

## **Article V - Subdivisions**

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### **Chapter 17.90 - Subdivision Map Approval Requirements**

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#### **17.90.010 - Title**

This Article is and may be cited as the City of Jackson Subdivision Ordinance.

#### **17.90.020 - Purpose of Article**

The regulations in this Article are intended to supplement, implement, and work with the Subdivision Map Act, Sections 66410 et seq. of the California Government Code (hereafter referred to as the Map Act). This Article is not intended to replace the Map Act, and must be used in conjunction with the Map Act in the preparation of applications, and the review, approval, and construction of proposed subdivisions.

#### **17.90.030 - Applicability**

The Map Act and this Development Code require that the subdivision of an existing parcel into two or more proposed parcels be first approved by the City. In general, the procedure for subdivision first requires the approval of a Tentative Map, and then the approval of a Parcel Map or Final Map to complete the subdivision process. The

Tentative Map review process evaluates the compliance of the proposed subdivision with the standards of this Development Code, and the appropriateness of the proposed subdivision design. Parcel and Final Maps are precise engineering documents that detail the location and dimensions of all parcel boundaries in an approved subdivision and, after approval, are recorded in the office of the County Recorder.

- A. Tentative Map requirements. Any subdivision or resubdivision of land shall require the filing and approval of a Tentative Map (see Chapter 17.96, Tentative Map Filing and Processing), except as otherwise provided by Section 17.90.040 (Exemptions from Subdivision Approval Requirements), and except for the following.
1. Exemptions from Tentative Map requirements. The following subdivisions shall require the filing and approval of a Parcel Map without a Tentative Map:
    - a. The original, unsubdivided parcel contains less than five acres, each proposed parcel abuts upon a maintained public street, and no dedications or improvements are required by this Article; or
    - b. Each parcel created by the division has a gross area of 20 acres or more and has approved access to a maintained public street; or
    - c. The parcel(s) have approved access to a public street which comprises part of a tract of land zoned for industrial or commercial development, and which has City approval for street alignments and widths; or
    - d. Each parcel created by the division has a minimum gross area of 40 acres, or is not less than a quarter of a quarter Section; or
  2. Condominium construction. The construction of a condominium project on a single parcel shall require the filing and approval of a Parcel or Final Map, without a Tentative Map, when in compliance with Section 17.100 (Condominiums, Condominium and Mobilehome Park Conversions).
- B. Parcel and Final Map requirements. A Parcel or Final Map shall be required as follows:
1. Parcel Map. The filing and approval of a Parcel Map (Chapter 17.98 – Parcel Maps and Final Maps) shall be required for a subdivision creating four or fewer parcels, with or without a designated remainder in compliance with Chapter 1, Article 2 of the Map Act, except for a subdivision that has been granted a waiver of Parcel Map requirements in compliance with Section 17.98.030 (Waiver of Parcel Map).
  2. Final Map. The filing and approval of a Final Map (Chapter 17.98 – Parcel Maps and Final Maps) shall be required for a subdivision of five or more parcels.

- C. Conflicts with Map Act. In the event of any perceived conflicts between the provisions of this Article and the Map Act, the Map Act shall control.

#### **17.90.040 - Exemptions from Subdivision Approval Requirements**

As provided by Article 1, Chapter 1 of the Map Act, the following subdivisions do not require the filing or approval of Tentative, Parcel or Final Maps.

- A. Agricultural leases. Leases of agricultural land for the cultivation of food or fiber, or the grazing or pasturing of livestock.
- B. Boundary line agreements. Boundary line or exchange agreements to which the State Lands review authority or a local agency holding a trust grant of submerged lands is a party.
- C. Cellular antenna facilities. The leasing or licensing of a portion of a parcel, or the granting of an easement, Use Permit, or similar right on a portion of a parcel, to a telephone corporation as defined in Public Utilities Code Section 234, exclusively for the placement and operation of cellular radio transmission facilities, including antenna support structures, microwave dishes, structures to house cellular communications transmission equipment, power sources, and other incidental equipment.
- D. Cemeteries. Land dedicated for cemetery purposes under the Health and Safety Code.
- E. Commercial/industrial financing or leases. The financing or leasing of:
  - 1. Offices, stores or similar spaces within commercial or industrial buildings; existing separate commercial or industrial buildings on a single parcel; or
  - 2. The financing or leasing of any parcel or portion of a parcel, in conjunction with the construction of commercial or industrial buildings on the same site, if Article II of this Development Code (Zoning Districts and Allowable Land Uses) requires a land use permit for the project.
- F. Condominium conversions. The conversion of:
  - 1. A community apartment project or a stock cooperative to condominiums, if the conversion satisfies the requirements of Map Act Sections 66412(g) or 66412(h), respectively; or
  - 2. The conversion of certain mobile home parks to condominiums as provided by Map Act Section 66428(b).

- G. Lot Line Adjustments. A Lot Line Adjustment processed in compliance with Chapter 17.86 (Lot Line Adjustments).
- H. Mineral leases. Mineral, oil or gas leases.
- I. Public agency or utility conveyances. Any conveyance of land, including a fee interest, an easement, or a license, to or from a governmental agency, public entity, public utility or a subsidiary of a public utility for rights-of-way. The City Planner may determine, based on substantial evidence, that public policy necessitates the application of the subdivision regulations of this Development Code in an individual case for any of the aforementioned. In cases where no Tentative Map, Parcel or Final Map is required, the applicable public agency or public utility must:
1. Complete the subdivision by a recorded document which describes the new parcels; and
  2. Comply with all other applicable provisions of this Article, including offers of dedication and improvements.
- J. Residential financing or leases. The financing or leasing of: apartments, or similar spaces within apartment buildings, mobile home parks or trailer parks; or accessory residential units in compliance with Section 17.58.100 (Detached Living Areas).
- K. Separate assessments. Any separate assessment under Section 2188.7 of the Revenue and Taxation Code.
- L. Wind energy conversion systems (WECS). The leasing of, or granting of an easement to a parcel or portion of a parcel in conjunction with the financing, installation, and sale or lease of a WECS.

#### **17.90.050 - Review Authority for Subdivision Applications**

The authority to review and approve Tentative Maps, Parcel and Final Maps, Certificates and Conditional Certificates of Compliance, and exceptions to subdivision standards in compliance with this Article, is determined by Section 17.70.020 (Authority for Land Use and Zoning Decisions), and the provisions of this Article.

#### **17.90.060 - Exceptions to Subdivision Standards**

An exception to any of the provisions of this Article may be requested by a subdivider in compliance with this Section. An exception shall not be used to waive or modify provisions of the Map Act.

- A. Application. An application for an exception shall be submitted on forms provided by the Planning Department together with the required filing fee. The application shall include a description of each standard and requirement for which an exception is

requested, together with the reasons why the subdivider believes the exception is justified.

- B. Filing and processing. A request for an exception may be filed with the Tentative Map application to which it applies, or after approval of the Tentative Map. An exception shall be processed and acted upon in the same manner as the Tentative Map, concurrently with the Tentative Map if the exception request was filed at the same time. City approval of an exception shall not be considered as Tentative Map approval and shall not extend the time limits for expiration of the map established by Section 17.96.140 (Expiration of Approved Tentative Map).
- C. Approval of exception. The review authority for the Tentative Map shall not grant an exception unless all the following findings are first made:
1. There are exceptional or extraordinary circumstances or conditions applicable to the proposed subdivision, including size, shape, topography, location, or surroundings, that are not due to any action of the subdivider subsequent to the enactment of this Development Code;
  2. The exception is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the vicinity and zoning district and denied to the proposed subdivision;
  3. Granting the exception will not be materially or environmentally detrimental to the public welfare or environmentally nor injurious to the property or improvements in the immediate vicinity and or zoning district in which the property is located; and
  4. The exception will not affect the consistency of the proposed subdivision with the General Plan or any applicable Specific Plan.

In granting an exception, the review authority shall secure the same objectives of the regulations for which the exception is requested and shall impose whatever conditions it deems necessary to protect the public health, safety, general welfare and convenience, and to mitigate any environmental impacts or potential impacts in compliance with the California Environmental Quality Act (CEQA).

#### **17.90.070 - Violations and Enforcement**

The City may enforce the provisions of this Article and take action against violations of the provisions of this Article and/or the Map Act, in compliance with Map Act Chapter 7 (Enforcement and Judicial Review), and Chapter 17.200 (Enforcement) of this Development Code. Enforcement measures may include the withholding of permits for development in compliance with Map Act Section 66499.34, the recordation of Notices of Violation in compliance with Map Act 66499.36, or any other procedure authorized by the Map Act or this Development Code.

## **17.90.080 - Notice of Judicial Challenge**

At least 30 days prior to filing any judicial action or proceeding to attack, review, set aside, void or annul the decision of the City Council concerning a Tentative, Parcel or Final Map, or any of the proceedings, acts or determinations taken, done or made prior to the decision, or to determine the reasonableness, legality or validity of any condition attached thereto, written notice shall be served upon the City Council detailing the nature of the conduct or action intended to be challenged. This Section is not intended to extend or burden in any way the statute of limitations provided in Map Act Section 66499.37.

## **Chapter 17.91 - Resource Constraints and Priority Allocation**

17.91.010 - Purpose

17.91.020 - Definitions

17.91.030 – Applicability and Exceptions

17.91.040 – Establishment of Housing Equivalent Units

17.91.050 – Development Criteria for Allocation of Housing Equivalent Units

17.91.060 – Notice of Intent to Develop Required

17.91.070 – Allocation of Housing Equivalent Units

17.90.080 – Entitlement Application

17.91.090 – Chapter Amendment Process

17.91.100 – Competitive Process

17.91.110 – Violations of Ordinance and Penalties

### **17.91.010 - Purpose**

The purpose of this Chapter is to ensure that all of the City’s resources including, not limited to, road, water, and sewer capacity, be available to support the construction of housing affordable to those who live and work in the City.

### **17.91.020 - Definitions**

Affordable dwelling unit means either a “low income dwelling unit,” or a “very low income dwelling unit,” or a “moderate income dwelling unit” as defined by the State Department of Housing and Community Development.

Applicant means the person applying for discretionary review.

Development project means any project undertaken for the purpose of development, as defined in the Subdivision Map Act (Government Code sections 66410, et seq.), and shall specifically include any tentative parcel map, tentative subdivision map, final parcel map, final subdivision map, preliminary development plan, or final development plan of five or more lots.

Dwelling means a building or structure, or portion thereof, designed for residential occupancy with facilities for cooking, sleeping, and bathing; provided, however,

dwelling shall not mean any building or structure designed primarily for transient residents, such as hotels or motels.

Dwelling unit means one or more rooms in a dwelling designed for occupancy by one person, or group of people, with a common entry and a common cooking facility.

HEUs means “Housing Equivalent Units,” and are an allotment made by the City in accordance with this policy which must be obtained by an applicant by allocation prior to applying for any new discretionary development.

Reasonable Certainty means that the applicant has provided documentation to the satisfaction of the Planning Commission and City Council which establishes that the financing necessary for the public facilities and services required to serve the development is secured. Furthermore, it establishes that the required public facilities and services will be completed in a timely manner. In analyzing “reasonable certainty,” the Planning Commission and City Council shall consider: (a) the availability of interim capacity of existing facilities, including an analysis of current unused/unallocated capacity and the City’s obligation to provide the capacity to future applicants; and (b) the availability of financing for the new public facilities serving the applicant’s project, including an analysis of financing from other development projects which benefit from the public facilities; and (c) the anticipated date of completion of construction of the permanent public facilities which will serve the project.

### **17.91.030 – Applicability and Exceptions**

The provisions of this ordinance shall apply to all new development of private property within the City, which requires discretionary approval by the Planning Commission or City Council except as specifically set forth in this section.

Exceptions:

1. Variances for existing structures;
2. Conditional Use Permits for existing structures;
3. Boundary Line Adjustments;
4. Amendments to a Planned Unit Development (PUD) or Planned Development overlay (pd) which do not increase project size, allowable level of development, or require the use of any additional water, sewer or road capacity;
5. Any discretionary action for affordable housing projects intended for very-low, low, and moderate income persons;
6. Subdivision of parcels with existing structures (i.e., subdividing duplex parcels for individual ownership);
7. Subdivision of four or less parcels assuming the subdivision utilizes the entire property (no “remainder” lots), the intended use is consistent with the General Plan Land Use Designation and Zoning, further subdivision is prohibited, and the subdivision does not require extension of public facilities or infrastructure;

8. Expansion of community medical facilities necessary to the provision of emergency care and treatment for residents of the City;
9. Such other exceptions as the City Council may approve by resolution after a public hearing; and
10. Exceptions required by the order of a court of competent jurisdiction.

**17.91.040 – Establishment of Housing Equivalent Units.**

- A. In January of each year the City Council, with recommendations from the Planning Commission, shall establish by resolution the Housing Equivalent Units (HEUs) that will be available. HEUs would be based upon the public facility and resource constraints that exist in the City of Jackson and the status of planned infrastructure improvements. Infrastructure improvements would be those prescribed in the City's Circulation Element of the General Plan, the Amador County Regional Transportation Plan, the Amador Water Agency's Urban Water Resource Plan, and the City's Waste Water Treatment Plant Facilities Plan. Other facility and resource management plans should be used if available. Unused HEUs from previous years should be considered when establishing the current year HEUs.
- B. As part of the HEUs establishment process, the City Council shall determine what percentage of HEUs shall be available for ministerial projects. This percentage shall be based on analysis of the likelihood that vacant properties within the City of Jackson will develop which do not require discretionary review given the historical rate of development of these types of properties.

**17.91.050 – Development Criteria for Allocation of Housing Equivalent Units**

- A. The City Council shall also annually establish by resolution development criteria for allocation of HEUs. The development criteria will apply to projects intending to request an HEU allocation. The criteria will consist of but not be limited to the following:
  1. Economic benefit or detriment to the City of Jackson of the proposed project;
  2. Improvements to be provided as a result of the proposed development which help to alleviate existing infrastructure constraints including:
    - a. Road improvements to preserve or enhance levels of service,
    - b. Recreational amenities for the use by the public including both active and passive opportunities and facilities.
    - c. Sewer treatment plant improvements or new facilities,
    - d. School facilities and improved opportunities for higher education.
  3. Provisions for affordable and workforce housing in excess of minimum requirements;
  4. Projects which in-fill around existing development;

5. Site development constraints; and/or sensitivity to the Motherlode style;
6. Contribute to the restoration and revitalization of downtown Jackson.

**17.91.60 – Notice of Intent to Develop Required**

- A. Immediately following the establishment of the available annual Housing Equivalent Units and Development Criteria, the Planning Department will advertise in the local newspaper along with at least one metropolitan newspaper (i.e. Stockton Record or Sacramento Bee) availability of housing equivalent units and will begin accepting Notices of Intent to Develop.
- B. The Notice of Intent to Develop shall be required for each project subject to this policy and seeking development approval in the calendar year specified in the developer’s notice. Developers intending to apply for more than one project must complete a separate Notice of Intent to Develop for each development project. The Planning Department will work with applicants of proposed commercial developments to determine the appropriate HEU allotment to request.
- C. Completed Notices of Intent to Develop shall be submitted to the Planning Department by March 31 of each year. Each Notice shall be signed by the property owner or his/her authorized agent. In order to meet the minimum standards required to obtain an allocation, the applicant shall provide documentation to the satisfaction of the Planning Commission and City Council that the public facilities and services required to serve the development project, including each of the elements outlined below, are (1) included in existing capacity funded by the applicant, or (2) there is reasonable certainty that the needs of the development project will be satisfied at the time that the need arises. The term “reasonable certainty” is defined in Definitions section of this document. The public facilities and services to be analyzed by the Planning Commission and City Council for each notice shall include the following information:
  1. Project size (number of housing units or square footage of commercial structures, and acreage) and type of use (single-family residential, professional office, commercial, etc.);
  2. Phasing (geographic and/or chronologic if over more than the applicable calendar year);
  3. Number of bedrooms per housing unit or suites for commercial or office buildings;
  4. Anticipated price per unit or rental range;
  5. Project amenities (private or public);
  6. Public improvements (on and off-site);

7. Notice submittal date;
  8. Estimated development application submittal date;
  9. Number of HEUs requested (for commercial developments staff will work with the developer to determine this number);
  10. A brief narrative describing how the proposed project satisfies the City Council's Development Criteria; and
  11. Any other information considered pertinent by the Planning Director.
- D. The number of HEUs requested on the Notice of Intent to Develop shall not be construed as a guarantee that the developer will either receive that number of allotments from the City Council or that the project will be approved for that number of units.

**17.91.070 – Allocation of Housing Equivalent Units**

- A. By April 30th of each year, the Planning Commission shall have reviewed all Notices of Intent to Develop submitted for consistency with the Development Criteria established by the City Council and made recommendations for the allotment of HEUs. Along with the Development Criteria, all Notices of Intent to Develop shall be reviewed to determine their impact upon the following public facilities and services:
1. The water system to be utilized (including supply source, storage, treatment, and distribution);
  2. The wastewater system to be utilized (including conveyance and treatment);
  3. The storm drainage system (including permanent facilities and interim ponds prior to construction of the permanent facilities);
  4. The roadway system (including regional highways, streets and interchanges, transit, bikeways, local streets, traffic signals, and other public right-of-way improvements);
  5. The park system (including mini parks, neighborhood parks, and community parks);
  6. Public buildings (including buildings for city hall, police, fire, public works maintenance, community meeting facilities, libraries, and aquatics);
  7. Police protection services and facilities;

8. Fire protection services and facilities; and
  9. School facilities.
- B. By May 31st of each year the City Council shall have reviewed all Notices of Intent to Develop submitted and the recommendations of the Planning Commission and will award an allotment of the HEUs.
- C. The allocation of HEUs to a specific project is not a commitment in any way that the Planning Commission or City Council will eventually approve the project, nor is it a commitment by the City Council to grant additional allotments to said project in future years. Projects receiving allocations must be designed to be constructed as a complete unit with no requirement that future allotments be granted to complete the project.

**17.91.080 – Entitlement Application**

- A. Upon receiving an allocation, developers shall submit all applications for the entitlements they are requesting no later than December 31 of the year that the developer received the allotment of HEUs. Failure to do so will result in a forfeit of their HEU allotment.
- B. A development project that has forfeited its allotment may submit a new Notice of Intent to Develop during subsequent years' notice periods; however, a prior allotment that has been forfeited is not a guarantee of return of the allotment.
- C. Once an application has been submitted and deemed complete by the Planning Director, a project must complete the development review and entitlement process (including certification of any environmental documents) on or before December 31 of the year following the year for which the HEU was granted or said HEU allotment shall be forfeited.
- D. Early in each calendar year the City Council shall review the status of projects with HEU allocations allotted the previous year. The City Council may, at its discretion, and with appropriate findings, extend the December 31 deadline for project approvals and forfeiture of allotments at any time. Allocations will, however, automatically expire upon expiration of the tentative parcel or subdivision map.
- E. Projects completing the development review process within the appropriate time frame set forth above shall be considered by the City to have received the necessary allocations.

**17.91.090 – Chapter Amendment Process**

- A. Any proposals to amend this ordinance shall require, the following actions:

1. Proposed amendments to the policy shall be reviewed at a Planning Commission public hearing. The Planning Commission shall forward a recommendation regarding the proposed amendments to the City Council;
2. The City Council shall hold a public hearing and consider Planning Commission recommendation prior to taking action on the proposed amendment; and
3. Proposed amendments to the policy shall be noticed in the local newspaper a minimum of ten days prior to the Planning Commission and the City Council public hearings.

### **17.91.100 – Competitive Process**

- A. When more Housing Equivalent Units are requested than are available, the City Council will determine which proposed project(s) best meet the needs of the City of Jackson and its citizens. Proposed projects will be evaluated and ranked based upon the development criteria identified in the annual resolution adopted by the City Council, which may include, but not be limited to, the following:
  1. Overall project quality – outstanding, good, average, below average
  2. Environmental and site constraints
  3. Internal and external street circulation and layout
  4. Open space preservation
  5. Landscaping and architectural design quality
  6. Contribution to City facilities
  7. Affordable/workforce housing contribution
  8. Economic impact on the City
  9. Environmental and historic preservation features
- B. The project or projects with the highest ranking will receive priority for allocation. If that chosen project does not proceed, through the application process the allocation will be made available to the next highest priority project.

### **17.91.110 – Violations of Ordinance and Penalties**

No person or entity shall construct or cause to be constructed any development on private property within the City without compliance with the terms of this ordinance. Violations of this ordinance shall be punishable as set forth in Section 1.20 of the Municipal Code or any successor section thereto.

### **Chapter 17.92 - Subdivision Design and Improvements**

Sections:

- 17.92.010 - Purpose of Chapter
- 17.92.020 - Applicability of Design and Improvement Standards
- 17.92.030 - Access, Circulation, Streets
- 17.92.040 - Energy Conservation and Solar Access
- 17.92.050 - Fire Hydrants
- 17.92.060 - Grading, Erosion and Sediment Control
- 17.92.070 - Major Structures
- 17.92.080 - Monuments
- 17.92.090 - Parcel and Block Design
- 17.92.095 – Parks and Recreation
- 17.92.100 - Public Utilities and Utility Easements
- 17.92.110 - Residential Density
- 17.92.120 - Sewage Disposal
- 17.92.130 - Street Lighting
- 17.92.140 - Street Names
- 17.92.150 - Storm Drainage and Watercourses
- 17.92.160 - Traffic Safety Devices
- 17.92.170 - Water Supply
- 17.92.180 - Zoning Standards

#### **17.92.010 - Purpose of Chapter**

This Chapter in conjunction with the City’s Improvement Standards, establishes standards for the design and layout of subdivisions, and the design, construction or installation of public improvements within subdivisions. The purpose of these standards is to ensure, through careful site evaluation and design, the creation of new parcels that are compatible with existing neighborhoods, the natural environment, the health and safety of City residents, and are consistent with the General Plan and any applicable Specific Plan.

#### **17.92.020 - Applicability of Design and Improvement Standards**

The requirements of this Chapter apply to subdivisions, and Conditional Certificates of Compliance, in addition to all applicable requirements of this Development Code, as follows:

- A. Design standards. The standards in Sections 17.92.030 through 17.92.180 of this Chapter apply to the design of all proposed subdivisions, in addition to all applicable requirements of the City Engineer and the Improvements Standards.
- B. Subdivision improvement standards - Conditions of approval. The applicable subdivision improvement and dedication requirements of this Chapter and any other improvements and dedications required by the review authority in compliance with Section 17.96.060 (Tentative Map Approval or Denial), shall be described in conditions of approval adopted for each approved Tentative Map, Section 17.96.070 (Conditions of Approval). The design, construction or installation of all subdivision improvements shall comply with the City's Improvement Standards.
- C. Conflicting provisions. In the event of conflicts between the provisions of this Chapter and other provisions of this Development Code, or other provisions of the Municipal Code, the most restrictive provisions shall control.
- D. Extent of improvements required. As required by Section 66411.1(a) of the Map Act, improvements required for subdivisions of four or fewer parcels shall be limited to the dedication of rights-of-way, easements, and the construction of reasonable offsite and onsite improvements for the parcels being created.
- E. Oversizing of improvements. At the discretion of the review authority, improvements required to be installed by the subdivider for the benefit of the subdivision may also be required to provide supplemental size, capacity, number, or length for the benefit of property not within the subdivision, and may be required to be dedicated to the City. If required, a portion of the cost of these oversized improvements shall be reimbursed to the subdivider in compliance with Map Act Sections 66485 et seq.
- F. Exceptions. Exceptions to the provisions of this Chapter may be requested and considered in compliance with Section 17.90.060 (Exceptions to Subdivision Standards).

**17.92.030 - Access, Circulation, Streets**

Proposed subdivisions shall be designed to provide adequate access from each new parcel to a City street, State highway, or County road. Street systems to be constructed with new subdivisions shall be designed in compliance with the City's Improvement Standards.

- A. General access and circulation requirements. The subdivider shall provide a comprehensive street system, designed in compliance with the General Plan and constructed in accordance with the City's Improvement Standards.
  - 1. Street design shall provide for safe vehicular operation at a specified design speed.

2. Public streets shall be required when:
  - a. The street is shown as an arterial or collector on a master street and highway plan, the General Plan, or any other specific or precise plan;
  - b. The street will be used by the general public as a through access route; or
  - c. A public street is necessary for special needs including bus routes, public service access, bicycle routes and pedestrian access.

Private streets are allowed only in compliance with Subsection F., following.

- B. Alternative standards. The review authority may consider and approve proposed access and street design solutions that differ from the provisions of this Section, and the requirements of the City Engineer, where deemed necessary to properly address the characteristics of adjacent land uses and/or anticipated traffic volumes, or to maintain neighborhood character.
- C. Access to subdivision. Every subdivision shall be designed to have access to a City street, State highway, or County road. Access shall be provided by:
  1. The subdivision abutting a City street, County road, or State highway, where the length of the subdivision along the street, the street right-of-way, and the width of the right-of-way will accommodate the construction of all road improvements required by this Section; or
  2. The subdivision being connected to a City street, State highway, or County road by a non-exclusive right-of-way easement for street, utility, and appurtenant drainage facilities purposes, where the easement shall be:
    - a. Offered for dedication unless the review authority determines the easement may be permitted as a private road in compliance with Subsection F., following;
    - b. Unencumbered by any senior rights that might serve to restrict its proposed use; and
    - c. Of a width and location to accommodate the construction of all improvements required by the City's Improvement Standards.
- D. Access to new parcels. Parcels within a proposed subdivision shall be provided access as follows.
  1. City street access required. Each parcel within a proposed subdivision shall be provided access by being located on an existing City street or a new City

street designed and improved in compliance with Subsection C. of this Section, or to a private street if allowed by Subsection F. of this Section.

2. Access denial. Access to a State Highway or City street shall be prohibited as follows. Reservation strips shall be dedicated to the State or City, as appropriate, where required to control access over certain lot lines, or over the ends of street stubs.
    - a. When a State highway or a street classified as an arterial in the Circulation Element of the General Plan passes through or abuts a proposed subdivision, direct access to the highway or arterial shall not be permitted from proposed parcels.
    - b. The review authority may also deny access to a City street, County road, or private street, at any location where it determines that traffic safety will be compromised by uncontrolled access; provided that each parcel shall have at least one point of physical and legal access to a City street, of sufficient width to accommodate a driveway in compliance with Section 17.48.080 (Driveways and Site Access) of this Development Code.
  3. Frontage roads. When lots are proposed to front on a major arterial or State highway, the review authority may require the subdivider to dedicate and improve a service or frontage road separate from the arterial or highway.
  4. Alleys. Alleys may be proposed as part of residential or non-residential subdivisions. When a subdivision is proposed in an area zoned commercial or industrial, the subdivider may be required to dedicate and improve alleys in accordance with the City's Improvement Standards.
- E. Design and improvement of proposed streets. New streets proposed or required within a new subdivision or adjacent to a new subdivision shall be located and designed as follows, and in compliance with the requirements of the City Engineer.
1. Alignment. The alignment of streets shown on a Tentative Map shall be:
    - a. Consistent with the Circulation Element of the General Plan, and/or any adopted street alignment plan, where applicable; and
    - b. Located to be in alignment with existing adjacent streets by continuation of their centerlines, or by adjustments by curves.
    - c. Cul-de-sac and dead end streets shall be discouraged.

2. Right-of-way and surfaced width. The width of the right-of-way and improved surface of streets shown on a Tentative Map shall comply with the City's Improvement Standards, and the requirements of the City Engineer.
  3. Access to unsubdivided property. When a proposed subdivision abuts vacant land that is designated by the General Plan for future subdivision and development, the review authority may require that streets to be constructed and/or rights-of-way established within the proposed subdivision to be extended to the boundary of the property to provide access to the future development.
  4. Improvements to existing streets. When an existing City street provides access to, passes through, or is contiguous with a proposed subdivision, the review authority may require dedication of additional right-of-way and/or improvements to be made to the City street in compliance with the General Plan, and the City's Improvement Standards if they determine that the proposed subdivision will create the need for the improvements, or where the subdivider otherwise agrees to the improvements.
  5. Length of loop, cul-de-sac, and other dead-end streets. The length of loop, cul-de-sac, and other dead-end streets shall comply with the City's Improvements Standards.
- F. Private roads. Private roads are allowed as provided in this Section. Private roads shall not be permitted except where the review authority determines that a private street system will adequately serve the proposed subdivision, will not be a substantial detriment to adjoining properties and will not disrupt or prevent the establishment of an orderly circulation system in the vicinity of the subdivision.
1. Design and improvement standards. Private roads shall be designed and improved as set forth in Subsections B. and C and in accordance with the City's Improvement Standards;
  2. Security and conditions. The review authority may require any guarantees and conditions it deems necessary to carry out the provisions of this Article pertaining to private roads. Private roads and easements providing access to parcels within a subdivision shall be located and shown on the Parcel or Final Map.
- G. Alternative circulation systems. Proposed subdivisions shall be designed to reserve rights-of-way for pedestrian paths, bikeways and multiple use trails consistent with the Circulation Element of the General Plan, the City's Standards, and/or the Amador County Transportation Commission Pedestrian and Bicycle Plan as applicable. The review authority will determine when the alignment of these systems shown in the General Plan and/or in any applicable Specific Plan can be feasibly accommodated

within the subdivision. Rights-of-way and easements shall be offered for dedication if the review authority determines that the facility is needed the proposed subdivision.

- H. Maintenance requirements. Where streets are offered for dedication, but not accepted for maintenance purposes, the City Attorney shall approve the provisions by the home owner's association or organization to assume responsibility for the maintenance and ownership of rights-of-way.

#### **17.92.040 - Energy Conservation and Solar Access**

The design of a subdivision for which a Tentative and Final Map is required by this Article shall provide for future passive or natural heating or cooling opportunities in the subdivisions, in compliance with Map Act Section 66473.1. The review authority may require solar access easements as it deems necessary to protect the opportunities for passive or natural heating or cooling, in compliance with the following requirements.

- A. The location and extent of the easements shall be determined by an analysis performed by a qualified professional engaged by the City at the expense of the applicant. The analysis shall specify the optimal location and dimensions of the easements, based on the topography and natural vegetation of the site and surroundings.
- B. The easement shall prohibit any structure which would extend into and block the passage of sunlight through more than 10 percent of the easement area at any time during the year. The easement shall also prohibit the property owner from allowing any vegetation other than native vegetation on the site prior to subdivision, from extending into and blocking the passage of sunlight through more than 10 percent of the easement area at any time during the year.
- C. The easement shall include provisions allowing the owner of the site which is protected by the easement discretion to revisions to the easement, or termination of the easement with approval of the City Planner. The City Planner shall not approve revisions to the easement, or the termination of the easement, if requested by the owner of the site that is subject to the easement. The City Planner shall not approve termination of a solar access easement except where he or she determines that the dwelling unit proposed on the site is not designed to utilize passive or natural heating or cooling.
- D. The review authority shall not require solar access easements where an easement would have the effect of reducing the density of residential units otherwise allowed on the site by Article II (Zoning Districts and Allowable Land Uses), and shall consider the feasibility of the easement, given the contour and configuration of the parcel to be divided.

### **17.92.050 - Fire Hydrants**

Fire hydrants shall be installed within the proposed subdivision in compliance with the requirements of the Jackson Fire Department and the City's Improvement Standards.

### **17.92.060 - Grading, Erosion and Sediment Control**

New subdivisions shall be designed so that all proposed grading incorporates appropriate erosion and sediment control measures in compliance with the City's Improvement Standards and Chapter 17.36 (Hillside Development Standards) of this Development Code.

### **17.92.070 - Major Structures**

The review authority may require the subdivider to provide major structures, including retaining walls, bridges or dams, based on the needs for these facilities created by the subdivision. Each structure shall be designed and approved on an individual basis. The subdivider shall provide the City with all drawings, specifications, and engineering calculations used in the design of a major structure.

### **17.92.080 - Monuments**

The subdivider shall install monuments in compliance with Chapter 17.110 (Surveys and Monuments), and the Map Act.

### **17.92.090 - Parcel and Block Design**

The design and configuration of proposed parcels and blocks shall comply with the requirements of Article II (Zoning Districts and Allowable Land Uses). A Tentative Map shall propose no more than one parcel as a designated remainder, or "not a part," and all portions of the designated remainder shall be contiguous.

### **17.92.095 - Parks and Recreation**

- A. Park and recreational fee. As a condition of approval of any tentative map, a park and recreational fee in the amount set by City Council resolution shall be paid for each and every newly created parcel. Common area, open space, and similar parcels shall be exempt from the fee if enforceable restrictions are imposed on the parcel prohibiting residential development on the parcel. Condominium and townhouse parcels for which recreational facilities impact fees have been paid for the construction of the multi-family residential structure(s) on said parcels shall be exempt from the fee.
- B. In-lieu dedication of land. In lieu of the park and recreational fee, a dedication of land for park or recreational purposes within the subdivision may be required as a condition of approval for subdivisions containing more than 50 parcels.

## **17.92.100 - Public Utilities and Utility Easements**

Public utilities including electricity, gas, water, sewer, cable television, and telecommunications services, shall be installed as part of the improvements within all subdivisions as provided by this Section, and by Section 17.92.120 (Sewage Disposal) and Section 17.92.170 (Water Supply). The installation of utilities may be waived by the review authority if the review authority finds that not installing the utilities as part of the subdivision improvements is in the public interest.

A. Underground utilities. Utilities in new subdivisions shall be installed underground, as follows:

1. When undergrounding is required. All proposed utility distribution facilities (including electric, telecommunications and cable television lines) installed in and for the purpose of supplying service to any subdivision with parcels less than three acres in area, shall be installed underground.
  - a. Equipment appurtenant to underground facilities, including surface mounted transformers, pedestal mounted terminal boxes and meter cabinets, and concealed ducts, shall also be underground, unless otherwise approved by the City Engineer.
  - b. Existing utility facilities need not be undergrounded unless they are to be enlarged or replaced.
  - c. The subdivider is responsible for complying with the requirements of this Section and shall make the necessary arrangements with the affected utility companies for facility installation.
2. Location of installation. Underground utility lines may be installed within street rights-of-way or along a lot line, subject to the appropriate easements being provided where necessary. When installed within street rights-of-way, the location and method of installation shall be in accordance with the Public Improvements and Engineering Standards and subject to the approval of the City Engineer, insofar as it affects other improvements within the street right-of-way.
3. Timing of installation. All underground utilities, water lines, sanitary sewers, and storm drains installed in streets, shall be constructed in accordance with the City's Improvement Standards.

B. Utility easements. Where utility easements are required by the review authority, the easement shall comply the City's Improvement Standards.

### **17.92.110 - Residential Density**

The maximum number of dwelling units permitted within a proposed subdivision shall not exceed the number permitted by the applicable zoning district in Article II (Zoning Districts and Allowable Land Uses), and may be further restricted by considerations of safety, traffic access or circulation, the slope of the natural terrain, the physical suitability of the site, the nature or extent of existing development, the availability of public facilities, utilities, or open spaces or any other provision of this Development Code.

### **17.92.120 - Sewage Disposal**

All subdivisions shall be served by and designed to provide connection to the City of Jackson's Wastewater Treatment Plant.

### **17.92.130 - Street Lighting**

A proposed subdivision shall incorporate street lighting in compliance with the City's Improvement Standards and any applicable Development Code design standards.

### **17.92.140 - Street Names**

All streets within a proposed subdivision shall be named, and the names shall be approved by the City Engineer and County of Amador Surveyor. Preference shall be given to names that are historically significant to the area. Duplication of existing names within the City shall not be allowed in a new subdivision unless the street is an obvious extension of an existing street.

### **17.92.150 - Storm Drainage and Watercourses**

Subdivisions shall be provided storm drainage facilities as required by this Section, and the City's Improvement Standards.

### **17.92.160 - Traffic Safety Devices**

Traffic control and safety devices shall be installed by the subdivider during subdivision construction as required by the review authority, to promote traffic control and safety both during construction, and after occupancy of the subdivision. Traffic control and safety devices shall include regulatory signs, warning signs, guide markers, construction signs, pavement markings, lane delineations, and traffic signals, as determined to be necessary by the review authority. Street name signs shall be installed at all public, intersections in compliance with the City's Improvement Standards.

### **17.92.170 - Water Supply**

All Subdivisions shall provide water mains and services, installed to serve each parcel, and connected to the service facilities of the City of Jackson in accordance with the City's Improvement Standards.

### **17.92.180 - Zoning Standards**

Proposed subdivisions shall be designed to comply with all applicable provisions of Articles II (Zoning Districts and Allowable Land Uses) and III (Site Planning and General Development Standards) of this Development Code. For example, parcel boundaries proposed near existing structures shall comply with the setback requirements of Article II.

## **Chapter 17.94 - Residential Development Design Guidelines**

Sections:

- 17.94.010 - Purpose of Chapter
- 17.94.020 - Applicability
- 17.94.030 - Development Context and Continuity
- 17.94.040 - Project Site Planning
- 17.94.050 - Energy Conservation and Solar Orientation
- 17.94.060 - Pedestrian and Vehicular Circulation

### **17.94.010 - Purpose of Chapter**

This Chapter provides residential design guidelines to assist project designers and property owners in understanding and implementing the City's goals for attaining high quality residential development and for preserving the small town character of the City. These guidelines are not intended to promote one type of development over another. Their primary objective is to encourage well designed residential neighborhoods which:

- A. De-emphasize the dominance of the automobile;
- B. Promote pedestrian and bicycle traffic corridors;
- C. Provide community open space throughout the development;
- D. Protect the natural environment;
- E. Promote mixed use where appropriate; and
- F. Cluster housing and other structures to establish more open space.

### **17.94.020 - Applicability**

- A. The provisions of this Chapter apply to all tentative maps for residential projects.
- B. The review authority may exercise discretion in applying these guidelines to specific projects as not all design criteria may be workable or appropriate for each project. In some circumstances, a guideline may be relaxed in order to accomplish another, more important guideline. The overall objective is to ensure that the intent and spirit of the design guidelines are followed, and to attain the best possible design within reason.

### **17.94.030 - Development Context and Continuity**

The following guidelines address the "edges" of new residential projects, that is, how a new residential development should relate to its surroundings.

- A. Develop "neighborhoods". New patterns of development should ensure that:
  - 1. They are compatible with the character of established or adjacent neighborhoods;
  - 2. Groups of new projects together create true neighborhoods, not isolated compounds; and
  - 3. Features of the natural landscape are preserved.
- B. Continuous streets. New residential subdivisions shall align public streets with those of adjacent developments, avoiding the tendency to become enclaves apart from the rest of the community. Public streets shall be planned to be continuous through adjacent residential developments, where permitted by terrain and other natural features, weaving the community together and simplifying traffic circulation. Through traffic should be accommodated in a manner that discourages the use of neighborhood roadways, especially local streets.
- C. Incorporation of open space. New residential developments should incorporate open space, public or private, and any creeks or riparian areas in project design. Subdivision design should provide maximum access and visibility to these areas.
- D. Frontage roads. Where a project adjoins a public park or open space, frontage roads are a good means of providing visibility and public access to the open space while at the same time providing separation of residences from the open space. (See Figure 5-1, Use of Frontage Roads)
- E. Fences.
  - 1. Fences along ridges should be of "open" construction to allow for protection of scenic views.

2. Fencing adjacent to open space areas should be of a wood (or wood substitute)-rail type. Fencing should have a maximum height of six feet, with horizontal rails or open wire sufficiently spaced to restrict trespassing and to provide security, but to allow for animal movement (deer, etc.) across these areas. (See Figure 5-2, Appropriate Fencing)
- F. Gated neighborhoods. Gated neighborhoods isolate parts of the community from others, and shall not be allowed.

#### **17.94.040 - Project Site Planning**

The following guidelines relate to the internal organization of residential subdivisions. The intent of these guidelines is to ensure that the relationships between housing units and other on-site uses are attractive and create visual variety along project streets.

- A. New streets shall connect with adjacent existing streets to form a continuous neighborhood network.
- B. Natural, historic and cultural amenities (e.g., views, mature trees, creeks, riparian vegetation, rock outcropping, rock walls, mining features, etc.) should be preserved and incorporated into proposed projects to the greatest extent feasible. See Chapter 17.36 (Hillside Development Standards). (See Figure 5-3, Incorporating Natural Amenities)
- C. Site design should not change natural drainage patterns. Site grading should be sensitive to existing landforms and topography so that the natural setting may be preserved to the greatest extent possible. When modifications are necessary, surface drainage with appropriate retention or detention facilities is preferred to underground systems.
- D. Subdivisions for detached single-family homes should be designed with varied front yard setbacks. Long monotonous rows of homes set at the same setback are strongly discouraged. (See Figure 5-4, Varied Entry Setbacks)
- E. Single-family parcels should avoid a patterned "cookie cutter" look by employing a variety of lot sizes, widths, and shapes, whenever possible, except where this pattern has already been established in the neighborhood. (See Figure 5-5, Varied Parcel Design)
- F. Existing healthy mature trees should be preserved and incorporated into project landscaping to the greatest extent feasible.
- G. Development on sloping sites should follow the natural contours of the land. Stepped building pads, and larger setbacks should be used to preserve the general shape of natural land forms and to minimize grade differentials with adjacent streets and with

adjoining properties. See Chapter 17.36 (Hillside Development Standards). (See Figure 5-3, Incorporating Natural Amenities)

- H. Curb-adjacent sidewalks create an undesirable urban appearance and are strongly discouraged. Detached sidewalks or pedestrian paths separated from the road with variable-width parkways are preferred.
- I. New roads and roadway improvements should be located, constructed, and maintained in a manner that prevents adverse impacts to water quality and significant biological, scenic, and historic resources.
- J. Permeable paving shall be utilized wherever feasible.
- K. Alleys should be designed into the development plan whenever possible to allow for garages and vehicle access to be situated at the rear of houses.

#### **17.94.050 - Energy Conservation and Solar Orientation**

The consideration of passive solar energy techniques in subdivision design is strongly encouraged, where not in conflict with the objective of preserving the natural features of the site.

- A. Street orientation. Streets that run generally east and west are encouraged because they increase the likelihood and desirability of houses sited with solar access to the south. South-wall glass is important to providing maximum passive solar heating. Where streets do run primarily east and west, solar access can still be provided by creative lot configuration and siting of units on the lots. (See Figure 5-6, Solar Orientation of Parcels)
- B. Setbacks. Placing a house near the north boundary of its lot allows a major portion of the open space to the south of each unit to be controlled by the owner of the house rather than by an adjacent neighbor. Flexibility in setback requirements may be considered to achieve adequate solar orientation when other aspects of the project are also designed to incorporate passive heating and cooling techniques. (See Figure 5-7, Setbacks for Solar Access)
- C. Siting. In general, houses should be sited so that south-facing glass is maximized, east- and west-facing glass is minimized. Units attached in preferred east-west directions should not be staggered so as to block south glass collector surfaces. Also, units should not be sited closer to northern units than solar access angles will allow. (See Figure 5-8, South Facing Glass)
- D. Orienting homes adjacent to mature trees for shade is a passive solar energy technique that is encouraged.

- E. Integrating deep porches and overhangs in the design of homes is suggested for minimizing energy consumption, and it also is compatible with the Motherlode style.

#### **17.94.060 - Pedestrian and Vehicular Circulation**

In an effort to avoid residential subdivisions in the City of Jackson having a typical urban or suburban appearance, following design alternatives may be considered.

- A. Gravel pedestrian ways. When attempting to preserve trees and pedestrian traffic is anticipated to be light, compacted gravel pedestrian ways may be incorporated for pedestrian circulation. Gravel walks should be a minimum of six-feet wide and be designed to drain properly.
- B. Reduced centerline radius. To reduce vehicle speeds when rounding curves on neighborhood streets, short radius curves should be incorporated into the project design where possible with minimum and maximum radii established by the City Engineer and the City's Improvement Standards.

#### **Chapter 17.96 - Tentative Map Filing and Processing**

Sections:

- 17.96.010 - Tentative Map Preparation, Application Contents
- 17.96.020 - Tentative Map Filing, Initial Processing
- 17.96.030 - Evaluation of Application
- 17.96.040 - Review and Decision
- 17.96.050 - Tentative Map Public Hearings
- 17.96.060 - Tentative Map Approval or Denial
- 17.96.070 - Conditions of Approval
- 17.96.080 - Appeal
- 17.96.090 - Effective Date of Tentative Map Approval
- 17.96.100 - Changes to Approved Tentative Map or Conditions
- 17.96.110 - Completion of Subdivision Process
- 17.96.120 - Vesting Tentative Maps
- 17.96.130 - Tentative Map Time Limits
- 17.96.140 - Expiration of Approved Tentative Map
- 17.96.150 - Extensions of Time for Tentative Maps
- 17.96.160 - Applications Deemed Approved

#### **17.96.010 - Tentative Map Preparation, Application Contents**

- A. General content requirements. Tentative Map submittals shall include the application forms, and all information and other materials prepared as required by the Planning Department.

- B. Soils report. As required by Map Act Section 66490, a preliminary soils report prepared by a California registered engineer qualified to prepare such reports, and based on adequate test borings, shall be required for every subdivision for which a Final Map is required by this Article. The report shall include recommendations from the engineer for corrective actions which are likely to prevent structural damage to each structure proposed to be constructed in any area of the site where soils problems are identified.

#### **17.96.020 - Tentative Map Filing, Initial Processing**

- A. General filing and processing requirements. Tentative Map applications shall be submitted to the Planning Department for processing, be reviewed for completeness and accuracy, referred to affected agencies, reviewed in compliance with the California Environmental Quality Act (CEQA), and evaluated in a staff report in compliance with Chapter 17.70 (Applications, Processing, and Fees). For Maps with four or more lots, the application will not be accepted without first receiving an allocation per the Resource Constraints and Priority Allocation (Chapter 17.91).
- B. Referral to affected agencies. In addition to the procedures outlined in Chapter 17.70 (Application, Processing, and Fees), a Tentative Map application shall be referred to the agencies outlined in this Subsection, as well as any other City department, County, State or Federal agency, or other individual or group that the City Planner believes may be affected by the subdivision, or may have useful information about issues raised by the proposed subdivision.
1. Time limits. As required by Map Act Sections 66453 through 66455.7, referral shall occur within five days of the Tentative Map application being determined to be complete for processing in compliance with Section 17.70.060 (Initial Application Review/Environmental Assessment). An agency wishing to respond to a referral shall provide the Planning Department with its recommendations within 15 days after receiving the Tentative Map application.
  2. Required referrals. The City Planner shall refer Tentative Map applications for review and comment to each of the following agencies which will be expected to provide service to the proposed subdivision.
    - a. Airport. The Amador County Airport shall be referred any Tentative Map for site located within the Airport Influence Area.
    - b. Caltrans. The California Department of Transportation shall be referred any Tentative Map within one mile of a State Highway:
    - c. Fire District. The Amador Fire Protection District shall be referred any Tentative Map, or Conditional Certificate of Compliance.

- d. Amador County Land Use Agency. The County of Amador shall be referred a Tentative Map or Conditional Certificate of Compliance application for any site located within one-half mile from the boundary of the City of Jackson.
- e. Amador County Department of Environmental Health. The Amador County Department of Environmental Health shall be referred any Tentative Map application proposing the continued use of private wells or private sewage disposal systems or on property suspected to contain mining remains including but not limited to waste rock and tailings.
- f. Public utilities and other service agencies. Public utility companies and other service agencies which will be expected to provide service to the proposed subdivision, including providers of gas, electrical, telephone, and cable television services, shall be referred any Tentative Map or Conditional Certificate of Compliance within their respective jurisdictions.
- g. School districts. Tentative Maps shall be referred to the governing board of any elementary, high school, or unified school district within which the property to be subdivided is located.
- h. State Department of Education. The State Department of Education shall be notified of any Tentative Map that includes a proposed public school site.
- i. Amador County Transportation Commission. All Tentative Parcel Maps shall be referred to the Amador County Transportation Commission for review and comment.

Along with the subdivision application referral, the Planning Department shall include notification that if no written response to the referral is received within 21 calendar days of receipt by the Department, the City shall presume that no recommendations or comments are forthcoming.

C. Review of soils report. The preliminary soils report required by Section 17.96.010 (Tentative Map Preparation, Application Contents) shall be reviewed by the City Engineer who may require additional information or reject the report if it is found to be incomplete, inaccurate, or unsatisfactory.

- 1. If the 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 proposed parcel may be required.

2. If the soils report indicates the presence of rocks or liquids containing deleterious chemicals which, if not corrected, could cause construction materials such as concrete, steel, and ductile or cast iron to corrode or deteriorate, a soils investigation of each proposed parcel may be required.
3. If the soils report indicates the presence of hazardous wastes, a hazardous waste investigation may be required.

#### **17.96.030 - Evaluation of Application**

After completion of the initial processing in compliance with Chapter 17.70 (Applications, Processing, and Fees), the City Planner shall:

- A. Review and evaluate each Tentative Map as to its compliance and consistency with applicable provisions of this Development Code, the General Plan, any applicable Specific Plan, and the Map Act;
- B. Determine the extent to which the proposed subdivision complies with the findings in Section 17.96.060 (Tentative Map Approval or Denial), and recommend the approval, approval with specified conditions, or disapproval of the Tentative Map application;
- C. Prepare a staff report in compliance with Section 17.96.050 (Tentative Map Public Hearings), describing the conclusions of the City Planner's evaluation, and providing recommendations for approval or disapproval of the proposed subdivision by the review authority.

#### **17.96.040 - Review and Decision**

The Planning Commission shall serve as the review authority and be responsible for the review and approval or disapproval of a Tentative Parcel Map proposing four or fewer parcels, or a Tentative Subdivision Map proposing five or more parcels. After receiving a staff report on a Tentative Map from the City Planner, the review authority shall:

- A. Conduct a public hearing on any proposed Tentative Map (Parcel or Subdivision), and consider recommendations from the City Planner, and any agency providing comments on the Tentative Map in compliance with 17.96.020.B (Tentative Map Filing, Initial Processing - Referral to affected agencies). The public hearing shall be scheduled and notice provided in compliance with Section 17.96.050 (Tentative Map Public Hearings);
- B. Review and evaluate each Tentative Map as to its compliance and consistency with applicable provisions of this Development Code, the General Plan, any Specific Plan, and the Map Act. The evaluation shall be based on the staff report Section 17.96.030 (Evaluation of Application) and information provided by an initial study or environmental impact report Section 17.70.060 (Initial Application Review/Environmental Assessment), and any public testimony received; and

- C. Within 50 days after certification of an environmental impact report or adoption of a negative declaration on the Tentative Map, approve, conditionally approve or deny the Tentative Map. The 50-day time limit may be extended by mutual consent of the subdivider and the City Planner or review authority.

Approval or conditional approval of a Tentative Map shall be granted only after the review authority has first made all findings required by Section 17.96.060 (Tentative Map Approval or Denial). The review authority may impose conditions of approval in compliance with Section 17.96.070 (Conditions of Approval).

### **17.96.050 - Tentative Map Public Hearings**

When a public hearing is required by this Development Code for a Tentative Map or an appeal of a Tentative Map decision, the hearing shall be scheduled and conducted in compliance with this Section, in addition to public notice being provided in compliance with Chapter 17.180 (Public Hearings).

- A. Scheduling of hearing, decision. A public hearing on a Tentative Map or appeal shall be scheduled, and a decision shall be reached, within the following time limits.
1. Hearing. A hearing on a Tentative Map by the review authority shall be scheduled within 30 days after completion of the City Planner's report.
  2. Decision on map. The review authority shall approve or deny the Tentative Map within 30 days of their receipt of a report and recommendation on a Tentative Map from the City Planner. The 30-day time period may be extended by mutual consent of the subdivider and the City Planner or review authority.
- B. Distribution of staff report. The staff report on the Tentative Map shall be mailed to the subdivider (and each tenant of the subject property, in the case of a condominium conversion Section 17.100.040 (Design Standards) at least 10 days before any hearing or action on the Tentative Map by the review authority.

### **17.96.060 - Tentative Map Approval or Denial**

In order to approve a Tentative Map and conditions of approval, or to deny a Tentative Map, the review authority shall first make the findings required by this Section. In determining whether to approve a Tentative Map, the City shall apply only those ordinances, policies, and standards in effect at the date the Planning Department determined that the application was complete in compliance with Section 17.70.060 (Initial Application Review/Environmental Assessment), except where the City has initiated General Plan, Specific Plan or Development Code changes, and provided public notice as required by Map Act Section 66474.2.

- A. Required findings for approval. The Planning Commission may approve a Tentative Map, with or without conditions, only if all of the following findings can be made. The findings shall apply to each proposed parcel as well as the entire subdivision, including any parcel identified as a designated remainder in compliance with Government Code Section 66424.6.
1. The proposed subdivision, together with the provisions for its design and improvement, is consistent with all applicable provisions of the Subdivision Map Act, the General Plan, any applicable Specific Plan, the Development Code, the Amador County Transportation Commission Pedestrian and Bicycle Plan, and the City's Improvement Standards;
  2. The site is physically suitable for the type and density/intensity of development being proposed;
  3. There are adequate provisions for public and emergency vehicle access, sanitation, water, and public utilities and services to ensure that the proposed development would not be detrimental to the public health and safety. Adequate provisions shall mean:
    - a. There is available capacity in community sewer and/or water systems serving the subdivision;
    - b. Distribution and collection facilities for sewer and water and other infrastructure are installed to lot boundaries; and
    - c. Recreation development fees are paid at time of Building Permit.
  4. The tentative map approval is in compliance with the requirements of the California Environmental Quality Act (CEQA) and there would be no potential significant adverse effects upon environmental quality and natural resources, including fish, wildlife, and their habitat, that would not be properly mitigated and monitored, unless a Statement of Overriding Considerations is adopted;
  5. The subdivision will not be detrimental to the public health, safety, or welfare of the City, or injurious to the property or improvements in the vicinity in which the property is located;
  6. The proposed subdivision, together with the provisions for its design and improvement, will not conflict with easements, acquired by the public at large for access through or use of, property within the proposed subdivision unless alternate easements for access or use will be provided and the alternate easements will be substantially equivalent to ones previously acquired by the public;

7. The discharge of sewage from the proposed subdivision into the community sewer system will comply with the requirements prescribed by the Regional Water Quality Control Board.
- B. Supplemental findings. In addition to the findings required for approval of a Tentative Map by Subsection A. above, the following findings are also required when they are applicable to the specific subdivision proposal.
1. It is in the interest of the public health and safety, and it is necessary as a prerequisite to the orderly development of the surrounding area, to require the construction of improvements either prior to, or within a specified time after recordation of the Parcel Map, where road improvements are required Section 17.92.030 (Access, Circulation, Streets).
  2. Any findings required by Section 17.100.040 (Design Standards) for condominium conversions.
- C. Findings for dedications or exactions. In addition to the findings required for approval of a Tentative Map by Subsection A. above, any requirement by the review authority for dedications and/or exactions in compliance with Chapter 17.106 (Dedications, Exactions, Reservations, Easements) shall include the review authority first making the findings required by Section 17.106.030 (Findings Required for Dedications and Exactions).
- D. Findings for waiver of Parcel Map. If waiver of a Parcel Map has been requested with the Tentative Map application, the review authority shall determine whether the findings required by Section 17.98.030 (Waiver of Parcel Map) can also be made.
- E. Approval with soils problems. The review authority may approve the subdivision or a portion thereof where soils problems described in Section 17.96.020.C (Tentative Map Filing, Initial Processing - Review of soils report) exist, if it determines that corrective measures recommended by the civil engineer who prepared the soils report are likely to prevent damage to each structure to be constructed. The review authority shall require that the approved recommended actions be incorporated in the construction of each structure, as a condition to the issuance of any Building Permit.

### **17.96.070 - Conditions of Approval**

Along with the approval of a Tentative Map, the adoption of conditions of approval shall occur in compliance with this Section, provided that all conditions shall be consistent with the requirements of the Map Act.

- A. Mandatory conditions. The review authority shall adopt conditions of approval that will:

1. Require that parcels, easements or rights-of-way be provided for streets, water supply and distribution systems, sewage disposal systems, storm drainage facilities, solid waste disposal, and public utilities providing electric, gas and communications services, as may be required to properly serve the subdivision.
  2. Mitigate or eliminate environmental problems identified through the environmental review process, or require redesign of the subdivision as a prerequisite to the approval of the Tentative Map.
  3. Carry out the specific requirements of Chapter 17.92 (Subdivision Design and Improvement Requirements) and Chapter 17.108 (Improvement Plans and Agreements) of this Development Code.
  4. Secure compliance with the requirements of this Development Code, the General Plan, the City's Improvement Standards, the Uniform Building Code, and any applicable Specific Plans.
  5. Require that any designated remainder parcels not be subsequently sold unless a certificate or conditional certificate of compliance (Chapter 17.102 – Certificates of Compliance) is obtained, or the remainder parcel is further subdivided in compliance with this Development Code.
  6. Require the subdivider to defend, indemnify, and hold harmless the City and its agents, officers, and employees from any claim, action, or proceeding against the City to attack, set aside, void, or annul, an approval of the review authority, which action is brought within the time period provided for in Section 66499.37 of the Subdivision Map Act.
  7. Specify time limits for completion of conditions.
- B. Optional conditions. The review authority may also require as conditions of approval, but not be limited to, the following:
1. The waiver of direct access rights to any existing or proposed streets;
  2. The dedication of additional land for bicycle paths, local transit facilities, (including bus turnouts, benches, shelters, etc.), sunlight easements, access to public waterways, and school sites, in compliance with Map Act Chapter 4, Article 3;
  3. The reservation of sites for public facilities, including fire stations, libraries, and other public uses in compliance with Map Act Chapter 4, Article 4;
  4. Time limits or phasing schedules for the completion of conditions of approval, when deemed appropriate; and/or

5. Any other conditions deemed reasonable and necessary by the review authority to ensure that the approval of the Tentative Map will be in compliance with the findings required by Section 17.96.060 (Tentative Map Approval or Denial).

#### **17.96.080 - Appeal**

A decision of the City Planner or Planning Commission may be appealed in compliance with Chapter 17.140 (Appeals). The hearing on the appeal shall be held within 30 days after the date of filing the appeal. The appeal body shall reach its decision within 10 days following the conclusion of the hearing.

#### **17.96.090 - Effective Date of Tentative Map Approval**

The approval of a Tentative Map shall become effective for the purposes of pursuing recordation, including compliance with conditions of approval, on the day after the expiration of the appeal period established by Chapter 17.140 (Appeals), where no appeal has been filed. If an appeal has been filed, the Tentative Map approval shall not become effective unless the appeal body approves the map; in that case, the approval shall become effective immediately upon the decision by the appeal body.

#### **17.96.100 - Changes to Approved Tentative Map or Conditions**

A subdivider may request changes to an approved Tentative Map or its conditions of approval before recordation of a Parcel or Final Map in compliance with this Section. Changes to a Parcel or Final Map after recordation are subject to Section 17.98.140 (Amendments to Recorded Maps).

- A. Limitation on allowed changes. Changes to a Tentative Map that may be requested by a subdivider in compliance with this Section include major adjustments to the location of proposed lot lines and improvements, and any changes to the conditions of approval, consistent with the findings required by Subsection D of this Section. Other changes including increasing the number of approved lots shall require the filing and processing of a new Tentative Map.
- B. Application for changes. The subdivider shall file an application and filing fee with the Planning Department, using the forms furnished by the Planning Department, together with the following additional information:
  1. A statement identifying the Tentative Map number, the features of the map or particular conditions to be changed and the changes requested, the reasons why the changes are requested, and any facts that justify the changes; and
  2. Any additional information deemed appropriate by the Planning Department.

- C. Processing. Proposed changes to a Tentative Map or conditions of approval shall be processed in the same manner as the original Tentative Map, except as otherwise provided by this Section.
- D. Findings for approval. The review authority shall not modify the approved Tentative Map or conditions of approval unless it first finds that the change is in compliance with following Subsections D.1, or D.2, and that all of the applicable findings for approval required by Sections 17.96.060.A and B (Tentative Map Approval or Denial – Required and Supplemental Findings) can still be made.
1. Non-substantive changes. The proposed changes:
    - a. Involve minor alterations in the location of proposed lot lines, and/or reduce the number of proposed parcels;
    - b. Do not change subdivision features that were a specific basis for any findings for Tentative Map approval or the decision of the review authority to approve the Tentative Map;
    - c. Will not affect any finding of, or mitigation required by, a Negative Declaration or EIR, except to further minimize environmental impacts.
  2. Errors or unforeseen circumstances. The change is necessary because of one or more of the following circumstances:
    - a. There was a material mistake of fact in the deliberations leading to the original approval;
    - b. There has been a change of circumstances related to the original approval; or
    - c. A serious and unforeseen hardship has occurred, not due to any action of the applicant subsequent to the enactment of this Development Code.
- E. Effect of changes on time limits. Approved changes to a Tentative Map or conditions of approval shall not be considered as approval of a new Tentative Map, and shall not extend the time limits provided by Section 17.96.140 (Expiration of Approved Tentative Map).

#### **17.96.110 - Completion of Subdivision Process**

- A. Compliance with conditions, improvement plans. After approval of a Tentative Map in compliance with this Chapter, the subdivider shall proceed to fulfill the conditions of approval within any time limits specified by the conditions and prior to the expiration of the map and, where applicable, shall prepare, file and receive approval

of improvement plans pursuant to Chapter 17.108 (Improvement Plans and Agreements), before constructing any required improvements.

B. Parcel or Final Map preparation, filing and recordation.

1. A Parcel Map for a subdivision of four or fewer parcels shall be prepared, filed, processed and recorded as set forth in Chapter 17.98 (Parcel Maps and Final Maps), to complete the subdivision, unless a Parcel Map has been waived in compliance with Section 17.98.030 (Waiver of Parcel Map).
2. A Final Map for a subdivision of five or more parcels shall be prepared, filed, processed and recorded as set forth in Chapter 17.98 (Parcel Maps and Final Maps), to complete the subdivision.

**17.96.120 - Vesting Tentative Maps**

This Section establishes procedures to implement the vesting Tentative Map requirements of State law, Sections 66498.1 et seq. of the Map Act.

A. Applicability. Whenever this Development Code requires that a Tentative Map be filed, a vesting Tentative Map may instead be filed, provided that the vesting Tentative Map is prepared, filed and processed in compliance with this Section.

1. A vesting Tentative Map may be filed for either residential, commercial or industrial developments.
2. If a subdivider does not seek the rights conferred by this Section, the filing of a vesting Tentative Map is not a prerequisite to any approval for any proposed subdivision, permit for construction, or work preparatory to construction; however, nothing in this Section shall be construed to eliminate the need for a subdivider to obtain subdivision or other land use approval in compliance with the other applicable provisions of this Development Code, building, grading or other construction permit approval.

B. Procedures for processing a vesting Tentative Map. A vesting Tentative Map shall be filed in the same form, have the same contents and accompanying data and reports and, shall be processed in the same manner as set forth by this Chapter as a Tentative Map, except as follows.

1. Application content. The vesting Tentative Map shall include the following information in addition to that required by Section 17.96.010 (Tentative Map Preparation, Application Contents):
  - a. Title. The vesting Tentative Map shall be prepared with the words "Vesting Tentative Map" printed conspicuously on its face; and



applications are filed, including any related development impact fees (e.g., traffic mitigation fees, etc.). Application contents shall be as required by ordinance requirements in effect at the time the subsequent application is filed.

- F. Duration of vested rights. The development rights vested by this Section shall expire if a Parcel Map or Final Map is not approved and recorded before the expiration of the vesting Tentative Map in compliance with Section 17.96.130 (Tentative Map Time Limits). If the Parcel or Final Map is approved and recorded prior to Tentative Map expiration, the development rights shall be vested for the following periods of time.
1. An initial time period of 12 months from the date of recordation of the Parcel or Final Map. Where several Final Maps are recorded on various phases of a project covered by a single vesting Tentative Map, this initial time period shall begin for each phase when the Final Map for that phase is recorded.
  2. The initial 12 months shall be automatically extended by any time used for processing a complete application for a grading permit or for design or architectural review, if processing exceeds 30 days from the date the application is accepted for processing as complete.
  3. The subdivider may apply for a one-year extension at any time before the initial 12 months expires. Application for an extension shall be submitted to the Planning Department and shall be accompanied by the required fee. The Planning Commission shall approve or deny any request for extension. If the extension is denied by the Planning Commission, the subdivider may appeal to the City Council as set forth in Chapter 17.140 (Appeals).
  4. If the subdivider submits a complete application for a building permit during the periods of time specified in Subsections F.1 and F.2 above, the vested rights shall continue until the expiration of the building permit, or any extension of that permit.

#### **17.96.130 - Tentative Map Time Limits**

The processing of a Tentative Map shall be completed, and an approved Tentative Map shall be subject to the time limits for expiration and procedures for extension in compliance with Section 17.96.140 (Expiration of Approved Tentative Map) and Section 17.96.150 (Extensions of Time for Tentative Maps).

#### **17.96.140 - Expiration of Approved Tentative Map**

The expiration date of a Tentative Map is determined by Map Act Sections 66452.6, and 66463.5. An approved Tentative Map or vesting Tentative Map is valid for 24 months

after its effective date Section 17.96.090 (Effective Date of Tentative Map Approval). At the end of that time, the approval shall expire and become void unless:

- A. A Parcel or Final Map, and related security and improvement agreements have been filed with the City Engineer in compliance with Chapter 17.98 (Parcel Maps and Final Maps), and the Parcel or Final map is recorded within 90 days of the expiration date; or
- B. An extension of time has occurred in compliance with Section 17.96.150 (Extensions of Time for Tentative Maps).

A Tentative Map approval shall be deemed to have expired if a Parcel or Final Map has not been recorded within the time limits established by this Section or within an extension of time approved in compliance with Section 17.96.150 (Extensions of Time for Tentative Maps). Expiration of an approved Tentative Map or vesting Tentative Map shall terminate all proceedings. The application shall not be reactivated unless a new tentative map application is filed.

#### **17.96.150 - Extensions of Time for Tentative Maps**

When a subdivision has not been completed through the recording of a Parcel or Final Map within the time limits set by Section 17.96.130 (Tentative Map Time Limits), time extensions may be granted in compliance with this Section. Extension requests applications shall be filed with the Planning Department on or before the date of expiration of the approval or previous extension, together with the required filing fee.

- A. Tentative Maps. The review authority which approved the Tentative Map may grant extensions of one to five years to the initial time limit, provided that the total of all extensions shall not exceed five years, only after finding that:
  - 1. There have been no changes to the provisions of the General Plan, any applicable Specific Plan, or this Development Code applicable to the project since the approval of the Tentative Map causing the proposed subdivision to become inconsistent with the General Plan or any applicable Specific Plan, or to not comply with any applicable provision of this Development Code;
  - 2. There have been no changes in the character of the site or its surroundings that affect how the policies of the General Plan or other standards of this Development Code apply to the project, causing the proposed subdivision to become inconsistent with the General Plan or any applicable Specific Plan, or to not comply with any applicable provision of this Development Code; and
  - 3. There have been no changes to the capacities of community resources, including but not limited to water supply, sewage treatment or disposal facilities, roads or schools so that there is no longer sufficient remaining capacity to serve the project.

- B. Tentative Maps with multiple Final Maps. Extensions for Tentative Maps with multiple Final Maps shall be allowed in accordance with the Subdivision Map Act.
- C. Vesting Tentative Maps. The review authority which approved the Vesting Tentative Map may grant extensions of one to five years to the initial time limit, provided that the total of all extensions shall not exceed five years, in compliance with Subsection A., above. Any rights conferred by Section 17.96.120 (Vesting Tentative Maps) shall expire if a Final Map is not approved and recorded before the expiration of the vesting Tentative Map.

### **17.96.160 - Applications Deemed Approved**

Any subdivision application deemed approved in compliance with Government Code Section 65956, or Map Act Sections 66452 et seq., shall be subject to all applicable provisions of this Development Code, which shall be satisfied by the subdivider before any Building Permits or other land use entitlements are issued. Parcel or Final Maps filed for record after the approval of their Tentative Map shall remain subject to all the mandatory requirements of this Development Code and the Map Act, including but not limited to Map Act Sections 66473, 66473.5 and 66474.

### **Chapter 17.98 - Parcel Maps and Final Maps**

Sections:

- 17.98.010 - Purpose of Chapter
- 17.98.020 - Parcel Maps
- 17.98.030 – (intentionally left blank)
- 17.98.040 - Parcel Map Form and Content
- 17.98.050 - Filing and Processing of Parcel Maps
- 17.98.060 - Parcel Map Approval
- 17.98.070 - Final Maps
- 17.98.080 - Final Map Form and Content
- 17.98.090 - Filing and Processing of Final Maps
- 17.98.100 - Final Map Approval
- 17.98.110 - Recordation of Maps
- 17.98.120 - Effect of Recorded Map
- 17.98.130 - Amendments to Recorded Maps

### **17.98.010 - Purpose of Chapter**

This Chapter establishes requirements for the preparation, filing, approval and recordation of Parcel and Final Maps, consistent with the requirements of the Map Act.

### **17.98.020 - Parcel Maps**

As required by Section 17.90.030 (Applicability), and Section 17.96.110 (Completion of Subdivision Process), a Parcel Map shall be filed and approved to complete the subdivision process for a subdivision of four or fewer parcels. A Parcel Map shall be prepared, filed and processed as set forth in Section 17.98.040 (Parcel Map Form and Content), Section 17.98.050 (Filing and Processing of Parcel Maps) and Section 17.98.060 (Parcel Map Approval).

### **17.98.040 - Parcel Map Form and Content**

A Parcel Map shall be prepared by or under the direction of a qualified, registered civil engineer or licensed land surveyor, registered or licensed by the State of California. Parcel Map submittals shall include the application forms, and all information and other materials prepared as required by the Planning Department.

### **17.98.050 - Filing and Processing of Parcel Maps**

A. Filing with the City Engineer. The Parcel Map, together with all data, information and materials required by Section 17.98.040 (Parcel Map Form and Content) above shall be submitted to the City Engineer. The Parcel Map shall be considered submitted when it is complete and complies with all applicable provisions of this Development Code and the Map Act.

B. Review of Parcel Map. The City Engineer shall:

1. Determine whether the parcel map complies with all applicable provisions of this Development Code and the Map Act and all conditions of approval of the Tentative Map, that the map is technically correct, and that it is in substantial compliance with the approved Tentative Map; and
2. Obtain verification from the Planning Department that the Parcel Map conforms to the approved Tentative Map and that any conditions of approval for which that office is responsible have been completed.

If the Parcel Map does not conform as required above, the applicant shall be notified, and given the opportunity to make necessary changes and resubmit the Parcel Map, together with all required data.

### **17.98.060 - Parcel Map Approval**

After determining that the Parcel Map is technically correct and in compliance with Section 17.98.040 (Parcel Map Form and Content), and in compliance with all other applicable provisions of this Article and the Development Code, the City Engineer shall execute the City Engineer's certificate on the map as required by Map Act Section 66450, and approve or deny the Parcel Map in compliance with this Section.

- A. Criteria for approval. The City Engineer shall approve the Parcel Map if it complies with all the requirements of the Map Act, all conditions of approval of the Tentative Map, all provisions of this Development Code that were applicable at the time that the Tentative Map was approved, and is in substantial compliance with the approved Tentative Map.
- B. Waiver of errors. The City Engineer may approve a Parcel Map that fails to meet any of the requirements of this Development Code or the Map Act applicable at the time of approval of the Tentative Map, when the City Engineer finds that the failure of the map is a technical or inadvertent error which, in the determination of the City Engineer does not materially affect the validity of the map.
- C. Map with dedications. If a dedication or offer of dedication is required on the Parcel Map, the City Engineer shall accept, accept subject to improvement, accept for public use without accepting responsibility for maintenance, or reject with or without prejudice any or all offers of dedication, at the same time as the City Engineer takes action to approve the Parcel Map.
- D. Map with incomplete improvements. If improvements required by this Development Code, conditions of approval or by law have not been completed at the time of approval of the Parcel Map, the subdivider shall enter into an agreement with the City as specified in Map Act Section 66462, and Section 17.108.040 (Improvement Agreements and Security), as a condition precedent to the approval of the Parcel Map.
- E. Transmittal to Recorder. After action by the City Engineer and after the required signatures and seals have been affixed, the City Clerk shall transmit the Parcel Map to County Recorder for filing, in compliance with Section 17.98.120 (Recordation of Maps).
- F. Permits prior to map recordation. In accordance with Health and Safety Code Section 19828, the Building Official may authorize the issuance of a building permit for construction on a parcel to be created by a map prior to recordation of the Parcel Map if the Building Official finds that all conditions of the Parcel Map have been fulfilled and the map may be recorded.
- G. Appeal. A decision of the City Engineer to approve or disapprove a Parcel Map may be appealed to the City Council in compliance with Chapter 17.140 (Appeals). The hearing on the appeal shall be held within 30 days after the date of filing the appeal. The City Council shall reach its decision within 10 days following the conclusion of the hearing.

### **17.98.070 - Final Maps**

As required by Section 17.90.030 (Applicability), a Final Map shall be filed and approved to complete the subdivision process for a subdivision of five or more parcels. A Final Map shall be prepared, filed and processed as set forth in Section 17.98.080 (Final Map Form and Content), Section 17.98.090 (Filing and Processing of Final Maps) and 17.98.100 (Final Map Approval).

### **17.98.080 - Final Map Form and Content**

A Final Map shall be prepared by or under the direction of a qualified registered civil engineer or licensed land surveyor, registered or licensed by the State of California. Final Map submittals shall include the application forms, and all information and other materials prepared as required by the Department.

### **17.98.090 - Filing and Processing of Final Maps**

- A. Filing with City Engineer. The Final Map, together with all data, information and materials required by Section 17.98.080 (Final Map Form and Content) above shall be submitted to the City Engineer. The Final Map shall be considered submitted when it is complete and complies with all applicable provisions of this Development Code and the Map Act.
- B. Review of Final Map. The City Engineer shall review the Final Map and all accompanying materials, and shall:
1. Determine whether the map and subdivision comply with all applicable provisions of this Development Code and the Map Act, including the conditions of approval of the Tentative Map, that the map is technically correct, and that it is in substantial compliance with the approved Tentative Map; and
  2. Obtain verification from the Planning Department that the Final Map conforms to the approved Tentative Map and that any conditions of approval for which that office is responsible have been completed.

If the Final Map does not conform as required above, the applicant shall be notified, and given the opportunity to make necessary changes and resubmit the Final Map, together with all required data.

- C. Multiple Final Maps. The subdivider may file multiple Final Maps on the approved Tentative Map if the subdivider either included a statement of intention with the Tentative Map or, if after the filing of the Tentative Map, the City Planner approved the request.

### **17.98.100 - Final Map Approval**

After determining that the Final Map is technically correct and in compliance with Section 17.98.080 (Final Map Form and Content), and in compliance with all other applicable provisions of this Article and the Development Code, the City Engineer shall execute the City Engineer's certificate on the map as required by Map Act Section 66442, and approve or deny the Final Map in compliance with this Section.

- A. Criteria for approval. The City Engineer shall approve the Final Map if it complies with all the requirements of the Map Act, all conditions of approval of the Tentative Map, all provisions of this Development Code that were applicable at the time that the Tentative Map was approved, and is in substantial compliance with the approved Tentative Map.
- B. Notification of City Council. Prior to approval of the Final Map, the City Engineer shall notify the City Council of the City Engineer's pending action on the Final Map at its next regular meeting after the Final Map is filed with the City Engineer. The City Clerk shall provide notice of the City Engineer's pending action by attaching and posting said notice with the City Council's regular agenda and mailing such notice to any interested party who requests notice.
- C. Waiver of errors. The City Engineer may approve a Final Map that fails to meet any of the requirements of this Development Code or the Map Act applicable at the time of approval of the Tentative Map, when the City Engineer finds that the failure of the map is a technical or inadvertent error which, in the determination of the City Engineer does not materially affect the validity of the map.
- D. Map with dedications. If a dedication or offer of dedication is required on the Final Map, the City Engineer shall accept, accept subject to improvement, accept for public use without accepting responsibility for maintenance, or reject with or without prejudice any or all offers of dedication, at the same time as the City Engineer takes action to approve the Final Map.
- E. Map with incomplete improvements. If improvements required by this Development Code, conditions of approval or by law have not been completed at the time of approval of the Final Map, the subdivider shall enter into an agreement with the City as specified in Map Act Section 66462, and Section 17.108.040 (Improvement Agreements and Security), as a condition precedent to the approval of the Final Map.
- F. Transmittal to Recorder. After action by the City Engineer and after the required signatures and seals have been affixed, the City Clerk shall transmit the Final Map to County Recorder for filing, in compliance with Section 17.98.120 (Recordation of Maps).
- G. Permits prior to map recordation. In accordance with Health and Safety Code Section 19828, the City Engineer may authorize the issuance of a building permit for

construction on a parcel to be created by a map prior to recordation of the Final Map if the City Engineer finds that all conditions of the Final Map have been fulfilled and the map may be recorded.

- H. Appeal. A decision of the City Engineer to approve or disapprove a Final Map may be appealed to the City Council in compliance with Chapter 17.140 (Appeals). The hearing on the appeal shall be held within 30 days after the date of filing the appeal. The City Council shall reach its decision within 10 days following the conclusion of the hearing.

#### **17.98.110 - Recordation of Maps**

- A. At the time of filing of a Parcel or Final Map with the County Recorder, the subdivider shall present to the County Recorder evidence that, at the time of filing the map, the parties consenting to the filing are all parties having vested fee interest in the property being subdivided and are parties required to sign the certificate described in Map Act Section 66445(e).
- B. The County Recorder will review and act upon Parcel and Final Maps filed with that office as set forth in Article 6, Chapter 3 of the Map Act and other applicable provisions of state law.

#### **17.98.120 - Effect of Recorded Map**

When a properly endorsed Parcel or Final Map has been filed for record, the subdivision or reversion to acreage shall be deemed complete, and the new parcels may be conveyed or otherwise transferred. The recordation of the map shall have the effect of eliminating any lot lines that existed within the boundaries of the subdivision before recordation of Parcel or Final Map.

#### **17.98.130 - Amendments to Recorded Maps**

In the event that a subdivider wishes to change the characteristics of an approved subdivision, including but not limited to the number or configuration of parcels, location of streets or easements, or the nature of required improvements, the construction of which has been deferred through the approval of an agreement in compliance with Section 17.108.040 (Improvement Agreements and Security), a new tentative and Parcel or Final Map shall be filed and approved as required by Section 17.90.030 (Applicability).

#### **Chapter 17.100 – Condominiums, Condominium and Mobilehome Park Conversions**

Sections:

- 17.100.010 - Purpose and Intent  
17.100.020 - Applicability

- 17.100.030 - Minimum Requirements
- 17.100.040 - Design Standards
- 17.100.050 - Condominium and Mobilehome Park Conversions
- 17.100.060 - Waiver Provisions - Mobilehomes

**17.100.010 - Purpose and Intent**

The purpose of this section is to establish development standards and special conditions for the protection of the community and purchasers or renters of both new and converted residential and commercial condominiums, community apartment projects and stock cooperatives, the lessors of cooperative apartment projects and stock cooperatives, and the lessors of cooperative apartments, as well as mobilehome park residents in parks proposed for subdivision activity.

**17.100.020 - Applicability**

All new or converting residential and commercial condominiums, community apartment projects, stock cooperatives, and cooperative apartments, and mobilehome park subdivisions shall conform to the provisions of this section in addition to any and all requirements for preparation, review and approval of a land division map.

**17.100.030 - Minimum Requirements**

Except as otherwise provided by law, in approving or conditionally approving any condominium projects, including conversions of apartment and mobilehome park developments, the following shall be required:

- A. Residential Parking. Off-street parking shall be provided in the amount and type pursuant to standards for new construction established by the City.
- B. Development Standards. All new construction of condominium projects shall comply with the property development standards for the district in which the project is located. All condominium conversions of apartment and mobile park developments shall comply with development standards for the district in which the project is located in regard to lot coverage, height and distance between buildings. Condominium conversions are not required to comply with existing setback and density standards if the development met all zoning and building standards in effect at the time of its construction. Nothing in this section shall be construed to prohibit the imposition of more restrictive requirements as a condition of approval by the Planning Commission or City Council when necessary to protect the public health, safety, or general welfare, based upon appropriate findings.
- C. Covenants, Conditions and Restrictions (CC & Rs). The covenants, conditions and restrictions (CC & Rs) for the new condominium project, including conversion of apartment and mobilehome projects, shall include a guarantee agreement by the subdivider for the following:

1. Common area items, including but not limited to, the roof, plumbing, heating, air-conditioning, and electrical systems until one year elapses from the date of the sale of the last individual unit sold;
2. Additional items to be provided or installed within individual units by the subdivider, including, but not limited to, appliances, fixtures, and facilities for a period of one year from the date of close of escrow of each individual unit;
3. Adequate provisions for maintenance, repair and upkeep of common areas;
4. Provisions that in the event of destruction or abolishment, reconstruction shall be in accordance with codes in effect at the time of such reconstruction;
5. Provisions for dedication of land or establishment of easements for street widening or other public purpose.
6. The CC & Rs shall provide that the nonsubdivider owners have the right to select or change the management group or the homeowner association ninety (90) days after sale or transfer of title of fifty-one (51) percent of the units. The CC & Rs shall provide that subsequent owners agree to make no changes in the CC & Rs imposing restrictions on the age, race, national origin, sex, marital status or other similar restrictions of occupants, residents or owners.
7. Estimated Costs of Maintenance. The subdivider shall submit an estimate of and guarantee for the maintenance costs for a period of twelve (12) months beginning at the close of escrow on the first unit sold. The subdivider to be responsible for all costs of normal maintenance in excess of the estimate.
8. All condominiums, condominium conversions, and mobile home park conversions over ten dwelling units, at least ten percent of the total units must be inclusionary units restricted for occupancy by five percent Low- and five percent Very Low-Income Households.
9. The CC & Rs shall provide the City with the right to enforce the CC & Rs and bring actions to compel compliance and/or the cessation of any violation, but the CC & Rs shall not obligate the City to do so.

#### **17.100.040 - Design Standards**

The following design standards apply to both new condominium projects and for the conversion of existing structures into condominiums. Such minimum criteria shall be required in addition to the existing building codes, zoning district provisions, and other requirements of the City. New condominium projects shall also comply with the performance standards for planned unit developments established by the City.

1. All private streets, driveways, drainage structures, and parking areas shall be improved and constructed in accordance with the city's adopted standards and shall be designed and appropriate easements granted to insure access for both municipal services and public utility company services to each dwelling.
2. All assigned parking shall be provided within one hundred (100) feet of the front entrance of the dwelling unit.
3. Separate utility services shall be provided for each dwelling unit.
4. Each dwelling unit shall be provided with a minimum of two hundred (200) cubic feet of secure exterior storage.
5. All permanent mechanical equipment, such as motors, compressors, pumps and compactors, that are determined by the building official to be a source of structural vibration or structure-borne noise, shall be shock-mounted with inertia blocks or bases and/or vibration isolators in a manner approved by the building official.
6. All common walls and floors shall have a maximum impact and sound transmission class (STC) of fifty (50) (forty-five (45) if field tested) as defined in U.B.C. Standard No. 35.1.
7. All separating floor/ceiling assemblies between separate units shall provide impact sound insulation equal to that required to meet an Impact Insulation Class (IIC) of fifty (50) (forty-five (45) if field tested) as defined in U.B.C. Standard No. 35.2.
8. All condominium and condominium conversion projects shall meet or exceed the Uniform Fire Code requirements, and shall be inspected and approved by the city fire chief, and additionally shall have a complete one-hour fire separation between dwelling units (floors/ceilings, as well as walls).
9. Provisions for laundry facilities shall be provided within each dwelling unit or within a common, conveniently located laundry room.
10. For all condominium conversions, a set of original construction plans shall be submitted as part of the initial application.
11. For all condominium conversions, an on-site inspection shall be made by the Building Department, Public Works Department, Fire Department, and Planning Department to determine if the design criteria set forth in this section has been met. Such inspections shall be included as part of the staff report prepared for the Planning Commission.

12. For all new condominiums a recreational facility shall be provided. The size of such structure shall be two hundred square feet per condominium unit. This facility may be used for community club house, swimming pool, playground, or sports facilities.
13. For all condominium conversions over fifty units a recreational facility as described in the above section may be required by the Planning Commission.

#### **17.100.050 - Condominium and Mobilehome Park Conversions**

No condominium or mobile home park conversion shall be approved unless all of the following conditions are met:

1. Tenants and prospective tenants have been given a tenant's notice of intent to convert pursuant to the provisions of California Government Code Section 66427.1 (Subdivision Map Act) sixty (60) days prior to filing applications for tentative map, conditional use permit, and architectural review approval with the planning director. Such notice shall be given by the applicant, and shall contain information as to tenant's rights under state and local regulations.
2. The submittal package for conversion shall include the following items in addition to the required information for a tentative map, conditional use permit, and architectural review application:
  - a. A copy of the tenant's notice of intent to convert; a signed statement certifying that all tenants have received such notice; a statement that all future tenants shall receive such notice shall be attached along with a list of names and addresses of persons notified;
  - b. A facilities report, prepared by a California licensed architect or California registered civil or structural engineer detailing the condition and estimated useful life of all elements of the existing buildings and other structures involved in the project, but not limited to the following:
    1. Roof
    2. Foundations
    3. Mechanical and electrical systems
    4. Plumbing systems
    5. Structural elements
    6. Paved surfaces

7. Exterior paint
8. HVAC systems
9. Utility delivery systems
10. Fire protection systems
11. Swimming pools

This facilities report shall be prepared by a professional hired by the City of Jackson and paid for by the applicant.

- c. Building History Report. The applicant shall provide a building history report, which shall include;
  1. The date of construction of all elements of the project; and
  2. A statement of the use or uses of the facilities since construction;  
and
  3. The date and description of each structural repair or renovation requiring an expenditure of one thousand dollars or more; and
  4. A statement of the use or uses of the facilities
- d. A listing of the proposed improvements to be carried out and an estimated time schedule;
- e. The estimated prices of the converted units and/or lots;
- f. A copy of the proposed CC & Rs;
- g. A purchase incentives plan for current occupants;
- h. A tenant relocation assistance plan indicating the number of tenants interested in purchasing or relocating, detailed plans for assisting in the relocation of tenants, the present rent schedule and occupancy. Assistance may be monetary in the form of payment or partial payment of first month's rent and security deposit. Relocation shall be in the City of Jackson or to an area with similar amenities and services to these available to the tenants in Jackson. Any tenant may decline assistance;

- i. For conversions of mobilehome parks to another use, the subdivider shall also file a report on the impact of the conversion upon the displaced residents of the mobilehome park as set forth in Government Code Section 66427.4;
  - j. For conversions of mobilehome parks to resident ownership, the subdivider must conduct a survey of tenant support as set forth in Government Code section 66427.5 and submit the results of the survey of tenant support with its tentative map application. The City shall conduct a hearing to determine the subdivider's compliance with the requirements of Section 66427.5 as provided in subsection (e) thereof.
  - k. Two sets of mailing labels for all tenants affected by the conversion.
- 3. Tenants shall be notified in writing of all public hearings in connection with an application for conversion, and all new tenants subsequent to the initial notice of intent, shall be notified in writing of the pending conversion prior to occupancy.
- 4. All systems, including electrical, fire and life safety, at point of sale should be in good repair. All maintenance, repair or alterations requested by the Fire Chief or Building Official should be complete at this time as well.
- 5. Before submittal, all conditions of approval requirements need to be complete. These include: plumbing in sound condition, water heater insulation, pipes for circulated hot water, individual gas and electrical meters, unless impractical, protected trash areas, and smoke and fire detectors.
- 6. The applicant has complied with all applicable provisions of the Subdivision Map Act.
- 7. The required number of owners in a stock cooperative or community apartment project, as specified in the by-laws or other organizational documents, have voted in favor of the condominium conversion. If the by-laws or other organization's documents do not specify the number of votes required, a majority vote of the owners in the cooperative or project shall be required.
- 8. For residential conversions, the decision making body must determine that:
  - a. The conversion is consistent with the General Plan; and
  - b. In the case of condominium conversions, the vacancy factor of comparable apartment rental housing units in the city exceeds seven percent of the total rental housing inventory. Existing rental units may be approved for conversion regardless of the vacancy factor if the City Council determines that a new rental unit has or will be added to the city's housing inventory for each rental unit removed through conversion. Additionally, the City Council may

allow for affordable designated housing or housing outside the city limits to count toward the City's vacancy rate if it can be demonstrated that they have significantly increase the rental housing market. To determine the vacancy factor and the disposition of the areas housing inventory, the applicant shall be responsible for paying the city for a housing study prepared by an independent contractor of the city's choice;

- c. The subdivider has complied with such other requirements or conditions, as the decision-making body shall believe necessary or appropriate.
9. During the conversion process, from the time of application submittal through tenant relocation or purchase of the condominium, the rental rate must remain the same or be lower.

#### **17.100.060 - Waiver Provisions - Mobilehomes.**

Requirement for a subdivision map for a mobile home is waived when a minimum of two-thirds of the owners of the mobile homes, who are also tenants, sign a petition with intent to purchase a condominium interest unless any of the following exist:

1. There are significant design or improvement requirements necessitated by health or safety concerns.
2. There is a need to perform field surveys on the exterior boundaries of the parcel or parcels appearing on the face of the map.
3. The existing lot or lots were not created by a recorded parcel or final map.
4. The conversion would result in the creation of additional parcels.

Waiver applications shall be processed in compliance with Section 66428 (b) of the Subdivision Map Act.

#### **Chapter 17.102 - Certificates of Compliance**

Sections:

- 17.102.010 - Purpose of Chapter
- 17.102.020 - Applicability
- 17.102.030 - Application Contents
- 17.102.040 - Review and Approval
- 17.102.050 - Conditional Certificates of Compliance

### **17.102.010 - Purpose of Chapter**

This Chapter provides procedures for the filing, processing, and approval of Certificates of Compliance and Conditional Certificates of Compliance, consistent with the policies of the General Plan and the requirements of the Map Act.

### **17.102.020 - Applicability**

A Certificate of Compliance is a document prepared by the City Engineer and recorded by the County Recorder, which acknowledges that the subject parcel, which was typically created prior to current subdivision map requirements, is considered by the City to be a legal lot of record. A Conditional Certificate of Compliance is used instead of a Certificate of Compliance to validate a parcel that was not legally subdivided in compliance with State subdivision laws and local ordinances regulating subdivisions that were in effect at the time the subdivision occurred.

Any person owning real property, or a purchaser of the property in a contract of sale of the property, may request a Certificate of Compliance.

### **17.102.030 - Application Contents**

Documents required for a Certificate of Compliance include: the Planning Department application, the filing fee, a chain of title consisting of copies of all deeds beginning before the transfer to the present, unless the parcels were created through a subdivision map and any other information required by the Planning Department.

### **17.102.040 - Review and Approval**

The processing, review, and approval of an application for a Certificate of Compliance shall occur as follows.

A. Staff report. The Planning Department shall prepare a staff report that:

1. Describes the history of the land division;
2. Determines whether the property was legally divided, in compliance with Subsection B., following;
3. References the provisions of State/City/County law ordinances applicable to the subdivision at the time of division. Additionally, it will advise the parties of any Map Act and Development Code conditions for which a certificate is requested if they are parties to the original division; and
4. Recommends appropriate conditions of approval if it is determined that the property was not legally divided, in compliance with Section 17.102.050.B (Conditional Certificates of Compliance - Conditions of Approval).

- B. City Engineer action. The City Engineer shall review all available information and make a determination whether the real property was divided in compliance with the Map Act, the applicable provisions of the Development Code, and other applicable provisions of the Municipal Code.
1. Upon making the determination that the parcel(s) comply with the applicable provisions of this Development Code and the Map Act, the City Engineer shall file a Certificate of Compliance with the County Recorder.
  2. In the event that the City Engineer determines that the real property does not comply with the provisions of this Development Code and/or the Map Act, the application shall instead be processed as set forth in the Subdivision Map Act.
- C. Form of certificate. The Certificate of Compliance shall identify the real property, shall state that the division complies with the provisions of the Map Act and this Development Code, and shall include all information required by Map Act Section 66499.35.
- D. Effective date of certificate. A Certificate of Compliance shall not become final until the document has been recorded by the County Recorder.

#### **17.102.050 - Conditional Certificates of Compliance**

A Conditional Certificate of Compliance is used to validate a parcel that was not legally divided in compliance with the State subdivision laws and local ordinances regulating subdivisions that were in effect at the time the subdivision occurred. If the current owners were responsible for the subdivision which created the illegal parcel, conditions of approval may be imposed, based on current standards. The preparation, filing and processing of a Conditional Certificate of Compliance application shall occur in compliance with Section 17.102.040 (Review and Approval), and this Section.

- A. Review by City Engineer. Upon making a determination that the real property does not comply with the applicable provisions of this Development Code or the Map Act, the City Engineer shall grant a Conditional Certificate of Compliance, imposing conditions in compliance with following Subsection B.
- B. Conditions of approval. If the owners of the property for which a certificate is requested are the original subdividers, the City Engineer may impose any conditions that would be applicable to a current subdivision, as provided by the Map Act and this Development Code, regardless of when the property was divided. If the owners had no responsibility for the subdivision that created the parcel, the City Engineer may only impose conditions that would have been applicable at the time the property was acquired by the current owners.
- C. Appeal. The conditions imposed by the City Engineer may be appealed to the City Council in compliance with Chapter 17.140 (Appeals).

- D. Completion of process. Following expiration of the 10 day appeal period after the determination and imposition of conditions by the City Engineer, the Planning Department shall file a Conditional Certificate of Compliance with the County Recorder. The certificate shall identify the property, and serve as notice to the property owner or purchaser who applied for the certificate, a grantee of the owner, or any subsequent transferee or assignee of the property that the fulfillment and implementation of the conditions shall be required before subsequent issuance of a permit or other approval for the development of the property.
- E. Effective date of certificate. A Conditional Certificate of Compliance shall not become effective until the document has been recorded by the County Recorder.

### **Chapter 17.104 - Reversions to Acreage**

Sections:

- 17.104.010 - Purpose and Applicability
- 17.104.020 - Application and Processing
- 17.104.030 - Findings for Approval of Reversions
- 17.104.040 - Conditions of Approval for Reversions
- 17.104.050 - Final Map Contents

#### **17.104.010 - Purpose and Applicability**

Subdivided real property may be reverted to acreage (to a single parcel) as provided by this Chapter and by Map Act Chapter 6, Article 1. The consolidation of existing lots into more than a single parcel shall be accomplished through the Lot Line Adjustment process (Chapter 17.86 – Lot Line Adjustments) when the existing parcels, or through the Tentative and Parcel or Final Map processes (Chapter 17.96, Tentative Map Filing and Processing and Chapter 17.98, Parcel Maps and Final Maps).

#### **17.104.020 - Application and Processing**

Applications for reversion to acreage shall be filed and processed as follows:

- A. Application information - Streets and easements. The application for reversion shall include evidence of non-use of or lack of necessity for any streets or easements that are to be vacated or abandoned, in addition to the information required by Section 17.96.010 (Tentative Map Preparation, Application Contents).
- B. Filing and processing. The application shall be prepared, filed, and initially processed as provided by Chapter 17.70 (Applications, Processing, Fees), except that no environmental review of a reversion to acreage shall be required, as provided by Section 15305 of the CEQA Guidelines.

- C. Review and decision. A reversion to acreage shall require approval of a Final Map, with the procedure the same as that required by Chapter 17.98 (Parcel Maps and Final Maps), except that a public hearing shall be held by the Planning Commission on the reversion to acreage before approval or disapproval of the Final Map.

#### **17.104.030 - Findings for Approval of Reversions**

Subdivided property may be reverted to acreage only if the advisory agency first makes the following findings, in addition to determining compliance with Section 17.96.060 (Tentative Map Approval or Denial):

- A. Dedications or offers of dedication to be vacated or abandoned by the reversion to acreage are unnecessary for present or future public purposes; and either,
- B. All owners of an interest in the real property within the subdivision have consented to reversion; or
- C. None of the improvements required to be made have been made within two years from the date the Parcel or Final Map was filed for record, or within the time allowed by an agreement for completion of the improvements, whichever is the later; or
- D. No lots shown on the Parcel or Final Map have been sold within five years from the date the map was filed for record.

#### **17.104.040 - Conditions of Approval for Reversions**

As conditions of reversion, the advisory agency shall require the following:

- A. Dedications or offers of dedication necessary for the purposes specified by Chapter 17.92 (Subdivision Design and Improvements) and Chapter 17.108 (Improvement Plans and Agreements).
- B. Retention of all previously paid fees and/or any portion of required improvement security or deposits if necessary to accomplish the purposes of the Map Act or these Regulations.

#### **17.104.050 - Final Map Contents**

In addition to the information specified by Section 17.98.040 (Parcel Map Form and Content) and Section 17.98.080 (Final Map Form and Content), the Final Map for a reversion to acreage shall also delineate dedications that will not be vacated and dedications that are a condition of reversion.

## **Chapter 17.106 - Dedications, Exactions, Reservations, Easements**

Sections:

- 17.106.010 - Purpose of Chapter
- 17.106.020 - Applicability
- 17.106.030 - Findings Required for Dedications and Exactions
- 17.106.040 - Right-of-Way Dedications
- 17.106.050 - Reservations of Land for Public Uses
- 17.106.060 - Easements

### **17.106.010 - Purpose of Chapter**

This Chapter establishes standards for subdivider dedications of land or payment of fees in lieu thereof, in conjunction with subdivision approval.

### **17.106.020 - Applicability**

- A. Compliance required. All proposed subdivisions shall comply with the requirements of this Chapter for dedications, reservations, or the payment of in-lieu fees.
- B. Conditions of approval. The requirements of this Chapter as they apply to a specific subdivision shall each be described in conditions of approval adopted by Planning Commission.

### **17.106.030 - Findings Required for Dedications and Exactions**

The review authority may require any of the dedications or exactions described in this Chapter through conditions of approval of a proposed Tentative Map only after first making findings which:

- A. Identify the purpose for the dedication or exaction; and
- B. Demonstrate that there is a reasonable relationship between the need for the dedication or exaction and the characteristics and impacts of the subdivision from which the dedication or exaction is required.

### **17.106.040 - Right-of-Way Dedications**

- A. Offers of dedication required. As a condition of Tentative Map approval, the subdivider shall make an irrevocable offer of dedication in fee simple of all land within the subdivision that is determined by the review authority to be needed for public streets and alleys, including access rights and abutters' rights.

- B. Improvements. The subdivider shall construct, or agree to construct, all approved and required streets and alleys, including access rights and abutters' rights. These improvements shall conform with design and improvement standards within this Chapter, the City's Improvement Standards, or as may be adopted by resolution of the City Council.
- C. Rights-of-way, generally. Rights-of-way shall be in accordance with the City's Improvement Standards. In addition, where parcels front on a City-maintained road of insufficient width, or when the existing right-of-way is not owned by the City, the subdivider shall dedicate right-of-way sufficient for the ultimate facility. Dedications on remainder parcels that are not at the smallest lot area allowed under present zoning will not be required unless necessary for orderly development of the area or public health and safety.
- D. Bicycle paths. If the subdivision, as shown on the Final Map, contains 200 or more parcels, any subdivider who is required to dedicate roadways to the public, shall dedicate additional land for bicycle lanes or paths for the use and safety of the residents of the subdivision. Bicycle lane and or path design shall be acceptable to the City Engineer.
- E. Transit facilities. Dedications in fee simple or irrevocable offers of dedication of land within the subdivision will be required for local transit facilities including bus turnouts, benches, shelters, and similar items that directly benefit the residents of the subdivision if:
1. The subdivision as shown on the Tentative Map has the potential for 200 dwelling units or more if developed to the maximum density shown in the General Plan; and
  2. The review authority finds that transit services are or will, within a reasonable time period, be available to the subdivision.
- F. Alternative transportation systems. Whenever the subdivision falls within an area designated for the development of bikeways, hiking or equestrian trails in the General Plan, Parks and Recreation or Amador County Transportation Commission Pedestrian and Bicycle Plan, applicable Specific Plan, or implementing legislation, the subdivider shall dedicate land as is necessary and feasible to provide for these systems.
- G. Abandonment/vacation. The abandonment or vacation of a street or highway right-of-way or easement shall comply with Streets and Highways Code Sections 8300 et seq., as applicable, and Chapter 17.88 (Vacations).

### **17.106.050 - Reservations of Land for Public Uses**

The review authority may require through conditions of Tentative Map approval, the reservation of real property within a proposed subdivision for parks, recreational facilities, fire stations, libraries, or other public uses, in compliance with this Section, and Map Act Sections 66479 et seq.

A. Criteria for requiring a reservation. A reservation of land within a proposed subdivision for public use may be required only when the review authority determines that:

1. The requirement is based on policies and standards of the General Plan or applicable Specific Plan for the uses for which a reservation is required, and the required reservation is in compliance with those policies and standards;
2. This Section has been in effect for at least 30 days prior to the filing of the Tentative Map;
3. The reserved area is of such size and shape as to permit the balance of the property within which the reservation is located to develop in an orderly and efficient manner; and
4. The amount of land reserved will not make development of the remaining land held by the subdivider to be economically unfeasible.

B. Configuration of reservation. The reserved area shall conform to the applicable provisions of the General Plan or applicable Specific Plan, and shall be in multiples of streets and parcels that will permit an efficient division of the reserved area in the event that it is not acquired within the time period established in compliance with following Subsection C.

C. Binding agreement required. When a reservation has been required, the City or other public agency for which the reservation has been required shall enter into a binding agreement with the property owner to acquire the reserved area, in compliance with Map Act Section 66480. If the public agency for whose benefit the reservation was required does not enter into the binding agreement, the reservation shall automatically terminate, in compliance with Map Act Section 66481.

### **17.106.060 - Easements**

The review authority may require easements to be dedicated to the City or special district for access, drainage, public utilities, solar access, and other purposes in compliance with this Article. Requirements for right-of-way dedications are found instead in Section 17.106.040 (Right-of-Way Dedications).

- A. Offers of dedication required. As a condition of Tentative Map approval, the subdivider shall dedicate or make an irrevocable offer of dedication in fee simple of all land within the subdivision that is determined by the Planning Commission to be needed for access rights; drainage; public greenways; scenic easements, public utility easements; and any other necessary public easements.
- B. Improvements. The subdivider shall improve or agree to improve all approved and required drainage, public utility and other public easements in compliance with design and improvement standards within this Chapter, the City's Improvement Standards, or as may be adopted by resolution of the City Council.
- C. Abandonment/vacation. The abandonment or vacation of a service easement shall comply with Streets and Highways Code Sections 8300 et seq., as applicable, and Chapter 17.88 (Vacations).

### **Chapter 17.108 - Improvement Plans and Agreements**

Sections:

- 17.108.010 - Purpose of Chapter
- 17.108.020 - Improvement Plans
- 17.108.030 - Installation of Improvements
- 17.108.040 - Improvement Agreements and Security

#### **17.108.010 - Purpose of Chapter**

This Chapter establishes procedures and requirements for the review and approval of improvement plans, the installation of improvements, agreements and guarantees for their installation, and dedications.

#### **17.108.020 - Improvement Plans**

After the approval of a Tentative Map, the applicant shall diligently proceed to complete any work necessary to fulfill the conditions of approval.

#### **17.108.030 - Installation of Improvements**

Subdivision improvements required as conditions of approval of a Tentative Map in compliance with Section 17.96.070 (Conditions of Approval) shall be installed in accordance with the City's Improvement Standards.

#### **17.108.040 - Improvement Agreements and Security**

This Section provides procedures and criteria for the preparation and approval of improvement agreements, and standards for the types of security allowed to guarantee the proper installation of required subdivision improvements.

- A. Applicability. A subdivider may file a Parcel or Final Map before completion of all the improvements required by this Article and conditions of approval of the Tentative Map, only when the subdivider first obtains City approval of a subdivision improvement agreement executed and submitted for City review by the subdivider, and provides the City performance security as required by this Section. Improvement agreements and required security shall also comply with Chapter 5 of the Map Act. The approval of a subdivision improvement agreement is entirely at the discretion of the City; and the City may require the completion of some or all improvements prior to the recordation of the Parcel or Final Map.
- B. Contents of improvement agreement. A subdivision improvement agreement shall be submitted on a form provided by the City Engineer and approved by City Attorney and shall include the following provisions.
1. Description of improvements. A description of all improvements to be completed by the subdivider, with reference to the approved subdivision improvement plans.
  2. Time limit for construction. The period within which all required improvements will be completed to the satisfaction of the City Engineer.
  3. Completion by City. Provide that if the subdivider fails to complete all required improvements within the specified time, the City may elect to complete the improvements and recover the full cost and expenses thereof from the subdivider or the surety, including any attorney and legal fees associated with enforcement of the agreement. The costs and expenses may be recorded as a lien against all parcels within the subdivision.
  4. Surety requirement. Require the subdivider to secure the agreement by furnishing security as specified in Subsection C. of this Section. The amount of surety shall be based on an engineer's cost estimate submitted by the subdivider. The total cost of improvements to be guaranteed shall be as provided in the engineer's cost estimate approved by the City Engineer.
  5. Phased construction. Provisions for the construction of improvements in units, at the option of the subdivider.
  6. Time extensions. Provisions for an extension of time under conditions specified therein, at the option of the City, consistent with the requirements of Subsection F. following.
  7. Progress payments or partial release. Provide for progress payments from surety deposits or partial release of agreement surety, at the option of the City, consistent with the requirements of Subsection C. following; provided that no progress payment or partial release shall be construed to be acceptance by the

City of any portion of the required improvements or any defective work or improper materials.

- C. Security required to guarantee improvements. A subdivision improvement agreement or a subdivision road maintenance and repair agreement shall be secured by adequate surety in a form approved as to form and sufficiency by the City Attorney, as follows:
1. Type of security. Subdivision improvement agreements shall be secured by all of the following:
    - a. A guarantee for "Faithful Performance," in the amount set forth in the City's Improvement Standards; and
    - b. A guarantee for "Materials and Labor," in the amount set forth in the City's Improvement Standards.
  2. Form of security. The required surety shall be consistent with those set forth in the City's Improvement Standards.
- D. Release of security. The security furnished by the subdivider shall be released as provided by Chapter 5 of the Map Act.
- E. Progress payments or partial release. No progress payment or partial release of surety shall be made except when the City Engineer has certified that the work required to qualify for payment or release has been satisfactorily completed and the payment or release has also been approved by the City Council by at least four-fifths vote. No certificate given, progress payment made, or release of surety, except the final certificate of acceptance, shall be considered as any evidence of the performance of the agreement either wholly or in part. There shall be no partial acceptance of any improvements.
- F. Time extensions. An extension of time for completion of improvements under a subdivision improvement agreement shall be granted by the City only as follows:
1. Work is in progress. The subdivider is proceeding to do the work required with reasonable diligence and has given satisfactory evidence of being able and willing to complete all required work within the time of the requested extension.
  2. Agreement by sureties. The sureties agree in writing to extend for the additional period of time at the original amount of the bond or other surety.
  3. Conditions. As a condition of granting a time extension, the City may impose whatever additional requirements the City deems reasonable to protect the public interest.

- G. Acceptance of improvements. Before acceptance for maintenance or final approval of subdivision improvements, the City Engineer shall verify that the improvement work has been completed in substantial compliance with the approved plans and specifications.

### **Chapter 17.110 - Surveys and Monuments**

Sections:

- 17.110.010 - Purpose of Chapter
- 17.110.020 - Survey Procedure and Practice
- 17.110.030 - Monuments
- 17.110.040 - Survey Information on Parcel or Final Map

#### **17.110.010 - Purpose of Chapter**

This Chapter provides requirements for subdivision survey work, and the placement of subdivision monuments.

#### **17.110.020 - Survey Procedure and Practice**

The procedure and practice of all survey work done on any subdivision, whether for preparation of a Final Map or Parcel Map shall conform to the standard practices and principles of land surveying, the California Land Surveyor's Act, and the provisions of this Chapter.

- A. Traverse. The traverse of the exterior boundaries of the subdivision computed from field measurements of the ground must close within a limit of error of one foot to 10,000 feet of perimeter before balancing the survey.
- B. Field notes. When required by the City Engineer, the engineer or surveyor making the survey shall prepare complete field notes, in a form satisfactory to the City Engineer, showing references, ties, locations, elevations and other necessary data relating to monuments, set in compliance with these regulations, and shall submit the notes to the City Engineer to be indexed and retained as a part of the permanent public record of his office.
- C. Geodetic monuments. Whenever the City Engineer has established a system of coordinates which is within a reasonable distance of the subdivision boundary, as determined by the City Engineer, the field survey shall be tied into the system.

#### **17.110.030 - Monuments**

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

shall be set by the engineer or surveyor for all new subdivisions requiring a Parcel Map or Final Map, in compliance with this Section.

A. Boundary monuments.

1. Boundary monuments shall be set on the exterior boundary of the subdivision at all corners, angle points, beginnings and ends of curves and at intermediate points approximately 1,000 feet apart. The locations of inaccessible points may be established by ties and shall be so noted on the Final Map or Parcel Map.
2. All exterior boundary monuments shall be set prior to recordation of the Final Map or Parcel Map or as certified on the Final or Parcel Map.

B. Interior monuments. Whenever interior monuments are required, the monuments shall be set at:

1. All block and lot corners and angle points;
2. The beginnings and ends of curves;

Interior property line and ties may be set after the Final Map or Parcel Map is recorded as certified on the Final or Parcel Map.

C. Monument type and positioning. All monuments set in the course of the survey shall be as specified by the City Engineer and shall be set to the depth and in the manner prescribed by the City Engineer.

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

E. Replacement of destroyed monuments. Any monument which is disturbed or destroyed before acceptance of all improvements by the City shall be replaced by the subdivider.

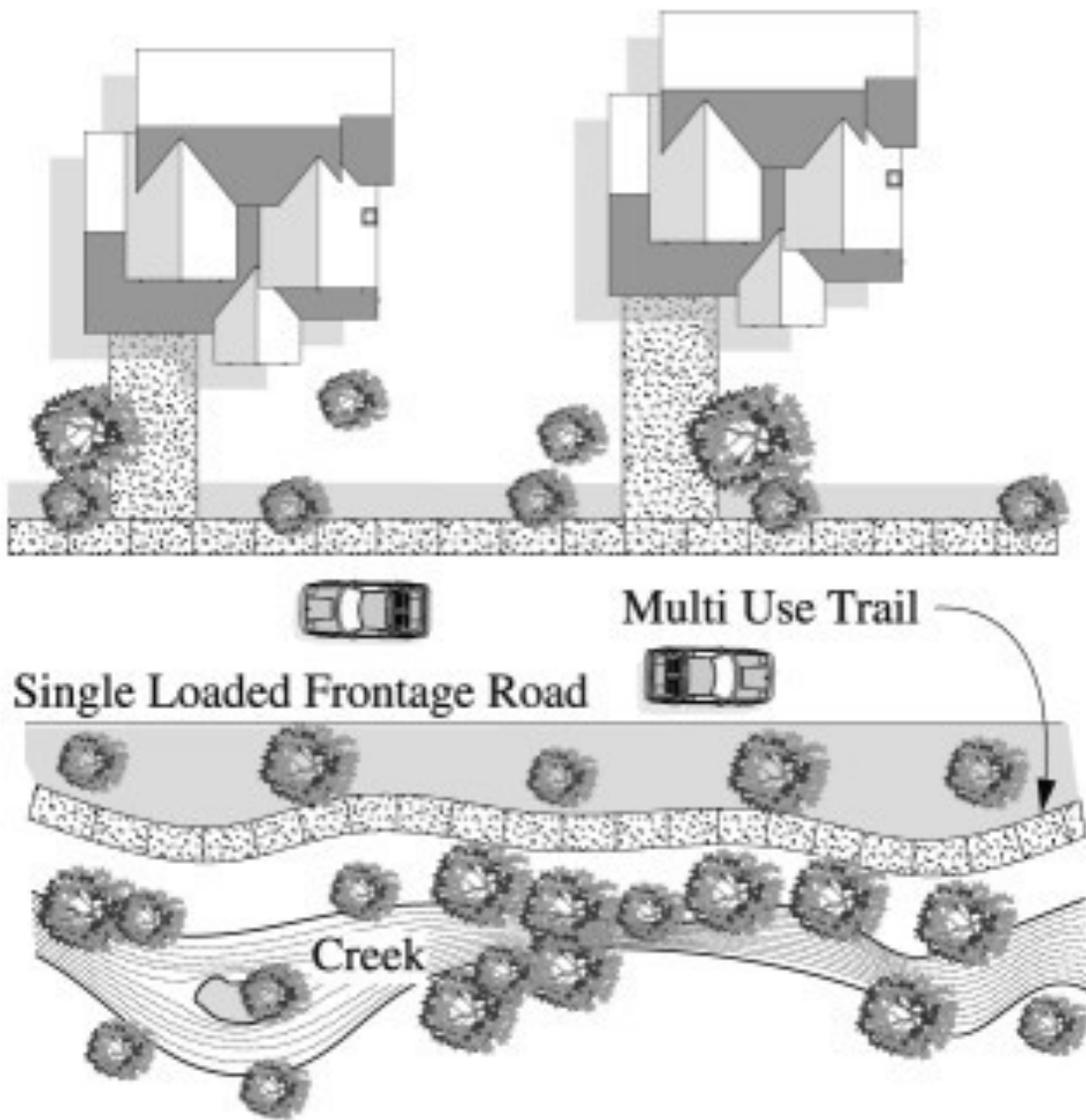
F. Timing of monument installation. The exterior boundary of the subdivision shall be completely monumented or referenced before the Final Map or Parcel Map is submitted to the City Engineer for processing. Interior monuments need not be set at the time the Final Map or Parcel Map is filed if the engineer or surveyor certifies on the map that the monuments will be set on or before a specified later date, and if the subdivider furnishes the City in a sufficient amount to guarantee payment of the cost of setting the monuments in compliance with Map Act Section 66496.

- G. Notice of completion. Within five days after all monuments have been set, the engineer or surveyor shall give written notice to the subdivider and the City Engineer that the final monuments have been set. Verification of payment to the engineer or surveyor shall be filed as required by Article 9 of the Map Act. The cost of setting monuments shall be included in the engineer's estimate for improvements in compliance with Section 17.108.040 (Improvement Agreements and Security). If requested, this amount of the security may be released upon verification of the setting of the monuments by the City Engineer.

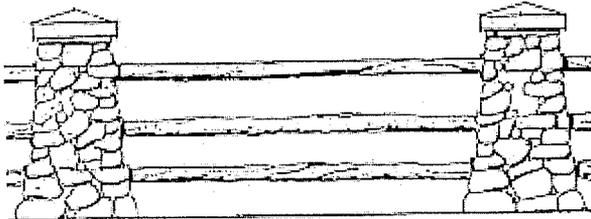
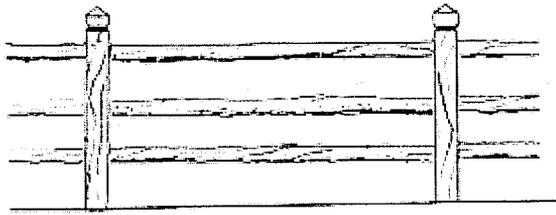
#### **17.110.040 - Survey Information on Parcel or Final Map**

The following survey information shall be shown on each Final Map or Parcel Map for which a field survey was made in compliance with this Development Code.

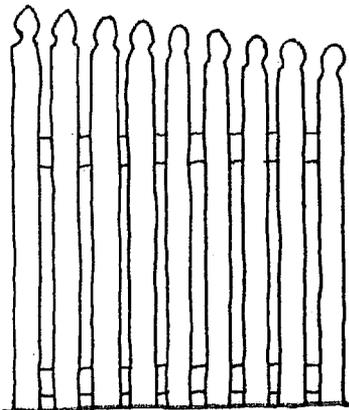
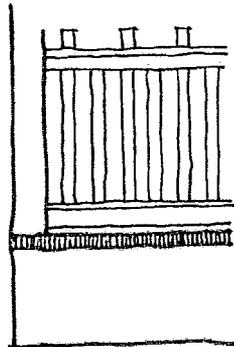
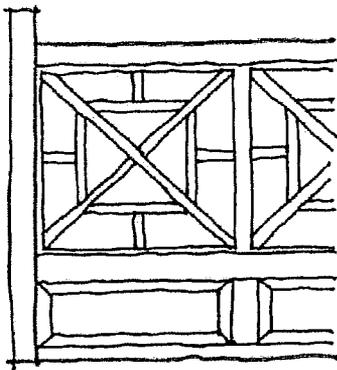
- A. Stakes, monuments (together with their precise position) or other evidence found on the ground, to determine the boundaries of the subdivision;
- B. Corners of all adjoining properties identified by lot and block numbers, subdivision names, numbers and pages of record maps, or by section, township and range, or other proper designation;
- C. All information and data necessary to locate and retrace any point or line without unreasonable difficulty;
- D. Bearing and length of each lot line, block line and boundary line and each required bearing and distance;
- E. Length, radius and central angle of each curve and the bearing of each radial line for non-tangent curves;
- F. The centerlines of any street or alley in or adjoining the subdivision which have been established by the City Engineer, together with reference to a field book or map showing the centerline. If determined by ties, that fact shall be so stated;
- G. Any other survey data or information as may be required to be shown by the City Engineer or by the provisions of this Chapter and the Subdivision Map Act.



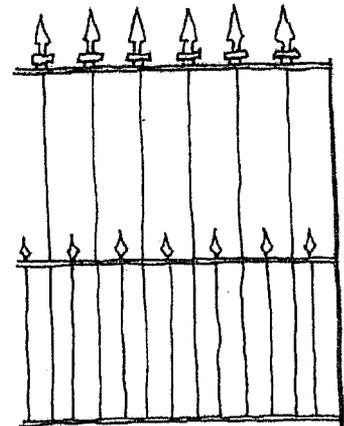
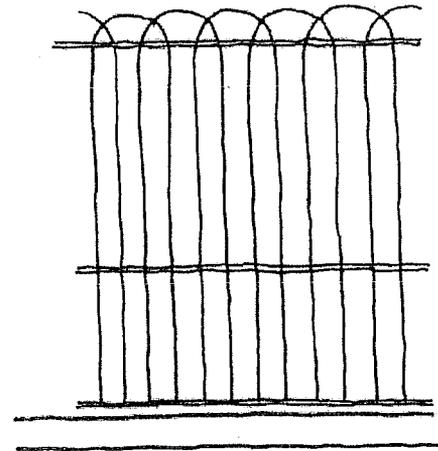
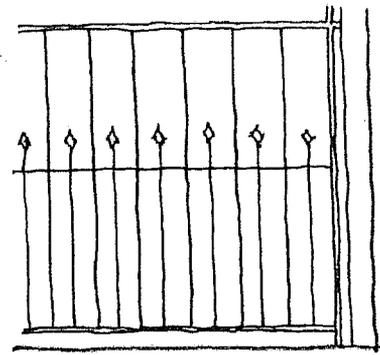
**Figure 5-1 Use of Frontage Roads**



Country: Rail/Stone

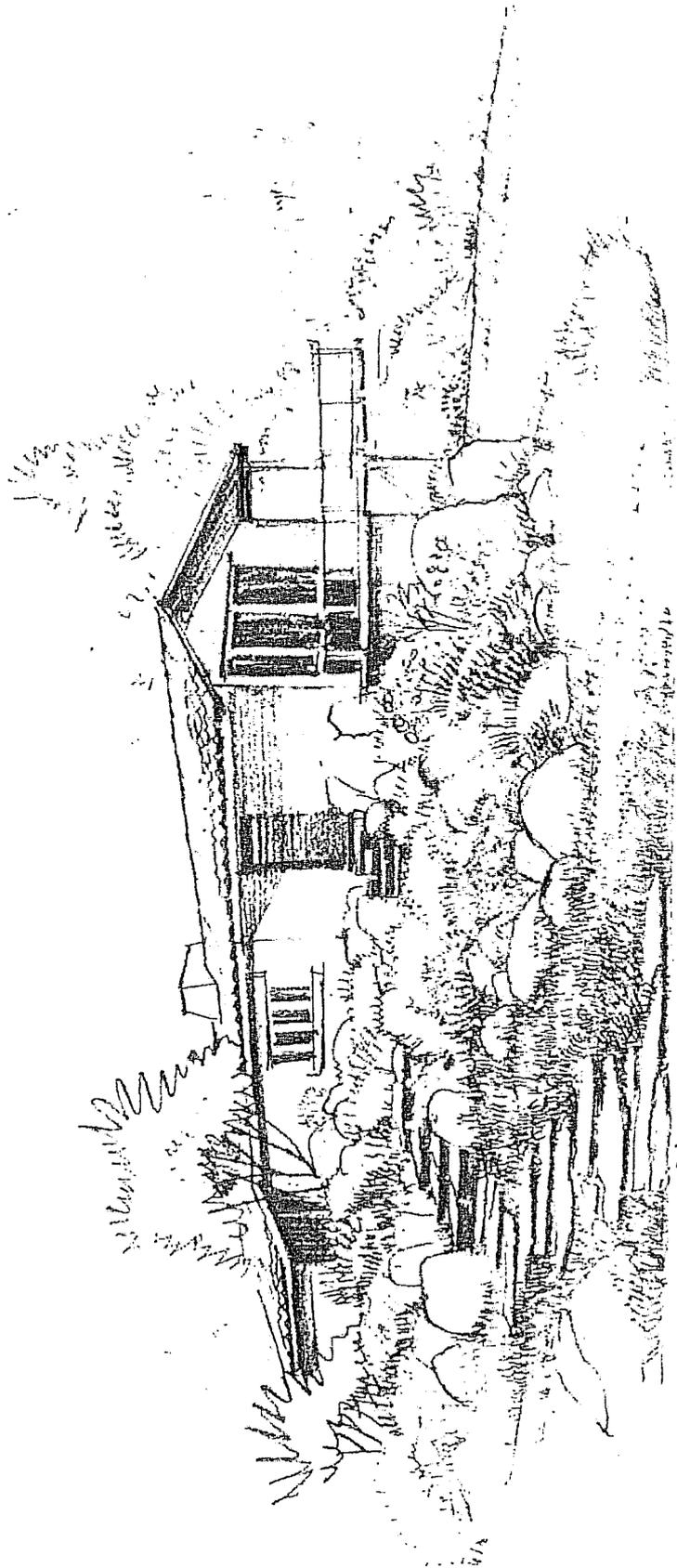


Urban: Picket Wood

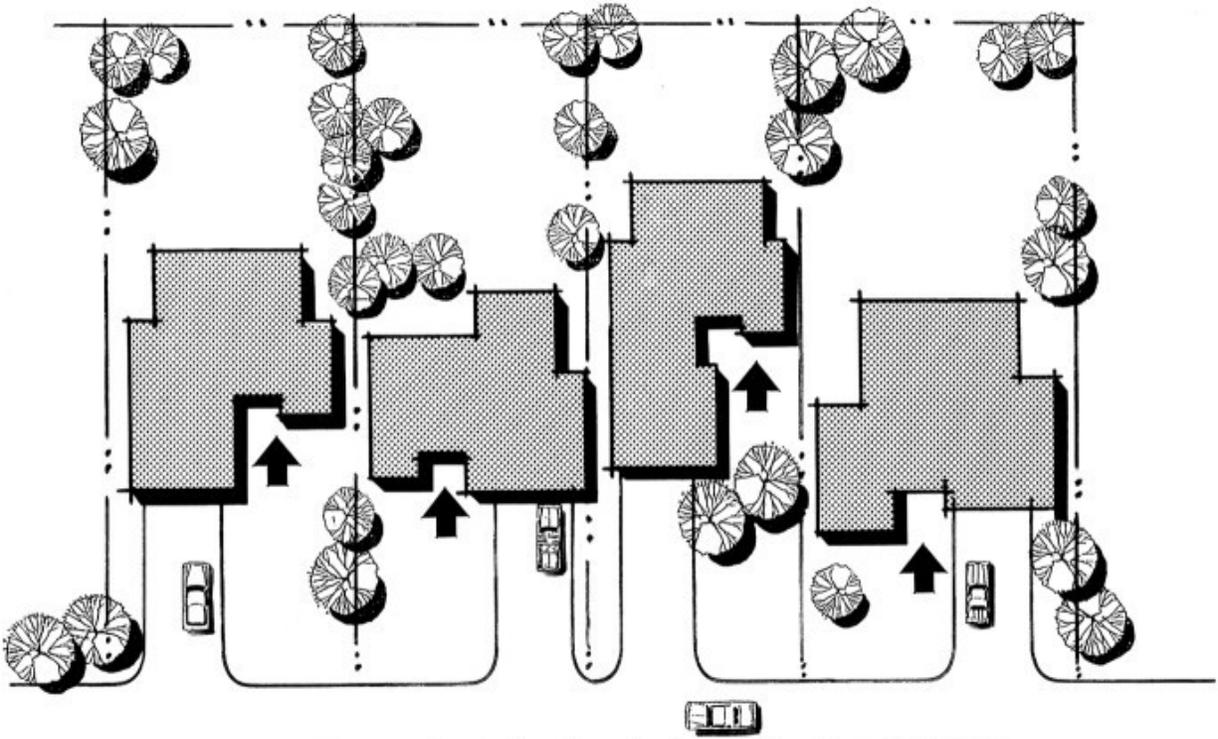


Urban: Wire Iron

Figure 5-2 - Appropriate Fencing

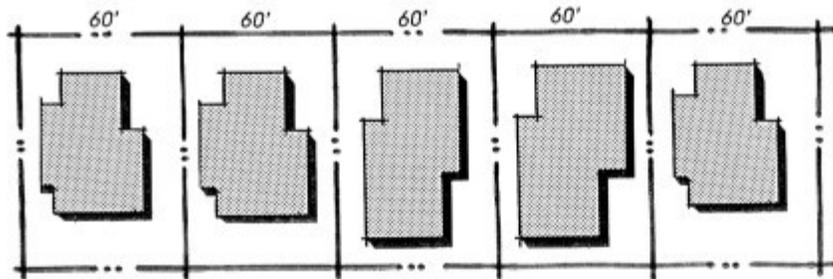
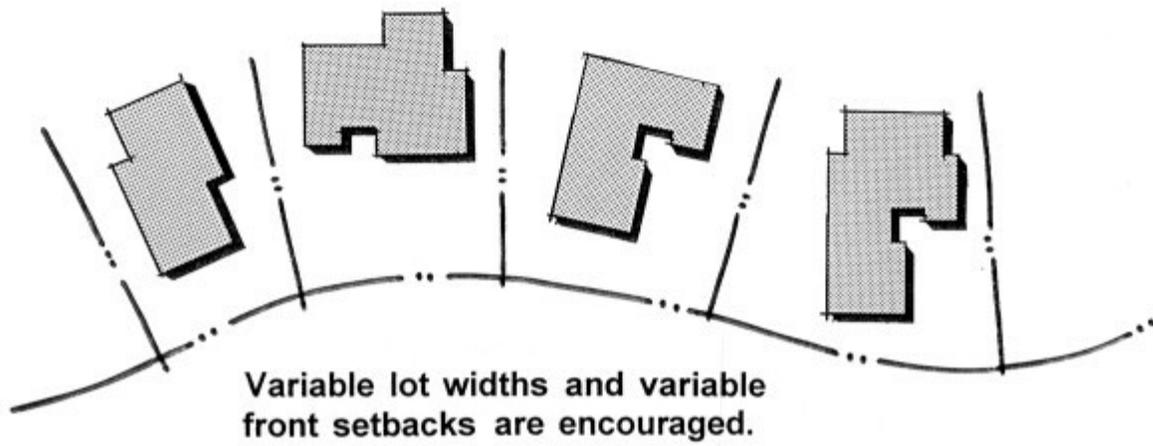


**Figure 5-3 - Incorporating Natural Amenities**



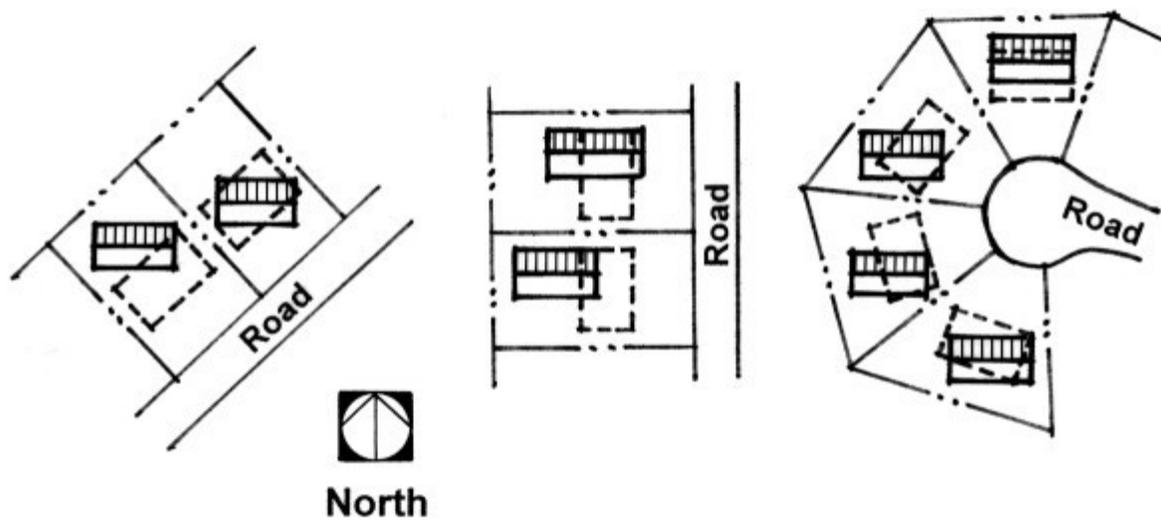
**Staggering of setbacks to each entry and unit creates variety and identity**

**Figure 5-4 Varied Entry Setbacks**

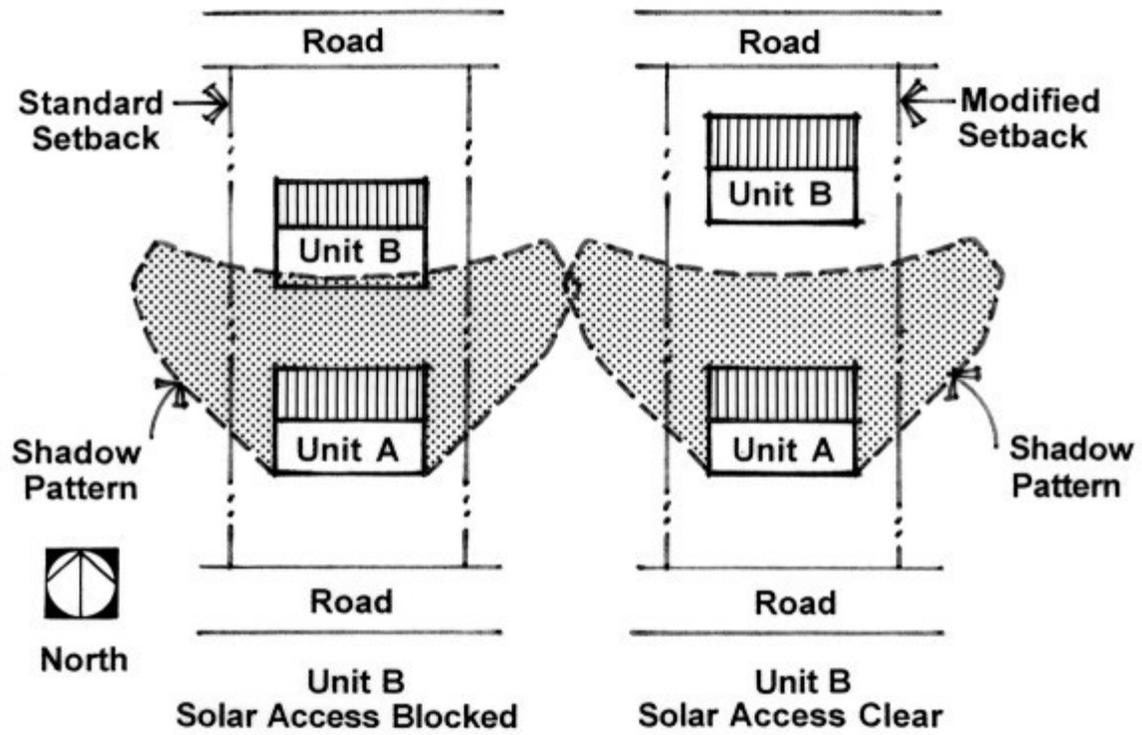


Repetitive lot widths and similar front setbacks on a straight street are discouraged.

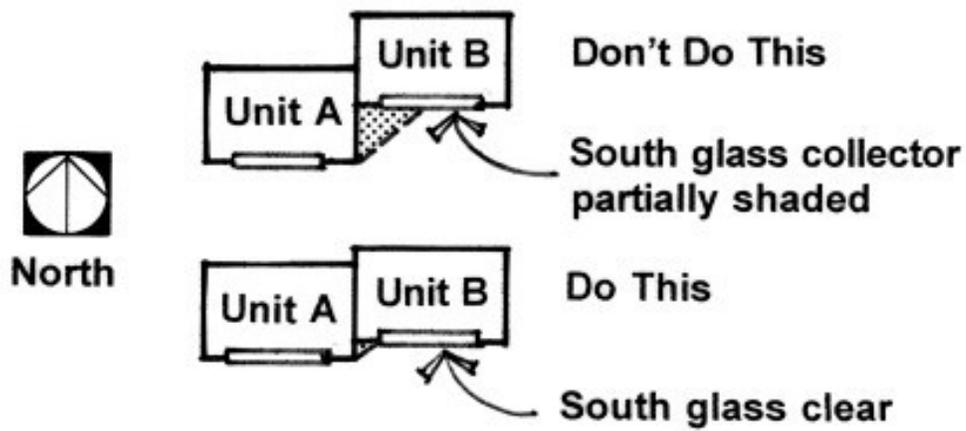
**Figure 5-5 Varied Parcel Design**



**Figure 5-6 Solar Orientation of Parcels**



**Figure 5-7 Setbacks for Solar Access**



Attached units should not be “sheared” so much as to block solar access.

Figure 5-8 South Facing Glass