
**City of Colusa
PLANNING COMMISSION
STAFF REPORT**

MEETING DATE: May 27, 2009

AGENDA ITEMS: Repeal and re-adoption of subdivision regulations

PREPARED BY: John Linhart, Planner

BACKGROUND:

The Subdivision Map Act (California Government Code Sections 66410 *et seq.*), governs and provides the general framework for the processing of maps that subdivide land. The Subdivision Map Act ("Act") distinguishes between a subdivision of land consisting of five or more parcels and a subdivision of land consisting of four or fewer parcels. In dealing with these two different scenarios, there are four types of maps that the City may need to process: (1) a tentative subdivision map (or tentative map), (2) a parcel map, (3) a final subdivision map (or final map) and (4) a vesting tentative map.

Under the Act, a subdivision of land consisting of five or more parcels requires a tentative map and a final map, subject to certain exceptions. (Govt. Code Sections 66426, 66499.30.) The purpose of a tentative map is to show "the design and improvement of a proposed subdivision and the existing conditions in and around it." (Govt. Code Section 66424.5(a).) A tentative map is commonly approved with a number of conditions that must be satisfied before approval and recordation of a final map. (Govt. Code Section 66452.1.) A vesting tentative map is an alternative to a tentative map, which confers a vested right, that would not exist otherwise, to proceed with development in substantial compliance with the local laws and regulations in effect at the time the application for the vesting tentative map is complete. (Govt. Code Section 66498.1.) A final map must be substantially the same as a tentative map, but it is a more detailed map that is based on a survey. (Govt. Code Sections 66441, 66442(a)(2).) Once a final map is recorded, the parcels shown on it may be individually sold, financed, or leased and/or construction on a parcel may commence. (Govt. Code Section 66499.30.) On the other hand, only a parcel map is required for a subdivision of land involving four or fewer parcels, subject to certain exceptions. (Govt. Code Section 66426.)

Although the Act provides the framework for the processing of maps that subdivide land, the Act also requires local agencies to adopt ordinances that specify the procedures that will be applicable to the local agency with regard to the filing, processing, approval, conditional approval and disapproval of the maps. For instance, the Act provides that,

except as provided by the Act, the procedure for filing, processing, approving, conditionally approving, and disapproving parcel maps "shall be as provided by local ordinance." (Govt. Code Section 66463.) Because the Act includes only a few regulations regarding the procedure for filing, processing, approving, conditionally approving, and disapproving parcel maps, the procedures relating to parcel maps are largely determined by local ordinance.

Chapter 17, Articles 1-3 and chapter 19B define the process of development of land within Colusa. In 2007, a new set of Public works improvement Standards was adopted in the City and has regulated development since then. This process is the follow-up to the standards adoption and will fully integrate the development process with State law.

The City Code does not fully address the issue of lot line adjustments, mergers or un-mergers, and changes to map applications and conditions so those areas are more fully defined.

As a necessary step, the proposed Ordinances will repeal and replace the current Chapter 17 and Chapter 19B with a new Chapter 17. Included in this comprehensive update are sections for recombining parcels, lot line adjustments, and changes to tentative maps and conditions (which are not well-covered in the current Code).

REQUESTED ACTION:

Review and make recommendations to Council for final action (adoption).

ENVIRONMENTAL REVIEW:

This is not classified as a project under CEQA and requires no review.

PROJECT DESCRIPTION:

Planning Commission is being asked to make a recommendation to forward to Council regarding the repeal of old, out-of-date subdivision regulations and to re-adopt new processes that will modernize our processes to bring Colusa into compliance with State law.

ANALYSIS:

The laws currently applicable to development and map applications in Colusa date back to the mid-1970's. There have been many changes to the state laws (Subdivision Map Act) since then. Recent projects in Colusa have highlighted the need to update the codes so that the City can properly enforce provisions of the 2007 General Plan.

The new subdivision ordinances will provide clearer and more consistent direction to the public and the development community regarding how to prepare maps as well as more latitude for the City Engineer to ensure that maps and other development documents are adequate and in compliance with the General Plan and State law.

RECOMMENDED ACTIONS:

Approve the Draft Ordinance to replace Article 30 Colusa City Code with Updated Article 30 "Landmark and Historic Preservation" and forward to City Council a recommendation for approval

FINDINGS:

N/A

Exhibits:

1. Proposed "New" Chapter 17
2. "Old" Chapter 17 and 19B (for reference)

CHAPTER 17 - MAP FILING AND PROCESSING

Sections:

- 17.00 - Purpose of Chapter
- 17.01 - Tentative Subdivision Maps
- 17.02 – Parcel Maps
- 17.03 – Final Subdivision Maps
- 17.04 – Vesting Tentative Maps
- 17.05 - Recombining Parcels – Merger; unmerger; reversion to acreage.
- 17.06 – Lot Line Adjustments
- 17.07 - Change to Approved Tentative Map or Conditions

17.00.010 Purpose of Chapter

This Chapter establishes requirements for the preparation, filing, approval or disapproval of Tentative Maps, consistent with the requirements of the Map Act. The purpose of these regulations, and the intent of the city in their adoption, is as follows:

- A. To provide policies, standards, requirements and procedures to regulate and control the design and improvement of all subdivisions within the city;
- B. To assist in implementing the objectives, policies and programs of the general plan by ensuring that all proposed subdivisions, together with the provisions for their design and improvement, are consistent with the general plan and all applicable specific plans of the city;
- C. To preserve and protect, to the maximum extent possible, the unique and valuable natural resources and amenities of the city's environment, including topographic and geologic features, open space lands, stream recreational areas, fish and wildlife habitats, historical and cultural places, and scenic vistas and attractions; and, to maximize the public's access to and enjoyment of such resources and amenities through the dedication or continuance of applicable easements thereto;
- D. To relate land use intensity and population density to existing development, street capacity and traffic access, the slope of the natural terrain, and the availability of public facilities, utilities and open space;
- E. To provide lots of sufficient size and appropriate design for the purposes for which they are to be used;
- F. To provide streets of adequate capacity and design and to ensure maximum safety for pedestrians and vehicles;
- G. To ensure adequate access to each building site;
- H. To provide sidewalks, and where needed, pedestrian ways, bike paths, and equestrian and hiking trails for the safety, convenience and enjoyment of the residents of new developments;
- I. To provide adequate systems of water supply, sanitary sewage disposal, storm drainage, street lighting, and other utilities needed for the public health, safety and convenience;
- J. To provide adequate sites for public facilities needed to serve the residents of new developments;
- K. To ensure that the costs of providing land for streets, alleys, pedestrian ways, easements, and other rights-of-way, and for the improvements needed to serve new developments, are the responsibility of the subdivider;
- L. To prevent land which is actually or potentially dangerous by reason of flood hazard, inundation, proximity to excessive noise, inadequate access, inadequate water supply or fire protection, insufficient sewerage facilities, hazardous geological conditions, or critical soil conditions from being subdivided for any use or in any manner tending to create an increased detriment to the public health, safety or welfare;
- M. To ensure that, insofar as possible, land is subdivided in a manner that will promote the public health, safety, convenience, and general welfare in conformance with the general plan;
- N. To reduce the hardships on tenants displaced when multi-residential buildings are converted to condominium projects and to protect the purchasers of dwelling units in such condominium projects.

17.00.020 Authority.

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

17.00.030 Conformance with other regulations required.

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

17.00.040 Tentative Map Preparation, Application Contents

Tentative Map submittal shall include the application forms, and all information and other materials prepared as required by the Planning Director and the Public Works Director.

17.00.050 Definitions.

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

- A. Alley means a public way, other than a street or highway, providing a secondary means of vehicular access to abutting property.
- B. Certificate of compliance means a certificate issued by the planning director and recorded in the office of the Colusa County recorder certifying that a parcel or parcels of real property comply with the provisions of this title and the Subdivision Map Act.
- C. Commission means the planning commission of the city of Colusa;
- D. Condominium Project means a condominium project as defined in Section 1350 of the Civil Code of the state of California, a community apartment project as defined in Section 11004 of the Business and Professions Code of the state of California or a stock cooperative as defined in Section 11003.2 of the Business and Professions Code of the state of California.
- E. Design criteria and improvement standards means criteria and standards approved by resolution of the council setting forth the manner in which subdivisions and subdivision improvements are to be designed and constructed.
- F. Director means the director of the planning department of the city or an authorized representative.
- G. Fire protection means such fire hydrants, fire roads and protective measures as may be required for protection of property within a subdivision.
- H. Flood hazard means a hazard to land or improvements due to seasonal inundation or to overflow water having sufficient velocity to transport or deposit debris, scour the surface soil, dislodge or damage buildings or erode the banks of watercourses.
- I. General plan means the general plan of the city of Colusa.
- J. Lot means a parcel of land which is identified on a final map or parcel map recorded in the office of the Colusa County recorder with a separate and distinct number or letter.
- K. Model home means a single or two-family residential structure (including individual dwelling units in planned development, or condominium project) which is used for the purposes of display, advertising, promotion or sales of other substantially identical structures in the same or contiguous subdivisions and for which construction is to commence prior to the completion and acceptance of all required subdivision improvements.
- L. Multi-family residential building means a building having 2 or more dwelling units. “Multi-residential building” also includes 2 or more buildings, each having one or more dwelling units, which are located on the same lot or parcel.
- M. Neighborhood park facilities means any park facilities which are intended to serve the recreational needs of only a portion of the residents and other inhabitants of the city.

- N. Park facilities or “park facility” means parkland and all improvements to such land and the adjoining rights-of-way which are determined necessary for the development and use of land for park and recreational purposes.
- O. Pedestrian way means a right-of-way designed for use by pedestrians and not intended for use by motor vehicles of any kind. A pedestrian way may be located within or without a street right-of-way, at-grade, or grade separated from vehicular traffic.
- P. Planned development means a planned development as defined in Section 11003 of the Business and Professions Code of the State of California.
- Q. Public way means any street, highway, alley, pedestrian way, equestrian or hiking trail, bike path, channel, viaduct, subway, tunnel, bridge, easement, right-of-way, or other way in which the public has a right of use.
- R. Roadway means that portion of a right-of-way for a street, highway or alley designed or used to accommodate the movement of motor vehicles.
- S. Specific plan means and includes a plan for a specific portion of the city, or a plan for a specific municipal function of the city which has been acted upon by the planning commission and adopted by the city council.
- T. Arterial Street means a street carrying the vehicular traffic of local and collector streets to and from freeways and other arterial streets, with protected intersections.
- U. Collector Street means a street which collects and distributes vehicular traffic moving between arterial streets and local streets and which generally provides direct access to abutting properties.
- V. Cul-de-sac Street means a street which is designed to remain permanently closed at one end with the closed end terminated by a vehicular turnaround.
- W. Local Street means any street other than a collector street, arterial street or freeway, providing direct access to abutting property and serving local as distinguished from through traffic.
- X. Subdivision means and includes any division for gift or for token consideration.
- Y. Vehicular access rights means the right of easement for vehicular access of owners or occupants of abutting lands to a public way.
- Z. Water supply means such water supply and distribution facilities as are necessary to provide a reliable and adequate water supply for appropriate residential, commercial and industrial use and for public and private fire protection purposes.

17.00.060 Map required.

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

17.01 Tentative Subdivision Maps

17.01.010 Division of Land-Five or More Parcel

A tentative and final map shall be required for all divisions of land when determined by the Planning Director that such land is proposed to be divided into five (5) or more parcels, five (5) or more condominiums, a community apartment project containing five (5) or more parcels, or for the conversion of a dwelling to a stock cooperative containing five (5) or more dwelling units, except where:

- A. The land before division contains less than five (5) acres, each parcel created by the division abuts upon a maintained public street or highway and no dedications or improvements are required by the legislative body; or
- B. Each parcel created by the division has a gross area of twenty (20) acres or more and has an approved access to a maintained public street or highway; or
- C. The land consists of a parcel or parcels of land having approved access to a public street or highway which comprises part of a tract of land zoned for industrial or commercial development and which has the approval of the governing body as to street alignments and widths; or
- D. Each parcel created by the division has a gross area of not less than 40 acres or is not less than ¼ of a ¼ section; or

E. The land being subdivided is solely for the creation of an environmental subdivision pursuant to Section 66418.2 of the Subdivision Map Act.

17.01.020 Applicability

The form and contents, submittal and approval of tentative maps for five (5) or more parcels in accordance with Section 17.01.010 shall be governed by the provisions of this chapter, and the Subdivision Map Act.

17.01.030 Exceptions

The provisions of this chapter shall not apply to the exceptions provided for in Section 66412 of the Subdivision Map Act.

17.01.040 Tentative Map Application; Form and Contents

The tentative map application shall be prepared in a manner acceptable to the Planning Director and City Engineer and shall be prepared by a registered civil engineer or land surveyor. The tentative map shall be clearly drawn and shall contain not less than the following:

- A. A title which shall contains the subdivision number, subdivision name, and type of subdivision;
- B. Name and address of legal owner, subdivider, and person preparing the map, including registration or license number;
- C. Sufficient legal description to define the boundary of the proposed subdivision;
- D. The names and numbers of adjacent subdivisions and the names of the owners of adjacent unplatted land;
- E. Date, north arrow, scale, contour interval, and source and date of existing contours;
- F. The total number of lots and gross and net acreage of the subdivision;
- G. A statement of present zoning and of existing and proposed uses of the property as well as any proposed zoning charges, whether immediate or future;
- H. A vicinity map showing roads, adjoining subdivisions, county areas, creeks, and other data sufficient to locate the proposed tentative map and show its relation to the community;
- I. Existing topography of the proposed site and at least one hundred feet (100') beyond its boundary, including but not limited to:
 - 1. Existing contours at two (2) foot intervals if the existing ground slope is less than twenty percent (20%) and not less than five (5) foot intervals for existing ground slopes equal or greater than twenty percent (20%). Contour intervals shall not be spread more than one hundred fifty (150) feet apart. Existing contours shall be represented by dashed lines.
 - 2. Type, circumference, and drip line of existing trees with trunk diameter of four (4) inches or more. Any trees proposed to be removed shall be so indicated.
 - 3. The location and outline of existing structures identified by type. Structures to be removed shall be so indicated.
 - 4. The approximate location of all areas of potential storm water overflow; the location, width, and direction of flow of each water course; and the flood zone.
 - 5. The location, pavement, and right-of-way width, grade, and name of existing streets and highways.
 - 6. The widths, location, and identity of all existing easements.
 - 7. The location and size of existing sanitary sewers, fire hydrants, water mains, and storm drains. The approximate slope of existing sewers and storm drains shall be indicated. The locations of existing sewers and storm drains shall be indicated. The location of all existing overhead and underground utility lines on peripheral streets shall be indicated.
- J. Proposed improvements to be shown shall include but not be limited to:
 - 1. The location, grade, centerline radius, and arc length of curves, pavement, right-of-way width, and name of all streets. Typical sections of all streets shall be shown. Proposed private streets shall be clearly indicated.
 - 2. The location and radius of all curb returns and cul-de-sacs.
 - 3. The location, width, and purpose of all easements.
 - 4. The angle of intersecting streets if such angle deviates from a right angle by more than four (4) degrees.
 - 5. The approximate lot layout and the approximate dimensions of each lot and each building site. Engineering data shall show the approximate finished grading of each lot, the preliminary design of all grading, the elevation of proposed building pads, the top and toe of cut and fill slopes to scale, the number of each lot, and the elevation of adjacent parcels.

- 6. For all lots with a slope of twenty (20) percent or greater, specific locations of building envelopes and driveways shall be shown.
- 7. Proposed contours at two (2) foot intervals shall be shown if the existing ground slope is less than twenty (20%) percent and not less than five (5) foot intervals for existing ground slope of twenty (20%) percent or more. A separate grading plan may be submitted.
- 8. Proposed recreation sites, trails, and parks for private or public use.
- 9. Proposed common areas to be dedicated to public open space.
- 10. The location and size of sanitary sewers, fire hydrants, water mains, and storm drains. Proposed slopes and approximate elevations of sanitary sewers and storm drains shall be indicated. The proposed routing of storm water runoff by a one hundred year (100) flood.
- 11. A statement as to the intention of the subdivider in regard to slope planting and erosion control.
- 12. Such other improvements the installation of which is necessary to ensure consistency with/or implementation of, the General Plan, or any applicable specific plan.
- K. The name or names of any geologist or soils engineer whose services were required in the preparation of the design of the tentative map;
- L. The size of each sheet shall be 18 by 26 inches or 460 by 660 millimeters. A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of one inch or 25 millimeters. The scale of the map shall be large enough to show all details clearly and enough sheets shall be used to accomplish this end. The particular number of the sheet and the total number of sheets comprising the map shall be stated on each of the sheets, and its relation to each adjoining sheet shall be clearly shown;
- M. If the subdivider plans to develop the site in units or phases, the proposed units or phrases and their proposed sequence of construction shall be shown;
- N. The subdivider shall specify any deviation from these standards and provide the justification for such deviation;
- O. The Planning Director may require other drawings, data, or information as deemed necessary by the Planning Director to accomplish the purposes of the Subdivision Map Act and this title; and
- P. Upon written request of the subdivider, the Planning Director may waive any of the above tentative map requirements if the Planning Director determines that the type of tentative map does not justify compliance with these requirements, or if the Planning Director determines that other circumstances justify a waiver. The Planning Director may require other drawings, data, or information as deemed necessary by the Planning Director to accomplish the purposes of the Subdivision Map Act and this chapter.

17.01.050 Tentative Map Application; Accompanying Data and Reports

The tentative map application shall be accompanied by the following data and reports:

- A. Street Names. A list of proposed streets names for any unnamed street or alley for review by the Planning Director.
- B. Soils Reports. A preliminary soils report prepared in accordance with the provisions of Uniform Building Code. If the preliminary soils reports indicate the presence of critically expansive soil or other soils problems, which if not corrected, would lead to structural defects, the soils report accompanying the final map shall contain an investigation of each lot.
- C. Grading Plan. A preliminary grading plan prepared in accordance with the provisions of the Uniform Building Code shall be submitted.
- D. Title Reports. A preliminary title report, acceptable to the Planning Director, showing the legal owners at the time of filing the tentative map.
- E. Environmental Review. Information shall be submitted as required by the Planning Director to allow a determination on environmental review to be made in accordance with CEQA. The subdivider shall deposit and pay all fees as may be required for the preparation and processing of environmental review documents.
- F. Preliminary Engineering Calculations. Information shall be submitted as required by the standard engineering specifications to demonstrate the adequacy of the design of the proposed improvements. Such information shall include design parameters and engineering calculations.
- G. Phasing. If the subdivider plans to file multiple final maps on the tentative map, the subdivider shall submit a written notice to this effect to the Planning Director.
- H. Other Reports. Any other data or reports deemed necessary by the community development director.

17.01.060. Geotechnical Reports.

- A. Three copies of a preliminary engineer’s soils report and engineering geology report, prepared by a civil

- engineer and engineering geologist registered in the state and based upon adequate borings, shall be submitted to the city engineer.
- B. A preliminary soils and/or geology report may be waived by the city engineer provided the city engineer finds that, due to the knowledge that the city has as to the soil and geologic conditions in the subdivision, no preliminary analysis is necessary. Such knowledge would include the nature, distribution and strength of the existing soils and the necessary grading procedures and design criteria for corrective measures and the geology of the site and the effect of geologic conditions on the proposed development.
 - C. If the city has knowledge of, or the preliminary soils and geology reports indicate, the presence of soil or geologic conditions which, if corrective measure are not taken, could lead to structural defects, a soils and/or geologic investigation of each lot in the subdivision may be required by the city engineer. Such soils and/or geologic investigation shall be done by a civil engineer and/or geologist registered in the state who shall recommend regarding the adequacy of the sites to be developed by the proposed grading and the effect of the soil or geologic conditions on the proposed development. The city may approve the subdivision, or portion thereof, where soils or geologic problems exist if the city determines that the recommended actions provide for procedures and design criteria for corrective measures as necessary covering the structures and adequacy of the sites to be developed by the proposed grading. A condition of the issuance of any building permit may require that the approved recommended action be incorporated in the grading plans and/or specifications and, if necessary, the plans and specifications for the construction of each structure.
 - D. Where preliminary soils and/or geology reports are prepared, final reports shall be submitted prior to the acceptance of the improvements indicating the specific actions taken pursuant to the preliminary report recommendations. Such reports shall have sufficient field data submitted to indicate full compliance with the preliminary or subsequent progress report recommendations as they were applied to specific areas or improvements.
 - E. Geotechnical reports must also comply with applicable city standards.

17.01.070 Street Names

Each street which is to be dedicated which is a continuation of, or approximately the continuation of, any existing dedicated street shall be shown on the tentative subdivision map and shall be submitted to the Planning Director for approval in accordance with current city street naming policies. The approved street name shall be shown on the final map.

17.01.080 Planning Director Review

- A. Application Filing and Review by Applicable Agencies. The tentative map application shall be filed with the Planning Director. The subdivider shall file the number of tentative maps that the community development director deems necessary. The Planning Director shall forward copies of the tentative map to the affected public agencies and utilities which may, in turn, forward to the department their findings and recommendations. Public agencies and utilities shall certify that the subdivision can be adequately served.
- B. Application Deemed Complete. The application shall be deemed complete by the Planning Director only when the form and contents of the tentative map conform to the requirements of Section 17.01.040 and when all accompanying data and reports, as required by Section 17.01.050 and Section 17.01.060, and all fees and/or deposits as required by Section 17.01.140 have been submitted and accepted by the Planning Director. If the Planning Director does not determine whether a tentative map application is complete within thirty (30) days of receiving application, then the application shall be deemed complete.
- C. Environmental Review. If an environmental impact report is prepared, the report shall be certified within one (1) year from the date that the application is deemed complete, unless an extension of time is granted by the subdivider. If a negative declaration is prepared, the negative declaration shall be adopted within one hundred and eighty days (180) from the date that the application is deemed complete, unless an extension of time is granted by the subdivider.

17.01.090 Planning Commission Action

- A. Notice of Public Hearings. Upon determination that a tentative map application is complete in accordance with Section 17.01.080, the Planning Director shall prepare a report with recommendations, and shall set the matter for a public hearing before the Planning Commission. A copy of the Planning Director's report shall be forwarded to the subdivider at least seven (7) days prior to the public hearing. At least ten (10) days before the public hearing, a notice shall be given of the time, date and place of the hearing, including

a general explanation of the matter to be considered and a general description of the area affected, and the street address, if any, of the property involved. The notice shall be published at least once in a newspaper of general circulation in the city. In addition to notice by publication, the Planning Director shall give notice of the hearing by mail or delivery to the subdivider, the owner of the subject real property, if different from the subdivider and to all persons, including businesses, corporations, or other public or private entities, show on the last equalized assessment roll as owning real property within three hundred (300) feet of the property which is the subject of proposed application. The Planning Director shall also give notice of the hearing by mail or delivery to each agency expected to provide water, sewage, streets, roads, schools or other essential facilities or services to the subdivision, whose ability to provide those facilities and services may be significantly affected. A proposed conversion of residential real property to a condominium, community apartment or stock cooperative project shall be noticed in accordance with Section 66451.3 of the Subdivision Map Act. In the event that the proposed application has been submitted by a person other than the property owner shown on the last equalized assessment roll, the city shall also give notice by mail or delivery to the owner of the property as shown on the last equalized assessment roll. In addition, notice shall be given by mail or personal delivery to any person who has filed a written request with the city. The request may be submitted at any time during the calendar year and shall apply for the balance of the calendar year. The Planning Director may give such other notice that he or she deems necessary or advisable.

- B. Action. The Planning Commission shall recommend approval, conditional approval or denial of the tentative map and the Planning Director shall report the decision of the Planning Commission to the city council and the subdivider within fifty (50) days after certification of the environmental impact report, adoption of a negative declaration, or a determination by the Planning Commission that the project is exempt from the requirements of Division 13 (commencing with Section 21000) of the Public Resources Code.
- C. Approval. The tentative map may be recommended for approval or conditional approval by the Planning Commission if it finds that the proposed subdivision, together with the provisions for its design and improvement, is consistent with the Subdivision Map Act, the General Plan, any applicable specific plan and all applicable provisions of this code. The Planning Commission may require as a condition of its recommendation of approval that the subdivider pay all of the development fees required to be paid at the time of the application for, or issuance of, a building permit or other similar permit. Such payment shall be made at the rate for such fees in effect at the time of such application or issuance. The Planning Commission may add additional requirements as a condition of its recommendation of approval. If no action is taken by the Planning Commission within the time limits specified in this chapter, the tentative map, as filed, shall be deemed to be recommended for approval insofar as it complies with all other applicable provisions of the Subdivision Map Act, the General Plan, any applicable specific plan, and this code, and it shall be the duty of the City Clerk to certify or state his or her approval.
- D. Denial. The tentative map may be recommended for denial by the Planning Commission on any of the grounds provided by the Subdivision Map Act or this code. The Planning Commission shall recommend denial of the tentative map if it makes any of the following findings:
 1. That the proposed map or the design or improvement of the proposed subdivision is inconsistent with the General Plan, any applicable specific plan, and the provisions of the code;
 2. That the site is not physically suitable for the type of development;
 3. That the site is not physically suitable for the proposed density of development;
 4. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. Notwithstanding the foregoing, the Planning Commission may recommend approval of such a tentative map if an EIR was prepared with respect to the project and a finding was made pursuant to paragraph (3) subdivision (a) of Section 21081 of CEQA that specific economic, social or other considerations make infeasible the mitigation measures or project alternatives identified in the EIR;
 5. That the design of the subdivision or the type of improvements are likely to cause serious public health or safety problems;
 6. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed

subdivision. The Planning Commission may recommend for approval or approval a map if it finds that alternate easements, for access or for use, will be provided and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is granted to the Planning Commission to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision;

7. Subject to Section 66474.4 of the Subdivision Map Act, that the land is subject to a contract entered into pursuant to the California Land Conservation Act of 1965 (commencing with Section 51200 of the Government Code) and that the resulting parcels following a subdivision of the land would be too small to sustain their agriculture use.

17.01.100 Appeal

The subdivider or any interested person adversely affected by any action of the Planning Commission with respect to the subdivision map may, within ten (10) days after the decision, file an appeal in writing with the city council. The city council shall consider the appeal within thirty (30) days after the date of filing of the appeal, unless the appellant consents to a continuance. Within ten (10) days following the conclusion of the hearing, the city council shall render its decision. The appeal shall be a public hearing after notice has been given according to Section 17.01.090(A). In addition, notice of the public hearing shall be given to the Planning Commission. The city council may sustain, modify, reject or overrule any recommendations or rulings of the Planning Commission and may make any findings which are consistent with the provisions of the Subdivision Map Act, the General Plan, any applicable specific plan or this code.

17.01.110 City Council Action

Upon recommending approval, condition approval or denial of the tentative map, the Planning Commission shall transmit its recommendation to the city council for action. The city council, shall conduct a public hearing after giving notice pursuant to Section 17.01.090(A). In addition, notice of the public hearing shall be given to the Planning Commission. The public hearing shall be scheduled at the next regular meeting of the city council following the receipt of the Planning Commission recommendation. The city council may add, modify or delete conditions if the city council determines that such changes are necessary to ensure that the tentative map conforms to the provisions of the Subdivision Map Act, the General Plan, any applicable specific plan, and this code. The city council may deny the tentative map on any of the grounds contained in Section 17.01.090(D). Following the conclusion of the hearing, the city council shall render its decision to approve, conditionally approve or deny the tentative map. The decision of the city council must occur within thirty (30) days of receipt of the Planning Commission recommendation on the tentative map. If the tentative map is deemed approved, the subdivider shall be entitled, upon request to the Planning Director, to receive a written certification of approval. If the city council does not act within the time limits set forth in this section, the tentative map shall be deemed to have been approved or conditionally approved as last recommended for approval, or conditional approval by the Planning Commission insofar as it complies with all other applicable provisions of the Subdivision Map Act, the General Plan, any applicable specific plan and this code.

17.01.120 Extension of Time for Planning Commission or City Council Action

Any applicable time limits for acting on the tentative map application may be extended by written consent of the Planning Commission or the city council. A waiver of applicable time limits may be required to permit concurrent processing of related approvals or an environmental review on the same development project.

17.01.130 Expiration

An approved or conditional approved tentative map shall expire at the end of the applicable time period provided for in Section 66452.6 of the Subdivision Map Act.

17.01.140 Extensions

- A. Request by Subdivider. The subdivider may request an extension of the expiration date of the approved or conditionally approved tentative map by written application to the Planning Director. The application shall be filed before the map is to expire and shall state the reasons for requesting the extension.
- B. Planning Commission Action. The Planning Director shall review the request and submit the application for the extension together with a report to the Planning Commission. The Planning Commission shall conduct a public hearing on the extension within sixty (60) days after the application is filed after giving notice pursuant to Section 17.01.090(A). A copy of the community development director’s report shall be forwarded to the subdivider prior to the Planning Commission meeting on the extension. In recommending approval, conditional approval or denial of the request for extension, the planning commission shall make findings supporting its decision, including findings with respect to the potential impact of any increases in applicable development fees which have occurred since the date of approval or conditional approval of the tentative map.
- C. City Council Action. Upon recommending approval, conditional approval or denial of the request for extension the Planning Commission shall transmit its recommendation to the city council for action. The city council shall conduct a public hearing after giving notice pursuant to Section 17.01.090(A). In addition, notice of the public hearing shall be given to the Planning Commission. If the city council does

not act within the time limits set forth in 17.01.090(A), the extension shall be deemed to have been approved or conditionally approved as recommended by the Planning Commission, insofar as the tentative map complies with all other applicable provisions of the Subdivision Map Act, this title, this code, the General Plan and any applicable specific plan.

D. Time Limit of Extensions. The time at which the tentative map expires may be extended for a period not exceeding a total of five (5) years.

17.01.150 Fees and Deposits

All persons submitting applications for the approval of a tentative map pursuant to this chapter shall pay all fees and/or deposits as established by resolution of the city council.

17.02 Parcel Maps

17.02.010 Applicability

This chapter sets forth the provisions governing the form, contents, submittal, approval, and filing of a parcel map. A parcel map shall be required for all divisions of land into four (4) or less parcels, except that a parcel map shall not be required for:

- A. Subdivisions of a portion of the operating right-of-way of a railroad corporation, as defined by Section 230 of the Public Utilities Code, that are created by short-term leases (terminable by either party on not more than thirty (30) days notice in writing); or
- B. Land conveyed to or from a government agency, public entity, public utility, or for land conveyed to a subsidiary of a public utility for conveyance to that public utility for rights-of-way, unless a showing is made in individual cases, upon substantial evidence, that public policy necessitates a parcel map. For purposes of this subdivision, land conveyed to or from a governmental agency shall include a fee interest, a leasehold interest, an easement, or a license; or
- C. The exclusions provided for in Section 66412 of the Subdivision Map Act; or
- D. Parcel maps waived by the Planning Commission in accordance with section 17.02.020.

17.02.020 Waiver of Parcel Map Requirement

- A. Waiver. After notice and public hearing in accordance with the terms of Section 17.01.090, the Planning Commission may waive the requirement of submission of a parcel map for subdivisions for which a parcel map is required under subdivisions (a), (b), (c), (d), or (e) of Section 66426 of the Government Code and other subdivisions for which a final map is not required under the Subdivision Map Act, if the Planning Commission finds that the proposed division of land complies with the legal requirements as to area, improvement and design, flood and water drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection and other requirements of the Subdivision Map Act, the General Plan, any applicable specific plan and this code which are applicable to the division of such land.
- B. Certificate of Compliance. Upon the waiver of the parcel map requirement by the Planning Commission, the city engineer shall file with county recorder a certificate of compliance for the land to be divided, and a plat map showing the division. The certificate shall include a certificate by the county tax collector stating that all taxes due have been paid or that a tax bond or other adequate form of security assuring payments of all taxes which are a lien but not yet payable has been filed with the county.
- C. Conditions. A waiver by the Planning Commission may be conditioned to provide for, among other things, payment by the subdivider of parkland dedication, drainage and other fees that are permitted by law by a method approved by the city council.
- D. Report to City Council. If any waiver is approved or conditionally approved pursuant to this section, the Planning Commission shall make a written report thereof to the city council within ten (10) days of such action. If the city council, by a majority vote, decides to review the waiver and conditions, it shall conduct a public hearing after giving notice pursuant to Sections 65090 and 65091 of the Government Code. The public hearing shall be held within thirty (30) days after the date of the request for review. The city council may add, modify or delete conditions if the Planning Commission determines that such changes are necessary to ensure that the waiver conforms to the Subdivision Map Act, the General Plan, any applicable

specific plan, and this code. Within ten (10) days following the conclusion of the hearing, the city council shall render its decision. If the city council does not act within the time limits set forth in this section, the waiver shall be deemed to have been approved or conditionally approved as last approved or conditionally approved by the Planning Commission insofar as it complies with all other applicable provisions of the Subdivision Map Act, the General Plan, any applicable specific plan, and this code.

E. Timeframe for Action. An application for a waiver shall be acted upon no later than sixty (60) days after the application for a waiver is deemed complete, unless that time limit is extended by mutual consent of the subdivider and the Planning Director.

17.02.030 Parcel Map; Form and Contents

The parcel map shall be prepared in a manner acceptable to the Planning Commission and shall be prepared by a registered civil engineer or land surveyor. The form and contents of the parcel map shall conform to all of the following provisions:

- A. The parcel map shall show the locations of streets and property lines bounding the property;
- B. It shall be legibly drawn, printed, or reproduced by a process guaranteeing a permanent record in black on tracing cloth or polyester base film. Certificate or statements, affidavits, and acknowledgements may be legibly stamped or printed upon the map with opaque ink. If ink is used on polyester base film, the ink surface shall be coated with a suitable substance to assure permanent legibility;
- C. The size of each sheet of the parcel map shall be 18 by 26 inches or 460 by 660 millimeters. A marginal line shall be drawn around each sheet, leaving an entirely blank margin of one inch or 025 millimeters. The scale of the map shall be large enough to show all details clearly and enough streets shall be used to accomplish this end. The particular number of the sheet and the total number of sheets comprising the map shall be stated on each of the sheets, and its relation to each adjoining sheet shall be clearly shown;
- D. Each parcel shall be numbered or lettered and each block may be numbered or lettered. Each street shall be named or otherwise designated. The subdivision number shall be shown together with the description of the real property being subdivided;
- E.
 - 1. The exterior boundary of the land included within the subdivision shall be indicated by distinctive symbols and clearly so designated.
 - 2. The map shall show the location of each parcel and its relation to surrounding surveys. If the map includes a “designated remainder” parcel or similar parcel, and the gross area of the “designated remainder” parcel or similar parcel is five acres or more, that remainder parcel need not be shown on the map and its location need not be indicated as a matter of survey, but only by deed reference to the existing boundaries of the remainder parcel.
 - 3. A parcel designated as “not a part” shall be deemed to be a “designated remainder” for the purposes of this section.
- F. Subject to the provisions of Section 66436 of the Subdivision Map Act, a statement, signed and acknowledged by all parties having any record title interest in the real property subdivided, consenting to the preparation and recordation of the parcel map is required.
 With respect to a division of land into four or fewer parcels, where dedications or offers of dedications are not required, the statement shall be signed and acknowledged by the subdivider only. If the subdivider does not have a record title ownership interest in the property to be divided, the local agency may require that the subdivider provide the local agency with satisfactory evidence that the persons with record title ownership have consented to the proposed division. For purposes of this paragraph, “record title ownership” means fee title of record unless a leasehold interest is to be divided, in which case “record title ownership” means ownership of record of the leasehold interest. Record title ownership does not include ownership of mineral rights of other subsurface interests that have been severed from ownership of that surface.
- G. Statements and acknowledgments required pursuant to subdivision (E) shall be made by separate instrument to be recorded concurrently with the parcel map being filed for record;
- H. No additional survey and map requirements shall be included on a parcel map that do not affect record title interests;
- I. Whenever a certificate or acknowledgment is made by separate instrument, there shall appear on the parcel map a reference to the separately recorded document. This reference shall be completed by the county recorder pursuant to Section 66434.2 of the Government Code;

- J. The parcel map shall contain a statement by the engineer or surveyor responsible for the preparation of the map that states that all monuments are of the character and occupy the positions indicated, or that they will be site in those positions on or before a specified date, and that the monuments are, or will be, sufficient to enable the survey to be retraced; and
- K. Any public streets or public easements to be left in effect after the subdivision shall be adequately delineated on the map. The filing of the parcel map shall constitute abandonment of all public streets and public easements not shown on the map, provided that a written notation of each abandonment is listed by reference to the recording data or other official record creating these public streets or public easements and certified to on the map by the clerk of the legislative body or the designee of the legislative body approving the map. Before a public easement vested in another public entity may be abandoned pursuant to this section, that public entity shall receive notice of the proposed abandonment. No public easement vested in another entity shall be abandoned pursuant to this section if that public entity objects to the proposed abandonment.

17.02.040 Parcel Map; Data and Reports

The subdivider shall also comply with the data and report requirements contained in Section 17.01.050 and Section 17.01.060 of this Title, unless otherwise waived by the Planning Director.

17.02.050 Engineer’s (Surveyor’s) and Recorder’s Statements

A statement of the engineer’s or surveyor’s conformance with the requirements of the Subdivision Map Act and this chapter shall appear on the parcel map in accordance with Section 66449 of the Subdivision Map Act.

17.02.060 Field Survey Requirement

In all cases where a parcel map is required, the parcel map shall be based upon a field survey made in conformity with the Land Surveyors or be compiled from recorded or filed data when sufficient recorded or filed survey monumentation presently exists to enable the retracement of the exterior boundary lines of the parcel map and the establishment of the interior parcel or lot lines of the parcel map.

17.02.070 Preliminary Submittal

The subdivider shall submit prints of the parcel map to the city engineer for checking. The preliminary prints shall be accompanied by copies of the data, reports, and documents required by Section 17.02.040 of this chapter.

17.02.080 Review by City Engineer

The city engineer shall review the parcel map and the subdivider shall make corrections or additions until the map is acceptable to the city engineer.

17.02.090 City Engineer’s Statement

The city engineer shall prepare a statement in accordance with the provisions in Section 66450 of the Subdivision Map Act upon completing the review of the parcel map as provided for in Section 17.02.080.

17.02.100 Review and Approval of Parcel Map

- A. Application Filing and Review by Applicable Agencies. After review by the city engineer, the parcel map application shall be filed with the Planning Director. The subdivider shall file the number of parcel maps that the Planning Director deems necessary. The Planning Director shall forward copies of the parcel map to the affected public agencies and utilities which may, in turn, forward to the department their findings and recommendations. Public agencies and utilities shall certify that the subdivision can be adequately served.
- B. Application Deemed Complete. The application shall be deemed complete by the Planning Director only when the form and contents of the parcel map conform to the requirements of Section 17.02.030 and when all accompanying data and reports, as required by Section 17.02.040 have been submitted and accepted by the Planning Director. If the Planning Director does not determine whether a parcel map application is complete within thirty (30) days of receiving application, then the application shall be deemed complete.
- C. Approval. After notice and a public hearing in accordance with the terms of Section 17.01.090(A), the Planning Commission shall approve, conditionally approve or deny the parcel map. Any action by the

Planning Commission shall be supported by findings that the proposed subdivision, together with the provisions for its design and improvement, is consistent with the Subdivision Map Act, the General Plan, any applicable specific plan and all applicable provisions of this code. Such action shall occur within fifty (50) days after certification of the environmental impact report, adoption of a negative declaration, or a determination by the Planning Commission that the project is exempt from the requirements of Division 13 (commencing with Section 21000) of the Public Resources Code).

17.02.110 Grounds for Denial

The Planning Commission shall deny approval of a parcel upon making any of the following findings:

- A. That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451 of the Government Code;
- B. That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans;
- C. That the site is not physically suitable for the type of development;
- D. That the site is not physically suitable for the proposed density of development;
- E. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat;
- F. That the design of the subdivision or type of improvements is likely to cause serious public health problems; or
- G. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the Planning Commission may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.

17.02.120 Appeal

The subdivider or any interested person adversely affected by any action of the Planning Commission with respect to the parcel map may, within ten (10) days after the decision, file an appeal in writing with the city council. The city council shall consider the appeal within thirty (30) days after the date of filing of the appeal, unless the appellant consents to a continuance. Within ten (10) days following the conclusion of the hearing, the city council shall render its decision. The appeal shall be a public hearing after notice has been given according to Section 17.01.090(A). In addition, notice of the public hearing shall be given to the Planning Commission. The city council may sustain, modify, reject or overrule any recommendations or rulings of the Planning Commission and may make any findings which are consistent with the provisions of the Subdivision Map Act, the General Plan, any applicable specific plan or this code.

17.02.130 City Clerk to Transmit Parcel Map to County Recorder

Upon approval of a parcel map by the Planning Commission or the city council, whichever occurs last, and after all certificates or statements and security required by Section 66493 of the Subdivision Map Act have been filed and deposited with the city clerk, the city clerk shall transmit the parcel map to the county recorder pursuant to the provisions of Section 66464 of the Subdivision Map Act.

17.02.140 Amendments to Approved or Conditionally Approved Parcel Map

After a parcel map is filed with the county recorder, it may be amended by a certificate of correction or an amending map pursuant to provisions of Section 66469 et seq., of the Subdivision Map Act.

17.02.150 Judicial Review; Action must be within 90 days

Any action or proceedings to attack, review, set aside, void or annul the decision of the Planning Commission, or the city council concerning the subdivision, or of any of the proceedings, acts or determinations taken, done or made prior to such decision, or to determine the reasonableness, legality or validity of any condition attached thereto, shall not be maintained by any person unless such action or proceeding is commenced and service of summons effected within ninety (90) days after the date of such decision. Thereafter all persons are barred from any such action or proceeding or any defense of invalidity or unreasonableness of such decision or of such proceedings, acts or determinations. Any such proceeding shall take precedence over all matters of the calendar of the court except criminal, probate, eminent domain and forcible entry and unlawful detainer proceedings.

17.02.170 Processing Fees

Reasonable fees for processing a parcel map may be established by resolution of the city council.

17.03 Final Subdivision Maps

17.03.010 General.

- A. The form, contents, accompanying data and filing of the final map shall conform to the provisions of the Subdivision Map Act and this chapter.
- B. The final map shall be prepared by or under the direction of a registered civil engineer or licensed land surveyor.

17.03.020 Phasing.

- A. Multiple final maps relating to an approved or conditionally approved tentative map may be filed prior to the expiration of the tentative map if the subdivider, at the time the tentative map application is filed, notifies the Planning Director in writing of the subdivider’s intention to file multiple final maps on the tentative map in accordance with Section 17.01.050(G), or after filing of the tentative map, the community development director and the subdivider concur in the filing of multiple final maps. In providing the notice, the subdivider shall not be required to define the number or configuration of the proposed multiple maps. The city council may determine the number, configuration, or sequence at the time of approval of the tentative map.
- B. The filing of a final map on a portion of an approved or conditionally approved tentative map shall not invalidate any part of the tentative map. Each final map which constitutes a part or unit of the approved or conditionally approved tentative map shall have a separate subdivision number. The subdivision improvement agreement executed by the subdivider shall provide for the construction of improvements as required to constitute a logical and orderly development of the whole subdivision.

17.03.030 Survey Required.

- A. An accurate and complete survey of the land to be subdivided shall be made by a registered civil engineer or licensed land surveyor. All monuments, property lines, centerline of streets, alleys or easements adjoining or within the subdivision shall be tied into the survey. The allowable error of closure on any portion of the final map shall not exceed 1/10,000 for field closures and 1/20,000 for calculated closures.
- B. At the time of making the survey for the final map, the engineer or surveyor shall set sufficient durable monuments to conform with the standards described in Section 8771 of the Business and Professions Code so that another engineer or surveyor may readily retrace the survey. A least one (1) exterior boundary line shall be monumented prior to recording the final map. Other monuments shall be set as required by the city engineer.

17.03.040 Form.

The form of the final map shall be consistent with Section 66434 of the Subdivision Map Act

17.03.050 Contents.

The contents of the final map shall conform to the Subdivision Map Act and as follows:

- A. Boundary. The boundary of the subdivision shall be designated by a heavy black line in such a manner as not to obliterate figures or other data;
- B. Title. Each sheet shall have a title showing the subdivision number and name and the location of the property being subdivided with reference to map which have been previously recorded, or by reference to the plat of a United States Survey. The following shall appear in the title, “City of Colusa, Colusa County.”

- C. Scale, North Point and Basis of Bearings. There must appear on each map sheet the scale, the north point, the basis of bearings and the equation of the bearing to true north. The basis of bearings shall be approved by the city engineer.
- D. Linear, Angular and Radial Data. Sufficient linear, angular, and radial data shall be shown to determine the bearing and lengths of monument lines, street centerline, the boundary lines of the subdivision, the boundary lines of every lot and parcel which is part of the subdivision and ties to existing monuments used to establish the boundary. Arc length, radius and total central angle and radial bearings of all curves shall be shown. Ditto marks shall not be used in the dimensions and data shown on the map;
- E. Monuments. The location and description of all existing and proposed monuments shall be shown. Standard city monuments shall be set at the following locations; or on city engineer approved offsets:
 - 1. The intersection of street centerline,
 - 2. Beginning and end of curves or intersection of tangents on centerline,
 - 3. At other locations as may be required by the city engineer.
- F. Lot Numbers. Lot numbers shall begin with the number one (1) in each subdivision and shall continue consecutively with no omissions or duplications except where contiguous lands, under the same ownership, are being subdivided in successive units, in which event lot numbers may begin with the next consecutive number following the last number in the proceeding unit. Each lot shall be shown entirely on one (1) sheet of the final map, unless approved by the city engineer.
- G. Adjoining Properties. The adjoining corners of all adjoining subdivisions shall be identified by subdivision number or name when not identified by official number and reference to the book and page of the filed map showing such subdivision; and if no subdivision is adjacent, then by the name of the owner and reference to the recorded deed by book and page number for the last record owner.
- H. City Boundaries. City boundaries which cross or join the subdivision shall be clearly designated.
- I. Street Names. The names of all streets, alleys or highways within or adjoining the subdivision shall be shown.
- J. Easements and Dedications.
 - 1. Easements and dedications for roads or streets, trails, bicycle facilities, parks and recreation facilities, open space, landscaping, paths, alleys, utilities, local transit facilities, stormwater drainage, sanitary sewers or other public use as may be required, shall be dedicated to the public for acceptance by the city or other public agency and the use shall be specified on the map;
 - 2. All easements of record shall be shown on the map, together with the name of the grantee and sufficient recording data to identify the conveyance, e.g., recorder's serial number and date, or book and page of official records;
 - 3. Easements not disclosed by the records in the office of the county recorder and found by the surveyor or engineer to be existing, shall be specifically designated on the map, identifying the apparent dominant tenements for which the easement was created;
 - 4. The sidelines of all easements of record shall be shown by dashed lines on the final map with the widths, lengths and bearings of record. The width and location of all easements shall be approved by the city engineer.
- K. Greenbelt Areas. Greenbelt areas may be shown, subject to the approval of the city. Public greenbelt areas shall be dedicated in fee unless otherwise specified in the approval or conditional approval of the tentative map. Private greenbelt areas shall be dedicated as open space easements unless otherwise specified in the approval or conditional approval of the tentative map.
- L. Building Setback Line. Approved building setback lines shall be shown.
- M. Building Envelope. For all lots with a slope of twenty (20) percent or greater, specific location of building envelopes and driveways shall be shown.
- N. Areas Subject to Inundation. A statement about any lot or lots within the subdivision being subject to inundation shall be shown on the map.

17.03.060 Preliminary Submittal for City Approval

The subdivider shall submit prints of the final map along with the appropriate fees to the city engineer for checking. The preliminary prints shall be accompanied by the following data, plans, reports and documents in a form as approved by the city engineer and, where applicable, the city attorney:

- A. Improvement Plans. Improvement plans as required by this Title.
- B. Soils Report. A soils report prepared in accordance with Section 17.01.050(B) and the Uniform Building Code.
- C. Title Report. A title report showing the legal owners at the time of submittal of the final map.
- D. Tax Certificate. A certificate from the county tax collector stating that all taxes dues have been paid or that a tax bond or other adequate form of security assuring payments of all taxes which are a lien but not yet payable has been filed with the county.
- E. Deeds of Easements or Rights-of-Way. Deeds for off-site easements or rights-of-way required for road or drainage purposes which have not been dedicated on the final map. Written evidence acceptable to the city in the form of rights of entry or permanent easements across private property outside of the subdivision permitting or granting access to perform necessary construction work and permitting the maintenance of the facility.
- F. Traverse Closures. Traverse closures for the boundary blocks, lots, easements, street centerline and monument lines.
- G. Hydraulic and Hydraulic Calculations. Complete hydrology and hydraulic calculations of all stormdrains and flood flow.
- H. Governing Documents. The submittal of the final map for a common interest development within the meaning of Sections 1350 et seq. of the State Civil Code shall include the proposed declaration of covenants, conditions and restrictions containing the provisions described in Section 1353 of the Civil Code and all other governing documents for the subdivision as are appropriate pursuant to Section 1363 of the Civil Code. The submittal of the final map for all subdivisions other than a common interest development shall include any declaration of covenants, conditions and restrictions proposed in connection therewith. All documents shall be subject to review and approval by the city engineer and city attorney.
- I. Guarantee of Title. A guarantee of title, in form acceptable to the city engineer and city attorney, shall be issued by a competent title company to and for the benefit and protection of the city and shall be continued complete up to the instant of recording of the final map, guaranteeing that the names of all persons whose consent is necessary to pass a clear title to the land being subdivided and all public easements being offered for dedication and all acknowledgments thereto, appear on the proper certificates and are correctly shown on the map, both as to consents as to the making thereof and affidavits of dedication where necessary.
- J. Improvement Agreement. In the event sewer, water, drainage, grading, paving or other improvements required pursuant to this Title have not been completed prior to the presentation of the final map, a subdivision improvement agreement shall be filed for the improvement thereof. The subdivider shall secure the performance of the subdivision improvement agreement.
- K. Liability Agreement and Insurance. A hold-harm-less agreement obligating the subdivider to hold the city and its officers, agents and employees harmless from any liability for damages or claims for damages for personal injury or death which arise from the operations of the subdivider and/or the subdivider's subcontractors in connection with the subdivision. A certificate of insurance reporting to the city the amount of insurance the subdivider carries for the subdivider's own liability for damages or claims for damages for personal injury or death which arise from the operations of the subdivider or his subcontractors in connection with the subdivision. The certificate of insurance shall name the city as a named insured. The agreement and certificate required by this subsection shall be subject to prior review and approval by the city engineer and city attorney.
- L. Deed Restrictions. One copy of the deed restrictions shall be submitted to the city engineer at the time of final map submission.
- M. Building Envelope. For all lots with a slope of twenty (20) percent or greater, specific locations of buildings envelopes and driveways shall be shown.
- N. Any additional data, reports or information as required by the city engineer or city attorney.

17.03.070 Review by City Engineer.

The city engineer shall review the final map along with the appropriate fees and any other required information and the subdivider shall make corrections and/or additions until acceptable to the city engineer.

17.03.080. Engineer's Statements

The city engineer shall comply with the statement requirements provided for in Sections 66441, 66442, and 66443 of the Subdivision Map Act.

17.03.090 Approval by City Engineer.

The subdivider shall submit to the city engineer the original tracing of the map and any duplicates per county requirements, corrected to its final form and signed by all parties required to execute the certificates on the map. Original signatures shall appear on the original drawing and on the blueline duplicate. Upon receipt of all required certificates and submittals required pursuant to Section 66435 et seq., of the Subdivision Map Act, the city engineer shall sign the appropriate certificates and transmit the original map to the city clerk.

17.03.100 Approval by City Council

- A. The final map approved by the city engineer as complying with the approved or conditionally approved tentative map shall be filed with the city council for approval after all required certificates have been signed. The date the map shall be deemed filed with the city council is the date on which the city clerk receives the map. The city council shall consider the final map for approval at its next regular meeting after the city clerk receives the map. Before approving the final map, the city council shall consider approval of the subdivision improvement agreement.
- B. If the subdivision improvement agreement and final map are approved by the city council, it shall instruct the mayor to execute the agreement on behalf of the city. At the time the city council approves the final map, it shall also accept, subject to improvement or reject any offer of dedication. The city clerk shall certify or state on the final map the action of the city council. If any streets, paths, alleys, public utility easements, trails, bicycle facilities, open space easements, landscaping easements, parks and recreation facilities, local transit facilities, or storm drainage easements are rejected, subject to Section 771.010 of the Code of Civil Procedure, the offer of dedication shall remain open and the city council may, by resolution at any later date and without further action by the subdivider, rescind its action and accept and open the streets, paths, alleys, trails, bicycle facilities, open space easements, landscaping easements, parks and recreation facilities, local transit facilities, or storm drainage easements, which acceptance shall be recorded in the office of the county recorder.
- C. The city may accept any dedication lying outside the subdivision boundary which requires a separate grant deed. The acceptance shall be recorded in the office of the county recorder.
- D. If the subdivision improvement agreement and/or final map is unacceptable, the city council shall make its recommended corrections, instruct the city engineer to draft a new agreement and/or revise the final map and defer approval until an acceptable agreement and/or final map has been resubmitted.
- E. The city council shall not postpone or refuse approval of a final map because the subdivider has failed to meet a tentative map condition requiring construction or installation of off-site improvements on land which neither the subdivider nor the city has sufficient title or interest to permit the improvements to be made.

17.03.110 Denial by City Council

The city council shall not deny approval of the final map if the city has previously approved a tentative map for the proposed subdivision and if the city council finds that the final map is in compliance with the requirements of the Subdivision Map Act, this code, the General Plan, any applicable specific plan, the tentative map and all conditions thereof.

17.03.120 Filing with the County Recorder

Upon approval of the final map by the city council, the city clerk shall execute the appropriate certificate on the certificate sheet and shall, subject to the provisions of Section 66464 of the Subdivision Map Act, transmit the map, or have an authorized agent forward the map, to the county recorder.

17.03.130 Amendments to Final Map

After a final map is filed with the county recorder, it may be amended by a certificate of correction or an amending map pursuant to provisions of Section 66469 et seq., of the Subdivision Map Act.

17.03.140 Processing Fees

Reasonable fees for processing a final map may be established by resolution of the city council.

17.04 Vesting Tentative Maps

17.04.010 Authority and Purpose.

- A. This chapter is enacted pursuant to the authority granted by Chapter 4.5 (commencing with Section 66498.1) of the Subdivision Map Act (hereinafter referred to as the Vesting Tentative Map Statute) and

may be cited as the City of Colusa Vesting Tentative Map Ordinance. The purpose of this chapter is to establish appropriate local procedures for the implementation of the Vesting Tentative Map Ordinance.

- B. To accomplish this purpose, the regulations contained in this chapter are determined to be necessary for the preservation of the public health, safety and general welfare and for the promotion of orderly growth and development.

17.04.020 Consistency.

No land shall be subdivided and developed pursuant to a vesting tentative map for any purpose which is inconsistent with the General Plan or any applicable specific plan of the city or which is not permitted by the provisions of this code.

17.04.030 Definitions.

A. "Vesting tentative map" means a tentative map for a subdivision that shall have printed conspicuously on its face the words "VESTING TENTATIVE MAP" at the time it is filed in accordance with Section 17.04.050 and is thereafter processed in accordance with the provisions hereof.

17.04.040 Application.

- A. Whenever a provision of the Subdivision Map Act, as implemented and supplemented by this title, requires the filing of a tentative map, a vesting tentative map may instead be filed, in accordance with provisions of this chapter.
- B. If a subdivider does not seek the rights conferred by the vesting tentative map ordinance, the filing of a vesting tentative map shall not be a prerequisite to any approval for any proposed subdivision, permit for construction, or work preparatory to construction.

17.04.050 Filing and Processing

A vesting tentative map shall be filed in the same form and have the same contents, accompanying data and reports and shall be processed in the same manner as set forth for a tentative map pursuant to chapter 17.01 of this Title except as hereinafter provided.

- A. At the time a vesting tentative map is filed, it shall have printed conspicuously on its face the words "VESTING TENTATIVE MAP."
- B. The filing of a vesting tentative map may be conditioned upon the prior or simultaneous discretionary land use approvals.

17.04.060 Fees

- A. Upon filing a vesting tentative map, the subdivider shall pay all fees and/or deposits in accordance with Section 17.01.140.
- B. The planning commission or city council, as the case may be, may require as a condition of its approval that the subdivider pay all development fees required to be paid at the time of the application for, or issuance of, a building permit or other similar permit. Such payment shall be made at the rate for such fees in effect at the time of such application or issuance.

17.04.070 Rights of a Vesting Tentative Map.

- A. The approval or conditional approval of a vesting tentative shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies and standards in effect at the date the local agency has determined that the application is complete. However, if Section 66474.2 is repealed, the approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies and standards in effect at the time the vesting tentative map is approved or conditionally approved.
- B. Notwithstanding subsection A of this section, a permit, approval, extension or entitlement may be conditioned or denied if any of the following are determined:
 - 1. A failure to do so would place the residents of the subdivision or the immediate community, or both, in a condition dangerous to their health or safety, or both;
 - 2. The condition or denial is required, in order to comply with state or federal law.
- C. The rights referred to herein shall expire if a final map is not approved prior to the expiration of the vesting tentative map as provided in Section 17.01.120. If the final map is approved, these rights shall last for the following periods of time:
 - 1. An initial period of one (1) year beyond the recording of the final map or parcel map. Where several final maps are recorded on various phases of a project covered by a single vesting tentative map, this one (1) year initial time period shall begin for each phase when the final map for the phase is recorded;

2. The one (1) year initial period set forth in subdivision 1 of this subsection shall be automatically extended by any time used for processing a complete application for a grading permit, if one is required, or for any required design or architectural review, if such processing exceeds thirty (30) days from the date a complete application is filed;
 3. A subdivider may apply to the city council, for a one (1) year extension at any time before the initial time period set forth in subdivision 1 of this subsection expires; and
 4. If the subdivider submits a complete application for a building permit during the periods of time specified in subdivisions 1 through 3 of this subsection, the rights referred to herein shall continue until the expiration of that permit, or any extension of that permit.
- D. Consistent with subsection A of this section, an approved or conditionally approved vesting tentative map shall not limit the city from imposing reasonable conditions on subsequent required approvals or permits necessary for the development.

17.04.080 Amendment to Approved Vesting Tentative Map

If the ordinances, policies, or standards described in Section 17.04.070(A) are changed subsequent to the approval or conditional approval of a vesting tentative map, the subdivider, or his or her designee, at any time prior to the expiration of the vesting tentative map pursuant to Section 17.04.070(C), may apply for an amendment to the vesting tentative map to secure a vested right to proceed with the changed ordinances, policies, or standards. An application for an amendment shall clearly specify the changed ordinances, policies, or standards for which the amendment is sought.

17.04.090 Applications Inconsistent with Current Policies

Notwithstanding any provision of this chapter to the contrary, a property owner or his or her designee may seek approvals or permits for development which depart from the ordinances, policies, and standards described in Section 17.04.080, and the city may grant these approvals or issue these permits to the extent the departures are authorized by this code, the General Plan, any applicable specific plan and other applicable law.

17.05 Recombining Parcels – Merger; unmerger; reversion to acreage.

17.05.010 Purpose. This section implements the procedures and prescribes the standards authorized by Government Code Sections 66451.10 *et seq.* pertaining to the merger and unmerger of parcels of land.

17.05.020 Criteria for merger of contiguous parcels. A parcel of land may be merged with a contiguous parcel held by the same owner if all of the following requirements are satisfied:

- A. The affected parcels are held by the same owner as of the date of the notice of intention to determine status is recorded pursuant to Government Code Section 66451.13;
- B. One of the affected parcels does not conform to standards for minimum parcel size under applicable zoning; and
- C. One of the affected parcels is (a) undeveloped by any structure for which a building permit was issued, or for which a building permit was not required at the time of construction, or (b) developed only with an accessory structure(s), or (c) developed with a single structure (other than an accessory structure) that is also partially sited on the contiguous parcel with which it is proposed to be merged (i.e., straddles a lot line).

17.05.030 Conditions of contiguous parcels permitting merger.

- A. In addition to the requirements of subsection (b) above, in order for affected parcels to be merged, one or more of the following conditions must exist as to an affected parcel:
 1. Comprises less than 5,000 square feet in area at the time of the merger is determined;
 2. Was not created in compliance with applicable laws or ordinances in effect at the time of its creation;
 3. Does not meet current standards for sewage disposal and domestic water supply;
 4. Does not meet slope stability standards in that soils investigation indicates the presence of critically expansive soils or other soil problems which, if not corrected, would lead to structural defects;
 5. Does not have legal access which is adequate for vehicular and safety equipment access and maneuverability to satisfy the requirements relating to the design and specifications for minor

streets or private roads, as the case may be, and does not have the approval of the local fire district as meeting its standards for access and maneuverability for fire equipment;

6. Does not have sufficient dimensions to allow development that conforms to applicable ordinance development standards;
7. If developed, would create health or safety hazards, which could include one or more of the following:
 - a. Construction is likely to adversely affect the stability of adjoining property, or result in debris on a roadway open to the public, or interfere with an existing drainage course, or is in an area determined to be subject to geological hazard;
 - b. Surface waters occurring on the affected parcel or flowing onto or through it cannot be conveyed without damage to an improvement, building or dwelling, to a natural water-course having a definable bed and banks, or to an existing adequate storm drainage facility;
 - c. The site available for development does not provide an appropriate buildable site consistent with the site's constraints in relation to one or more of the following: the slope, soil characteristics, seismic factors, existing and future residential development in the area of the site, the General Plan and the applicable Specific Plan and Zoning ordinance;
 - d. Development of the site is likely to cause environmental damage or substantially and avoidably injure wildlife or their habitat;
 - e. The type of improvements proposed for the site will conflict with easements acquired by the public at large for access through a use of the site;
 - f. Is inconsistent with the General Plan or applicable Specific Plan, other than minimum lot size or density standards. It is not necessary, however, that the same condition exist with respect to each affected parcel.
- B. For purposes of determining whether contiguous parcels are held by the same owner, ownership shall be determined as of the date that the notice of intention to determine status is recorded pursuant to this section.
- C. Subpart 1 of this subsection (c) shall not apply if any of the conditions stated in Government Code Section 66451.11(b)(A), (B), (C) or (D) exist.

17.05.40 Procedure.

- A. Notice of intention to determine status of affected parcels. The City Planner, or other person designated by the City Manager, shall mail a notice of intention to determine the status of the affected parcels by certified mail to the then current owners of record. The notice shall advise the owner that the affected parcels may be merged under the standards specified in this chapter and advise the owner of the opportunity to request a hearing on the determination of status and to present evidence at the hearing that the affected parcels do not meet the criteria for merger.
- B. Recordation of notice of intention. The City Planner, or other person designated by the City Manager, shall file the notice of intention to determine status for record with the recorder of the county on the date that the notice is mailed to the property owner.
- C. Hearing. If the owner presents to the City Planner, or other person designated by the City Manager, a request for a hearing on determination of status within thirty (30) days after recordation of the notice of intention to determine status, the City Planner, or other person designated by the City Manager, shall fix the time, date and place for a hearing to be conducted by the Planning Commission. The City Planner, or other person designated by the City Manager, shall notify the owner by certified mail of the hearing. The Planning Commission shall conduct a hearing not less than thirty (30) days after the City has received the property owner's request for a hearing. The hearing date may be postponed or continued with the mutual consent of the Planning Commission and the owner.
- D. Determination of status following hearing. At the hearing, the owner may present evidence that the affected parcels do not meet the standards for merger specified in this section. At the conclusion of the hearing, the Planning Commission shall determine whether the affected parcels are to be merged or are not to be merged, and shall notify the owner of its determination.

- E. Recordation of notice of merger. The City shall cause a notice of merger specifying the names of the record owners and particularly describing the real property to be recorded within thirty (30) days after conclusion of the hearing.
- F. Determination of merger where no hearing requested. If, within the thirty (30) day period after recordation of the notice of intention to determine status, the owner of the affected parcel does not file a request for a hearing, the City Engineer may make a determination that the affected parcels are to be merged or are not to be merged. A notice of merger shall be recorded not later than ninety (90) days after the date when the department mailed the notice of intention to determine status.
- G. Determination not to merge. If the Planning Commission or City Engineer determines that the affected parcels are not to be merged pursuant to this Section, the City shall have recorded a release of the notice of intention to determine status and shall mail a clearance letter to the then current property owner of record. If a property owner initiates or consents in writing to a lot merger, the City Engineer may cause the merger of the affected lots without referring the proposed merger to the Planning Commission for a public hearing.

17.05.50 Unmerger.

- A. An owner may apply to the City for a determination that affected parcels be deemed not to have been merged under Government Code Section 66451.30. Any parcel which has merged under the provisions of any law prior to January 1, 1984, and for which a notice of merger had not yet been recorded on or before that date, shall be unmerged if on that date, the parcel meets all of the following criteria:
 - 1. Contains at least 5,000 square feet in area;
 - 2. Was created in compliance with applicable laws and ordinances in effect at time of its creation;
 - 3. Meets current standards for sewage disposal and domestic water supply;
 - 4. Meets slope density standards;
 - 5. Has legal access which is adequate for vehicular safety equipment access and maneuverability;
 - 6. Its unmerger and development would create no health or safety hazards; and
 - 7. The unmerged parcel would be consistent with the General Plan and any applicable Specific Plan, other than minimum lot size or density standards.
- B. With respect to the parcel, none of the conditions stated in Government Code Section 66451.30(b)(1), (2), (3), or (4) exist.
- C. Upon a determination that the parcels meet the standards in Government Code Section 66451.30, the City shall issue to the owner of record with the county recorder a notice of the status of parcels and a declaration that the parcels are unmerged.

17.05.60 Request for determination by owner.

- A. Upon written application made by the owner to the City Planner, or other person designated by the City Manager, the City Engineer shall make a determination that the affected parcels have merged or are to be merged. If the City Engineer determines that the parcels have not merged, the owner shall be so notified by the City Planner, or other person designated by the City Manager.
- B. If the City Engineer determines that the parcels have merged and that they meet the requirements for unmerger in subpart (e), a notice of status, as approved by the City Engineer, shall be issued to the owner and recorded with the county recorder by the City Planner, or other person designated by the City Manager, which shall identify each parcel and declare that they are unmerged pursuant to this chapter.
- C. If the City Engineer determines that the parcels have merged and do not meet the unmerger requirements in subsection (e), a notice of merger specifying the record owner and description of the parcel shall be issued to the owner and recorded with the county recorder's office by the City Planner, or other person designated by the City Manager.

17.05.070 Appeal.

The decision of the City Engineer made under this chapter may be appealed to the Planning Commission in the manner provided for the appeal of a decision of the Planning Commission as set forth in Section 17.06.020 of this chapter.

17.05.080 Fee for mergers and unmergers.

The owner shall pay a fee for processing an owner-initiated merger or unmerger as set by City Council resolution.

17.05.090 Reversions to acreage by final map.

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

- A. Initiation of proceedings by owners. Proceedings to revert subdivided property to acreage may be initiated by petition of all of the owners of record of the property. The petition shall be in a form prescribed by the City Engineer. The petition shall contain the information required by subpart 3 below and such other information as required by the City Engineer.
- B. Initiation of proceedings by City Council. The City Council, at the request of any person or on its own motion, may by resolution initiate proceedings to revert property to acreage. The City Council shall direct the City Engineer to obtain the necessary information to initiate and conduct the proceedings.
- C. Data for reversion to acreage. Petitioners for a reversion to acreage shall file the following:
 - 1. Evidence of title to the real property; and
 - 2. Evidence of the consent of all of the owners of an interest(s) in the property; or
 - 3. Evidence that none of the improvements required to be made have been made within two years from the date the final map or parcel map was filed for record or within the time allowed by agreement for completion of the improvements, whichever is later; or
 - 4. Evidence that no lots shown on the final or parcel map have been sold within five years from the date such final or parcel map was filed for record; or
 - 5. A tentative map in the form prescribed by Section 17.01 of this title; or
 - 6. A final map in the form prescribed by Section 17.03 of this title which delineates dedications which will not be vacated and dedications required as a condition to reversion.
- D. Proceedings before the City Council.
 - 1. A public hearing shall be held before the City Council on all petitions for, and City Council initiations for, reversions to acreage. Notice of the public hearing shall be given as provided in Government Code Section 66451.3. The City Engineer shall also mail a written notice to all property owners as shown on the latest equalized assessment rolls or persons in possession, if different, within a radius of three hundred feet of the proposed project within the time limits as specified in Government Code Section 66451.3.
 - 2. The City Council may approve a reversion to acreage only if it finds and records in writing that:
 - a. Dedications or offers of dedication to be vacated or abandoned by the reversion to acreage are unnecessary for present or prospective public purposes; and
 - 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 final or parcel map was filed for record, or within the time allowed by agreement for completion of the improvements, whichever is later; or
 - d. No lots shown on the final or parcel map were filed for record.
- E. Conditions of approval. The City Council may require as a condition of the reversion:
 - 1. The dedication or offer of dedication of streets or easements;
 - 2. The retention of all or a portion of previously paid subdivision fees, deposits or improvement securities if the same are necessary to accomplish any of the provisions of this title.
- F. Release of securities. Except as provided in subpart 5 above, upon filing of the final map for reversion of acreage with the county recorder, all improvement securities shall be released by the City Council.
- G. Delivery of final map. After the hearing before the City Council and approval the reversion, the final map shall be delivered to the county recorder.
- H. Effect of filing reversion map with the county recorder. Reversion shall be effective upon the final map being filed for record by the county recorder. Upon filing, all dedications and offers of dedication not shown on the final map for reversion shall be of no further force and effect.

17.06 Lot Line Adjustments

17.06.010 Purpose.

The purpose of this section is to provide a simplified procedure for adjustment of property boundaries or the

consolidation of adjacent lots or parcels where no additional lots or parcels will result.

17.06.020 Applicability.

Notwithstanding any other provisions of this Chapter to the contrary, the procedure set forth in this section shall govern the processing of and requirements for lot line adjustments. A lot line adjustment may be filed in accordance with the provisions of this section to adjust the boundaries between four or fewer adjoining parcels, provided the City Engineer determines in writing that the boundary adjustment does not:

- A. Create any additional lots;
- B. Involve adjustments between five or more existing adjoining parcels;
- C. Include a lot or parcel created illegally;
- D. Impair any existing access or create a need for a new access to any adjacent lot or parcel;
- E. Impair any existing easements or create a need for a new easement;
- F. Violate the General Plan or the applicable Specific Plan;
- G. Violate the City Building Regulations, the City Zoning Code, or any other provisions of State or local law;
- H. Alter the City limit boundary;
- I. Require substantial alterations of existing public improvements or create a need for a new public improvement;
- J. Adjust the boundary between lots or parcels which are subject to an agreement for public improvements unless the City Engineer finds that the proposed adjustment plat will not materially affect such agreement or the security therefore.

17.06.030 Application.

An application for approval of a lot line adjustment shall be filed with the City Engineer accompanied by such information as the City Engineer may require and by a fee established by City Council resolution. The application shall also be accompanied by a lot line adjustment plat of a size and form prescribed by the City Engineer which shall bear the signature of the owners of the property involved and by a title report for the property. The City Engineer may refer copies of such lot line adjustment to other public agencies for review and comment.

17.06.040 Approval.

After an application for approval of a lot line adjustment has been filed in accord with this section, the City Engineer may approve, conditionally approve or disapprove such lot line adjustment. The applicant shall be notified in writing of the City Engineer's action.

17.06.050 Revised lot line adjustment plat.

A revised lot line adjustment plat shall be submitted for approval when the City Engineer finds that the number or nature of any changes necessary for approval are such that they cannot be shown clearly or simply on the original lot line adjustment plat. When required, the failure to file a revised lot line adjustment plat within six months from the date of the conditional approval of the original plat shall terminate all proceedings.

- D. Conditions of approval. The City Engineer may impose conditions or exactions on the approval of an adjustment plat between four or fewer existing adjoining parcels to the extent that the conditions or exactions are necessary to ensure compliance with the General Plan, the applicable Specific Plan and applicable provisions of the City's Zoning Code and Building laws pertaining to lots, including lot frontage, depth and area, access, and requirements such as setbacks, lot coverage and parking, or to facilitate the relocation of existing utilities, infrastructure or easements. The conditions imposed by the City Engineer shall be satisfied prior to the recordation of the lot line adjustment plat or such other document authorized by law to effectuate the lot line adjustment. Lot line adjustments between five or more existing adjoining parcels shall be subject to the provisions of the Subdivision Map Act, including the requirement for the filing of a tentative and final map.
- E. Certification. If the City Engineer determines that the lot line adjustment plat meets all the requirements of the City Code and that any conditions imposed have been satisfied, he or she shall certify on the lot line adjustment plat that it has been approved pursuant to this section, notify the City Planner, file it in the Public Works Department and cause to be filed with the county recorder a certificate of compliance, having as an attachment a copy of the approved lot line adjustment plat. In addition to the procedures established by this section, a lot line adjustment may be effectuated by the recordation of the deed or record

of survey; provided, however, that such deed or record of survey shall not be recorded unless it contains a certification by the City Engineer that all the requirements of this section and any condition imposed pursuant to this section have been satisfied and further provided that a copy of the lot line adjustment plat shall be attached to the deed or record of survey.

- F. Appeal. Any interested person may appeal any action of the City Engineer pursuant to this section to the Planning Commission in accordance with Section 17.06.020 of this Chapter.

17.06.020 Appeals

Appeal from an action by the committee or by the City Engineer may be made to the Planning Commission within 15 days from such action. An appeal shall be submitted in written form to the secretary of the Planning Commission, and shall be placed on the agenda of a regular meeting of the Planning Commission within forty-five (45) days. The Planning Commission shall take action thereon within forty (40) days from first hearing the matter.

17.07 Change 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 66469 et seq. of the Subdivision Map act, Section 17.02.140, or Section 17.03.130 of the Colusa City Code.

- A. Limitation on allowed changes. Changes to a Tentative Map may granted at the discretion of the Planning Director in compliance with this Section and include minor adjustments to the location of proposed lot lines and improvements, and minor reductions in the number of approved lots (but no increase in the number of approved lots), and any changes to the conditions of approval, consistent with the findings required by Subsection D. of this Section. Other changes 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 Department, using the forms furnished by the 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 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 Director shall not modify the approved Tentative Map or conditions of approval unless it shall first find that the change is necessary because of one or more of the following circumstances, and that all of the applicable findings for approval required by Sections 17.01.090 can still be made:
 - 1. There was a material mistake of fact in the deliberations leading to the original approval;
 - 2. There has been a change of circumstances related to the original approval; and
 - 3. A serious and unforeseen hard ship has occurred, not due to any action of the applicant subsequent to the enactment of this Article.
- 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 17.01.120 (Expiration).