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Title 18

SUBDIVISIONS¹

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Chapter 18.04

GENERAL PROVISIONS¹

Section:

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18.04.010 Title and reference.

This title shall be known as the “subdivision regulations of the city of Chico” and shall be herein referred to as “these regulations.”

(Ord. 1204 §2 (part))

18.04.020 Purpose and intent.

The purpose of these regulations, and the intent of the city in their adoption, is as follows:

- A. To provide policies, standards, requirements and procedures to regulate and control the design and improvement of all subdivisions within the city;
- B. To assist in implementing the objectives, policies and programs of the general plan by ensuring that all proposed subdivisions, together with the provisions for their design and improvement, are consistent with the general plan and all applicable specific plans of the city;
- C. To preserve and protect, to the maximum extent possible, the unique and valuable natural resources and amenities of the city's environment, including topographic and geologic features, open space lands, stream recreational areas, fish and wildlife habitats, historical and cultural places, and scenic vistas and attractions; and, to maximize the public's access to and enjoyment of such resources and amenities through the dedication or continuance of applicable easements thereto;
- D. To relate land use intensity and population density to existing development, street capacity and traffic access, the slope of the natural terrain, and the availability of public facilities, utilities and open space;
- E. To provide lots of sufficient size and appropriate design for the purposes for which they are to be used;
- F. To provide streets of adequate capacity and design and to ensure maximum safety for pedestrians and vehicles;
- G. To ensure adequate access to each building site;
- H. To provide sidewalks, and where needed, pedestrian ways, bike paths, and equestrian and hiking trails for the safety, convenience and enjoyment of the residents of new developments;
- I. To provide adequate systems of water supply, sanitary sewage disposal, storm drainage, street lighting, and other utilities needed for the public health, safety and convenience;

- J. To provide adequate sites for public facilities needed to serve the residents of new developments;
- K. To ensure that the costs of providing land for streets, alleys, pedestrian ways, easements, and other rights-of-way, and for the improvements needed to serve new developments, are the responsibility of the subdivider;
- L. To prevent land which is actually or potentially dangerous by reason of flood hazard, inundation, proximity to excessive noise, inadequate access, inadequate water supply or fire protection, insufficient sewerage facilities, hazardous geological conditions, or critical soil conditions from being subdivided for any use or in any manner tending to create an increased detriment to the public health, safety or welfare;
- M. To ensure that, insofar as possible, land is subdivided in a manner that will promote the public health, safety, convenience, and general welfare in conformance with the general plan;
- N. To reduce the hardships on tenants displaced when multi-residential buildings are converted to condominium projects and to protect the purchasers of dwelling units in such condominium projects.

(Ord. 1204 §2 (part), Ord. 1422 §1)

18.04.030 Authority.

- A. These regulations are adopted pursuant to the Subdivision Map Act (Title 7, Division 2, Government Code) as a “local ordinance” as said term is used in said act and are supplemental to the provisions thereof. All provisions of the Subdivision Map Act and future amendments thereto not incorporated in these regulations shall, nevertheless, apply to all subdivisions, subdivision maps and proceedings under these regulations.
- B. Nothing in this section shall be read to limit the right of the city, as a charter city, to enact such further provisions concerning the division of land as are deemed necessary to protect the public health, safety and welfare.

(Ord. 1204 §2 (part))

18.04.040 Conformance with other regulations required.

Neither the approval nor conditional approval of a subdivision map shall authorize or be deemed to authorize a violation or failure to comply with other applicable provisions of the Chico Municipal Code or other applicable ordinances or regulations adopted by the city.

(Ord. 1204 §2 (part))

18.04.050 Definitions.

Definitions hereinafter set forth shall be supplementary to the definitions contained in the Subdivision Map Act. For the purposes of these regulations, and the Subdivision Map Act, the following words and phrases shall be construed as defined in this section:

- A. “Alley” means a public way, other than a street or highway, providing a secondary means of vehicular access to abutting property.
- B. “Certificate of compliance” means a certificate issued by the planning director and recorded in the office of the Butte County recorder certifying that a parcel or parcels of real property comply with the provisions of this title and the Subdivision Map Act.
- C. “Commission” means the planning commission of the city of Chico;
- D. “Community park facilities” means Bidwell Park and any other park facilities which

are intended to serve the recreational needs of all of the residents and other inhabitants of the city.

- E. "Condominium Project" means a condominium project as defined in Section 1350 of the Civil Code of the state of California, a community apartment project as defined in Section 11004 of the Business and Professions Code of the state of California or a stock cooperative as defined in Section 11003.2 of the Business and Professions Code of the state of California.
- F. "Consumer Price Index" means the Consumer Price Index (U.S. city average) published by the U.S. Department of Labor, Bureau of Labor Statistics.
- G. "Design criteria and improvement standards" means criteria and standards approved by resolution of the council setting forth the manner in which subdivisions and subdivision improvements are to be designed and constructed.
- H. "Development project" means a multiphased project or subdivision which when considered as a whole exceeds two hundred lots.
- I. "Director" means the director of the building and development services department of the city or an authorized representative.
- J. "Tenant with a disability" means any person lawfully residing in a dwelling unit of a multi-residential building owned by another who suffers from an orthopedic disability impairing personal mobility or a physical disability affecting the tenant's ability to obtain employment. Tenant with a disability also includes a person lawfully residing in a dwelling unit of a multi-residential building owned by another who suffers from a developmental disability including, but not limited to mental retardation, cerebral palsy, epilepsy and autism, or a mental disorder which would render such tenant eligible to participate in programs of rehabilitation or social services conducted by or on behalf of a public agency.
- K. "Fire protection" means such fire hydrants, fire roads and protective measures as may be required for protection of property within a subdivision.
- L. "Flood hazard" means a hazard to land or improvements due to seasonal inundation or to overflow water having sufficient velocity to transport or deposit debris, scour the surface soil, dislodge or damage buildings or erode the banks of watercourses.
- M. "Freeway" means a limited access and high speed road serving inter-and intra-regional movements with no interference from local street patterns.
- N. "General plan" means the general plan of the city of Chico.
- O. "Lot" means a parcel of land which is identified on a final map or parcel map recorded in the office of the Butte County recorder with a separate and distinct number or letter.
- P. "Lower-income tenant" means any person lawfully residing in a dwelling unit of a multi-residential building whose family income does not exceed 80 percent of the median income for the area determined by the Department of Housing and Urban Development, as provided for by Section 880.102, Title 24, of the Code of Federal Regulations.
- Q. "Map advisory committee" means the map advisory committee of the city consisting of the building and development services director, or a designee, the capital projects services director or a designee, and the planning services director or a designee.
- R. "Model home" means a single or two-family residential structure (including individual dwelling units in planned development, or condominium project) which is used for the purposes of display, advertising, promotion or sales of other substantially

- identical structures in the same or contiguous subdivisions and for which construction is to commence prior to the completion and acceptance of all required subdivision improvements.
- S. “Multi-residential building” means a building having 2 or more dwelling units. “Multi-residential building” also includes 2 or more buildings, each having one or more dwelling units, which are located on the same lot or parcel.
- T. “Neighborhood park facilities” means any park facilities which are intended to serve the recreational needs of only a portion of the residents and other inhabitants of the city.
- U. “Park facilities” or “park facility” means parkland and all improvements to such land and the adjoining rights-of-way which are determined necessary for the development and use of land for park and recreational purposes.
- V. “Pedestrian way” means a right-of-way designed for use by pedestrians and not intended for use by motor vehicles of any kind. A pedestrian way may be located within or without a street right-of-way, at-grade, or grade separated from vehicular traffic.
- W. “Planned development” means a planned development as defined in Section 11003 of the Business and Professions Code of the State of California.
- X. “Planning services director” means the director of the planning services department or an authorized representative.
- Y. “Public way” means any street, highway, alley, pedestrian way, equestrian or hiking trail, bike path, channel, viaduct, subway, tunnel, bridge, easement, right-of-way, or other way in which the public has a right of use.
- Z. “Real estate development” means a real estate development as defined in Section 11003.1 of the Business and Professions Code of the State of California.
- AA. “Roadway” means that portion of a right-of-way for a street, highway or alley designed or used to accommodate the movement of motor vehicles.
- BB. “Specific plan” means and includes a plan for a specific portion of the city, or a plan for a specific municipal function of the city which has been acted upon by the planning commission and adopted by the city council.
- CC. Street, Arterial. “Arterial street” means a street carrying the vehicular traffic of local and collector streets to and from freeways and other arterial streets, with protected intersections.
- DD. Street, Collector. “Collector street” means a street which collects and distributes vehicular traffic moving between arterial streets and local streets and which generally provides direct access to abutting properties.
- EE. Street, Cul-de-sac. “Cul-de-sac street” means a street which is designed to remain permanently closed at one end with the closed end terminated by a vehicular turnaround.
- FF. Street, Local. “Local street” means any street other than a collector street, arterial street or freeway, providing direct access to abutting property and serving local as distinguished from through traffic.
- GG. “Subdivision” means and includes any division for gift or for token consideration.
- HH. “Vehicular access rights” means the right of easement for vehicular access of owners or occupants of abutting lands to a public way.
- II. “Water supply” means such water supply and distribution facilities as are necessary to provide a reliable and adequate water supply for appropriate residential,

commercial and industrial use and for public and private fire protection purposes.

(Ord. 1204 §2 (part), Ord. 1295 §§1 (part) and 2, Ord. 1422 §2, Ord. 1444 §1, Ord. 1679 §1, Ord. 1756 §2, Ord. 2012 §3 (part), Ord. 2268, Ord. 2364 §339)

Chapter 18.08

ENFORCEMENT

Section:

- 18.08.010** **Generally.**
- 18.08.020** **Illegal subdivisions - Notices.**
- 18.08.030** **Certificate of compliance.**
- 18.08.040** **Issuance of certificate of compliance.**
- 18.08.050** **Recordation of a certificate of compliance.**
- 18.08.060** **Illegal subdivisions - Permits.**

18.08.010 Generally.

Except as otherwise provided herein, the director is authorized and directed to enforce these regulations and the Subdivision Map Act for subdivisions within the city.
(Ord. 1204 §2 (part))

18.08.020 Illegal subdivisions - Notices.

Any officer or employee of the city who has knowledge that real property has been divided in violation of the Subdivision Map Act or these regulations, shall immediately so notify the planning services director. Upon receipt of that information, the planning services director shall file a notice in the manner and form as prescribed by the Subdivision Map Act. The planning services director shall also schedule a hearing before the planning commission for the purpose of determining whether a final notice of violation shall be recorded in the manner and form as prescribed by the Subdivision Map Act. The owner of the real property shall be notified of the time, date, and place of the hearing, of owner's right to present evidence at the hearing, and shall be advised that if the planning commission determines a violation to have occurred a final notice of violation shall be recorded no sooner than 60 days following receipt by the property owner of a copy of the first recorded notice.

(Ord. 1204 §2 (part), Ord. 1295 §3, Ord. 2268, Ord. 2364 §340)

18.08.030 Certificate of compliance.

Any person owning real property or a vendee of such person pursuant to a contract of sale of such real property may file an application for a certificate of compliance to determine whether such real property complies with the provisions of the Subdivision Map Act and of this title at the time such parcel was created. Such applications shall be filed with the planning services director who shall be responsible for the issuance and recordation of same. The form of the application shall be prescribed by the planning services director. A nonrefundable fee in an amount specified by resolution of the council for each lot or parcel for which a certificate is sought shall accompany the application.

(Ord. 1204 §2 (part), Ord. 1295 §4, Ord. 2364 §341)

18.08.040 Issuance of certificate of compliance.

A. Within fifteen (15) days after the filing of the application for a certificate of

compliance, the planning services director shall grant, conditionally grant or deny such application.

- B. If, at any time during the processing of the application for a certificate of compliance, the planning services director determines that additional information or data is required, the applicant shall be promptly advised in writing, by mail, of the additional material to be supplied before further action may be taken on the application.
- C. If the application for a certificate of compliance is to be conditionally granted, the planning services director shall impose all conditions reasonably necessary to protect the public health, safety and welfare.
- D. [No change.]

(Ord. 1204 §2 (part), Ord. 1295 §1 (part), Ord. 1679 §2, Ord. 2364 §342)

18.08.050 Recordation of a certificate of compliance.

- A. The certificate of compliance shall be filed for record with the Butte County recorder by the planning services director. Such certificate shall identify the real property and shall state that the configuration thereof complies with applicable provisions of this chapter and all other provisions of this code regulating the division of land within the city. When appropriate, such certificate shall contain a statement setting forth all on-site and off-site improvements which must be constructed prior to the issuance of a permit or other grant of approval for the development of such parcel.
- B. A certificate of compliance granted with conditions shall not be recorded until all conditions have been met, or until assurance that such conditions will be met, in a form approved by the city attorney, is accepted by the planning services director.

(Ord. 1204 §2 (part), Ord. 1295 §5, Ord. 2364 §343)

18.08.060 Illegal subdivisions - Permits.

No board, commission, officer or employee of the city shall issue any certificate or permit, or grant any approval necessary to develop any real property within the city which has been divided, or which resulted from a division, in violation of the provisions of the Subdivision Map Act, or of these regulations.

(Ord. 1204 §2 (part))

Chapter 18.12**ADVISORY AGENCY****Section:****18.12.010 Designation of advisory agency.****18.12.020 Powers and duties of the advisory agency.****18.12.010 Designation of advisory agency.**

The advisory agency, as such term is used in the Subdivision Map Act, shall be:

- A. The map advisory committee for all minor land divisions, boundary line modifications, mergers, parcel map waivers, minor changes or alterations to a previously approved subdivision and all tentative maps which convert existing buildings into condominium projects; and
- B. The planning commission for all tentative maps, tentative parcel maps or other authorizations or entitlements provided for by this chapter, except tentative maps which convert existing buildings into condominium projects.

(Ord. 1204 §2 (part), Ord. 1233 §1, Ord. 1679 §3 (part), Ord. 1935 §3, Ord. 2374)

18.12.020 Powers and duties of the advisory agency.

The advisory agency shall have the following powers and duties:

- A. To approve, conditionally approve or disapprove all subdivisions, boundary line modifications and mergers, except those where a request is made to modify the design criteria and improvement standards;
- B. To recommend approval, conditional approval or disapproval of tentative maps where a request is made to modify the design criteria and improvement standards;
- C. To recommend modifications of the requirements of this title;
- D. To review and make recommendations concerning proposed subdivisions in the unincorporated territory of the county in accordance with the provisions of the Subdivision Map Act when it has elected to do so;
- E. To approve, conditionally approve or disapprove parcel map waiver applications;
- F. Such additional powers and duties as are prescribed by law and by these regulations.

(Ord. 1204 §2 (part), Ord. 1233 §2, Ord. 1679 §3)

Chapter 18.16

MAPS GENERALLY

Section:

- 18.16.010 Map required.**
18.16.020 Subdivisions for which a tentative and final map or parcel map are required.
18.16.030 Subdivisions for which a minor land division map is permitted.
18.16.035 Subdivisions for which a boundary line modification is required.
18.16.040 Preliminary sketches.
18.16.045 Subdivisions located within a special flood hazard area.

18.16.010 Map required.

A map shall be submitted for all subdivisions. The type of map required shall be governed by the provisions of this chapter.

Nothing contained in this chapter shall be construed to prevent the preparation and filing of a tentative and final map for subdivisions for which a parcel map is required, or to prevent the preparation of a parcel map for subdivisions for which a minor land division map is permitted.

(Ord. 1204 §2 (part))

18.16.020 Subdivisions for which a tentative and final map or parcel map are required.

A tentative map and final map or parcel map are required for all subdivisions as specified in the Subdivision Map Act, except for those subdivisions for which a minor land division map is permitted by this title, or those subdivisions for which a parcel map waiver has been approved pursuant to this title.

(Ord. 1204 §2 (part), Ord. 1233 §3, Ord. 1679 §4)

18.16.030 Subdivisions for which a minor land division map is permitted.

A minor land division map is permitted, in lieu of a tentative map and parcel map, for all subdivisions creating less than five parcels where:

- A. The subdivision does not involve the conversion of a building to a condominium project;
- B. No modifications from the requirements of this title are requested to accommodate the design of the proposed subdivision; and
- C. The advisory agency finds that the proposed subdivision complies with requirements as to area, improvement and design, floodwater drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, and environmental protection imposed by this title or other applicable provisions of this code.

(Ord. 1204 §2 (part), Ord. 1444 §2)

18.16.035 Subdivisions for which a boundary line modification is required.

A boundary line modification is required for all subdivisions where a lot line adjustment between two or more adjacent parcels is proposed, provided that the land taken from one parcel is added to an adjacent parcel, and a greater number of parcels than originally existed is not thereby created.

18.16.040 Preliminary sketches.

Subdividers are encouraged to consult with the planning services director regarding technical advice and applicable procedure prior to filing any required map. Preliminary sketches used in such consultation will not be treated as a tentative map.

(Ord. 1204 §2 (part), Ord. 2364 §344)

18.16.045 Subdivisions located within a special flood hazard area.

All maps submitted for a subdivision, including maps for manufactured home park subdivisions shall comply with the following:

- A. All subdivision proposals shall identify special flood hazard areas and the elevation of the base flood elevations.
- B. All subdivision plans will provide the elevation of proposed structure(s) and pad(s).
- C. If the site is filled above the base flood elevation, the lowest floor and pad elevations shall be certified by a registered professional engineer or surveyor and provided to the building official.
- D. All subdivision proposals shall be consistent with the need to minimize flood damage.
- E. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
- F. All subdivisions shall provide adequate drainage to reduce exposure to flood hazards.

(Ord. 2131 §9, Ord. 2370 §18)

Chapter 18.17**PROCEDURES GENERALLY - MINOR LAND DIVISIONS,
BOUNDARY LINE MODIFICATIONS AND MERGERS****Section:**

- 18.17.010 Filing fee and application.**
- 18.17.020 Processing of minor land divisions, boundary line modifications and mergers.**
- 18.17.030 Advisory agency action.**
- 18.17.040 Notice of intent for minor land division or boundary line modification or merger.**
- 18.17.050 Appeal and referral to planning commission.**
- 18.17.060 Planning commission hearing on appeal and referral.**
- 18.17.070 Planning commission action on appeal or referral.**
- 18.17.080 Appeals to the city council.**

18.17.010 Filing fee and application.

Applications for minor land divisions, boundary line modifications, and mergers shall be made to the planning office, in writing, on a form prescribed by the planning services director, and shall be accompanied by a fee in an amount fixed by resolution of the council.

(Ord. 1679 §5 (part), Ord. 2364 §345)

18.17.020 Processing of minor land divisions, boundary line modifications and mergers.

- A. The planning services director shall cause a minor land division, boundary line modification or merger map to be prepared. The planning services director shall transmit copies of the map and such pertinent accompanying data as necessary to such other public or private agencies or departments as the planning services director determines may be affected by the proposed application. The transmittal shall include notification of the date on which the application shall be approved by the advisory agency, together with a request for written reports and recommendations on the proposed application.
- B. The planning services director shall compile all reports and recommendations received concerning the proposed application and shall cause a copy thereof to be delivered to the applicant at least three days prior to the date action on such map is scheduled.

(Ord. 1679 §5 (part), Ord. 2268, Ord. 2364 §346)

18.17.030 Advisory agency action.

- A. Within fifty (50) days of the filing thereof, the advisory agency shall consider the minor land division, boundary line modification, or merger, the accompanying drawings, statements and other data, the reports and recommendations received, and shall approve, conditionally approve or disapprove the application and report its

- action to the applicant.
- B. The advisory agency shall base its action on the conformity of the minor land division, boundary line modification, or merger with all requirements of this title and on the design of the proposed subdivision.
 - C. If the minor land division, boundary line modification, or merger is approved or conditionally approved:
 - 1. Such approval or conditional approval shall not be effective until the expiration of the ten (10) day review period, as specified in this title;
 - 2. A notice of intent to subdivide shall be given as prescribed by this title;
 - 3. The report to the subdivider shall contain a complete statement of the conditions of approval.
 - D. If the application is disapproved, the report shall contain a statement of reasons for such disapproval.
 - E. The approval or conditional approval of the application shall not constitute an approval of any exception or deviation from any zoning regulation of the city nor shall it be deemed as an approval to proceed with any development in violation of any applicable provision of law.

(Ord. 1679 §5 (part))

18.17.040 Notice of intent for minor land division, boundary line modification or merger.

Whenever a minor land division, boundary line modification or merger map is approved or conditionally approved by the advisory agency, a notice of intent shall be mailed to all persons owning real property within one hundred (100) feet of the property affected by the application. Such notice shall contain, among other things, the date by which a request for planning commission review must be filed.

(Ord. 1679 §5 (part), Ord. 2372)

18.17.050 Appeal and referral to planning commission.

Any person who is not satisfied with the action of the advisory agency may, within 10 days from the date of the action thereon, file a request for planning commission review on a form prescribed by the planning services director. Such request shall be accompanied by a fee in an amount fixed by resolution of the council. In addition, the planning services director in consultation with the map advisory committee shall refer any merger, boundary line modification, or minor land division to the planning commission when the planning services director determines there is substantial public controversy.

(Ord. 1679 §5 (part), Ord. 2268, Ord. 2364 §347)

18.17.060 Planning commission hearing on appeal and referral.

The planning commission shall hold a public hearing on any action appealed under the provisions of this chapter. Notice of such hearing shall be given at least ten (10) days prior to the date of the hearing by publication in a newspaper of general circulation in the city and by mail to all persons owning real property within one hundred (100) feet of the proposed minor land division, boundary line modification, or merger. The staff report to the planning commission shall be provided to the applicant at least three (3) days prior to hearing.

(Ord. 1679 §5 (part))

18.17.070 Planning commission action on appeal or referral.

- A. The planning commission shall consider the application, the accompanying drawings, statements and other documents, the reports and recommendations and the advisory agency action and, at the conclusion of the hearing, shall approve, conditionally approve or deny the application and report its action to the applicant.
- B. The planning commission shall base its action on conformity of the application with all requirements of this title and on the design of the proposed subdivision.
- C. If the application is disapproved, the report shall contain a statement of reasons for such disapproval. If the application is conditionally approved, the report shall contain a complete statement of the conditions of approval.
- D. The approval or conditional approval shall not constitute an approval of any exception or deviation from any zoning regulation of the city nor shall it be deemed as an approval to proceed with any development in violation of any applicable provision of law.

(Ord. 1679 §5 (part))

18.17.080 Appeals to the city council.

Appeals from a decision of the planning commission on a minor land division, boundary line modification and/or a merger may be appealed to the city council within the time and in the manner provided for by Chapter 2.80 of this code.

(Ord. 2030 §1)

Chapter 18.18**PROCEDURES GENERALLY - SUBDIVISIONS OTHER
THAN MINOR LAND DIVISIONS****Section:**

- 18.18.010 Filing fee and application.**
- 18.18.020 Staff report.**
- 18.18.030 Public notice and hearing.**
- 18.18.040 Advisory agency action.**
- 18.18.050 Appeal and referral to planning commission.**
- 18.18.060 Planning commission hearing on appeal and referral.**
- 18.18.070 Planning commission action on appeal or referral.**
- 18.18.080 Appeals to the city council.**

18.18.010 Filing fee and application.

Applications for subdivisions shall be made to the planning office, in writing, on a form prescribed by the planning services director, and shall be accompanied by a fee in an amount fixed by resolution of the council.

(Ord. 1679 §6 (part), Ord. 2364 §348)

18.18.020 Staff report.

For all subdivisions, except minor land divisions, at least three days prior to the date on which the advisory agency will consider the tentative map, the planning services director shall deliver the report or recommendation thereon to the applicant.

(Ord. 1679 §6 (part), Ord. 2268, Ord. 2364 §349)

18.18.030 Public notice and hearing.

For all subdivisions, except minor land divisions, a public hearing shall be held by the advisory committee. Notice of such hearing shall be given at least ten (10) days prior to the date of hearing by publication in a newspaper of general circulation in the city and by mail to all persons owning real property within three hundred (300) feet of the proposed subdivision.

(Ord. 1679 §6 (part))

18.18.040 Advisory agency action.

- A. Within fifty (50) days of the filing thereof, the advisory agency shall consider the tentative map, the accompanying drawings, statements and other data, the reports and recommendations of the director and planning services director and the evidence and testimony introduced at its meeting, and shall approve, conditionally approve, or disapprove the subdivision except where a request is made for modification to the design criteria and improvement standards where the advisory agency shall recommend approval, conditional approval or disapproval and report its recommendation to the city council for its consideration.
- B. The advisory agency shall base its action on the conformity of the tentative map with

all requirements of this title and on the design of the proposed subdivision.

- C. If the map is disapproved, the report shall contain a statement of reasons for such disapproval. If the map is conditionally approved, the report shall contain a complete statement of the conditions of approval.
- D. The approval or conditional approval of a tentative map shall not constitute an approval of any exception or deviation from any zoning regulation of the city nor shall it be deemed as an approval to proceed with any development in violation of any applicable provision of law.

(Ord. 1679 §6 (part), Ord. 2364 §350)

18.18.050 Appeal and referral to planning commission.

Any person who is not satisfied with the action of the planning services director or map advisory committee acting as advisory agency, including any member of the planning commission, concerning a subdivision may, within 10 days from the date of the action thereon, file a request for planning commission review on a form prescribed by the planning services director. Such request shall be accompanied by a fee in an amount fixed by resolution of the council. In addition, the planning services director in consultation with the planning commission and map advisory committee shall refer any subdivision to the planning commission when the planning services director determines that there is substantial public controversy.

(Ord. 1679 §6 (part), Ord. 2268, Ord. 2364 §351)

18.18.060 Planning commission hearing on appeal and referral.

The planning commission shall hold a public hearing on any action appealed or referred to the commission under the provisions of this chapter. Notice of such hearing shall be given at least ten (10) days prior to the date of the hearing by publication in a newspaper of general circulation in the city, and by mail to all persons owning real property within three hundred (300) feet of the proposed subdivision. The staff report to the planning commission shall be provided to the subdivider at least three (3) days prior to the hearing.

(Ord. 1679 §6 (part))

18.18.070 Planning commission action on appeal or referral.

- A. The planning commission shall consider the application, the accompanying drawings, statements and other documents, the reports and recommendations and the advisory agency action and, at the conclusion of the hearing, shall approve, conditionally approve or disapprove the map and report its actions to the subdivider.
- B. The planning commission shall base its action on the conformity of the subdivision map with all requirements of this title and on the design of the proposed subdivision.
- C. If the map is disapproved, the report shall contain a statement of reasons for such disapproval. If the map is conditionally approved, the report shall contain a complete statement of the conditions of approval.
- D. The approval or conditional approval of the map shall not constitute an approval of any exception or deviation from any zoning regulation of the city nor shall it be deemed as an approval to proceed with any development in violation of any applicable provisions of law.

(Ord. 1679 §6 (part))

18.18.080 Appeals to the city council.

The subdivider or any other person adversely affected by a decision of the planning commission on a subdivision other than a minor land division may appeal such decision to the city council within the time required by the State Map Act as set forth in Division 2, Title 7 of the California Government Code (commencing with Section 66410). Such appeal shall be filed in the office of the city clerk and shall be in the form and contain the information required by the city clerk.

(Ord. 1679 §6 (part), Ord. 2030 §2)

Chapter 18.20

TENTATIVE MAP²

Section:

- 18.20.010 Preparation and form of tentative map.**
- 18.20.020 Information on tentative map.**
- 18.20.030 Drawings, statements and other data to accompany tentative map.**
- 18.20.035 Drawings, documents and information to accompany tentative map - Conversion of existing multi-residential buildings to condominium projects.**
- 18.20.040 Filing of tentative map.**
- 18.20.050 Conditional approval when critical soil problems exist.**

18.20.010 Preparation and form of tentative map.

The tentative map shall be clearly and legibly drawn by or under the direction of a registered civil engineer or licensed land surveyor. The scale of the map shall not be less than one inch equals one hundred feet (1" = 100'). If necessary to provide the proper scale, more than one sheet may be used, but the relation of the several sheets shall be clearly shown on each. Each sheet shall be eighteen (18) inches by twenty-six (26) inches. (Ord. 1204 §2 (part))

18.20.020 Information on tentative map.

The tentative map shall contain the following information in addition to such information as is required by the Subdivision Map Act:

- A. Proposed subdivision name;
- B. Names and addresses of the record owner and subdivider of the land;
- C. Name and address of the person, firm or organization that prepared the map, and the applicable registration or license number;
- D. Date of preparation, north point and scale of the map; if based on a survey, the date of the survey;
- E. Boundaries of the subdivision with sufficient information to locate the property;
- F. Subdivision name of adjacent subdivisions, if any, and property lines sufficient to show their relationship to the proposed subdivision;
- G. Contour lines having the following intervals:
 - 1. One-foot contour interval for ground slope between level and five percent (5%),
 - 2. Five-foot contour interval for ground slope between five and fifteen percent (5%-15%),
 - 3. Ten-foot contour interval for ground slopes exceeding fifteen percent (15%);
- H. The approximate location and general description of any trees with notations as to their retention or destruction;
- I. The location of all railroad rights-of-way and grade crossings; approximate locations of all existing wells, abandoned wells and sumps; and an indication of any physical restrictions or conditions in the subdivision which affects the use of the property;
- J. The location of all structures which are to be retained within the subdivision; the

- distances between structures to be retained and existing or proposed street and lot lines; and notations concerning all structures which are to be removed;
- K. The locations, widths and purposes of all existing and proposed easements for utilities, drainage and other public purposes, shown by dashed lines, within and adjacent to the subdivision (including proposed building setback lines, if known);
 - L. The location, width and directions of flow of all watercourses and flood-control areas within and adjacent to the property involved; and the proposed method of providing storm water, drainage and erosion control;
 - M. The locations, widths and names or designations of all existing or proposed streets, alleys, pedestrian ways and other rights-of-way, whether public or private, within and adjacent to the subdivision; the radius of each centerline curve; a cross section of each street; and any planned line for street widening or for any other public project in and adjacent to the subdivision;
 - N. The lines and approximate dimensions of all lots, and the number assigned to each lot; the total number of lots; and the approximate area of the average lot;
 - O. The total area in square footage or acreage to the nearest 1/10th acre of each lot proposed to be utilized for other than single-family or two-family housing;
 - P. The boundaries and acreage of existing and proposed public areas in and adjacent to the subdivision, with the nature of each indicated thereon. If land is to be offered for dedication for park or recreation purposes or for purpose of providing public access to any public waterway, river or stream, it shall be so designated;
 - Q. Any modification being requested in accordance with the requirements of Chapter 18.44 (Subdivision Modifications) which is shown on the tentative map shall be clearly labeled and identified as to nature and purpose;
 - R. When it is known that separate final maps are to be filed on portions of the property shown on the tentative map, the subdivision boundaries which will appear on said final maps and the sequence in which said final maps will be filed;
 - S. All proposed street names;
 - T. Building envelopes for all infill residential flag lots as defined in section 19.76.180. (Ord. 1204 §2 (part), Ord. 1679 §§7, 8, Ord. 2363 §1)

18.20.030 Drawings, statements and other data to accompany tentative map.

The following drawings, statements, and other data, and as many additional copies thereof as may be required, shall be filed with the tentative map:

- A. A vicinity map of appropriate scale and covering sufficient adjoining territory so as to clearly indicate nearby street patterns, major access streets, property lines, other adjacent properties in the subdivider's ownership, and other significant features which will have a bearing upon the proposed subdivision and its location and relationship to surrounding areas;
- B. A statement of existing and proposed zoning and existing and proposed uses of the property with the approximate areas of the proposed uses by type and the total area of the subdivision;
- C. A preliminary soil investigation and geological reconnaissance report by a registered civil engineer, engineering geologist or geologist, specializing and recognized in soil mechanics and foundation engineering. Submission of this preliminary report may be waived by the director if soil conditions in the proposed subdivision are known to the director;

- D. A preliminary grading plan;
- E. A statement of proposed improvements, including utilities and landscaping;
- F. Identification of proposed public areas;
- G. Applications for any modification that may be proposed, together with supporting drawings and statements and such other data as may be required by the provisions of Chapter 18.44 (Subdivision Modifications);
- H. An environmental assessment pursuant to Chapter 1.40 of this code for which the time for appeal has elapsed;
- I. All other data required as a prerequisite to approval of the tentative map, including plans, reports, fees or other requirements.

(Ord. 1204 §2 (part), Ord. 2113 §5, Ord. 2268)

18.20.035 Drawings, documents, and information to accompany tentative map - Conversion of existing multi-residential buildings to condominium projects.

When a tentative map is filed for the conversion of an existing multi-residential building to a condominium project, the tentative map shall be accompanied by the following documents and information in addition to any other drawings, documents, or information hereinbefore required by this chapter:

- A. A copy of the condominium conversion permit required by Title 19 of this code to convert a multi-residential building to a condominium project;
- B. A certificate, signed by the subdivider under penalty of perjury, declaring that at least sixty days prior to the filing of a tentative map, each tenant occupying a dwelling unit in the building being converted was served with a written notice of intention to convert as required by the Subdivision Map Act;
- C. A certificate, signed by the subdivider under penalty of perjury, declaring that each tenant served with a notice of intention to convert was, at the time such notice was served, also served with a written notice of the following tenant rights:
 - 1. The right of such tenant to not suffer the termination of tenancy in the building being converted for a period of 180 days following the date the notice of intention to convert was served as required by the Subdivision Map Act;
 - 2. The right of such tenant to purchase tenant's dwelling unit in the building being converted on the same or more favorable terms as those offered to the general public for a period of 90 days from the date of issuance of the subdivision public report as required by the Subdivision Map Act;
 - 3. The right of such tenant to not suffer an increase in rent in excess of 75% of the percentage increase in the consumer price index as provided by Chapter 18.38 of this title;
 - 4. The right of each such tenant who is 62 years of age or older or a disabled tenant to a long term lease as hereinafter provided by Chapter 18.38 of this title; and
 - 5. The right of such tenant to relocation assistance as hereinafter provided by Chapter 18.38 of this title, together with the name, address, and telephone number of the person or persons who will be responsible for providing such assistance;
- D. An application, in a form prescribed by the city building official, for inspection of the multi-residential building being converted to a condominium project to determine whether the building complies with the building standards and contains the equipment hereinafter required by Chapter 18.38 of this title; and

- E. The name, apartment number, and mailing address of all tenants occupying a dwelling unit in the multi-residential building being converted to a condominium project on the date the tentative map is filed.

(Ord. 1422 §3, Ord. 1444 §3, Ord. 2268)

18.20.040 Filing of tentative map.

- A. The subdivider shall file with the planning office the tentative map and as many additional copies thereof requested by the planning services director plus one (1) copy reduced to eight and one-half inches by eleven inches (8-1/2" x 11"), suitable for reproduction. A tentative map shall not be considered as having been filed unless and until it complies with all provisions of this title and the drawings, statements and other data required to accompany the tentative map have been submitted in a form acceptable to the advisory agency.
- B. If the preliminary soils report indicates the presence of critically expansive soils or other soil problems, including seepage, which, if not corrected, would lead to structural defects, a soils investigation of each lot in the subdivision may be required by the director as a condition precedent to consideration of the tentative map. The soils investigation shall be done in the manner provided in the Subdivision Map Act.
- C. If, at any time during the processing of the tentative map, the map or the accompanying drawings, statements or other data are found to be incomplete or incorrect with respect to pertinent required information, the subdivider shall be promptly advised, in writing, by mail, of the changes or additions that must be made before further action may be taken on the tentative map.
- D. Failure to provide the omitted or inaccurate information or the soils investigation of each lot within the time specified in the written notice requesting its submission shall be cause for recommendation of disapproval of the tentative map, unless an extension of time for acting upon said map is mutually agreed upon by the subdivider and the advisory agency.

(Ord. 1204 §2 (part), Ord. 2364 §352)

18.20.050 Conditional approval when critical soil problems exist.

In every subdivision for which a soil investigation has been required by the director, the council may approve the subdivision or portion thereof, notwithstanding evidence of critical soils problems. As a condition of the approval of the tentative map, the council shall order the withholding of the issuance of any building permit for development of said lots until the recommended corrective action, as determined by the director, is incorporated into the plans for the construction of each such structure.

(Ord. 1204 §2 (part), Ord. 1679 §10)

Chapter 18.22

VESTING TENTATIVE MAPS

Section:

- 18.22.010 Purpose.**
- 18.22.020 Application.**
- 18.22.030 Filing of a vesting tentative map.**
- 18.22.040 Review and approval or disapproval of a vesting tentative map.**
- 18.22.050 Rights conferred upon approval of a vesting tentative map.**
- 18.22.060 Expiration of rights conferred by approved vesting tentative map.**
- 18.22.070 Extension of rights conferred by approved vesting tentative map.**
- 18.22.080 Amendments to an approved vesting tentative map.**
- 18.22.090 Application for permits, approval and entitlements under current laws and regulations.**

18.22.010 Purpose.

The purpose of this chapter is to establish local procedures to implement the provisions of Chapter 4.5, Division 2, Title 7 of the California Government Code (commencing with Section 66498.1) which address the development rights conferred upon the approval or conditional approval of “vesting tentative maps,” all as required by Section 66498.8 of the California Government Code.

(Ord. 1632 §1 (part))

18.22.020 Application.

The provisions of this chapter shall apply to and authorize the approval or conditional approval of vesting tentative maps only for residential subdivisions. Whenever the provisions of this title require the filing and approval of a tentative map for a subdivision to be developed for residential purposes, such tentative map may, at the option of the subdivider, be filed and approved as a vesting tentative map in the manner hereinafter provided by this chapter.

(Ord. 1632 §1 (part))

18.22.030 Filing of a vesting tentative map.

Vesting tentative maps shall be filed in the office of the planning director and shall be in the form, contain the information, and be accompanied by all drawings, documents, reports and data as well as all filing fees, required by this title for tentative maps other than vesting tentative maps. Provided that, at the time a vesting tentative map is filed, such map shall have printed conspicuously on its face the words “vesting tentative map.”

(Ord. 1632 §1 (part))

18.22.040 Review and approval or disapproval of a vesting tentative map.

Vesting tentative maps shall be reviewed and approved, conditionally approved or disapproved in the same manner and within the same time required by this title for the review and approval, conditional approval or disapproval of tentative maps other than vesting tentative maps. Notwithstanding any provision of Section 66498.3 of the

California Government Code to the contrary, a vesting tentative map filed for a subdivision whose intended development is inconsistent with zoning regulations adopted by or pursuant to Title 19 of this code shall be disapproved.

(Ord. 1632 §1 (part))

18.22.050 Rights conferred upon approval of a vesting tentative map.

- A. The approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development of the property subject to the map in substantial compliance with the provisions of this code and all policies and standards of the city which, as described in Section 66474.2 of the California Government Code, where in effect on the date it was determined that the application for approval of such map was complete. Provided, that if Section 66474.2 of the California Government Code is repealed, then the approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with the development of the property subject to the map in substantial compliance with the provisions of this code and all policies and standards of the city in effect at the time that the map was approved or conditionally approved.
- B. Notwithstanding any provisions of this section to the contrary, a permit, approval, extension or entitlement for development on property subject to a vesting tentative map may be denied or conditionally approved if either of the following determinations are made:
1. That a failure to deny or conditionally approve such permit, approval, extension, or entitlement would place residents of the subdivision or the immediate community, or both, in a condition dangerous to their health or safety, or both.
 2. That the denial or conditional approval of such permit, approval, extension, or entitlement is required in order to comply with state or federal law.

(Ord. 1632 §1 (part))

18.22.060 Expiration of rights conferred by approved vesting tentative map.

The rights conferred upon the approval or the conditional approval of a vesting tentative map shall expire at the same time provided by this title for the expiration of tentative maps other than vesting tentative maps or, if a final map or parcel map is timely filed following the approval or conditional approval of a vesting tentative map, one year from the date of recordation of such final map or parcel map, whichever last occurs. Provided that, where multiple final maps are filed following the approval or conditional approval of a vesting tentative map for a phased development, then the rights conferred by the vesting tentative map for each phase of development shall expire one year following the date of recordation of the final map for such phase of development.

(Ord. 1632 §1 (part))

18.22.070 Extension of rights conferred by approved vesting tentative map.

- A. The rights conferred by an approved or conditionally approved vesting tentative map shall be automatically extended beyond the date such rights normally expire under the following circumstances:
1. If prior to the date an approved or conditionally approved vesting tentative map would normally expire, a complete application is filed for a grading permit and/or the architectural review of development on the property subject to such map and the time for processing such application exceeds thirty (30) days, then the rights

conferred by such vesting tentative map shall also be extended for a period of time equal to that required for the processing of such grading permit and/or architectural review.

2. If prior to the date an approved or conditionally approved vesting tentative map would normally expire, a complete application is filed for a permit to construct a building or structure on the property subject to such vesting tentative maps, then the rights conferred by such vesting tentative map shall be extended until such building permit or any extension thereof expires.
- B. The rights conferred by an approved or conditionally approved vesting tentative map may, at the discretion of the city council, be extended for a period of one (1) year if, prior to the date such map would normally expire, an application for such extension is filed in the office of the planning services director.
- C. An approved or conditionally approved vesting tentative map and the rights conferred thereunder shall not be subject to any extensions other than those expressly provided for in this section.

(Ord. 1632 §1 (part), Ord. 2364 §353)

18.22.080 Amendments to an approved vesting tentative map.

Amendments may be made to an approved or conditionally approved vesting tentative map providing an application for such amendment is filed in the office of the planning services director prior to the date such map expires.

(Ord. 1632 §1 (part), Ord. 2364 §354)

18.22.090 Application for permits, approval and entitlements under current laws and regulations.

Notwithstanding any provisions of this chapter to the contrary, the owner of property subject to an approved or conditionally approved vesting tentative map may seek approvals, permits, or entitlements for development on such property which are authorized by the current provisions of this code and/or the current policies and standards of the city even though such current codes, policies or standards depart from the vested rights conferred by such approved or conditionally approved vesting tentative map.

(Ord. 1632 §1 (part))

Chapter 18.24

FINAL MAP AND PARCEL MAP³

Section:

- 18.24.010 Filing of final map or parcel map.**
- 18.24.020 Termination of proceedings.**
- 18.24.030 Time extension.**
- 18.24.040 Preparation and form of final map and parcel map.**
- 18.24.050 Title sheet of map.**
- 18.24.060 Certificates.**
- 18.24.070 Information on final map and parcel map.**
- 18.24.075 Notations.**
- 18.24.080 Statements, documents and other data to accompany final map or parcel map.**
- 18.24.085 Drawings, documents and information to accompany final map or parcel map - Conversion of existing multi-residential buildings to condominium projects.**
- 18.24.090 Presentation to city of final map or parcel map.**
- 18.24.100 Director action.**
- 18.24.115 Action by planning department on final maps or parcel maps - Conversion of existing multi-residential buildings to condominium projects.**
- 18.24.120 Execution of director's and clerk's certificates.**

18.24.010 Filing of final map or parcel map.

Within thirty-six (36) months of the date of approval or conditional approval of the tentative map, the subdivider may cause the proposed subdivision or any part thereof to be surveyed and the required final map or parcel map to be prepared and filed in accordance with the provisions of this chapter and the Subdivision Map Act.

(Ord. 1204 §2 (part), Ord. 1679 §11)

18.24.020 Termination of proceedings.

Failure to file a final map or parcel map within thirty-six (36) months of the date of approval or conditional approval of a tentative map, or within any extended period of time granted by the map advisory committee, as hereinafter provided, shall terminate all proceedings. Before a map may be filed thereafter, a new tentative map shall be processed in accordance with this title.

(Ord. 1204 §2 (part), Ord. 1679 §12)

18.24.030 Time extension.

A. The map advisory committee may extend the time for expiration of the tentative map for a period or periods not to exceed a total of sixty (60) months beyond the original expiration date of the map.

B. Applications for time extensions shall be made, in writing, to the planning director

prior to the time the tentative map would expire. Time extensions may be granted, subject to the condition that the map shall be prepared and improvements shall be constructed and installed in compliance with requirements in effect at the time such extension is considered by the map advisory committee. Each application for a time extension shall be accompanied by an additional processing fee as prescribed by resolution of the council.

- C. Applications for time extensions shall be made, in writing, to the planning services director prior to the time the tentative map would expire. Time extensions may be granted, subject to the condition that the map shall be prepared and improvements shall be constructed and installed in compliance with requirements in effect at the time such extension is considered by the map advisory committee. Each application for a time extension shall be accompanied by an additional processing fee as prescribed by resolution of the council.

(Ord. 1204 §2 (part), Ord. 1679 §13, Ord. 2213, Ord. 2364§355)

18.24.040 Preparation and form of final map and parcel map.

The final map or parcel map shall be prepared by or under the direction of a registered civil engineer or licensed land surveyor in the manner required by the Subdivision Map Act and shall conform to all of the following provisions:

- A. The general form and layout of the map, including size and type of lettering, drafting Chico Municipal Code and location of acknowledgments, etc., shall be as approved by the director.
- B. The scale of the map shall be not less than one inch equals one hundred feet (1" = 100'), unless otherwise permitted by the director, but in any case, the map shall show clearly all details of the subdivision.
- C. All dimensions shall be shown in feet and hundredths of a foot. No ditto marks shall be used.
- D. If more than three (3) sheets are necessary to show the entire subdivision, an index shall be included.
- E. The subdivision name or parcel map number, scale and north point shall be shown on each sheet.
- F. A title sheet, designated as page number one (1) of the map, shall be provided; except that, where the size of the subdivision permits, in lieu of a separate title sheet, the information required to be shown thereon may be shown on the same sheet as the map of the subdivision.
- G. The map shall be legibly drawn in accordance with the applicable provisions of the Subdivision Map Act.

(Ord. 1204 §2 (part))

18.24.050 Title sheet of map.

The title sheet shall contain the following information:

- A. Title, followed by the words "City of Chico," for final maps, and a parcel map number followed by the words "City of Chico" for parcel maps;
- B. Below the title shall be a subtitle, consisting of a description of all property being subdivided with reference to such map or maps of the property shown thereon as shall have been last previously recorded or filed in the office of the county recorder, or shall have been last previously filed with the county clerk pursuant to a final judgment

- in any action in partition, or shall have been previously filed in the office of the county recorder under authority of the Subdivision Map Act or by reference to the plat of any United States survey. The description shall also include reference to any vacated area with the number of the ordinance or resolution vacating said area;
- C. The subtitle of maps filed for the purpose of reverting subdivided land to acreage shall consist of the words “A reversion to acreage of...” (insert description as required herein);
 - D. References to subdivisions in the description must be worded identically with original records, and references to book and page of record must be complete;
 - E. A dedication, or an irrevocable offer of dedication, of property for public uses and the nature of such dedication. If an offer is made by separate instrument, the offer shall be on a form approved by the city attorney, for recordation in the office of the county recorder, and shall be in such terms as to be binding on the owner, the owner’s heirs, assigns or successors in interest, and shall continue until the council accepts or rejects such offer;
 - F. The basis of bearings used in the field survey, making reference to some recorded subdivision map or other source acceptable to the director whenever a field survey is required.

(Ord. 1204 §2 (part), Ord. 2268)

18.24.060 Certificates.

Final maps and parcel maps shall contain the certificates required by the Subdivision Map Act.

The form of all required certificates shall be set forth in the “Design Criteria and Improvement Standards” adopted pursuant to this title.

(Ord. 1204 §2 (part), Ord. 1295 §6, Ord. 1679 §14)

18.24.070 Information on final map and parcel map.

The final map or parcel map shall substantially conform to the tentative map as approved or conditionally approved (including all approved modifications) and shall contain the following information:

- A. The boundary line of the subdivision shall be designated by a colored border applied to the tracing. Such border shall not interfere with the legibility of figures or other data;
- B. All areas shown on the map which do not constitute a part of the subdivision shall be labeled “Not a part of this subdivision,” or “N.A.P.O.T.S.” All lines delineating such areas shall be dashed;
- C. All survey data and information required by this title;
- D. All lots or parcels intended for sale or reserved for private purposes and all parcels offered for dedication to the city or any other public agency, for any purpose, with an dimensions, boundaries and courses clearly shown and defined in every case.

Dimensions of lots shall be as total dimensions, corner-to-corner, in addition to point-to-point dimensions. Lots of more than one (1) acre shall show net acreage to the nearest one hundredth (1/100th);

- E. All lots shall be numbered consecutively, without omissions or duplications. Parcels offered for dedication other than for streets or easements shall be designated by letters. Each numbered lot or parcel shall be shown entirely on one sheet;
- F. The location and total width of all streets, alleys, pedestrian ways, equestrian and

- hiking trails and biking paths; the names of streets, and the width on each side of the centerline of each street; the width of the portion of the street, alley, pedestrian way, equestrian and hiking trail and biking path being dedicated, and the width of the existing dedication, if any, within the subdivision;
- G. All necessary data, including width and side lines of all public easements to which the lots of the subdivision are subject. Each easement shall be clearly labeled and identified as to nature and purpose and, if already of record, its recorded reference given. If any easement is not definitely located on record, a statement concerning the easement shall appear on the title sheet. Easements shall be denoted by fine, dashed lines;
- H. All limitations on rights of access to and from streets and lots and other parcels of land;
- I. The lines of any natural watercourse, channel, stream, creek or body of water in or adjacent to the subdivision and officially adopted floodplain lines;
- J. Any city boundary crossing or adjoining the subdivision;
- K. Total acreage within the subdivision.
- (Ord. 1204 §1 (part), Ord. 1295 §7, Ord. 1679 §15)

18.24.075 Notations.

- A. Every final map and parcel map approved for a subdivision which contains one or more undeveloped lots or parcels shall contain the following notation regarding the transportation facility fees, park facility fees, building and equipment fees and storm drainage facility fees assessed and levied pursuant to the provisions of Chapter 3.85 of this code:

“IN ACCORDANCE WITH THE PROVISIONS OF THE CHICO MUNICIPAL CODE, A TRANSPORTATION FACILITY FEE, PARK FACILITY FEE, AND BUILDING AND EQUIPMENT FEE MAY BE ASSESSED AND LEVIED UPON THE OWNER OF ANY LOT OR PARCEL WITHIN THIS SUBDIVISION AT THE TIME A NEW BUILDING OR STRUCTURE IS CONSTRUCTED ON SUCH LOT OR PARCEL, AT THE TIME AN ALTERATION OR ADDITION IS MADE TO AN EXISTING BUILDING OR STRUCTURE CONSTRUCTED ON SUCH LOT OR PARCEL WHICH RESULTS IN THE EXPANSION OF SUCH BUILDING OR STRUCTURE, OR AT THE TIME OF A CHANGE IN USE OF AN EXISTING BUILDING OR STRUCTURE CONSTRUCTED ON THE LOT OR PARCEL. IN ADDITION, A STORM DRAINAGE FACILITY FEE MAY BE ASSESSED AND LEVIED UPON THE OWNER OF ANY LOT OR PARCEL WITHIN THIS SUBDIVISION AT THE TIME SUCH LOT OR PARCEL IS FIRST USED FOR ANY RESIDENTIAL OR NONRESIDENTIAL PURPOSE, AT THE TIME THE AREA OF THE LOT OR PARCEL DEVOTED TO SUCH RESIDENTIAL OR NONRESIDENTIAL USE IS EXPANDED, OR AT THE TIME OF A CHANGE IN THE USE OF THE LOT OR PARCEL.

SUCH TRANSPORTATION FACILITY FEE, PARK FACILITY FEE, BUILDING AND EQUIPMENT FEE AND STORM DRAINAGE FACILITY FEE WILL BE CALCULATED FROM THE SCHEDULE OF SUCH FEES ADOPTED BY RESOLUTION OF THE CITY COUNCIL AND IN EFFECT ON THE DATE OF APPROVAL OF SUCH FINAL MAP OR PARCEL MAP, TOGETHER WITH ANY

- ADJUSTMENTS TO SUCH SCHEDULES OF FEES MADE IN ACCORDANCE WITH THE PROVISIONS OF THE CHICO MUNICIPAL CODE SUBSEQUENT TO THE DATE OF APPROVAL OF THE FINAL MAP OR PARCEL MAP TO ACCOUNT FOR ANY CHANGES IN THE TYPE OR EXTENT OF TRANSPORTATION FACILITIES, PARK FACILITIES, BUILDINGS AND EQUIPMENT AND/OR STORM DRAINAGE FACILITIES WHICH WILL BE REQUIRED AS A RESULT OF THE DEVELOPMENT AND/OR USE OF REAL PROPERTY DURING THE PERIOD UPON WHICH SUCH FEES ARE BASED, ANY CHANGE IN THE ESTIMATED COST OF THE TRANSPORTATION FACILITIES, PARK FACILITIES, BUILDINGS AND EQUIPMENT AND/OR STORM DRAINAGE FACILITIES UPON WHICH SUCH FEES ARE BASED, OR ANY CHANGE IN THAT PORTION OF THE ESTIMATED COST OF SUCH TRANSPORTATION FACILITIES, PARK FACILITIES, BUILDINGS AND EQUIPMENT AND/OR STORM DRAINAGE FACILITIES WHICH CANNOT BE FUNDED FROM REVENUE SOURCES AVAILABLE TO THE CITY OTHER THAN SUCH FEES.”
- B. The provisions of this section shall be deemed to be directory only and the failure of any final map or parcel map to contain the notations regarding the transportation facility fees, park facility fees, building and equipment fees and storm drainage facility fees provided for by Chapter 3.85 of this code shall not be construed to preclude or prevent the assessment and levying of such fees in the manner set forth herein.
(Ord. 1685 §2, Ord. 1756 §3, Ord. 1907, Ord. 1966)

18.24.080 Statements, documents and other data to accompany final map or parcel map.

The following statements, documents and other data, and as many additional copies thereof as may be required, shall be filed with the final map or parcel map:

- A. The names and addresses of the record owners and subdivider and persons preparing the map;
- B. A guarantee of title or letter from a title company, certifying that the signatures of all persons whose consent is necessary to pass a clear title to the land being subdivided, and all acknowledgments thereto, appear and are correctly shown on the proper certificates, and are correctly shown on the map, both as to consents for the making thereof and the affidavit of dedication;
- C. A traverse sheet in a form approved by the director, giving latitudes, departures and coordinates, and showing the mathematical closure;
- D. The complete plans, profiles, cross sections, specifications and applicable permits for the construction and installation of improvements as required by this title;
- E. All protective covenants, conditions, restrictions or affirmative obligations in the form in which the same are to be recorded when approval thereof by an officer of the city has been required as a condition of approval of the tentative map;
- F. A nonrefundable filing fee as established by resolution of the council;
- G. A dedication, or an irrevocable offer of dedication, of property for public uses and the nature of such dedication;
- H. A soils report, as required by law or as a condition of approval of the tentative map, including plans, reports, agreements, permits, fees, security or other requirements.

(Ord. 1204 §2 (part), Ord. 1295 §8, Ord. 1679 §16)

18.24.085 Drawings, documents and information to accompany final map or parcel map - Conversion of existing multi-residential buildings to condominium projects.

When a final map or parcel map is filed for the conversion of an existing multi-residential building to a condominium project, the final map or parcel map shall be accompanied by the following documents and information in addition to any other drawings, documents, or other information hereinbefore required by this chapter:

- A. A certificate, signed by the subdivider under penalty of perjury, declaring that:
 - 1. Commencing 60 days prior to the filing of a tentative map for conversion of the multi-residential building to a condominium project, each person applying to rent a dwelling unit in the building being converted was served with a written notice of the filing of such map required to be served on such persons by the Subdivision Map Act immediately prior to the acceptance of any rent or deposit from such person; or, if such person rented a dwelling unit in the building being converted without having been served with such notice, that the subdivider has made an irrevocable offer to pay all compensation required to be paid to such persons by the Subdivision Map Act if such person does not purchase the dwelling unit in the building being converted;
 - 2. Within 10 days of the date an application for a public report was filed with the department of real estate, each tenant occupying a dwelling unit in the multi-residential building being converted to a condominium project was served with a written notice that such application was or would be filed and that such report would be available from the subdivider on request as required by the Subdivision Map Act;
- B. The certificate of the building official attesting to the fact that the multi-residential building being converted to a condominium project meets the building standards and contains the equipment hereinafter required by Chapter 18.38 of this title;
- C. The structural pest control report hereinafter required by Chapter 18.38 of this title; and
- D. The name, apartment number, and mailing address of all tenants occupying a dwelling unit in the multi-residential building being converted to a condominium project on the date the final map or parcel map is filed.

(Ord. 1422 §4 (part), Ord. 1444 §4, Ord. 2268)

18.24.090 Presentation to city of final map or parcel map.

The subdivider shall cause all certificates to be executed except those to be executed by the director, the city clerk and the county recorder, and shall file with the director the original tracing of the map and as many prints thereof as the director may deem necessary.

(Ord 1204 §2 (part))

18.24.100 Director action.

- A. Upon acceptance of the final map or parcel map and accompanying documents, fees and materials for filing, the director shall cause the same to be examined and, if found to be in substantial conformity with the approved tentative map and all amendments, conditions, modifications and provisions made or required, and if found to be complete, technically correct, in conformity with improvement plans and specifications, and in compliance with the requirements of these regulations, planned

street lines and other applicable specific plans and ordinances, shall file said map with the city clerk. No map shall be certified until the required improvements have been installed or agreed to be installed in accordance with this title. Notwithstanding anything to the contrary in this section, the on-site and off-site improvements for the unimproved parcels shown on a parcel map may be constructed after the final parcel map is filed for record, but prior to the issuance of a permit or other grant of approval for the development of such parcel. In such instance, the final parcel map shall contain a statement setting forth all on-site and off-site improvements which must be constructed prior to further parcel development.

- B. Should the map or other accompanying documents, fees, or materials be found to be incomplete or incorrect in any respect, the subdivider shall be advised, in writing, by mail, of the changes or additions that must be made before the map may be certified. If the defect is the result of a technical and inadvertent error which, in the opinion of the director, does not materially affect the validity of the map, the director may waive the defect and execute a certificate of approval.
- C. The director need not approve a final map or parcel map which is substantially similar to the approved tentative map if, in the director's opinion, circumstances concerning the design and improvement of the subdivision, as they relate to the public health, safety and welfare, have materially changed since approval of the tentative map, and such changed circumstances warrant reconsideration thereof by the advisory agency. In such instances, the director shall return the map to the advisory agency for further consideration.
- D. The final map or parcel map shall not be considered filed for action by the city clerk until the director has completed action required by this section.

(Ord. 1204 §2 (part), Ord. 1295 §9, Ord. 1679 §17, Ord. 2268)

18.24.115 Action by planning department on final maps or parcel maps - Conversion of existing multi-residential buildings to condominium projects.

Where a final map or parcel map filed for the conversion of an existing multi-residential building to a condominium project has been approved by the city clerk, the planning services director shall, promptly following the approval of the map:

- A. Serve each tenant occupying a dwelling unit in the multi-residential building being converted to a condominium project on the date the final map or parcel map was filed written notice of the approval of the final map or parcel map within ten days of the approval of the final map or parcel map; and
- B. Forward to the California Department of Real Estate a copy of the final map or parcel map together with the structural pest control report and certificate of the city building official filed by the subdivider as hereinbefore required by this chapter for inclusion in the public report for the condominium project required by Article 20, Chapter 1, Part 2, Division 4 of the California Business and Professions Code.

(Ord. 1422 §4 (part), Ord. 1444 §5, Ord. 2364 §356)

18.24.120 Execution of director's and clerk's certificates.

After determining conformance of the map with all required conditions and provisions of the Chico Municipal Code, the director shall execute the director's certificate and deliver said map to the city clerk. The city clerk shall execute the clerk's certificate and deliver said map to the county clerk for transmittal to the Butte County recorder.

(Ord. 1204 §2 (part), Ord. 1679 §18)

Chapter 18.28

MINOR LAND DIVISIONS

Section:

- 18.28.020 Preliminary plat.**
- 18.28.030 Drawings, statements and other data to accompany preliminary plat.**
- 18.28.095 Monuments required.**
- 18.28.100 Certificates and documents.**
- 18.28.110 Presentation of certificates and documents.**
- 18.28.120 Planning director action.**
- 18.28.125 Notation on certificate of compliance.**
- 18.28.130 Termination of proceedings.**
- 18.28.140 Time extension.**

18.28.020 Preliminary plat.

The application for a minor land division shall be accompanied by a preliminary plat. The preliminary plat shall contain the following information:

- A. Existing lot lines;
- B. Proposed lot lines;
- C. Existing structures and their distance to any existing or proposed property line;
- D. Existing and proposed off-street parking;
- E. The approximate location and general description of any trees with notations as to their retention or destruction;
- F. The location of all existing wells, sumps and septic tanks; and an indication of any physical restrictions or conditions in the subdivision which affects the use of the property;
- G. The locations, widths and purposes of all existing and proposed easements for utilities, drainage and other public purposes.

(Ord. 1204 §2 (part))

18.28.030 Drawings, statements and other data to accompany preliminary plat.

- A. The following drawings, statements and other data and as many additional copies thereof as may be required shall be filed with the preliminary plat:
 - 1. A statement of existing and proposed zoning and existing and proposed uses of the property;
 - 2. A statement of proposed improvements;
 - 3. An environmental assessment pursuant to Chapter 1.40 of this code for which the time for appeal has elapsed;
 - 4. A preliminary title report.
- B. If, at any time during the processing of the map, the accompanying drawings, statements or other data are found to be incomplete or incorrect with respect to pertinent required information, the subdivider shall be promptly advised, in writing, by mail, of the changes or additions that must be made before further action may be taken on the map.
- C. Failure to provide the omitted or inaccurate information within the time specified in

the written notice requesting its submission shall be cause for recommendation of disapproval of the map, unless an extension of time for acting upon said map is mutually agreed upon by the subdivider and the advisory agency.

(Ord. 1204 §2 (part), Ord. 2113 §5)

18.28.095 Monuments required.

The requirements for monumentation of a minor land division shall be the same as that for a parcel map as set forth in the Subdivision Map Act. The capital projects services director may waive any or all requirements for the setting of monuments for minor land division when it is demonstrated that sufficient monuments exist or setting monuments will serve no practical purpose. A request for waiver shall be in writing setting forth the circumstances of the particular case and submitted at the time the minor land division application is filed.

(Ord. 1525 §1, Ord. 2364 §357)

18.28.100 Certificates and documents.

If a minor land division map is approved, or conditionally approved, the following certificates and documents shall be delivered to the city planner:

- A. A guarantee of title or letter from a title company certifying that the signatures of all persons whose consent is necessary to pass clear title to the land being subdivided, and all acknowledgments thereto, appear and are correctly shown on the proper certificates consenting to the preparation of the map;
- B. A dedication, or an irrevocable offer of dedication, of property for public uses and the nature of such dedication. The offer shall be on a form approved by the city attorney, for recordation in the office of the county recorder, and shall be in such terms as to be binding on the owner, the owner's heirs, assigns, or successors in interest and shall continue until the city accepts or rejects such offer.

The planning services director shall transmit the instrument offering dedication and the accompanying title report to the city manager. In such cases, the map shall not be final unless and until the city manager notifies the planning services director that the offer of dedication has been approved for recordation;

- C. A certificate executed by an engineer or surveyor indicating that all required monuments have been set and conform with applicable standards related thereto;
- D. Such other certificates, affidavits or documents as are deemed necessary.

(Ord. 1204 §2 (part), Ord. 1295 §10, Ord. 1413 §1, Ord. 1679 §§21, 22, Ord. 2268, Ord.2364 §358)

18.28.110 Presentation of certificates and documents.

The subdivider shall cause all certificates to be executed and shall present same to the city planner.

(Ord. 1204 §2 (part))

18.28.120 Planning services director action.

Upon acceptance of the certificates and documents, the planning services director shall cause the same to be examined and, if found to be in substantial conformity with the approved minor land division map, shall execute the planning services director's certificate and file the map in the city planning services department. The planning services director shall file a certificate of compliance for each parcel created by the minor land division map and cause the same to be recorded in the office of the Butte County

recorder. Such certificate shall comply with the provisions of this title and refer to the minor land division map upon which it is based.

(Ord. 1204 §2 (part), Ord. 1295 §1 (part), Ord. 1679 §23, Ord. 2364 §359)

18.28.125 Notation on certificate of compliance.

A. Every certificate of compliance for a minor land division which contains one or more underdeveloped lots or parcels shall contain the following notation regarding the street facility improvement fees assessed and levied pursuant to the provisions of Chapter 3.85 of this code:

IN ACCORDANCE WITH THE PROVISIONS OF THE CHICO MUNICIPAL CODE, A STREET FACILITY IMPROVEMENT FEE WILL BE ASSESSED AND LEVIED UPON THE OWNER OF ANY LOT OR PARCEL WITHIN THIS SUBDIVISION AT THE TIME A NEW BUILDING OR STRUCTURE IS CONSTRUCTED ON SUCH LOT OR PARCEL, AT THE TIME AN ALTERATION OR ADDITION IS MADE TO AN EXISTING BUILDING OR STRUCTURE ON SUCH LOT OR PARCEL WHICH RESULTS IN AN EXPANSION OF THE FLOOR AREA OF THE BUILDING OR STRUCTURE, OR AT THE TIME A CHANGE OR EXPANSION IS MADE IN THE USE OF SUCH LOT OR PARCEL OR ANY BUILDING OR STRUCTURE LOCATED THEREON WHICH RESULTS IN AN INCREASE IN THE NUMBER OF MOTOR VEHICLE TRIPS GENERATED BY THE USE OF THE LOT OR PARCEL OR ANY BUILDING OR STRUCTURE LOCATED THEREON.

B. The provisions of this section, however, shall be deemed to be directory only, and a failure of any certificate of compliance to contain a notation regarding the street facility improvement fees provided for by Chapter 3.85 of this code shall not be construed to preclude or prevent the assessment or levying of such fees in the manner set forth therein.

(Ord. 1685 §3, Ord. 2113 §18)

18.28.130 Termination of proceedings.

A. Failure to complete a minor land division within thirty-six (36) months of the date of approval or conditional approval of an application or within any extended period of time granted by the planning services director as hereinafter provided shall terminate all proceedings. Before a minor land division may be filed thereafter, a new application shall be processed in accordance with this title.

(Ord. 1679 §24 (part), Ord. 2364 §360)

18.28.140 Time extension.

The planning services director may extend the time for expiration of the minor land division for a period or periods not to exceed thirty-six (36) months beyond the date on which the minor land division would have expired.

(Ord. 1679 §24 (part), Ord. 2364 §361)

Chapter 18.29

BOUNDARY LINE MODIFICATION

Section:

- 18.29.020 Preliminary plat.**
18.29.030 Drawings, statements and other data to accompany preliminary plat.
18.29.055 Monuments required.
18.29.060 Certificate of compliance.

18.29.020 Preliminary plat.

The application for a boundary line modification shall be accompanied by a preliminary plat. The preliminary plat shall contain the following information:

- A. Existing lot lines;
- B. Proposed lot lines;
- C. Existing structures and their distance to any existing or proposed property line;
- D. Existing and proposed off-street parking;
- E. The approximate location and general description of any trees with notations as to their retention or destruction;
- F. The location of all existing wells, sumps, and septic tanks; and an indication of any physical restrictions or conditions which affect the use of the property;
- G. The locations, widths, and purposes of all existing and proposed easements for utilities, drainage and other public purposes.

(Ord. 1233 §8 (part))

18.29.030 Drawings, statements and other data to accompany preliminary plat.

- A. The following drawings, statements and other data and as many additional copies thereof as may be required shall be filed with the preliminary plat:
 1. A statement of existing and proposed zoning and existing and proposed uses of the property;
 2. A statement of proposed improvements, if any;
 3. A preliminary title report;
 4. A legal description for each proposed parcel;
 5. A certificate of title from a title company.
- B. If, at any time during the processing of the boundary line modification, the accompanying drawings, statements or other data are found to be incomplete or incorrect with respect to pertinent required information, the applicant shall be promptly advised, in writing, by mail, of the changes or additions that must be made before further action may be taken on the map.
- C. Failure to provide the omitted or corrected information within the time specified in the written notice requesting its submission shall be cause for recommendation of disapproval of the boundary line modification unless an extension of time for acting upon said map is mutually agreed upon by the applicant and the city.

(Ord. 1233 §8 (part), Ord. 1679 §26)

18.29.055 Monuments required.

The requirements for setting monuments for a boundary line modification shall be the same as that for a parcel map as set forth in the Subdivision Map Act. The capital projects services director may waive any or all requirements for the setting of monuments for boundary line modifications when it is demonstrated that sufficient monuments exist or setting monuments will serve no practical purpose. A request for waiver shall be in writing setting forth the circumstances of the particular case and submitted at the time the application for a boundary line modification is filed.

(Ord. 1525 §2, Ord. 2364 §362)

18.29.060 Certificate of compliance.

- A. The planning services director shall file a certificate of compliance for each parcel created by the approved boundary line modification and cause same to be recorded in the office of the Butte County recorder. Such certificate shall comply with the provisions of this title and refer to the boundary line modification plat upon which it is based.
- B. If the application for boundary line modification has been conditionally approved by the advisory agency, the certificate of compliance for each parcel shall not be filed until all conditions of approval have been met by the applicant.

(Ord. 1233 §8 (part), Ord. 1295 §1 (part), Ord. 1679 §27, Ord. 2364 §363)

Chapter 18.30**PARCEL MAP WAIVER - CHICO MUNICIPAL AIRPORT PROPERTIES****Section:****18.30.010 No parcel map required.****18.30.020 Procedures.****18.30.010 No parcel map required.**

Notwithstanding any provisions of this title to the contrary, a parcel map may be waived for a subdivision creating any number of parcels on any land zoned for industrial or commercial development on Chico Municipal Airport properties where:

- A. The city is owner in fee simple of all of the tract of land to be subdivided; and
- B. The advisory agency finds that the proposed subdivision complies with requirements as to area, improvement and design, floodwater drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, and environmental protection imposed by this title or other applicable provisions of this code.

This section shall not be construed so as to require a minor land division map or tentative map for the tracts described herein as a substitute for or in lieu of a parcel map.

(Ord. 1233 §4 (part))

18.30.020 Procedures.

- A. Application for parcel map waiver hereunder shall be made to city planning services department.
- B. Each application shall be accompanied by a plat describing and delineating existing lot lines, proposed lot lines, existing structures and their distance to any existing or proposed property line, and any and all further information requested by the planning services director, including but not limited to information sufficient to support the findings required by Section 18.30.010.
- C. Within fifteen (15) days of filing said application, the advisory agency shall approve, conditionally approve or disapprove the proposed parcel map waiver. The advisory agency shall base its action on the conformity of the proposed subdivision with the findings required by Section 18.30.010.
- D. Whenever a parcel map waiver is approved or conditionally approved by the advisory agency, notice of such approval shall be posted conspicuously on the affected tract. Said notice shall state that the advisory agency's action shall become final within ten (10) days of the date of the posting unless an airport commission review of the subdivision is first requested. If review is requested, the airport commission shall meet as soon as practicable to review the matter in a public hearing. Notice of such hearing shall be given at least ten (10) days prior to the date of the hearing by publication in a newspaper of general circulation in the city.
- E. Upon such review, the airport commission shall consider all plats and other information considered by the advisory agency, the advisory agency's report and

- recommendation, and any other information the airport commission considers necessary and relevant. At the conclusion of the hearing, the airport commission shall approve, conditionally approve or disapprove the subdivision.
- F. Upon approval or conditional approval of the parcel map waiver pursuant to this chapter, the planning services director shall prepare or cause to be prepared all documents, certificates, reports and affidavits as requested by the director.
- (Ord. 1233 §4 (part), Ord. 2364 §364)

Chapter 18.31**DEDICATION OF LAND FOR PARK FACILITIES****Section:**

- 18.31.010 Purpose.**
- 18.31.020 Parkland dedication requirements.**
- 18.31.030 Standards for determining the amount of dedicated parkland.**
- 18.31.040 Maximum amount of dedicated parkland which may be required.**
- 18.31.050 Adjustments to maximum amount of dedicated parkland which may be required to account for private open space.**
- 18.31.060 Application of parkland dedication requirements to subdivisions containing lots and parcels likely to be further subdivided.**
- 18.31.070 Improvements to dedicated parkland and adjoining public rights-of-way.**
- 18.31.080 Use of dedicated parkland.**
- 18.31.090 Lease of dedicated parkland to the Chico area recreation and park district.**
- 18.31.100 Sale or exchange of dedicated parkland.**
- 18.31.110 Credit against park facility fees.**
- 18.31.120 Dedication of additional parkland to mitigate significant environmental effects.**

18.31.010 Purpose.

This chapter is adopted to implement the provisions of the Quimby Act (Government Code Section 66477) which authorize a city to require the dedication of land for park facilities incident to and as a condition of the approval of a tentative map or tentative parcel map for certain subdivisions.

(Ord. 1756 §4 (part))

18.31.020 Parkland dedication requirements.

The dedication of land for park facilities shall be required by the advisory agency incident to and as a condition of the approval of a tentative map or tentative parcel map for a subdivision if:

- A. The subdivision includes property which is designated as a park site on the city general plan, an applicable specific plan or a master plan adopted by the Chico area recreation and park district and approved by the city council; and
- B. The subdivision contains fifty-one or more separate lots or parcels, or consists of a condominium project containing fifty-one or more dwelling units, excepting therefrom any condominium project created by the conversion of an existing multi-residential building which is more than five years old to a condominium project.

(Ord. 1756 §4 (part))

18.31.030 Standards for determining the amount of dedicated parkland.

The amount of land required to be dedicated to the city for park facilities incident to and as a condition of the approval of a tentative map or tentative parcel map for a

subdivision shall be consistent with the standards and policies for park facilities adopted in the city general plan, an applicable specific plan, or a master plan adopted by the Chico area recreation and park district and approved by the city council; and shall bear a reasonable relationship to the need for park facilities by the inhabitants of the subdivision. (Ord. 1756 §4 (part))

18.31.040 Maximum amount of dedicated parkland which may be required.

Except as otherwise provided by this chapter, the maximum number of acres or fraction of an acre of land required to be dedicated to the city for park facilities incident to and as a condition of the approval of a tentative map or tentative parcel map for a subdivision shall not exceed the product of the following:

- A. The maximum number of dwelling units permitted within the subdivision as determined from the zoning regulations applicable to the subdivision; multiplied by,
- B. The average number of residents per dwelling unit within the incorporated territory of the city, as determined by the most recent federal census or a census taken pursuant to the provisions of Title 4, Division 3, Part 2, of the California Government Code (commencing with Section 40200); multiplied by,
- C. Five thousandths of an acre (.005 acre) per person.

(Ord. 1756 §4 (part), Ord. 1764 §8)

18.31.050 Adjustments to maximum amount of dedicated parkland which may be required to account for private open space.

- A. Where a tentative map or a tentative parcel map is approved for a condominium project, a planned development, or a real estate development which includes private open space set aside either for active recreational purposes or passive recreational purposes, then the maximum number of acres or fraction of an acre required to be dedicated to the city for park facilities incident to and as a condition of approval of such tentative map or tentative parcel map shall be reduced by an amount equal to twenty-five percent of the number of acres or fraction of an acre of such private open space set aside for active recreational purposes, as well as twenty-five percent of the number of acres or fraction of an acre of private open space set aside for passive recreational purposes.
- B. For purposes of this section, private open space set aside for active recreational purposes shall include any private open space within the subdivision other than yards, court areas, setbacks, and other open areas required by zoning regulations, building regulations, and other regulations of the city which meets all of the following requirements:
 1. The private open space is open to and accessible by all residents of the subdivision;
 2. The private open space includes one or more of the following active recreational elements:
 - a. Open spaces dedicated to active recreational pursuits such as soccer, golf, baseball, softball and football;
 - b. Tennis courts, badminton courts, shuffleboard courts or similar hard-surfaced areas especially designed and exclusively used for court games;
 - c. Recreational swimming pools or other swimming areas; and
 - d. Buildings and other facilities designed and primarily used for the specific recreational needs of the residents of the subdivision.

3. Use of the private open space is restricted for active recreational purposes by a recorded covenant which runs with the land and which can be terminated only with the prior consent of the city council.
- C. For purposes of this section, private open space set aside for passive recreational purposes shall include any private open space within the subdivision other than yards, court areas, setbacks, and other open areas required by zoning regulations, building regulations and other regulations of the city which meets all of the following requirements:
1. The private open space is open to and accessible by all residents of the subdivision.
 2. The private open space includes one or more of the following passive recreational elements:
 - a. Landscaped areas, picnic areas, and gardens;
 - b. Areas set aside as natural habitats for the preservation of rare, endangered or otherwise significant natural vegetation;
 - c. Lakes, ponds, creeks, streams and other similar water impoundments and water courses; and
 - d. Bike and pedestrian paths other than bike and pedestrian paths which would normally be constructed and installed as part of the main traffic and circulation system of the subdivision;
 3. Use of the private open space is restricted for passive recreational purposes by a recorded covenant which runs with the land and which can be terminated only with the prior consent of the city council.

(Ord. 1756 §4 (part))

18.31.060 Application of parkland dedication requirements to subdivisions containing lots and parcels likely to be further subdivided.

Where an application is filed for approval of a tentative map or a tentative parcel map for a subdivision which contains less than fifty-one lots or parcels, such subdivision, nevertheless, shall be deemed to contain fifty-one or more lots or parcels for purposes of land dedication requirements provided for by this chapter where the advisory agency, based on all available evidence including but not limited to the kind of development that would be permitted within the subdivision pursuant to the general plan or any applicable specific plan, determines that one or more lots within the subdivision are likely to be further subdivided in a manner which will create a total of fifty-one or more lots or parcels within the entire subdivision. Moreover, where a subdivision contains lots and parcels likely to be further subdivided, the advisory agency shall determine the maximum number of acres and/or fraction of an acre to be dedicated to the city for park facilities in the manner hereinbefore provided by this chapter based on the maximum number of dwelling units which would be permitted within the subdivision pursuant to the provisions of the general plan or any relevant specific plan rather than on the zoning regulations applicable to the subdivisions.

(Ord. 1756 §4 (part))

18.31.070 Improvements to dedicated parkland and adjoining public rights-of-way.

When the advisory agency has required the dedication of land for park facilities incident to and as a condition of the approval of a tentative map or tentative parcel map for a subdivision, the advisory agency, as a further condition of such approval, may require the construction and installation of the following public improvements within the dedicated parkland and adjoining public rights-of-way:

- A. Storm drainage facilities necessary for the conveyance and disposal of stormwaters generated within or flowing through the dedicated parkland;
- B. Fencing necessary in order to provide an appropriate barrier between the dedicated parkland and adjoining properties;
- C. Street improvements within the adjoining public rights-of-way including, but not limited to, street paving, sidewalks, curbs, gutters, street trees and traffic control devices; and
- D. Any other public improvements which the advisory agency determines are necessary in order to make the dedicated parkland suitable for development as a park facility.

(Ord. 1756 §4 (part))

18.31.080 Use of dedicated parkland.

Where parkland has been dedicated to and accepted by the city in accordance with the conditions of approval of a tentative map or tentative parcel map for a subdivision, such parkland shall be used only for the purpose of developing neighborhood or community park and recreational facilities which serve the residents of the subdivision, all in accordance with a parkland development schedule adopted by the city council. Such parkland development schedule shall be adopted by the city council within six months of the acceptance by city of dedicated parkland or on or before the date the council adopts the first annual city budget next following such acceptance, whichever last occurs, and shall specify how and when such parkland will be used for the development of neighborhood or community park facilities which serve the inhabitants of the subdivision for which the parkland dedication was made. When adopting such parkland development schedule, the city council shall fully consider any recommendations thereon which are made by either the Bidwell Park and playground commission or the Chico area recreation and park district, as well as the special recreation needs, if any, of the inhabitants of the subdivision for which the parkland dedication was made. Following adoption of such parkland development schedule, the city council may, from time to time, amend the schedule in any manner which it deems appropriate.

(Ord. 1756 §4 (part))

18.31.090 Lease of dedicated parkland to the Chico area recreation and park district.

Where parkland has been dedicated to and accepted by the city in accordance with the conditions of approval of a tentative map or tentative parcel map for a subdivision, the council, following the adoption of a parkland development schedule, may lease such parkland to the Chico area recreation and park district if the council has determined that leasing the parkland to the Chico area recreation and park district will serve the best interest of the city and the inhabitants of the subdivision for which the parkland dedication was made, and if the Chico area recreation and park district, in such lease or by a separate agreement executed on or before the date such conveyance is made, has undertaken to

develop, operate and maintain the parkland in accordance with such parkland development schedule.

(Ord. 1756 §4 (part))

18.31.100 Sale or exchange of dedicated parkland.

If, following the city's acceptance of parkland dedicated to it in accordance with the conditions of approval of any tentative map or tentative parcel map for a subdivision, the city council determines that there is another site available that would more suitably serve the park and recreational needs of future inhabitants of such subdivision, or that there is another site available that could be developed, operated, and maintained in a manner which meets the needs of the future inhabitants of the subdivision for park facilities at a cost significantly less than the cost of developing, operating and maintaining the dedicated land for park or recreational purposes, then the city council may either sell the dedicated land and use the proceeds from such sale to acquire and develop such other site for park and recreational purposes, or may exchange the dedicated land for such other site.

(Ord. 1756 §4 (part))

18.31.110 Credit against park facility fees.

Where parkland has been dedicated to and accepted by the city in accordance with the conditions of approval of any tentative map or tentative parcel map for a subdivision, the owner of any residential lot or parcel within such subdivision shall, at the time of applying for a permit authorizing the construction or installation of a building or structure on such lot or parcel, be entitled to a credit against any park facility fee now or hereafter assessed and levied by or pursuant to the provisions of Title 3 of this code at the time of the issuance of such permit in the amount provided for therein.

(Ord. 1756 §4 (part))

18.31.120 Dedication of additional parkland to mitigate significant environmental effects.

Notwithstanding any provisions of this chapter to the contrary, the advisory agency, incident to and as a condition of the approval of a tentative map or tentative parcel map for any residential or nonresidential subdivision, may require the dedication of park and recreation facilities at any location and in any amount which the advisory agency determines is necessary in order to substantially mitigate an adverse environmental effect identified in an environmental impact report provided in connection with the approval of such tentative map or tentative parcel map.

(Ord. 1756 §4 (part))

Chapter 18.32**DEDICATION OF LAND FOR RIPARIAN HABITAT****Section:**

- 18.32.010 Purpose.**
18.32.020 Findings.
18.32.030 Definitions.
18.32.040 Riparian habitat dedication requirements.
18.32.050 Location and amount of land to be dedicated for riparian habitat.
18.32.060 Use of dedicated riparian habitat.
18.32.070 Lease of riparian habitats to Chico Area Recreation and Park District.
1832.080 Dedication of additional riparian habitat to mitigate significant environmental effects.

18.32.010 Purposes.

This chapter is enacted pursuant to the municipal affairs provisions of the City Charter for the purpose of requiring the dedication of land along the banks of certain designated watercourses within the city incident to the approval of a minor land division, tentative map or tentative parcel map for subdivisions which adjoin or include such watercourses, in order to provide for the preservation and/or propagation of riparian habitats within and along the banks of the watercourses.

(Ord. 1867 §1 (part))

18.32.020 Findings.

In enacting this chapter, the city council makes the following findings in regard to the value of riparian habitats and the need for the dedication of land for such habitats incident to or as a condition of the approval of a minor land division, tentative map or tentative parcel map for subdivisions adjoining certain designated watercourses:

- A. The council finds that within the city there exist five watercourses, generally known as Big Chico Creek, Little Chico Creek, Comanche Creek, Lindo Channel and Sycamore Creek, each of which supports or is capable of supporting valuable riparian plant communities both within and along the banks of such watercourses. Such riparian plant communities offer refuge to urban wildlife and migrating birds, reduce the possibility of flood damage to public and private property, protect stream banks from erosion, and contribute significantly to the quality of the waters flowing through such watercourses. By reason thereof, the preservation and enhancement of such riparian plant communities is important to the well-being, safety and health of the residents and occupants of new development occurring within the Chico community adjacent to such watercourses.
- B. The council further finds that in order to preserve and enhance the riparian plant communities within and along Big Chico Creek, Little Chico Creek, Comanche Creek, Lindo Channel and Sycamore Creek, it is necessary to preclude new development occurring adjacent to such watercourses from destroying existing riparian plant

communities occurring within or along the banks of the watercourses, or from encroaching on or near the watercourses in a manner which would interfere with the initiation and propagation of new riparian plant communities. Toward this end, the council has determined that the only practicable way to preclude such new development from destroying or interfering with the initiation and propagation of such riparian plant communities is to require the owners of the new development to dedicate land within and along the banks of such watercourses to the city incident to or as a condition of the approval of any minor land division, tentative map or tentative parcel map for a subdivision bordering the watercourses so that such riparian plant communities can be placed under public stewardship and control.

- C. Moreover, the council finds that since destruction of existing riparian plant communities and/or interference with the initiation and propagation of new riparian plant communities within or along the banks of Big Chico Creek, Little Chico Creek, Comanche Creek, Lindo Channel and Sycamore Creek, is a significant adverse environmental effect which is likely to result from new development occurring adjacent to such watercourses, the California Environmental Quality Act, as set forth in Section 21000, et seq. of the California Public Resources Code, precludes approval of a minor land division, tentative map or tentative parcel map for any subdivision bordering the watercourses unless and until provisions have been made to substantially mitigate such adverse environmental effect. In this regard, the council has determined that the most logical and feasible way to mitigate such adverse environmental effect is to require the owners of each new subdivision bordering such watercourses to dedicate lands within and along the banks of the watercourses to the city so that the city can preserve, propagate and maintain existing or new riparian plant communities within and along the banks of the watercourses as part of a comprehensive and coordinated program all for the benefit of the Chico community, including in particular the residents and occupants of new development occurring within subdivisions adjacent to the watercourses.
- D. By reason of the foregoing, the council finds that there is a reasonable relationship between the dedication of lands for riparian plant communities required by this chapter incident to or as a condition of the approval of a minor land division, tentative map or tentative parcel map for a subdivision bordering Big Chico Creek, Little Chico Creek, Comanche Creek, Lindo Channel or Sycamore Creek, and the public needs created by such subdivisions. In particular, the council finds that the dedication of such lands is necessary to ensure the preservation and enhancement of the riparian plant communities and associated riparian habitats within and along the banks of such watercourses, which are of benefit to the residents and occupants of such subdivisions, and that the dedication of such lands is the most logical way to mitigate the adverse environmental effects which would occur in the event development occurring within such subdivisions was allowed to encroach on the banks of such watercourses so as to destroy or prevent the development of such riparian plant communities.

(Ord. 1867 §1 (part))

18.32.030 Definitions.

Unless the contrary is stated or clearly appears from the context, the following definitions shall govern the construction of the words and phrases used in this chapter:

“Developable Area of a Subdivision.” The phrase “developable area of a subdivision”

means the total area of all land within the subdivision, save and except for the area of any land within the outer banks of the watercourses known as Big Chico Creek, Little Chico Creek, Comanche Creek, Lindo Channel and Sycamore Creek.

- B. "Outer Banks." The term "outer banks" means the upper elevation of land having a slope not exceeding ten percent, which confines to the channel waters flowing in a watercourse in their normal course of winter flow.
- C. "Riparian Plant Communities." The term "riparian plant community" means a community of plants, including ground cover, shrubs and trees, which are located along a natural watercourse and are an integral part of the ecology of such watercourse.

(Ord. 1867 §1 (part))

18.32.040 Riparian habitat dedication requirements

The dedication of land along a stream or watercourse, in fee simple, shall be required by the advisory agency incident to and as a condition of approval of a minor land division, tentative map or tentative parcel map for land which includes and/or adjoins any of the following watercourses within the city:

- A. Big Chico Creek;
- B. Little Chico Creek;
- C. Comanche Creek;
- D. Lindo Channel; and
- E. Sycamore Creek.

(Ord. 1867 §1 (part))

18.32.050 Location and amount of land to be dedicated for riparian habitat.

- A. General Provisions. Except as hereinafter provided by this section, the following land shall be dedicated to the city for riparian habitat in subdivisions requiring such a dedication pursuant to the provisions of this chapter:
 - 1. All land in the subdivision which underlies and is situated within the outer banks of Big Chico Creek, Little Chico Creek, Comanche Creek, Lindo Channel and Sycamore Creek, including the Sycamore Diversion Channel; and
 - 2. All land within the subdivision which is upland of and within twenty-five feet of the outer banks of such watercourses.
- B. Existing riparian habitat more than twenty-five feet from the outer banks. Where a subdivision subject to the provisions of this chapter contains an existing riparian plant community bordering a watercourse which extends more than twenty-five feet upland of the outer banks of such watercourse, the advisory agency, in lieu of requiring the dedication of the twenty-five foot strip of land required by subsection A2 of this section, may require the dedication of land upland of the outer banks of such watercourse which is of varying widths and includes all or a portion of such existing riparian plant community, provided that the area of land required to be dedicated to the city for riparian plant communities upland of the outer banks of the watercourse pursuant to this subsection does not exceed the total area of land which otherwise would have been required to be dedicated to the city pursuant to subsection A2 of this section.
- C. Limitations on the dedication of upland riparian habitat. Where a subdivision subject to the provisions of this chapter is of such size or configuration that the dedication of the

twenty-five foot strip of land upland of the outer banks of an adjoining watercourse would result in the loss of more than twenty-five percent of the remaining developable area of the subdivision, the advisory agency, in lieu of requiring the dedication of the twenty-five foot strip of land required by subsection A2 of this section, shall require a dedication of land upland of the outer banks of such watercourse which is of a width or widths which does not cause the foregoing limitations to be exceeded.

(Ord. 1867 §1 (part))

18.32.060 Use of dedicated riparian habitat.

Where land has been dedicated to and accepted by the city for a riparian habitat incident to or in accordance with the conditions of approval of a minor land subdivision, tentative map or tentative parcel map for a subdivision, such land shall be used as a riparian habitat serving the residents of the subdivision, as well as other members of the Chico community, unless and until the city council at some future time requires such land for a more necessary public use. Provided, however, that in the event the city council should approve the use of such lands for a more necessary public use, the council shall endeavor to provide additional riparian habitats of equivalent value either by the acquisition of additional riparian habitats or enhancing existing riparian habitats owned or controlled by the city, which additional or enhanced riparian habitats shall be as close to such subdivision as is feasible.

(Ord. 1867 §1 (part))

18.32.070 Lease of riparian habitats to Chico Area Recreation and Park District.

Where lands have been dedicated to and accepted by the city for a riparian habitat incident to or in accordance with the conditions of approval of a minor land subdivision, a tentative map or a tentative parcel map for a subdivision, the council may lease the land containing such habitats to the Chico Area Recreation and Park District if the council has determined that leasing such lands to the Chico Area Recreation and Park District will serve the best interests of the inhabitants of the subdivision and other members of the Chico community, and if the Chico Area Recreation and Park District, in such lease or by a separate agreement executed on or before the date such lease is made, has undertaken to operate and maintain such riparian lands for the purposes for which they were dedicated.

(Ord. 1867 §1 (part))

18.32.080 Dedication of additional riparian habitat to mitigate significant environmental effects.

Notwithstanding any provision of this chapter to the contrary, the advisory agency, incident to and as a condition of the approval of a minor land division, a tentative map or tentative parcel map for land which includes and/or adjoins Big Chico Creek, Little Chico Creek, Comanche Creek, Lindo Channel and Sycamore Creek, may require the dedication of additional riparian habitats at any location and in any amount which the advisory agency determines is necessary in order to substantially mitigate an adverse environmental effect identified in an environmental impact report prepared in connection with the approval of such minor land division, tentative map or tentative parcel map.

(Ord. 1867 §1 (part))

Chapter 18.34

RESERVATION OF LAND FOR PUBLIC USES

Section:

- 18.34.010 Purpose.**
- 18.34.020 Reservation requirements.**
- 18.34.030 Location, size, and shape of reserved land.**
- 18.34.040 Planning director's report of required land reservation.**
- 18.34.050 Agreement to acquire reserved land.**
- 18.34.060 Termination of reservation in absence of agreement.**
- 18.34.070 Effect of chapter on other subdivision requirements.**

18.34.010 Purpose.

This chapter is adopted to implement the provisions of the Subdivision Map Act, as set forth in Article 4, Chapter 4, Division 2, Title 7 of the California Government Code (commencing with Section 66479), which authorize a city to require the reservation of land within a subdivision for parks, recreational facilities, fire stations, libraries, and/or other public facilities incident to or as a condition of approval of a minor land division, tentative map, or tentative parcel map for the subdivision, as well as those special provisions of the Subdivision Map Act, as set forth in Section 66478, Article 3, Chapter 4, Division 2, Title 7 of the California Government Code, which addresses the reservation of land within a subdivision for an elementary school incident to or as a condition of approval of a tentative map or tentative parcel map where the subdivider has owned the land being subdivided for more than 10 years prior to the filing of the tentative map or tentative parcel map.

(Ord. 1868 (part))

18.34.020 Reservation requirements.

- A. General Provisions. Except as otherwise provided by this section, the reservation of land within a proposed subdivision for parks, recreational facilities, fire stations, libraries, and/or other public facilities which are in addition to or in excess of the need for public facilities created by such subdivision, shall be required by the advisory agency incident to or as a condition of approval of a minor land division, tentative map, or tentative parcel map for the subdivision, whenever such facilities are specifically required within the subdivision by the general plan or specific plan applicable to the subdivision, or whenever such facilities are otherwise required to implement the policies and provisions of the general plan or such specific plan.
- B. Reservation of Land for Elementary Schools in Subdivisions in Which the Subdivided Land has Been Owned by the Subdivider for More Than Ten Years. The reservation of land within a proposed subdivision for an elementary school shall be required by the advisory agency incident to or as a condition of approval of a tentative map or tentative parcel map for those subdivisions in which the subdivided land has been owned by the subdivider for more than 10 years prior to the filing of such map whenever such school facilities are specifically required by a master school plan

adopted by the Chico Unified School District or whenever the Board of Education of the Chico Unified School District requests a reservation of land for such purpose.

(Ord. 1868 (part))

18.34.030 Location, size, and shape of reserved land.

- A. General Provisions. Except as otherwise provided by this section, whenever the advisory agency requires the reservation of land within a proposed subdivision pursuant to the provisions of this chapter, the location, size and shape of such reserved land shall be consistent with and conform to the policies and standards of the general plan or applicable specific plan, and shall permit the remaining land within the subdivision to be developed in an orderly, efficient, and economically feasible manner. Moreover, such reserved land shall be in such multiples of streets and parcels which will permit the further subdivision of the reserved land in the event it is not acquired by the city or another public agency in the manner and within the time hereinafter required by this chapter.
- B. Reservation of Land for Elementary Schools in Subdivisions in Which the Subdivided Land has Been Owned by the Subdivider for More Than Ten Years. Where the advisory agency requires the reservation of land for an elementary school incident to or as a condition of approval of a tentative map or tentative parcel map for a subdivision in which the subdivided land has been owned by the subdivider for more than 10 years prior to the filing of the tentative map or tentative parcel map, the size of such reserved land shall not exceed the amount allowed under the procedures of the State Allocation Board, and shall not make development of the remaining land within the subdivision economically infeasible. Moreover, such reserved land shall be in such multiples of streets and parcels which will permit the further development of the reserved land in the event it is not acquired by the Chico Unified School District in the manner and within the time hereinafter required by this chapter.

(Ord. 1868 (part))

18.34.040 Planning services director's report of required land reservation.

- A. General Provisions. Except as otherwise provided by this section, whenever the advisory agency requires a reservation of land within a proposed subdivision pursuant to the provisions of this chapter, the planning services director, promptly following approval of the minor land division, tentative map, or tentative parcel map for such subdivision, shall provide a report to the city council and the governing board of any other public agency having responsibility for providing the public facility or facilities for which such land was required, advising the council and such other public agency of the availability of the reserved land as well as the manner and time within which the same may be acquired.
- B. Reservation of Land for Elementary Schools in a Subdivision in Which the Subdivided Land has Been Owned by the Subdivider for More Than Ten Years. Where the advisory agency requires a reservation of land for an elementary school incident to or as a condition of approval of a tentative map or tentative parcel map for a subdivision in which the subdivided land has been owned by the subdivider for more than 10 years prior to the filing of a tentative map or tentative parcel map, the planning services director, immediately following approval of the tentative map or tentative parcel map for such subdivision, shall advise the Board of Education of the

Chico Unified School District of the availability of the reserved land as well as the manner and time within which the same may be acquired by the Chico Unified School District.

(Ord. 1868 (part), Ord. 2364 §365)

18.34.050 Agreement to acquire reserved land.

- A. General Provisions. If, following the reservation of land pursuant to the provisions of this chapter, the city or other public agency having responsibility for providing the public facility or facilities for which such land was required elects to acquire such reserved land, the city or such other public agency, at the time of approval of a certificate of compliance, final map, or final parcel map for the subdivision, shall enter into a written agreement with the owner of the subdivision to acquire such reserved land within two years following completion and acceptance of all public improvements required to be constructed and installed within the subdivision unless such period of time is extended by mutual agreement. Such agreement shall provide, among other things, for the acquisition of such reserved land for a purchase price equal to the sum of the following:
1. The fair market value of the reserved land at the time of approval of the minor land division, tentative map, or tentative parcel map, as established by the agreement or as determined in the manner provided for by the agreement;
 2. Any property taxes assessed against the reserved land between the time of approval of the minor land division, tentative map, or tentative parcel map and the date the acquisition occurs;
 3. Any costs reasonably incurred by the owner of the reserved land in the maintenance of same; and
 4. Any interest costs incurred by the owner of the reserved land on a prorated portion of a loan secured by same.
- B. Reservation of Land for Elementary Schools in a Subdivision in Which the Subdivided Land has Been Owned by the Subdivider for More Than Ten Years. If, following the reservation of land for an elementary school incident to or as a condition of approval of a tentative map or tentative parcel map for a subdivision in which the subdivided land has been owned by the subdivider for more than 10 years prior to the filing of the tentative map or tentative parcel map, the Chico Unified School District, within 30 days of the approval of the tentative map or tentative parcel map, elects to acquire such reserved land, the Chico Unified School District shall offer to enter into a binding commitment with the subdivider to acquire such reserved land no later than 60 days following the filing a final map or parcel for all or any portion of the subdivision. Such binding commitment shall provide, among other things, for the acquisition of such reserved land for a purchase price equal to the sum of the following:
1. The original cost to the subdivider of the reserved land;
 2. Any property taxes assessed against the reserved land subsequent to the date of the offer of the Chico Unified School District to enter into a binding commitment to acquire such land;
 3. Any costs reasonably incurred by the subdivider of the reserved land in the maintenance of same; and
 4. Any interest costs incurred by the subdivider of the reserved land on a prorated

portion of a loan secured by same.
(Ord. 1868 (part))

18.34.060 Termination of reservation in absence of agreement.

If, following the reservation of land pursuant to the provisions of this chapter, the city or other public agency having responsibility for providing the public facility or facilities for which such land was required, does not enter into an agreement or make the commitment to acquire such reserved land in the manner and within the time hereinbefore required by this chapter, the reservation of such land shall automatically terminate.

(Ord. 1868 (part))

18.34.070 Effect of chapter on other land reservation or land dedication requirements.

The provisions of this chapter shall not be a limitation on or restrict the right of the advisory agency to require the reservation of land or a dedication of land incident to or as a condition of approval of a minor land division, tentative map, or tentative parcel map for a subdivision where such reservation or dedication requirements are otherwise authorized by this code, authorized by the Subdivision Map Act, required by an agreement between the city and the subdivider or owner of the subdivided property, or are necessary to mitigate an adverse environmental effect identified in the environmental impact report prepared in connection with the approval of such minor land division, tentative map, or tentative parcel map.

(Ord. 1868 (part))

Chapter 18.35**SUBDIVISION DESIGN AND IMPROVEMENT STANDARDS⁴****Section:**

- 18.35.010** **General considerations.**
18.35.020 **Design and improvements of subdivisions.**
18.35.030 **Dedications.**
18.35.040 **School sites.**
18.35.050 **Sites for public facilities.**

18.35.010 General considerations.

- A. The size, design, character, grade, location and orientation and configuration of lots within a proposed subdivision and improvements required in connection therewith shall be consistent with the density and uses authorized for the area by the general plan or the applicable specific plan, whichever is more restrictive.
- B. The density, timing or sequence of development may be restricted by considerations of safety, traffic access or circulation, the slope of the natural terrain, the physical suitability of the site (including soil conditions), the nature or extent of existing development, the availability of public utilities, the availability of public facilities and public services, or other provisions of these regulations.
- C. No subdivision shall create lots which are impractical for improvement or use due to steepness of terrain, location of watercourses, size, shape, inadequate frontage or access or building area or other physical condition, or which do not meet minimum size requirements of the zone in which the property to be subdivided is located.

(Ord. 1204 §2 (part), Ord. 1867 §2 (part))

18.35.020 Design and improvements of subdivisions.

The design criteria for subdivisions and the required physical improvements thereto shall be set forth in the “design criteria and improvement standards” and promulgated by the director and the planning services director and approved by resolution of the council. The criteria and standards shall include, but not be limited to, the following:

- A. Design Criteria.
1. Layout and configuration of all public ways, whether for vehicular, pedestrian, equestrian or other purposes;
 2. Relationship of arterial streets and freeways to local streets, collector streets and cul-de-sacs;
 3. Standards for grades, drainage, intersections, and curve radii of streets and other public ways;
 4. Standards for limiting or prohibiting vehicular access to arterial or local streets when required by considerations of traffic safety;
 5. Future street extensions and tie-ins with existing streets;
 6. Layout of lots, including their size, shape and relationship to one another. Lot size must conform to the areas prescribed for the zone in which it is located;

7. Protection of streams and other natural areas, archeological features, historical sites and related areas of community value;
 8. Block sizes.
- B. Improvement Standards.
1. Requirements for the physical installation of all roads, sidewalks, drains, and street lighting;
 2. Installation and undergrounding of water, sewer, electric, cable television, gas, telephone supply and service lines.

(Ord. 1204 §2 (part), Ord. 1679 §28, Ord. 1867 §2 (part), Ord. 2364 §366)

18.35.030 Dedications.

A subdivider shall dedicate, or make an irrevocable offer to dedicate, without cost to the city, real property for the following purposes:

- A. Streets, alleys, including access rights and abutter's rights, drainage, public utility easements and other public easements;
- B. Bicycle paths in any subdivision or development project containing 200 or more lots as specified in the Subdivision Map Act;
- C. Parks and recreation, in accordance with the recreation element of the general plan, as specified by the provisions of the Subdivision Map Act, except where the subdivider pays an in-lieu fee in accordance with standards approved by the council;
- D. Such other public purposes as the advisory agency may deem necessary, provided the amount of real property required to be dedicated bears a reasonable relationship to the increased need for public facilities created by the subdivision.

(Ord. 1204 §2 (part), Ord. 1679 §29, Ord. 1867 §2 (part))

18.35.040 School sites

A subdivider may be required to provide such land for school sites as may be necessary in accordance with the provisions of the Subdivision Map Act.

(Ord. 1204 §2 (part), Ord 1867 §2 (part))

18.35.050 Sites for public facilities.

A subdivider may be required to reserve sites for public uses as provided by the Subdivision Map Act. This section shall not be deemed to conflict with subsection D of Section 18.35.030.

(Ord. 1204 §2 (part), Ord. 1867 §2 (part))

Chapter 18.36

SUBDIVISION IMPROVEMENT REQUIREMENTS⁶

Section:

| | |
|------------------|---|
| 18.36.010 | Improvements required. |
| 18.36.020 | Improvement plans - When required. |
| 18.36.030 | Preparation and form of improvement plans. |
| 18.36.040 | Commencement of improvement work. |
| 18.36.050 | Inspection of improvement work. |
| 18.36.060 | Coordination of improvement work. |
| 18.36.070 | Improvements waived. |
| 18.36.080 | Oversizing improvements - Reimbursement. |
| 18.36.090 | Improvement agreement. |
| 18.36.100 | Form, filing and term of improvement agreement. |
| 18.36.110 | Minimum agreement provisions. |
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| 18.36.130 | Improvement security required. |
| 18.36.140 | Form, filing and term of improvement security. |
| 18.36.150 | Labor and materials. |
| 18.36.160 | Liability for alterations or changes. |
| 18.36.170 | Release of improvement security - Assessment district proceedings. |
| 18.36.180 | Release of improvement security - Completion of work. |
| 18.36.190 | Withholding building permits. |

18.36.010 Improvements required.

The subdivider shall construct or install all improvements required by the “design criteria and improvement standards” as adopted pursuant to Section 18.35.020.

(Ord. 1204 §2 (part), Ord. 2268)

18.36.020 Improvement plans - When required.

Improvement plans shall be completed by the subdivider prior to the acceptance of the final map or parcel map for filing by the director.

(Ord. 1204 §2 (part))

18.36.030 Preparation and form of improvement plans.

- A. Improvement plans shall be prepared by a registered civil engineer and shall show full details of all improvements required to be installed by the provisions of these regulations, and of all other improvements proposed to be installed by the subdivider within any street, alley, pedestrian way, easement or other public area or right-of-way. Full details shall include cross sections, profiles, estimated costs and specifications.
- B. The form, layout, scale and other particulars of the plans, and the number of copies to be provided, shall be in accordance with the requirements of the director.
- C. The subdivider shall pay a review fee in an amount established by resolution of the city council.

(Ord. 1204 §2 (part), Ord. 1679 §30)

18.36.040 Commencement of improvement work.

Prior to the commencement of construction or installation of any improvements within any street, alley, pedestrian way, easement or other public area or right-of-way, improvement plans shall have been approved by the director.

(Ord. 1204 §2 (part))

18.36.050 Inspection of improvement work.

All improvements shall be constructed under the inspection of the director, and the subdivider shall cause all such improvement work to be inspected at all times as the director may establish. The subdivider shall pay an inspection fee in an amount specified by resolution of the council.

(Ord. 1204 §2 (part))

18.36.060 Coordination of improvement work.

All work and improvements contemplated by and performed under the provisions of these regulations shall be accomplished so as to coordinate and minimize interference with other private or public development.

(Ord. 1204 §2 (part))

18.36.070 Improvements waived.

Upon recommendation of the director, the council may waive all or a portion of the improvements which would otherwise be required if the subdivision map is for the purpose of consolidating existing lots and unsubdivided parcels, eliminating abandoned streets or alleys, or adjusting boundaries, when there is no public need for such improvements.

(Ord. 1204 §2 (part))

18.36.080 Oversizing improvements - Reimbursement.

As a condition of approval of a tentative map, it may be required that improvements installed by the subdivider for the benefit of the subdivision be of a supplemental size, capacity or number for the benefit of property not within the subdivision, and that said improvement be dedicated to the public. If such condition is imposed, provision for reimbursement to the subdivider shall be provided in the manner set forth in the Subdivision Map Act.

(Ord. 1204 §2 (part), Ord. 1679 §31)

18.36.090 Improvement agreement.

If the required improvements are not satisfactorily completed before a final map or parcel map is filed with the director, the subdivider shall enter into an agreement with the city to make all improvements as may be required upon approval of such map.

(Ord. 1204 §2 (part))

18.36.100 Form, filing and term of improvement agreement.

- A. The improvement agreement shall be in writing, shall be approved as to form by the city attorney, and shall be secured and conditioned as provided in this chapter. An acknowledged abstract of said agreement shall be recorded simultaneously with the final map or the parcel map.
- B. The improvement agreement, and acknowledged abstract thereof, shall be complete, and on file with the director before the final map or parcel map is accepted for filing.

The term of each improvement agreement, filed pursuant to the provisions of this section, shall begin on the date of filing and end upon the date of completion or fulfillment of all terms and conditions therein, to the satisfaction of the director.

(Ord. 1204 §2 (part), Ord. 1669 §1)

18.36.110 Minimum agreement provisions.

The agreement shall include the following provisions as minimum terms and conditions of the agreement:

- A. Mutually agreeable terms to complete all required improvements at the subdivider's expense;
- B. A provision that the subdivider shall comply with all requirements of these regulations, of the city code, and of other applicable laws, and with all terms and conditions of required improvement permits;
- C. A statement indicating a period of time, satisfactory to the director, within which the subdivider shall complete all improvement work;
- D. A provision that, if the subdivider fails to complete the work within the specified period of time, or any extended period of time that may have lawfully been granted to the subdivider, the city may, at its option, complete the required improvement work and the subdivider and the subdivider's surety shall be firmly bound, under a continuing obligation, for payment of the full cost and expense incurred or expended by the city in completing such work;
- E. Provision for the repair and replacement of defective material and workmanship of the improvements by the subdivider for a period of twelve (12) months after the improvements have been accepted by the capital projects services director;
- F. Provision for the inspection of all improvements of the subdivision by the director for a period of twelve (12) months after said improvement acceptance date;
- G. A provision guaranteeing payment to the city for all engineering and inspection costs and fees not previously paid and all other incidental costs incurred by the city in enforcing the agreement;
- H. A description of all lands within the exterior boundaries of the subdivision.

(Ord. 1204 §2 (part), Ord. 2268, Ord. 2364 §367)

18.36.120 Additional agreement provisions.

The improvement agreement may also include the following provisions and such other additional terms and conditions as may be required upon approval of the tentative map, or as are determined necessary by the director to carry out the intent and purposes of these regulations.

- A. Provision for the repair, at the subdivider's expense, of any damage to public streets which may reasonably be expected to result from hauling operations necessary for subdivision improvements required by these regulations, including the importing or exporting of earth for grading purposes;
- B. Mutually agreeable terms to acquire public easements which are outside the boundaries of the subdivision, at the subdivider's expense;
- C. Mutually agreeable terms to improve, at some undetermined future date, easements offered and reserved for future public use at the subdivider's expense; and providing that such improvements shall be secured by separate security in the manner prescribed by this title, and further providing that the requirements of this provision shall not delay the release of any other improvement security provided pursuant to this title;

- D. Provision for reimbursement to be paid the subdivider under the provisions of the Subdivision Map Act;
- E. A provision that the subdivider shall provide to the city, prior to the filing of the final map, letters from each utility company guaranteeing to install the public utilities necessary to serve the subdivision.

(Ord. 1204 §2 (part), Ord. 1679 §§32, 33)

18.36.130 Improvement security required.

The subdivider shall secure the foregoing improvement agreement in an amount determined by the director to be one hundred percent (100%) of the total estimated cost of the improvements and any additional act to be performed by the subdivider under said agreement, and such additional amount as the council may determine necessary to cover the costs, reasonable expenses and fees including reasonable attorney's fees which may be incurred by the city in successfully enforcing said agreement. The requirement of said improvement security shall not be waived under any circumstances.

(Ord. 1204 §2 (part))

18.36.140 Form, filing and term of improvement security.

- A. The improvement security shall be conditioned upon the faithful performance of the improvement agreement and shall be in one of the forms provided in the Subdivision Map Act.
- B. Improvement security shall be filed with the director, together with the improvement agreement, before the director accepts the final map or parcel map for filing. The form of the improvement security shall be subject to the approval of the city attorney.
- C. The term of the improvement security, filed pursuant to the provisions of this section to secure the faithful performance of the agreement, shall begin on the date of filing and end upon the date of completion or fulfillment of all terms and conditions of the improvement agreement, to the satisfaction of the director.

(Ord. 1204 §2 (part))

18.36.150 Labor and materials.

When the improvement security provided pursuant to Section 18.36.140 is a surety bond, it shall be accompanied by a bond for the security of laborers and materialmen in an amount not less than fifty percent of the estimated cost of the improvements. When the improvement is a cash deposit or letter of credit, such security shall include the amount necessary for the protection of laborers and materialmen.

(Ord. 1204 §2 (part), Ord. 1885)

18.36.160 Liability for alterations or changes.

The liability upon the security given for the faithful performance of the agreement shall include the performance of the agreement shall include the performance of any changes or alterations in the work; provided, however, that all such changes or alterations do not exceed ten percent of the original estimated cost of the improvement.

(Ord. 1204 §2 (part))

18.36.170 Release of improvement security - Assessment district proceedings.

If the required subdivision improvements are financed and installed pursuant to special assessment proceedings, upon the furnishing by the contractor of the faithful performance and payment bond required by the special assessment act being used, the improvement security of the subdivider may be reduced by the city council by an amount corresponding to the amount of such bonds furnished by the contractor.

(Ord. 1204 §2 (part))

18.36.180 Release of improvement security - Completion of work.

- A. Improvement security may be released upon the final completion and acceptance of the work; provided, however, such release shall not apply to the amount of security deemed necessary by the director for the guaranty and warranty period, nor to costs and reasonable expense fees, including reasonable attorney's fees, incurred by the city in enforcing the improvement agreement.
- B. The director shall accept and certify to the satisfactory completion of improvement work prior to any release of improvement security covering such work.

(Ord. 1204 §2 (part))

18.36.190 Withholding building permits.

No building permit or similar entitlement of use shall be issued for the development of any lot within a subdivision until all required improvements are substantially completed, to the satisfaction of the director, provided, however, building permits and entitlements may be issued for the development of a lot designated as a model home site when the director determines:

- A. The construction of all required improvements has progressed to the extent that completion of and acceptance of the work seems assured to occur within a reasonable period of time; and
- B. The development of the model home sites will not conflict with work in progress on the construction of the required improvements.

(Ord. 1204 §2 (part))

Chapter 18.38

CONDOMINIUM CONVERSION REQUIREMENTS

Section:

- 18.38.010 Rent increases subsequent to service of the notice of intention to convert.**
- 18.38.020 Relocation assistance.**
- 18.38.030 Long term leases.**
- 18.38.060 Structural pest control report.**
- 18.38.070 Building standards and equipment.**

18.38.010 Rent increases subsequent to service of the notice of intention to convert.

Commencing on the date a notice of intention to convert an existing multi-residential building to a condominium project is served on a tenant occupying a dwelling unit in the building being converted as required by the Subdivision Map Act, and continuing thereafter until the termination of such tenant's tenancy or such tenant's purchase of tenant's dwelling unit in the building being converted, or until a tentative map for the conversion, after having been filed, is withdrawn or, following approval of a tentative map for the conversion, the time for filing a final map or parcel map has expired, the amount of rent charged such tenant shall not be increased by an amount greater than 75% of the percentage increase in the Consumer Price Index for the period between the date of the last previous rent increase, or if there has been none, the date the tenant rented the tenant's dwelling unit, and the date the proposed rent increase is to be put into effect, as measured by the consumer price indices last published prior to the date the proposed rent increase is put into effect.

(Ord. 1422 §5 (part), Ord. 1444 §6, Ord. 2268)

18.38.020 Relocation assistance.

Commencing on the date a notice of intention to convert an existing multi-residential building to a condominium project is served on a tenant occupying a dwelling unit in the building being converted as required by the Subdivision Map Act, and at any time thereafter until a tentative map for the conversion, after having been filed is withdrawn, or, following the approval of a tentative map for the conversion, the time for filing a final map or parcel map has expired, the owner of the building being converted shall provide the following relocation assistance to each such tenant electing not to purchase tenant's dwelling unit in the building being converted:

- A. Current and continuing information on the location and rent of other rental housing within the Chico urban area comparable to the dwelling unit occupied by the tenant in the multi-residential building being converted to a condominium project;
- B. If the tenant is 62 years of age or older, a disabled tenant or a lower income tenant, transportation, or the reasonable cost of transportation not to exceed 25% of the monthly rent being charged the tenant on the date the notice of intention to convert required by the Subdivision Map Act is served on such tenant, which is necessary to locate comparable replacement housing within the Chico urban area;

- C. A sum equal to 100% of the monthly rent being charged the tenant on the date the notice of intention to convert required by the Subdivision Map Act was served on the tenant, payable at the time the tenant vacates tenant's dwelling unit in the multi-residential building being converted to a condominium project, for the cost of transporting such tenant's personal property to replacement housing; or, if the tenant is 62 years of age or older, a tenant with a disability, or a lower income tenant, 100% of the reasonable expense, including packing, crating, and unpacking expenses, which will be incurred in transporting such tenant's personal property to replacement housing rented or purchased within the Chico urban area, based on the lowest of three bids obtained by the owner of the building being converted, if such expense is greater than 100% of the monthly rent being charged such tenant.

(Ord. 1422 §5 (part), Ord. 1444 §7, Ord. 2268)

18.38.030 Long-term leases.

- A. Upon approval of a final map or a final parcel map for the conversion of an existing multi-residential building to a condominium project, the owner of the building being converted shall offer to lease a dwelling unit in the building being converted for the term and at the rent hereinafter provided for by this section to those tenants occupying a dwelling unit in the building being converted who also occupied such dwelling unit on the date a notice of intention to convert was served as required by the Subdivision Map Act and who are either 62 years of age or older or disabled tenants; provided, however, that the owner of the building being converted shall not be obligated to lease more than twenty percent (20%) of the dwelling units in the building being converted to such tenants; provided further, that where more than twenty percent (20%) of the dwelling units in the building being converted are occupied by such tenants, an offer to lease a dwelling unit in the building being converted shall be made to such tenants in the order of the length of time such tenants have occupied a dwelling unit in the building being converted, those tenants having occupied a dwelling unit the longest being offered a lease first; and provided further where twenty percent (20%) of the dwelling units in the building being converted is a fraction or a whole number plus a fraction, the fraction shall be rounded off to the next lowest whole number if less than 5/10, and to the next highest whole number if 5/10 or more;
- B. A tenant accepting an offer to lease a dwelling unit in a multi-residential building being converted to a condominium project made by the owner of the building being converted as hereinbefore provided by this section shall have the right to lease his or her dwelling unit for a term up to five (5) years or, where such tenant is 62 years of age or older, for the life of such tenant; provided that the owner of the building being converted shall not be obligated to lease more than ten percent (10%) of the dwelling units in the building being converted to such tenants who are 62 years of age or older for a life term; provided further, that where more than ten percent (10%) of the dwelling units in the building being converted are occupied by such tenants who are 62 years of age or older, the right to lease a dwelling unit in the building being converted for a life term shall be accorded to such tenants who are 62 years of age or older in the order of the length of time such tenants who are 62 years of age or older have occupied a dwelling unit in the building being converted, those tenants who are 62 years of age or older having occupied a dwelling unit the longest being accorded the right first; and provided further where ten percent (10%) of the dwelling units in the building being converted are occupied by such tenants who are 62 years of age or older is a fraction

or a whole number plus a fraction, the fraction shall be rounded off to the next lowest whole number if less than 5/10 and to the next highest whole number if 5/10 or more;

- C. A tenant accepting an offer to lease a dwelling unit in a multi-residential building being converted to a condominium project made by the owner of the building being converted as hereinbefore provided by this section shall have the right to lease tenant's dwelling unit for rent in an amount not greater than that charged the tenant on the date that the final map or parcel map was approved. Provided that the rent charged the tenant may be increased annually during the term of the lease in an amount not greater than 75% of the percentage increase in the consumer price index for the period between the date of the last previous rent increase, or if there has been none, the date the tenant leased tenant's dwelling unit and the date the proposed rent increase is to be put into effect, as measured by the consumer price indices last published prior to the date the proposed rent increase is put into effect;
- D. Upon termination of a lease for a dwelling unit in a multi-residential building being converted to a condominium project made between the owner of a building being converted and a tenant as hereinbefore provided by this section, the owner of the dwelling unit leased to such tenant shall provide such tenant with all of the relocation assistance hereinbefore required by this chapter.

(Ord. 1422 §5 (part), Ord. 1444 §8, Ord. 2268)

18.38.060 Structural pest control report.

No dwelling unit in a multi-residential building being converted to a condominium project shall be offered for sale unless the building has been inspected by a licensed pest control operator and a structural pest report prepared containing the information required by Section 8516 of the California Business and Professions Code, which structural pest control report shall be available for inspection by any person offering to purchase a dwelling unit in the converted building.

(Ord. 1422 §5 (part))

18.38.070 Building standards and equipment.

No dwelling unit in a multi-residential building converted to a condominium project shall be offered for sale unless the building has been certified by the city building official as complying with the Uniform Housing Code adopted by Title 16 of this code and is equipped as follows:

- A. Each dwelling unit in the condominium project shall be equipped with smoke detectors conforming to the requirements of Section 1310 of the Uniform Building Code adopted by Title 16 of this code;
- B. Each dwelling unit shall be separately metered for gas and electricity;
- C. All permanent mechanical equipment such as motors, compressors, pumps and compactors determined by the city building official to be a source of structural vibration or structure-borne noise shall be shock mounted with inertial blocks or bases and slant or vibration isolators in a manner approved by the city building official.

(Ord. 1422 §5 (part))

Chapter 18.40**SURVEYS AND MONUMENTS****Section:**

- 18.40.010 Survey procedure and practice.**
- 18.40.020 Traverse.**
- 18.40.030 Field notes.**
- 18.40.040 Geodetic monuments.**
- 18.40.050 Monuments.**
- 18.40.060 Boundary monuments.**
- 18.40.070 Interior monuments.**
- 18.40.080 Monument type and positioning.**
- 18.40.090 Monument identification marks.**
- 18.40.100 Replacement of destroyed monuments.**
- 18.40.110 Survey data and information to be shown on final map or parcel map.**
- 18.40.120 Minor land divisions and boundary line modifications - Monuments required.**

18.40.010 Survey procedure and practice.

The procedure and practice of all survey work done on any subdivision, whether for preparation of a final map, parcel map or minor land division map, shall conform to the standard practices and principles of land surveying, the Land Surveyor's Act of the state of California, and the provisions of this chapter.

(Ord. 1204 §2 (part))

18.40.020 Traverse.

The traverse of the exterior boundaries of the subdivision computed from field measurements of the ground must close within a limit of error of one foot to ten thousand feet (1' to 10,000') of perimeter before balancing survey.

(Ord. 1204 §2 (part))

18.40.030 Field notes.

When required by the director, the engineer or surveyor making the survey shall prepare complete field notes, in a form satisfactory to the director showing references, ties, locations, elevations and other necessary data relating to monuments, set in accordance with the requirements of these regulations, and shall submit such notes to the director to be indexed and retained as a part of the permanent public record of the director's office.

(Ord. 1204 §2 (part), Ord. 2268)

18.40.040 Geodetic monuments.

Whenever the director has established a system of coordinates which is within a reasonable distance of the subdivision boundary, as determined by the director, the field survey shall be tied into such system.

(Ord. 1204 §2 (part))

18.40.050 Monuments.

In making the survey of the subdivision, the engineer or surveyor shall set sufficient permanent monuments so that the survey, or any part thereof, may be readily retraced.

(Ord. 1204 §2 (part))

18.40.060 Boundary monuments.

A. Whenever boundary monuments are required, such monuments shall be set on the exterior boundary of the subdivision at all corners, angle points, beginnings and ends of curves and at intermediate points approximately one thousand (1,000) feet apart.

The locations of inaccessible points may be established by ties and shall be so noted on the final map or parcel map.

B. All exterior boundary monuments shall be set prior to recordation of the final map or parcel map or as certified to on the final map.

(Ord. 1204 §2 (part) Ord. 1295 §11, Ord. 1679 §34)

18.40.070 Interior monuments.

Whenever interior monuments are required, such monuments shall be set at all block and lot corners and angle points and at the beginnings and ends of curves, at points of intersection with centerlines of other existing and proposed streets and alleys and at the points of intersection with the exterior boundary lines. Interior property line and centerline monuments and ties may be set after the final map or parcel map is recorded.

(Ord. 1204 §2 (part), Ord. 1295 §12)

18.40.080 Monument type and positioning.

All monuments set in the course of the survey, as required by these regulations, shall be of the type specified in the improvement standards and shall be set to the depth and in the manner prescribed therefor.

(Ord. 1204 §2 (part))

18.40.090 Monument identification marks.

All monuments set as required herein shall be permanently and visibly marked or tagged with the registration or license number of the engineer or surveyor who signs the engineer's or surveyor's certificate and under whose supervision the survey is made.

(Ord. 1204 §2 (part))

18.40.100 Replacement of destroyed monuments.

Any monument set as required herein which is disturbed or destroyed before acceptance of all improvements by the city shall be replaced by the subdivider.

(Ord. 1204 §2 (part))

18.40.110 Survey data and information to be shown on final map or parcel map.

The following survey data and information shall be shown on each final map or parcel map for which a field survey was made pursuant to the provisions of these regulations:

A. Stakes, monuments (together with their precise position) or other evidence found on the ground, to determine the boundaries of the subdivision;

B. Corners of all adjoining properties identified by lot and block numbers, subdivision names, numbers and pages of record, or by section, township and range, or other proper designation;

- C. All information and data necessary to locate and retrace any point or line without unreasonable difficulty;
- D. The location and description of any required monuments to be set after recordation of the final map, and the statement that they are “to be set”;
- E. Bearing and length of each lot line, block line and boundary line and each required bearing and distance;
- F. Length, radius and angle of each curve and the bearing of each radial line to each lot corner on each curve;
- G. The centerlines of any street or alley in or adjoining the subdivision which have been established by the director, together with reference to a field book or map showing such centerline and the monuments which determine its position. If determined by ties, that fact shall be so stated;
- H. Such other survey data or information as may be required to be shown by the director or by the provisions of this chapter.

(Ord. 1204 §2 (part))

18.40.120 Minor land divisions and boundary line modifications - Monuments required.

Unless waived by the capital projects services director, monuments, complying with the requirements for a parcel map as set forth in the Subdivision Map Act, shall be established prior to recording a certificate of compliance for a minor land division or boundary line modification.

(Ord. 1525 §3, Ord. 2364 §368)

Chapter 18.44

SUBDIVISION MODIFICATIONS

Section:

- 18.44.010** **Modification authority.**
18.44.020 **Required findings.**
18.44.030 **Filing application for modification - Time.**
18.44.040 **Filing applications - Form and content.**

18.44.010 Modification authority.

The advisory agency may approve modifications to the requirements or standards imposed by these regulations, in accordance with the provisions of this chapter, including but not limited to the requirements and standards imposed by the design criteria and improvement standards set forth in Title 18R of this code and incorporated by reference into this chapter; provided, however, that modification to the requirements and standards imposed by Title 19 of this code, entitled “Land Use Regulation,” may be authorized only in accordance with the variance provisions of that title; and provided further that no modifications may be made to any requirements imposed by the Subdivision Map Act as set forth in Division 2, Title 7 of the California Government Code (commencing with Section 66410). A minor change in the design of a subdivision, which is not violative of the requirements or standards imposed by these regulations, shall not be deemed to be a modification.

(Ord. 1204 §2 (part), Ord. 1295 §13, Ord. 1935 §4)

18.44.020 Required findings.

At the time of approving the tentative map, tentative parcel map, or a minor land division, the advisory agency may authorize modifications to the subdivision design criteria and improvement standards, as adopted in Title 18R of this code, upon making any of the following findings:

- A. That the modification of design criteria and improvement standards is necessary for the subdivision and its design and improvements to be found consistent with the General Plan; or
- B. That the subdivision is subject to a specific plan which requires or authorizes the construction and installation of streets, sanitary sewers, storm drain management systems and/or other improvements in accordance with alternative design criteria and improvement standards specifically set forth therein, and that modification of the design criteria and improvement standards, as set forth in Title 18R of this code, is necessary or appropriate in order that improvements to be constructed and installed incident to or as a condition of approval of such subdivision will conform to the alternative design criteria and improvement standards as set forth in such specific plan; or
- C. That the subdivision will result in one or more significant environmental effects identified in an initial study or an environmental impact report prepared in the manner provided for by the California Environmental Quality Act, as set forth in Division 13

of the Public Resources Code (commencing with Section 21000) and the city's Environmental Review Guidelines, as set forth in Chapter 1.40 of this code, and that modification of the design criteria and improvement standards, as set forth in Title 18R of this code, is necessary to mitigate such significant environmental effect or effects; or

- D. That the subdivision or any part thereof is located in an area which contains existing streets, sanitary sewers, stormwater management systems or other improvements which do not conform to the design criteria and improvement standards, as set forth in Title 18R of this code, and that modification of such design criteria and improvement standards in the case of the proposed subdivision is necessary in order to make the streets, sanitary sewers, storm water management systems and other improvements to be constructed and installed incident to or as a condition of approval of such subdivision compatible with such existing and nonconforming improvements; or
- E. That the subdivision is of such a size or shape, and/or is affected by such topographic or soil conditions that render it impossible, impractical or undesirable, in the particular case, to conform to the design criteria and improvement standards, as set forth in Title 18R of this code, and that modification of such design criteria and improvement standards is necessary by reason of such subdivision characteristics or conditions; or
- F. The subdivision will include low income housing, lower income housing or senior citizen housing meeting the requirements of Chapter 4.3, Division 1, Title 7 of the California Government Code (commencing with Section 65915) and that modification of the design criteria and improvement standards in the case of proposed subdivision is demonstrably necessary in order to make such housing economically feasible.

(Ord. 1204 §2 (part), Ord. 1935 §5, Ord. 2026, Ord. 2113 §5)

18.44.030 Filing application for modification - Time.

Modification requests shall be filed with the tentative map and shall be processed with the map and acted upon concurrently therewith.

(Ord. 1204 §2 (part))

18.44.040 Filing applications - Form and content.

- A. Applications for modifications shall be filed, in writing, by the subdivider with the planning services director, upon a form and in the number of copies required for that purpose.
- B. Each application shall state fully the nature and extent of the modification required, the specific reasons therefor, and the facts relied upon. The application shall clearly show that the modification is necessary and is consistent with each of the findings required by Section 18.44.020 (Required findings).

(Ord. 1204 §2 (part), Ord. 2113 §19, Ord. 2364 §369)

Chapter 18.48**REVERSIONS****Section:**

- 18.48.010** **Reversion petition - Filing.**
18.48.020 **Filing fee.**
18.48.030 **Public hearing.**
18.48.040 **Processing of petition.**

18.48.010 **Reversion petition - Filing.**

A petition for reversion to acreage shall be filed with the planning services director. The petition shall be in the form of a tentative map accompanied by that information and data specified in Chapter 6 of the Subdivision Map Act and such other pertinent information as the planning services director deems reasonably necessary in a given case to permit adequate review and consideration of the requested action.

(Ord. 1204 §2 (part), Ord. 2364 §370)

18.48.020 **Filing fee.**

Each petition for reversion to acreage shall be accompanied by a nonrefundable filing fee in an amount prescribed by resolution of the council.

(Ord. 1204 §2 (part))

18.48.030 **Public hearing.**

A public hearing on the petition shall be held by the advisory agency as specified in Chapter 6 of the Subdivision Map Act.

(Ord. 1204 §2 (part))

18.48.040 **Processing of petition.**

With the exception of the public hearing as specified by this chapter, the petition shall be processed according to the provisions for the processing of a tentative map as specified by this title; provided, that the necessary findings and requirements of the Subdivision Map Act shall be complied with.

(Ord. 1204 §2 (part), Ord. 1679 §35)

Chapter 18.50**MERGERS****Section:**

- 18.50.010 Merger - Generally.**
18.50.020 Merger - Application.
18.50.030 Merger - Approval.
18.50.040 Merger - Owner's consent.
18.50.050 Merger - Certificate of compliance.

18.50.010 Merger - Generally.

Contiguous parcels under common ownership may be merged without reverting to acreage.

(Ord. 1679 §36 (part))

18.50.020 Merger - Application.

An application for merger shall be in the same form as an application for a certificate of compliance, and shall include a preliminary title report and legal description of the property as a single merged parcel.

(Ord. 1679 §36 (part))

18.50.030 Merger - Approval.

An application for merger shall be approved by the planning services director after review by other affected departments/divisions. Prior to approval, all encumbrances, including bonded indebtedness, shall be modified to apply uniformly to the entire modified parcel, rather than to the portions of the modified parcel corresponding to the separate lots prior to the merger.

(Ord. 1679 §36 (part), Ord. 2364 §371)

18.50.040 Merger - Owner's consent.

All persons owning an interest in the real properties to be merged shall consent to the merger by executing an owner's certificate consenting to merger.

(Ord. 1679 §36 (part))

18.50.050 Merger - Certificate of compliance.

The planning services director shall record a certificate of compliance, including the owner's consent to merger, as set forth in this title, to evidence the merger of the properties.

(Ord. 1679 §36 (part), Ord. 2364 §372)

TITLE 18 FOOTNOTES

1. For statutory provisions on subdivided lands and subdivisions, see Business and Professions Code §11000 et seq.; for provisions on the Subdivision Map Act, see Business and Professions Code §11500 et seq.; for provisions on the Conservation Planning Act, see Government Code §65000 et seq.; for provisions on local regulations of divisions of land, see Government Code §66410 et seq. For provisions regarding the planning commission, see Ch. 2.52 of this code. For provisions setting forth design criteria and improvement standards, see Appendix Title 18R of this code.
2. For statutory provisions on tentative maps, see Business and Professions Code §11550 et seq.
3. For statutory provisions on final maps, see Business and Professions Code §11565 et seq.
4. For statutory provisions on the adoption of an ordinance regulating design and improvement of subdivisions, see Business and Professions Code §§11525 and 11526 et seq. For provisions setting forth specific design and improvements for the city, see Appendix Title 18R.
5. Specific design criteria and improvement standards, as adopted by resolution of the council, are set forth in Appendix Chs. 18R.08 and 18R.12.
6. For statutory provisions on street improvements and improvement security, see Business and Professions Code §§11612-11612.5. For provisions setting forth specific design and improvement standards for the city, see Appendix Title 18R.