

SUBDIVISIONS

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Chapter 1400

REGULATIONS FOR THE
SUBDIVISION OF LAND

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1400-050 AUTHORITY

This Chapter is enacted pursuant to Section II of Article XI of the Constitution of California and the general laws of the State of California, including the Subdivision Map Act. The provisions of this Chapter are supplemental to the provisions of the Subdivision Map Act (Title 7, div. 2 (commencing with §66410) of the Gov. Code). In the event of any conflict or inconsistency between this Chapter and the Subdivision Map Act, the latter shall control. (Ord. 1334, Sec. 1; June 25, 2002)

1400-100 PURPOSES OF THE CHAPTER

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

1400-105 Consideration

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

(b) Community Facilities. The policies and programs of the General Plan shall be used in evaluating the impact of a subdivision on community facilities. This Chapter establishes procedures for the referral of proposed subdivision data to other departments, interested boards, bureaus and other governmental agencies and utility companies, both public and private, so that the extension of community facilities and utilities may be accomplished in an orderly manner, and coordinated with the development of the subdivision. To facilitate the acquisition of land required to implement this policy, the County may require that the subdivider dedicate land, grant easements, or otherwise reserve land for parks, playgrounds, thoroughfares, utility easements, or any other public facility or purpose.

1400-110 General Responsibilities

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

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

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

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

(e) Planning Commission. The Planning Commission is the advisory agency to the Board of Supervisors and is charged with making investigations and reports on the design and improvements of proposed divisions of land. Any action by the Planning Commission to approve or disapprove a tentative map shall be final unless the decision is appealed to the Board of Supervisors as set forth in Section 1400-200 of this Chapter. Actions of the Planning Commission shall be reported directly to the applicant.

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

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

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

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

1400-115 General Requirements

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

(1) The land before division contains less than five acres, each parcel created by the division abuts upon a maintained public street or highway and no dedications or improvements are required by the Board of Supervisors; or

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

(3) The land consists of a parcel or parcels of land having approved access to a public street or highway which comprises part of a tract of land zoned for industrial or commercial development, and which has the approval of the governing body as to street alignments and widths; or

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

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

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

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

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

1400-150 DEFINITIONS

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

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

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

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

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

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

(f) "Dwelling, Multiple" as used in this Chapter shall mean a building of permanent character placed in a permanent location which is planned, designed or used for residential purposes, for three or more families living independently of each other in independent dwelling units.

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

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

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

(j) "Subdivision Map Act" shall mean the Subdivision Map Act of the State of California.

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

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

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

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

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

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

(q) "Subdivider" means a person, firm, corporation, partnership, or association who proposes to divide, divides, or causes to be divided, real property into a subdivision for himself and for others.

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

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

(s) "Subdivision Advisory Committee" shall mean the following officials or their representatives: the Community Services Director, the Environmental Health Division Chief, and the Public Works Director.

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

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

1400-200 TENTATIVE MAPS - PROCEDURE AND CONTENTS

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

1400-210 Submittal. Fifteen copies, or additional copies as deemed necessary by the Community Services Director, of a tentative map, an 8½ by 11 inches reduction of the tentative map, a statement of the proposed division of land, the information required by the Community Services Director pertaining to the environmental impact of the proposed project, a signed hazardous waste and substance statement pursuant to Section 56962.5(d) and (f) of the Government Code, and appropriate fees shall be submitted to the Community Services Department.

1400-215 Form of Tentative Map

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

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

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

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

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

(4) Name and address of subdivider.

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

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