

**YOLO COUNTY ZONING CODE
TITLE 8**

CHAPTER 1: SUBDIVISION AND RELATED REGULATIONS

Article 1: General Provisions

Sec. 8-1.101 Title and purpose

- (a) This Chapter shall be known as, and may be cited as, the “Subdivision and Related Regulations of the County.”
- (b) The purpose of this chapter shall be the establishment of the following principles in the interests of protecting the health, safety, and general welfare of the people of the County:
 - (1) To implement the County’s General Plan and to implement and supplement the State Subdivision Map Act (Sections 66410 et seq. of Division 2 of Title 7 of the California Government Code and all amendments or additions thereto);
 - (2) To ensure that a proposed subdivision, street plan, or land division shall be consistent with the General Plan of the County, this Chapter, and the Yolo County Improvement Standards;
 - (3) To ensure the creation of reasonable building sites;
 - (4) To provide for the dedication, construction and installation of streets, roads, alleys, highways, public utilities, stormwater conveyance facilities, and other improvements and/or facilities;
 - (5) To ensure adequate street alignment and means of ingress and egress to property;
 - (6) To control the division of land that is subject to inundation or other detrimental influences that make land unsuitable for many uses;
 - (7) To provide for planned development subdivisions; and
 - (8) To provide rules and regulations governing the contents of tentative and final maps, including parcel maps, and the filing thereof, and other matters related thereto.

Sec. 8-1.102 Application

Except as otherwise provided in Sec. 8-1.103, below, this Chapter shall apply to all divisions and subdivisions, reversions to acreage, lot line adjustments, mergers, and certificates of compliance, respecting real property located wholly or partially within the unincorporated areas of Yolo County. This chapter governs the filing, processing, approval, conditional approval, or disapproval of tentative, final and parcel maps, lot line adjustments, certificates of compliance, conditional certificates of compliance, notices of violation, reversions to acreage, resubdivisions, mergers, and related public and private improvements. The provisions of this Chapter shall also apply to vesting tentative maps. Except as specifically otherwise provided by this Chapter or the Subdivision Map Act, all subdivisions shall be subject to the same substantive and procedural requirements. This Chapter also applies to dedications and improvements associated with certain building permits.

Sec. 8-1.103 Exemptions

Exemptions from the provisions of this chapter are governed by those exclusions specifically cited in the State Subdivision Map Act.

Sec. 8-1.104 Advisory Agency

- (a) The Yolo County Planning Commission is hereby designated as the “Advisory Agency” pursuant to the Subdivision Map Act for major applications relating to the subdivision of land involving tentative maps and tentative parcel maps. In such capacity, the Planning Commission shall make investigations and reports on the design and improvement of proposed tentative maps, recommendations for the imposing of requirements or conditions thereon.
- (b) The Yolo County Planning Commission is empowered to approve, conditionally approve or disapprove all tentative parcel maps.
- (c) The Zoning Administrator is hereby designated as the “Advisory Agency” pursuant to the Subdivision Map Act for minor applications relating to the divisions and mergers of real property, including lot line adjustments, mergers, and certificates of compliance.
- (d) The Zoning Administrator is empowered to approve, conditionally approve, or disapprove lot line adjustments, mergers, and certificates of compliance, or defer the request to the Planning Commission, as the Zoning Administrator deems appropriate.

Sec. 8-1.105 Duties and procedures

- (a) It shall be the duty of the Advisory Agency to review all land divisions as empowered by this Chapter, and take action, or recommend the appropriate action to the Board of Supervisors, to deny or approve said land divisions. In making recommendations or granting approval as authorized by this Chapter, the Advisory

Agency shall make the findings required by the Subdivision Map Act for the specific land division and the following minimum findings:

- (1) That an environmental review, in accordance with the California Environmental Quality Act (CEQA) was conducted for the proposed map;
 - (2) That the proposed map is consistent with the Yolo County General Plan;
 - (3) That the proposed map is consistent with the Subdivision and Related Regulations of the County, and zoning requirements and parcel size minimum standards, as set forth in this Title, Chapter 1 and Chapter 2, et seq.;
 - (4) That the proposed map complies with the requirements of the State Subdivision Map Act; and
 - (5) That access to a County road, or suitably maintained private road, is provided to all affected lots and parcels, and that an improved access street or driveway is provided or will be constructed, consistent with the Yolo County Improvement Standards.
- (b) The Advisory Agency may recommend, or impose reasonable conditions on the approval of maps that are subject to this Article in order to find or ensure compliance with the applicable requirements of this Chapter or Federal, State, or County laws or regulations and standards, or policies of the County General Plan, and to provide for the necessary improvements and facilities, and the mitigation of environmental impacts as necessary, and to ensure the public health, safety and general welfare, and orderly growth. Such conditions shall be expressly stated in writing by the Advisory Agency.
- (c) Meetings of the Advisory Agency shall be duly noticed public hearings and shall give public notices and conduct public hearings, as provided for by Section 8-2.211 of this Title (Article 2 of Chapter 2), with the exception of Zoning Administrator actions to approve lot line adjustments, mergers, and certificates of compliance. Such public hearings shall be open to the public, and any officer, person, applicant or owner interested in any matter before the Planning Commission, or Board of Supervisors, shall have the privilege of attending any such meeting and making any presentation which may be appropriate. Such notices shall state that all persons are invited to attend such hearings and present evidence regarding the proposed action.
- (d) Decisions of the Advisory Agency under this Article shall take effect, and appeals thereof made and considered, in the manner provided in Section 8-2.225 of Chapter 2 of this Title. The fee for filing an appeal pursuant to the provisions of this Chapter shall be in the amount established by the Board by resolution. Such fee shall be paid to the Clerk of the Board or the Planning, Public Works, and Environmental Services Department at the time the appeal is filed.

Article 2: Definitions

Sec. 8-1.201 Definitions

Whenever any words or phrases used in this Chapter are not defined herein, but are defined in the Subdivision Map Act, such definitions shall be deemed incorporated herein and shall apply as though set forth in full in this Chapter.

Advisory Agency

A designated individual or official body charged with the duty of making investigations and reports on the design and improvement of proposed divisions of real property, or imposing or suggesting requirements or conditions thereon, or having the authority to approve, conditionally approve or disapprove maps, certificates of compliance, conditional certificates of compliance, lot line adjustments, or having the authority to conduct the hearings relating to notices of violation as specified in this Chapter and the Subdivision Map Act.

Alley

A public or private way, not more than thirty (30) feet wide, affording only secondary means of access to abutting property.

Applicant

A person or that person's authorized agent who causes land to be divided or developed in accordance with the provisions of this Chapter, and/or a property owner or that person's authorized agent who applies for a building or other County permit pursuant to Title 7 of the Yolo County Code (see also "Subdivider" below).

Board

The Yolo County Board of Supervisors.

Building site

A parcel of land, exclusive of streets or alleys, occupied, or intended to be occupied, by a main building or group of such buildings and accessory buildings, together with such open spaces, yards, minimum width, and area, as are required by the zoning regulations (Chapter 2 of this Title), and having full frontage on an improved street which meets the standards of widths and improvements specified by the County for the street in question, or having either partial frontage on such street or access thereto by a recorded right-of-way or recorded easement, which partial frontage right-of-way or easement and improvements therein are determined by the Planning Commission to be adequate. In subdivided areas a building site shall be any portion of a filed and recorded lot or any combination of contiguous lands, including more than a lot, which meets the area and width requirements of the zoning regulations (Chapter 2 of this title).

CEQA

The California Environmental Quality Act, codified as Division 13 (commencing with Section 21000) of the Public Resources Code and such amendments and additions thereto as may be made from time to time by the California Legislature.

Chief Building Official

The Chief Building Official of the County, or authorized representative.

Commission

The Yolo County Planning Commission.

Contiguous

Lots are “contiguous” when they touch each other at any point or when they are in close proximity to each other and are so situated as to be reasonably developable as a single unit. Lots may be contiguous even when separated by a strip of land over which some person or entity, other than the owner of the lots, has some property interest, including fee title or some lesser interest such as a leasehold or easement. Examples of such strips of land, which normally will not prevent lots from being contiguous, include roads and streets other than freeways, utility easements, railroad rights-of-way, canals and drainage channels.

County Engineer

The registered civil engineer acting under the authority of the Director of Community Services for the County for which an engineering license is required.

County Surveyor

The licensed land surveyor acting under the authority of the Director of Community Services who examines and signs the County Surveyor’s statement on maps, as required by the Subdivision Map Act (Section 66450).

Design

Street alignment, gradient, and width; the alignment and width of easements; the rights-of-way for drainage sewers and utilities; the size, shape, and area of lots; the uses of land; and the construction and installation of all public improvements.

Department

The Yolo County Community Services Department.

Development Review Committee or Committee

The Development Review Committee of the County comprised of various County and other agencies that review subdivision applications and other land use/development applications, and make recommendations to the Zoning Administrator or Planning Commission.

Director

Director of the Yolo County Community Services Department.

Double frontage

A lot having frontage on two (2) parallel or nearly parallel streets and having the rights of access to both streets.

Final map

A final map is prepared following approval of a tentative map, in accordance with the provisions of this Chapter and the Subdivision Map Act.

Frontage

The lot width measured along the property line adjacent to the street right-of-way. On a corner lot the frontage shall be the lesser of two (2) street frontages.

Future street or alley

Any real property which the owner thereof has irrevocably offered for dedication to the County in accordance with the Subdivision Map Act (Government Code Section 66475) for street or alley purposes but which has been rejected by the Board, subject to the right of the Board to rescind its action and accept, by resolution at any later date and without further action by the owner, all or part of such property as a public street or alley.

General Plan

The General Plan of Yolo County, or any element, section, or portion thereof.

Improvements

Improvements include, but are not limited to, streets, curbs, gutters, sidewalks, sanitary sewer facilities, storm drain facilities, water supply facilities, street lighting, utilities, and landscaping, or any facility, fixture, or object installed or constructed in accordance with the County Improvement Standards for acceptance or maintenance by the County, other public agencies, County Service Areas, or other appropriate funding mechanisms.

Improvement security

A cash deposit, a bond by a duly authorized corporate surety, or an instrument of credit covering faithful performance and labor and materials, as set forth in the Subdivision Map Act and the County Improvements Standards.

Legislative body

The Yolo County Board of Supervisors.

Lot

A parcel of land intended for transfer of ownership, lease, or building development (also see "Building site").

Lot area

The total horizontal area included within the lot lines but excluding any portion of such area which has been dedicated or offered for dedication for a public street, alley, or pedestrian way.

Lot, corner

"Corner lot" shall mean a lot bounded by streets on two (2) or more adjoining sides where the angle of intersection between the tangents of the two (2) intersecting streets is less than 135 degrees.

Lot depth

The horizontal distance between the front and rear lot lines measured along the median between the two (2) side lot lines.

Lot, interior

"Interior lot" shall mean a lot other than a corner lot.

Lot lines

The property lines bounding a lot, as defined above (see definition of “Lot”) of this Article.

Lot line adjustment

An adjustment between four (4) or fewer existing adjoining parcels where the land from one parcel(s) is added to an adjoining parcel(s), and where a greater number of parcels than originally existed are not thereby created.

Lot width

The horizontal distance between the side lot lines measured at right angles to the depth of the lot at the front yard setback line. Whenever such definition cannot be applied due to irregularity in the shape of the lot, the lot width shall be as determined by the Planning Director, subject to appeal and review by the Commission.

Merger of contiguous parcels

“Merger of contiguous parcels” (referred to in this Chapter as “merger”) shall mean the elimination of parcel lines between contiguous parcels under common ownership, without reverting the land in such parcels to acreage, pursuant to the authority set forth in Section 66499.20-3/4 of the Subdivision Map Act.

Parcel

Any land, improved or unimproved, which is comprised of any combination of contiguous lands which are under one ownership according to records in the office of the County Clerk-Recorder.

Parcel map

A parcel map is prepared following approval of a tentative parcel map, where the division of land results in four (4) or fewer parcels, in accordance with the provisions for parcel maps as set forth in Section 66425 et seq. of the Subdivision Map Act.

Pedestrian way

A way dedicated for public use and designated for use by pedestrians, equestrians, and cyclists and not intended for use as a way for motor-driven vehicular traffic.

Planning Director

Director of the Community Services Department or his or her designee.

Preliminary plan

A sketch plan of a proposed subdivision prepared prior to a tentative map and showing existing conditions and the proposed development thereon.

Public Health Director

The full-time Director of Environmental Health who shall be responsible for the administration of the Division of Environmental Health within the Department, in accordance with Section 2-5.1705 of the Yolo County Code.

Public water system

A system for the provision of water for human consumption through pipes or other constructed conveyances that has 15 or more service connections or regularly serves at least 25 individuals daily at least 60 days out of the year

Remainder

That portion of land which is not divided for the purpose of sale, lease, or financing, and which is not counted as a parcel for the purposes of determining whether a parcel or final map is required, in accordance with Section 66424.6 of the Subdivision Map Act.

Street

A way for vehicular traffic, whether designated as a street, highway, road, avenue, boulevard, lane, place, court, circle, drive, or way, which has been dedicated to public use and accepted by the County, or laid out or constructed as such by the County, or made a public street pursuant to law. "Street" shall not include a private road or alley.

Subdivider

Any person, firm, corporation, partnership or association who proposes to divide real property into a subdivision as defined in Section 66423 of the State Subdivision Map Act.

Subdivision

Any division of land which is a subdivision as currently defined in the Subdivision Map Act.

Subdivision agreement

A contract between the County and the subdivider, in a form approved by the Board, requiring the subdivider to complete, install, or construct improvements as required by the provisions of this Chapter and the County Improvement Standards.

Subdivision Map Act

Sections 66410 et seq. of Division 2 of Title 7 of the California Government Code and all amendments or additions thereto.

Tentative Parcel Map

A map made for the purpose of showing the design and improvement of a proposed parcel map and the existing conditions in and around it.

Tentative Map

A map made for the purpose of showing the design and improvement of a proposed subdivision and the existing conditions in and around it.

Vesting tentative map

A Tentative Map for a residential subdivision, obtaining the development rights conferred by Chapter 4.5 (Commencing with Section 66498.1) of the Subdivision Map Act, which shall have printed conspicuously on its face the words "Vesting Tentative Map" at the time it is filed.

Yolo County Improvement Standards

The standards and specifications set forth in the *County of Yolo Improvement Standards*, adopted by the Board of Supervisors on August 5, 2008, and all amendments or additions thereto.

Yolo County Transportation Impact Study Guidelines

The Yolo County Transportation Impact Study Guidelines adopted in February, 2010, and all amendments or additions thereto.

Zoning Administrator

Director of the Planning, Public Works, and Environmental Services Department or his or her designee.

Zoning regulations

The zoning regulations of the County (Chapters 2 through 12 of this Title).

Article 3: Subdivision Map Requirements

Sec. 8-1.301 Subdivision maps creating five or more lots

A tentative subdivision map (a “tentative map”) and a final subdivision map (a “final map”) shall be required for all subdivisions which create five or more lots, create five or more condominiums as defined in Section 783 of the Civil Code, are a community apartment project (as defined in Section 11004 of the Business and Professions Code) containing five or more parcels, or are a conversion of a dwelling to a stock cooperative containing five or more dwelling units, except where:

- (a) The parent parcel contains less than five acres, each lot created by the division abuts upon a publicly maintained public road or highway, and no dedications or improvements are required by the legislative body; or
- (b) Each lot created by the subdivision has a gross area of 20 acres or more and has an approved access meeting the requirements of the Yolo County Improvement Standards to a publicly maintained public road or highway; or
- (c) The parent parcel has an approved access meeting the requirements of the Yolo County Improvement Standards to a public road or highway and is zoned for industrial or commercial development, and which has the approval of the legislative body as to road alignment and widths; or
- (d) Each lot created by the subdivision has a gross area of not less than 40 acres or is not less than a quarter of a quarter section; or
- (e) 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 map and a parcel map shall be required for those subdivisions described in subsections (a), (b), (c), (d) and (e). For the purposes of computing the number of lots created by a subdivision, any remainder parcel and any lots to be conveyed to a governmental agency, public entity, or public utility, or to a subsidiary of a public utility for reconveyance to a public utility for rights-of-way, shall not be counted. For purposes of this section, any conveyance of land to or from a governmental agency shall include a fee interest, an easement, or a license.

Sec. 8-1.302 Parcel maps creating four or fewer lots

Except as otherwise provided in this chapter, a tentative parcel map and a “final” parcel map shall be required for all subdivisions creating four or fewer lots, or four or fewer condominiums, or (in the case of community apartment projects) containing four or fewer apartments, or (in the case of conversions to a stock cooperative) involving four or fewer dwelling units.

Sec. 8-1.303 Final map or parcel map waivers

As set forth pursuant to Section 66428 of the Subdivision Map Act, a final map or parcel map shall, upon proper application therefore, be waived in the following cases:

- (a) Large Lot Subdivisions - Subdivisions (other than condominium conversions, community apartment projects and stock cooperative conversions) which create lots, each of which has a gross area of at least 40 acres or is not less than a quarter of a quarter section are eligible for map waiver provided that the Advisory Agency has issued written findings that (1) the subdivision meets all of the requirements of this Chapter and the Subdivision Map Act for a subdivision by parcel map except only those requirements set forth in Section 8-1.302 of this Chapter and in Section 66428 of the Subdivision Map Act and such other requirements as may be waived by the Advisory Agency pursuant to this Section, and (2) no injury would be done to the public health, safety or welfare by permitting the subdivision to occur without a field survey;
- (b) Mobile Home Park Condominium Conversions - Subdivisions which convert mobile home parks (as defined in Section 50781 of the Health and Safety Code) into condominiums are eligible for map waiver provided that the Advisory Agency has issued written findings that none of the conditions listed in subsections (a) (1) through (a) (4) of Section 66428.1 of the Subdivision Map Act exist.

Sec. 8-1.304 Application, processing, and recording of final map or parcel map waivers

- (a) An application for a map waiver shall be on a form satisfactory to the Planning Director and shall be accompanied by documents containing all of the information specified in Sections 8-1.306, 8-1.404, 8-2.502 and 8-2.503, as applicable, provided that the Planning Director may, in individual cases, permit the omission of items of information deemed by it not to be necessary for a proper review of the application. The application shall also be accompanied by a legal description and a sketch, prepared by a person authorized to practice land surveying, of each of the lots to be created by the subdivision or merger and, where applicable, each of the affected lots in existence at the time of application. The sketch shall include a north arrow and the bearings and distances for all the lot lines including, where applicable, distances between old and new lot lines. Where, in the opinion of the Planning Director, a field survey is necessary in order to support a required finding that one or more of the lots to be created will conform to applicable zoning requirements, the application shall be accompanied by a field survey. The

application for a mobile home park condominium conversion described in subsection (b) of Section 8-2.303 shall also be accompanied by a petition in the form specified in Section 66428.1 of the Subdivision Map Act signed by at least two-thirds of the owners of mobile homes who are tenants in the mobile home park.

- (b) An application for a map waiver shall be processed in the same manner as an application for a tentative parcel map. Prior to expiration of the map waiver approval, legal descriptions describing the parcels, as approved by the Advisory Agency, shall be provided by the applicant(s) in a form and content acceptable to the Planning Director. Also, the applicant shall obtain certification from the County Tax Collector which states that according to the records of his/her department there are no liens against the parcels for unpaid state, county, or municipal or local taxes or special assessments collected as taxes, except taxes or special assessments not yet payable. The Planning Director shall prepare and sign a certificate of compliance or conditional certificate of compliance to indicate compliance with all of the conditions of the approval of the map waiver.
- (c) A map waiver shall not become operative unless and until the certificate of compliance or conditional certificate of compliance is recorded in the Office of the County Recorder prior to expiration of the approval. Unless a certificate of compliance or a conditional certificate of compliance is recorded the approval shall expire two years from the date of the approval in the cases described in Sections 8-1.313(a) and 8-1.505(a). After approval of the map waiver, the Planning Director shall indicate on a separate document all conditions that, according to proof supplied by the applicant, have been satisfied. If all conditions that are required to be satisfied prior to the recording of the certificate of compliance or conditional certificate of compliance have not been satisfied, the Planning Director shall not sign and record the certificate of compliance or conditional certificate of compliance. If all conditions that are required to be satisfied prior to the recording of the certificate of compliance or conditional certificate of compliance have been satisfied, the Planning Director shall prepare and sign the certificate of compliance or conditional certificate of compliance, including applicable legal descriptions and sketches provided by the applicant, and shall transmit it to the County Recorder. When recorded, the certificate of compliance or conditional certificate of compliance shall have the same force and effect as a recorded parcel map.

Sec. 8-1.305 Filing of final maps and parcel maps

Prior to the filing of any final map or parcel map for the purpose of sale, lease, or financing, whether immediate or future, by the execution of any deed of conveyance, sale, or contract for sale, except where otherwise provided by this Chapter, the subdivider shall file a tentative map with the Planning Director, for distribution as set forth in Sec. 8-1.311 of this Article. The filing shall be accompanied by all information and supporting materials determined to be necessary by the Planning Director.

Sec. 8-1.306 Vesting tentative maps

A subdivider desiring to obtain the development rights conferred by Chapter 4.5 (commencing with Section 66498.1) of the Subdivision Map Act shall print the words "Vesting Tentative Map" conspicuously on the face of each copy of the tentative map prior to submitting the tentative map to the Planning Director, and shall comply with requirements for a Vesting Tentative Map contained in the Subdivision Map Act and this Chapter.

Sec. 8-1.307 Phased subdivision maps

A subdivider desiring to file for record multiple final maps or multiple parcel maps relating to a single tentative map shall so inform the Planning Director in writing at the time the tentative map is submitted, provided that, at any time prior to approval or conditional approval of the tentative map, the Advisory Agency may waive this requirement.

Sec. 8-1.308 Form of tentative maps and tentative parcel maps

- (a) The tentative map shall be prepared by a registered civil engineer or licensed land surveyor and shall be drawn to a scale sufficiently large as to show clearly the details of the plan (generally one inch equals fifty (50) feet, but not more than one hundred (100) feet, and the essential dimensions related thereto.
- (b) The tentative map shall contain the following information, which is further augmented and described in the application forms prepared by the Planning and Public Works Department (the Tentative Map application "Required Materials" checklist):
 - (1) The subdivision number and small vicinity map;
 - (2) The legal and/or other sufficient description of the property to be subdivided to define the location and boundaries of the proposed tract, with approximate bearings and distances;
 - (3) The names and addresses of the owner or owners of record, the subdivider, and the engineer or surveyor;
 - (4) The widths, approximate locations, and identity of all existing or proposed easements, streets, alleys, reserves, watercourses, irrigation canals, and drainage ditches on or adjacent to the proposed subdivision, together with all building and use restrictions applicable thereto;
 - (5) An indication of adjacent tentative or recorded subdivisions, property lines, or any development which will affect or be affected by the development;
 - (6) Topographic data shown for a sufficient distance beyond the boundary lines of the subdivision in sufficient detail and contour lines at sufficient intervals to provide for a proper study of drainage, sewage disposal, lot design, and road locations; the location of existing buildings on or near the proposed subdivision and unusual natural features in the area; and a rough grading plan, together with preliminary soils data, whenever cuts or fills are five (5) feet or more;
 - (7) The location and general description of proposed public improvements;
 - (8) The location and width of adjacent existing and proposed streets and highways, as well as possible future street continuations, and an indication

of how such development will fit into the neighborhood street plan and the General Plan of the County;

- (9) The proposed street names;
 - (10) The approximate radii of all curves;
 - (11) The approximate location of areas subject to inundation or storm water overflow, all areas normally covered by water, and all water courses which are to be preserved and used in the development of the subdivision;
 - (12) The proposed lot layouts, including approximate dimensions, gross lot area, and buildable area, and provisions for future passive or natural heating or cooling opportunities as set forth in the Subdivision Map Act;
 - (13) The existing and proposed uses of the property, with a statement of the respective proportions of the total area and the number of lots represented by each use;
 - (14) Provisions for the domestic water supply proposed by the subdivider, including the source, the location of existing, proposed, active, or abandoned wells and the future disposition of each well, and information concerning the approximate quantity of water when the source is other than a public water system;
 - (15) Provisions for sewage disposal and data pertaining to soil percolation rates for all areas not on public sewers to the satisfaction of the Public Health Director;
 - (16) Provisions for stormwater drainage including detention, and stormwater quality features, as applicable;
 - (17) Provisions for all other utilities, including natural gas, electricity, communication, and cable television systems, and a list of all firms and/or public districts supplying utility services;
 - (18) The requirement for Energy Star certified appliances;
 - (19) A flow diagram setting forth the manner and direction in which storm runoff will be carried through and away from the subdivision;
 - (20) Provisions for park and recreation facilities, schools, and other needed public areas;
 - (21) A statement as to the proposed landscaping and tree planting plan;
 - (22) A statement prohibiting wood-burning fireplaces in new residential development;
 - (23) The date, north arrow, scale, and gross area of the subdivision;
 - (24) The boundary lines of any cities, counties, school districts, and other public districts within the area of the map; and
 - (25) Signature blocks on the tentative maps for the approval of the Zoning Administrator and the County Engineer.
- (c) Any material required by the provisions of subsection (b) of this section, above, which cannot be placed legibly and completely on the tentative map shall be submitted in writing with such map.
- (d) The following information shall be submitted with the tentative map application, including and in addition to any other information specified in the subdivision application forms prepared by the Department of Community Services:
- (1) A Planned Development (PD) Ordinance (if rezoning to a unique PD overlay zone) including allowed and permitted uses, building densities and

- standards such as height and setbacks, design regulations, and other criteria which will regulate how development will proceed;
- (2) Development plans showing the proposed distribution, location, extent, and intensity of major components of public and private transportation, sewage, water, drainage, utilities, solid waste disposal, energy, and other essential facilities proposed to be located within the area covered by the plan and needed to support the land uses described in the plan and necessary to meet the infrastructure and other requirements of the County General Plan, any applicable specific plan, and the County Improvement Standards.
 - (3) Standards and criteria by which development will proceed;
 - (4) A program of implementation measures necessary to carry out the aforementioned requirements above; and any applicable mitigation programs or requirements such as agricultural and wildlife habitat mitigation and affordable housing;
 - (5) A Conceptual Landscape Plan, including a list of trees, plants, shrubs and groundcover that will be utilized for selecting landscape plan components.
 - (6) Architectural Elevation drawings and other aesthetic details of proposed buildings, as applicable;
 - (7) A Transportation Impact Study as described in the County's Transportation Impact Study Guidelines, if the project meets or exceeds the triggers requiring an impact study;
 - (8) Final hydrology and hydraulics calculations and reports prepared by a registered civil engineer per County Improvement Standards;
 - (9) An Onsite Circulation Plan;
 - (10) A Lighting Plan, if applicable;
 - (11) A Master Signage Plan, if applicable; and
 - (12) Any other technical and/or CEQA-related special studies, such as an archeological or biological study, as required.
- (e) Every subdivider, at the time of filing a tentative map, shall pay to the County a filing fee in the amount established by the Board by resolution.

Sec. 8-1.309 Determination of application completeness

- (a) When the required number of copies of a tentative map and accompanying information and reports have been received by the Community Services Department, the application shall be examined by staff of the Department and other appropriate County departments, in light of the requirements of this Chapter, applicable requirements of Title 6 of the Yolo County Code, the Subdivision Map Act, and the Yolo County Improvement Standards, to determine whether the application contains all of the required information and is complete for the purposes of Section 65943 of the Government Code.
- (b) No later than 30 days following the submittal of the application, the applicant shall be notified in writing whether the application is complete or incomplete. If the application is determined to be incomplete, the applicant shall be notified in writing of the reasons therefore and informed of the information still needed to make the application complete.

- (c) Upon written notification to the applicant, processing of an incomplete application may be terminated if no reasonable effort has been made by the applicant to complete the application for a period of six months from the date of notification of incompleteness. All unused fees shall be refunded to the applicant. The Planning Director on written request by the applicant showing good cause may grant an extension of this six month period.

Sec. 8-1.310 CEQA requirements and filing date

- (a) The applicant shall provide such information as may be necessary to comply with CEQA and, when the appropriate environmental document has been prepared and approved pursuant to Section 66452.1 of the Subdivision Map Act, the tentative map shall be filed as specified in this Section.
- (b) For the limited purpose of commencing the time periods prescribed by Section 66452.1 of the Subdivision Map Act and Sec. 8-1.309, below, for the reporting or acting upon tentative maps, a tentative map for which a complete application has been submitted shall be deemed to be “filed” with the clerk of the Advisory Agency on the filing date established as follows:
 - (1) In cases where the subdivision is exempt from the requirements of CEQA, the Zoning Administrator shall prepare and sign a notice of exemption and the filing date of the tentative map shall be the date on which such notice is signed.
 - (2) In cases where a negative declaration or a mitigated negative declaration is required under CEQA, the Advisory Agency shall approve a negative declaration or a proposed mitigated negative declaration and the filing date for the tentative map shall be the date on which the appropriate Advisory Agency approves the document.
 - (3) In cases where an environmental impact report is required under CEQA, the filing date for the tentative map shall be the date on which the Advisory Agency having authority to approve, disapprove or conditionally approve the tentative map, certifies the environmental impact report.

Sec. 8-1.311 Procedures for approval

- (a) Within ten (10) working days from the date that the Planning Director has determined that a filed subdivision map application is deemed “complete” for processing, copies of the tentative map and associated documents shall be distributed by the Planning Director to all relevant departments and agencies for review and reports thereon, including, but not limited to:
 - (1) The Building and Public Works Divisions;
 - (2) The fire district of jurisdiction;
 - (3) Each school district in which the subdivision is located;
 - (4) The Environmental Health Division;
 - (5) Any city within three (3) miles of the proposed subdivision;
 - (6) Any county whose boundary is within one mile of the proposed subdivision;
 - (7) Caltrans and any other State and federal agencies that may have jurisdiction over or be affected by the proposed subdivision;

- (8) The serving public utility companies; and
 - (9) Other agencies which may be affected.
- (b) The Development Review Committee (DRC) shall review the tentative map, the reports received from the reviewing departments and agencies, the environmental document prepared by staff to comply with CEQA, and all other relevant documents. Planning staff shall incorporate the recommendations of the DRC in draft conditions of approval or denial in a staff report that is set for public hearing before the Commission.
- (c) With respect to any subdivision for which a tentative map and final map is required, the Planning Commission (as Advisory Agency authorized to make recommendations only) shall hold a public hearing on the tentative map, recommend the content of required findings, recommend approval, conditional approval or disapproval of the tentative map, and report its actions in writing to the Board of Supervisors within 50 days after the tentative map is filed with the clerk of the Advisory Agency, unless the applicant consents to a longer period of time.

At the next regular meeting of the Board of Supervisors following receipt of the Planning Commission's report, the Board (as the legislative body) shall fix the meeting date at which the tentative map will be considered at a public hearing, which date shall be within 30 days thereafter. The Board shall make all findings required by this Chapter and the Subdivision Map Act, and shall approve, conditionally approve or disapprove the tentative map within such 30 day period. Provided, however, that if legally sufficient notice thereof has been given the Board may hold the required public hearing at any regular meeting within 30 days following filing of the Planning Commission's report, in which case the Board shall approve, conditionally approve or disapprove the tentative map at the conclusion of such hearing. The Board may continue the public hearing on the tentative map to another date with the consent of the applicant.

- (d) With respect to any subdivision for which a tentative map and a parcel map is required, the Planning Commission (as Advisory Agency) shall hold a public hearing on the tentative parcel map, make all findings required by this Chapter and the Subdivision Map Act, and shall approve, conditionally approve or disapprove the tentative map within 50 days after the tentative map is filed with the clerk of the Advisory Agency, unless the applicant consents to a longer period of time.
- (e) The Planning Commission may defer to the Board of Supervisors a decision on a tentative parcel map for any subdivision described in Subsections (1) through (5), below. The Board of Supervisors shall then hold the public hearing and make all required findings and decisions. Decisions on the following tentative parcel maps may be deferred:
- (1) Tentative parcel maps which may result in significant adverse environmental impacts which cannot be mitigated to less than significant levels;
 - (2) Tentative parcel maps that involve substantial controversy;
 - (3) Tentative parcel maps which are in conflict with County policies;
 - (4) Tentative parcel maps which may be precedent setting;

- (5) Tentative parcel map that the Planning Commission determines should be reviewed by the Board of Supervisors in order to best protect the public welfare.
- (f) In the event an approved tentative map is revised and subsequently approved by the Commission, the most recently approved tentative map shall constitute the only recognized tentative map for further action in the consideration of the filing of the final map or parcel map.
- (g) Prior to filing a tentative map application, a subdivider may submit to the Community Services Department, for consideration by Planning staff and reviewing agencies, a “pre-application” of preliminary subdivision plans, which shall be processed according to the provisions of Sec. 8-2.213. The intent of the pre-application process is to give an applicant an initial understanding of the issues and type of conditions of approval that could be raised by the project. A pre-application does not result in any formal approval, but instead is concluded with a letter and meeting with the applicant outlining the issues raised by the proposed project and the conditions and mitigation measures that could result if a subsequent formal application were to be filed with the County.
- (h) For the purposes of Sections 66452.6, 66457 and 66463.5 of the Subdivision Map Act, and this Section, a final subdivision or parcel map shall be deemed to be “filed” with the legislative body on the date it is submitted to the County Surveyor in a form and condition which would permit the County Surveyor to sign the certificate specified in Sections 8-1.503 and 8-1.505 of this Chapter. For the purpose of this Section, a final map or parcel map is “filed” for record when the County Recorder accepts it for filing pursuant to Section 66466 of the Subdivision Map Act.

Sec. 8-1.312 Findings

The Advisory Agency or the Board of Supervisors shall adopt the following findings in the approval of a tentative parcel or subdivision map. Conversely, the Advisory Agency or the Board of Supervisors shall deny approval of a tentative map if it cannot make any of the following findings, based on information submitted at the public hearing:

- (a) The proposed map is consistent with applicable general and specific plans as specified in Section 65451 of the Government Code;
- (b) The design or improvement of the proposed subdivision is consistent with applicable general and specific plans;
- (c) The site is physically suitable for the type of development;
- (d) The site is physically suitable for the proposed density of development;
- (e) The design of the subdivision provides for public improvements in accordance with Article 9 of this title, and the Yolo County Improvement Standards;

- (f) The design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat;
- (g) The design of the subdivision or type of improvements is not likely to cause serious public health problems;
- (h) The design of the subdivision or the type of improvements will not conflict with easements which are of record or are established by judgment of a court of competent jurisdiction and which have been acquired by the public at large for access through or use of property within the proposed subdivision; provided that the Advisory Agency or Board of Supervisors as appropriate may approve the tentative map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public;
- (i) The design of the subdivision shall provide, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision;
- (j) The discharge of waste from the proposed subdivision into an existing community sewer system would not result in, or add to, a violation of existing requirements prescribed by a California Regional Water Quality Control Board pursuant to Division 7 (commencing with Section 13000) of the Water Code;
- (k) If the proposed subdivision fronts along a public waterway, public river or public stream, it provides for a dedication of a public easement along a portion of the bank of the waterway, river or stream bordering or lying within the subdivision, which easement is defined so as to provide reasonable public use and maintenance of the waterway, river or stream consistent with public safety;
- (l) If the project is within the 100-year and 200-year floodplain the project meets FEMA and local flood requirements and is consistent with the findings required by Government Code 66474.5.

Sec. 8-1.313 Expiration and extension

- (a) An approved or conditionally approved tentative subdivision or parcel map shall expire 24 months from the date it was approved or conditionally approved. Unless a final map is filed with the Community Services Department prior to expiration of the corresponding tentative map, all proceedings shall terminate upon such expiration, and any subdivision of the land shall require the filing and processing of a new tentative map. Said application shall be identified as a previously approved, but now expired map. A final map or parcel map may be filed for record after the expiration date of the tentative map if an application for said final or parcel map was filed with the Department prior to the expiration date.
- (b) At any time prior to the expiration of an approved or conditionally approved tentative map, the subdivider may submit to the Community Services Department an application for an extension of the 24-month initial time period, pursuant to Section 66452.6l of the Subdivision Map Act, for the tentative map and, if the

application is timely, the Advisory Agency that approved or conditionally approved the subdivision may grant the extension. There shall be no other extensions of the time period for the tentative map except as required by Section 66452.6 or Section 66463.5 of the Subdivision Map Act.

- (c) Any tentative subdivision map or vesting subdivision map is eligible for an extension of time, provided final approval for such extension occurs prior to the expiration of the original map. The hearing procedures for an extension of time shall be the same as for resubmittal of the map.
- (d) Upon filing of a timely application for an extension of time, the map shall automatically be extended for sixty (60) days or until the application for the extension is approved, conditionally approved, or denied, whichever occurs first. An extension of time may not be granted for more than a total of five years, but may be granted for a lesser time at the sole discretion of the final hearing body. These extensions are exclusive of those tentative maps approvals that are, or will be, automatically extended by the provisions of the Subdivision Map Act (Government Code Section 66452.21, 66452.22, 66452.23, 66452.24, 66452.25, or) any subsequent similar legislation), or by the provisions of any other similar section that may from time to time be added to the Act.
- (e) Notwithstanding any other provision of this Chapter or of the Yolo County Code, any entitlement, development permit or other approval which would expire pursuant to this Chapter or the Yolo County Code, but which was approved concurrently with and pertains to any approved tentative subdivision or parcel map the expiration date of which was automatically extended by the provisions of the Subdivision Map Act (Government Code Sections 66452.21, 66452.22, and 66452.23), or by the provisions of any other similar section that may from time to time be added to the Act, shall be extended for the same period as that provided by said section for the approved tentative subdivision or parcel map to which it pertains.
- (f) Approval of a minor or major modification of a previously approved or conditionally approved tentative map shall not affect the expiration date of a tentative map.
- (g) A subdivider may apply for a resubmission of the map rather than an extension of time; in which case, the map may be approved after the expiration date of the original map.

Article 4: Vesting Subdivision Maps

Sec. 8-1.401 Purpose

- (a) This article is enacted pursuant to the authority granted by Chapter 4.5 (commencing with Section 66498.1) of Division 2 of Title 7 of the Government Code of the State (referred to in this Article as the Vesting Tentative Map Statute) and may be cited as the “Vesting Tentative Map Law”.
- (b) It is the purpose of this article to establish the procedures necessary for the implementation of the Vesting Tentative Map Statute and to supplement the provisions of the Subdivision Map Act and this Chapter. Except as otherwise set forth in this Article, the provisions of this Chapter shall apply to vesting tentative maps.

Sec. 8-1.402 Definitions

For the purposes of this Article, unless otherwise apparent from the context, certain words and phrases used in this Article are defined as follows:

- (a) “Vesting tentative map” shall mean a “tentative map” for a residential subdivision, as defined in this chapter, which shall have printed conspicuously on its face the words “Vesting Tentative Map” at the time it is filed in accordance with Section 8-1.303 of this Article and is thereafter processed in accordance with the provisions of this Article.
- (b) All other definitions set forth in this Chapter shall be applicable.

Sec. 8-1.403 Application and limitations

- (a) This article shall apply only to residential developments. Whenever a provision of the Subdivision Map Act, as implemented and supplemented by this chapter, requires the filing of a tentative map for a residential development, a vesting tentative map may instead be filed in accordance with the provisions of this article.
- (b) If a subdivider does not seek the rights conferred by the Vesting Tentative Map Statute, 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.
- (c) No land shall be subdivided and developed pursuant to a vesting tentative map for any purpose which is inconsistent with the General Plan and any applicable specific, area, or community plan or not permitted by the zoning provisions or other applicable provisions of this Code.
- (d) Except as otherwise provided in subdivision (f) of this Section, a vesting map may not be filed concurrently with a general plan amendment nor during the period a general plan amendment for the area covered by the proposed map is in process.

- (e) Applications for projects which require amendments to an adopted specific, area, or community plan, or the Yolo County Zoning Code, or which require discretionary approvals pursuant to the Zoning Code, including, but not limited to, special development permits, use permits, development plan reviews, exceptions, special review of parking or variances, may not include an application for a vesting map unless all needed applications for such approvals for the project are concurrently filed with the vesting map. Vesting maps may not be approved with the condition that needed plan amendments, zoning and discretionary approvals be subsequently secured.
- (f) Notwithstanding any other provision of this Code, an application for a vesting map may be filed concurrently with an application to amend the Yolo County general plan provided that the area covered by the vesting map is included in the area covered by the application to amend the general plan and is also included in either a concurrently filed or previously filed and pending application for a specific plan, area or community plan.

Sec. 8-1.404 Filing

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 Article 3 of this Chapter for a tentative map, except the requirements for filing a vesting map shall also include:

- (a) At the time a vesting tentative map is filed, it shall have printed conspicuously on its face the words "Vesting Tentative Map."
- (b) At the time a vesting tentative map is filed, the subdivider shall also supply the following information in addition to the information required by Section 8-1.306(d):
 - (1) A preliminary grading plan which shows existing topography at a contour interval sufficient to show the general slope of the property and shows the proposed elevations of roads at 100 foot stations, proposed building pad elevations, and all lot corners around the periphery of the project. The preliminary grading plan shall be prepared to a one foot plus or minus tolerance.
 - (2) A tree preservation plan which shall accurately identify all existing trees as to species, trunk size and dripline. Trees that are proposed for removal shall be marked "TO BE REMOVED." Any provisions for tree preservation, mitigation, transplanting, or new plantings shall be identified.
 - (3) A preliminary site plan showing building locations and exterior features on each lot and indicating square footage of the lot areas. For single family detached and zero lot line projects, the site plan may consist of a lotting plan with typical building envelopes. Such plan shall indicate all building setbacks, building heights, number of stories, driveway locations, landscaped areas, and other improvements as the developer proposes to install.
 - (4) Sewer, water, storm drain, and road details and the proposed improvements on and off the development site necessary to meet the

infrastructure and other requirements of the County General Plan, any applicable specific plan, and the County Improvement Standards.

- (5) In those circumstances where the project requires concurrent discretionary approval as set forth in Section 8-1.403I and (f), all exhibits necessary for such application shall be submitted concurrently with the application for a vesting map.
- (6) Such other exhibits that fully depict features of the development which the developer desires review for the purpose of approval concurrently with the vesting map.

Sec. 8-1.405 Vesting on approval of vesting tentative maps

- (a) The approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies, and standards described in Section 66474.2 of the Subdivision Map Act. However, if said Section 66474.2 is repealed, the approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies, and standards in effect at the time the vesting tentative map is approved or conditionally approved.
- (b) This Article does not enlarge, diminish, or alter the power of the Board of Supervisors to deny approval of the requested project or any part thereof, or to impose conditions on the approval of a project. Nothing in this chapter removes, diminishes, or affects the obligation of any subdivider or local agency to comply with the conditions and requirements of any State or federal laws, regulations, or policies.
- (c) Notwithstanding subsection (a) of this section, a permit, approval, extension, or entitlement may be made conditional or denied if any of the following is 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, or both; or
 - (2) The condition or denial is required in order to comply with State or federal laws.
- (d) The rights conferred by this section shall be for the time periods set forth in Section 8-1.406, below.

Sec. 8-1.406 Expiration

- (a) 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 Chapter for the expiration of the approval or conditional approval of a tentative map.
- (b) If the final map is approved, such rights shall last for the following periods of time:

- (1) An initial time period of one year. Where several final maps are recorded on various phases of a project covered by a single vesting tentative map, such initial time period shall begin for each phase when the final map for such phase is recorded.
- (2) The initial time period set forth in subsection (1) of this Section shall be automatically extended by any time used for processing a completed application for a grading permit or for design or architectural review if such processing exceeds thirty (30) days after 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 in subsection (1) of this Section expires. If the extension is denied, the subdivider may appeal such denial to the Board within fifteen (15) days.
- (4) If the subdivider submits a complete application for a building permit during the periods of time specified in subsections (1) through (3) of this Section, the rights referred to in this section shall continue until the expiration of such permit or any extension of such permit.

Sec. 8-1.407 Applications inconsistent with current policies

Notwithstanding any provision of this Article, a property owner, or designee, may seek approvals or permits for development which depart from sections of the ordinances, policies, and standards described in subsection (a) of Section 8-1.405(a) of this Article, and local agencies may grant such approvals or issue such permits to the extent the departures are authorized under applicable laws.

Article 5: Final Subdivision Maps and Parcel Maps

Sec. 8-1.501 Preparation

Within two years after the approval or conditional approval of a tentative subdivision map by the Board, unless such time shall have been extended, the subdivider may cause the subdivision to be accurately surveyed and a final map prepared and recorded substantially in conformance with the tentative map, including all required alterations and changes, and conforming in all particulars to the provisions of the Subdivision Map Act and this Article, including the provisions of Section 8-1.503.

Similarly, a final parcel map shall be prepared within one year following approval by the Commission, unless such time shall have been extended, recorded substantially in conformance with the tentative map, including all required alterations and changes, and conforming in all particulars to the provisions of the Subdivision Map Act and this Chapter, including the provisions of Section 8-1.505.

Sec. 8-1.502 Form

- (a) The final subdivision map shall be legibly drawn, printed, or reproduced by a process guaranteeing a permanent record in black on tracing cloth or polyester base film, including affidavits, certificates, and acknowledgments; provided, however, such certificates, affidavits, and acknowledgments may be legibly stamped or printed upon the map with opaque ink when recommended by the County Clerk-Recorder. If ink is used on polyester base film, the ink surface shall be coated with a suitable substance to assure permanent legibility.
- (b) The size of each sheet shall be eighteen (18) inches by twenty-six (26) inches. A margin line shall be drawn completely around each sheet, leaving an entirely blank margin of one inch. The subdivision number and other designation, all drawings, affidavits, acknowledgments, endorsements, acceptances of dedication, and seals shall be within such margin line. The boundary of a subdivision shall be indicated by a border of light blue ink, approximately one-eighth (1/8) inch in width, applied to the reverse side of the tracing inside such boundary line and shall not obliterate figures or other data.
- (c) The scale of the map shall be one inch equals 100 feet on large areas, and one inch equals fifty (50) feet or one inch equals forty (40) feet on small or irregular areas unless otherwise permitted by the Director of Planning. Variable scales for a single map, or separate pages of a map, shall not be permitted except to show details. In any event, the map shall show clearly all details of the subdivision with enough sheets to accomplish this end. Whenever practicable, all lots and blocks shall be shown in their entirety on one sheet.
- (d) Each sheet comprising the map shall contain the following:
 - (1) A title, consisting of a subdivision number assigned by the Zoning Administrator, conspicuously placed at the top of the sheet. In addition to the official title, a subdivision name may be shown in smaller letters immediately below the official title;
 - (2) A subtitle, placed below the title and subdivision name, consisting of a general description of the property being subdivided, either by reference to recorded deeds, recorded maps, or plats of a United States survey;
 - (3) The number of the sheet and the total number of sheets comprising the map;
 - (4) The date of preparation and the name of the licensed surveyor or registered civil engineer responsible for the preparation of the map;
 - (5) The north arrow, legend, scale, and notes, and the basis of bearing for survey by reference to recorded deeds or to maps which have been recorded previously or by a reference to the plat of a United States survey, County Surveyor's map, or solar or Polaris observation; and
 - (6) In the event the property included within the subdivision lies wholly in unincorporated territory, the words "County of Yolo" shall appear in the subdivision title, and if the property lies partly in unincorporated territory and partly within an incorporated city, the words "Within and Adjoining the City of _____" shall appear in the subdivision title.

- (e) The following certificates shall appear on the final map:
- (1) A certificate signed and acknowledged by all parties, with such exceptions as provided in the Subdivision Map Act, having any recorded title interest in the land being subdivided, consenting to the preparation and recordation of the map and offering for dedication all parcels shown and intended for public use, subject to any reservation contained in such offer;
 - (2) Seals required by the provisions of law and this Chapter;
 - (3) As required in the Business and Professions Code of the State, the certificate and number of either the engineer or the certificate and number of the surveyor;
 - (4) A certificate concerning monument placements;
 - (5) A certificate for execution by the Director of Planning;
 - (6) A certificate for execution by the County Engineer;
 - (7) A certificate for execution by the County official computing redemptions indicating that there are no liens against the subdivision for applicable taxes or assessments;
 - (8) A certificate for execution by the Clerk of the Board indicating approval of the map and the action concerning offers of dedication;
 - (9) A certificate for execution by the County Recorder; and
 - (10) A certificate for execution by the engineer making the soils report when such report is required by the County.
- (f) The final map shall show all survey and mathematical information and data necessary to locate all monuments and to locate and retrace any and all interior and exterior boundary lines appearing thereon. Such information and data shall include the following:
- (1) Radii and arc length or chord bearings, the length and central angle for all curves, and such information as may be necessary to determine the location of the centers of the curves;
 - (2) Reference to the California Coordinate System, Zone 2 and the Final Map shall be prepared with the basis of bearings being the State Plan Coordinate System; and
 - (3) Any other pertinent data required by the County Engineer.
- (g) The final map shall show the following:
- (1) The names of all streets as approved by the Commission;
 - (2) The number of each lot without repetition of numbers in the subdivision;
 - (3) The designation by letter of any lot or parcel proposed to be used for utility or other special purposes or offered for dedication;
 - (4) Easements; and
 - (5) Rights-of-way widths of streets adjoining or adjacent to the subdivision, rights-of-way widths of streets intersecting adjacent streets, and the exact ties to the center line or rights-of-way lines of such intersecting streets with respect to the proposed subdivision.
- (h) The final map shall show clearly and fully the stakes, monuments, or other evidence found on the ground to determine the boundaries of the subdivision. All

adjacent lot lines of adjoining subdivisions, or portions thereof, lot and block numbers, tract numbers and names, the section or grant line, township, or other required information shall be shown. Pursuant to the provisions of Article 9 of the Subdivision Map Act, the subdivider's engineer shall adequately monument the exterior boundary of the land being subdivided prior to filing for recording of the final map. Monuments shall be installed in accordance with the County Improvement Standards, and the location and type of such monuments shall be shown by symbol on the map.

- (i) Where any city or county boundary line crosses or adjoins a subdivision, the location of such boundary line shall be clearly shown in relation to lot lines.

Sec. 8-1.503 Accompanying items and filing

- (a) The following items shall accompany the final map when submitted to the Community Services Department for checking:
 - (1) Three (3) contact prints;
 - (2) Traverses of the subdivision boundaries and of each irregular lot and block therein;
 - (3) A cash deposit or other guarantee, as provided in Section 8-1.905 of this Chapter, in an amount estimated by the subdivider's engineer and approved by the County Engineer for the cost of public improvements;
 - (4) A subdivision agreement signed by the principals of the property to be subdivided;
 - (5) A statement, or certified copy thereof, from the fire district in which the subdivision is located that such district will serve the subdivision provided subsequent improvements conform to the specifications and requirements of the district and of its governing laws;
 - (6) A statement, or certified copy thereof, from the agency furnishing the public water supply providing information as to the source and adequacy of the supply, including the notification that such agency will serve the subdivision if subsequent improvements conform to the specifications and requirements of the agency;
 - (7) A statement, or certified copy thereof, from the district or agency, if any, furnishing sanitary sewage disposal facilities that such district or agency will serve the subdivision if the improvements conform to the specifications and requirements of the district or agency;
 - (8) A bond guaranteeing special district assessments, if any, as provided in the Subdivision Map Act (Section 66493);
 - (9) A statement from the Public Health Director approving the method of sewage disposal if individual sewage disposal systems are to be used;
 - (10) Complete plans, profiles, details, and specifications of the proposed public improvements, together with design calculations as required by the County Engineer;
 - (11) Drainage fees, if any, and map and plan checking fees;
 - (12) A statement from the Chief Building Official that the preliminary soils report required by Section 8-1.807 of this Article has been submitted or that submission has been waived in the manner provided by law, whether a soil investigation has been made of each lot, whether any corrective action was

recommended in the course of such soil investigation, and that any such recommended action has been approved in the manner required by law; and

- (13) Any other items required by federal, State, and County laws.
- (b) The subdivider shall file the final map, together with the items set forth in Section 8-1.503(a), above, with the Director of Planning for checking.

Sec. 8-1.504 Approval, recordation and revocation

- (a) If the Director of Planning and the County Engineer determine that the final map is in substantial conformity with the approved tentative map and the provisions of the Subdivision Map Act and this chapter, s/he shall so certify on the final map and, within twenty (20) days of submission or resubmission, shall file such map, together with any other materials pertinent thereto, with the Clerk of the Board for presentation to the Board. If the Director of Planning and the County Engineer determine that substantial conformity to the provisions of this chapter and the Subdivision Map Act or the approved tentative map has not been made, s/he shall, within twenty (20) days from the date of submission of the final map for approval, advise the subdivider of the changes or additions which shall be made for such purposes and shall afford the subdivider an opportunity to make such changes or additions.
- (b) At the next subsequent meeting of the Board, or within a period of ten (10) days after filing the final map with the Clerk of the Board, the Board shall approve such map if it conforms to all the requirements of the Subdivision Map Act and this chapter. At the time of approval of the final map, the Board shall accept or reject any or all offers of dedication.
- (c) As a condition precedent to the acceptance of any streets or easements, the subdivider shall be required to improve such streets or easements or, as an alternative, execute an agreement therefore and comply with the provisions of this chapter in relation thereto and execute any bonds required by the provisions of this chapter.
- (d) Upon compliance with the provisions of the Subdivision Map Act and this chapter, the map of the subdivision shall be approved, accepted, and filed for recording. If, at the time of approval of the final map, any streets are rejected, the offer of dedication shall be deemed to remain open and shall not be subject to revocation, and the Board may, by resolution at a later date and without further action by the subdivider, rescind its action and accept and open such streets for public use, which acceptance shall be recorded in the office of the County Clerk-Recorder. If a resubdivision map or a map showing reversion to acreage of a tract is subsequently filed for approval, any offers of dedication previously rejected shall be deemed to be terminated upon the approval of the later map by the Board.
- (e) Prior to the final map being filed for record by the County Clerk-Recorder, a map filing certificate, issued to or for the benefit of the County Clerk-Recorder, shall be furnished by a title company operating under the laws of the State, certifying that,

as shown by the public records, the parties consenting to the recordation of the map are all of the parties having a record interest in the land subdivided whose signatures are required by the provisions of the Subdivision Map Act.

Sec. 8-1.505 Parcel maps

- (a) Within two years after the approval or conditional approval of a tentative parcel map by the Commission, unless such time shall have been extended, a “final” parcel map may be prepared and recorded after certification as to conformance to the tentative map and the provisions of the Subdivision Map Act and this Chapter.
- (b) The parcel map shall be drawn to conform to the Subdivision Map Act and as provided for final maps in Section 8-1.502 of this Article, together with all of the certificates specified in Section 8-1.502(e).
- (c) The parcel map shall show clearly and fully the stakes, monuments, or other evidence found on the ground to determine the boundaries of the division, including any set to comply with State laws or the provisions of this Chapter.
- (d) The parcel map, together with the necessary fees and supporting data, shall be filed with the Director of Planning for checking. If the parcel map is found to be in substantial conformity with the approved tentative parcel map and the provisions of the Subdivision Map Act and this Chapter, the Planning Director shall present the parcel map to the Board of Supervisors for approval and, if approved, present the map to the County Recorder for filing.

Sec. 8-1.506 Correction and amendment of maps

- (a) 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 an amending map for the reasons and in the manner set forth in Sections 66469 through 66472 of the Subdivision Map Act.
- (b) After a final map or parcel map is filed in the Office of the County Recorder, the conditions of approval of such filed map may be amended as provided in this Section.
- (c) The Director of Planning, or any person having a financial interest in conditions of approval of a filed final map or parcel map, may apply for an amendment of such conditions. Such application shall be submitted to the Planning Division in a form satisfactory to the Director of Planning and shall include such information and documentation as the Director of Planning may require.
- (d) Upon receipt of a complete application for an amendment of such conditions and all applicable processing fees, the Director of Planning shall give notice in accordance with Section 8-2.211 of this Chapter of a public hearing on such application to be held by the appropriate hearing body.

- (e) The hearing body shall be the same Advisory Agency and approval body that approved or conditionally approved the tentative map.
- (f) The hearing body may approve an application to amend conditions of approval for a final map or parcel map if, after conducting a public hearing in accordance with the required notice, it makes all of the following findings:
 - (1) There are changes in circumstances that make such conditions no longer appropriate or necessary;
 - (2) The amendments do not impose any additional burden on the present fee owner(s) of the property;
 - (3) The amendments do not alter any right, title or interest in the real property reflected on the map;
 - (4) The map, as amended, will conform to the provisions of this Chapter and does not alter any previous findings made under the provisions of Section 66474 of the Subdivision Map Act; and
 - (5) The amendment does not alter any previous findings made under the provisions of CEQA.
- (g) Otherwise, the hearing body shall deny the application.
- (h) The hearing and the actions of the hearing body shall be limited to consideration of and action upon the conditions that are the subject of the application. The decision of the hearing body shall be in writing.
- (i) A decision by the hearing body, to approve or disapprove an application to amend conditions of approval for a parcel map may be appealed by any interested person to the Planning Commission if the hearing body was the Zoning Administrator or if the hearing body was the Planning Commission to the Board of Supervisors. A decision of the Planning Commission action on appeal may itself be appealed to the Board of Supervisors. An appeal may be commenced and heard only by filing with the Secretary or Clerk of the appropriate body, within 10 calendar days after the date of the decision being appealed, according to the procedure set forth in Section 8-2.225 of Chapter 2 of this Title.
- (j) If, in order to implement an approved amendment of conditions, it is necessary or desirable also to amend the filed final map or parcel map, the Planning Director and the County Surveyor shall determine the appropriate document to be recorded for such purposes and the document shall be recorded as provided in Section 66472 of the Subdivision Map Act.

Sec. 8-1.507 Resubdivisions

Previously subdivided real property, regardless of whether it was previously subdivided by maps or by conveyance, may be merged and resubdivided without first reverting to acreage by following all the procedures and requirements, including the payment of fees, for subdividing property that are contained in this Chapter and the Subdivision Map Act. Such merger and resubdivision shall occur automatically upon recordation of the applicable final map, parcel map, or certificate of compliance.

Sec. 8-1.508 Reversion to acreage

- (a) Property previously subdivided by final map or parcel map may be reverted to the acreage of the parent parcel pursuant to this section and Article I (commencing with Section 66499.11) of Chapter 6 of the Subdivision Map Act. The reversion shall be by final map if the previous subdivision created five or more lots exclusive of any remainder parcel or by parcel map if the previous subdivision created four or less lots exclusive of any remainder parcel, regardless of whether the previous subdivision was by final map or parcel map.
- (b) Proceedings may be initiated by petition of all of the owners of record of the property or by resolution of the Board of Supervisors. An owner's petition shall be in a form prescribed by and shall be submitted to the Department.
- (c) The petition in the case of owner-initiated proceedings, or the staff report of the Department in the case of Board-initiated proceedings, shall include the following information:
 - (1) Adequate evidence of title to the real property within the subdivision;
 - (2) Evidence sufficient to permit the Board of Supervisors or the Zoning Administrator to make all of the findings required by this Section;
 - (3) A tentative map in the form prescribed by the Planning Director which delineates existing dedications which will not be vacated, new dedications which will be required as a condition of reversion, private roads or rights-of-way which are to remain in effect after the reversion, and such other information as the Director may require; and
 - (4) Such other of the documents listed in Section 8.1-306 as may be required by the Director.
- (d) A reversion to acreage map shall be processed in the same manner set forth in Article 3 of this Chapter; provided, however, the Commission shall hold a public hearing as set forth in the Subdivision Map Act (commencing with Section 66499.11 et seq.). After the Commission has acted on the reversion to acreage map, it shall be processed in the same manner set forth for final maps in this Article.
- (e) A decision made by the Planning Commission may be appealed to the Board of Supervisors by any interested person within 10 calendar days. The decision of the Board of Supervisors on appeal shall be final and conclusive.

Sec. 8-1.509 Findings and conditions for reversion

- (a) The Planning Commission or the Board of Supervisors may approve a reversion to acreage only if it finds that:
 - (1) The Board of Supervisors has found that the dedications or offers of dedication to be vacated or abandoned by the reversion to acreage are unnecessary for present or prospective public purposes; and
 - (2) Either:

- (i) All owners with an interest in the real property within the subdivision have consented to the reversion; or
 - (ii) none of the improvements required to be made has been made within two years from the date the final map or parcel map which created the subdivision was filed for record, or within the time allowed by agreement for completion of the improvements, whichever is later; or
 - (iii) no lots shown on the final map or parcel map which created the subdivision have been sold within five years from the date such map was filed for record.
- (b) The Planning Commission or the Board of Supervisors shall require as conditions of the reversion:
- (1) That the property owners dedicate or offer to dedicate all of those lands and easements which the Zoning Administrator or the Board of Supervisors finds are reasonable and in the best interest of the public health, safety or welfare;
 - (2) That all or a portion of previously paid subdivision fees, deposits or improvement securities be retained if the same are necessary to accomplish any of the purposes of this Chapter or the Subdivision Map Act.

Sec. 8-1.510 Recordation and effect of reversion

- (a) After approval of the reversion, the final map or parcel map for reversion shall be submitted to the County Surveyor for review and certification pursuant to Sections 8-1.503 and 8.1-505, provided that the final map or parcel map may be considered to be in substantial compliance with the tentative map even if the parent parcel to which the subdivision is reverted is smaller than the required minimum lot size. The final map or parcel map for reversion shall contain a certificate signed and acknowledged by all parties whose consent would be required by Sections 66430 and 66436 of the Subdivision Map Act for a subdivision of the parent parcel, unless the reversion has been initiated by resolution of the Board of Supervisors. If the County Surveyor certifies the final map or parcel map for reversion, he or she shall deliver it to the County Recorder for filing.
- (b) The filing of the final map or parcel map for reversion shall constitute a legal reversion to acreage of the land, vacation of all roads, easements, dedications or offers of dedication not shown on the final map or parcel map, and a merger of the previously separate lots into one parcel which shall thereafter be shown as such on the assessment roll.

Sec. 8-1.511 Return of fees and deposits

Except as otherwise provided in this Chapter or the Subdivision Map Act, upon filing of a final map or parcel map for reversion by the County Recorder, all original fees and deposits designated for refund by the Board of Supervisors shall be returned to the current owner of the property and all original improvement securities shall be released, except those retained pursuant to Section 8.1-905.

Article 6: Lot Line Adjustments and Mergers

Sec. 8-1.601 Purpose

The purpose of this Article is to provide a simplified procedure to enable the removal of previously approved parcel lines and lot line adjustments to be approved by the Director of the Community Services Department exercising authority as the Zoning Administrator, subject to appeal to the Planning Commission and Board of Supervisors, pursuant to Article 2 of Chapter 2 of this Title.

Sec. 8-1.602 Common ownership

For purposes of this article, “common ownership” shall exist if the title for all properties proposed for merger is vested in the same individual, individuals, firm, or partnership, and all persons required by the Subdivision Map Act to consent to the recordation of a merger instrument have consented to the merger. The definition of contiguous parcels shall be the same as contiguous units as set forth in Section 66424 of the Subdivision Map Act.

Sec. 8-1.603 Lot line adjustments and mergers of parcels authorized

- (a) Pursuant to Section 66412(d) of the Subdivision Map Act, the Zoning Administrator is hereby authorized to approve lot line adjustments, as defined in Section 8-1.201 of this chapter, upon the findings and utilizing the procedures set forth in this article.
- (b) Pursuant to Section 66499.20-3 of the Subdivision Map Act, the Zoning Administrator is hereby authorized to approve the merger of contiguous parcels under common ownership as defined in Section 8-1.602 of this article, without a reversion to acreage, upon the findings and utilizing the procedures set forth in this Article.

Sec. 8-1.604 Application required

The following materials shall accompany an application for a lot line adjustment or merger of parcels pursuant to this Article:

- (a) The application shall be made on a form provided by the Community Services Department.
- (b) No application shall be deemed complete or accepted for filing until the applicant has paid the application fee. The Board hereby is authorized to promulgate such fee by resolution, such fee not to exceed the reasonable cost to process the application.

- (c) The application shall include a discussion of the purpose for the proposal, the existing and proposed configurations of the parcels, the existing and any proposed improvements, and map diagrams and legal descriptions prepared by a licensed surveyor or civil engineer to illustrate such items with sufficient detail for recordation and to enable the Zoning Administrator to determine whether the findings required by this article are satisfied by the proposal.
- (d) The application shall include a preliminary title report, or deeds as necessary, covering all affected parcels.
- (e) Applications for lot line adjustments involving two (2) or more parcel owners shall also be accompanied by a deed or deeds as necessary to convey the land subject to the lot line adjustment and to complete the transaction.
- (f) All final deeds, diagrams and legal descriptions shall be in a form suitable for recordation in the office of the County Recorder.
- (g) All applications pursuant to this article shall include an application for a certificate of compliance pursuant to Section 66499.35 of the Subdivision Map Act, with a waiver of any notice or previous opportunity to be heard, such certificate to be issued and recorded upon the approval of the merger or lot line adjustment. Incomplete applications shall not be filed. The Zoning Administrator shall inform the applicant of what is needed to make the application complete.

Sec. 8-1.605 Merger, applicant-initiated

Property owner(s) may request and initiate proceedings for the merger of real property by meeting all of the requirements of this Chapter and the Subdivision Map Act, provided that all references to the proposed merger and all references to the "subdivider" shall be deemed to be to the applicant for the merger. Any two or more contiguous lots in common ownership, regardless of whether they were created by map or by conveyance, may be merged so as to create one new lot. The Zoning Administrator may impose those conditions, with respect to any illegal lot(s), which it could require for the issuance of a conditional certificate of compliance pursuant to Article 7 of this Chapter.

Sec. 8-1.606 Findings and conditions

- (a) The Zoning Administrator shall not approve any merger or lot line adjustment pursuant to this Article unless all the following findings have been made in the affirmative:
 - (1) That the application is complete and that all record title holders who are required by the Subdivision Map Act to consent have consented to the proposed merger or lot line adjustment, and that the proposed merger or lot line adjustment is in compliance with said Act;
 - (2) That the deeds to be utilized in a transaction, if necessary, accurately describe the resulting parcels, and that the merger or lot line adjustment will not result in the abandonment of any street or utility easement of record;

- (3) That if the lot line adjustment will result in a transfer of property from one owner to another owner, that the deed to the subsequent owner expressly reserves any street or utility easement of record;
- (4) The adjustment is consistent with applicable building ordinances, and that either:
 - (i) all of the resulting lots will conform to all applicable zoning requirements including minimum parcel size, or
 - (ii) no conforming lot will be made nonconforming with applicable zoning requirements and the adjustment will not increase the aggregate number of all affected lots which do not meet applicable zoning requirements;
 - (iii) in the case of an antiquated subdivision and/or Certificate of Compliance that recognizes a series of contiguous small legal lots in an agricultural zone, the adjustment is necessary to cluster small home site parcels of 2.5 to 4.0 acres in one area to reduce impacts to agricultural operations, as set forth in Section 8-2.403 of this Chapter;
- (5) Approval of the lot line adjustment will not create a greater number of parcels than originally existed;
- (6) That the merger or lot line adjustment will not result in the elimination or reduction in size of an access way to any resulting parcel, or that the application is accompanied by new easements to provide access that meet all the requirements of this code;
- (7) That the merger or lot line adjustment is excluded from the Subdivision Map Act, and has been reviewed pursuant to Section 66412(d) of said Act;
- (8) That the merger or lot line adjustment is consistent with the General Plan;
- (9) That the merger or lot line adjustment complies with the zoning regulations and parcel size minimum standards as set forth in Chapter 2 of this title, except as allowed under subsections (4)(ii) and (iii), above;
- (10) That the Zoning Administrator is satisfied that the design of the resulting parcels will comply with the requirements of this title and provides for water drainage, public road access, water supply sewer system availability, environmental protection, and all other requirements of State laws and this code; and
- (11) That the merger or lot line adjustment will not result in a significant effect on the environment pursuant to the California Environmental Quality Act (CEQA) (Public Resources Code 21000 et. Seq.), and/or is categorically exempt pursuant to CEQA Guidelines Section 15305, as amended.
- (12) That, as required by the County Recorder, if there are multiple owners involved, all deeds shall be executed simultaneously with recording the lot line adjustment.

- (b) The Zoning Administrator may conditionally approve a merger or lot line adjustment as provided for in Section 66412(d) of the Subdivision Map Act, and the conditions shall be set forth in writing and delivered to the applicant prior to action being taken on the merger or lot line adjustment.

Sec. 8-1.607 Recordation and effect

- (a) If the Zoning Administrator approves a merger or lot line adjustment pursuant to this article, the Zoning Administrator shall waive any requirement for filing a parcel map, and cause a certificate of compliance to be recorded in the office of the County Recorder along with any legal descriptions, map diagrams, or deeds necessary to complete any transaction.
- (b) Upon the recordation of the certificate of compliance regarding the approval of a merger pursuant to this article, all separate parcels shown on the merger application shall be merged into one parcel for all purposes and shall thereafter be shown as such on the assessment roll. Upon the recordation of the certificate of compliance regarding the approval of a lot line adjustment pursuant to this article, the previous parcels shall be merged, and the approved resulting parcels shall be created and shall thereafter be shown as such on the assessment roll.

Sec. 8-1.608 Appeals and reviews

Prior to any action being taken by the Zoning Administrator on any merger or lot line adjustment, the applicant shall be entitled to have the Commission review and take action on the requested merger or lot line adjustment. The Zoning Administrator may defer action on any merger or lot line adjustment initiated pursuant to this article to the Commission for consideration. Decisions of the Zoning Administrator under this article shall take effect and appeals thereof made and considered in the manner provided for by Section 8-2.225 of Chapter 2.

Sec. 8-1.609 Mergers of substandard lots

- (a) Pursuant to the authority set forth in Article 1.5 (Section 66451.11 et seq) of the Subdivision Map Act, a local agency may provide for the merger of a parcel or unit with a contiguous parcel or unit held by the same owner if any one of the contiguous parcels or units held by the same owner does not conform to standards for minimum parcel size, under the zoning ordinance of the local agency applicable to the parcels or units of land and if all of the following requirements are satisfied:
 - (1) At least one of the affected parcels is undeveloped by any structure for which a building permit was issued or for which a building permit was not required at the time of construction, or is developed only with an accessory structure or accessory structures, or is developed with a single structure, other than an accessory structure, that is also partially sited on a contiguous parcel or unit.

- (2) With respect to any affected parcel described in subsection (1) above, one or more of the following conditions shall be found to exist:
 - (i) The parcel comprises less than 5,000 square feet in area at the time of determination of merger.
 - (ii) The parcel was not created in compliance with applicable laws and ordinances in effect at the time of its creation.
 - (iii) The parcel does not meet current standards for sewage disposal and domestic water supply.
 - (iv) The parcel does not meet slope stability standards.
 - (v) The parcel has no legal access which is adequate for vehicular and safety equipment access and maneuverability.
 - (vi) The parcel's development would create health or safety hazards.
 - (vii) The parcels are inconsistent with the County General Plan and any applicable area plan or specific plan, other than minimum lot size or density standards.
 - (3) The owner of the affected parcels has been notified of the merger proposal pursuant to Section 66451.13, and is afforded the opportunity for a hearing pursuant to Section 66451.14.
- (b) A merger of parcels becomes effective when the local agency causes to be filed for record with the recorder of the county in which the real property is located, a notice of merger specifying the names of the record owners and particularly describing the real property.
 - (c) Pursuant to Section 66451.13 of the Subdivision Map Act, prior to recording a notice of merger, the local agency shall cause to be mailed by certified mail to the then current record owner of the property a notice of intention to determine status, notifying the owner that the affected parcels may be merged pursuant to standards specified in the merger ordinance, and advising the owner of the opportunity to request a hearing on determination of status and to present evidence at the hearing that the property does not meet the criteria for merger. The notice of intention to determine status shall be filed for record with the recorder of the county in which the real property is located on the date that notice is mailed to the property owner.
 - (d) Pursuant to Section 66451.14, at any time within 30 days after recording of the notice of intention to determine status, the owner of the affected property may file with the local agency a request for a hearing on determination of status. Upon receiving a request for a hearing, the local agency shall schedule and a public hearing, pursuant to Sections 66451.15, 66451.16. At the hearing, the property owner shall be given the opportunity to present any evidence that the affected property does not meet the standards for merger specified in the merger ordinance.
 - (e) At the conclusion of the hearing, the local agency shall make a determination that the affected parcels are to be merged or are not to be merged and shall so notify the owner of its determination. If the merger ordinance so provides, a determination of nonmerger may be made whether or not the affected property meets the standards for merger specified in Section 66451.11. A determination of merger shall be recorded within 30 days after conclusion of the hearing, as provided for in Section 66451.12.

- (f) Any division, by any subdivider, of any unit of parcels declared merged by this Section for the purposes of sale, lease, or financing shall constitute a “subdivision” for the purposes of this chapter and the Subdivision Map Act and shall require compliance with this chapter and the Subdivision Map Act.

Article 7: Certificates of Compliance

Sec. 8-1.701 Purpose

The purpose of this Article is describe the process by which certificates of compliance and conditional certificates of compliance are issued under the provisions of this Chapter and Sections 66499.34 and 66499.35 of the Subdivision Map Act. Any owner of a lot, or any vendee of such owner pursuant to a contract of sale of the lot, may request a determination whether the real property complies with the provisions of the Subdivision Map Act and this Chapter, and whether the County determines the lot is a “legal lot.”

Sec. 8-1.702 Application

An application for a certificate of compliance shall be on a form that is satisfactory to the Director of Community Services. The application shall be processed as described in Section 8-1.703 of this Chapter. The application shall include all of the following information:

- (a) A certified full chain of title for the property. The applicant shall include legible copies of all deeds affecting the property beginning with the deed that described the property prior to its current configuration, from that time to the present. The full chain of title must be certified as true, accurate, and complete by a title company or other authorized entity. A certified full chain of title is not required if the parcels were created through a filed final map, parcel map, or official map or unless waived by the Director of Community Services. The applicant shall include copies of all filed maps where parcels were created using the maps; and
- (b) A preliminary title report for the property which is dated within 60 days of the date of submittal; and
- (c) Any maps or other supporting documents to support and clarify when and how the parcel was created.
- (d) Legal descriptions of the parcel(s) for which the certificate of compliance is requested.

Sec. 8-1.703 Review

- (a) If the Director of Community Services is able to determine from review of the submitted materials that the lot(s) is clearly in compliance with the provisions of this Chapter and the Subdivision Map Act, s/he shall issue a certificate of compliance for the lot(s) and deliver the certificate to the applicant for recordation with the County Recorder.
- (b) If the Director of Community Services is unable to determine from this review that the lot(s) is clearly in such compliance, s/he shall either deny the request pursuant to authority under the Subdivision Map Act, or issue a conditional certificate of compliance to the applicant.

Sec. 8-1.704 Conditional Certificate of Compliance

- (a) A conditional certificate of compliance, certifying that a lot(s) is deemed to be in compliance with this chapter and the Subdivision Map Act, subject to satisfaction of certain conditions precedent to the issuance of a building permit or other grant of approval for development of the lot(s), may be obtained pursuant to those requirements set forth below in subsections (d) and (e) of this section.
- (b) Any person may submit an application for a conditional certificate of compliance for any existing lot or group of contiguous lots which have been created, legally or illegally, by any conveyance or subdivision map. The application shall be subject to the same requirements in effect at the time the applicant acquired interest in the property. If the application pertains to two or more contiguous lots that were created illegally and are all owned by the illegal subdivider, the application shall be submitted and processed in the same manner and subject to the same requirements as an application for a parcel map, except as otherwise provided in subsection (e). The approved conditional certificate of compliance shall be recorded in the same manner as other final maps and parcel maps, and once recorded shall have the same force and effect as a filed final map or parcel map.
- (c) An application for a conditional certificate of compliance shall not be denied on account of the noncompliance of any lot(s) with applicable requirements respecting:
 - (1) Lot size and configuration;
 - (2) Buildable site;
 - (3) Sewage disposal;
 - (4) Water for domestic or firefighting purposes; or
 - (5) Access.
- (d) However, the application may be approved subject to the condition that the lots are brought into compliance with such requirements.

- (e) Any conditions imposed with respect to a conditional certificate of compliance shall be limited to those which could have been imposed in connection with a lawful subdivision of the legal parcel on the date the present owner acquired interest in the lot(s).
- (f) Where the present owner was the owner at the time the legal parcel was subdivided so as to create the lot(s), the conditions shall be limited to those which could be imposed in connection with a current lawful subdivision of such parcel.
- (g) Compliance with such conditions by any lot(s) to which the certificate pertains shall be required prior to County issuance of a building permit or other grant of development approval for said lot(s).

Article 8: Design Requirements

Sec. 8-1.801 Purpose

To ensure that land development shall reflect the best interests of the people of the County, all developments pursuant to the provisions of this Chapter and all improvements installed in, over, or under any existing or proposed right-of-way, easement, or parcel of real property of the County in satisfaction of a condition of a variance or use permit issued pursuant to the zoning regulations (Chapter 2 et seq of this Title), or required by order of the Board made in a proceeding for amending said zoning regulations by changing the boundaries of any zone, or required in connection with the issuance of a building permit, shall conform to the standards of design of this chapter and the County Improvement Standards as set forth by resolution of the Board.

Sec. 8-1.802 Streets

- (a) If the circulation element of the General Plan shows any street located so that any portion thereof lies within the proposed land development, such portion shall be shown as a street, or part of a street, within such area in the general location shown on the General Plan unless an exception is granted pursuant to the provisions of Article 9 of this chapter.
- (b) The location and alignment of streets shall conform to the General Plan and be arranged to produce the most advantageous development of the area in which the development lies. The street pattern shall be designed in accordance with the following standards:
 - (1) The design and construction of street improvements shall be in accordance with the County Improvement Standards as set forth by resolution of the Board.
 - (2) In all subdivisions, as defined in the Subdivision Map Act, except subdivisions in planned development zones, each parcel of land shall be served by an improved street.
 - (3) Where the side, front, or rear lines of any lots abut on a freeway, limited access highway, or arterial, the subdivider may be required to dedicate to

- the County all rights of vehicular access to and from such lots across the lot line abutting such freeway, limited access highway, or arterial.
- (4) Streets which are extensions of existing streets shall continue the center lines of the existing streets, as far as practicable, either in the same direction or by adjustment curves.
 - (5) Streets within a subdivision entering upon opposite sides of any given street shall have their center lines located directly opposite each other if practicable, or such center line shall be offset as set forth in the County Improvement Standards.
 - (6) The center lines of streets shall intersect one another as nearly at right angles as practicable, shall not be excessively curved, and shall conform to the County Improvement Standards.
 - (7) Where a subdivision adjoins unsubdivided land, adequate or necessary streets in the subdivision shall be extended to such adjacent unsubdivided land to provide access, in the event of its future subdivision, and in a manner to provide the most advantageous development of the street pattern in the area.
 - (8) In the event certain streets or alleys in a subdivision are to be reserved for future public use and they have been approved as to location and width, they shall be indicated on the final map and offered for irrevocable dedication as future streets or future alleys in accordance with Section 66475 of the Subdivision Map Act. Certificates providing that the County may accept the offer to dedicate such easements at any time shall be shown on the final map.
 - (9) Except in unusual circumstances, a cul-de-sac street in a residential subdivision shall have a circular end with a minimum radius of fifty-three (53) feet on the property line and shall not exceed 250 feet in length.
 - (10) Minimum and maximum street grades, minimum radii, sight distances, and minimum length of tangents shall conform to the County Improvement Standards.
 - (11) The grid pattern of new streets shall be oriented to align north/south and east/west, to give a sense of place and direction in new community areas, as well as to maximize solar access.

Sec. 8-1.803 Blocks, intersections, and pedestrian ways

- (a) Blocks shall be designed in accordance with the County Improvement Standards.
- (b) Intersections shall be designed in accordance with the County Improvement Standards.
- (c) Pedestrian ways designed in accordance with the County Improvement Standards may be required:
 - (1) To connect dead-end streets;
 - (2) To provide access to parks, schools, shopping centers, or similar activities;
or
 - (3) At other locations where required by the Director of Community Services.

Sec. 8-1.804 Easements

- (a) Easements for storm drainage shall be provided as required. Drainage easements shall be designed in accordance with the County Improvement Standards. In the event the subdivision is traversed by any water course, channel, lake, stream, or creek, the subdivider shall provide rights-of-way or easements for storm drainage purposes, conforming substantially with the lines of such water course, channel, lake, stream, or creek, and easements to provide for the necessary maintenance of the channels and incidental structures.
- (b) Easements for sewers, water, gas, electricity, cable television and other public utilities shall be provided as required.

Sec. 8-1.805 Lots

- (a) Minimum lot sizes shall conform to the standards established by the zoning regulations (Chapter 2 of this title) and the requirements of this Chapter.
- (b) All lots shall be suitable for the purposes for which they are intended to be sold, leased, rented, or used.
- (c) Residential lots abutting a limited access way shall normally have access on a frontage road, collector street, or land service street.
- (d) Side lot lines shall be perpendicular or radial to the street upon which the lot faces, as far as practicable.
- (e) Lots with double frontage shall be avoided except where further subdivision is anticipated or where special conditions exist and where the Commission deems such an arrangement feasible.

Sec. 8-1.806 Other requirements

- (a) Water systems. Where a public sewerage facility is available to the subdivision but a public water supply is not, the Commission may, upon the recommendation of the Director of Community Services, require the installation of a public water system as a condition to the approval of a tentative map.
- (b) Wells and septic tanks. The construction and maintenance of wells and septic tanks shall meet the applicable standards or laws of the County and the State.
- (c) Access to, and areas for, parks, schools, and other public places. Where the subdivision is of such a size that the Commission deems it proper, the Commission may require the subdivider to provide access to, or designate suitable areas for, parks, playgrounds, schools, and other public building sites which may be required for the use of the population in the neighborhood or community.
- (d) Preservation of natural features. The Commission may require such measures as will preserve and enhance the scenic values and natural features of the County and the conditions making for excellence of residential, commercial, industrial,

agricultural, or recreational development, in accordance with the policies of the General Plan.

- (e) Trees. Existing trees shall be preserved within any public way wherever, in the determination of the Commission, such trees are suitably located, healthy, and of desirable variety and where approved grading permits the preservation of such trees. Where required, street trees of an approved type shall be planted in accordance with the County Improvement Standards and Chapter 3 of this Title (the Landscape Irrigation Ordinance).
- (f) Fire protection facilities. Fire protection facilities, including water supply, fire hydrants, gated connections, and appurtenances to provide adequate fire protection, shall be furnished in accordance with the standards established by the California Fire Code, as adopted in Title 7 of this code, provided, however, such requirements may, be modified by the Commission upon recommendation of the fire district of jurisdiction.
- (g) Traffic barriers. Permanent type traffic barriers, in accordance with the County Improvement Standards, shall be furnished at the dead end of streets adjacent to undeveloped land until such streets are extended onto the adjacent land.
- (h) Street lighting. Street lighting may be required by the Commission when deemed appropriate, and if required, a funding mechanism shall be provided so that benefitting parcels fund the continued operation and maintenance of street lighting.
- (i) Failure to provide for facilities. The failure of the subdivider to make provisions for required streets, highways, schools, drainage, and other planned public facilities, or to conform to the zoning regulations (Chapter 2 of this title) shall be reason to disapprove the tentative map.

Sec. 8-1.807 Soils report

- (a) Prior to the submission of the final map, the subdivider shall file a preliminary soils report with the Chief Building Official.
- (b) Such report shall be prepared by a civil or geotechnical engineer who is registered by the State, and it shall be based upon adequate test borings or excavations in the subdivision.
- (c) The preliminary soil report may be waived if the Chief Building Official shall determine that, due to the department's knowledge as to the soil qualities of the subdivision, no preliminary analysis is necessary.
- (d) Such determination shall be in writing and shall be made part of the data accompanying the final map.
- (e) If the preliminary soil report indicates the presence of critically expansive soils or other soil problems which, if not corrected, would lead to structural defects, a soil investigation of each lot in the subdivision shall be prepared by a civil or geotechnical engineer who is registered by the State.

- (f) The soil investigation report shall recommend corrective action which is likely to prevent structural damage to each building proposed to be constructed on the expansive soil.
- (g) The report shall be filed with the Chief Building Official.
- (h) The Chief Building Official shall approve the soil investigation if he determines that the recommended corrective action is likely to prevent structural damage to each building to be constructed on each lot in a subdivision.
- (i) Appeals from such determinations shall be to the Board of Appeals created by the California Building Code (Chapter 1 of Title 7 of this code) and shall be taken in the manner of other appeals to that Board.
- (j) Subsequent building permits shall be conditioned upon the incorporation of the approved, recommended corrective action in the construction of each building.

Sec. 8-1.808 Inspections of construction

- (a) No improvement shall be installed in, over, or under any existing or proposed right-of way, easement, or parcel of real property of the County until the plans and specifications therefore have been filed, checked, and approved as set forth in this section.
- (b) Such plans and specifications shall be filed with the Director of Community Services and shall be accompanied by the fees as set forth in Article 11 of this chapter.
- (c) The time of filing, checking, and approving shall be as follows:
 - (1) If the improvements are required as a condition to the recordation of a parcel map or final map, the time shall be as set forth in this chapter.
 - (2) If the improvements are required as a condition of a variance or use permit issued pursuant to the zoning regulations (Chapter 2 of this title), or in connection with the issuance of a building permit, except as otherwise provided, the time shall be prior to the issuance of a building permit for any building or structure on the parcel for which the variance or use permit is granted.
 - (3) If the improvements are required by order of the Board made in a proceeding for amending the zoning regulations (Chapter 2 of this title) by changing the boundaries of any zone, the time shall be prior to the adoption of the ordinance changing the zone boundaries.
 - (4) The construction of all improvements pursuant to such approved plans and specifications shall be under the inspection of the Director of Community Services; the fees for such inspection shall be as set forth in Article 11 of this chapter.

Article 9: Public Improvements

Sec. 8-1.901 Purpose

The purpose of this Article is to describe the types of public improvements that are required for approved subdivisions shown on final maps and parcel maps, and the types of dedications and public improvements required in connection with the issuance of building permits.

Sec. 8-1.902 Improvements required for subdivisions

The subdivider shall agree to make all required dedications and improvements in accordance with the County Improvement Standards and to the satisfaction of the County Engineer. Such improvements shall be delivered in good condition and shall include, but not be limited to, the following:

- (a) Street grading, the installation of curbs and gutters where required, and barriers where required;
- (b) Drainage facilities and appurtenances sufficient to protect the development from inundation, flooding, and ponding from storm waters, springs, underground waters, or other surface waters. All drainage installations shall be designed and constructed in accordance with the County Improvement Standards. Improvements shall not include drainage facilities for the removal of surface and storm waters of local or neighborhood drainage areas for which a drainage fee is required of an applicant;
- (c) The paving of all streets, pedestrian ways, and alleys as required;
- (d) The installation of sidewalks as required;
- (e) Provisions for a domestic water system in accordance with the standards of the utility serving the area or the current County Improvement Standards;
- (f) Provisions for sufficient fire hydrants, gated connections, and appurtenances to provide adequate fire protection in accordance with the standards of the fire district serving utility and the provisions of this chapter;
- (g) Provisions for public sanitary sewerage facilities, appurtenances, and connections for each lot to the sewer system as approved by the County Engineer and such other agencies as may have jurisdiction or individual sewage disposal systems as approved by the Public Health Director;
- (h) Provisions for the installation of underground utilities including electric, gas, and communication;
- (i) Provisions for the installation of street lights;
- (j) Street name signs at all street intersections;

- (k) Traffic control signs and safety devices as required by the County Engineer;
- (l) The planting of trees as required;
- (m) Fences or walls approved by the County Engineer constructed by the subdivider along all property lines where the Commission determines a condition hazardous to persons or property may exist; and
- (n) The installation of a system of survey monuments as required by the County Engineer.

Sec. 8-1.903 Improvement plans for subdivisions

The following improvement plans, prepared under the direction of a registered civil engineer licensed by the State, shall be submitted by the subdivider to the County Engineer for approval at the time of submitting the final map or parcel map pursuant to the provisions of Article 5 of this Chapter:

- (a) The plans and specifications for all improvements required by this chapter or by the County Engineer, as well as for other improvements proposed to be installed by the subdivider in, over, or under any street or right-of-way, easement, or parcel of land where improvements are required or proposed;
- (b) A grading plan and soils report showing all earth cuts and/or fills of five (5) feet or more;
- (c) A certificate of approval of any of the proposed improvements of concern to a water and sanitary or sanitation district within which all or part of the subdivision may lie; and
- (d) A report, including any data, profiles, contours, design calculations, and other information which the County Engineer shall require, stating that the drainage facilities to be installed to serve the proposed subdivision are in full compliance with the requirements of this chapter and will accomplish drainage in the manner stated.
- (e) Plans and profiles and construction details shall be drawn on sheets twenty-four (24) inches by thirty-six (36) inches in size.

Sec. 8-1.904 Completion or subdivision improvements

Concurrently with the acceptance of the final map or parcel map, the subdivider shall enter into an agreement with the Board, agreeing to have the public improvements completed within the time specified in the agreement. Such agreement shall provide a clause guaranteeing the workmanship and materials provided in all improvements for a twelve (12) months period after acceptance of the improvements by the Board. Such agreement may provide for an extension of time under specified conditions. The agreement may also provide for the termination of the agreement upon a reversion to acreage or revocation of all or part of the subdivision.

Sec. 8-1.905 Bonds for improvements

- (a) To assure that the improvements required by the provisions of this Article are satisfactorily completed in accordance with the provisions of this Chapter, adequate improvement security shall be furnished by the subdivider for the cost of the improvements according to the plans and specifications in a sum or amount equal to the estimate approved by the County Engineer. Such estimate shall include an allowance for the administrative and legal cost as provided in the Subdivision Map Act Section 66499.4. Partial release of such improvement security will not be considered.
- (b) The improvement security shall be released by the Board of Supervisors upon the acceptance of the work or upon the revocation or reversion to acreage of the subdivision and the abandonment of all roads and easements; provided, however, such amount as may be determined by the County Engineer to guarantee workmanship and materials shall remain in full force and effect for one year after the acceptance of the improvements. Such amount shall be not less than fifteen (15) percent of the estimated cost of the public improvements.

Sec. 8-1.906 Dedications and improvements - parcel maps

For parcel maps, the dedications and improvements required by this Article shall be limited to the dedication of rights-of-way, easements, and the construction of reasonable offsite and onsite improvements for the parcels being created. The scope of dedications and improvements required, and the timing of the construction of the improvements, shall be determined by the Director as required to protect public health and safety, and to provide for the orderly development of the surrounding area.

Sec. 8-1.907 Dedications and improvements - building permits

- (a) No building, electrical, mechanical, or plumbing permit for any building or structure shall be issued unless the one-half (1/2) of the street which is located on the same side of the center of the street as such lot has been dedicated (via subdivision process in this Chapter, or other instrument acceptable to the County Engineer) and improved for the full width of the lot so as to meet Yolo County Improvement Standards for such street or such dedication and improvement has been assured to the satisfaction of the County Engineer. As used in this section, the center of the street shall mean the center of the street as shown in County Records. The provisions of this subsection shall not apply to the issuance of permits under any of the following conditions:
 - (1) That the permit is issued for the purpose of performing alterations made necessary to protect the public health or safety upon the direction of the Chief Building Official, Health Officer, or other authorized County representative; or
 - (2) That the permit issued is not related to or does not cause or create a material change in the character, occupancy, or use of the land or building involved; or

- (3) That the permit issued is not related to or does not cause or create a significant enlargement or expansion of the existing use of the land or the building involved; and
- (4) That the permit is issued for the purpose of replacing structures destroyed or damaged by fire, flood, wind, or acts of God. This exemption shall be only to the extent that the replacement or restored building has the same or less square footage as the original structure. If it is significantly larger, or if there is a material change in the character, occupancy, or use of the building, then this exemption shall not apply.

None of the exemptions set forth in subsections (2) or (3) of this section shall apply to permits for alterations, improvements, or construction costing five thousand (\$5,000) dollars or more. The valuation of such alterations, improvements, or construction shall be based on the latest table of valuation used to determine building permit fees.

- (b) The maximum area of land required to be so dedicated shall not exceed twenty-five (25%) percent of the area of any such lot which was of record on September 1, 1969, in the office of the County Clerk-Recorder. In no event shall such dedication reduce the lot below an area or dimension which would produce a nonconforming parcel for its specific zoning. Should such dedication create a substandard yard area or setback for an existing main building, no variance shall be required to permit additions to such structure provided such additions comply with all the other zoning regulations and provided further such additions do not further reduce such nonconforming yard area or setback.
- (c) No such dedication shall be required with respect to those portions of such a lot underlying a main building which was existing on September 1, 1969.
- (d) No additional improvements shall be required on such a lot where complete roadway, curb, gutter, and sidewalk improvements, in a serviceable condition and meeting all requirements of the Americans with Disabilities Act, exist within the present dedication contiguous thereto, as determined by the County Engineer.
- (e) No building or structure shall be erected on any such lot after September 1, 1969, within the dedication required by the provisions of this section.
- (f) Except as otherwise provided in this article, where property is to be developed by the construction of any structure or building, all such structures or buildings shall be set back as required by any applicable law of the County, such setback to be measured from the right-of-way line of the proposed widening or extension of any street adjacent to such property as shown in County records or, on any existing or proposed street not shown in County records, at the width adopted by the Board.
- (g) The provisions of this article shall apply to all property used for commercial business purposes which use does not require permanent structures or buildings.
- (h) Within thirty (30) days after the receipt of an application for a building permit, together with all required plans and information, the County Engineer shall either approve such application or return it to the owner or his or her agent with the requirements of the County Engineer appended thereto.

(i) Where the improvements required by this article have not been completed at the time an application is made for a building permit, except as hereinafter provided, no building permit shall be issued until the applicant shall submit to the County Engineer a layout plan for the property, showing all curbs, gutters, sidewalks, and drainage facilities, the location and grade, and all driveway sizes and locations, received the approval of such layout plan by the County Engineer, and agreed to the installation and construction of such improvements, in accordance with the approved layout plan, concurrently with the construction of the building for which the building permit is sought and before the issuance of an occupancy permit therefor. The agreement shall indemnify and hold harmless the County from any and all loss, damage, or liability resulting from the applicant's performance or nonperformance of his or her liabilities under the agreement. The applicant shall obtain and file with the County a good and sufficient improvement security in a sum or amount equal to the estimate of the County Engineer of the cost of the required improvement. The security shall be conditioned upon the full and faithful performance by the applicant of the terms and conditions of the agreement.

(j) If the County Engineer determines that the character of the surrounding neighborhood, the present development thereof, and the nature of the proposed use does not require the immediate installation and construction of the improvements required by the provisions of this article at the time of the construction of the building or structures authorized by the building permit, the County Engineer may waive any or all such improvement requirements or may enter into an agreement with the owner of the property under which the owner shall be required to install such improvements at his or her own cost and expense at such time as the County Engineer may determine that the character of the surrounding neighborhood and the development thereof require the installation of such improvements.

Such agreement shall indemnify and hold harmless the County from any and all loss, damage, or liability resulting from the owner's performance or nonperformance of his or her liabilities under the agreement. The agreement shall be binding upon the owner and his or her heirs, assigns, and successors in interest and shall contain the promise of the owner to sign a petition pursuant to the provisions of Division 7, Part 3, Chapter 27, of the Streets and Highways Code of the State upon the request of the County Engineer to do so. Such agreement shall be filed for record in the office of the County Clerk-Recorder.

(k) When the County Engineer requires the installation of such improvements, the owner, or his or her successor in interest, shall comply with the provisions of this section relating to the approval of the layout plan for such improvements. Under such determination, the County Engineer shall give thirty (30) days' notice in writing to the owner of the property to install the required improvements. If the owner of the property refuses or neglects to install the required improvements after such notification, such improvements may be installed by the Department, and the cost thereof shall become a lien and charge upon the property.

(l) All public improvements shall be constructed in accordance with the provisions of this chapter and the County Standards. Once improvements have been constructed pursuant to the provisions of this article in accordance with the plans

and grades approved by the County Engineer, the property owner shall not be liable for any future reconstruction of such improvements if such reconstruction is necessitated by a change in grade or street widening.

- (m) When all the dedications and improvements required by the provisions of this article have been completed or have satisfied the requirements of the County Engineer, a building permit may be issued.
- (n) If the property owner or applicant for a building permit is dissatisfied with any determination made by the County Engineer pursuant to the provisions of this article, the property owner or applicant may appeal in writing to the Board stating the reasons for his or her dissatisfaction with the determination of the County Engineer. Such appeal shall be made within ten (10) days after the action of the County Engineer. The appeal shall be filed with the Clerk of the Board, and the Board shall hear the appeal within thirty (30) days after the date of filing the appeal. Notice shall be given by the Clerk of the Board to the County Engineer and the appellant of the date and time of hearing the appeal.
- (o) The provisions of this article are enacted for the protection of the public health, safety, and welfare and shall be liberally construed to obtain the beneficial purposes thereof.