot above the 100 year event.
- c. The hydraulic design of water quality BMPs shall be in accordance with the current CASQA New Development and Redevelopment handbook or as approved by the Department of Public Works.

- G. **Sanitary Sewers.** A sewage collection system designed and constructed to serve each unit or lot within the subdivision shall be provided.

1. All subdivisions having sewage collection systems shall be constructed to the standards required of the district that serves the subdivision.
2. All other subdivisions shall meet the requirements established by the Yuba County Environmental Health Director and shall be in conformance with all current health and safety standards.
3. All sewage systems shall meet the requirements of Chapter 7.07 and Chapter 10.05.060 of the County Code as such requirements may pertain to Subsections (1) and (2) above.

- H. **Water Systems.** Each unit or lot within the subdivision shall be served by an approved water distribution system.

1. All water distribution systems within the limits of existing water district boundaries shall be constructed to the standards required by that district.

2. Water systems or supply sources outside the areas designated in Subsection (1) above shall be required to meet the following:
 - a. All subdivisions requiring a final map that lie within the boundaries of a water-serving entity shall provide adequate water supply for each lot in the subdivision and for fire protection to the area through mains and hydrants.
 - b. All other subdivisions requiring a final map or parcel map shall indicate the availabilities of domestic water and shall meet the requirements established by the Yuba County Environmental Health Director or his or her designee.
 - c. Any water system, public or private, shall meet the requirements as outlined by the State of California, Department of Water Resources, in Bulletin 74-81 "Water Well Standards: State of California" Health and Safety Code Section 117020 et seq., as applicable.
- I. **Utilities.** Each unit or lot within the subdivision may be required to be served by gas, electric, telephone and cable television facilities. Within the Valley Growth Boundary, all utility distribution facilities (including but not limited to electric, video service, communication, and cable television lines) installed in and for the purpose of supplying service to any subdivision shall be placed underground in accordance with the utility's rules and regulations on file with the state Public Utilities Commission. Equipment appurtenant to underground facilities, such as transformers, streetlight poles, pedestal-mounted terminal boxes, and meter cabinets and concealed ducts, may be installed above the surface of the ground.

Prior to the filing of a final map, written approvals shall be submitted to the County Surveyor from the appropriate public utilities, including but not limited to Pacific Gas and Electric Company, AT&T, and Comcast, or their successors in interest, as well as any other public utility designated in the conditions of approval, indicating that the utility's requirements have been met and that financial arrangements have been made to ensure the utility's facilities will be installed and that the utility is satisfied with the public utility easements as shown on the tentative map.
- J. **Off-Site Improvements.** Prior to approval of the final map, the County shall require the subdivider to enter into an agreement to complete the off-site improvements at the time the County acquires title or interest in the land. The subdivider shall pay all costs, including County staff time, of acquiring off-site land or the necessary interest in the land required to construct the off-site improvements. If the subdivider is required to construct off-site improvements on land in which neither the County nor the subdivider have sufficient title or interest to allow construction and the subdivider is unsuccessful at acquiring said title or interest, the County shall acquire by negotiation or commence condemnation of the land.
- K. **Waiver of Improvements by Public Works Director.** Required improvements may be waived or modified by the Public Works Director when he or she makes any of the following findings:
 1. The proposed improvements can or will not function properly due to the lack of complementary facilities, but the subdivision is nonetheless an effective workable design, as modified.
 2. Topographic conditions would obstruct the functioning or installation of such facilities, but the subdivision is nonetheless an effective workable design, as modified.

11.46.040 Improvement Plans

Before beginning construction of any improvements, a complete set of plans, profiles, cross sections, and other drawings for all improvements, together with a complete set of detailed specifications for the work, shall be submitted to the Public Works Director for review. All work shall be according to County standards and specifications. After the plans are signed, one or more complete sets (as determined by the County) including one of Mylar or other durable media shall be furnished, without cost, to the Public Works Director.

11.46.050 Improvement Agreements

The subdivider shall enter into an improvement agreement for the construction of the required improvements. The agreement shall provide for:

- A. Construction of all improvements according to the approved plans and specifications on file with the Public Works Director;
- B. Specified times for completion of improvements;
- C. Right by County to require changes to the plans and specifications in accordance with the development requirements and to require the subdivider to pay for the modifications;
- D. Payment of applicable fees as set forth in the Ordinance of Fees and Charges;
- E. Improvement security as required by this chapter;
- F. Posting of a one-year warranty bond guaranteeing the constructed improvements from defects;
- G. Release and indemnification of the County from all liability incurred by the development and payment of all reasonable attorney's fees that the County may incur because of any legal action arising from the development; and
- H. Any other provisions required by the County as reasonably necessary to comply with the requirements of this chapter.

11.46.060 Deferred Improvement Agreements

Notwithstanding the provisions of this chapter regarding the fulfillment of all conditions prior to the approval of the application and map, the provision of improvements may be deferred pursuant to an agreement and payment of improvement security fees when deemed necessary by the CDSA Director to achieve the purpose of this division. The improvements serving the project may be deferred upon recordation of a deferred improvement agreement in instances where it can be determined that:

- A. The benefits of the project outweigh the temporary deferment of certain improvements, the installation of the improvement is not feasible at this time (i.e. installation of landscaping due to rain or drought) or the deferment would help promote development of the property in a blighted area; and,
- B. The deferment of the improvements would not be eminently injurious to health and safety.

11.46.070 Improvement Security

Any improvement agreement, contract, or act required or authorized by the Subdivision Map Act or this chapter, for which security is required, shall be secured in accordance with Section 66499 et seq. of the Subdivision Map Act and as provided below.

- A. **Improvement Security Required.** No final map or parcel map shall be signed by the Public Works Director or recorded until all improvement securities required by this section have been received and approved.
- B. **Warranty Security.** Upon acceptance of the subdivision improvements by the County, the subdivider shall provide security in the amount as required by the Public Works Director to guarantee the improvements throughout the warranty period of one year following completion and acceptance of the improvements. The amount of the warranty security shall be not less than 15 percent of the cost of the construction of the improvements, including the cash bond, which shall be retained for the one-year warranty period.
- C. **Form of Security.** The form of security shall be one or the combination of the following at the option of and subject to the approval of the County.
 - 1. Bond or bonds by one or more duly authorized corporate sureties. The provisions of the bond or bonds shall be in accordance with Sections 66499.1 and 66499.2 of the Subdivision Map Act.
 - 2. An instrument of credit or certificate of deposit from one or more financial institutions subject to regulation by the State or federal government pledging that the funds necessary to carry out the act or agreement are on deposit and guaranteed for payment.
 - 3. 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 money.
- D. **Amount of Security.** A performance bond or security in the amount of 100 percent of the estimated improvement cost to guarantee the construction or installation of all improvements shall be required of all subdivisions. An additional amount of 100 percent of the estimated improvement cost shall be required to guarantee the payment to the subdivider's contractor, subcontractors and to persons furnishing labor, materials or equipment for the construction or installation of improvements. The foregoing shall not apply to a California nonprofit corporation that is funded by a government agency if the corporation complies with Section 66499.3(c) of the Subdivision Map Act.
- E. **Estimated Improvement Cost.** The estimated improvement cost shall be subject to the Public Works Director's review and approval. The estimate shall be based on the cost to the County if the County were to construct the improvements if the subdivider fails to perform the work. The cost shall include contingency, design, construction administration, adjustment due to inflation as necessary, and other reasonable expenses and fees, including attorney's fees, that may be incurred in enforcing the obligation secured as follows:
 - 1. Ten percent (10%) of the total construction cost for contingencies;
 - 2. All utility installation costs or a statement acceptable to the Public Works Director from the utility company that adequate security has been deposited to ensure installation; and
 - 3. In addition to the full amount of the security, there shall be included estimated costs and reasonable expenses and fees, including attorney's fees, which may be incurred in enforcing the obligation secured.
- F. **Release of Improvement Securities.**
 - 1. **Performance Security.** The performance security shall be released only upon acceptance of the improvements by the County and when an approved warranty security has been filed with the Public Works Director. If warranty security is not submitted, performance security shall

be released 12 months after acceptance of improvements and correction of all warranty deficiencies.

2. **Labor and Materials Security.** Security given to secure payment to the contractor, subcontractors, and to persons furnishing labor, materials, or equipment may, 30 days after the completion and acceptance of the improvements by the Board of Supervisors or Public Works Director and filing a Notice of Completion with the County Recorder, be reduced to an amount equal to the amount of claims therefore filed and of which notice has been given to the Board of Supervisors. The balance of the security shall be released upon the settlement of all such claims and obligations for which the security was given.
3. **Warranty Security.** The warranty security shall be released upon satisfactory completion of the warranty period provided that:
 - a. All deficiencies appearing on the final deficiency list for the subdivision have been corrected; and
 - b. Not less than 12 months have elapsed since the acceptance of the improvements by the Board of Supervisors.

11.46.080 Construction Inspection

- A. The construction methods and materials for all improvements shall conform to the Yuba County Standard Specifications and Standard Plans. Construction shall not commence until required improvement plans have been approved by the Public Works Director. All improvements are subject to inspection by the Public Works Director in accordance with the County's approved specifications.
- B. Completion of Improvements. The subdivider shall complete the subdivision improvements within 12 months, or at a time approved by the Public Works Director, not to exceed 24 months, from the recording of the final map, unless an extension is granted by the Board of Supervisors. If the subdivider fails to complete the improvements within the specified time, the County may, by resolution of the Board and at its option, cause any or all uncompleted improvements to be completed and the parties executing the surety or sureties shall be firmly bound for the payment of all necessary costs.

11.46.090 Acceptance of Improvements

- A. **Procedure.** Upon completion of the improvements required by the provisions of this chapter, the subdivider or his authorized agent shall file a complete set of record drawings with the Public Works Director. Such record drawings shall be drawn on original tracings and be certified as to accuracy and completeness by the subdivider's engineer of record. Upon the receipt and acceptance of such record drawings, the Public Works Director shall recommend to the Board of Supervisors the formal acceptance of the improvements; for parcel maps, the Public Works Director shall accept the improvements.
- B. **Recordation of Acceptance.** If the subdivision has been accepted by the County, and public improvements have been dedicated on the final map, the County Clerk of the Board of Supervisors shall file an Acceptance of Public Improvements with the County Recorder. The Public Works Director shall file the acceptance of dedications on parcel maps with the County Recorder. Acceptance of the improvements shall imply only that the improvements have been completed satisfactorily and that public improvements have been accepted for public use.
- C. **Acceptance of a Portion of the Improvements.** When requested by the subdivider in writing, the County may consider acceptance of a portion of the improvements as recommended by the Public

Works Director. The improvements will be accepted by the County only if it finds that it is in the public interest and such improvements are for the use of the general public. Acceptance of a portion of the improvements shall not relieve the subdivider from any other requirements imposed by this section.

Chapter 11.47 Amendments and Enforcement

Sections:

- 11.47.010 Correction and Amendment of Maps
 11.47.020 Enforcement and Judicial Review

11.47.010 Correction and Amendment of Maps

- A. **Purpose.** The purpose of this section is to establish procedures for the correction and amendment of required maps, consistent with the regulations of the Subdivision Map Act.
- B. **Tentative Maps.** Tentative maps may be corrected and amended as follows.
1. **Minor Changes.** Minor changes in an approved tentative map may be approved by the County Surveyor upon application by the subdivider or on the County's initiative, provided that:
 - a. No lots, units or building sites or structures are added;
 - b. Changes are consistent with the intent of the original tentative map approval; and
 - c. There are no resulting violations of the County Code.
 2. **Substantive Changes.** Amendments of the tentative map that in the opinion of the CDSA Director are not minor shall be referred to the Development Review Committee for a decision, subject to the procedures for processing a tentative map set forth in Chapter 11.40, Tentative Maps.
 3. **Effect of Amendments.** Any approved amendment shall not alter the expiration date of the tentative map.
- C. **Final Maps and Parcel Maps—Allowed Corrections and Amendments.**
1. **Corrections.** After a final map or parcel map is filed in the office of the County Recorder, it may be amended by a certificate of correction or amending map for any of the following purposes, consistent with Section 66469 of the Subdivision Map Act:
 - a. To correct an error in any course or distance shown on the map.
 - b. To show any course or distance that was omitted from the map.
 - c. To correct an error in the description of the real property shown on the map.
 - d. To indicate monuments set after the death, disability, retirement from practice, or replacement of the engineer or surveyor charged with responsibilities for setting monuments.
 - e. To show the proper location of any monument that has been changed in location or character, or that was originally shown at the wrong location or incorrectly as to its character.
 - f. To correct any additional information filed or recorded pursuant to Section 66434.2 of the Subdivision Map Act if the correction does not impose any additional burden on the present owners of the property and does not alter any right, title, or interest in the real property reflected on the recorded map.

- g. To correct any other type of map error or omission as approved by the County Surveyor that does not affect any property right, including, but not limited to, lot numbers, acreage, street names, and identification of adjacent record maps.

As used in this section, “error” does not include changes in courses or distances from which an error is not ascertainable from the data shown on the final map or parcel map.

2. **Amendments.** 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 if the Development Review Committee finds that there are changes in circumstances that make any or all of the conditions of such final map or parcel map no longer appropriate or necessary. Any such modification shall be set for public hearing as provided for in Section 66451 of the Subdivision Map Act. The hearing shall be confined to consideration of any action on the proposed modification. The Development Review Committee shall only approve the amendment if it finds that all of the following are true:

- a. The modifications do not impose any additional burden on the present fee owner of the property;
- b. The modifications do not alter any right, title, or interest in the real property reflected on the recorded map; and
- c. The map as modified conforms to the provisions of the Subdivision Map Act and this division.

- D. **Final Maps and Parcel Maps—Form and Contents.** Amendments to either a final map or a parcel map may be made with a certificate of correction or an amending map. The amending map or certificate of correction shall be prepared by a person registered as a civil engineer prior to January 1, 1982 or a licensed land surveyor. The County Surveyor shall determine when an amending map is required and when a certificate of correction will suffice. The amending map shall set forth in detail the corrections made and show the names of the owners of the property affected by the correction or omission as of the date of the filing or recording of the original recorded map.

1. In the case of an amending map to amend a parcel map, no signature of a trustee or beneficiary of a deed of trust regarding the property shall be required nor shall the signature of any lot owner whose lot is not affected by the change be required. No signatures of owners shall be required unless, in the judgment of the County Surveyor, signatures of owners should be required. In all cases, however, the names of all owners of record holding any record title interest in the lots covered by the map shall be shown on the amending map or certificate of correction, together with the nature of their interest.

- E. **Final Maps and Parcel Maps—Examination of Amending Map or Certificate of Correction by County Engineer.**

1. **General Review.** The amending map or certificate of correction shall be submitted to the County Surveyor for review and approval, accompanied by the required fee established in Title 13, Fees. The County Surveyor shall examine the amending map or certificate of correction for compliance with the Subdivision Map Act and for accuracy.
2. **Certificate of Correction.** The County Surveyor shall have 20 working days to examine the certificate of correction for compliance with this division, endorse a statement on it of his or her examination and certification, and present it to the County Recorder for recordation. If the County Surveyor determines that the certificate of correction fails to comply with this

division or Sections 66469 and 66470 of the Subdivision Map Act, the County Surveyor shall return the certificate to the applicant with a written statement of the changes necessary. The County Surveyor shall have 10 working days after resubmission and approval of the amended certificate of correction to present it to the County Recorder for recordation.

- F. **Final Maps and Parcel Maps—Filing with the County Recorder.** The amending map or certificate of correction certified by the County Surveyor shall be filed in the office of the County Recorder. Upon such filing, the original map shall be deemed to have been conclusively so corrected and shall impart constructive notice of all the corrections in the same manner as though set forth upon the original map.

11.47.020 Enforcement and Judicial Review

- A. **Purpose.** This article establishes procedures that the County will use to enforce the requirements of this division, including compliance with any conditions of approval imposed to protect public health, safety, and welfare and promote development in accordance with the General Plan.

B. **Prohibitions.**

1. ***No Sale or Lease Until final map or parcel map is in Full Compliance.*** No person shall sell, lease, or finance any parcel of real property or begin construction of any building for sale, lease or financing, except for model homes, or allow occupancy of any parcel or parcels for which a final map or parcel map is required by the Subdivision Map Act or this division, until a map that is in full compliance with the provisions of this title and the Subdivision Map Act, has been filed with the County Recorder.
2. ***No Conveyance by Parcel Number Until final map is Filed.*** The conveyance of any part of a division of real property for which a final map or parcel map is required shall not be made by parcel or block number, letter or other designation until the map has been filed for record with the County Recorder.
3. ***Exceptions.***
 - a. This section does not apply to a parcel of a subdivision offered for sale or lease, contracted for sale or lease, or sold or leased in compliance with or exempt from any law, including this division, regulating the design and improvement of subdivisions in effect at the time the subdivision was established.
 - b. This section does not prohibit an offer or contract to sell, lease or finance real property or to construct improvements where the sale, lease or financing or the beginning of construction, is expressly conditioned upon the approval and filing of a final map or parcel map.
 - c. This section shall not, in any way, modify or affect the provisions of Section 11018.2 of the Business and Professions Code.

C. **Remedies.**

1. ***Conveyance Voidable.*** Any deed of conveyance, sale, or contract to sell real property that has been divided or that results from a division in violation of the Subdivision Map Act or this division is voidable at the sole option of the grantee, buyer or person contracting to purchase, or the heirs, personal representative, or trustee in insolvency or bankruptcy within one year after the date of discovery of the violation. The deed of conveyance, sale or contract to sell is, however, binding upon a successor in interest of the grantee, buyer or person contracting to

purchase, other than those above enumerated, and upon the grantor, vendor or person contracting to sell, or their assignee, heir or devisee.

2. **Other Legal Action.** Any grantee, or successor in interest, of real property that has been divided, or which has resulted from a division, in violation of the provisions of this division or the Subdivision Map Act may, within one year of the date of discovery of such violation, bring an action in the superior court to recover any damages suffered by reason of the division of property. The action may be brought against the person who divided the property in violation and against any successors in interest who have actual or constructive knowledge of such division of property.

D. **Effect on County Permits and Approvals.**

1. **No Issue of Permits or Approvals.** The County shall not issue a permit or grant any approval necessary to develop any real property that has been divided or which has resulted from a division in violation of the Subdivision Map Act or this division if it finds that development of the property is contrary to the public health or safety. The authority to deny or approve such a permit applies whether the applicant was the owner of record at the time of the violation or whether the applicant is either the current owner of record or a vendee of the current owner with, or without, actual or constructive knowledge of the violation at the time of the acquisition of an interest in the property. The County shall not issue a permit or grant any approval necessary to develop a remainder parcel without said remainder parcel having first been issued a Conditional Certificate of Compliance.
2. **Permit or Approval Subject to Conditions.** If the County issues a permit or grants approval for the development of any real property illegally subdivided, it may only impose those additional conditions that would have been applicable to the division of the property at the time the current owner of record acquired the property. If the applicant was the owner of record at the time of the initial violation, the County may impose conditions applicable to a current division of the property. If a conditional certificate of compliance has been filed for record in accordance with the provisions of Subsection 11.47.020(E), Certificate of Compliance, below, only the conditions stipulated in that certificate are applicable.

E. **Certificates of Compliance.** Certificates of compliance shall be sought and issued as provided in Section 66499.35 of the Subdivision Map Act and the following.

1. **Request.** A person owning real property or a vendee of such person under a contract of sale may request the County Surveyor to determine whether the real property complies with the provisions of the Subdivision Map Act and this division. A written application for a certificate of compliance shall be accompanied by a current preliminary title report showing the legal owner of the property, as well as the necessary deed research and Chain of Title information to determine the legality of the parcel. The applicant for a certificate of compliance shall pay the County a fee to cover the reasonable cost of processing the application.
2. **Determination and Certificate of Compliance.** If the County Surveyor, in consultation with County Counsel as needed, determines that the real property complies with the provisions of the Subdivision Map Act and this division, it shall issue a certificate of compliance to be filed for record with the County Recorder. The certificate of compliance shall identify the real property and shall state that the division thereof complies with the provisions of the Subdivision Map Act and this division.
3. **Conditions.** If the County Surveyor, in consultation with County Counsel as needed, determines that the real property does not comply with the provisions of the Subdivision Map

Act or this division, the County Surveyor may, as a condition to granting a certificate of compliance, impose conditions. This shall be known as a Conditional Certificate of Compliance. Upon the County Surveyor making such a determination, establishing such conditions, and upon Development Review Committee approval, the County Surveyor shall file a conditional certificate of compliance for record with the County Recorder. The certificate shall serve as notice to the property owner and any successor that the fulfillment and implementation of such conditions shall be required before subsequent issuance of a permit or other grant of approval for development of the property. Compliance with such conditions is not required until the County issues a permit or other grant of approval for development of the property.

4. ***Recorded Maps Serve as Certificates of Compliance.*** A recorded final map, parcel map or official map constitutes a certificate of compliance with respect to the parcels of real property described on the map.

F. **Notice of Violation.**

1. ***Notice of Intention to Record Notice of Violation.*** If it is determined that real property has been divided in violation of the Subdivision Map Act or this division, the County Surveyor shall mail by certified mail to the current owner a notice of intention to record a notice of violation. The notice shall describe the property in detail, name the owners, describe the violation, why the subject parcel is not lawful under the Subdivision Map Act or County Ordinance, and state that the owner will be given the opportunity to present evidence. The notice shall specify the date, time and place for a Development Review Committee hearing at which the owner may present evidence why a notice of violation should not be recorded.
2. ***Hearing.*** The hearing shall be held no sooner than 30 days and no later than 60 days from that date of mailing of the notice of intention to record a notice of violation.
3. ***Clearance if No Violation.*** If, after the owner has presented evidence, the County determines that there has been no violation, the County Surveyor shall mail a clearance letter to the then current owner of record.
4. ***Recording a Notice of Violation.*** The County shall record the notice of violation with the County Recorder's office.
 - a. Within 15 days of receipt of the notice, if the owner fails to file with the County Surveyor a written objection to recording the notice of violation; or
 - b. After the owner has presented evidence, the County determines that the property has in fact been illegally divided.
5. ***Effect of Recording.*** The notice of violation, when recorded, is constructive notice of the violation to all successors in interest in the property.

- G. **Penalty for Violation.** Pursuant to Section 66499.31 of the Subdivision Map Act, a violation of the Subdivision Map Act by a person who is the subdivider or an owner of record, at the time of the violation, of property involved in the violation is punishable by imprisonment in the county jail not exceeding one year or in the state prison, by a fine not exceeding \$10,000, or by both fine and imprisonment. Every other violation of the Subdivision Map Act is a misdemeanor.

- H. **Judicial Review.** An action or proceeding to attack, review, set aside, void or annul a decision of the County under this division must be commenced and served on the County within 90 days after the date of the decision. After 90 days, all persons are barred from any such action.

Chapter 11.48 Reserved

Chapter 11.49 Reserved

Chapter 11.50 Reserved

Chapter 11.51 Reserved
