

## CITY OF YREKA – SUBDIVISION MAP APPLICATION

- Tentative Parcel Map – (5 or more lots).....\$500.00 deposit / against cost
- E.R.-Preliminary review.....\$ 50.00
- Tentative Parcel Map Check – City Engineer .....\$300.00 deposit/cost
- Public Hearing.....\$ 85.00 (minimum fee) deposit against actual cost
- P.H. - Project notice circulation, 1-20 notices..... \$ 25.00
- P.H. – 21 or more notices.....\$ 25.00 plus 1.00/parcel over 20
- E.R.-Negative Declaration..... \$200.00 deposit/cost
- E.R.-Mitigated Negative Declaration..... Actual cost
- Environmental Impact Report..... Actual cost
- Parkland In-Lieu Fee (residential)..... \$ \_\_\_\_\_
- Time Extensions.....\$ 60.00
- Appeals to City Council \$150 plus cost of publication (minimum fee \$75.00)

***Prior to the Planning Commission Meeting – Applicate must submit a separate check payable to the Siskiyou County Clerk to cover: STATE FISH AND WILDLIFE FEES – for current fees\*see below***

County Processing Fee \*.....\$ 50.00 actual cost     Fish & Wildlife Fee\* \$ \_\_\_\_\_     Other \$ \_\_\_\_\_

DATE: \_\_\_\_\_ ASSESSOR’S PARCEL NUMBER: \_\_\_\_\_

APPLICANT: \_\_\_\_\_ TELEPHONE NUMBER: \_\_\_\_\_

APPLICANT ADDRESS: \_\_\_\_\_

IF OTHER THAN APPLICANT,  
NAME OF PROPERTY OWNER: \_\_\_\_\_

PROPERTY OWNER ADDRESS: \_\_\_\_\_

PROJECT LOCATION: \_\_\_\_\_

DESCRIPTION OF PROPOSED PROJECT: \_\_\_\_\_

I agree to abide by all of the ordinances of the City of Yreka, state law, and federal law; and I authorize city representatives to enter upon the above mentioned property for inspection purposes, and to record any notice of code violation pursuant to Y.M.C. Ch. 11.40 and/or Ch. 16.08 with the office of the Siskiyou County Recorder.

I certify that I have read this application and state that the above information is correct. I agree to comply with any terms or conditions of any entitlement issued or permitted by the City pursuant to this application.

\* In the event the project’s effect on natural resources or wildlife is other than negligible, State Fish and Wildlife requires an additional fee of \$3,343.25 if an Environmental Impact Report is prepared or \$2,406.75 for a Negative Declaration. These fees are subject to change and the applicant is responsible for payment of the fees in full. If required, the permit cannot be issued until such time as the fee is paid. A project that is Statutorily or Categorically exempt requires no further fees.

APPLICANT SIGNATURE: \_\_\_\_\_

PROPERTY OWNER’S SIGNATURE: (REQUIRED): \_\_\_\_\_

**Acknowledgement of application submittal**

**After Subdivision Map (5 or more lots) has been approved by the Planning Commission, the following deposit/against cost will be due upon submittal of the Final Map to the Director of Public Works for final approval.**

- **Final Subdivision Map Check Fee .....\$750.00 deposit/against cost.**

FOR OFFICE USE ONLY

PERMIT NUMBER:	DATE APPLICATION RECEIVED:	APPLICATION RECEIVED BY:	FEES RECEIVED:
ZONE:	GENERAL PLAN DESIGNATION:		

**Title 15 - SUBDIVISIONS**Chapters:

## FOOTNOTE(S):

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\* For statutory provisions pertaining to subdivided lands and subdivisions, see Bus. & Prof. C.A. § 11000 et seq. For statutory provisions directing cities to adopt an ordinance regulating and controlling the design and improvement of subdivisions, see Bus. & Prof. C.A. § 11525, 11526 and 11543.5. For statutory provisions empowering cities to regulate the division of land which is not a subdivision, see Bus. & Prof. C.A. § 11540.1.

**Chapter 15.04 - GENERAL PROVISIONS**Sections:**15.04.010 - Authority.**

The chapters and sections codified in this Title are enacted pursuant to the provisions of Section II of Article XI of the Constitution of the state and general laws of the state, including the Subdivision Map Act.

*(Ord. 586 § 2(part), 1983).*

**15.04.020 - Considerations for implementation.**

- (a) General Plan and Zoning Laws. The general plan for the city guides the use of all land within the corporate boundaries of the city. The size and design of lots, the nature of utilities, the design and improvement of streets, the type and intensity of land use, and the provisions for any special facilities in any subdivision must conform to the land uses shown and the standards established in the general plan and the zoning laws of the city and any precise plans adopted for the area in conformance thereto.
- (b) Environmental Impact. The environmental impact of any subdivision must be considered in accordance with the California Environmental Quality Act, as amended, and the Guidelines for Implementation of the California Environmental Quality Act, adopted by the secretary for resources of the state and the council as they now exist or may hereafter be amended, and in accordance with ordinances and resolutions of the city council adopted from time to time to implement the provisions of the Environmental Quality Act.
- (c) Community Facilities. The impact of any proposed subdivisions upon community facilities, such as schools, parks, recreation areas and the like, must be considered. The provisions of this title establish procedures for the referral of proposed subdivision data to city departments, interested boards, bureaus and other governmental agencies, and utility companies, both public and private, so that the extension of community facilities and utilities may be accomplished in an orderly manner and coordinated with the development of the subdivision. In order to facilitate the

acquisition of land areas required to implement this policy, the city may require that the subdivider dedicate, grant easements, or otherwise reserve land for such public purposes as specified in the Subdivision Map Act.

*(Ord. 586 § 2(part), 1983).*

**15.04.030 - Advisory agency designated.**

The planning commission of the city, hereinafter referred to as the "planning commission," is designated as the advisory agency of the city council with respect to subdivisions as provided in the Subdivision Map Act of the state.

*(Ord. 586 § 2(part), 1983).*

**15.04.040 - Powers and duties of planning commission.**

The planning commission shall have the powers and duties with respect to tentative and final maps, and the procedure relating thereto, as are specified by law and by this title.

*(Ord. 586 § 2(part), 1983).*

**15.04.050 - Compliance required.**

Each subdivision and the map thereof shall be in conformity with the provisions of this title and the Subdivision Map Act, except where a provision or requirement has been expressly waived by the planning commission or city council in accordance with applicable law.

*(Ord. 586 § 2(part), 1983).*

**15.04.060 - Sale or lease of subdivision-Compliance required.**

It is unlawful for an individual, firm, association, syndicate, copartnership, corporation, trust or any other legal entity, as a principal, agent or otherwise, to offer to sell, to contract to sell or to sell or to lease any subdivision of land, or any part thereof, in the city unless and until all the requirements provided in this title have been met.

*(Ord. 586 § 2(part), 1983).*

**15.04.070 - Existing subdivisions exempt.**

The provisions of this title do not apply to any subdivision lawfully existing at the time of adoption of this title.

*(Ord. 586 § 2(part), 1983).*

**15.04.080 - Compliance required for permit issuance.**

Hereafter no building shall be constructed, nor shall a building or grading permit be issued, unless the building or grading is in compliance with the provisions of this title and with the provisions of Title 16

*(Ord. 586 § 2 (part), 1983).*

**15.04.090 - Grading and erosion control.**

Every map approved pursuant to this title shall be conditioned on compliance with the requirements for grading and erosion control, including the prevention of sedimentation or damage to off-site property, set forth in the Uniform Building Code. Maximum excavated or filled slope shall not be steeper than two horizontal for one vertical and the cut or fill slope shall not exceed ten feet in vertical height.

*(Ord. 586 § 2(part), 1983).*

**15.04.095 - Subdivided parcel or lot size.**

Minimum lot or parcel sizes and width shall comply with Title 16 of this code. The city engineer may require a larger lot or parcel size or width of any proposed lot or parcel where the topography of the proposed subdivided parcel requires such increases in order to provide reasonable access from an adjacent public roadway in accordance with good engineering practices. "Reasonable access" means the ability to construct within the front yard setback an access roadway with a gradient of not more than fifteen percent with grade breaks at the curb line or sidewalk adjacent to the parcel and the front yard setback line of the proposed lot or parcel. As to any proposed lot or parcel where access as provided in this section appears questionable, the city engineer may require the applicant to provide drawings by a registered civil engineer depicting the access design. Nothing herein shall be deemed to prevent the subdivider from designating on the subdivision map a minimum front yard setback requirement greater than that required by Title 16 of this code.

*(Ord. 753 § 2, 1999).*

**15.04.100 - Soils reports.**

- (a) A preliminary soils report, prepared by a civil engineer registered in this state and based upon adequate test borings, shall be submitted to the city engineer or director of public works for every subdivision.
- (b) Preliminary soils reports may be waived by the city engineer or director of public works for subdivisions of four or less lots providing he finds that no preliminary analysis is necessary because the city already has sufficient knowledge of the soil qualities of the land within the subdivision.
- (c) If the city has knowledge of, or the preliminary soils report indicates the presence of, critically expansive soils or other soils problems which, if not corrected, would lead to structural defects, a soils investigation of each lot in the subdivision may be required by the director of public works or city engineer. Such soils investigation shall be done by a civil engineer registered in this state, who shall recommend the corrective action which is likely to prevent structural damage to each structure proposed to be constructed in the area where the soils problem exists.
- (d) The advisory agency may approve the subdivision or portion thereof where the soils problems exist if it determines that the recommended action is likely to prevent structural damage to each structure to be constructed and the action is made a condition of the building permit.

*(Ord. 586 § 2(part), 1983).*

**Chapter 15.08 - DEFINITIONS**Sections:**15.08.010 - Generally.**

Any words or phrases defined in the Subdivision Map Act are used in this title in accordance with said definitions; in addition, the words defined in this chapter are used in accordance with said definitions.

*(Ord. 586 § 2(part), 1983).*

**15.08.020 - Condominium.**

An estate in real property consisting of an undivided interest in common in a portion of a parcel of real property together with a separate interest in space in a residential, industrial or commercial building on such real property, such as an apartment, office or store. A condominium may include, in addition, a separate interest in other portions of such real property.

*(Ord. 586 § 2(part), 1983).*

#### **15.08.030 - Conversion.**

The creation of separate ownership of existing real property together with a separate interest in space of residential, industrial or commercial buildings thereon.

*(Ord. 586 § 2(part), 1983).*

#### **15.08.050 - Cul-de-sac.**

"Cul-de-sac" means a minor street terminating in a turnaround and not over six hundred feet in length measured from the right-of-way line of the cross street to the center of the cul-de-sac.

*(Ord. 772, 2003; Ord. 586 § 2(part), 1983).*

#### **15.08.060 - Design.**

"Design" means (1) street alignments, grades and widths; (2) drainage and sanitary facilities and utilities, including alignments and grades thereof; (3) location and size of all required easements and rights-of-way; (4) fire roads and fire breaks; (5) lot size and configuration; (6) traffic access; (7) grading; (8) land to be dedicated for park or recreational purposes; and (9) such other specific requirements in the plan and configuration of the entire subdivision as may be necessary or convenient to insure conformity to or implementation of the general plan or any adopted specific plan.

*(Ord. 586 § 2(part), 1983).*

#### **15.08.070 - Environmental impact report (EIR).**

"Environmental impact report" means a detailed statement setting forth the environmental effects and considerations pertaining to a project as specified in Section 22100 of the California Environmental Quality Act, and may mean either a draft or a final EIR.

*(Ord. 586 § 2(part), 1983).*

#### **15.08.080 - Erosion.**

"Erosion" means the process by which the ground surface is worn away by the action of wind or water and material therefrom is carried, or is likely to be carried, across any property line in significant quantities.

*(Ord. 586 § 2(part), 1983).*

#### **15.08.090 - Final map.**

"Final map" is a map showing a subdivision for which a tentative and final map is required by the Subdivision Map Act or this title, prepared in accordance with the provisions of this title and the Subdivision Map Act designed to be recorded in the office of the county recorder.

*(Ord. 586 § 2(part), 1983).*

#### **15.08.100 - Flooding.**

"Flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of streams, rivers or other inland water.

*(Ord. 586 § 2(part), 1983).*

**15.08.110 - General plan.**

"General plan" means the general plan of the city and any amendments thereto.

*(Ord. 586 § 2(part), 1983).*

**15.08.120 - Grading.**

"Grading" means any act by which soil, rock or mineral matter is cut into, dug, quarried, uncovered, removed, displaced or relocated, and includes the removing of vegetative cover, excavation, land balancing and filling.

*(Ord. 586 § 2(part), 1983).*

**15.08.140 - Improvement.**

"Improvement" refers to such street work, storm drainage, utilities and landscaping to be installed, or agreed to be installed, by the subdivider on the land to be used for public or private streets, highways, parks, open space and easements, as are necessary for the general use of the lot owners in the subdivision and local neighborhood traffic as a condition precedent to the approval and acceptance of the final map thereof. It also includes such other specific improvements or type of improvements, the installation of which, either by the subdivider, by public agencies, by private utilities, by any other entity approved by the planning commission or city council or by a combination thereof, is necessary or convenient to insure conformity to or implementation of the general plan or any adopted specified plan.

Improvements shall be constructed in accordance with the city standard specifications and details and/or when applicable with standards as adopted by local utility companies and approved by the city engineer or director of public works.

*(Ord. 586 § 2 (part), 1983)*

**15.08.150 - Loop street.**

"Loop street" means a minor street, not over one thousand feet in length, which forms a loop and returns to the same street from which it originated or turns into the first street intersecting the street from which the loop street originated. A street forming a connection between two parallel or generally parallel streets shall not be considered a loop street.

*(Ord. 586 § 2(part), 1983).*

**15.08.160 - Lot.**

"Lot" means a parcel or portion of land separated from other parcels or portions by description, as on a final or parcel map, or by metes and bounds, for purpose of sale, lease, financing or separate use.

*(Ord. 586 § 2 (part), 1983)*

**15.08.170 - Lot line adjustment.**

"Lot line adjustment" means a minor alteration of lot lines of legally subdivided property which does not result in the creation of a new lot or parcel.

*(Ord. 586 § 2 (part), 1983).*

**15.08.180 - Major street (arterial).**

"Major street (arterial)" means a street carrying inter-city through traffic or relating several sections or neighborhoods within the city.

*(Ord. 586 § 2(part), 1983).*

**15.08.190 - Map Act.**

The Subdivision Map Act of the state of California.

*(Ord. 586 § 2(part), 1983).*

**15.08.200 - Merger.**

The joining of two or more contiguous parcels of land under one ownership into one parcel.

*(Ord. 586 § 2(part), 1983).*

**15.08.210 - Minor streets.**

"Minor streets" means a loop street or a cul-de-sac.

*(Ord. 586 § 2(part), 1983).*

**15.08.220 - Owner.**

"Owner" means the individual, firm, association, syndicate, co-partnership or corporation having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under this title, and while used herein in the masculine gender and singular number it means the feminine and neuter gender and the plural number whenever required.

*(Ord. 586 § 2(part), 1983).*

**15.08.230 - Parcel map.**

"Parcel map" means a map showing a division of land of four or less parcels as required by this title, prepared in accordance with the provisions of this title and the Map Act.

*(Ord. 586 § 2(part), 1983).*

**15.08.240 - Peripheral street.**

An existing street whose right-of-way is contiguous to the exterior boundary of the subdivision.

*(Ord. 586 § 2(part), 1983).*

**15.08.250 - Secondary streets (collector).**

"Secondary streets (collector)" means streets which collect and carry traffic from loop street and cul-de-sacs to arterials and also carry traffic within a particular area of the city.

*(Ord. 586 § 2(part), 1983).*

**15.08.260 - Street.**

"Street" means an improved traveled way providing the primary access to abutting property.

*(Ord. 586 § 2(part), 19.83).*

**15.08.270 - Subdivider.**

"Subdivider" means any individual, firm, association, syndicate, co-partnership, corporation, trust or any other legal entity commencing proceedings under this title to effect a subdivision of land hereunder for himself or for another, and while used herein in the masculine gender and singular number, it means and includes the feminine or neuter gender and the plural number whenever required.

*(Ord. 586 § 2(part), 1983).*

#### **15.08.280 - Subdivision.**

"Subdivision" is the division, by any subdivider, of any unit or units of improved or unimproved contiguous land shown on the latest equalized county assessment roll as a unit or as contiguous units for the purpose of sale, lease or financing, whether immediate or future. Property shall be considered as contiguous units, even if it is separated by roads, streets, utility easements or railroad rights-of-way. "Subdivision" includes a condominium project, as defined herein or in Section 1350 of the Civil Code or a community apartment project, as defined in Section 11004 of the Business and Professions Code, or the conversion of five or more existing dwelling units to a stock cooperative, as defined in Section 11003.2 of the Business and Professions Code. Any conveyance of land to a governmental agency, public entity, or public utility shall not be considered a division of land for purposes of computing the number of parcels.

"Subdivision" does not include:

- (1) Buildings divided into apartments, offices, stores or similar spaces within apartment buildings, industrial buildings, mobilehome parks or trailer parks for the purpose of lease or financing;
- (2) Land divided by mineral, oil or gas leases;
- (3) Land dedicated for cemetery purposes under the Health and Safety Code of the state of California;
- (4) A lot line adjustment between two or more adjacent parcels, where land taken from one parcel is added to an adjacent parcel, and where a greater number of parcels than originally existed is not created, provided the lot line adjustment is approved by the planning commission.

*(Ord. 586 § 2(part), 1983).*

#### **15.08.290 - Tentative map.**

"Tentative map" means a map made for the purpose of showing the design of a proposed subdivision and the existing conditions in and around the subdivision. The map need not be based upon an accurate or detailed field survey of the property, but shall be of form and contain the information required by this title and the provisions of the Subdivision Map Act.

*(Ord. 586 § 2(part), 1983).*

#### **15.08.300 - Zoning ordinance.**

"Zoning ordinance" shall mean Title 16 of the city Of Yreka municipal code, or any ordinance enacted under zoning law.

*(Ord. 586 § 2(part), 1983).*

### **Chapter 15.10 - TECHNICAL COMMITTEE**

#### Sections

**15.10.010 - Created.**

There is created a technical committee.

*(Ord. 586 § 2(part), 1983).*

**15.10.020 - Composition—Duties.**

The technical committee shall consist of the city engineer, city manager, director of public works, fire chief, police chief, building inspector and planning administrator.

The committee shall have the powers and duties specified in this code, and any and all references to "subdivision committee" in this title shall be deemed a reference to the "technical committee."

*(Ord. 586 § 2(part), 1983).*

**15.10.030 - Approval by technical committee.**

The technical committee shall determine whether the proposed subdivision is in conformity with law and this title, whether the size and shape of the proposed lots are in conformance to city requirements and whether all the proposed lots will have proper and sufficient access to a public street.

*(Ord. 586 § 2(part), 1983).*

**Chapter 15.11 - LOT LINE ADJUSTMENTS**Sections**15.11.010 - Lot line adjustment—Definition.**

For the purposes of this chapter, a "lot line adjustment" is where the land taken from one existing parcel is added to an adjacent existing parcel and where a greater number of parcels than originally existed is not thereby created.

*(Ord. 613 (part), 1986)*

**15.11.020 - Initiation of proceedings.**

Proceedings for a lot line adjustment may be initiated by an application of the owners of record of the respective parcels, which application shall contain the following information or documents and such other information or documents as may be required for a proper determination of the application by the planning commission:

- (1) Evidence of title to the respective parcels as shown by a preliminary title report;
- (2) Evidence of consent of all owners of an interest or a lien in or to said properties;
- (3) A site plan indicating existing topography, drainage, utilities, structures and structures immediately adjacent to the boundaries of the parcels, on a scale of 1/8th of an inch = 1 foot or larger.

*(Ord. 613 (part), 1986).*

**15.11.030 - Fees.**

Applications to merge property shall be accompanied by a fee to cover the costs of processing in an amount to be set from time to time by resolution of the city council. Said fees shall not be refundable.

*(Ord. 613 (part), 1986).*

**15.11.040 - Procedure.**

(a) The planning director may approve a lot line adjustment provided the following conditions have been determined:

- (1) The lot line adjustment does not create a new parcel;
- (2) Adequate survey information exists to reflect the lot line adjustment by deed or record survey;
- (3) The lot line adjustment conforms to all zoning and building ordinances of the city;
- (4) Proof or modification and recordation of any judgments, liens or secured interest on the respective parcels to conform to the lot line adjustment.

(b) In the event the planning director denies such application for a lot line adjustment or imposes conditions unacceptable to the applicant, the applicant may file the application for such lot line adjustment with the planning commission, which may grant such lot line adjustment on the terms and conditions set forth in this chapter.

*(Ord. 664 § 1, 1992; Ord. 613 (part), 1986).*

#### **15.11.050 - Conditions.**

The planning director or the planning commission may impose reasonable conditions to its approval of any lot line adjustment so as to make the lot line adjustment conform to zoning and building ordinances of the city and to facilitate the relocation of existing utilities, infrastructure, or easements.

*(Ord. 664 § 2, 1992; Ord. 613 (part), 1986).*

#### **15.11.060 - Recordation.**

Upon approval of the lot line adjustment and full compliance with any conditions imposed by the planning commission, the lot line adjustment shall be reflected in a deed or record of survey which shall be recorded.

*(Ord. 664 § 3, 1992; Ord. 613 (part), 1986).*

### **Chapter 15.12 - TENTATIVE PARCEL MAP**

#### Sections

#### **15.12.010 - Required.**

When a parcel is required by the Subdivision Map Act, a tentative parcel map shall first be filed with the planning commission and shall meet all the requirements for tentative parcel maps set forth in this chapter and as otherwise required by this title.

*(Ord. 586 § 2(part), 1983).*

#### **15.12.020 - Division of land.**

Land may be divided by parcel map by obtaining planning commission approval of a tentative parcel map and subsequently recording an approved parcel map in the office of the county recorder.

*(Ord. 586 § 2(part), 1983).*

#### **15.12.030 - Filing and fees.**

One reproducible sepia, mylar or original of the tentative parcel map for proposed subdivision of land shall be filed with the planning department, with two copies of a preliminary title report obtained by the owner of the land from a licensed title insurance company. Also accompanying the tentative parcel

map shall be an application for subdivision made to the planning commission by the property owner or his authorized attorney in fact, on a form prescribed by the planning commission, and accompanied by a processing fee in an amount established by the city council by resolution.

*(Ord. 586 § 2(part), 1983).*

#### **15.12.040 - Contents.**

(a) The tentative parcel map referred to in Section 15.12.030 shall show the information outlined in this section on a map eighteen inches by twenty-six inches in size and drawn to a scale of one inch equals one hundred feet for large area, or to a scale of one inch equals fifty feet for small areas where practical. Every tentative parcel map shall be clearly and legibly reproduced, and shall show the location and dimensions of the proposed lots or parcels and any of the following information deemed necessary by the planning commission:

- (1) Date, north point and scale;
- (2) Sufficient legal description of the land to define the boundaries of the proposed division of land;
- (3) A key map indicating the location of the proposed division of land in relation to the surrounding area;
- (4) The name and address of the owner or owners of record and/or the subdivider. If the map was prepared under the direction of a civil engineer or licensed land surveyor, his name and registration number shall also be shown on the tentative map;
- (5) The existing topography of the land proposed to be divided using contour intervals of not more than five feet, and of not less than two feet where the grade of the land is less than five percent. Contours of adjacent land shall also be shown whenever the surface features of the land affect the design and/or improvement of the proposed subdivision. The tentative map shall contain a statement by the person preparing the map stating the source of contours shown on the map;
- (6) The approximate location and outline to scale of each existing or proposed building or structure on the property proposed for division. Buildings or structures on adjacent property shall be identified by house number or other identifying features, including a notation of any building or structure to be removed;
- (7) The approximate location of all areas subject to inundation or stormwater flow and the location, width and direction of flow of each watercourse;
- (8) The approximate location of each area wherein there are trees with a trunk diameter of more than six inches at a height of four and one-half feet from ground level, with a statement of the nature of the cover and the kind and approximate location of all trees standing within the boundaries of proposed public rights-of-way;
- (9) The location, width, approximate grade and curb radii of all existing and proposed streets or alleys within or adjacent to the proposed subdivision;
- (10) The width, purpose and approximate location of all existing and proposed easements or rights-of-way, whether public or private, within or adjacent to the proposed subdivision;
- (11) The source of water supply and method of sewage disposal;
- (12) The location and size of all existing sewer and water lines within two hundred feet of the subdivision;

(13) Each street shown by its actual street name or by a temporary name or letter for the purpose of identification until the proper name of the street is determined by the city.

(b) Information required in this section may be furnished separately from the parcel map itself.  
(Ord. 586 § 2(part), 1983)

#### **15.12.050 - Requirements for approval.**

Requirements for approval of a tentative parcel map by the planning commission shall be those set forth in Section 15.20.090 of this title.

(Ord. 586 § 2 (part), 1983)

#### **15.12.060 - Planning commission action.**

The planning commission may require as a condition of approval of the tentative parcel map the dedication of necessary rights-of-way for streets and utilities, the installation of utilities and utility connections to each lot, and reasonable conditions necessary to protect future residents from odor, noise, dust or glare. The planning commission may also impose as a condition to approval the construction of any or all improvements authorized by Section 66419 of the Government Code.

(Ord. 586 § 2(part), 1983).

#### **15.12.070 - Security.**

If the planning commission approves the tentative parcel map, it may grant the subdivider a period of time after recording of the parcel map in which to complete the installation of the public improvements required as a condition to such approval. If a time period is so granted, the city council shall require improvement security to be posted in one of the forms set forth in Chapter 15.26

(Ord. 586 § 2(part), 1983)

#### **15.12.080 - Drainage plan.**

Whenever the city has adopted a drainage plan for a specific drainage basin, any subdivider filing a tentative parcel map for land, any part of which is located within the boundaries of the drainage basin, shall pay to the city at the time of filing of the parcel map the drainage structure construction charge or fee as may be hereafter established by the city council by resolution in accordance with the provisions of Section 66483 of the Government Code of the state of California.

(Ord. 586 § 2 (part), 1983).

#### **15.12.090 - Expiration.**

(a) Expiration. The approval or conditional approval of a tentative parcel map shall expire twenty-four months from the date of approval.

(b) Extension. The person filing the tentative parcel map may request an extension of the tentative parcel map approval by written application to the planning department. The application must be filed before expiration of the original approval. The application shall state the reasons for requesting an extension. New conditions may be imposed and existing conditions may be revised as a condition to granting the extensions.

(c) Time Limit on Extensions. An extension or extensions of a tentative parcel map approval shall not exceed a total of one year. Modification of a tentative parcel map after previous approval may not extend this time limit, so that no extension is possible beyond three years from the date of original approval of the tentative parcel map.

*(Ord. 586 § 2 (part), 1983).*

## **Chapter 15.16 - PARCEL MAP**

### Sections:

#### **15.16.010 - Filing time limit.**

The parcel map must be filed prior to the expiration date of the approval of the tentative map, including all extensions thereof, and shall terminate all proceedings. Any proceeding to subdivide the same parcel thereafter shall require the filing of a new tentative map.

*(Ord. 586 § 2(part), 1983).*

#### **15.16.020 - Form and contents.**

The parcel map shall comply with the provisions of the Subdivision Map Act and of Title 7, Division 2, Chapter 2, Article 3, of the Government Code of the state of California. In addition, it shall conform to the tentative parcel map and to all conditions imposed in connection with the approval thereof. There shall be set forth upon the parcel map all dedications and all conditions imposed in regard to its approval.

*(Ord. 586 § 2(part), 1983).*

#### **15.16.030 - Certification.**

Upon receipt of the parcel map and all applicable fees and all required improvement securities and upon determination that the parcel map complies with and conforms to all the requirements of this title, the Subdivision Map Act, and the applicable provisions of the Government Code, the city clerk shall so certify upon the map.

*(Ord. 586 § 2(part), 1983)*

#### **15.16.040 - Recordation.**

Upon certification by the city clerk and payment of the county recorder's fees by the subdivider, the parcel map shall be recorded in the office of the county recorder and a copy filed with the secretary of the planning commission.

*(Ord. 586 § 2(part), 1983).*

## **Chapter 15.20 - TENTATIVE SUBDIVISION MAP**

### Sections:

#### **15.20.010 - Preliminary conference.**

Prior to the submittal of a tentative map, the subdivider is encouraged to consult with the staff of the planning department for technical advice and procedural instructions. Preliminary sketches of the subdivision may be submitted and discussed. The preliminary sketch would be to a scale and detail sufficient to indicate the essential characteristics of the subdivision, including the number, size and design of lots, the location and width of streets, the location of any important reservations or easements, the relation of the subdivision to all surrounding lands and any other details necessary to enable a preliminary review. The planning department may schedule a conference with the subdivider and appropriate city departments to discuss the preliminary map and make recommendations concerning the submittal of a tentative map.

*(Ord. 586 § 2(part), 1983).*

**15.20.020 - Submittal.**

The applicant shall submit one reproducible sepia or mylar and five copies of the tentative map, a statement of the proposed division of any land, the information required by the planning administrator pertaining to the environmental impact of the proposed project, appropriate fees and two copies of a preliminary title report.

- (1) Size and Scale. Tentative maps shall be eighteen inches by twenty-six inches in size and to a scale of one inch equals one hundred feet for large areas, and to a scale of one inch equals fifty feet for small areas, unless otherwise approved by the planning administrator.
- (2) Information Required. Every tentative map shall be clearly and legibly reproduced and shall contain the following information:
  - (A) A key or location map on which shall be shown the general area, including adjacent property, subdivisions and roads;
  - (B) The tract name or number, date, north point, scale, and sufficient description to define the location and boundaries of the proposed tract;
  - (C) The name and address of the owner or owners of record;
  - (D) The name and address of the subdivider;
  - (E) The name and business address of the person who prepared the map;
  - (F) The acreage of the proposed tract to the nearest tenth of an acre;
  - (G) Sufficient elevations or contours or notations indicating the direction and percent of slope to determine the general slope of the land and the high and low point thereof;
  - (H) The locations, proposed names, widths and grades of all streets and ways in the proposed subdivision which are to be offered for dedication;
  - (I) The locations, names and existing widths of all adjoining and contiguous highways, streets and ways;
  - (J) The locations and size of all pipelines and structures used in connection therewith;
  - (K) The location and character of all existing public utilities;
  - (L) The widths, location and purposes of all existing and proposed easements;
  - (M) The lot layout, the dimensions of each lot and the lot numbers;
  - (N) The city limit lines occurring within the general vicinity of the subdivision;
  - (O) The bearings and distances to survey corners of record;
  - (P) The boundaries of any units within the subdivision if the subdivision is to be recorded in stages;
  - (Q) The names of the owners of the land immediately adjacent to the subdivision;
  - (R) The outline of any existing buildings to remain in place and their locations in relation to the existing or proposed streets and lot lines, along with the location of any existing wells and/or septic systems;
  - (S) The location of all trees proposed to remain in place standing within the boundaries of the proposed public rights-of-way and those trees with a trunk diameter of more than six inches at four and one-half feet above ground level;
  - (T) The location of all areas subject to inundation or stormwater overflow and the location, width and direction of flow of all watercourses;

- (U) Typical sections of the proposed street improvements;
  - (V) The location of all areas proposed for parks, open space or school sites.
- (3) Statements Required. A statement shall be presented by the subdivider in written form accompanying the map and shall contain the following information:
- (A) The improvements and public utilities proposed to be made or installed and the time at which such improvements are proposed to be completed;
  - (B) The proposed plan for drainage;
  - (C) The provisions for sewerage and sewage disposal;
  - (D) The provisions for the proposed water supply;
  - (E) The public areas proposed;
  - (F) The type and location of street lighting proposed;
  - (G) The proposed building setback lines and the width of side yards;
  - (H) The justification and reasons for any exceptions to the provisions of this title or for any amendments to the zoning laws which may be requested in conjunction with the subdivision proposed;
  - (I) A copy of any restrictive covenants, bylaws or articles of incorporation proposed;
  - (J) The existing use or uses of the property;
  - (K) The proposed use or uses of the property;
  - (L) The tree plantings and landscaping proposed;
  - (M) A statement from the owner or owners of record, if different than the subdivider, consenting to the division of land by subdivision;
  - (N) A statement giving the name and address of the individual designated to receive all official communications regarding the subdivision.

*(Ord. 586 § 2(part), 1983).*

#### **15.20.030 - Acceptance.**

The planning department shall examine the tentative map and environmental documents upon presentation and shall not accept the map or environmental documents for distribution unless they are in full conformance with this title as to form, data, information and other matters required to be shown thereon or furnished therewith.

*(Ord. 586 § 2(part), 1983).*

#### **15.20.040 - Fees.**

At the time of the acceptance of a tentative map for distribution, the subdivider shall pay a processing fee as established by resolution of the city council.

*(Ord. 586 § 2(part), 1983).*

#### **15.20.050 - Distribution.**

The planning administrator shall transmit the requested number of copies of the tentative map, together with accompanying data, to such public agencies, utility companies and city departments as may be concerned. Each of the public agencies, utilities and city departments shall, within ten days from the receipt of a copy of a tentative map, or within thirty days if a draft environmental impact report is required, forward to the planning administrator a written reply of their findings and

recommendations thereon. If a reply is not received within the time allowed by this section, it will be assumed that the map conforms to the requirements of the public agency or utility company concerned.

*(Ord. 586 § 2(part), 1983).*

**15.20.060 - Filing date.**

The planning department shall indicate the date of filing upon the file copy of the tentative map and accompanying data. The planning commission shall take action to approve conditionally, approve or disapprove the tentative map within fifty days after the filing thereof, unless such time is extended by agreement with the subdivider. Notwithstanding the foregoing, if an environmental impact report is prepared for a tentative map, the fifty-day period specified in this section shall not be applicable and the planning commission shall render its decision within forty-five days after certification of the environmental impact report.

*(Ord. 586 § 2(part), 1983).*

**15.20.070 - Report of technical committee.**

The technical committee shall prepare a written report on the conformity of the tentative map to the provisions of the general plan, the zoning laws, and all other applicable requirements of this title and other regulations of the city. Any report or recommendations on the tentative map shall be served on the subdivider in writing at least three days prior to any hearing or action on the map by the planning commission or the council. The required submission in writing shall be deemed complied with when the reports or recommendations are placed in the mail, directed to the subdivider at the address designated in the subdivider's statement, with postage prepaid.

*(Ord. 586 § 2(part), 1983).*

**15.20.080 - Public hearing and notice.**

The planning commission shall hold a public hearing on the tentative map and notice thereof shall be given pursuant to the public hearing notices requirement.

*(Ord. 586 § 2(part), 1983).*

**15.20.090 - Planning commission action.**

(a) Findings and Determinations. If the planning commission finds that the proposed map complies with the requirements of this title, the Subdivision Map Act, and the zoning laws of the city, and all applicable state laws, it may approve or conditionally approve the map. The planning commission shall deny the approval of a tentative map if it makes any of the following findings:

- (1) That the proposed map is not consistent with applicable general and specific plans;
- (2) That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans;
- (3) That the site is not physically suitable for the proposed density of development;
- (4) That the site is not physically suitable for the type of development;
- (5) That the design of the subdivision or the proposed improvements is likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat;
- (6) That the design of the subdivision or the type of improvements is likely to cause public health problems;

- (7) That the design of the subdivision or type of improvements will conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision. In this connection, the planning commission may approve a map if it finds that alternate easements, for access through or for use, will be provided, and that these will be equivalent to ones previously acquired by the public. The provisions of this subsection shall apply only to easements of record or to easements established by a judgment of a court of competent jurisdiction, and no authority is granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.
- (b) Reports to Subdividers. The planning commission shall report its action directly to the subdivider or his designated representative.
- (c) Reports to the Council. Following action by the planning commission, a copy of the tentative map, together with a copy of the planning commission action thereon, shall be transmitted to the council for its information.

*(Ord. 586 § 2(part), 1983)*

#### **15.20.100 - Drainage plan.**

Whenever the city has adopted a drainage plan for a specific drainage basin, any subdivider filing a tentative subdivision map for land, any part of which is located within the boundaries of the drainage basin, shall pay to the city at the time of filing of the final map, such drainage structure construction charge or fee as may be hereafter established by the city council by resolution, in accordance with the provisions of Section 66483 of the Government Code of the state of California.

*(Ord. 586 § 2(part), 1983).*

### **Chapter 15.24 - FINAL SUBDIVISION MAP**

#### Sections:

#### **15.24.010 - Filing.**

Within twenty-four months after the approval or conditional approval of the tentative map, a subdivider may cause his subdivision, or any part thereof, to be surveyed and a final map thereof prepared in conformance with the tentative map as approved by the planning commission, including conformance with any conditions attached to such approval. An extension of time for the filing of the final map may be granted by the planning commission for a period not to exceed one year, provided a written application is filed by the subdivider not less than thirty days in advance of the expiration date of the tentative map. Extensions shall not exceed a total of one year. In granting an extension, new conditions may be imposed and existing conditions may be modified as a condition to granting the extension. Subsequent modification or amendment of a tentative map shall not extend the total time limits imposed by this section.

*(Ord. 586 § 2 (part), 1983).*

#### **15.24.020 - Processing fee.**

The subdivider shall, at the time of submitting the final map, pay to the city the county recorder's fee for recording the final map and all other fees required by law to be paid in connection with the approval of the subdivision.

*(Ord. 586 § 2(part), 1983).*

**15.24.030 - Data with map.**

Prior to or at the time of submitting the final map of a subdivision to the city, the subdivider shall submit therewith the following documents:

- (1) Traverse Sheets. Calculation and traverse sheets, in a form approved by the city engineer, giving the bearings and distances and coordinates of the boundaries of the subdivision and the blocks and lots therein shown on the final map;
- (2) Public Improvement Plans. The tracings of detailed plans, cross-sections and profiles as set forth in this title, and of all other improvements proposed to be installed as required by the provisions of this title, and of all other improvements proposed to be installed by the subdivider in, on, over or under any street, right-of-way, easement or parcel of land dedicated by the map or previously dedicated, including the estimated cost thereof. All such plans shall be prepared in accordance with the requirements of the city engineer. Plan sheets shall be twenty-four by thirty-six inches, with a one inch left margin;
- (3) No-access Rights. A certificate restricting access to any agreement shall be shown on the final map where required by the planning commission;
- (4) Design Data. Design data assumptions and computations of proper analysis in accordance with sound engineering practices;
- (5) Reports and Guarantees of Clear Title. The final map shall be accompanied by a current report prepared by a duly authorized title company naming the persons whose consent is necessary for the preparation and recordation of the map and for the dedication of streets, alleys and other public places shown on the map and certifying that, as of the date of the preparation of the report, the persons named therein are all the persons necessary to give clear title to the subdivision. At the time of recording the map, following approval by the council, there shall be filed with the county recorder a guarantee executed by a duly authorized title company, showing that persons (naming them) consenting to the preparation and recordation of the map and offering for dedication the streets, alleys and other public places shown thereon, are all the persons necessary to pass clear title to the subdivision and the dedications shown thereon;
- (6) Agreement and Bonds. The agreement and improvement security specified in Chapter 15.26
- (7) Deed Restrictions, Bylaws and/or articles of Incorporation. Two copies of all deed restrictions, bylaws and/or articles of incorporation.

*(Ord. 586 § 2(part), 1983).*

**15.24.040 - Contents.**

(a) Size, Material and Scale. The final map shall be legibly drawn, printed or reproduced by a process guaranteeing a permanent record in black on tracing cloth or polyester-base film. Certificates, affidavits and acknowledgments may be legibly printed upon the map with opaque ink. The dimensions of each sheet of such map shall be eighteen by twenty-six inches. A marginal line shall be drawn completely around each sheet leaving an entirely blank margin of one inch. The scale of the map shall be sufficient to show all details clearly and in no case shall be greater than one inch equals one hundred feet nor less than one inch equals fifty feet. Enough sheets shall be used to accomplish this end. The number of each sheet and the total number of sheets comprising the map shall be stated on each of the sheets, and the relation of each adjoining sheet shall be clearly shown by a small key

nap on the first sheet. Each sheet of the map proper shall show the date of the survey, north arrow, written graphic scale and other information as necessary. The map shall be made and shall be in such condition when filed that good legible prints and microfilm negatives can be made therefrom.

- (b) Title. The title of each sheet of the final map shall consist of the approved name of the tract, at the lower right-hand corner of the sheet, followed by the words, "City of Yreka." Maps filed for the purpose of showing as acreage land previously subdivided shall be conspicuously marked with the words "Reversion to Acreage." Reference shall be made to maps which have been previously recorded.
- (c) Coordinate System. Wherever the city engineer has established a system of coordinates, the survey shall be tied into that system. The adjoining corners of all adjoining lots shall be identified by lot and block numbers, subdivision name and place of record, or other proper designation.
- (d) Subdivision Boundaries. An accurate and complete boundary survey to second-order accuracy shall be made of the land to be subdivided. A traverse of the exterior boundaries of the tract, and of each block when computed from field measurements on the ground, shall close within a limit of one foot to ten thousand feet. The boundary of the subdivision shall be indicated on the final map by a blue border applied to the reverse side of the tracing.
- (e) Dimensions, Bearings and Curve Data. The final map shall show all the survey and mathematical information and data necessary to locate all monuments thereon, including bearings and distances of straight lines and central angles, radii and arc lengths of curves, and such information as may be necessary to determine the location of the centers of the curves. Dimensions of lots shall be given as total dimensions, corner to corner, and shall be shown in feet or hundredths thereof. Lots containing more than one-half acre shall show total acreage in nearest hundredths.
- (f) Lots and Blocks. All lots and blocks and all parcels offered for dedication for any purpose shall be particularly delineated and designated with all dimensions, boundaries and courses clearly shown and defined in every case. Parcels offered for dedication other than for streets and easements shall be designated by letter. Sufficient linear, angular and curve data shall be shown to determine readily the bearing and length of the boundary lines of every block, lot and parcel which is a part thereof. Sheets shall be so arranged that no lot is split between two or more sheets, and, wherever practicable, blocks in their entirety shall be shown on one sheet. No ditto marks shall be used for lot dimensions. Lot numbers shall begin with the numeral "1" and continue consecutively in a clockwise fashion throughout the tract, with no omissions or duplications.
- (g) Streets. The map shall show the right-of-way lines of each street, and the width of any portion being dedicated, and widths of any existing dedications. The widths and locations of adjacent streets and other public properties within fifty feet of the subdivision shall be shown. If any street in the subdivision is a continuation or approximately a continuation of any existing street, the conformity or the amount of nonconformity of the street to the existing streets shall be accurately shown. Whenever the centerline of a street has been established or recorded, the data shall be shown on the final map.
- (h) Building Setback Lines. The map shall show building setback lines on all streets by long, dashed lines. Setback lines greater than those required by the zoning ordinance or this title may be established and illustrated, provided that necessary restrictive covenants are recorded.
- (i) Easements. The side lines of all easements, including utility and new access easements, shall be shown by short dashed lines. If any easement already of record cannot be definitely located, a statement of the existence, the nature thereof, and its recorded reference shall appear on the title

sheet. The widths of all easements shall be clearly labeled and identified. If an easement shown on the map is already of record, its recorded reference shall be given. If an easement is being dedicated by the map, it shall be properly referenced in the owner's certificate of dedication.

- (j) High Water Line. The final map shall show all existing one-hundred-year flood flow areas of any stream or drainage channel adjacent to or within the subdivision by a fine continuous line. The subdivider may use the special flood hazard areas adopted by the Federal Insurance Administration or a floodplain information report published by the U.S. Army Corps of Engineers in delineating these areas.

These floodplain areas shall be preserved from any and all destruction, alteration or damage resulting from clearing, grading or dumping of earth, waste material or stumps, except at the discretion of the planning commission.

- (k) Monuments. The map shall fully and clearly show what stakes, monuments or other evidence are in place to determine that boundaries of the subdivision were found and each adjacent corner of each adjoining existing subdivision, or portion thereof, shall be designated by lot and block numbers, tract name or number and place of record, by section, municipality and range, or by other proper designation, as follows:

- (1) The location, kind and size of all monuments placed. If any points were reset by ties, that fact shall be so stated;
- (2) All lot corners shall be permanent monuments;
- (3) All monuments shall be set prior to the acceptance of the public improvements by the council unless a note on the final map states that the monuments will be set by a certain date.

- (l) Certificates, Acknowledgments and Descriptions. Below the title on the title sheet of the map, the name of the engineer or surveyor, together with the date of the survey, the scale of the map and the number of sheets, shall be shown. The following certificates, acknowledgments and descriptions shall appear on the title sheet of the final map, and such certificates may be combined where appropriate:

- (1) Dedication Certificates. A certificate in accordance with the provisions of Section 66439 of the Subdivision Map Act;
- (2) Owner's Certificate. A certificate in accordance with the provisions of Section 66436 of the Subdivision Map Act;
- (3) Engineer's or Surveyor's Certificate. A certificate in accordance with the provisions of Section 66441 of the Subdivision Map Act;
- (4) Certificates to be Executed. Certificates for execution by each of the following:
  - (A) The city engineer,
  - (B) The city clerk,
  - (C) The secretary of the planning commission,
  - (D) The county recorder,
  - (E) The engineer who prepared the soil report pursuant to Section 66433(f) of the Subdivision Map Act.
  - (F) The county tax collector,
  - (G) The health officer if subdivision does not connect to a sanitary sewer system.

- (m)

Basis of Bearings. All property subdivided by reference to maps or deeds of property previously recorded or filed, shall have filed with the final map copies of the maps or deeds of any property to which reference has been made. Each reference in a description to any tract or subdivision shall show a complete reference to the book and page of record of the county where the tract is recorded.

- (n) Certificates Regarding Tax Liens. Prior to the filing of the final map with the council, the subdivider shall file the certificate and documents relating to taxes and assessments as set forth in Section 66492 of the Subdivision Map Act, or any amendments thereto.
- (o) Other Affidavits, Certificates and the Like. Such other affidavits, certificates, acknowledgments, endorsements and notarial seals as are required by law and by this title shall be filed.

*(Ord. 586 § 2(part), 1983).*

#### **15.24.050 - Certificate of insurance required.**

The public improvement agreement shall provide for a certificate of comprehensive general liability insurance on the terms and in the amount as approved by the city attorney and naming the city as an additional insured.

*(Ord. 586 § 2(part), 1983).*

#### **15.24.060 - Action by technical committee.**

Upon the receipt of the final map and other data submitted therewith, the technical committee shall examine them to determine that the subdivision as shown is the same as it appeared on the tentative map, and any approved alterations thereof, that all the provisions of this title and the Subdivision Map Act applicable at the time of the approval of the tentative map have been complied with, and the committee is satisfied that the map is technically correct. If the technical committee determines that the final map is not in conformity with the tentative map, the committee shall advise the subdivider of the changes or additions that shall be made to make such conformity and shall afford the subdivider an opportunity to make such changes or additions. If the technical committee determines that full conformity therewith has been made, it shall so certify on the map and shall transmit the map to the city clerk, together with any documents which may have been filed therewith, for presentation to the council.

*(Ord. 586 § 2(part), 1983).*

#### **15.24.070 - Action by secretary of the planning commission.**

The planning secretary shall examine the final map and determine if the map is in substantial conformance with the tentative map approved by the planning commission and, upon such finding, shall execute the appropriate certificate on the map.

*(Ord. 586 § 2(part), 1983).*

#### **15.24.080 - Council—Approval.**

The city council shall, at the meeting at which it receives the final map or at its next regular meeting, consider the map, the plan of the subdivision and the offers of dedication and, if the map conforms to all the requirements of the Subdivision Map Act, this title and any other ordinances of the city at the time of approval or conditional approval of the tentative map, and any rulings made thereunder, it

shall approve the map. If it does not so conform, the city council shall disapprove the map. At the time the council approves a final map, it may also accept, subject to improvement, or reject, any offers of dedication. The city clerk shall certify on the map the action of the council.

*(Ord. 586 § 2(part), 1983).*

#### **15.24.090 - Public improvement agreements.**

If, at the time of the approval of the final map by the council, any public improvements required by the city pursuant to the provisions of this title have not been completed and accepted in accordance with the city standards applicable at the time of the approval or conditional approval of the tentative map, the council, as a condition precedent to the approval of the final map, shall require the subdivider to enter into an agreement with the city, upon such terms as the city may require, to thereafter complete such improvements at the subdivider's expense. The agreement shall be secured by improvement security in the amount and form set forth in Chapter 15.26

*(Ord. 586 § 2(part), 1983).*

#### **15.24.100 - Council—Disapproval.**

If the council determines that the final map is not in conformity with the requirements of this title, it shall disapprove the map, specifying its reason therefor, and the city clerk shall, in writing, advise the subdivider of the disapproval and of the reason or reasons for the disapproval. Within thirty days after the council has disapproved any map, the subdivider may file with the city clerk a map altered to meet the approval of the council. In such case, the city clerk shall review the altered map for conformance with the requirements of the council and shall then submit the altered map to the council for its approval, along with a certificate that the altered map is technically correct. No final map shall have any force or effect until it has been approved by the council, and no offer of dedication shall be accepted until the county clerk has recorded the map with the county recorder.

*(Ord. 586 § 2 (part), 1983).*

#### **15.24.110 - Recordation.**

When the council has approved the final map, as set forth in Section 15.24.080, the map shall be presented to the county clerk who shall record the map with the county recorder and file a copy with the secretary of the planning commission.

*(Ord. 586 § 2(part), 1983).*

### **Chapter 15.26 - IMPROVEMENT SECURITY**

#### Sections:

#### **15.26.010 - Conformance required.**

Any improvement agreement, contract or act required or authorized by the Subdivision Map Act, for which security is required, shall be secured in accordance with Section 66499 of the Government Code as provided in this title.

*(Ord. 586 § 2(part), 1983).*

#### **15.26.020 - Required.**

Whenever this title authorizes or requires the furnishing of security in connection with the performance of any act or agreement, the security shall be one of the following, at the option of, and subject to approval of, the city manager, subject to the advice and consent of the city attorney:

- (1) A subdivision bond or bonds issued by one or more duly authorized corporate sureties;
- (2) A deposit, either with the city or a responsible escrow agent or trust company, at the option of the city, of money or negotiable bonds of the kind approved for securing deposits of public moneys;
- (3) An instrument of credit from one or more financial institutions subject to regulation by the state or federal government pledging that the funds necessary to carry out the act or agreement are on deposit and guaranteed for payment;
- (4) A bond or bonds to secure the faithful performance or for the security of laborers and material men shall be in substantially the form prescribed by Sections 66499.1 or 66499.2 of the Subdivision Map Act, respectively;
- (5) The hypothecation of real property which is shown to be owned without encumbrances and of sufficient value to satisfy the amount of security and costs, expenses and fees required to be provided pursuant to Section 15.26.030. A current appraisal and title report shall be required for eligibility for approval of this method of security.

*(Ord. 586 § 2(part), 1983).*

*(Ord. No. 814, § 1, 3-19-2009)*

**15.26.030 - Amount.**

- (a) The improvement security shall be in the amounts set forth as follows:
  - (1) An amount which equals one hundred percent of the total estimated cost of the improvement or of the act to be performed, conditioned upon the faithful performance of the act or agreement;
  - (2) An additional amount which equals one hundred percent of the total estimated cost of the improvement or performance of the required act, securing payment to the contractor, his subcontractors and to persons furnishing labor, materials or equipment to them for the improvement of the performance of the required act;
  - (3) An amount determined by the director of public works necessary for the guarantee and warranty of the work for a period of one year following the completion and acceptance thereof against any defective work or labor done or materials furnished.
- (b) If the improvement security is other than a bond or bonds furnished by duly authorized corporate surety, an additional amount shall be included as determined by the city council as necessary to cover the cost and reasonable expenses and fees, including reasonable attorneys' fees, which may be incurred by the city in successfully enforcing the obligation secured.
- (c) The improvement security shall also secure the faithful performance of any changes or alterations in the work to the extent that such changes or alterations do not exceed ten percent of the original estimated cost of the improvement.

*(Ord. 586 § 2(part), 1983).*

**15.26.040 - Special assessment proceeding.**

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

*(Ord. 586 § 2 (part), 1983).*

#### **15.26.050 - Release of security.**

The improvement security required under this chapter shall be released in the following manner:

- (1) Security given for faithful performance of any act or agreement shall be released upon the final completion and acceptance of the act or work subject to the provisions of subsection (2) of this section.
- (2) The city council may release a portion of the security in conjunction with the acceptance of the performance of the act or work as it progresses upon application therefor by the subdivider. No such release shall be for an amount less than twenty-five percent of the total improvement security given for faithful performance of the act or work. Security shall not be reduced to an amount less than fifty percent of the total improvement security given for faithful performance until final completion and acceptance of the act or work. In no event shall the city council authorize a release of the improvement security which would reduce the security to an amount below that required to guarantee the completion of the act or work and any other obligation imposed by this title, the Subdivision Map Act or the improvement agreement.
- (3) Security given to secure payment to the contractor, his subcontractors and to persons furnishing labor, materials or equipment may, six months after the completion and acceptance of the act or work, be reduced to an amount equal to the amount of all claims therefor filed and of which notice has been given to the city council, plus an amount reasonably determined by the city engineer to be required to assure the performance of any other obligations secured thereby. The balance of the security shall be released upon the settlement of all such claims and obligations for which the security was given.
- (4) No security given for the guaranty or warranty of work shall be released until the expiration of the period thereof.

*(Ord. 586 § 2(part), 1983).*

### **Chapter 15.32 - DESIGN STANDARDS AND REQUIRED IMPROVEMENTS**

#### Sections:

#### **15.32.010 - Conformity with standard subdivision improvement specifications required.**

All improvements mentioned in this chapter shall conform to those required in the Construction Standards and Specifications of the City of Redding as excepted, modified or supplemented by the public works director, who may make exception, supplement or modify any specific standard as

needed from time to time. These standards are adopted by reference, and three copies of the Construction Standards and Specifications shall be filed with the city clerk and be available for use and examination by the public in the office of the city clerk.

*(Ord. 586 § 2(part), 1983).*

*(Ord. No. 812, § 2, 3-19-2009)*

#### **15.32.020 - Plan submission and approval required before work commenced.**

Improvement work shall not be commenced until plans and profiles for such work have been submitted to and approved by the director of public works. Such plans shall be required before approval of the final maps. All such plans and profiles shall be prepared in accordance with requirements of the director of public works. Duplicate tracings on drafting film shall be filed with the director of public works.

*(Ord. 586 § 2(part), 1983).*

#### **15.32.030 - Lot requirements.**

- (a) The size and shape of lots shall be in conformance with any zoning regulations effective in the area of the proposed subdivision and shall not be less than the regulations specified therein, but in no case shall any lot have a depth of less than seventy-five feet. The planning commission may grant exceptions to these provisions where there are unusual topographic conditions, curved or cul-de-sac streets or other special conditions. In unclassified districts, the planning commission shall specify the size and shape of all lots in conformance with the use proposed.
- (b) The side lines of all lots, so far as possible, shall be at right angles to the street which the lot faces, or radial or approximately radial, if the street is curved.
- (c) Front building setback lines shall be indicated by "dotted" lines on the subdivision map, as required by the planning commission.
- (d) No lot shall be divided by a city boundary line.
- (e) Lots without a minimum seventy-foot frontage on a dedicated street as required by Section 16.22.010 of this code will not be permitted.
- (f) Lots, other than corner lots, may front on more than one street only where necessitated by topographic or other unusual conditions.
- (g) No cut or fill slope shall be steeper than one and one-half to one.

*(Ord. 618, 1987; Ord. 592, 1984; Ord. 586 § 2(part), 1983).*

#### **15.32.040 - Streets and highways.**

The street and highway design shall conform both in width and alignment to any master plan of streets and highways approved by the city council and right-of-way for any such street or highway indicated on the master plan shall be dedicated.

The street and highway design shall conform to any proceedings affecting the subdivision, which may have been initiated by other legally constituted bodies of the city, county or state. If a parcel of land to be subdivided includes a portion of the right-of-way to be acquired for a public freeway or parkway, and the city council shall determine the boundaries of the right-of-way to be acquired, the subdivider shall either dedicate or withhold from a subdivision all the area included in such right-of-way.

*(Ord. 586 § 2(part), 1983).*

### **15.32.050 - Modification of street and highway design.**

The general design requirements of all streets and highways within the subdivision shall be as set forth in this chapter except where topographical conditions, in the opinion of the director of public works, make necessary modifications of one or more of the below-listed requirements, the design as to such modification shall be in accordance with the designs of the director of public works of the city:

- (1) All streets shall, as far as practicable, be in alignment with existing adjacent streets by continuations of the centerlines thereof or by adjustments by curves and shall be in general conformity with the streets and highways master plan;
- (2) Streets shall be required to intersect one another at right angles or as near to a right angle as practicable in each specific case;
- (3) Where necessary to give access to or permit a satisfactory future subdivision of adjoining land, streets shall extend to the boundary of the property and the resulting dead-end streets may be approved without a turnaround, provided the control of access across such dead-end street shall be vested in the city. In all other cases a turnaround having a minimum radius of fifty feet shall be required;
- (4) Whenever a major street or state highway intersects any other street or highway, the property lines at each block corner shall be rounded with a curve having a radius corner of not less than thirty feet. At all other street intersections, the property line at each block corner shall be rounded with a curve having a radius of not less than twenty feet. In either case, a greater curve radius may be required if streets intersect other than at right angles;
- (5) The centerline curve radius on all streets and highways shall conform to accepted engineering standards of design and shall be subject to approval by the director of public works but shall be not less than five hundred feet for major streets, three hundred feet for secondary streets and two hundred feet for minor streets;
- (6) No street or highway shall have a grade of more than twelve percent unless, because of topographical conditions or other exceptional conditions, the director of public works determines that a grade in excess of twelve percent is necessary. No grade shall be less than thirty-hundredths percent;
- (7) Reserved strips controlling the access to public ways or minimizing values for special improvement assessments will not be approved unless such strips are necessary for the protection of the public welfare or of substantial property rights or both, and in no case, unless the control and disposal of the land comprising such strips is placed definitely within the jurisdiction of the city under conditions approved by the planning commission;
- (8) All streets and highways shall be graded and paved to cross-sections and grades approved by the director of public works. The subdivider shall improve the extension of all subdivision streets, highways or public ways to the intercepting paving line of any county road, city street or state highway. Minimum structural design shall be six inch Type 2 aggregate base, two inch asphalt concrete.

*(Ord. 586 § 2(part), 1983).*

### **15.32.060 - Street names and signs.**

All street names shall be approved by the planning commission and shall be in compliance with the street naming system of the city. Street signs shall be installed by the subdivider and shall be of a type approved by the director of public works and installed in locations approved by him.

*(Ord. 586 § 2(part), 1983).*

#### **15.32.070 - Street lighting.**

Street lighting shall be provided by the subdivider as set forth in the improvement standards as required by the director of public works and in accordance with the following standards and requirements:

- (1) A street lighting system shall be furnished in place by the subdivider along all interior and boundary streets within all subdivisions, including commercial and industrial subdivisions, in accordance with the standards set forth in the improvement standards of the city, except as provided in this section.
- (2) The electroliers and all appurtenances thereto shall be located within the street right-of-way or within easements dedicated for such purpose, and the electroliers shall be spaced along the street as required for the type of electroliers placed in accordance with the improvement standards.
- (3) For single-family residential subdivisions having an average lot street frontage of more than one hundred twenty-five feet, but not more than two hundred twenty-five feet, the street lighting system need not be placed along the streets, but shall, as a minimum, be placed at all street intersections, cul-de-sacs, and all other locations as required by the director of public works.
- (4) For planned developments, residential, commercial or industrial developments where the internal streets are not offered for dedication, a street lighting system need not be installed on the internal non-dedicated streets, but shall be provided by the developer on the external public street frontage.
- (5) Street lights are not required for single-family residential subdivisions with an average lot size of one acre or more. In determining the average lot size, lots not designated for single-family residential use shall not be considered.

*(Ord. 586 § 2(part), 1983).*

#### **15.32.080 - Service roads and off-street parking.**

When any lots proposed for commercial usage front on any major or secondary street or highway, the subdivider shall be required to dedicate and improve a service road to provide ingress or egress to and from such lots, or in lieu thereof, if approved by the planning commission, the subdivider may dedicate for public use and improve an area approved by the planning commission and adjacent to such lots for off-street parking purposes. When the front of any lots proposed for residential usage front on any freeway, state highway or parkway, the subdivider shall dedicate and improve a service road at the front of such lots, unless such is already existent as a part of such freeway or parkway. In addition to any requirement for a service road, the planning commission may require off-street parking areas for all lots proposed for commercial usage.

*(Ord. 586 § 2(part), 1983).*

#### **15.32.090 - Width of alleys in lots proposed for commercial or industrial usage.**

When any lots are proposed for commercial or industrial usage, alleys at least thirty feet in width shall be required at the rear thereof with adequate ingress and egress for truck traffic.

*(Ord. 586 § 2(part), 1983).*

#### **15.32.100 - Nonaccess and planting strips.**

When the rear of any lot borders any major or secondary street, highway or parkway, the subdivider may be required to execute and deliver to the city an instrument, deemed sufficient by the city attorney, prohibiting the right of ingress and egress to the rear of such lots across the side lines of such streets or highways. When the rear of any lots border any freeway, state highway or parkway, the subdivider may be required to dedicate and improve a planting strip adjacent to such parkway or freeway.

*(Ord. 586 § 2(part), 1983).*

#### **15.32.110 - Driveway approaches.**

There shall be no more than one driveway approach for each seventy feet of lot width at a property line adjacent to a public right-of-way for any lot intended to be developed for single-family or two-family use. A multiple family lot may have one driveway approach for each fifteen living units, provided that such approaches do not exceed the standard city width and do not occupy more than sixty percent of the property line adjacent to a public right-of-way. In all cases a multiple family lot may have at least two standard width driveway approaches provided the lot exceeds seventy feet in width.

*(Ord. 586 § 2(part), 1983).*

#### **15.32.120 - Acre or larger lot subdivisions.**

Where a parcel is subdivided into lots of one acre or more, the planning commission may require that the blocks shall be of such size and shape and be so divided into lots as to provide for the extension and opening of streets and alleys at such intervals as will permit a subsequent division of any parcel into lots of smaller size.

*(Ord. 586 § 2(part), 1983).*

#### **15.32.130 - Railroad crossings.**

Provision shall be made for any and all railroad crossings necessary to provide access to or circulation within the proposed subdivision, including the preparation of all documents necessary for application to the state public utilities commission for the establishment and improvement of such crossing. No cost of such railroad crossing improvement shall be borne by the city.

*(Ord. 586 § 2(part), 1983).*

#### **15.32.140 - Sidewalks, curbs and gutters.**

Installed curbs and gutters, and sidewalks shall be a minimum width of five feet from the face of the curb to the back of the sidewalk, except as otherwise specified in this title, or except as otherwise specified by the planning commission or by the director of public works through design specifications developed for compliance with Americans with Disabilities Act of 1990, as amended.

*(Ord. 803 § 2(part), 2008; Ord. 586 § 2(part), 1983).*

#### **15.32.150 - Walkways.**

The subdivider may be required to dedicate and improve walkways across long blocks or to provide access to schools, parks or other public areas.

*(Ord. 586 § 2(part), 1983).*

**15.32.160 - Underground utilities, sanitary sewers and storm drains to be installed in streets and alleys prior to surfacing.**

- (a) All underground utilities, sanitary sewers and storm drains installed in streets, service roads, alleys or highways shall be constructed prior to the surfacing of such streets, service roads, alleys or highways. Service connections for all underground utilities and sanitary sewers shall be placed to such length as will obviate the necessity for disturbing the street or alley improvements when service connections thereto are made.
- (b) All utility distribution facilities (including but not limited to electric, communication and cable television lines) installed in and for the purpose of supplying service to any residential (or commercial) subdivision shall be placed underground, except as follows:
  - (1) Equipment appurtenant to underground facilities, such as surface-mounted transformers, pedestal-mounted terminal boxes and meter cabinets, and concealed ducts;
  - (2) Metal poles supporting only high voltage wires, switches, transformers and street lights.
- (c) The subdivider is responsible for complying with the requirements of this section and shall make the necessary arrangements with the utility companies involved for the installation of the facilities. The planning commission may waive the requirements of this section if topographical, soil or any other conditions make underground installation of said facilities unreasonable or impractical.
- (d) Industrial subdivisions are excluded from the provisions of this section.

*(Ord. 586 § 2(part), 1983).*

**15.32.170 - Water mains and fire hydrants.**

- (a) Water mains design, layout and locations shall be approved by the director of public works, connected to the water system serving the city, and shall be installed in accordance with city standard drawings and specifications and be of materials and construction as provided for by the standards of the American Water Works Association.
- (b) Fire hydrant's design, layout and locations shall be approved by the fire chief, connected to the water system serving the city, and shall be installed in accordance with city standard drawings and specifications and be of materials and construction as provided for by the standards of the American Water Works Association.

*(Ord. 803 § 2(part), 2008; Ord. 586 § 2(part), 1983).*

**15.32.171 - Fire protection.**

- (a) Each subdivision shall provide all necessary protective measures and facilities, such as fire hydrants or aboveground water storage, designed in accordance with the city's standard drawings and specifications. Location of fire hydrants shall be as specified by the fire chief.
- (b) All subdivisions shall provide sufficient water capacity, flow and storage to ensure the protection of the public health, safety and welfare.
- (c) To the extent the subdivider is required to install improvements that provide increased fire protection storage that will benefit not only the subdivision but also existing developed properties within the city located outside the subdivision, the city council may approve, upon recommendation of the director of public works, an increased city contribution to the subdivider.

The factors to be considered include the extent to which the increased fire protection storage will benefit existing developed properties within the city located outside the subdivision, the subdivider's ability to obtain reimbursement pursuant as a result of future development that would likewise benefit from the increased fire protection storage, and whether an assessment district has been created to fund all or part of the improvements.

*(Ord. 803 § 2(part), 2008).*

#### **15.32.172 - City water supply.**

- (a) All new subdivisions shall be required to connect to the city water system. A minimum twenty-foot wide waterline easement is required for all water facilities outside the public street right-of-way.
- (b) In the event there is inadequate pressure to serve the subdivision, the subdivider shall install those facilities required to ensure adequate pressure, including, but without limitation, pumps, water tanks, hydro-pneumatic tanks, etc., in accordance with the city's water master plan.

*(Ord. 803 § 2(part), 2008).*

#### **15.32.180 - Sewers.**

Sanitary sewer facilities connecting with the existing city sewer system shall be installed to curblines to serve each lot and to grades, locations, design and sizes approved by the director of public works. No sewer main shall be less than six inches and with one manhole at each intersection and no more than five hundred feet apart.

*(Ord. 586 § 2(part), 1983).*

#### **15.32.190 - Storm drains and surface waters.**

- (a) The subdivider shall, subject to riparian rights, dedicate a right-of-way for storm drainage purposes conforming with the lines of any natural watercourse, channel, stream or creek that traverses the subdivision, or at the option of the subdivider, provide by dedication further and sufficient easements or construction, or both, to dispose of such surface and stormwaters.
- (b) Stormwaters shall be carried in underground systems when the flow requires a forty-eight-inch (inside diameter) or less pipeline. The system shall be designed on the basis of criteria for a "ten year storm," calculated on the basis of practice found to be suitable for a particular area, shall be totally carried in the underground system with the hydraulic gradient in curb inlets maintained at least one foot below top of curb.
- (c) Pipe Size. The minimum size of pipe in the public right-of-way shall be twelve inches.
- (d) Velocity. All new storm drains shall be designed to maintain a minimum velocity of flow of two feet per second, when flowing one-quarter full.
- (e) Inlets. Curb inlets shall be installed at intersections and at intermediate points when the gutter flow for the "design storm" exceeds the top of curb for a minimum grade and when the gutter flow is higher than three inches below top of curb for fifteen percent grades. Valley gutters will normally be allowed across a cul-de-sac or low traffic volume street intersections only.
- (f) Manholes. A standard manhole shall be constructed at all pipe intersections, change in pipe size, abrupt change in horizontal and vertical alignment and at least every four hundred sixty feet for pipes between twelve inches and thirty inches in diameter, seven hundred fifty feet maximum for pipes for thirty-three inches to fifty-nine inches in diameter.

*(Ord. 586 § 2(part), 1983).*

#### **15.32.200 - Structures.**

Structures shall be installed as deemed necessary by the director of public works for drainage, access or public safety. Such structures shall be placed to grades and shall be of a design approved by the director of public works.

*(Ord. 586 § 2(part), 1983).*

#### **15.32.210 - Easements.**

The subdivider shall grant easements not less than ten feet in width for public utility, sanitary sewer and drainage purposes wherever necessary; provided, that easements of lesser width may be allowed with concurrence of the public utilities and the director of public works if easements of lesser width are adequate. Easements for overhead wire lines shall be provided at the rear of all lots, except where alleys are available, and in contiguous locations to permit utility anchorage, utility line continuity and ingress and egress. Easements shall be dedicated for the purpose of installing utilities, planting strips and for such other public purposes as may be ordered or directed by the city council.

The subdivider shall submit a layout showing easements proposed for public utilities to the public utility servicing the subdivision. Public utility easements shall be located not less than five feet from the property line except in the area where they may intersect any such line. Prior to approval of the final map the subdivider shall obtain a letter from the public utility stating that the easements are adequate. A copy of the letter or letters shall be filed with the director of public works.

*(Ord. 586 § 2(part), 1983).*

#### **15.32.220 - Departures and variations.**

The subdivider shall install improvements in accordance with the general requirements set forth in this title; provided, that the director of public works may require changes in typical sections and details if unusual conditions arise during construction to warrant such change in the interests of the city; such changes to be at the expense of the subdivider.

*(Ord. 586 § 2(part), 1983).*

#### **15.32.230 - Director of public works to be notified before work commenced.**

Improvement work shall not be commenced until the director of public works has been notified in advance, and if work has been discontinued for any reason, it shall not be re-continued until the director of public works has been notified.

*(Ord. 586 § 2(part), 1983).*

#### **15.32.240 - Inspection and certification.**

All required improvements shall be subject to the approval of the director of public works. All required improvements shall be inspected and tested as required by a licensed civil engineer employed by the subdivider, and upon completion of said improvements, said licensed civil engineer shall certify to the city that said improvements have been installed, constructed and tested in accordance with the improvement plans and specifications, the "Standard Subdivision Improvement Specifications," and the general requirements as set forth in this title. The cost of such inspection and certification shall be paid by the subdivider.

*(Ord. 596, 1984; Ord. 586 § 2(part), 1983).*

#### **15.32.250 - Consideration of subdivision in relation to plans of city.**

In all respects, in reviewing all subdivisions and development proposals, consideration shall be given to the contents of the latest city subdivision design standards contained in this title or as adopted by the director of public works. All subdivision and development proposals are subject to the latest adopted city general plan, city standard plans and construction specifications for improvements and the latest adopted city department of public works policy and design manuals and the latest city water, sewer, and storm drain master plans.

*(Ord. 803 § 2(part), 2008; Ord. 586 § 2(part), 1983).*

#### **15.32.251 - Public service facilities.**

Where a public service facility such as a fire station, library, police substation, park, etc., is shown on the general plan or applicable specific plan containing a community facility or public building element, the subdivider shall construct or contribute to the construction of such facility in accordance with the principles and standards contained in the plans or by reimbursement agreement negotiated with the city.

*(Ord. 803 § 2(part), 2008).*

#### **15.32.260 - Deed restrictions.**

A copy of the deed restrictions applicable to the subdivision shall be filed with the planning commission at the time of filing the final map.

*(Ord. 586 § 2(part), 1983).*

#### **15.32.270 - Land subject to inundation.**

If any portion of any land within the boundaries shown on any such final map is subject to overflow, inundation or flood hazard by stormwaters, such fact and such portion shall be clearly shown on the final map. Further, an adequate storm drainage system shall be provided, and if fill is used in flood areas, it shall be a minimum of two feet above ten-year high water.

*(Ord. 586 § 2(part), 1983).*

#### **15.32.280 - Compliance with title.**

The subdivider, his engineer and his contractor shall develop plans and complete all improvement work under this chapter in accordance with the provisions of this title and to the approval of the director of public works.

*(Ord. 586 § 2(part), 1983).*

#### **15.32.290 - Permanent monuments.**

(a) Permanent monuments shall be set at all angle and curve points on the exterior boundaries of the subdivision, in all street intersections, at all angle points of street lines and at all curve points, both simple and compound, of street lines. Monuments in street intersections and at angle and curve points of street lines shall be set on street centerlines, unless otherwise directed by the director of public works; provided, however, that such permanent monuments need not be set at angle and curve points on the exterior boundaries of the subdivision, when such points are distant four hundred feet or less from another such permanent monument; such distance for four hundred feet or less to be measured along the exterior boundary.

(b)

A permanent monument shall not be less substantial and enduring than a rich Portland cement concrete post at least six inches in diameter by thirty inches long with a non-corroding metal marker imbedded in the top thereof bearing the exact marked point thereon and otherwise conforming to law. Such permanent monument shall be set in ground, upright, with the metal marker two feet below the finished street grade, by excavating a hole and pouring the same full of concrete. When streets are required to be paved, the location of such monument and access thereto shall be given by a suitable concrete or cast iron sliding sleeve surmounted by a circular cast iron frame and lid at street surface. In case the monument is not on a street the metal marker shall be set not less than twelve inches below finished grade.

- (c) The engineer or surveyor shall also set at all lot corners and at all curve points on lot boundary lines a marker not less substantial and enduring than a steel pin five-eighths-inches in diameter by eighteen inches long with a non-corroding metal surface approximately one inch in diameter on the head thereof driven flush with the existing ground surface and marked at the exact point.
- (d) Whenever lot corners are adjacent to existing concrete sidewalks or sidewalks to be constructed as part of the improvements, brass pins driven into the sidewalk on lot lines in a manner acceptable to the director of public works may be installed in lieu of steel pins on the front lot corners.

*(Ord. 586 § 2(part), 1983).*

#### **15.32.300 - Benchmarks.**

- (a) Permanent elevation benchmarks of a type approved by the director of public works and referred to the city datum shall be set at each street intersection in the curb return or other location approved by the director of public works.
- (b) Any monument or benchmark as required by this chapter that is disturbed or destroyed before acceptance of all improvements shall be replaced by the subdivider.
- (c) Monuments and benchmarks shall be set before acceptance of the improvements by the city council, unless exception is recommended by the director of public works and approved by the city council.

*(Ord. 586 § 2(part), 1983).*

#### **15.32.310 - Report and map to be filed.**

A map showing all subdivision improvements as built shall be filed with the director of public works upon completion of such improvements, together with a final written report on all such improvements.

*(Ord. 586 § 2 (part), 1983)*

#### **15.32.320 - Field notes.**

Complete field notes, in a form satisfactory to the director of public works showing references, ties, locations, elevations and other necessary data relating to monuments and benchmarks set in accordance with the requirements of this chapter, shall be submitted to the director of public works to be retained by the city as a permanent record.

*(Ord. 586 § 2(part), 1983).*

### **Chapter 15.41 - DEDICATIONS**

#### Sections:

#### **15.41.010 - Purpose.**

- (a) The purpose of this chapter is to comply with Article 3 of Chapter 4 of the Subdivision Map Act of the state, and to provide by ordinance for the dedication, or irrevocable offer of dedication of real property, within the subdivision for the various public purposes set forth therein, excepting only park and recreational.
- (b) The city council has reviewed the negative declaration prepared in connection with the provisions of this chapter, and has determined that no significant effect on the environment is created by the provisions of this chapter.

*(Ord. 586 § 2(part), 1983).*

#### **15.41.020 - Dedications required.**

From and after the effective date of this chapter, the subdivider or subdividers of any proposed subdivision within the city shall dedicate or make an irrevocable offer of dedication of real property within the subdivision for the following purposes:

- (1) Streets and alleys, including access rights and abutter's rights, drainage easements, public utility easements and other public easements as required;
- (2) If the subdivision, as shown on the final map thereof, contains two hundred or more parcels, the subdivider shall in addition dedicate such additional land as may be necessary and feasible to provide bicycle paths for the use and safety of the residents of the subdivision;
- (3) Provided the subdivision as shown on the tentative map has the potential for two hundred dwelling units or more if developed to the maximum density shown on the adopted general plan, or contains one hundred acres or more; and further provided that the city council finds that transit services are or will within a reasonable time period be made available to such subdivision, the subdivider shall dedicate or make an irrevocable offer of dedication of land within the subdivision for local transit facilities, such as bus turnouts, benches, shelters, landing pads and similar items which directly benefit the residents of the proposed subdivision;
- (4) Provided the dedication would not make development of the remaining land held by the subdivider economically unfeasible, and further provided that it does not exceed the amount of land ordinarily allowed under the procedures of the State Allocation Board, at the time of approval of the tentative map, the city council may require the subdivider to dedicate to the elementary school district or districts within which the proposed subdivision is to be located, such land as the city council shall deem to be necessary for the purpose of constructing thereon such elementary schools as are necessary to assure the residents of such subdivision adequate public school service. This dedication requirement shall not apply to a subdivider who has owned the land being subdivided for more than ten years prior to the filing of the tentative map pursuant to provisions of this title. Furthermore, as to any requirement of dedication imposed pursuant to the provisions of this section, all the provisions of Government Code Section 66478 shall apply.

*(Ord. 586 § 2(part), 1983).*

#### **15.41.030 - Waiver of direct access rights.**

In the requirements for dedications or irrevocable offers of dedication of streets, the planning commission may include a requirement of a waiver of direct access rights to any such street from any property shown on a final or parcel map as abutting thereon, and if the dedication is accepted, any such waiver shall become effective in accordance with its provisions.

*(Ord. 586 § 2 (part), 1983).*

#### **15.41.040 - City council acceptance.**

At the time the city council approves a final map; it shall also accept, accept subject to improvement, or reject any irrevocable offer of dedication. The city clerk shall certify on the map the action by the legislative body. If any irrevocable offers of dedication are rejected at such time, relating to streets, paths, alleys, rights-of-way for local transit facilities, or storm drainage easements, the offer of dedication shall remain open, and the city council may by resolution at any later date, and without further action by the subdivider, rescind its action and accept open the aforesaid streets, paths, alleys, rights-of-way for local transit facilities or storm drainage easements for public use. Such later acceptance shall be recorded in the office of the county recorder.

*(Ord. 586 § 2(part), 1983).*

#### **15.41.050 - Effective date of acceptance.**

Acceptance of offers of dedication on a final map shall not be effective until the final map is filed in the office of the county recorder or a resolution of acceptance by the city council is filed in such office.

*(Ord. 586 § 2 (part), 1983).*

### **Chapter 15.42 - PARK AND RECREATIONAL LAND DEDICATIONS AND IN-LIEU FEES**

#### Sections:

#### **15.42.010 - Purpose.**

- (a) The purpose of this chapter is to comply with Section 66477 of the Government Code of the state, and to provide by ordinance for the dedication of land, the payment of fees in lieu thereof, or a combination of both, for park and recreational purposes, as a condition to approval of a final map or parcel map.
- (b) The park and recreational land requirements imposed must be compatible with the open space and conservation element and the recreation element of the city's general plan and must be in accordance with the principles and standards set forth in such plan. The amount and location of land to be dedicated or the fees to be paid do, in the opinion of the city council, bear a reasonable relationship to the park and recreational needs of the future inhabitants of the subdivision. When fees are charged in lieu of land dedication, the city council obligates itself to spend such fees upon the development of park or recreational facilities for the use of the inhabitants Of such subdivision within ten years following the end of the fiscal year in which such fees are imposed.

*(Ord. 586 § 2(part), 1983).*

#### **15.42.020 - Limitations on application of chapter.**

- (a) In subdivisions containing fifty parcels or less, the city shall require only the payment of fees and shall not require the dedication of land.
- (b) Subdivisions containing less than five parcels and not proposed to be used for residential purposes are exempt from the requirements of this chapter; provided, however, that if a building permit is requested for construction of a residential structure or structures on one or more of the parcels of such subdivision within four years of its approval, a fee may be required to be paid by the applicant for said permit as a condition to the issuance thereof.
- (c)

The provisions of this chapter do not apply to industrial subdivisions; nor do they apply to condominium projects which consist of the subdivision of air space in an existing apartment building which is more than five years old, but no new dwelling units are added; nor do they apply to parcel maps for a subdivision containing less than five parcels for a shopping center containing more than three hundred thousand square feet of gross leasable area and no residential development or uses.

*(Ord. 586 § 2(part), 1983).*

**15.42.030 - Standards for dedications and fees.**

(a) The city council has determined that any inhabitant of a subdivision needs approximately two hundred ninety square feet of improved public park and recreational facilities to adequately provide for the public health, welfare and safety. The city council finds and determines, based upon historical experience and current statistical trends, that the average occupancy of a single-family dwelling in the city is three persons. The average occupancy for a duplex dwelling in Yreka is 2.25 persons, and the average occupancy per unit of apartment dwellings is 1.75 persons per unit.

(b) The council further determines that the in-lieu fees must be predicated upon an established uniform land value predicated upon the permitted use of the land within the area to be subdivided. In other words, as a community average, the greater the residential density permitted per acre, the greater the fair market value per acre.

*(Ord. 586 § 2(part), 1983).*

**15.42.040 - Dedication and in-lieu fee requirements.**

(a) As a condition to the approval of a final map or a parcel map, the planning commission shall impose a land dedication requirement or an in-lieu fee requirement, or a combination thereof, in accordance with the following table. Where dedication of land is required, the land proposed for such dedication must be suitable for a multiplicity of recreational purposes, and its proposed location shall be subject to the approval of the parks and recreation department and the planning commission, and shall be compatible with the parks and recreation element of the general plan. Maximum accessibility and usability shall be used by the planning commission as criteria in the site selection.

Use	Park Area per Unit
Single-family	870 sq. ft.
Duplex	650 sq. ft.
Multiple family	507 sq. ft.

The in-lieu fee per unit for each type of unit shall be set by resolution of the city council.

- (b) Planned development districts or new condominiums shall be computed as a single-family unit.
- (c) The requirements of this chapter for planned development districts shall be in addition to those

specific requirements set forth in the planned development district preliminary plans.

*(Ord. 586 § 2(part), 1983).*

#### **15.42.050 - Mobilehome parks.**

If the development or operation of a mobilehome park results in a subdivision of land as such is defined in the Subdivision Map Act of the state, at the time of the approval of the final map or parcel map for such subdivision, the developer or owner of each parcel shall pay to the city, in addition to any and all other requirements of this code, an in-lieu fee of one hundred dollars per mobilehome space, to offset the cost of public provision of park and recreational facilities to serve the needs of the inhabitants of the mobilehome park.

*(Ord. 586 § 2 (part), 1983).*

#### **15.42.060 - Improvement of dedicated areas.**

Where land is dedicated for park and recreation purposes pursuant to this title, and such land fronts on a street interior to a subdivision, the subdivider shall be responsible for the improvement of the dedicated area with curb, gutter, drains, street lights, sidewalk and pavement identical to the standards of improvement required for the other areas of the subdivision.

*(Ord. 586 § 2(part), 1983).*

#### **15.42.070 - Application of chapter.**

This chapter shall apply to all subdivisions except those subdivisions for which a completed application is on file prior to the effective date of this title. Applications for subdivisions for which a completed application is on file prior to August 8, 1983, and the provisions of this chapter in effect prior to said date shall govern all such applications and tentatively or conditionally approved maps.

*(Ord. 586 § 2(part), 1983).*

#### **15.42.090 - Use of money received.**

The funds collected pursuant to the provisions of this chapter shall be used only for the purpose of providing park or recreational facilities and improvements reasonably related to serving the subdivision or subdivisions from which said fees are collected. In collecting funds pursuant to this section, the city shall assign said funds to the general geographic area of the subdivision by placing said funds in trusts based on the eight geographic areas listed below, and as depicted on that certain map on file with the city clerk and as approved by resolution of the city council, said geographic areas to be identified as City Park, Discovery Park, Ringe Park, Lewis Park, Collier Park, Greenhorn Park, Hillside Park and the Butcher Hill Park Area.

*(Ord. 586 § 2 (part), 1983)*

#### **15.42.100 - Prerequisite for approval of tentative map.**

At the time a tentative map is submitted, the planning commission shall indicate any usable area proposed to be dedicated for park purposes pursuant to this chapter, and, in addition, if the application is for other than a single-family subdivision, the applicant shall designate on each lot the maximum number of dwelling units to be constructed. The number of dwelling units shown shall be in conformance with the applicable general plan classification of the property or the current zoning, whichever is more restrictive.

*(Ord. 586 § 2(part), 1983).*

**15.42.110 - Prerequisites for approval of final map and acceptance of improvements.**

For any subdivision in which dedication is required, the documents dedicating such land shall be approved by the city council and recorded contemporaneously with the final map. When land is to be dedicated, it shall be dedicated free and clear of all liens, charges and encumbrances, and shall front on a dedicated and improved public street or shall be dedicated with any necessary easements for usable public access to such land, and with any necessary improvements to reasonably provide such access.

*(Ord. 586 § 2(part), 1983)*

**15.42.120 - Credit for private parks.**

Where private open space for park and recreational purposes is provided in a proposed subdivision and such space is to be privately owned and maintained by the future residents of the subdivision, such areas may, at the discretion of the city council, be credited against the requirements of Section 15.42.040; provided, that the city council finds it in the public interest to do so, and that the following standards are met:

- (1) That yards, court areas, setbacks and other open areas required by the zoning and building regulations shall not be included in the computation of such private open space;
- (2) That the private ownership and maintenance of the open space is adequately provided for by written agreement;
- (3) That the use of the private open space is restricted for park and recreational purposes by recorded covenants which run with the land in favor of the future owners of property within the tract and which cannot be defeated or eliminated without the consent of the city council;
- (4) That the proposed private open space is reasonably adaptable for use for park and recreational purposes, taking into consideration such factors as size, shape, topography, geology, access and location of the private open space land;
- (5) That facilities proposed for the open space are in substantial accordance with the provisions of the recreational element of the general plan and are approved by the city council;
- (6) That the open space and/or facilities will provide for park needs of the residents of the project in such manner as to reduce the impact on existing facilities or reduce the need to provide new facilities by the city.

*(Ord. 586 § 2(part), 1983)*

**Chapter 15.43 - RESERVATIONS OF LAND FOR PUBLIC USE**Sections:**15.43.010 - Purpose.**

The purpose of this chapter is to comply with Government Code Section 66479 so as to make possible that subdividers may be required to reserve land, within the area of the subdivision, for parks, recreational facilities, fire stations, libraries or other public uses, subject to certain conditions.

The city council has reviewed the negative declaration prepared in connection with the provisions of this chapter and has determined that no significant effect on the environment is created by the provisions of this chapter.

*(Ord. 586 § 2(part), 1983).*

**15.43.020 - Reservations.**

The city council may require a subdivider to reserve land, within the area of the subdivision, for parks, recreational facilities, fire stations, libraries or other public uses, provided the following conditions are found to exist:

- (1) The adopted general plan contains a community facilities element, a recreational and parks elements, or a public building element, and the required reservations are in accordance with the principles and standards set forth therein;
- (2) This chapter has been in effect at least thirty days prior to the filing of the tentative map for the subject subdivision;
- (3) The reserved area is of such size and shape as to permit the balance of the proposed subdivision to develop in an orderly and efficient manner;
- (4) The amount of land reserved will not make development of the remaining land held by the subdivider economically unfeasible.

*(Ord. 586 § 2(part), 1983).*

**15.43.030 - Agreement required.**

If such reservations are required, at the time of approval of the final map or parcel map of the subdivision, the city council shall enter into a binding agreement to acquire the areas reserved within two years after the completion and acceptance of all improvements, unless such period of time is extended by mutual agreement of the subdivider and the city. The purchase price for the area or areas reserved shall be the market value thereof at the time of filing the tentative map plus the taxes against the areas reserved from the date of the reservation to the date of acquisition, and any other costs incurred by the subdivider in the maintenance of such reserved areas, including interest costs incurred on any loan the proceeds of which were used to acquire the area or areas reserved.

*(Ord. 586 § 2(part), 1983).*

**15.43.040 - Automatic termination.**

If the city council refuses to enter into such a binding agreement, the reservation of such areas shall automatically terminate.

*(Ord. 586 § 2 (part), 1983).*

**15.43.050 - Chapter is no limitation on other authority.**

This chapter is in addition to all other authority granted by law to the city relating to subdivisions and shall in no way be construed as a limitation on or diminution of any such authority of the city.

*(Ord. 586 § 2 (part), 1983).*

**Chapter 15.44 - CONDOMINIUMS, COMMUNITY APARTMENTS AND CLUSTER-TYPE SUBDIVISIONS**Sections:**15.44.010 - Condominiums, community apartments and cluster-type subdivisions.**

In the case of condominium subdivisions and community apartment subdivisions, as defined by the Subdivision Map Act, and cluster-type subdivisions, the planning commission may approve or conditionally approve such subdivisions, provided the following findings are made:

- (1)

That adequate light and air space, vehicular and pedestrian access, utilities, including, but not limited to, water, sewer, electrical power, gas, and storm drainage, public services, such as fire protection, police protection, and solid waste disposal, recreational facilities, landscaping and such other factors as the city may deem appropriate, be provided to insure the development of the improvements necessary to protect the health, safety and welfare of the citizens of the city; and

- (2) That a legal entity pursuant to the laws of the state will be established for the control and maintenance of all land and improvements to be held in common. The legal entity shall possess the authority to make sufficient assessments and be responsible for maintenance of all facilities and be self-sustaining; and
- (3) That the granting of approval or conditional approval of the subdivision shall not be detrimental to the public welfare or injurious to other property in the territory in which the property is situated.

*(Ord. 586 § 2 (part), 1983).*

## **Chapter 15.48 - APPEALS**

### Sections:

#### **15.48.010 - Procedure.**

- (a) Any aggrieved person may appeal any determination or requirement of the planning commission in accordance with provisions of Section 66452.5 of the Subdivision Map Act. Appeals of determination or requirements of the planning commission shall be heard by the city council.
- (b) A public hearing shall be held, notice of which shall be given not less than ten days prior thereto by mailing, postage prepaid, a notice of the time and place of the hearing to the applicant and to persons owning property within a distance of not less than three hundred feet from the exterior boundaries of the area to be subdivided which is the subject of the hearing.

*(Ord. 586 § 2 (part), 1983).*

## **Chapter 15.52 - REVERSION TO ACREAGE**

### Sections:

#### **15.52.010 - Authorized.**

Subdivided property may be reverted to acreage pursuant to the provisions of this chapter.

*(Ord. 586 § 2(part), 1983).*

#### **15.52.020 - Initiation of proceedings by owner.**

Proceedings to revert subdivided property to acreage may be initiated by petition of all the owners of record of the property. The petition shall contain the following information, as required by the secretary of the planning commission:

- (1) Evidence of title to the real property; and
- (2) Evidence of the consent of all the owners of an interest in the property; or
- (3) Evidence that none of the improvements required to be made have been made within two years from the date the final map was filed for record, or within the time allowed by agreement for completion of the improvements, whichever is later; or

- (4) Evidence that no lots shown on the final or parcel map have been sold within five years from the date the final or parcel map was filed for record;
- (5) A tentative map in the form prescribed by Chapter 15.12 or Chapter 15.20
- (6) A final map in the form prescribed by Section 15.24.040, which delineates dedications which will not be vacated and dedications required as a condition to reversion.

*(Ord. 586 § 2(part), 1983).*

#### **15.52.030 - Initiation by city council.**

The city council, at the request of any person or on its own motion, may by resolution, initiate proceedings to revert property to acreage.

*(Ord. 586 § 2(part), 1983).*

#### **15.52.040 - Fees.**

Petitions to revert property to acreage shall be accompanied by a fee to cover the costs of processing in an amount to be set from time to time by resolution of the city council. Petitioners shall pay the established processing fee, which is not refundable. (Ord 586 § 2(part), 1983).

#### **15.52.050 - Procedure.**

- (a) A public hearing shall be held before the city council on all proposed reversions to acreage. Notice of the public hearing shall be given as provided in Section 66451.3 of the Government Code. The city council may give such other additional notice as it deems necessary or advisable.
- (b) Prior to city council consideration of a reversion to acreage, the city council shall refer the proposed reversion to the planning commission for report and recommendation.
- (c) The city council may approve a reversion to acreage only if it finds and determines the following:
  - (1) Dedication or offers of dedication to be vacated or abandoned by the proposed reversion are unnecessary for present or prospective public use; and
  - (2) One or more of the following:
    - (A) All owners of an interest in the real property within the subdivision have consented to reversion, or
    - (B) None of the improvements required to be made have been made within two years from the date the final or parcel map was filed for record, or within the time allowed by agreement for completion of the improvements, whichever is later, or
    - (C) No lots shown on the final or parcel map have been sold within five years from the date such map was filed for record;
  - (3) The city council may require as conditions to the approval of reversions the following:
    - (A) The owners dedicate or offer to dedicate streets or easements,
    - (B) The retention of all or a portion of previously paid subdivision fees, if they are necessary to cover the costs required by any of the provisions of this Title.

*(Ord. 586 § 2(part), 1983).*

#### **15.52.060 - Return of fees, deposits, release of securities.**

Upon filing of the final map with the county recorder for reversion to acreage, all existing deposits shall be returned to the subdivider and all remaining improvement securities shall be released by the city council.

*(Ord. 586 § 2(part), 1983).*

#### **15.52.070 - Recording final map.**

After the hearing before the city council and approval of the reversion, the city clerk shall deliver the final map to the county recorder. Upon filing, all dedications and offers of dedication not shown on the final map for reversion shall be of no further force and effect.

*(Ord. 586 § 2(part), 1983).*

### **Chapter 15.54 - MERGER OF LOTS**

#### Sections:

#### **15.54.010 - Merger of lots.**

Contiguous parcels under common ownership may be merged without reversion to acreage pursuant to this chapter.

*(Ord. 586 § 2(part), 1983).*

#### **15.54.020 - Initiation of proceedings by owner.**

Proceedings merge contiguous parcels under common ownership may be initiated by petition of the owners of record of the property. The petition shall contain the following information and such further information as may be required for a proper determination of the petition by the planning commission:

- (1) Evidence of title to the real property as shown by a preliminary title report;
- (2) Evidence of consent of all owners of an interest or a lien in and to said properties;
- (3) A tentative map in the form proposed by Chapter 15.12 or Chapter 15.20
- (4) A final map in the form prescribed by Section 15.24.040 which delineates dedications which may be required as a condition to merger.

*(Ord. 586 § 2(part), 1983).*

#### **15.54.030 - Fees.**

Petitions to merge property shall be accompanied by a fee to cover the costs of processing in an amount to be set from time to time by resolution of the city council. Said fees shall not be refundable.

*(Ord. 586 § 2 (part), 1983)*

#### **15.54.040 - Procedure.**

(a) A public hearing shall be held before the planning commission on all proposed mergers. Notice of public hearing shall be given as provided in Section 66451.3 of the Government Code. The planning commission may give such other additional notice as it deems necessary or advisable.

(b) The planning commission may approve a merger of contiguous parcels only if it finds and determines the following:

- (1) All owners of an interest in the real property, including lien holders, have consented to the merger;
- (2) Liens upon said parcels, if any, will encumber the entire property being merged so as to prevent division of the property by foreclosure or other proceedings;
- (3)

There are no outstanding agreements, obligations or contracts by the applicant or his predecessors in interest to dedicate or offer to dedicate streets or easements relating to said properties or to construct streets, curbs, gutters, waterlines, sewer lines, drainage facilities, or lighting facilities.

*(Ord. 586 § 2(part), 1983).*

#### **15.54.050 - Recording final map.**

After hearing before the planning commission and approval of the merger, the city clerk shall deliver the final map to the county recorder. Upon the filing, said contiguous parcels shall be deemed to be merged.

*(Ord. 586 § 2(part), 1983).*

#### **15.54.060 - Initiation of merger proceedings by planning commission.**

Proceedings to merge contiguous parcels under common ownership may be initiated by the planning commission if all of the following requirements are satisfied:

- (1) At least one of the affected parcels is not developed with a structure, other than an accessory structure, for which a building permit was issued by the city or county, or which was built prior to the time such permits were required by the city or county;
- (2) With respect to any affected parcel, one of the following conditions exist:
  - (A) The parcel comprises less than five thousand square feet in area at the time of the determination of merger,
  - (B) The parcel was not created in compliance with applicable laws and ordinances in effect at the time of its creation,
  - (C) The parcel does not meet current standards for sewage disposal and domestic water supply,
  - (D) The parcel does not meet slope stability standards established by the city,
  - (E) The parcel has no legal access which is adequate for vehicular and safety equipment access and maneuverability,
  - (F) Development of the parcel would create substantial health and/or safety hazards,
  - (G) The parcel is inconsistent with the applicable general plan and any applicable specific plan, other than minimum lot size or density standards;
- (3) For the purposes of determining whether contiguous parcels are held by the same owner, ownership shall be determined as of the date that notice of intention to determine status is recorded pursuant to Section 15.54.070

*(Ord. 597 (part), 1984).*

#### **15.54.070 - Notice of intent to determine status—Hearing and determination.**

(a) Prior to making a determination of merger and recording a notice of merger, the planning commission shall cause to be mailed by certified mail to the then current record owner of the property a notice of intention to determine status, notifying the owner that the effective parcels may be merged pursuant to the criteria set forth in Section 15.54.060, and advising the owner of the opportunity to request a hearing on determination of status and to present evidence at the hearing that the property

does not meet the criteria for merger. The notice of intention to determine status shall be filed for record with the recorder of the county of Siskiyou on the date that notice is mailed to the property owner.

- (b) At any time within thirty days after recording of the notice of intention to determine status, the owner of the affected property may file with the planning commission a request for a hearing on determination of status.
- (c) On receiving a request for hearing on determination of status, the planning commission shall fix a time, date, and place for a hearing to be conducted by the planning commission and shall so notify the property owner by certified mail. The hearing shall be conducted not less than thirty days following the planning commission's receipt of the owner's request therefor, but may be postponed or continued by the mutual consent of the planning commission and the property owner.
- (d) At the hearing, the property owner shall be given the opportunity to present any evidence that the affected property does not meet the standards for merger specified in Section 15.54.060. At the conclusion of the hearing, the planning commission shall make a determination that the affected parcels are to be merged or are not to be merged and shall notify the owner of its determination. A determination of non-merger may be made whether or not the affected property meets the standards and criteria for merger specified in Section 15.54.060. A determination of merger shall be recorded within thirty days after conclusion of the hearing with the recorder of the county of Siskiyou and such merger shall be effective upon recordation. The notice of merger shall specify the names of the record owners and particularly describe the real property.
- (e) If, within the thirty-day period specified in subsection (b), the owner does not file a request for hearing, the planning commission may, at any time thereafter, make a determination that the affected parcels are to be merged or are not to be merged. A determination of merger shall be recorded in accordance with subsection (d) no later than ninety days following the mailing of notice required by subsection (a).
- (f) If, in accordance with subsections (d) and (e), the planning commission determines that the subject property shall not be merged, it shall cause to be recorded with the recorder of the county of Siskiyou a release of the notice of intention to determine status previously recorded, and shall mail a clearance letter to the then current owner of record.

*(Ord. 597 (part), 1984).*

## **Chapter 15.56 - BRIDGE AND MAJOR THOROUGHFARE FEES**

### Sections:

#### **15.56.010 - Bridge and major thoroughfare fees.**

(a) As a condition of approval of a final map or as a condition of issuing a building permit, the city council may require the payment of a fee for the purpose of defraying the actual or estimated cost of constructing bridges over waterways, railways, freeways and canyons, or of constructing major thoroughfares; provided, that:

- (1) The project for which the payment of a fee is proposed has been included in the circulation element of the general plan adopted by the city council thirty days or more prior to the filing of the final map or the application for a building permit to which said fee shall apply; and further provided:

- (A) In the case of bridges, that the general plan, or the circulation element thereof, includes transportation or flood control provisions which identify railways, freeways, streams or canyons for which bridge crossings are required; or
  - (B) In the case of major thoroughfares, that the provisions of such circulation element identify those major thoroughfares whose primary purpose is to carry through traffic and provide a network connecting to the state highway system.
- (2) The city council shall hold a public hearing for each area benefited. Notice of such public hearing shall be given pursuant to Section 65905 of the Government Code. Such notice shall contain preliminary information related to the boundaries of the area of benefit, estimated cost and the method of fee apportionment. The area of benefit may include land or improvements in addition to the land or improvements which are the subject of any map or building permit application considered at such proceedings.
  - (3) At such public hearing, the boundaries of the area of benefit, the costs, whether actual or estimated, and a fair method of allocation of costs to the area of benefit and fee apportionment are established. The method of fee apportionment, in the case of major thoroughfares, shall not provide for higher fees on land which abuts the proposed improvement except where the abutting property is provided direct usable access to the major thoroughfare. A description of the boundaries of the area of benefit, the costs, whether actual or estimated, and the method of fee apportionment established at the hearing shall be incorporated in a resolution of the city council, a certified copy of which shall be recorded with the recorder of the county. Such apportioned fees shall be applicable to all property within the area of benefit and shall be payable as a condition of approval of a final map or as a condition of issuing a building permit for such property or portions thereof. Where the area of benefit includes lands not subject to the payment of fees pursuant to this section, the government agency shall make the provision for payment of the share of improvement costs apportioned to such lands from other sources.
  - (4) The payment of such fees in the case of a major thoroughfare is in addition to, or is a reconstruction of, an existing thoroughfare serving the area at the time of the adoption of the boundaries of the area of benefit.
  - (5) The payment of such fees in the case of a planned bridge facility shall not be required unless it is an original bridge serving the area or an addition to an existing bridge facility serving the area at the time of the adoption of the boundaries of the area of benefit. Such fees shall not be expended to reimburse the cost of existing bridge facility construction.
  - (6) If written protests are filed prior to or during the hearing, with the city clerk, by the owners of more than one-half of the area of the property to be benefited by the improvement, and sufficient protests are not withdrawn so as to reduce the area represented to less than one-half of that to be benefited, then the proposed proceedings shall be abandoned, and the city council shall not, for one year from the filing of that written protest, commence or carry on any proceedings for the same improvement or acquisition under the provisions of this section.
- (b) Nothing in this section shall preclude the processing and recordation of maps in accordance with other provisions of this division if proceedings are abandoned.
  - (c) Any protests may be withdrawn by the owner making the same, in writing, at any time prior to the conclusion of the public hearing held pursuant to this section.
  - (d)

If any majority protest is directed against only a portion of the improvement, then all further proceedings under the provisions of this section to construct that portion of the improvement so protested against shall be barred for a period of one year, but the city council shall not be barred from commencing new proceedings not including any part of the improvement or acquisition so protected against. Nothing in this section shall prohibit the city council, within such one-year period, from commencing and carrying on new proceedings for the construction of a portion of the improvement so protested against if it finds, by the affirmative vote of four-fifths of its members, that the owners of more than one-half of the area of the property to be benefited are in favor of going forward with such portion of the improvement or acquisition.

- (e) Fees paid pursuant to this section shall be deposited in a planned bridge facility or major thoroughfare fund. A fund shall be established for each planned bridge facility project or each planned major thoroughfare project. If the benefit area is one in which more than one bridge is required to be constructed, a fund may be so established covering all of the bridge projects in the benefit area. Moneys in such fund shall be expended solely for the construction, or reimbursement for construction of the improvement serving the area to be benefited and from which the fees comprising the fund were collected, or to reimburse the city for the cost of constructing the improvement.
- (f) A resolution adopted pursuant to this section may provide for the acceptance of considerations in lieu of the payment of fees.
- (g) The city may advance money from its general fund or road fund to pay the cost of constructing the improvements and may reimburse the general fund or road fund for such advance from planned bridge facility or major thoroughfare funds established to finance the construction of such improvements.
- (h) If the city imposes fees pursuant to this section, it may incur interest-bearing indebtedness for the construction of bridge facilities or major thoroughfares; provided, that the sole security for repayment of such indebtedness shall be moneys in planned bridge facility or major thoroughfare funds.
- (i) "Construction," as used in this section, includes design, acquisition of rights-of-way, administration of construction contracts and actual construction.
- (j) Nothing in this section shall be construed to preclude the city from providing funds for the construction of bridge facilities or major thoroughfares to defray costs not allocated to the area of benefit.

*(Ord. 586 § 2(part), 1983).*