



DATE: October 18, 2011

TO: Mayor and Members of the City Council
Chairman and Members of the Planning Commission

FROM: Denis Cook, City Planner

SUBJECT: Draft citywide Subdivision Ordinance (copy attached).

RECOMMENDATION: No action is requested as it is a study session only.

FISCAL IMPACTS: None

BACKGROUND:

As part of the process to implement the new Live Oak General Plan, new stormwater, water and wastewater master plans have been adopted, a new zoning code was recently adopted and citywide building and site design guidelines are now adopted. This study session is intended to present to the Council and Commission the draft Live Oak Subdivision Ordinance, which is also one of the tools used to implement the General Plan.

STAFF COMMENTS:

The Subdivision Ordinance is somewhat unlike the other General Plan implementation documents that you have previously reviewed and adopted. For those documents state law allows for considerable latitude as to how the City addresses the relevant issues. For example the documents address drainage problems or water distribution needs that are somewhat unique to the City. For the subdivision ordinance, state law does not provide for such leeway. The California Subdivision Map Act is an extensive and complex document that provides the processes and procedures for which all types of land divisions (subdivisions and parcel maps), lot line adjustments, property mergers, and land division violations. It is a fairly technical document intended to ensure that the City complies with State law in processing land divisions that is tuned to address local needs to the extent possible.

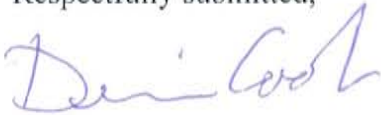
This Subdivision Ordinance covers land divisions for all types of development including residential, commercial and industrial.

While no action is to be taken during the study session, we are requesting that the City Council Members and Planning Commissioners each provide their thoughts on each proposal. We will make the necessary changes that are suggested at the meeting and bring the ordinance back to the Planning Commission in November to start the hearing process.

ENVIRONMENTAL REVIEW

This ordinance is exempt from environmental review pursuant to CEQA Guidelines 15305, Minor Alterations in Land use Limitations, and per the general rule (CEQA Guidelines 15061(3)) that it can be seen with certainty that there is no possibility that the activities resulting from this ordinance could have an impact on the environment.

Respectfully submitted,



Denis Cook
City Planner

Reviewed By 
Jim Godwin, City Manager

CITY OF LIVE OAK

TITLE 16

SUBDIVISION ORDINANCE

Final Draft

June, 2011

**CITY OF LIVE OAK
TITLE 16: SUBDIVISION ORDINANCE**

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Chapter 16.04 General Provisions

16.04.010 Title

This Title shall be known as the City of Live Oak Subdivision Ordinance.

16.04.020 Purpose

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

The regulations contained in this Title are determined to be necessary to:

- A. **Health and safety:** Preserve the public's health, safety and general welfare.
- B. **Growth and open space:** Promote orderly growth and development and to promote open space, conservation and proper use of land.
- C. **Traffic, other services:** Ensure provisions for adequate traffic circulation and other City services.

16.04.030 Authority

This Subdivision Ordinance is adopted in compliance with the Subdivision Map Act as a "local ordinance" as the term is used in the Subdivision Map Act. All provisions of the Subdivision Map Act and future amendments to the Subdivision Map Act not incorporated in this Subdivision Ordinance shall apply to all subdivisions and proceedings under this Subdivision Ordinance.

16.04.040 Applicability

The provisions of this Title apply to all subdivisions within the City of Live Oak and to the preparation of subdivision maps and to other maps provided for in the Subdivision Map Act and this Title.

16.04.050 Interpretation, Conflict and Separability

- A. In their interpretation and application, the provisions of this Title shall be the minimum requirements. More stringent provisions may be required if it is demonstrated that different standards are necessary to promote the public health, safety and welfare.
- B. Where the conditions imposed by any provisions of this Title are either more restrictive or less restrictive than comparable conditions imposed by any other provisions of this Title or any other applicable law, ordinance, resolution, rule or regulation of any kind, the regulations which are more restrictive and impose higher standards or requirements shall govern.

- C. Should any of the provisions of this Title be found to be in conflict with the Subdivision Map Act or any other law or regulation of the state, the latter law or regulation shall apply.
- D. The provisions of this Title are separable. If a section, sentence, clause or phrase of this Title is adjudged by a court of competent jurisdiction to be invalid, the decision shall not affect the remaining portions of this Title.

16.04.060 Subdivisions of Land Outside City Boundaries

- A. **City approval outside of the City:** Tentative maps and tentative parcel maps for proposed subdivisions outside the City boundaries may be reviewed and approved according to procedures and subject to standards contained in this Title, provided such approval is, among other conditions, subject to annexation of the property prior to filing of the final map or parcel map.
- B. **Approval by Sutter County:** Any tentative map or tentative parcel map that is approved by Sutter County for which the final map or parcel map is not filed for record before the area in which it is located is annexed into the City shall be subject to all the procedures and regulations of the City as of the effective date of annexation.

16.04.070 Exemptions from Subdivision Approval Requirements

The following subdivisions do not require the filing or approval of tentative, parcel or final maps:

- A. The subdivisions listed in the Subdivision Map Act Sections 66412, 66412.1, 66412.2 and 66412.5; and
- B. Short-term leases (terminable by either party on not more than 30 days notice in writing) of a portion of the operating right-of-way of a railroad corporation as defined by Section 230 of the California Public Utilities Code, unless a showing is made in individual cases, under substantial evidence, that public policy necessitates the application of the regulations of this Subdivision Ordinance to those short-term leases.

16.04.080 Fees

The City Council may establish fees for processing applications and appeals pursuant to this Title including but not limited to reviewing and processing applications, checking plans and inspecting improvements.

16.04.090 Review Authorities for Subdivision Decisions

The following provides the responsibilities and decision authority for implementation of this Subdivision Ordinance:

- A. **City Council:** Is designated as the “legislative body” as used in the Subdivision Map Act. As such the City Council shall act as the approval body for reversions to acreage, final maps, parcel maps, which include dedications, major amendments or correction to final maps and parcel maps, appeals and notices of violation.

- B. Planning Commission:** Is designated as the “advisory agency” as used in the Subdivision Map Act. The Commission shall either approve, conditionally approve or deny tentative maps (vesting or otherwise), tentative parcel maps, major modifications to tentative maps and tentative parcel maps, time extensions and has the authority to permit exceptions to the subdivision design standards of this Title that are in accordance with the provisions of Chapter 16.48.
- C. Community Development Director and City Engineer (combined):** Have the authority to approve lot line adjustments, approving, approving with conditions or denying certificates of compliance and minor modifications to tentative maps and tentative parcel maps, and otherwise administer and enforce the provisions of Live Oak Subdivision Ordinance and the Subdivision Map Act.
- D. City Engineer:** Responsible for processing final maps and parcel maps and reviewing and determining minor modifications to final maps and final parcel maps.
- E. Community Development Director:** Shall be responsible for providing all application forms and for processing tentative map and tentative parcel map applications.

Chapter 16.08 Definitions

16.08.010 General

The definitions set forth in this Chapter shall be supplementary to the definitions contained in the Subdivision Map Act. For purposes of this Title, the following words and phrases shall be construed as defined in this Chapter.

16.08.020 Definitions

Alley: A public way, other than a street or highway, that typically provides only a secondary means of vehicular access to abutting property.

Block: The area of land within a subdivision, which area is entirely bounded by streets, highways or ways, except alleys, or the exterior boundary of a subdivision.

CEQA: The California Environmental Quality Act.

Certificate of compliance: A certificate issued by the City Engineer and recorded in the office of the Sutter County Recorder certifying that a lot or lots of real property comply with the provisions of this Title and the Subdivision Map Act.

Chief Building Official: The Chief Building Official of the City of Live Oak.

City: The City of Live Oak, California

City Council: The City Council of the City of Live Oak.

City Engineer: The City Engineer of the City of Live Oak or his designee.

Community apartment project: As defined in Section 11004 of the Business and Professions Code.

Community Development Director: The Community Development Director of the City of Live Oak or his designee.

Condominium: An estate in real property consisting of undivided interest in common in a portion of a property together with a separate interest in space in a residential, industrial, office or commercial building on the real property. A condominium may also include, in addition, a separate interest in other portions of real property.

County: The County of Sutter, California.

Design:

- Location and size of all required easements and rights-of-way, street standards including widths, grades and alignments, curbs, gutters and sidewalks and lighting.
- Stormwater drainage, water and sanitary sewer facilities, utilities (both above and below ground), including alignments and grades.
- Lot size and configuration.
- Grading.
- Landscaping, fences and walls

- Land to be dedicated for park and recreational purposes.
- Such other physical requirements in the plan and configuration of the entire subdivision as may be necessary or convenient to ensure consistency with or implementation of the Live Oak General Plan, any applicable specific plan, the Zoning Regulations, the Subdivision Map Act, the Citywide Design Guidelines or the Live Oak Public Works Improvement Standards.

Final map: A map showing a subdivision for which a tentative and final map are required under the Subdivision Map Act and this Title, prepared in accordance with the provisions of the Subdivision Map Act and this Title, and designed to be filed for recordation in the office of the Sutter County Recorder.

Flag lot: A lot that has access to public right-of-way by means of a narrow strip of land.

Frontage: The portion of a lot contiguous with an existing or future public or private street right-of-way.

General Plan: The City of Live Oak General Plan.

Improvement: Includes, but is not limited to, street work, sidewalks, curbs, gutters, driveways, storm drainage facilities, water lines and facilities, sanitary sewers and facilities, public utilities including existing overhead utilities required to be undergrounded, landscaping, fences or walls, private streets and easements, street lights and any other improvements defined by Section 66419 of the Subdivision Map Act, whether they occur on-site or off-site.

Improvement Standards: City of Live Oak Public Works Improvement Standards.

Lot: A unit of land created in conformance with applicable law. Lots include, but are not limited to, a lot created by final map, parcel map or official map recorded in the office of the Sutter County Recorder with a separate and distinct number or letter.

Lot line adjustment: An adjustment in the property line between two or more existing adjacent lots, where the land taken from one lot is added to an adjacent lot, and where a greater number of lots than originally existed is not thereby created.

Merger: The joining of two or more contiguous lots under one ownership into one lot.

Model home: A residence temporarily used to display, advertise, promote, sell or rent substantially similar residences or lots to the public in a particular residential project.

Parcel map: A map showing the division of land into less than five lots or a subdivision under the Subdivision Map Act Sections 66426(a) through (d), or a division of land creating less than five lots by means of combining lots that may have been partially or entirely subdivided previously, which is prepared in accordance with the Subdivision Map Act and this Title and which is to be recorded in the office of the Sutter County Recorder.

Planning Commission: The Planning Commission of the City of Live Oak.

Remainder: That portion of an approved tentative map which is not included within the boundary of a proposed final map authorized by the tentative map.

Specific plan: 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.

Stock cooperative: As provided in the California Business and Professions Code Section 11003.2 and Civil Code Section 1351.

Street, private: A way for vehicular traffic, providing access to lots, but from which the general public may be excluded, and which is not maintained by a public agency.

Street, public: A way for vehicular traffic that is dedicated for general public use and which is maintained by a public agency.

Subdivider: A person, firm, corporation, partnership, syndicate, trust or association or any other legal entity who proposes to divide, divides or causes to be divided, real property into a subdivision for himself/herself, except that employees and consultants of such persons or entities, acting in that capacity, are not “subdividers”.

Subdivision: The division of land by any subdivider of any unit or units of improved or unimproved land, or any portion thereof, shown on the latest equalized property assessment roll as a unit or as contiguous units for the purposes of sale, lease or financing, whether immediate or future. Property shall be considered contiguous units even if it is separated by roads, streets, utility easement or railroad right-of-way. “Subdivision” also includes a condominium project, as defined in Subsection (f) of Section 1351 of the Civil Code, a community apartment project as defined in subsection (d) of Section 1351 of the Civil Code, or the conversion of five or more existing dwelling units to a stock cooperative, as defined in Subsection (m) of Section 1351 of the Civil Code. Subdivision does not include those activities excluded by Section 66412 of the Subdivision Map Act.

Subdivision Map Act: California law currently contained in Government Code Section 66410 et seq.

Tentative map: A map made for the purpose of showing the design and improvements of a proposed subdivision and the existing conditions in and around it. Generally, a tentative map is prepared for a subdivision of five or more lots, and a **tentative parcel map** is prepared for a subdivision of four or fewer lots.

Vesting tentative map or vesting tentative parcel map: A tentative map or tentative parcel map that has printed conspicuously on its face the words “Vesting Tentative Map” or “Vesting Tentative Parcel Map” at the time it is filed with the City, and is processed in accordance with Chapter 16.16.

Zoning Regulations: The Zoning Regulations of the City of Live Oak.

Chapter 16.10 Types of Subdivision Maps

16.10.010 Purpose of this Chapter

This Chapter establishes the types of subdivision maps required.

16.10.020 Type of Subdivision Maps Required

- A. **Tentative maps and final maps required:** Any subdivision or re-subdivision of land creating five or more lots shall require the filing and approval of a tentative map and final map except as provided by Section 66426 of the Subdivision Map Act and Subsection 16.10.020.C of this ordinance.
- B. **Tentative parcel maps and parcel maps required:** Tentative parcel maps and parcel maps shall be required for the division into fewer than five lots and of divisions into five or more lots that meet the exceptions provided in Section 66426 of the Subdivision Map Act and Subsection 16.10.020.C of this ordinance.
- C. **Waiver of a tentative map or tentative parcel map:** Notwithstanding other requirements of this title, a tentative map or tentative parcel map shall not be required for any of the following actions:
 - 1. **Railroad rights-of-way:** Subdivisions of a portion of the operating right-of-way of a railroad corporation defined as such by Section 230 of the Public Utilities Code which are created by short term leases (terminable by either party on not more than 30 days notice in writing).
 - 2. **Government and utilities:** 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 such public utility rights-of-way, unless a showing is made in individual cases, upon substantial evidence, that public policy necessitates a parcel map.
 - 3. **Less than five lots:** For divisions of less than five lots the City Engineer may waive the tentative parcel map requirement if the proposal complies with all City requirements as to Zoning Regulations, street improvements, flood and drainage improvements, water supply, sanitary sewer, electrical improvements, natural gas, cable and telephone improvements and dedication of all necessary rights-of-way. A waiver of a tentative parcel map under this subsection shall be subject to all City parkland dedication requirements, drainage fees, development impact fees and other City and local agency fees. Whenever a tentative parcel map is waived under this subsection it shall be subject to the same time limits and extension of time as a tentative map. A parcel map shall be submitted and approved by the City Engineer.

Chapter 16.12 Tentative Map and Tentative Parcel Map Form and Content

16.12.010 Purpose of this Chapter

This Chapter provides all the information for submittal of both tentative maps and tentative parcel maps. For purposes of this Chapter, any reference to tentative map also includes tentative parcel map. A complete application shall contain all of the information provided below:

16.12.020 Preparation and Form of a Tentative Map

The tentative map shall be clearly and legibly drawn by or under the direction of a registered civil engineer or licensed land surveyor. The scale of the map shall not be less than one inch equals 100 feet. If necessary to provide the proper scale, more than one sheet may be used, but the relation of the several sheets shall be clearly drawn on each. Each sheet shall be 18 inches by 26 inches.

Tentative map applications shall be accompanied by other forms deemed necessary by the Community Development Director as provided in Section 16.12.030 below.

16.12.030 Tentative Map Application Content

- A. Application:** Completed application form.
- B. Title report:** A preliminary title report, current within sixty days of the date of application.
- C. Fees,** as adopted by resolution or ordinance by the City Council.
- D. Tentative map content– existing data**
 - 1. Existing information:**
 - a. Date, north arrow and scale.
 - b. The name, address and phone numbers for the record owner or owners.
 - c. Name, address and phone number of the subdivider.
 - d. A location map indicating the location of the proposed subdivision in relation to the surrounding area.
 - e. Proposed subdivision name.
 - f. Name, address and telephone number of the person, firm or organization that prepared the tentative map and the applicable registration or license number.
 - g. A statement of the general plan designation(s) and zone district(s) that are applied to the property and any proposed changes.
 - h. A list of agencies and service providers that will provide services to the subdivision including natural gas, electricity, phone, cable and schools.
 - i. City limit line if occurring in the vicinity of the subdivision.
 - j. Existing use of the property.

2. **Project boundary and neighboring properties:** Boundaries of the property being subdivided and the property lines of the adjoining properties as well as the names and addresses of the owners of the adjoining properties.
3. **Previous subdivision data:** If the property being subdivided or the lands immediately adjacent to the subdivision are a portion of a previously recorded subdivision or subdivisions, show the subdivision or subdivisions, including:
 - a. Subdivision name
 - b. Recorded book/page
 - c. Lot lines
 - d. Block numbers
 - e. Lot numbers
4. **Existing features:** Show all existing features including:
 - a. Buildings
 - b. Orchards (type)
 - c. Trees (size and species)
 - d. Light poles
 - e. Utility poles and anchors
 - f. Fences
 - g. Underground irrigation system
 - h. Wells
 - i. Septic tanks
 - j. Leach lines
 - k. Any other existing features
5. **Existing grades:** Sufficient existing elevations or contours and notations indicating direction and percent of slope to determine the general slope of the land and the high and low point thereof.
6. **Roads:** All on-site, adjoining and contiguous highways, streets, ways and alleys, including:
 - a. Location
 - b. Name
 - c. Width of right-of-way
 - d. Existing pavement (type, edge)
 - e. Curb and gutter
 - f. Sidewalk
 - g. Bikeway
7. **Utilities:** On-site and adjoining existing public utilities including:
 - a. Sanitary sewer, including: sewer lines (diameter), manholes, lift stations and cleanouts.
 - b. Storm drainage, including: storm drains (diameter), manholes, catch basins and drop inlets.
 - c. Domestic water supply, including: water mains (diameter), fire hydrants and valves.
 - d. Electric, telephone, television utilities, including both overhead lines and underground lines.

8. **Drainages:** Existing watercourses, including their:
 - a. Location
 - b. Name (if any)
 - c. Width
 - d. Direction of flow
9. **Floodplain:** Any land which is subject to inundation or flooding by storm, overflow water, or other causes, shall be indicated. The proposed filling, drainage, or other preventative or corrective measures shall be indicated.
10. **Railroad:** The location of all nearby railroad rights-of-way and grade crossings.

E. Tentative map content – proposed features

1. **Project boundary:** Boundary of the proposed subdivision.
2. **Uses:** The proposed use or uses of the property.
3. **Area:** Acreage of the proposed tract to the nearest tenth of an acre.
4. **Roads:** The proposed streets and alleys including approximate dimensions, including:
 - a. Location
 - b. Proposed name
 - c. Width of right-of-way
 - d. Length of tangents
 - e. Radius of curves
 - f. Gutter flow line grade in percent
5. **Public improvements:** Typical cross-section of the proposed improvements, including:
 - a. Roadway width
 - b. Curb-gutter
 - c. Sidewalk width
 - d. Asphalt thickness
 - e. Aggregate base thickness
 - f. Landscape strips
6. **Easements:** The proposed easements, including:
 - a. Approximate location
 - b. Purpose
 - c. Width
7. **Lots:** Approximate lot layout, including dimensions and area of each lot, and the number of each lot or unit of air space.
8. **Public areas:** The public areas proposed for schools, parks, playground, open space, schools, etc.
9. **Remainder:** Delineation of any proposed remainder parcel.

F. Written statements

In the event it is impossible or impracticable to place upon the tentative map any information required in Sec. 16.12.030.D and 16.12.030.E such information shall be furnished in a written statement which shall be submitted with the map.

Additionally, written statements shall be submitted with the tentative map containing the following information:

1. **CC & R's:** A copy of any and all existing and proposed restrictive covenants, bylaws, or articles of incorporation.
2. **Exceptions:** Justification and reasons for any exceptions to provisions of this Title, as provided in Chapter 16.48.
3. **Improvements:** Improvements and public utilities proposed to be made or installed and the time at which such improvements are proposed to be completed.
4. **Owners statement:** Statement from the owner or owners of record, if different than the subdivider, which is signed and dated, consenting to the subdivision of the owner's land.
5. **Multiple Final Map Statements:** Written statement from the subdivider, at the time the tentative map is filed, informing the Planning Commission of the subdivider's intention to file multiple final maps on the tentative map. In providing such notice, the subdivider shall not be required to define the number or configuration of the proposed multiple final maps.

Chapter 16.14 Tentative Map and Tentative Parcel Map Procedures

16.14.010 Purpose of this Chapter

This Chapter establishes requirements for the filing, processing and approval, approval with conditions or denial of tentative maps and tentative parcel maps, consistent with the requirements of the Subdivision Map Act. For purposes of this Chapter, any reference to tentative map also includes tentative parcel map and any reference to an approved tentative map also includes an approved tentative parcel map, unless otherwise provided in this Chapter or in the Subdivision Map Act.

16.14.020 Application Submittal

The completed tentative map application and other required materials shall be submitted to the Community Development Director accompanied by the required application fees.

16.14.030 Acceptance of the Application as Complete

An application and accompanying materials must be deemed complete before it is accepted for filing and review. Pursuant to Government Code Section 65943, within 30 days of receiving the application the Community Development Director shall determine whether or not a tentative map application shall be accepted as complete in that all the required information for a tentative map application has been correctly submitted including:

- A. Information required pursuant to Chapter 16.12; and
- B. All other information necessary to accept a complete application and to clarify, amplify, correct or supplement the application and the environmental document to be prepared for the project.

If the Community Development Director determines that the application is incomplete and additional information is required, and it is determined that a reasonable effort has not been made by the applicant to provide the additional information within six months of the letter requesting the information, then the application is deemed withdrawn.

16.14.040 Application Referral

Within five days of finding the application complete, the Community Development Director shall refer copies of the tentative application to any City department, local, state or federal agency, public or private utility or other entity that the Community Development Director believes may be interested in the project. If no response is received within 21 days of the referral date, the Community Development Director shall assume that the agency or entity has no comments. Comments for the environmental document for the project may still be accepted and considered during its public review period.

16.14.050 Project Evaluation Meeting

Within 10 days of finding the application complete the Community Development Director shall determine if a project evaluation meeting is needed. If the meeting is needed, it will be scheduled with the applicant, the applicant's representatives and all City departments and other agencies having jurisdiction or providing services to the site. The purpose of the meeting will be to discuss:

- A. **Compliance with City standards:** Compliance with the provisions of Chapters 16.24 and 16.26 of this Title, the City of Live Oak General Plan, Zoning Regulations, Improvement Standards, Citywide Design Guidelines, and other City codes or standards.
- B. **California Environmental Quality Act (CEQA):** The preliminary environmental determination.
- C. **Services:** The provision of services to the site.
- D. **Other data:** As determined by the Community Development Director, all other relevant data and reports necessary to clarify, correct or otherwise supplement the application materials to prepare the environmental document and to prepare a recommendation to the Planning Commission.

16.14.060 Staff Review

The City staff shall review the project and prepare a written report to the Planning Commission that addresses:

- A. **Background data:** Any background data associated with the project that may be relevant to the proposal;
- B. **California Environmental Quality Act (CEQA):** The environmental document prepared for the project;
- C. **Compliance with City codes:** Compliance and consistency with Chapters 16.24 and 16.26 of this Title, the City of Live Oak General Plan, any relevant specific plan, Zoning Regulations, Citywide Design Guidelines, Improvement Standards, the Subdivision Map Act and any other data or standards that may be relevant to the project;
- D. **Conditions of approval:** Conditions necessary for the tentative map to comply with the above requirements;
- E. **Findings:** Findings for approval, approval with conditions or denial; and
- F. **Recommendation:** A recommendation for approval, approval with conditions or denial.

16.14.070 Planning Commission Review:

- A. **Scheduling of the hearing and action:** In compliance with the Subdivision Map Act Section 66452.1, the public hearing on a tentative map shall be scheduled, and action shall be taken, within 50 days after:
 - 1. **Completeness:** The tentative map application has been deemed complete; and

2. **CEQA:** An environmental impact report has been certified, a negative declaration has been adopted or the project has been determined to be exempt from CEQA.
- B. Notice and hearing:** Upon completion of the review by City staff, proper notice of a public hearing before the Planning Commission shall be provided as required by California Government Code Sections 65090 through 65095, and by other such means as the Planning Commission may require.
 - C. Decision:** After considering the recommendations of the Community Development Director and other agencies, and comments by the public, and following the conclusion of the public hearing, or at a later time determined by the Planning Commission, the Planning Commission shall approve, approve with conditions or deny the tentative map.
 - D. Findings for approval:** The Planning Commission may approve a tentative map only when it first finds that the proposed subdivision, together with the provisions for its design and improvements, is consistent with the City of Live Oak General Plan and any applicable specific plan (Subdivision Map Act Section 66473.5), the Improvement Standards and the Citywide Design Guidelines, and that none of the findings for denial in Subsection 16.14.070.E can be made.
 - E. Findings for denial:** A tentative map may only be denied if the Planning Commission makes one or more of the following findings:
 1. **City standards:** The proposed subdivision including design and improvements is not consistent with the City of Live Oak General Plan, any applicable specific plan, Zoning Regulations, the Improvement Standards, the Citywide Design Guidelines, or any portions of the City of Live Oak Municipal Code or its standards and specifications, or the Subdivision Map Act;
 2. **Physical suitability:** The site is not physically suitable for the type or proposed density of development;
 3. **CEQA:** The design of the subdivision or the proposed improvements are likely to cause substantial environmental damage;
 4. **Public health and safety:** The design of the subdivision or type of improvements is likely to cause serious public health or safety problems; or
 5. **Easements:** The design of the subdivision or type of improvements would conflict with easements acquired by the public at large for access through, or use of, property within the proposed subdivision.
 - F. Time limits inapplicable with legislative actions:** The time limits specified in this Chapter for processing tentative map applications shall not apply to the tentative map application until the effective date of a related legislative action including, but not limited to, a general plan amendment, rezoning, development agreement or easement abandonment.

16.14.080 Appeals

- A. Decision of the City Engineer or Community Development Director:** Any applicant or person claiming to be adversely affected by any action of the City Engineer or Community Development Director in carrying out the provisions of this Title may, within 10 days after

such action, file a written appeal to the Planning Commission and shall be accompanied by the payment of any fee adopted by the City Council. The filing of an appeal shall stay the issuance of any permit in connection with the action pending a decision from the Planning Commission.

- B. Decision of the Planning Commission:** Any applicant or person claiming to be adversely affected by any action of the Planning Commission in carrying out the provisions of this Title, any City Council person or the City Manager may, within 10 days after such action, file a written appeal to the City Council. Such appeal shall be filed with the City Clerk and shall be accompanied by the payment of any fee adopted by the City Council. The filing of an appeal shall stay the issuance of any permit in connection with the action pending a decision from the City Council.

16.14.090 Time Limit Extensions for Processing Tentative Maps

The time limits specified in this Title and the Subdivision Map Act for reporting on and acting on tentative maps may be extended by mutual consent of the subdivider and the City.

16.14.100 Effective Date of Tentative Map Approval

Approval of a tentative map shall become effective for purposes of filing a final map or parcel map, including compliance with conditions of approval, on the day following the end of the appeal period or, in the case of an appeal, the date of the City Council decision on the appeal.

16.14.110 Amendments to Approved Tentative Maps

- A. Minor amendments:** The Community Development Director or City Engineer may approve minor amendments to an approved tentative map or the conditions of an approved tentative map provided that the amendments:
1. Do not create any additional parcels;
 2. The amendments are consistent with the intent of the approved tentative map; and
 3. There are no resulting violations of the Live Oak Municipal Code.
- B. Other amendments:** All other amendments to approved tentative maps shall be approved by the Planning Commission, as provided in Section 16.14.070.

16.14.120 Time Limits and Expiration of Approved Tentative Maps

- A. Time Limit:** An approved tentative map is valid for 24 months after its effective date, as provided in Section 16.14.100 above, except as otherwise provided by the Subdivision Map Act (Section 66452.6).
- B. Statutory extensions of time:** When multiple final maps are utilized, as authorized in Section 66456.1 of the Subdivision Map Act, and the subdivider is required to construct, improve or finance public improvements outside of the property boundaries of the tentative map, excluding improvements of public rights-of-way which abut the boundary of the property, and which are reasonably related to the development of the property, and the cost of the

public improvements exceeds the amount specified in Section 66452.6(a)(1) of the Subdivision Map Act, each filing of a final map shall extend the expiration of the approved or conditionally approved tentative map as provided in Section 66452.6(a)(1) of the Subdivision Map Act.

16.14.130 Extensions of Time

A. Requests for extensions of time

- 1. Filing:** When a subdivider has not filed a final map or parcel map prior to the expiration date of an approved tentative map or tentative parcel map, the subdivider may file a written request for an extension of the expiration date for an approved or conditionally approved tentative map or tentative parcel map on a form provided by the Community Development Director together with the required filing fee. The request shall be submitted to the Community Development Director prior to expiration of the tentative map. Once the request is submitted the map shall automatically be extended for another 60 days. Failure to request an extension of time prior to the expiration of the approved tentative map will cause the tentative map to expire.
- 2. Approval:** The Planning Commission may grant the extension in increments it deems necessary, provided the total of the extensions do not exceed five years, or as otherwise provided by the Subdivision Map Act, after finding that:
 - a. General Plan consistency:** There have been no changes to the General Plan or any specific plan or precise road plan to which the tentative map would no longer be in conformity.
 - b. City codes:** There have been no changes to City codes to which the tentative map would no longer be in conformity.
 - c. Availability of services:** The capacity of community infrastructure, including but not limited to water supply, sewage treatment capacity, schools or roads remains sufficient to serve the project.
- 3. Appeals:** The decision of the Planning Commission may be appealed to the City Council within 10 days of the Planning Commission's decision.

Chapter 16.16 Vesting Tentative Maps and Vesting Tentative Parcel Maps

16.16.010 Purpose of this Chapter

This Chapter establishes a local procedure to implement provisions of the Subdivision Map Act for vesting tentative maps or vesting tentative parcel maps commencing with Section 66498.1 which addresses the development rights conferred upon the approval or conditional approval of “vesting tentative maps,” as required by section 66498.8 of the Subdivision Map Act. For purposes of this Chapter, any reference to a vesting tentative map also includes vesting tentative parcel map and any reference to an approved vesting tentative map also includes an approved vesting tentative parcel map, unless otherwise provided in this Chapter or in the Subdivision Map Act.

To accomplish this purpose, the regulations outlined in this Chapter are determined to be necessary for the preservation of the public’s health, safety and general welfare and for the promotion of orderly growth and development in the community.

16.16.020 Consistency

No land shall be subdivided or developed pursuant to a vesting tentative map for any purpose which is inconsistent with the City of Live Oak General Plan and any applicable specific plan or that is not permitted by the City of Live Oak Zoning Regulations, Citywide Design Guidelines, Improvement Standards or other applicable provisions of the City codes or standards.

16.14.030 Application

- A.** Whenever the Subdivision Map Act and this Title require the filing of a tentative map for residential or non-residential development, a vesting tentative map may instead be filed, in accordance with the provisions of this Chapter.
- B.** If a subdivider does not seek the rights conferred by this vesting tentative map statute, the filing of a vesting tentative map is not a prerequisite to any tentative map approval, permit for construction or work preparatory to construction.

16.16.040 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 with the same fees as set forth in this Title for a tentative map (Chapters 16.12 and 16.14), except as follows.

- A.** At the time a vesting tentative map is filed it shall have printed conspicuously on its face the words “Vesting Tentative Map.”
- B.** At the time a vesting tentative map is filed, the applicant shall also provide the following information regarding the project. An application shall not be deemed complete unless accompanied by all of the following:

1. **Boundary survey:** Boundary survey map prepared by a registered civil engineer or licensed land surveyor;
2. **Improvement plans:** Detailed improvement plans for all roads in the subdivision including the location, names, exact widths, curve radii and grades, typical sections and an indication as to whether the street will be public or private. Details of curbs, gutters, sidewalks, street lighting and other improvements shall be shown and shall be of such scale as to clearly show all details thereof;
3. **Drainage plans:** Precise drainage plans including any needed offsite drainage improvements;
4. **Water and sewer:** Precise sizes and locations of all water lines and sanitary sewer lines and related improvements, including any needed offsite improvements;
5. **Grading plans:** Final grading plans showing existing and proposed grades. Contours shall have one foot intervals. All grades and elevations shall be based on datum and benchmark data provided by the City Engineer. The scale shall be sufficiently large to clearly show the details of the plan;
6. **Public areas:** Location and boundary lines of all public areas;
7. **Landscaping plans:** Landscaping plans for any public areas to be landscaped as part of the project (landscape strips, parks, etc). The landscape plans shall include plant species and size, and irrigation and maintenance plans;
8. **Soils report:** A soils report prepared in accordance with Section 16.24.060 which demonstrates that the proposed site grading and street structural section conform to City standards, and that foundations are in accordance with building code requirements and all other City standards;
9. **Utilities plan:** Provisions for utilities including electrical, natural gas, telephone and cable; and
10. **Condominiums:** In the case of a tentative map creating residential or commercial condominiums or condominium conversions, or mobilehome park conversions or where otherwise determined by the Community Development Director, the additional relevant materials as required in Chapters 16.38 through 16.44 shall be provided.
11. **Other:** All other applicable design information which may be required by other sections of this Title, applicable City standards, codes or regulations or as determined by the City Engineer.

16.16.050 Expiration – Request for Time Extension

Vesting tentative map expiration and requests for extensions of time shall be pursuant to Sections 16.14.120 and 16.14.130. Failure to file a final map within the time limits described shall terminate all proceedings and no final map for all or any property included within the vesting tentative map shall be filed without first processing a new tentative map or vesting tentative map under this Title.

16.16.060 Development Rights

- A. Vesting rights:** The approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies and standards described in Section 66498.1 of the Subdivision Map Act.
- B. Fees:** Fees charged for land use and building permits, filed after the approval of a vesting tentative map shall be required at the time the subsequent permit applications are filed, including any related utility or development impact fees (e.g., sewer/water hookup fees, traffic mitigation fees, park impact fees, etc.). Land use or building permit application contents shall comply with City requirements in effect at the time the subsequent application is filed.

16.16.070 Duration of Vested Rights

The development rights vested by this Chapter shall expire if a final map or parcel map is not approved before expiration of the vesting tentative map in compliance with Section 16.16.050. If the final map or parcel map is approved and recorded, the development rights shall be vested for the following periods of time.

- A.** An initial period of 12 months from the date of recordation of the final or parcel map. Where several final maps are recorded on various phases of a project covered by a single vesting tentative map, this initial time period shall begin for each phase when the final map for that phase is recorded.
- B.** The initial 12 months shall be automatically extended by any time used for processing a complete application for a grading permit or for design review, if processing exceeds 30 days from the date the application is accepted as complete.
- C.** The developer may apply for a 12 month extension to the vesting rights at any time before the initial 12 months expires. Application for an extension shall be submitted to the Community Development Director and shall be accompanied by the required fee. The Planning Commission shall approve or deny any request for an extension, based on the provisions of Section 16.14.130.
- D.** If the developer submits a complete application for a building permit during the periods of time specified in subsections A, B and C of this Section, the vested rights for that building permit shall continue until the expiration of the building permit, or any extension of that permit.

Chapter 16.18 Final Maps

16.18.010 Purpose of this Chapter

This Chapter establishes standards for the submittal and approval of final maps.

16.18.020 Phasing – Multiple Final Maps

- 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:
 - 1. The subdivider, at the time the tentative map is filed, informs the Planning Commission of the subdivider's intention to file multiple final maps on such tentative map; or
 - 2. After filing of the tentative map, the City and subdivider concur in the filing of multiple final maps.
- B. In providing such notice, the subdivider shall not be required to define the number or configuration of the proposed multiple final maps. The filing of a final map on a portion of an approved or conditionally approved tentative map shall not invalidate any portion of such tentative map.
- C. Each such final map shall be given a separate subdivision number and all of the requirements for approval of a final map shall apply to approval of such final map filed on a portion of an approved or conditionally approved tentative map, and the subdivision agreement required of the subdivider shall provide for the construction of such improvements as may be necessary to constitute a logical and orderly development of the whole subdivision.

16.18.030 Survey Requirements

- A. The final map shall be prepared by or under the direction of a registered civil engineer or licensed land surveyor in accordance with the approved tentative map, the provisions of this Title and the Subdivision Map Act.
- B. The final map shall be based on an accurate survey of the land and conform with the Land Surveyor's Act, except when the final map is for the purpose of effecting a reversion to acreage.

16.18.040 Form of the Final Map

- A. **Material:** The final map shall be legibly drawn, printed or reproduced by a process guaranteeing a permanent record in black on tracing cloth or polyester base film. Certificates, affidavits and acknowledgments may be legibly 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.
- B. **Size:** The size of each sheet shall be 18 inches by 26 inches.

- C. **Margin:** A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of one inch.
- D. **Scale:** The scale of the map shall be large enough to show all details clearly with enough sheets used to accomplish this end. In no case shall the scale be greater than one inch equals 100 feet nor less than one inch equals 50 feet.

16.18.050 Content of the Final Map

- A. **Numbered sheets:** The particular number of each 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 by a small key map on the first sheet.
- B. **Basic information:** Each map sheet shall show the name of the engineer or surveyor, the date of the survey, north point, written or graphic scale and other information as necessary.
- C. **Location map:** A location map relating the subdivision to the general layout of the City shall be placed on the first map sheet, rather than the certificate sheets.
- D. **Title and subtitle:** The title of each sheet of such final map shall consist of the approved name and unit number of the tract, if any, at the lower right corner of the sheet, followed by the words "City of Live Oak." Maps filed for the purpose of reverting to acreage for previously subdivided land shall be conspicuously marked with the words "Reversion to acreage." The title sheet shall also contain a subtitle giving a general description of the property being subdivided by reference to maps which have been previously recorded, or by reference to the plat of any United States survey. Each reference in such description to any tract or subdivision shall be spelled out and worded identically with the original record thereof and reference to book and page of record must be complete.
- E. **Basis of bearings:** The final map shall show the basis of bearings.
- F. **Coordinate system:** Wherever the City Engineer has established a system of coordinates, the survey shall be tied into such system.
- G. **Adjoining lots:** All adjoining lots shall be identified by lot, block and block numbers, subdivision name and place of record, or other proper designation.
- H. **Subdivision boundary:** An accurate and complete boundary survey to second order accuracy shall be made of the land to be subdivided. A traverse of the exterior boundaries of the tract and of each block when computed from field measurements on the ground shall close within a limit of one foot to 10,000 feet. The exterior boundary of the land included within the subdivision shall be indicated on the final map by distinctive symbols and be clearly so designated. The map shall show the definite location of the subdivision, and particularly its relation to surrounding surveys.
- I. **Dimensions, bearing and curve data:** The final map shall show all survey and mathematical information and data necessary to locate all monuments and to locate and retrace any and all interior and exterior boundary lines thereon, including bearings and distances of straight lines, and central angle, radius and arc length of curves, and such information as may be necessary to determine the location of the centers of the curves and ties to existing monuments used to establish the subdivision boundaries. The linear dimensions shall be expressed in feet and decimals of a foot.

- J. Lots and blocks:** All lots and blocks and all parcels offered for dedication for any purpose shall be particularly delineated and designated with all dimensions, boundaries and courses clearly shown and defined in every case. Parcels offered for dedication other than for streets and easements shall be designated by letter. Sufficient linear, angular and curve data shall be shown to determine readily the bearing and length of the boundary lines of every block and of every lot and parcel which is a part thereof. Sheets shall be so arranged that no lot is split between two or more sheets and, whenever practicable, blocks in their entirety shall be shown on one sheet. No ditto marks shall be used for lot dimensions. Lot numbers shall begin with the numeral "1" and continue consecutively throughout the tract, with no omissions or duplications.
- K. Streets:** The final map shall show the name and right-of-way lines of each street, the width of any portion being dedicated and widths of any existing street dedications. The widths and locations of adjacent streets and other public properties within 50 feet of the subdivision shall be shown. If any street in the subdivision is a continuation or an approximate continuation of any existing street, the conformity or the amount of nonconformity of such street to the existing street shall be accurately shown. Whenever the centerline of a street has been established or recorded, the data shall be shown on the final map. In the case of branching streets, the line of departure from one street to another shall be indicated.
- L. Building setback lines:** When building setback lines differ from the Zoning Regulations show the building setback lines on all streets by long, thick dashed lines regulations on an additional map sheet to be recorded simultaneously with the final map.
- M. Easements:** All easements shall be clearly labeled and identified. The side lines of all easements including utility and new access easements shall be shown by fine dashed lines. If any easement already of record cannot be definitively located, a statement of its existence, the nature thereof and its recorded reference shall appear on the title sheet. Distances and bearings on the side lines of lots which are cut by an easement shall be narrowed or so shown that the map will indicate clearly the actual lengths of the lot lines. The widths of all easements and sufficient ties thereto to definitively locate the same with respect to the subdivision shall be shown. If an easement is being dedicated by the map, it shall be set out in the owner's certificate of dedication.
- N. High water line:** When the subdivision includes or is adjacent to areas subject to periodic inundation or other waters, on an additional map sheet to be recorded simultaneously with the final map, show the line of mean high water with a fine continuous line. The use of such area may be required to be restricted by a covenant of restrictions.
- O. City boundaries:** If City boundaries cross or adjoin the subdivision they shall be clearly designated and located in relation to adjacent lot or block lines on an additional map sheet to be recorded simultaneously with the final map.
- P. Area of lots:** The area of each lot created by the subdivision shall be shown to the nearest square foot, or one thousandth of an acre.
- Q. Relinquishment of access rights:** The map sheet shall acknowledge and indicate all access rights' relinquishment required as a condition of approval. The map sheet shall show the relinquishment by cross hatching.

R. Monuments

1. **Shown on final map:** The final map shall fully and clearly show the existing monuments, stakes or other evidence that was used to determine the location of the boundaries of the subdivision and where such monuments are located on the ground. Each adjacent subdivision corner and ties to parts of subdivisions shall be shown. Such subdivisions shall be identified by proper record data. The map shall show ties to original survey locations such as section and quarter section corners, including proper references thereto. Any monument or benchmark as required by this Section that is disturbed or destroyed before acceptance of all improvements shall be shown on the final map. If any points were reset by ties, that fact shall be stated.
2. **Monuments in paved areas:** Standard concrete well monuments shall be set depressed below the street grade with cast iron ring and cover on all paved streets, alleys or other public areas at the following locations:
 - a. At the intersections of street right-of-way centerlines;
 - b. At the beginning of curves and end of curves;
 - c. At the tract boundary corners and angle points, if such points are within paved areas;
 - d. At all section and quarter section corners, if such points are within paved areas; and
 - e. At the intersection of a tract boundary with a street or ally centerline.

Standard monuments as required above may be eliminated when the distance between such monuments is less than 200 feet, except that standard monuments will be required at all street intersections and tract boundary corners and angle points in paved areas.

3. **Monuments outside of paved areas:** Minimum 1 ¼ inch by 24 inch iron pipe with the appropriate identification of the land surveyor or licensed civil engineer shall be set in a minimum of 12 inches of concrete along boundary lines and at all angle points which fall outside of a paved area.
4. **Monuments for individual lots:** A minimum ¾ inch by 24 inch iron pipe or 1 5/8 inch by 18 inch deformed iron bar with the appropriate identification of the licensed land surveyor or registered civil engineer shall be placed at the following locations:
 - a. Along lot lines;
 - b. Angle points;
 - c. Beginning of curves; and
 - d. End of curves.
5. **City approval of monuments:** All monuments shall be subject to inspection and approval by the City Engineer before filing of the final map with the City Clerk, unless their installation has been deferred, as hereinafter provided.
6. **Deferment:** In the event any of the monuments required to be set are to be set subsequent to the recording of the final map, the engineer or surveyor shall certify on the final map that the monuments will be set on or before a specified later date and the subdivider shall furnish adequate security, in accordance with Section 16.18.130 guaranteeing the payment of the cost of setting such monuments. In all cases, at least one exterior

boundary line of the land being subdivided shall be adequately monumented or referenced before the map is recorded.

S. Certificates, statements and acknowledgements: The following certificates, statements and acknowledgements shall appear on the title sheet of the final map. Certificates, statements and acknowledgements may be combined where appropriate.

- 1. Owners statement:** A statement signed and acknowledged by all parties having record title interest in the subdivided real property, consenting to the preparation and recordation of the final map, in accordance with the Subdivision Map Act.
- 2. Dedications:** Dedications of or offers to dedicate interests in real property for specified public purposes shall be made on the final map, signed and acknowledged by those parties having any record title interest in the real property being subdivided, in accordance with the Subdivision Map Act. Dedications or offers of dedications of streets shall include a waiver of direct access rights to any such street from any property shown on the final map as abutting thereon, when such waiver of direct access rights is required by the City.
- 3. Engineer or surveyor statement:** A statement by the engineer or surveyor responsible for the survey and final map is required, in accordance with the Subdivision Map Act.
- 4. City Engineer statement:** A certificate or statement by the City Engineer shall be placed on the final map, in accordance with the Subdivision Map Act.
- 5. City Clerk statement:** A certificate or statement for execution by the City Clerk, in accordance with the Subdivision Map Act.
- 6. City Planner statement:** A statement for execution by the Community Development Director.
- 7. County Recorder:** A certificate for execution by the Sutter County Recorder.
- 8. Tax Collector:** A certificate for execution by the Sutter County Tax Collector.
- 9. Other:** The title sheet shall also contain such other affidavits, certificates, acknowledgements and enforcements as are required by law.

16.18.060 Data to Accompany the Final Map

- A. Preliminary soils report:** A preliminary soils report prepared in accordance with Section 16.24.060.
- B. Traverse sheets:** Calculation and traverse sheets in a form approved by the City Engineer giving bearings, distances, lot areas and coordinates of the boundary of the subdivision and blocks, lots and streets herein on the final map, and traverse sheets of time to find stakes, monuments or other evidence used to determine the boundaries of the subdivision.
- C. Utility easements:** A statement or map from the utility companies showing required easements to provide their service.
- D. Public improvement plans and specifications:** The subdivider shall grade and improve all land dedicated or to be dedicated for streets, highways, public ways and easements, and all private streets and private easements required as conditions of approval of the tentative map.

The original tracings of detailed plans, cross-sections and profiles of all improvements required to be installed by the provisions of this Title and all other improvements proposed to be installed by the subdivider in, on, over or under any street, right-of-way, easement or parcel of land dedicated by the map or previously dedicated, including estimated cost thereof, shall be submitted to the City Engineer for approval and signature. All such plans shall be prepared in accordance with the requirements of the City Engineer. Plan sheets shall be 24 inches by 36 inches with a two inch left margin.

- E. Design data:** All design data, assumptions and computations for proper analysis that is in accordance with sound engineering practice.
- F. Report and guarantee of clear title:** The final map shall be accompanied by a current report prepared by a duly authorized title company naming the persons whose consent is necessary for the preparation and recordation of such map and for dedication of streets, alleys and other public places shown on the final map and certifying that as of the date of the preparation of the report, the persons therein named are all the persons necessary to give clear title to such subdivision. At the time of recording the final map, following approval by the City Council, there shall be filed with the Sutter County Recorder, a guarantee executed by a duly authorized title company showing that the persons (naming them) consenting to the preparation and recordation of such map and offering for dedication the streets, alleys and other public places shown thereon are all persons necessary to pass clear title to such subdivision and the dedications shown thereon.
- G. Security:** Public improvement agreement and bonds as specified in Sections 16.18.120 through 16.18.150
- H. Deed restrictions, bylaws and/or articles of incorporation:** Two copies of all deed restrictions, bylaws and articles of incorporation.
- I. Governing documents:** For a cooperative apartment project, condominium, stock cooperative or conversion, 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.

16.18.070 Submittal of the Final Map

Four copies of the final map and the data to accompany the final map shall be submitted to the City Clerk for checking.

16.18.080 Fees

- A. Map and plan check fees:** At the time of submittal, the subdivider shall pay a map checking fee for checking the final map and a plan checking and inspection fee for checking improvement plans and specifications, checking contract arrangements and inspecting improvements. The fees shall be in amounts fixed by resolution or ordinance of the City Council.
- B. Sewer and water extension fees:** At the time of filing the final map, the subdivider shall pay all extension fees for both sewer and water in the amounts previously fixed by resolution or ordinance of the City Council or as otherwise determined and fixed under the terms of a

standard subdivision improvement agreement entered into between the City and the subdivider.

C. Recording fees: At the time of filing the final map the subdivider shall pay a recording fee as established by the Sutter County Recorder.

16.18.090 Effect of Failure to Record

Subdivider's failure to record a final map within a period of 24 months after the approval or conditional approval of the tentative map and any extensions of time granted in accordance with the provisions of Chapter 16.14 of this Title shall terminate all proceedings. Before a final map may thereafter be recorded, a new tentative map shall be submitted.

16.18.100 Action on a Final Map by the City Engineer

Upon receipt of the final map the City Engineer shall examine such to determine that the subdivision is shown substantially the same as it appeared on the tentative map, any approved alteration thereof, and any conditions of approval thereof, that all provisions of this Title and the Subdivision Map Act have been complied with, and that the map is technically correct. If the City Engineer determines that the final map is not in full conformity with the tentative map, the subdivider shall be advised of the changes or additions that must be made to make such conformity, and shall afford the subdivider an opportunity to make such changes or additions. If the City Engineer determines that full conformity therein has been made, it shall be so stated on the final map and transmitted to the City Clerk, together with any documents which may have been filed therewith for presentation to the City Council.

16.18.110 Filing Certificate Regarding a Tax Lien

Prior to filing the final map with the City Council, the subdivider shall file the certificate and documents relating to taxes and assessments, as required by the Subdivision Map Act commencing with Section 66492 and any amendments thereto.

16.18.120 Approval by the City Council

The City Council shall, at the meeting at which it receives the final map or, at its next regular meeting after the meeting at which it receives the final map, approve the final map if it conforms to all of the requirements of this Title and the Subdivision Map Act applicable at the time of approval or conditional approval of the tentative map and any rulings made thereafter. If the final map does not conform the City Council shall deny the final map, as provided in Section 16.18.110. The meeting at which the City Council receives the final map shall be the date on which the City Clerk receives the map. At the time the City Council approves a final map, the Council may also accept, accept subject to improvements or reject any offer of dedication. The City Clerk shall certify on the final map the action by the City Council.

16.18.130 Disapproval by the City Council

The City Council shall deny the final map if the final map fails to meet or perform any of the requirements or conditions imposed by this Title or the Subdivision Map Act applicable at the time of approval or conditional approval of the tentative map and any rulings made thereafter, specifying the requirements or conditions which have not been met or performed. The City Clerk shall advise the subdivider of such disapproval. Within 30 days after the City Council has disapproved any final map, the subdivider may file with the City Clerk a map altered to meet the approval of the City Council. In such a case the City Engineer shall review the altered map for conformance with the requirements of the City Council and then shall submit the altered map to the City Council for its approval along with a statement that the altered final map is technically correct. No final map shall have any force or effect until the same has been approved by the City Council and no offer of dedication shall be accepted until the City Clerk has recorded the final map with the Sutter County Recorder. The provisions of this Section may be waived when the failure of the final map is a result of a technical error which, in the determination of the City, does not materially affect the validity of the final map.

16.18.140 Public Improvement Agreement

If at the time of approval of the final map by the City Council, any public improvements required by the City pursuant to the provisions of this Title have not been completed and accepted in accordance with City standards applicable at the time of approval of the tentative map, the City Council, as a condition precedent to the approval of the final map, shall require the subdivider to enter into an agreement with the City upon mutually agreeable terms to thereafter complete the improvements at the subdivider's expense. Such agreement shall be secured by improvement security. The agreement may, at the option of the City, be recorded.

16.18.150 Type of Improvement Security Allowed

- A. Types of security permitted:** Whenever this Title authorizes or requires the furnishing of security in connection with the performance of any act or agreement, such security shall be one of the following at the option of and subject to approval by the City:
- 1. Bond:** A bond or bonds by one or more duly authorized, California admitted corporate sureties with a minimum Best Rating of "A";
 - 2. Cash deposit:** A deposit, either with the City or a responsible escrow agent or trust company, at the option of the City, or money or negotiable bonds of the kind approved for securing deposits of public moneys;
 - 3. Instrument of credit:** An instrument of credit from one or more financial institutions subject to regulation by the state or federal government and pledging that the funds necessary to carry out the act or agreement are in deposit and guaranteed for payment;
 - 4. Property lien:** A lien upon the property to be divided, created by a contract between the owner and the City, if the City finds that it would not be in the public interest to require the installation of the required improvement sooner than two years after recordation of the map; or

5. Real property interest: A security interest in real property in an amount determined by the City not to exceed a portion of the value of the property as determined by the City. The security interest instrument would be of a form approved by the City, and would be recorded by the Sutter County Recorder. From the time of recordation of the written contract or document creating a security interest, a lien shall attach to the real property particularly described therein and shall have the priority of a judgment lien in the amount necessary to complete the agreed improvements. The recorded contract or security document shall be indexed in the grantor index to the names of all record owners of the real property and in the grantee index to the City of Live Oak.

B. Release of security: The City may at anytime release all or any portion of the property subject to any lien or security interest created by this subdivision or subordinate the lien or security interest to other liens or encumbrances if it determines that security for performance is sufficiently secured by a lien on other property or that the release or subordination of the lien will not jeopardize the completion of the agreed upon improvements.

16.18.160 Bonded Security

A. Form:

1. A bond or bonds by one or more duly authorized, California admitted corporate sureties with a minimum A rating to secure faithful performance shall be in substantially the following form:

Whereas, the City Council of the City of Live Oak, State of California, and _____ (hereinafter designated as "principal") have entered into an agreement whereby principal agrees to install and complete certain designated public improvements, which said agreement, dated _____, 20__, and identified as project _____, is hereby referred to and made a part of; and

Whereas, said principal is required under the terms of said agreement to furnish a bond for the faithful performance of said agreement.

Now, therefore, we, the principal and _____, as surety, are held and firmly bound unto the City of Live Oak (hereinafter called the "City"), in the penal sum of _____ dollars (\$_____) lawful money of the United States, for the payment of which sum and well and truly to be made, we bind ourselves, our heirs, successors, executors and administrators, jointly and severally, firmly by these presents.

The condition of this obligation is such that if the above bounded principal, his or its heirs, executors, administrators, successors or assigns, shall in all things stand to and abide by, and well and truly keep and perform the covenants, conditions and provisions in the said agreement and any alteration thereof made as therein provided, on his or their part, to be kept and performed at the time and in the manner therein specified, and in all respects according to their true intent and meaning, and shall indemnify and save harmless the City of Live Oak, its officers, agents and employees, as therein stipulated, then this obligation shall become null and void; otherwise it shall be and remain in full force and effect.

As a part of the obligation secured hereby and in addition to the face amount specified therefore, there shall be included costs and reasonable expenses and fees, including reasonable attorney's fees, incurred by the City in successfully enforcing such obligation, all to be taxed as costs and included in any judgment rendered.

The surety hereby stipulates and agrees that no change, extension of time, alteration or addition to the terms of the agreement or to the work to be performed thereunder or the specifications accompanying the same shall in anywise affect its obligations on this bond, and it does hereby waive notice of any such change, extension of time, alteration or addition to the terms of the agreement or to the work or to the specifications.

The surety's obligations to the City arise immediately upon the default of the principal, without demand or notice. The surety waives the provisions of California Civil Code Section 2845 and, in light of such waiver, the City shall not be required to proceed against the principal, nor shall the City be required to pursue any other remedy in the City's power. In light of such waiver, the City may proceed directly against the Surety upon default of the principal, and it shall not be a defense to the City's claims against the surety that the City has failed to proceed against the principal (or any other person whom the surety believes might be responsible for the breach of the principal) or to pursue any other remedy in the City's power. In addition to the foregoing, the surety waives any rights or defenses it may have in respect to its obligations as a surety by reason of any election of remedies by the City.

To the extent that the principal's obligations are secured by real property or an estate for years, the surety waives all rights and defenses that it may have because the principal's obligation is so secured. This means, among other things: (1) the City may collect from the surety without first foreclosing on any real or personal property collateral pledged by the principal; (2) if the City forecloses on any real property collateral pledged by the principal: (A) the amount of the obligation may be reduced only by the price for which the collateral is sold at the foreclosure sale, even if the collateral is worth more than the sale price (B) the City may collect from the surety even if the City, by foreclosing on the real property collateral has destroyed any rights the surety may have to collect from the principal. This is an unconditional and irrevocable waiver of any rights and defenses that the surety may have because the principal's obligation is secured by real property. These rights and defenses include, but are not limited to, any rights or defenses based upon Section 1080a, 1080b, 1080d or 726 of the Code of Civil Procedures.

The surety waives all rights and defenses arising out of an election of remedies by the City, even though that election of remedies, such as a non-judicial foreclosure with respect to security for a guaranteed obligation has destroyed the sureties rights of subrogation and reimbursement against the principal by the operation of Section 580d of the Code of Civil Procedure, or otherwise.

Because the surety's obligations to the City are absolute and unconditional upon default of the principal, it shall be no defense to the surety's obligations to the City that the principal is or has become insolvent or that the project which is the subject of the principal's obligations is or has become economically infeasible. In that regard, doctrines such as "Frustration of Purpose" or "Commercial Frustration" or "Illegal Forfeiture" or similar doctrines shall not defeat the surety's absolute and unconditional obligation to the City

upon the default of the principal. The surety has specifically undertaken the risks that the principal may be or become insolvent or that the project which is subject of the principal's obligation may presently or in the future, lack commercial viability.

In the event the principal defaults in the performance of its obligations, the surety may elect, either directly or through appropriate contractors to perform in the place of the principal. If the surety elects to proceed in this fashion, it shall provide written notice of such election to the City within thirty (30) days after surety becomes aware of the principal's default. If the surety elects to complete the obligations of the principal (as opposed to paying money damages to the City occasioned by such breach) the surety shall cause the obligations of the principal to be performed as soon as is reasonably possible, but in no event later than nine (9) months following knowledge of the breach by the principal. In the event the surety elects to perform the principal's obligations, the City shall be entitled to compel the surety, by way of specific performance, to perform such obligations.

If the surety does not elect to perform the principal's obligations, the surety shall deposit with the City a sum equal to the cost of the uncompleted portion of the work which comprises the principal's obligation. The City's City Engineer shall determine the estimated cost of the uncompleted portion of the work and the surety shall make such deposit with the City within five (5) days of receipt of the City Engineer's estimate. The City shall not be required to expend any of its own funds to complete the work nor to incur "out of pocket" damages inasmuch as the City's damages are measured by the value of its unfulfilled right, namely the costs of completing the obligations of the principal by installing the bargained-for improvements. Upon deposit of the estimated cost of completion with the City, the City may proceed to bid the remainder of the work as a public project pursuant to the Public Contract Code and the surety shall be obligated to continue to deposit such additional funds as may be necessary from time-to-time until the improvements are complete and accepted by the City or until the surety has exhausted the penal sum of the bond. Should the surety deposit more funds than are necessary to satisfy the principal's obligation, then the City shall refund any balance remaining upon final acceptance of the improvements. No interest shall be paid on any deposits made with the City.

Underwriting assumptions and cost estimates of the Surety shall not have any bearing, whatsoever, on the Surety's liability under this bond. By way of example, if, when making underwriting decisions regarding issuing this bond, a cost estimate was prepared regarding the principal's obligations to the City, the fact that an item was omitted from the cost estimate (which item was an obligation of the principal to the City), shall in no way defeat or diminish the Surety's obligation to the City with respect to this omitted item. By way of further example, if the underwriting decision to issue this bond included a cost estimate of items and a particular item was estimated at a cost significantly less than the amount actually required to perform such item, this fact shall in no way defeat or diminish the Surety's obligation to the City. Namely, the Surety shall be obligated to the full amount of the penal sum of the bond, with respect to all matters which are the principal's obligation to the City, whether such items are actually included in any cost estimate (or if so included, are estimated at a cost far less than the actual cost to perform such items). Likewise, the adequacy and amount of any premium (and whether or not such premium

was sufficient for the risk assumed by Surety) shall have no bearing on surety's absolute and unconditional obligation to the City upon the principal's default of its obligation under this bond.

In witness whereof, this instrument has been duly executed by the principal and surety above named, on _____, 20__.

2. A bond or bonds by one or more duly authorized, California admitted corporate sureties with a minimum A rating for the security of laborers and material men shall be substantially the form prescribed by the Subdivision Map Act.

B. Amount:

1. **Performance:** For faithful performance the amount of improvement security shall be based upon the total estimated cost of the improvements as determined by the City Engineer. Improvement security securing faithful performance of all work, including sufficient funds to insure construction staking and contract administration by the subdivider's consulting engineer shall be an amount equal to 100 percent of the estimated cost of improvement. All improvement security shall be maintained in full force and effect for a period of 12 months following acceptance of all improvements by the City to assure the proper completion or maintenance of the work; provided that substitution or partial release of security may be authorized by the City Engineer if in the City Engineer's opinion such substitution or partial release is consistent with the proper completion or maintenance of the work and protection of possible lien holder, and further provided, that the amount of the continuing security shall in no case be less than 25 percent of the amount of the original security.
2. **Labor and material:** For labor and material the improvement security securing payment to the contractor, their subcontractor and persons furnishing labor, materials and equipment to them for the improvement of the performance of the required act shall be an amount equal to 100 percent of the total estimated cost of the improvement, except if the security is in the form of a cash deposit, deposits or instrument of credit or security interests, the amount shall be equal to 50 percent of the total estimated cost of the improvement.

16.18.170 General Conditions for Security and Insurance

A. General Conditions: Bonds, deposits, instruments of credit, property liens and security interest in real property shall conform to the following conditions:

1. **Liability of security:** Any liability upon security given for the faithful performance of any act or agreement shall be limited to the condition prescribed by the Subdivision Map Act.
2. **Additional secured costs:** As a part of the obligation guaranteed by the security and in addition to the face amount of the security, there shall be included costs and reasonable expenses and fees, including reasonable attorney's fees, incurred by the City in successfully enforcing the obligation secured.

3. Release of security: Improvement security may be released in whole or in part in the manner prescribed by the Subdivision Map Act and in accordance with any such rules prescribed by the City Council.

B. Insurance: The subdivider shall, at their sole cost and expense, obtain and maintain in full force and effect comprehensive general public liability and property damage insurance in the following amounts:

Comprehensive liability:	\$2,000,000 per person \$5,000,000 per occurrence
Property Damage:	\$2,000,000

The required insurance shall be obtained from one or more insurance companies licensed to do business in the State of California and having a financial rating in Best's Insurance Guide of at least "A", which insure the City, City boards and commissions and members thereof and City officers, employees and agents against any liabilities arising out of the subdivider's construction and installation of the improvements required as a condition of approval of the final map. All such insurance shall be in the form or forms approved by the City's attorney, and shall name the City of Live Oak, the City's boards and commissions and members thereof, and its officers, employees and agents as additional insureds under the coverage afforded. In addition such insurance shall be primary and non-contributing with respect to any other insurance available to the City and shall include a severability of interests (cross liability) clause. To evidence such coverages, a copy of the insurance policy or policies required herein shall be delivered to the City for approval as to form and sufficiency. Said policy or policies will provide that the City will receive a minimum of 30 days advance notice of any cancelation, material reduction or termination of insurance. Subdivider shall provide a disclosure of and City shall approve any deductibles with respect to such insurance. Said policy shall further provide that the City's failure to comply with any reporting requirements will not affect coverage. The subdivider shall (and the policy of insurance shall) waive any claims or rights of subrogation against the City or any of the City's insurers. All deductibles must be declared and approved by the City. The required insurance shall be obtained prior to execution of a subdivision improvement agreement when required under Section 16.18.120 or prior to commencement of construction if no subdivision improvement agreement is required.

16.18.180 Recordation

When the City Council shall have approved the final map as set forth in this Chapter, the City Clerk shall transmit the map to the Sutter County Recorder in accordance with Section 66464 of the Subdivision Map Act. After the map has been recorded, the subdivider shall provide the City Engineer with accurate, legible photographic duplicates on single matte, reproducible, polyester film.

Chapter 16.20 Parcel Maps

16.20.010 Purpose of this Chapter

This Chapter establishes standards for the submittal and approval of parcel maps.

16.16.020 Survey Requirements

- A. The parcel map shall be prepared by or under the direction of a registered civil engineer or licensed land surveyor in accordance with the tentative map, the provisions of this Title and the Subdivision Map Act.
- B. The parcel map shall be based on an accurate survey of the land and conform with the Land Surveyor's Act, except when the final map is for the purpose of effecting a reversion to acreage.

16.20.030 Form of the Parcel Map

- A. **Material:** The parcel map shall be legibly drawn, printed or reproduced by a process guaranteeing a permanent record in black on tracing cloth or polyester base film. Certificates, affidavits and acknowledgments may be legally 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.
- B. **Size:** The size of each sheet shall be 18 inches by 26 inches.
- C. **Margin:** A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of one inch.
- D. **Scale:** The scale of the map shall be large enough to show all details clearly and enough sheets shall be used to accomplish this end. In no case shall the scale be greater than one inch equals 100 feet nor less than one inch equals 50 feet.

16.20.040 Content of the Parcel Map

- A. **Numbered sheets:** The particular number of each 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 by a small key map on the first sheet.
- B. **Basic information:** Each map sheet shall show the name of the engineer or surveyor, the date of the survey, north point, written or graphic scale and other information as necessary.
- C. **Location map:** A location map relating the parcel map to the general layout of the City shall be placed on the first map sheet, rather than the certificate sheets.
- D. **Title and subtitle:** The title of each sheet of such parcel map shall consist of the approved name and unit number of the tract, if any, at the lower right corner of the sheet, followed by the words "City of Live Oak." Maps filed for the purpose of reverting to acreage for previously subdivided land shall be conspicuously marked with the words "Reversion to

Acreage.” The title sheet shall also contain a subtitle giving a general description of the property being subdivided by reference to maps which have been previously recorded, or by reference to the plat of any United States survey. Each reference in such description to any tract or subdivision shall be spelled out and worded identically with the original record thereof and reference to book and page of record must be complete.

- E. Basis of bearings:** The parcel map shall show the basis of bearings.
- F. Coordinate system:** Wherever the City Engineer has established a system of coordinates, the survey shall be tied into such system.
- G. Adjoining lots:** All adjoining lots shall be identified by lot, block and block numbers, subdivision name and place of record, or other proper designation.
- H. Subdivision boundary:** An accurate and complete boundary survey to second order accuracy shall be made of the land to be subdivided. A traverse of the exterior boundaries of the tract and of each block when computed from field measurements on the ground shall close within a limit of one foot to 10,000 feet. The exterior boundary of the land included within the subdivision shall be indicated on the parcel map by distinctive symbols and be clearly so designated. The map shall show the definite location of the subdivision, and particularly its relation to surrounding surveys.
- I. Dimensions, bearing and curve data:** The parcel map shall show all survey and mathematical information and data necessary to locate all monuments and to locate and retrace any and all interior and exterior boundary lines thereon, including bearings and distances of straight lines, and central angle, radius and arc length of curves, and such information as may be necessary to determine the location of the centers of the curves and ties to existing monuments used to establish the subdivision boundaries. The linear dimensions shall be expressed in feet and decimals of a foot.
- J. Lots:** All lots and blocks and all parcels offered for dedication for any purpose shall be particularly delineated and designated with all dimensions, boundaries and courses clearly shown and defined in every case. Lots offered for dedication other than for streets and easements shall be designated by letter. Sufficient linear, angular and curve data shall be shown to determine readily the bearing and length of the boundary lines of every block and of every lot and parcel which is a part thereof. Sheets shall be so arranged that no lot is split between two or more sheets and, whenever practicable, blocks in their entirety shall be shown on one sheet. No ditto marks shall be used for lot dimensions. Lot numbers shall begin with the numeral “1” and continue consecutively throughout the tract, with no omissions or duplications.
- K. Streets:** The parcel map shall show the name and right-of-way lines of each street, the width of any portion being dedicated and widths of any existing street dedications. The widths and locations of adjacent streets and other public properties within 50 feet of the subdivision shall be shown. If any street in the subdivision is a continuation or an approximate continuation of any existing street, the conformity or the amount of nonconformity of such street to the existing street shall be accurately shown. Whenever the centerline of a street has been established or recorded, the data shall be shown on the parcel map. In the case of branching streets, the line of departure from one street to another shall be indicated.

- L. Building setback lines:** When building setback lines differ from the Zoning Regulations show the building setback lines on all streets by long, thick dashed lines regulations on an additional map sheet to be recorded simultaneously with the final map.
- M. Easements:** All easements shall be clearly labeled and identified. The side lines of all easements including utility and new access easements shall be shown by fine dashed lines. If any easement already of record cannot be definitively located, a statement of its existence, the nature thereof and its recorded reference shall appear on the title sheet. Distances and bearings on the side lines of lots which are cut by an easement shall be narrowed or so shown that the map will indicate clearly the actual lengths of the lot lines. The widths of all easements and sufficient ties thereto to definitively locate the same with respect to the subdivision shall be shown. If an easement is being dedicated by the map, it shall be set out in the owner's certificate of dedication.
- N. High water line:** When the parcel map includes or is adjacent to areas subject to periodic inundation or other waters, on an additional map sheet to be recorded simultaneously with the parcel map, show the line of mean high water with a fine continuous line. The use of such area may be required to be restricted by a covenant of restrictions.
- O. City boundaries:** If City boundaries cross or adjoin the subdivision they shall be clearly designated and located in relation to adjacent lot or block lines on an additional map sheet to be recorded simultaneously with the parcel map.
- P. Area of lots:** The area of each lot created by the subdivision shall be shown to the nearest square foot, or one thousandth of an acre.
- Q. Relinquishment of access rights:** The map sheet shall acknowledge and indicate all access rights' relinquishment required as a condition of approval. The map sheet shall show the relinquishment by cross hatching.
- R. Monuments**
- 1. Shown on parcel map:** The parcel map shall fully and clearly show the existing monuments, stakes or other evidence that was used to determine the location of the boundaries of the subdivision and where such monuments are located on the ground. Each adjacent subdivision corner and ties to parts of subdivisions shall be shown. Such subdivisions shall be identified by proper record data. The map shall show ties to original survey locations such as section and quarter section corners, including proper references thereto. Any monument or benchmark as required by this section that is disturbed or destroyed before acceptance of all improvements shall be shown on the parcel map. If any points were reset by ties, that fact shall be stated.
 - 2. Monuments in paved areas:** Standard concrete well monuments shall be set depressed below the street grade with cast iron ring and cover on all paved streets, alleys or other public areas at the following locations:
 - a. At the intersections of street right-of-way centerlines;
 - b. At the beginning of curves and end of curves;
 - c. At the tract boundary corners and angle points, if such points are within paved areas;

- d. At all section and quarter section corners, if such points are within paved areas; and
- e. At the intersection of a tract boundary with a street or ally centerline.

Standard monuments as required above may be eliminated when the distance between such monuments is less than 200 feet, except that standard monuments will be required at all street intersections and tract boundary corners and angle points in paved areas.

- 3. **Monuments outside of paved areas:** Minimum 1 ¼ inch by 24 inch iron pipe with the appropriate identification of the land surveyor or licensed civil engineer shall be set in a minimum of 12 inches of concrete along boundary lines and at all angle points which fall outside of a paved area.
 - 4. **Monuments for individual lots:** A minimum ¾ inch by 24 inch iron pipe or 5/8 inch by 18 inch deformed iron bar with the appropriate identification of the licensed land surveyor or registered civil engineer shall be placed at the following locations:
 - a. Along lot lines;
 - b. Angle points;
 - c. Beginning of curves; and
 - d. End of curves.
 - 5. **City approval of monuments:** All monuments shall be subject to inspection and approval by the City Engineer before filing of the parcel map with the City Clerk, unless their installation has been deferred, as hereinafter provided.
 - 6. **Deferment:** In the event any of the monuments required to be set are to be set subsequent to the recording of the parcel map, the engineer or surveyor shall certify on the parcel map that the monuments will be set on or before a specified later date and the subdivider shall furnish adequate security, in accordance with Section 16.20.12 guaranteeing the payment of the cost of setting such monuments. In all cases, at least one exterior boundary line of the land being subdivided shall be adequately monumented or referenced before the map is recorded.
- S. **Certificates, statements and acknowledgements:** The following certificates, statements and acknowledgements shall appear on the title sheet of the parcel map. Certificates, statements and acknowledgements may be combined where appropriate.
- 1. **Owners statement:** A statement signed and acknowledged by all parties having record title interest in the subdivided real property, consenting to the preparation and recordation of the parcel map, in accordance with the Subdivision Map Act.
 - 2. **Dedications:** Dedications of or offers to dedicate interests in real property for specified public purposes shall be made on the parcel map, signed and acknowledged by those parties having any record title interest in the real property being subdivided, in accordance with the Subdivision Map Act. Dedications or offers of dedications of streets shall include a waiver of direct access rights to any such street from any property shown on the parcel map as abutting thereon, when such waiver of direct access rights is required by the City.

3. **Engineer or surveyor statement:** A statement by the engineer or surveyor responsible for the survey and parcel map is required, in accordance with the Subdivision Map Act.
4. **City Engineer statement:** A certificate or statement by the City Engineer shall be placed on the parcel map, in accordance with the Subdivision Map Act.
5. **City Clerk statement:** A certificate or statement for execution by the City Clerk, in accordance with the Subdivision Map Act.
6. **City Planner statement:** A statement for execution by the Community Development Director.
7. **County Recorder:** A certificate for execution by the Sutter County Recorder.
8. **Tax Collector:** A certificate for execution by the Sutter County Tax Collector.
9. **Other:** The title sheet shall also contain such other affidavits, certificates, acknowledgements and enforcements as are required by law.

16.20.050 Data to Accompany the Parcel Map

- A. **Preliminary soils report:** A preliminary soils report prepared in accordance with Section 16.24.060.
- B. **Traverse sheets:** Calculation and traverse sheets in a form approved by the City Engineer giving bearings, distances, lot areas and coordinates of the boundary of the subdivision and blocks, lots and streets herein on the parcel map, and traverse sheets of time to find stakes, monuments or other evidence used to determine the boundaries of the subdivision.
- C. **Utility easements:** A statement or map from the utility companies showing required easements to provide their service.
- D. **Public improvement plans and specifications:** The subdivider shall grade and improve all land dedicated or to be dedicated for streets, highways, public ways and easements, and all private streets and private easements required as conditions of approval of the tentative map. The original tracings of detailed plans, cross-sections and profiles of all improvements required to be installed by the provisions of this Title and all other improvements proposed to be installed by the subdivider in, on, over or under any street, right-of-way, easement or parcel of land dedicated by the map or previously dedicated, including estimated cost thereof, shall be submitted to the City Engineer for approval and signature. All such plans shall be prepared in accordance with the requirements of the City Engineer. Plan sheets shall be 24 inches by 36 inches with a one and one half inch left margin.
- E. **Design Data:** All design data, assumptions and computations for proper analysis that is in accordance with sound engineering practice.
- F. **Report and guarantee of clear title:** The parcel map shall be accompanied by a current report prepared by a duly authorized title company naming the persons whose consent is necessary for the preparation and recordation of such map and for dedication of streets, alleys and other public places shown on the parcel map and certifying that as of the date of the preparation of the report, the persons therein named are all the persons necessary to give clear title to such subdivision. At the time of recording the parcel map, following approval by the City Council, there shall be filed with the Sutter County Recorder, a guarantee

executed by a duly authorized title company showing that the persons (naming them) consenting to the preparation and recordation of such map and offering for dedication the streets, alleys and other public places shown thereon are all persons necessary to pass clear title to such subdivision and the dedications shown thereon.

- G. Security:** Public improvement agreement and bonds as specified in Sections 16.20.110 through 16.20.140
- H. Deed restrictions, bylaws and/or articles of incorporation:** Two copies of all deed restrictions, bylaws and articles of incorporation.

16.20.060 Submittal of the Parcel Map

Four copies of the parcel map and the data to accompany the parcel map shall be submitted to the City Clerk for checking.

16.20.070 Fees

- A. Map and plan check fees:** At the time of submittal, the subdivider shall pay a map checking fee for checking the parcel map and a plan checking and inspection fee for checking improvement plans and specifications, checking contract arrangements and inspecting improvements. The fees shall be in amounts fixed by resolution or ordinance of the City Council.
- B. Sewer and water extension fees:** At the time of filing the parcel map, the subdivider shall pay all extension fees for both sewer and water in the amounts previously fixed by resolution or ordinance of the City Council or as otherwise determined and fixed under the terms of a standard subdivision improvement agreement entered into between the City and the subdivider.
- C. Recording fees:** At the time of filing the parcel map the subdivider shall pay a recording fee as established by the Sutter County Recorder.

16.20.080 Effect of Failure to Record

Subdivider's failure to record a parcel map within a period of 24 months after the approval or conditional approval of the tentative parcel map and any extensions of time granted in accordance with the provisions of Chapter 16.14 of this Title shall terminate all proceedings. Before a parcel map may thereafter be recorded, a new tentative parcel map shall be submitted and approved, as provided in Chapter 16.14.

16.20.090 Action on a Parcel Map by the City Engineer

Upon receipt of the parcel map the City Engineer shall examine such to determine that the parcel map is shown substantially the same as it appeared on the tentative parcel map, any approved alteration thereof, and any conditions of approval thereof, that all provisions of this Title and the Subdivision Map Act have been complied with, and that the map is technically correct. If the City Engineer determines that the parcel map is not in full conformity with the tentative parcel map, the subdivider shall be advised of the changes or additions that must be made to make such

conformity, and shall afford the subdivider an opportunity to make such changes or additions. If the City Engineer determines that full conformity therein has been made, it shall be so stated on the parcel map and transmitted to the City Clerk, together with any documents which may have been filed therewith for presentation to the City Council.

16.20.100 Filing Certificate Regarding a Tax Lien

Prior to filing the parcel map with the City Council, the subdivider shall file the certificate and documents relating to taxes and assessments, as required by the Subdivision Map Act commencing with Section 66492 and any amendments thereto.

16.20.110 Approval by the City Council

The City Council shall, at the meeting at which it receives the parcel map or, at its next regular meeting after the meeting at which it receives the parcel map, approve the parcel map if it conforms to all of the requirements of this Title and the Subdivision Map Act applicable at the time of approval or conditional approval of the tentative map and any rulings made thereafter. If the parcel map does not conform the City Council shall deny the parcel map, as provided in Section 16.20.100. The meeting at which the City Council receives the parcel map shall be the date on which the City Clerk receives the map. At the time the City Council approves a parcel map, it may also accept, accept subject to improvements or reject any offer of dedication. The City Clerk shall certify on the parcel map the action by the City Council.

16.20.120 Disapproval by the City Council

The City Council shall disapprove the parcel map if the parcel map fails to meet or perform any of the requirements or conditions imposed by this Title or the Subdivision Map Act applicable at the time of approval or conditional approval of the tentative map and any rulings made thereafter, specifying the requirements or conditions which have not been met or performed. The City Clerk shall advise the subdivider of such disapproval. Within 30 days after the City Council has disapproved any parcel map, the subdivider may file with the City Clerk a map altered to meet the approval of the City Council. In such a case the City Engineer shall review the altered map for conformance with the requirements of the City Council and then shall submit the altered map to the City Council for its approval along with a statement that the altered final map is technically correct. No parcel map shall have any force or effect until the same has been approved by the City Council and no offer of dedication shall be accepted until the City Clerk has recorded the parcel map with the Sutter County Recorder. The provisions of this Section may be waived when the denial of the parcel map is a result of a technical error which, in the determination of the City, does not materially affect the validity of the parcel map.

16.20.130 Public Improvement Agreement

If at the time of approval of the parcel map by the City Council, any public improvements required by the City pursuant to the provisions of this Title have not been completed and accepted in accordance with City standards applicable at the time of approval of the tentative map, the City Council, as a condition precedent to the approval of the parcel map, shall require

the subdivider to enter into an agreement with the City upon mutually agreeable terms to thereafter complete the improvements at the subdivider's expense. Such agreement shall be secured by improvement security. The agreement may, at the option of the City, be recorded.

16.20.140 Type of Improvement Security Allowed

- A. Types of security permitted:** Whenever this Title authorizes or requires the furnishing of security in connection with the performance of any act or agreement, such security shall be one of the following at the option of and subject to approval by the City:
- 1. Bond:** A bond or bonds by one or more duly authorized, California admitted corporate sureties with a minimum Best Rating of "A",
 - 2. Cash deposit:** A deposit, either with the City or a responsible escrow agent or trust company, at the option of the City, or money or negotiable bonds of the kind approved for securing deposits of public moneys;
 - 3. Instrument of credit:** An instrument of credit from one or more financial institutions subject to regulation by the state or federal government and pledging that the funds necessary to carry out the act or agreement are in deposit and guaranteed for payment;
 - 4. Property lien:** A lien upon the property to be divided, created by a contract between the owner and the local agency, if the City finds that it would not be in the public interest to require the installation of the required improvement sooner than two years after recordation of the map; or
 - 5. Real property interest:** A security interest in real property in an amount determined by the City not to exceed a portion of the value of the property as determined by the City. The security interest instrument would be of a form approved by the City, and would be recorded by the Sutter County Recorder. From the time of recordation of the written contract or document creating a security interest, a lien shall attach to the real property particularly described therein and shall have the priority of a judgment lien in the amount necessary to complete the agreed improvements. The recorded contract or security document shall be indexed in the grantor index to the names of all record owners of the real property and in the grantee index to the City of Live Oak.
- B. Release of security:** The City may at anytime release all or any portion of the property subject to any lien or security interest created by this parcel map or subordinate the lien or security interest to other liens or encumbrances if it determines that security for performance is sufficiently secured by a lien on other property or that the release or subordination of the lien will not jeopardize the completion of the agreed upon improvements.

16.20.150 Bonded Security

A. Form:

1. A bond or bonds by one or more duly authorized, California admitted corporate sureties with a minimum A rating to secure faithful performance shall be in substantially the following form:

Whereas, the City Council of the City of Live Oak, State of California, and _____ (hereinafter designated as "principal") have entered into an agreement whereby principal agrees to install and complete certain designated public improvements, which said agreement, dated _____, 20__, and identified as project _____, is hereby referred to and made a part of; and

Whereas, said principal is required under the terms of said agreement to furnish a bond for the faithful performance of said agreement.

Now, therefore, we, the principal and _____, as surety, are held and firmly bound unto the City of Live Oak (hereinafter called the "City"), in the penal sum of _____ dollars (\$_____) lawful money of the United States, for the payment of which sum well and truly to be made, we bind ourselves, our heirs, successors, executors and administrators, jointly and severally, firmly by these presents.

The condition of this obligation is such that if the above bounded principal, his or its heirs, executors, administrators, successors or assigns, shall in all things stand to and abide by, and well and truly keep and perform the covenants, conditions and provisions in the said agreement and any alteration thereof made as therein provided, on his or their part, to be kept and performed at the time and in the manner therein specified, and in all respects according to their true intent and meaning, and shall indemnify and save harmless the City of Live Oak, its officers, agents and employees, as therein stipulated, then this obligation shall become null and void; otherwise it shall be and remain in full force and effect.

As a part of the obligation secured hereby and in addition to the face amount specified therefore, there shall be included costs and reasonable expenses and fees, including reasonable attorney's fees, incurred by the City in successfully enforcing such obligation, all to be taxed as costs and included in any judgment rendered.

The surety hereby stipulates and agrees that no change, extension of time, alteration or addition to the terms of the agreement or to the work to be performed thereunder or the specifications accompanying the same shall in anywise affect its obligations on this bond, and it does hereby waive notice of any such change, extension of time, alteration or addition to the terms of the agreement or to the work or to the specifications.

The surety's obligations to the City arise immediately upon the default of the principal, without demand or notice. The surety waives the provisions of California Civil Code Section 2845 and, in light of such waiver, the City shall not be required to proceed against the principal, nor shall the City be required to pursue any other remedy in the City's power. In light of such waiver, the City may proceed directly against the Surety upon default of the principal, and it shall not be a defense to the City's claims against the surety that the City has failed to proceed against the principal (or any other person whom the surety believes might be responsible for the breach of the principal) or to pursue any other remedy in the City's power. In addition to the foregoing, the surety waives any rights or defenses it may have in respect to its obligations as a surety by reason of any election of remedies by the City.

To the extent that the principal's obligations are secured by real property or an estate for years, the surety waives all rights and defenses that it may have because the principal's

obligation is so secured. This means, among other things: (1) the City may collect from the surety without first foreclosing on any real or personal property collateral pledged by the principal; (2) if the City forecloses on any real property collateral pledged by the principal: (A) the amount of the obligation may be reduced only by the price for which the collateral is sold at the foreclosure sale, even if the collateral is worth more than the sale price (B) the City may collect from the surety even if the City, by foreclosing on the real property collateral has destroyed any rights the surety may have to collect from the principal. This is an unconditional and irrevocable waiver of any rights and defenses that the surety may have because the principal's obligation is secured by real property. These rights and defenses include, but are not limited to, any rights or defenses based upon Section 1080a, 1080b, 1080d or 726 of the Code of Civil Procedures.

The surety waives all rights and defenses arising out of an election of remedies by the City, even though that election of remedies, such as a non-judicial foreclosure with respect to security for a guaranteed obligation has destroyed the surety's rights of subrogation and reimbursement against the principal by the operation of Section 580d of the Code of Civil Procedure, or otherwise.

Because the surety's obligations to the City are absolute and unconditional upon default of the principal, it shall be no defense to the surety's obligations to the City that the principal is or has become insolvent or that the project which is the subject of the principal's obligations is or has become economically infeasible. In that regard, doctrines such as "Frustration of Purpose" or "Commercial Frustration" or "Illegal Forfeiture" or similar doctrines shall not defeat the surety's absolute and unconditional obligation to the City upon the default of the principal. The surety has specifically undertaken the risks that the principal may be or become insolvent or that the project which is subject of the principal's obligation may presently or in the future, lack commercial viability.

In the event the principal defaults in the performance of its obligations, the surety may elect, either directly or through appropriate contractors to perform in the place of the principal. If the surety elects to proceed in this fashion, it shall provide written notice of such election to the City within thirty (30) days after surety becomes aware of the principal's default. If the surety elects to complete the obligations of the principal (as opposed to paying money damages to the City occasioned by such breach) the surety shall cause the obligations of the principal to be performed as soon as is reasonably possible, but in no event later than nine (9) months following knowledge of the breach by the principal. In the event the surety elects to perform the principal's obligations, the City shall be entitled to compel the surety, by way of specific performance, to perform such obligations.

If the surety does not elect to perform the principal's obligations, the surety shall deposit with the City a sum equal to the cost of the uncompleted portion of the work which comprises the principal's obligation. The City's City Engineer shall determine the estimated cost of the uncompleted portion of the work and the surety shall make such deposit with the City within five (5) days of receipt of the City Engineer's estimate. The City shall not be required to expend any of its own funds to complete the work nor to incur "out of pocket" damages inasmuch as the City's damages are measured by the value of its unfulfilled right, namely the costs of completing the obligations of the principal by installing the bargained-for improvements. Upon deposit of the estimated cost of

completion with the City, the City may proceed to bid the remainder of the work as a public project pursuant to the Public Contract Code and the surety shall be obligated to continue to deposit such additional funds as may be necessary from time-to-time until the improvements are complete and accepted by the City or until the surety has exhausted the penal sum of the bond. Should the surety deposit more funds than are necessary to satisfy the principal's obligation, then the City shall refund any balance remaining upon final acceptance of the improvements. No interest shall be paid on any deposits made with the City.

Underwriting assumptions and cost estimates of the Surety shall not have any bearing, whatsoever, on the Surety's liability under this bond. By way of example, if, when making underwriting decisions regarding issuing this bond, a cost estimate was prepared regarding the principal's obligations to the City, the fact that an item was omitted from the cost estimate (which item was an obligation of the principal to the City), shall in no way defeat or diminish the Surety's obligation to the City with respect to this omitted item. By way of further example, if the underwriting decision to issue this bond included a cost estimate of items and a particular item was estimated at a cost significantly less than the amount actually required to perform such item, this fact shall in no way defeat or diminish the Surety's obligation to the City. Namely, the Surety shall be obligated to the full amount of the penal sum of the bond, with respect to all matters which are the principal's obligation to the City, whether such items are actually included in any cost estimate (or if so included, are estimated at a cost far less than the actual cost to perform such items). Likewise, the adequacy and amount of any premium (and whether or not such premium was sufficient for the risk assumed by Surety) shall have no bearing on surety's absolute and unconditional obligation to the City upon the principal's default of its obligation under this bond.

In witness whereof, this instrument has been duly executed by the principal and surety above named, on _____, 20__.

2. A bond or bonds by one or more duly authorized, California admitted corporate sureties with a minimum A rating for the security of laborers and material men shall be substantially the form prescribed by the Subdivision Map Act.

B. Amount:

1. **Performance:** For faithful performance the amount of improvement security shall be based upon the total estimated cost of the improvements as determined by the City Engineer. Improvement security securing faithful performance of all work, including sufficient funds to insure construction staking and contract administration by the subdivider's consulting engineer shall be an amount equal to 100 percent of the estimated cost of improvement. All improvement security shall be maintained in full force and effect for a period of 12 months following acceptance of all improvements by the City to assure the proper completion or maintenance of the work; provided that substitution or partial release of security may be authorized by the City Engineer if in the City Engineer's opinion such substitution or partial release is consistent with the proper completion or maintenance of the work and protection of possible lien holder, and further provided, that the amount of the continuing security shall in no case be less than 25 percent of the amount of the original security.

2. **Labor and material:** For labor and material the improvement security securing payment to the contractor, their subcontractor and persons furnishing labor, materials and equipment to them for the improvement of the performance of the required act shall be an amount equal to 100 percent of the total estimated cost of the improvement, except if the security is in the form of a cash deposit, deposits or instrument of credit or security interests, the amount shall be equal to 50 percent of the total estimated cost of the improvement.

16.20.160 General Conditions for Security and Insurance

- A. **General conditions:** Bonds, deposits, instruments of credit, property liens and security interest in real property shall conform to the following conditions:

1. **Liability of security:** Any liability upon security given for the faithful performance of any act or agreement shall be limited to the condition prescribed by the Subdivision Map Act.
2. **Additional secured costs:** As a part of the obligation guaranteed by the security and in addition to the face amount of the security, there shall be included costs and reasonable expenses and fees, including reasonable attorney's fees, incurred by the City in successfully enforcing the obligation secured.
3. **Release of security:** Improvement security may be released in whole or in part in the manner prescribed by the Subdivision Map Act and in accordance with any such rules prescribed by the City Council.

- B. **Insurance:** The subdivider shall, at their sole cost and expense, obtain and maintain in full force and effect comprehensive general public liability and property damage insurance in the following amounts:

Comprehensive liability:	\$2,000,000 per person
	\$5,000,000 per occurrence
Property Damage:	\$2,000,000

The required insurance shall be obtained from one or more insurance companies licensed to do business in the State of California and having a financial rating in Best's Insurance Guide of at least "A", which insure the City, City boards and commissions and members thereof and City officers, employees and agents against any liabilities arising out of the subdivider's construction and installation of the improvements required as a condition of approval of the final map. All such insurance shall be in the form or forms approved by the City's attorney, and shall name the City of Live Oak, the City's boards and commissions and members thereof, and its officers, employees and agents as additional insureds under the coverage afforded. In addition such insurance shall be primary and non-contributing with respect to any other insurance available to the City and shall include a severability of interests (cross liability) clause. To evidence such coverages, a copy of the insurance policy or policies required herein shall be delivered to the City for approval as to form and sufficiency. Said policy or policies will provide that the City will receive a minimum of 30 days advance notice of any cancelation, material reduction or termination of insurance. Subdivider shall provide a disclosure of and City shall approve any deductibles with respect to such insurance.

Said policy shall further provide that the City's failure to comply with any reporting requirements will not affect coverage. The subdivider shall (and the policy of insurance shall) waive any claims or rights of subrogation against the City or any of the City's insurers. All deductibles must be declared and approved by the City. The required insurance shall be obtained prior to execution of a subdivision improvement agreement when required under Section 16.20.110 or prior to commencement of construction if no subdivision improvement agreement is required.

16.20.170 Recordation

When the City Council shall have approved the parcel map as set forth in this Chapter, the City Clerk shall transmit the map to the Sutter County Recorder in accordance with Section 66464 of the Subdivision Map Act. After the map has been recorded, the subdivider shall provide the City Engineer with accurate, legible photographic duplicates of each sheet on single matte, reproducible, polyester film.

Chapter 16.22 Amendments to Recorded Maps

16.22.010 Purpose of this Chapter

This Chapter provides for the correction or amendment of recorded final maps or parcel maps other than those corrections or amendments described in Section 66469 of the Subdivision Map Act.

16.22.020 Amending Final Maps and Parcel Maps

After a final map or parcel map is filed in the office of the Sutter County Recorder, such a recorded map may be amended by a certificate of correction or an amending map, at the discretion of the City Council, if the City Council finds that:

- A. There are changes in circumstances which make any or all of the conditions of the map no longer appropriate or necessary; and
- B. The modifications do not impose any additional burden on the fee owners of real property; and
- C. The modifications do not alter any right, title or interest in the real property reflected on the recorded map; and
- D. The map as modified conforms to the requirements for such maps imposed by this Title and by state law.

16.22.030 Application

The subdivider shall apply for an amendment under this Chapter by filing an application with the Community Development Director setting forth all of the amendments proposed to be made and addressing specifically all of the findings set forth above. The City Council may, by resolution, set fees to be charged for this application pursuant to Government Code Section 66451.2.

16.22.040 Form and Contents

The amending map or certificate of correction shall be prepared by a registered civil engineer or licensed land surveyor. The form and contents of the amending map shall conform to the requirements of Section 16.18.040 through .050 of this Title for final maps and Section 16.20.030 through .040 for parcel maps. The amending map or certificate of correction shall set forth in detail the amendments or corrections made and show the names of the fee owners of the real property affected by the amendment, correction or omission on the date of the filing or recording of the original recorded map.

16.22.050 Examination by the City Engineer

Upon receipt of the amending map or certificate of correction the City Engineer shall examine such to determine that all provisions of this Title and the Subdivision Map Act have been

complied with, and that the amending map or certificate of correction is technically correct. If the City Engineer determines that the amending map or certificate of correction is not in full conformity with this Title and the Subdivision Map Act, the subdivider shall be advised of the changes or additions that must be made to make such conformity, and shall afford the subdivider an opportunity to make such changes or additions. If the City Engineer determines that full conformity therein has been made, it shall be so stated on the amending map or certificate of correction and transmitted to the City Clerk, together with any documents which may have been filed therewith for presentation to the City Council.

16.22.060 Public Hearing

Upon approval of the modified map or certificate of correction by the City Engineer, the proposed modification shall be set for a public hearing at the next City Council meeting allowing compliance with the notice provisions of Section 66451.3 of the Subdivision Map Act.

16.22.070 Filing with the Sutter County Recorder

The amending map or certificate of correction that is approved by the City Council shall be filed in the office of the Sutter County Recorder. Thereupon the original final map or parcel map shall be deemed to have been conclusively so corrected and thereafter shall impart constructive notice of all such corrections in the same manner as set forth upon the final map or parcel map.

16.24 Subdivision Design Standards

16.24.010 Purpose of this Chapter

This Chapter provides standards for the design and improvement of all subdivisions.

16.24.020 Improvements Required

- A. The subdivider shall construct or install improvements in streets, alleys, pedestrian ways, channels, easements, bike ways and other rights-of-way as are necessary for the general use of residents or business of the subdivision, whether created by parcel map or final map, and meet all local traffic and drainage needs in accordance with the provisions of this Chapter.
- B. All improvements shall be designed and constructed in accordance with the most current version of the Improvement Standards.

16.24.030 Preparation of Improvement Plans

- A. Improvement plans shall be prepared by or under the direction of a registered civil engineer and shall show full details of all improvements required to be installed by the provisions of this Title and of all other improvements proposed to be installed by the subdivider within any street, alley, pedestrian way, channel, easement, bike way or other public area or right-of-way. Full details include all cross sections, profiles, estimated costs and specifications.
- B. The form, layout, scale and other particulars of the plans and the number of copies provided shall be in accordance with the requirements of the City Engineer.

16.24.040 Approval of Improvement Plans by the City Engineer

Improvement plans, estimated costs and specifications shall be approved by the City Engineer prior to commencement of construction or installation of any improvements within or to be within any future street, alley, pedestrian way, channel, easement, bike way, or other public area or right-of-way.

16.24.050 Construction and Installation Standards

Improvements shall be constructed and installed to permanent line and grade in accordance with the approved plans and specifications, and the most current version of the Improvement Standards to the satisfaction of the City Engineer.

16.24.060 Soils Report

- A. **Preliminary soils report:** For every subdivision a preliminary soils report shall be prepared by a civil engineer registered in this state that specializes in soils engineering, and shall be based upon adequate test borings. The preliminary report shall be submitted to the City Engineer for review, unless the City Engineer advises the subdivider in writing that he is sufficiently familiar with the characteristics and quality of the soils within the proposed

subdivision to dispense with this requirement. The City Engineer may require additional information or reject the report if it is found to be incomplete, inaccurate or unsatisfactory.

- B. Soils report:** If the preliminary soils report indicates the presence of critically expansive soils, rocks or liquids containing deleterious chemicals, or other soil irregularities which, if uncorrected, could conceivably cause structural damage to buildings or other structures proposed to be erected within the subdivision, or cause construction materials such as concrete, steel and ductile or cast iron to corrode or deteriorate, a soils investigation of every potentially affected lot within the division of land shall be undertaken. The investigation shall be conducted by a civil engineer registered in this state who specializes in soils engineering who shall recommend the corrective action which is likely to prevent structural damage to each structure proposed to be constructed in the area where the soils problem exists. A formal report of the investigation shall be filed with the City Engineer. Additionally, a geologist's report may be required in such cases where, in the opinion of the City engineer, information contained in the preliminary or formal report or other materials indicates the need for such a report in terms of geological hazards of the area proposed for subdivision.
- C. Issuance of building permits:** If a soils report and/or a geologist's report is required, the Chief Building Official shall not issue building permits in respect to buildings and other structures proposed to be built within the subdivision unless he determines:
1. That the corrective measures recommended therein are sufficient to obviate the possibility of structural damage; or
 2. Any building permits thus issued shall be conditioned upon the incorporation of approved corrective measures in the building and the soils of the lot to which it relates.
- D. Soils report information to be recorded with the map:** When a soils report has been prepared, this fact shall be noted, together with the date of the report and the name of the engineer making the report, on an additional map sheet or on a separate document to be recorded simultaneously with the final or parcel map.

16.24.070 Lot and Block Design Standards

- A. Buildable lots:** All subdivisions shall result in lots which are developable and capable of being built upon. No subdivision shall create lots which are impractical for improvement due to size or shape, location of watercourses, problems of sewage or driveway grades or other physical conditions.
- B. Zoning Regulations:** All lots within a proposed subdivision shall comply with the Live Oak Zoning Regulations.
- C. Lot side lines:** The side lines of all lots, so far as possible, shall be at right angles to the street on which the lot fronts or approximately radial to the center of curvature if such street is curved. When a lot fronts on a cul-de-sac the side lines of the lot shall be approximately radial to the center of curvature of the cul-de-sac.
- D. Lots at boundary lines:** No lot shall be divided by a City boundary line, nor any boundary between parcels registered under separate ownership. Each such boundary line shall be made a lot line.

- E. Flag lots:** Flag lots may be allowed by the Planning Commission for subdivisions when the shape of the lot and the length of public street frontage of the lot prior to subdividing makes conformance to these design standards impractical. Flag lots shall conform to the following requirements:
- 1. Accessway size:** Accessways which serve not more than two residential lots or dwelling units shall have a minimum width of 20 feet with a 16 foot wide roadway surface. Accessways which serve any commercial or industrial lots or more than two residential lots or dwelling units shall have a minimum width of 32 feet with a 28 foot wide driveway surface.
 - 2. All weather surface:** All accessways shall be all-weather roadways constructed with a minimum of four inches of aggregate base and two inches of asphaltic concrete constructed to City standards or equivalent as approved by the Planning Commission.
- F. Division into large lots:** Whenever land is divided into lots which average one acre or more, blocks shall be designed to provide for the opening of streets at intervals sufficient to permit the subsequent subdivision of any such lot into smaller sized lots.
- G. Block lengths:** Blocks shall have a length of not more than 900 feet between street centerlines unless the design of the blocks adjacent to the proposed subdivision or other special conditions justify departure from this requirement.
- H. Double frontage:** Lots having double frontage shall not be approved except where necessitated by unusual conditions. The width of each block shall be sufficient for an ultimate layout of two tiers of lots unless the general layout in the vicinity, lines of ownership, type of use or topographical conditions or locations of major streets or freeways justify or make necessary a variation from this requirement.
- I. Remnants:** No remnants of property shall be left in a subdivision which do not conform to lot requirements or are not required for a private utility or public purpose.

16.24.080 Streets and Highways

- A. Design conformance:** Street and highway design shall conform both in width and alignment to the Live Oak General Plan, any adopted specific plan and any adopted plan line and shall meet the requirements of the Improvement Standards or any individual standard adopted by the City Council or Planning Commission.
- B. Dedication of real property for public streets:** Those strips of land which comprise the proposed public streets within and contiguous with a subdivision shall be dedicated or irrevocably offered for dedication to the City for public street purposes, including any land required to provide the necessary supplemental width to an existing City street to conform to the width and alignment requirements in Section 16.24.080.A.
- C. Street patterns:** The street pattern in a subdivision shall generally provide for the most advantageous development of adjoining areas, neighborhoods or districts.
- 1. Alignment with existing streets:** So far as practicable, street intersections shall be in alignment with existing adjacent streets by continuation of the centerlines thereof, or by adjustment by curves. Wherever streets are not in alignment, their centerlines shall be offset by not less than 100 feet.

2. **Intersections of streets:** Street centerlines shall be required to intersect one another at an angle as near to a right angle as is practicable by tangents in accordance with the Improvement Standards.
3. **Access to adjoining lands:** Where necessary to give access to or permit the satisfactory subdivision of adjoining land, proposed streets shall be extended to the boundary of the subdivision and the resulting dead end street may be approved without a turnaround. A temporary turnaround may be approved which may have a radius of 40 feet. In all other cases, a turnaround shall have the minimum dimensions shown below for cul-de-sacs.
4. **Cul-de-sacs:** Cul-de-sacs shall include a turning circle with a minimum radius of 40 feet at the face of curb and 50 feet at the property line, except that in industrial subdivisions cul-de-sacs shall have a minimum radius of 50 feet at the face of curb and 60 feet at the property line. Residential cul-de-sacs shall not exceed a length of 700 feet, measured from the center of the turning circle to the centerline of the intersecting street, unless there are physical conditions that justify a longer length. Cul-de-sacs in all other zone districts shall not exceed 400 feet unless topography or other special conditions warrant a longer cul-de-sac.
5. **Long, straight streets discouraged:** Excessively long, straight standard subdivision streets, which are conducive to high speed traffic, are discouraged.

D. Street Access:

1. **Access on public streets:** All lots created by a subdivision shall have frontage on a public street unless otherwise determined in Subsection 16.24.080.D.2, below.
2. **Access by private streets:** If the Planning Commission determines that it is logical to develop land with lots that have access to private streets, such development may be approved. The subdivider shall submit a development plan showing the alignment, width, grade and material specifications of any proposed private street and the means of access to each lot and the water supply, sewerage and drainage of each lot served by the private streets. Private streets shall meet the current public street standards for materials specifications and standards for construction methods. The subdivider shall be required to provide a feasible method for the maintenance of such private streets and the liability for taxes thereon. Non-access strips at the end of streets or at the boundaries of subdivisions shall be dedicated to the City when required by the City.

E. Design Adjacent to Major Streets

1. **Street intersections:** The number of intersecting streets along a state highway or major street shall be kept to a minimum.
2. **Driveways:** Residential driveways should be prohibited from direct access onto a major street.
3. **Waiver of access rights:** When the side or rear lot lines of residential lots abut a major street the subdivider may be required to execute an instrument waiving the right of ingress to and egress from such lots across those side or rear lot lines. The subdivider may also be required to dedicate and improve a landscape strip and wall adjacent thereto.

F. Relation to Adjacent Street System

Streets within a subdivision are to relate in the following ways to the adjacent street system:

- 1. Preexisting streets:** Alignment of streets shall conform to and provide for the continuation of the principal adjacent preexisting streets or to their proper projected location where the adjoining property has not been developed.
 - 2. Street width:** Width of streets shall conform to the requirements of the Improvement Standards.
 - 3. Future access and street patterns:** Streets shall be situated in such a way as to accommodate rational future access and street patterns. Whenever a tentative map or tentative parcel map indicates that an unfinished street, or half street, within the subdivision abuts adjacent land, and it is the intention of the City that the street eventually will be competed upon the adjacent land, the subdivider may be required to dedicate to the City in fee a one foot strip along the perimeter portion of the unfinished street or half street which abuts the adjacent land for the purpose of controlling access to the street from the adjacent land.
- G. Service roads:** When proposed lots front on a major street or highway the subdivider may be required to dedicate and improve a parallel service road to provide ingress and egress to and from each lot.
- H. Curbs and gutters:** Curbs and gutters shall be required on public streets and shall comply with the design requirements of the Improvements Standards.
- I. Sidewalks:** Sidewalks shall be required on public streets and shall be located within the street right-of-way. Sidewalks shall comply with the design requirements of the Improvement Standards.
- J. Pedestrian ways:** Other pedestrian ways outside of the street right-of-way may be required for access to schools, parks, playgrounds, shopping centers, transportation facilities or other community facilities.
- K. Bikeways:** All subdivisions shall be designed to include rights-of-way for bicycle movement, which rights-of-way may be required to be separate from streets. The location and improvement of these rights-of way shall be designed in such a way as to maximize (1) convenience of movement throughout the subdivision, (2) access to community facilities, and (3) safety of persons using the pedestrian and bikeways.

16.24.090 Utilities

Unless otherwise approved by the Planning Commission, utilities within a subdivision shall be subject to the following provisions:

- A. Easements:** All utilities shall be placed in right-of-way dedicated to the public. Whenever it is necessary for the installation, operation and maintenance of utilities and utility accessories, easements shall be provided along any front, side or rear lot line, or across lots as may be required by the City Engineer. Widths of easements for utility companies and agencies shall be determined by the company or agency.

B. Utility crossing of a state highway or railroad: When any storm drain, sanitary sewer or domestic water line crosses a state highway or railroad, a permit from the responsible agency shall first be obtained.

C. Undergrounding utilities:

- 1. Required undergrounding and exceptions:** Electric, communication or similar or associated utility distribution facilities installed in and for the purpose of supplying service to each lot within the subdivision, and any existing overhead utility facilities located within the subdivision or on those portions of streets which abut the subdivision, shall be placed underground in accordance with the utilities rules and regulations on file with the California Public Utilities Commission. The following facilities are excepted from the provisions of this subsection:
 - a. Municipal facilities:** Any City facilities or equipment that are excepted by the City Engineer;
 - b. Lighting:** Poles or electroliers used exclusively for street lighting;
 - c. Over 34,500 volts:** Poles, overhead wires and associated overhead structures used for transmission of electric energy at nominal voltages in excess of 34,550 volts;
 - d. Antenna installation:** Antennae, associated equipment and supporting structures used by a utility for furnishing communication services;
 - e. Underground appurtenances:** Equipment appurtenant to underground facilities such as surface-mounted transformers, pedestal-mounted terminal boxes and meter cabinets and concealed ducts; and
 - f. Temporary facilities:** Temporary poles, temporary overhead wires and associated temporary overhead structures used or to be used during the course of construction in conjunction with a construction project.
- 2. Waiver of undergrounding for difficult physical conditions:** The Planning Commission may waive the requirement that existing overhead utility facilities that are located within the subdivision, or on those portions of streets which abut the subdivision, be relocated to underground if it finds that topographical, soil or other physical conditions make the undergrounding as otherwise required by this subsection, unreasonable or impracticable.
- 3. Subdivider responsibility:** The subdivider is responsible for complying with the requirements of this subsection and shall make the necessary arrangements with the utility companies involved for the installation of the facilities.
- 4. Grading:** Public rights-of-way and easements where utilities are to be placed underground shall be graded to within six inches of the final grade prior to installation of those utilities. Grades of curbs shall be determined and staked before utilities are installed underground.

16.24.100 Drainage

- A. Existing ditches or natural channels:** The subdivider shall dedicate right-of-way for storm drainage conforming substantially with the lines of any ditch or natural watercourse that traverses through or adjacent to the subdivision, or, at the option of the City Engineer, the subdivider shall provide by further dedication or sufficient easements or constructions or both, to dispose of such surface and storm water. The diversion of natural channels or existing ditches will be allowed only within the limits of the proposed improvement. All natural drainage must leave the improved area on the original horizontal and vertical alignment unless special arrangements and agreements are made with adjoining property owners. All existing natural channels or ditches shall be replaced with underground closed conduits. Open channels will only be considered for the conveyance of drainage if the peak storm water discharge is large enough to render a closed conduit infeasible due to physical constraints where slope, width and depth renders a closed conduit unable to meet horizontal and vertical alignment requirements stated herein. This open ditch exception applies only to regional storm water conveyance systems and then only upon the approval of the City Engineer. The design of such structures will be reviewed on an individual basis.
- B. Stormwater drainage design:** The design of storm drainage facilities, including storm drainage detention facilities, shall be in accordance with the Improvement Standards.
- C. Lot grading:** The ground surface of each lot shall be graded to channel storm drainage runoff from each lot into the street gutter or into an approved underground storm drainage conduit.

16.26.110 Domestic Water Supply

- A. Domestic water supply:** Water system improvements shall conform to the State Department of Health Services California Waterworks Standards.
- B. Connection to the existing system:** The City shall direct to the contractor's representative in the procedures, methods and timing of making all connections to existing water mains, and in the closing down of any portion of the City water system. The contractor's representative shall then direct his forces in accordance with the City's instructions.
- C. Water system design:** Design of water system facilities shall be in accordance with the Improvement Standards.

16.24.120 Sanitary Sewer

- A. Sanitary sewer design:** Design of sanitary sewer facilities shall be in accordance with the City's public sewer construction ordinance and the improvement standards.
- B. Connection to the existing sewer system:** The City shall direct the contractor's representative in the procedures, methods and timing of any connection to the City's existing sewer mains, manholes and appurtenances. The contractor's representative shall then direct his forces in accordance with the City's instructions.

16.26.130 Survey Monuments

The developer shall provide for the placement of standard street survey monuments in accordance with the provisions of Chapters 16.18 and 16.20.

16.24.140 Street Trees

Trees shall be planted along all streets and public ways included within and bordering the subdivision in accordance with the Improvement Standards. Tree species shall be selected from the master tree list in the Improvement Standards. The trees shall be kept watered by the subdivider or the subsequent owners of the lots on which the trees front.

16.24.150 Lighting

All lighting on dedicated rights-of-way shall be installed in accordance with the Improvement Standards.

16.24.160 Signs and Posts

Street signs and posts shall be installed as required by the City Engineer.

16.26 Public Improvements

16.26.010 Purpose of this Chapter

This Chapter sets forth the minimum improvements a subdivider shall make or agree to make, at the cost of the subdivider, prior to approval of a final map or parcel map.

16.26.020 Improvement Plans Required

Improvement plans and specifications for all work shall be prepared in accordance with the provisions of Chapter 16.24. No improvement work shall be commenced until the improvement plans, and specifications have been approved by the City Engineer and, if necessary, a public improvement agreement has been concluded between the subdivider and the City.

16.26.030 Minimum Required Improvements

The subdivider shall improve, or agree to improve, all streets, alleys, pedestrian ways, channels, easements, bikeways and other rights-of-way within the subdivision and adjacent thereto as required to serve the subdivision and as required by the conditions of approval of the tentative map. The minimum improvements the subdivider shall make or agree to make, shall include the following:

- A. **Grading:** Streets shall be graded to the width set forth in this Title and approved by the City Engineer and the Planning Commission. Lot grading shall conform to the approved plans.
- B. **Street improvements:** Subdivision streets and off-site streets required to be improved shall be paved and meet all City improvement standards. The subdivider shall also be responsible for resurfacing existing streets which are substantially disturbed or degraded in the process of utility construction.
- C. **Sidewalks, pedestrian ways, bikeways:** Sidewalks, pedestrian ways, wheelchair ramps and bikeways shall be installed on all subdivision streets.
- D. **Domestic water distribution system:** Water mains and fire hydrants connecting to the City water system shall be installed with sufficient size to furnish an adequate water supply for each lot in the subdivision and to provide adequate fire protection.
- E. **Wastewater collection system:** Sanitary sewer facilities connecting with the existing City wastewater collection system shall be installed to serve the subdivision with a separate private lateral for each lot.
- F. **Drainage:** Curbs, gutters, stormwater drains and other drainage structures shall be installed in all subdivision streets for the proper use and drainage of streets, pedestrian and bikeways and adjacent property and for the public's safety.
- G. **Signs:** Warning, regulatory, guide and street name signs shall be provided and placed as required by the City Engineer.

- H. Monuments:** Concrete monuments and iron pins shall be placed as specified in Chapter 16.18 and Chapter 16.20.
- I. Traffic safety:** Barricades, warning, safety and traffic devices shall be placed and maintained as required by the current "Manual on Uniform Traffic Control Devices for Streets and Highways" issued by the California Department of Transportation.
- J. Street lights:** Street lighting facilities shall be provided in accordance with the recommendations of the City Engineer. Lighting shall be adequate to allow proper policing of the subdivision.
- K. Underground utilities:** All new utility facilities, including but not limited to electric, communication and cable lines extended to and installed within the subdivision shall be placed underground as required by the Public Utilities Code. If required as a condition of approval of the tentative map, other on-site or off-site utilities may also be required to be undergrounded.
- L. Utility connections:** All underground utilities, sanitary sewers and storm drains installed in streets or alleys shall be constructed prior to the surfacing of such street or alleys. Connections for all underground utilities and sanitary sewers shall be laid to such lengths as will obviate the necessity for disturbing the street or alley improvements when service connections are made.
- M. Dry conduit:** Where necessary, dry conduit shall be installed for future underground utility crossings.
- N. Tree planting:** Street trees shall be planted.

16.26.040 Inspection

- A. Construction staking, testing, supervision:** The subdivider shall furnish all engineering for construction staking, density testing, construction supervision and administration for the construction as the work progresses.
- B. City Engineer inspection:** The City Engineer will check contract arrangements, inspect improvements and check "as built" plans. In the event the subdivider does not provide sufficient construction staking, density testing and construction supervision and administration of the work, the City may provide for the work and the subdivider shall pay the actual costs incurred as a result of such additional work.

16.26.050 Time of Completion

- A. Approval of time of completion:** The duration of the construction contract for subdivision public improvements in terms of calendar days shall be approved by the City.
- B. Additional inspection costs:** In the event the contractor does not finish the construction work in the amount of time set forth in the agreement with the City, the subdivider shall pay the actual costs of additional inspection incurred by the City.

16.26.060 “As built” Plans

A complete set of improvement plans “as built” shall be filed with the City Engineer upon completion of the improvements. The “as built” plans shall be drawn on photographic duplicates of the original tracings on single matte, reproducible, polyester film. The plans shall be certified as to accuracy and completeness by the subdivider’s licensed contractor or engineer.

16.24.070 Acceptance of Improvements

Upon receipt and acceptance of the “as built” plans, the City Engineer shall recommend to the City Council formal acceptance of the improvements by the City.

16.26.080 Utility Fees

The subdivider shall be required to pay all regular extension fees and connection fees for the extension of and connection to water lines, sewer lines and storm drain facilities in an amount fixed by resolution or ordinance of the City Council. The fees shall be made payable prior to the filing of the final map except in such cases where the building density is not determined, in which case sewer and water connection fees may be deferred by the City Council upon recommendation of the City Engineer until application for a building permit is filed.

Chapter 16.28 Supplemental Improvement Capacity

16.28.010 Purpose of this Chapter

This Chapter provides for the public improvements installed by a subdivider to contain supplemental size, capacity, number or length for the benefit of property not within the subdivision.

16.28.020 Standards for Supplementing Capacity

As a condition of approval of a tentative map or a tentative parcel map, there may be imposed a requirement that improvements installed by the subdivider for the benefit of the subdivision contain supplemental size, capacity, number or length for the benefit of property not within the subdivision and that those improvements be dedicated to the public. However, when such supplemental size, capacity, number or length is solely for the benefit of property not within the subdivision, the City shall, subject to the provisions of Sections 66486 and 66487 of the Subdivision Map Act, enter into an agreement with the subdivider to reimburse the subdivider for that portion of the cost of such improvements equal to the difference between the amount it would have cost the subdivider to install such improvements to serve the subdivision only and the actual cost of such improvements.

16.28.030 Method of Reimbursement

The City Council shall determine the method for payment of the costs required by a reimbursement agreement, which may include, but shall not be limited to, the following:

- A.** The collection from other persons, including public agencies, using such improvements for the benefit of real property not within the subdivision, of a reasonable charge for such use.
- B.** The contribution to the subdivider of that part of the cost of the improvements that is attributable to the benefit of real property outside the subdivision and the levy of a charge upon the real property benefited to reimburse the City for such costs, together with interest thereon, if any, paid to the subdivider.
- C.** The establishment and maintenance of local benefit districts for the levy and collection of such charge or cost from the property benefitted.

16.30 Street Naming

16.30.010 Purpose of this Chapter

This Chapter provides a process for the naming of streets and renaming of streets. The process provided below shall be used for both public and private streets.

16.30.020 Naming New Streets

- A. Submittal of proposed names:** All proposed names for new public or private streets shall be submitted as part of a tentative map, tentative parcel map or submitted separately to the Community Development Director.
- B. Street naming criteria:** Street names shall meet the following criteria:
- 1. No duplicates:** Street names shall not duplicate the spelling or phonetic sound of any existing street name within the City and the County area contiguous to the City.
 - 2. Name length:** Street names shall not exceed 12 letters.
 - 3. Naming street extensions:** A street which is an extension of an existing street shall have the same name as an existing street.
 - 4. Easily pronounced:** Street names shall be easily pronounced and spelled as nearly possible to the phonetic sound.
 - 5. Naming after a person:** If a street is named after a person it shall only be the first or last name, unless specifically authorized by the City Council.
 - 6. Three or fewer addresses:** Streets with three or fewer potential addresses shall not have separate names.
- C. Agency review:** All proposed street names shall be circulated to the Fire Department, Police Department and post office in order to avoid name conflicts and duplications.
- D. Planning Commission approval:** The Planning Commission shall approve or reject the proposed street names. The decision of the Planning Commission may be appealed to the City Council within 10 days of the Planning Commission decision.
- E. Expiration of names:** Approved street names shall expire if the streets are not constructed prior to the expiration of any tentative map or tentative parcel map.

16.30.030 Street Renaming

- A. How to initiate:** A request to rename an existing street or to rename a street or streets on an approved tentative map or an approved tentative parcel map shall be submitted in writing to the Community Development Director. Requests to rename existing streets may be initiated by the following:
- 1.** A petition signed by 60 percent of the property owners fronting on the street.

2. By motion of the Planning Commission.
 3. By motion of the City Council.
- B. Process for renaming existing streets:** Upon receipt of a request to rename an existing street, the Planning Commission shall hold a public hearing. Written notice of the time and place of such hearing shall be given 10 days in advance of the hearing to all property owners abutting the street proposed to be renamed as shown on the latest assessment roll of Sutter County. The notice shall state the existing and proposed street names. At the conclusion of the hearing the Planning Commission shall approve or deny the request to rename the street.
- C. Appeal:** The decision of the Planning Commission may be appealed to the City Council. Upon an appeal the City Council shall hold a public hearing. Preceding the hearing, written notice of the time and place of such hearing shall be given 10 days in advance of the hearing to all property owners abutting the street proposed to be renamed as shown on the latest assessment roll of Sutter County. The notice shall state the existing and proposed street names. At the conclusion of the hearing or at a time determined by the City Council the City Council shall approve or deny the request to rename the street.
- D. Process for renaming proposed streets:** A request to rename streets on an approved tentative map or tentative parcel map shall be approved by the Planning Commission. No public hearing is required.

Chapter 16.32 Lot Line Adjustments

16.32.010 Purpose of this Chapter

This Chapter provides for the adjustment of the size and configuration of lots through lot line adjustments where:

- No more lots are created than originally existed;
- The lot line adjustment does not result in the creation of a substandard lot, nor in a decrease in size of an existing substandard lot; and
- Four or fewer lots are involved.

This Chapter includes the procedures for the preparation, filing, processing and approval or denial of lot line adjustment applications, consistent with the Subdivision Map Act Section 66412(d).

16.32.020 Application and Processing

- A. Application content:** A lot line adjustment application shall include all of the information required by the Community Development Director and City Engineer and the required fee.
- B. Ministerial action:** A lot line adjustment is a ministerial action that is not subject to the California Environmental Quality Act.

16.32.030 Decision

The Community Development Director and City Engineer shall determine whether the lots resulting from the adjustment will conform with the applicable provisions of this Chapter and other City codes. The lot line adjustment shall be approved if it is determined to be in compliance with this Chapter and other City codes.

16.32.040 Findings for Denial

The lot line adjustment shall be denied if the Community Development Director or City Engineer find any of the following:

- A.** The lot line adjustment will have the effect of creating a greater number of lots than originally existed.
- B.** Any lots resulting from the adjustment will be in conflict with any provisions of this Chapter or other City Codes;
- C.** The adjustment will result in an increase in the number of nonconforming lots; or
- D.** The adjustment will decrease the size of an existing substandard lot.

16.32.050 Conditions of Approval

In approving a lot line adjustment the Community Development Director and City Engineer shall adopt conditions only as necessary to:

- A. Conform the adjustment and proposed lots to the requirements of the City of Live Oak Municipal Code.
- B. Require the prepayment of real property taxes prior to the approval of the lot line adjustment;
or
- C. Facilitate the relocation of existing utilities, infrastructure or easements.

16.32.060 Authorization

Upon approval of the lot line adjustment application, the applicant shall submit for review and approval by the City Engineer and be recorded with the Sutter County Recorder within one year grant deeds, deeds of trust or revised deeds. Said approval is rescinded if no response is received within one year, unless prior to that time an extension of time is requested of and granted by the Community Development Director.

Chapter 16.34 Reversion to Acreage

16.34.010 Purpose of this Chapter

This Chapter provides for reversion of subdivided real property, including both final maps and parcel maps, to acreage pursuant to the provisions of the Subdivision Map Act. Subdivided lands may be merged and re-subdivided without reverting to acreage pursuant to Section 66499.20 ½ of the Subdivision Map Act.

16.34.020 Initiation of Proceedings

- A. By the owners:** Proceedings to revert subdivided property to acreage may be initiated by petition of all of the owners of record of the real property within the subdivision. The petition shall be on a form prescribed by the Community Development Director.
- B. By the City Council:** The City Council, or on its own motion may, by resolution, initiate proceedings to revert property to acreage. The City Council shall direct the Community Development Director to obtain the necessary information to initiate and conduct proceedings.

16.34.030 Contents of the Petition

The petition shall contain, but not be limited to, the following:

- A. Title to property:** Adequate evidence of title to the real property within the subdivision.
- B. Owners signature(s):** A dated signature of all the owners having interest in the property within the subdivision, authorizing the processing of the petition.
- C. Data for findings:** Sufficient data to enable the City Council to make all the determinations and findings required in Subsection 16.34.040.F.
- D. Final or parcel map:** A final map, prepared in conformance with the provisions of Chapter 16.18 which delineates dedications which will not be vacated and dedications which are required as conditions of reversion. The map shall have printed conspicuously on its face the following: "Reversion to acreage." A parcel map prepared in accordance with the provisions of Chapter 16.20 may be filed for the purpose of reverting to acreage land previously subdivided and consisting of four or less contiguous parcels under the same ownership.
- E. Other:** Other pertinent information the Community Development Director or City Engineer deems reasonable and necessary to permit adequate review and consideration of the application.
- F. Fee:** The petition shall be accompanied by the appropriate fees, as approved by the City Council.

16.34.040 Procedure

- A. Petition referral:** Within five days of finding the application complete, the Community Development Director shall refer copies of the tentative application to any City department,

local, state or federal agency, public or private utility or other group that the Community Development Director believes may be interested in the project. If no response is received within 21 days of the referral date, the Director shall assume that the agency or group has no comments. Comments for the environmental document for the project may still be accepted and considered during its public review period.

- B. Meeting with applicant:** Within 30 days of finding the application complete the Community Development Director will determine if a project evaluation meeting is needed to discuss the project. If the meeting is needed, it will be scheduled with the applicant, the applicant's representatives and all City departments and other agencies having jurisdiction or providing services to the site.
- C. Processing the petition:** City staff shall review the project for compliance with the Subdivision Map Act and City standards as well as prepare the appropriate environmental document as required by the California Environmental Quality Act, and prepare a report to the City Council.
- D. Notice and hearing:** Upon completion of the review by City staff, proper notice of a public hearing before the City Council shall be provided as required by California Government Code Sections 65090 through 65095, and by other such means as the City Council may require.
- E. Decision:** Following the close of the public hearing or at a time thereafter determined by the City Council, the Council shall approve, approve with conditions or deny the reversion to acreage. The decision of the City Council is final.
- F. Necessary findings:** Subdivided real property may be reverted to acreage only if the City Council finds that:
 - 1. Dedications and offers of dedication to be vacated or abandoned by the reversion to acreage are unnecessary for present or prospective public purposes; and
 - 2. Either:
 - a. All owners of an interest in the real property within the subdivision have consented to reversion; or
 - b. None of the improvements required to be made have been made within two years from the date of the final or parcel map was filed for record, or within the time allowed by agreement for completion of the improvements, whichever is the later; or
 - c. No lots shown on the final map or parcel map have been sold within five years from the date such map was filed for record.
- G. No tax bond required:** A tax bond shall not be required in reversion proceedings.
- H. Recording the final map or parcel map:** Following approval or conditional approval by the City Council, the final map or parcel map shall be recorded with the Sutter County Recorder. The reversion to acreage shall be effective upon the final map or parcel map being filed for record by the Sutter County Recorder. Upon this filing the dedications and offers of dedication not shown on the final map shall be of no further force and effect.

Chapter 16.36 Mergers of Contiguous Parcels Under Common Ownership

16.36.010 Purpose of this Chapter

This Chapter is intended to enable the merger of contiguous parcels under common ownership pursuant to the authority provided by Section 66499.20 $\frac{3}{4}$ of the Subdivision Map Act where the Community Development Director and the City Engineer have determined that requirements for on-site and off-site improvements have been satisfied or will be imposed as a condition of a future entitlement for use of the subject lot(s).

16.36.020 Certificate of Merger

A merger of contiguous lots under common ownership may be accomplished by the recordation or certificate of merger where the following conditions are met:

- A. All parcels are under common ownership and title is held in the exact manner for each lot; and
- B. There are no easements held by a governmental agency or public or private utility on the lots to be merged or all agencies or utilities owning an easement on the lots to be merged have indicated in writing either that they have no objection to the merger or that they will have no objection to the merger if the easement they own is vacated or relocated.

16.36.030 Application

An application for a certificate of merger shall be filed with the Community Development Director and shall include all of the information required by the Community Development Director and City Engineer and be accompanied by all of the following:

- A. **Title to property:** Adequate evidence of title to the real property indicating the lots to be merged are under common ownership;
- B. **Record maps:** A copy of a filed final or parcel map, if applicable;
- C. **Legal descriptions:** Legal descriptions of the lots to be merged;
- D. **Easements:** Evidence that all agencies or utilities owning any easement on the lots to be merged either have no objection to the merger or will have no objection to the merger if the easement they own is abandoned or relocated;
- E. **Owners signature(s):** The signature of the owner(s) of the lots to be merged; and
- F. **Fees:** The application is accompanied by the appropriate fees, as approved by the City Council.

16.36.040 Issuance of a Certificate of Merger

The Community Development Director shall approve or deny the application for a certificate of merger. If the Community Development Director denies the application, he/she shall notify the applicant of that action within five days. The applicant may appeal the Community Development Director's denial to the Planning Commission by filing an appeal of that action with the Community Development Director within 15 days of the Community Development Director's notice of denial. The appeal hearing shall be held by the Planning Commission within 30 days.

16.36.050 Recording the Certificate of Merger

Upon approval of an application for a certificate of merger by the Community Development Director, or by the Planning Commission upon an appeal, and receipt of the applicable county recording fees from the applicant, the Community Development Director shall record a certificate of merger at the office of the Sutter County Recorder provided that:

- A. The abandonment or relocation of any easement, required by any government agency or public or private utility as a condition of its consent to the merger, has been accomplished and evidence of such abandonment or relocation has previously been recorded in the office of the Sutter County Recorder; and
- B. The applicant has submitted a legal description of the merged lot to the Community Development Director.

16.38 Residential Condominiums

16.38.010 Purpose of this Chapter

Residential condominium projects differ from other residential subdivisions in numerous respects, particularly as to development standards and ownership of individual units and jointly held common areas. The purpose of this Chapter is to address the special attributes of condominium subdivisions and to adopt development standards which will protect both the community and the purchasers of residential condominium units. The conversion of existing apartments to condominiums is governed by Chapter 16.40, Residential Condominium conversions.

16.38.020 Application Content

In addition to the information needed for tentative maps (Chapter 16.12), the following shall also be submitted as part of a residential condominium tentative map:

- A. **Site plan:** A site plan of the project including location and size of structures, parking layout, access areas and open space;
- B. **Elevations:** Exterior building elevations;
- C. **Landscaping:** A preliminary landscaping plan indicating types and sizes of landscaping materials and permanent irrigation facilities;
- D. **Lighting:** A preliminary lighting plan of the project indicating location and nature of lighting and lighting fixtures in common areas;
- E. **CC & Rs:** The proposed condominium documents, including portions of the covenants, conditions and restrictions that apply to the conveyance of units, the assignment of parking and the management and maintenance of common areas and improvements; and
- F. **Other information:** Such other information which the City determines is necessary to evaluate the proposed project.

16.38.030 Tentative Map Procedures

Under Subdivision Map Act Section 66426 a residential condominium is treated as a subdivision. As such, residential condominium projects shall be processed as provided in Chapter 16.14.

16.38.040 Development Standards

A residential condominium project may be approved, conditionally approved or denied, based upon evaluation of the proposed condominium plan in relation to the following criteria:

- A. **Architectural and site design:** The architectural and site design meets the City adopted design and development standards for multiple family residences.
- B. **Parking:** Parking facilities shall have the required number of parking spaces and shall meet all parking lot design standards, as determined by the zone district in which the condominium is located. All parking shall be held in common.

- C. Landscaping:** Landscaping shall conform to the standards of the zone district in which the project is located.
- D. Lighting:** Lighting standards that conform to the standards of the zone district in which the condominium project is located.
- E. Lot coverage:** Lot coverage shall conform to the standards of the zone district in which the condominium project is located.
- F. Open Space:** Total usable open space on a site having three or more dwelling units shall be at least 200 square feet per residence. This requirement shall be met by providing private open space, common open space or a combination of the two.
 - 1. Private open space:** This shall consist of a patio or balcony, within which a horizontal rectangle inscribed within it, has no dimension less than six feet.
 - 2. Common open space:** This open space shall be designed to be used by all residents of the project. It shall be designed such that a horizontal rectangle inscribed within it has no dimension less than 10 feet. Common open space may include, but is not limited to, a club house, courts, game rooms, swimming pools and patios, lawn area, garden roofs, saunas and play lots. It does not include parking areas and driveways, or required front or street-side yards.
- G. Trash enclosures:** Trash enclosures shall conform to the standards of the zone district in which the condominium project is located.
- H. Utilities:**
 - 1. Utility meters:** Each residence shall be separately metered for gas and electricity.
 - 2. Water meters:** Each residence shall have its own water meter or sub-meter billed through the homeowners association.
 - 3. Screening:** all roof mounted utilities and mechanical units shall be screened from public view.
 - 4. Undergrounding:** The developer shall underground all overhead utilities in conformance with the standards of this Title.
- I. Laundry facilities:** A laundry area shall be provided for each residence unless a common laundry area is approved. If a common laundry area is approved, it shall consist of not less than one automatic washer and dryer for each eight residences or fraction thereof.
- J. Walkways:** Walkways that conform to the regulations for the zone district in which the condominium project is located.
- K. Storage space:** If residences are proposed that do not have an enclosed garage, a minimum 200 cubic foot enclosed storage space shall be provided to each residence. Such space shall have a minimum 25 square foot horizontal surface area.

16.38.050 Final Map Procedures

In addition to the final map requirements provided in Chapter 16.18, before submitting the final map, the subdivider shall request an inspection of the premises by the City for conformance with

Section 16.38.040 and other conditions of approval of the tentative map. Upon completion of the inspection, a deficiency list shall be provided to the subdivider. All deficiencies must be corrected (or security posted to the satisfaction of the City, if appropriate) prior to filing of the final map.

Chapter 16.40 Residential Condominium Conversions

16.40.010 Purpose of this Chapter

- A. Establish criteria for the conversion of existing multiple family rental housing to residential condominiums;
- B. Ensure that converted housing achieves a quality, well maintained appearance, is safe and is consistent with the goals of the City of Live Oak;
- C. Minimize the impact of conversion to residents in rental housing who may be required to relocate due to the conversion of multiple family residences to condominium residences by providing procedures for notification and adequate time and assistance for each relocation; and
- D. Assure that purchasers of converted housing have been properly informed as to the physical condition of the structures in which the units offered for purchase are located.

16.40.020 Application Content

In addition to the information needed for tentative maps (Chapter 16.12) the following shall also be submitted as part of a residential condominium conversion tentative map.

- A. **Physical elements report:** A report on the physical condition of each structure and facility. The purpose of the report is to provide notice to guide the City in establishing conditions of approval and to provide notice to future residents of the condition of the property. Each report shall include a cover page with a title, name and address of the property, date of preparation and the name and title of the preparer. Each report shall also state on the cover "This report was not prepared by the City and does not reflect the City's judgment regarding the condition of the property." The report shall include but not be limited to the following:
 - 1. **Condition of the structures:** A report detailing the structural condition of each element of the property including foundation, electrical, plumbing, walls, ceilings, windows, recreational facilities, sound transmission of each building, mechanical equipment, parking facilities and appliances. Regarding each element, the report shall state, to the best knowledge or estimate of the applicant, when the element was constructed or installed, when the element was last replaced, the approximate date upon which the element will require replacement, the cost of replacing the element, and any variation in the physical condition of the element from the zoning and building codes in effect on the date the last building permit was issued for the structure. The report shall include a chronological history of building permits issued for the structure. The report shall identify each known defective or unsafe element and set forth the proposed corrective measures to be employed;
 - 2. **Pest control:** A report from a licensed structural pest control operator on each structure and each unit within the structure;

3. **Common areas:** A report on the condition of the common area improvements, including landscaping, lighting, utilities, streets, parking and recreation areas; and
 4. **Proposed repairs and improvements:** The subdivider's statement of repairs and improvements to be made to refurbish and restore the project to achieve a quality, well-maintained appearance.
- B. Site plan:** A site plan of the project, including the location and sizes of the structures, parking layout and access areas, sewer, water and storm drains, landscaping and irrigation improvements, exterior lighting, on-site or fronting public right-of-way improvements and any other information required by the Community Development Director.
- C. CC&Rs:** At the City's request, a declaration of covenants, conditions and restrictions which would be recorded and would apply to each owner of a condominium unit within the project. The declaration shall include, but not be limited to, pertinent information regarding the conveyance of units and the assignment of parking; an agreement for common area maintenance, including facilities and landscaping, together with an estimate of any initial assessment fees anticipated for such maintenance; and an indication of appropriate responsibilities for maintenance of all improvements and utility systems for each unit. The City has the right to review and approve the CC&Rs for the limited purpose of ensuring that, when applicable for conditions that apply over a period of time: (1) the appropriate conditions of approval are included in them, and (2) those provisions reflecting the City's conditions may not be amended without City approval.
- D. Project characteristics:** Specific information concerning the characteristics of the project, including, but not limited to, the following:
1. A floor plan showing square footage and number of bedrooms and bathrooms in each unit.
 2. Name and mailing address of each tenant.
- E. Signed tenant notices:** A signed copy from each tenant of the receipt of the notice of intention to convert (as specified in Subsection 16.40.040.A) or evidence that a certified letter of notification was sent to each tenant for whom a signed copy of the notice is not submitted.

16.40.030 Tentative Map Procedures

- A. Process:** Under Subdivision Map Act Section 66426 a residential condominium conversion is treated as a subdivision. As such, residential condominium conversions shall be processed as provided in Chapter 16.14.
- B. Completeness:** In addition to other information required by this Title, the tentative map application shall not be deemed complete until the physical elements report is received by City staff as complete. The physical elements report shall be available for public review as part of the City's project file.
- C. Appeal:** An appeal shall be processed in conformance with Section 66452.5 of the Subdivision Map Act.

16.40.040 Tenant Provisions

A. Notice of intention: Beginning at least 60 days before the filing of a tentative map, the subdivider shall give notice of intention to convert to each tenant and prospective tenant as provided in Sections 66427.1, 66452.8 and 66452.9 of the Subdivision Map Act. Evidence of receipt by each tenant and prospective tenant shall be submitted with the tentative map. The form of the notice shall be approved by the Community Development Director and shall contain not less than the following:

1. The information required by Subdivision Map Act Sections 66452.8 and 66452.9;
2. Name and address of the current owner;
3. Approximate date on which the tentative map is proposed to be filed;
4. Approximate date on which the final or parcel map is expected to be filed;
5. Tenants rights to purchase;
6. Tenants right of notification to vacate; and
7. Other information deemed necessary by the Community Development Director.

B. Tenant's rights

1. **To purchase:** As provided in the Subdivision Map Act Sections 66427.1(a)(2)(F) and 66459, a present tenant of a unit shall be given a nontransferable right of first refusal to purchase the unit occupied at a price no greater than the price offered to the general public. The right of first refusal shall extend for at least 90 days from the date of issuance of the subdivision public report or beginning of sales, whichever is later.
2. **To notice before vacating the unit:** Each non-purchasing tenant, not in default under the rental agreement or lease, shall have not less than 120 days from the receipt of notification from the subdivider of the intent to convert, or from the filing date of the final map or parcel map, whichever date is later, to find substitute housing and to relocate.
3. **Remodeling:** No remodeling, planned as part of the conversion, shall be performed in a unit still occupied by a non-purchasing tenant, without written permission from the tenant.

16.40.050 Standards for Condominium Conversions

All of the conditions of approval for the tentative map, relevant building code, and other public improvement standards must be satisfied (or security posted to the satisfaction of the City) and relevant building design standards as provided in the City's adopted Design Guidelines and site improvement standards provided in the Zoning Regulations shall be met to the extent feasible (as determined by the Planning Commission) before the final map is approved.

16.40.060 Final Map Procedures

In addition to the final map requirements provided in Chapter 16.18, before submitting the final map, the subdivider shall request an inspection of the premises by the City for conformance with

Section 16.40.050 and other conditions of approval of the tentative map. Upon completion of the inspection, a deficiency list shall be provided to the subdivider. All deficiencies must be corrected (or security posted to the satisfaction of the City, if appropriate) prior to filing of the final map.

Chapter 16.42 Commercial Condominiums

16.42.010 Purpose of this Chapter

This Chapter addresses the special attributes of commercial condominium subdivisions, particularly to ownership of individual units and jointly held common areas. This Chapter adopts commercial condominium development standards with the intent of protecting both the community and the purchasers of condominium units. This Chapter applies to commercial, office and industrial condominiums. If a commercial condominium is proposed in combination with a residential condominium the requirements of this Chapter and Chapter 38 shall be read together, with the relevant requirements applying to portions of the project. If a proposed project is for the conversion of an existing commercial, office or industrial building into condominiums, Chapter 16.44 of this Title applies.

16.42.020 Application Requirements

In addition to the information needed for tentative maps (Chapter 16.12), the following shall also be submitted as part of a commercial condominium tentative map:

- A. **Site plan:** A site plan of the project, including the location and sizes of the structures, parking layout and access areas, sewer, water and storm drains, landscaping and irrigation improvements, exterior lighting, on-site or fronting public right-of-way improvements and any other information required by the Community Development Director;
- B. **Building elevations:** Building and structural elevations that meet City design standards for commercial or industrial buildings;
- C. **Signage:** Proposed allocation of signage;
- D. **Declaration:** The proposed declaration, including those portions that apply to the conveyance of units, the prohibition of the assignment of parking and a proposed mechanism for resolving parking issues and the management and maintenance of common areas and improvements; and
- E. **Other information:** Such other information which the Community Development Director determines is necessary to evaluate the proposed project.

16.42.030 Tentative Map Procedures

Under Subdivision Map Act Section 66426 a commercial condominium is treated as a subdivision. As such, commercial condominiums shall be processed as provided in Chapter 16.14.

16.42.040 Development Standards

A commercial condominium project may be approved, conditionally approved or denied, based upon evaluation of the proposed condominium plan in relation to the following criteria:

- A. Architectural and site design:** Architectural and site design shall meet the adopted development and design standards for commercial, office or industrial buildings.
- B. Parking:** Parking facilities shall have the required number of parking spaces and shall meet all parking lot design standards, as determined by the zone district in which the condominium is located. All required parking shall be held in common.
- C. Landscaping:** Landscaping shall conform to the standards of the zone district in which the condominium project is located.
- D. Lighting:** Lighting shall conform to the standards of zone district in which the condominium project is located.
- E. Trash enclosures:** Trash enclosures shall conform to the standards of the zone district in which the condominium project is located.
- F. Signage:** All signs shall conform to the sign standards of the zone district in which the condominium project is located.
- G. Utilities:**
 - 1. Utility meters:** Each unit shall be separately metered for gas and electricity.
 - 2. Water meters:** Each unit shall have its own water meter or sub-meter billed through the property owners association.
 - 3. Screening:** all roof mounted utilities and mechanical units shall be screened from public view.
 - 4. Undergrounding:** The developer shall underground all overhead utilities in conformance with the standards contained in this Title.

16.42.050 Final Map Procedures

In addition to the final map requirements provided in Chapter 16.18, before submitting the final map, the subdivider shall request an inspection of the premises by the City for conformance with Section 16.42.040 and other conditions of approval of the tentative map. Upon completion of the inspection, a deficiency list shall be provided to the subdivider. All deficiencies must be corrected (or security posted to the satisfaction of the City, if appropriate) prior to filing of the final map.

Chapter 16.44 Commercial Condominium Conversions

16.44.010 Purpose of this Chapter

This Chapter addresses the special attributes of commercial condominium conversions, particularly to ownership of individual units and jointly held common areas. This Chapter adopts commercial condominium development standards with the intent of protecting both the community and the purchasers of condominium units. This Chapter applies to commercial, office and industrial condominiums.

16.44.020 Application Requirements

In addition to the information needed for tentative maps (Chapter 16.12), the following shall also be submitted as part of a commercial condominium conversion tentative map:

- A. **Site plan:** A site plan of the project, including the location and sizes of the structures, parking layout and access areas, sewer, water and storm drains, landscaping and irrigation improvements, exterior lighting, on-site or fronting public right-of-way improvements and any other information required by the Community Development Director;
- B. **Building elevations:** Building and structural elevations;
- C. **Signage:** Proposed allocation of signage;
- D. **Declaration:** The proposed declaration, including those portions that apply to the conveyance of units, the prohibition of the assignment of parking and a proposed mechanism for resolving parking issues and the management and maintenance of common areas and improvements; and
- E. **Other information:** Such other information which the Community Development Director determines is necessary to evaluate the proposed project.

16.44.030 Tentative Map Procedures

- A. Under Subdivision Map Act Section 66426 a commercial condominium conversion is treated as a subdivision. As such, commercial condominium conversions shall be processed as provided in Chapter 16.14.
- B. In addition to all other public hearing notices required by in Section 16.14.070, hearing notice shall also be provided to all existing business owners within the project area in the same manner.

16.44.040 Development Standards

A commercial condominium conversion may be approved, conditionally approved or denied, based upon evaluation of the proposed condominium plan in relation to the following criteria:

- A. Architectural and site design:** Architectural and site design shall meet the adopted development and design standards for commercial, office or industrial buildings, to the extent feasible, as determined by the Planning Commission.
- B. Parking:** To the extent feasible as determined by the Planning Commission, parking facilities shall conform to all parking lot design standards, of the zone district in which the condominium is located. All required parking shall be held in common.
- C. Landscaping:** Landscaping shall conform to the standards of the zone district in which the condominium project is located, to the extent feasible, as determined by the Planning Commission.
- D. Lighting:** Lighting standards shall conform to the regulations for the zone district in which the condominium project is located.
- E. Trash enclosures:** Trash enclosures shall conform to the regulations for the zone district in which the condominium project is proposed.
- F. Signage:** All signs shall meet the sign standards for the zone district in which the condominium project is located.
- G. Utilities:**
 - 1. Utility meters:** Each unit shall be separately metered for gas and electricity.
 - 2. Water meters:** Each unit shall have its own water meter or sub-meter billed through the property owners association.
 - 3. Screening:** All roof mounted utilities and mechanical units shall be screened from public view.
 - 4. Undergrounding:** The developer shall underground all overhead utilities in conformance with the standards contained in this Title.

16.44.050 Final Map Procedures

In addition to the final map requirements provided in Chapter 16.18, before submitting the final map, the subdivider shall request an inspection of the premises by the City for conformance with Section 16.44.040 and other conditions of approval of the tentative map. Upon completion of the inspection, a deficiency list shall be provided to the subdivider. All deficiencies must be corrected (or security posted to the satisfaction of the City, if appropriate) prior to filing of the final map.

Chapter 16.48 Exceptions

16.48.010 Purpose of this Chapter

Whenever the land involved in any subdivision is of such size or shape, is subject to such title limitations of record, is affected by such topographical conditions or is devoted to such use that it is impossible, impractical or undesirable in a particular case for the subdivider to fully conform to the regulations contained in this Title, the Planning Commission may make exceptions thereof, as reasonably necessary if the exceptions are in conformity with the spirit and purpose of the Subdivision Map Act, the Live Oak General Plan and this Title.

16.48.020 Application

An application for any such exception shall be made in writing by the subdivider, stating fully the grounds of the application and the facts relied upon by the subdivider. The request may be filed with the tentative map submittal or after acceptance of the tentative map.

16.48.030 Referral

Each proposed exception shall be referred to the City department under whose jurisdiction the regulation comes and the department shall transmit to the Planning Commission its written recommendation.

16.48.040 Findings

The Planning Commission must make the following findings of fact prior to approving the proposed exceptions:

- A. Circumstances:** There are exceptional or extraordinary circumstances or conditions applicable to the property such as topography, fixed rights-of-way, unique location of easements, etc; and
- B. Character of the subdivision:** Because of the unique nature of a particular subdivision design innovations are needed to meet functional standards of the zoning and subdivision regulations without strict adherence to the requirements of this Title; and
- C. Preservation of property rights:** That the exception is necessary for the preservation and enjoyment of a substantial property right of the subdivider, and that the exception does not result in a special privilege that is not available to others in the same circumstance; and
- D. Public welfare and safety:** That the granting of the exception will not be detrimental to the public welfare or safety, or be injurious to other property in the vicinity in which the property is located.

Chapter 16.50 Parkland Dedication/Fees In-lieu

16.50.010 Purpose of this Chapter

This Chapter is enacted pursuant to the authority granted by Section 66477 of the Subdivision Map Act, known as the Quimby Act, for the purpose implementing the Parks and Recreation Element of the Live Oak General Plan, by providing for the acquisition of park land for neighborhood and community parks or payment of fees in lieu thereof, or a combination of both, and the development of park and recreation facilities.

16.50.020 Requirements

As a condition of approval of a final map or parcel map, the subdivider shall dedicate land or pay a fee in lieu thereof, or both, at the option of the City, for park or recreational purposes according to the standards and formula contained in this Chapter.

16.50.030 Limitations on Application of this Chapter

- A. 50 lots or less:** In subdivisions containing 50 lots or less, the City shall require only the payment of fees and shall not require the dedication of land. However, nothing in this Section shall prohibit the dedication and acceptance of land for park and recreation purposes in a subdivision of 50 lots or less where the subdivider proposes such dedication voluntarily and the land is acceptable to the City.
- B. Less than 5 lots:** Subdivisions of less than five lots and not intended for residential purposes shall be exempted from the requirements of this Chapter provided, however, that a condition shall be placed on the approval of such tentative parcel map that if a building permit is requested for construction of a residence or residences on one or more of the lots, the fee may be required to be paid as a condition of the permit.
- C. Non-residential subdivisions:** The provisions of this Chapter do not apply to commercial or industrial subdivisions, nor do they apply to condominium projects or stock cooperatives which consist of the subdivision of airspace in an existing building which is more than five years old when no new residences are added.

16.50.040 Park Acreage Standard

In accordance with the Parks and Recreation Element of the Live Oak General Plan and subsequent amendments thereto, it is found and determined that the public interest, convenience, health, welfare and safety require that five acres of land for each 1,000 residents within the City be devoted to park and recreational facilities.

16.50.050 Requirements for Subdivision Approval

As a condition of approval for any final map or parcel map, except as provided in Section 16.50.030, the subdivider shall dedicate land, pay a fee in lieu thereof, or both, at the option of the City, for park or recreational purposes according to the following standards:

- A. Dedication of land:** Where a park or recreation facility is designated in the General Plan and the park or facility is to be located in whole or in part within the proposed subdivision to serve the immediate and future needs of the residents of the subdivision, the subdivider shall be required to dedicate land for park and recreational facilities. The amount of land to be provided shall be determined pursuant to the standards set forth in this Chapter.
- B. Fees in lieu of land dedication:** If there is no park or recreational facility designated or required in whole or part within the proposed subdivision, and the proposed subdivision is within one mile of a proposed park or recreational facility, the subdivider shall be required to pay a cash payment in lieu of the land equal to the value of the land as determined by the provisions of this Chapter.
- C. Land dedication and in-lieu fees required:** In certain subdivisions a combination of land dedication and fee payment may be required in accordance with Section 16.50.100.

16.50.060 Formula for the Dedication of Land

Where the dedication of land is a condition of a final map, the amount of such land to be dedicated per residence shall be based on the following:

Where the average number of persons per residence in the City of Live Oak is 3.43 (based on the 2000 U.S. Census; newer Census data may be used as it becomes available).

Where acres per person required is 0.005 (from Section 16.50.040).

Therefore:

$$3.43 \times 0.005 = 0.017 \text{ acre of land dedication is required per residence.}$$

16.50.070 Improvements Required for Land Dedication

In addition to the land dedication prescribed in Section 16.50.060 the subdivider shall provide:

- A. Public improvements:** Utility line extensions and street improvements including curbs, gutters, sidewalks, street paving and street lights to land which is dedicated pursuant to this Chapter; and
- B. Other improvements:** Other improvements which the City determines to be essential to the acceptance of the land for park or recreational purposes.

16.50.080 Formula for Fees In Lieu of Land Dedication

- A. General formula:** If there is no park or recreation facility designated in the General Plan to be located in whole or part within the proposed subdivision, or the subdivision consists of 50

or fewer lots, the developer, in lieu of land, shall pay a fee equal to the value of that land plus 20 percent towards the cost of public improvements, as described in Section 16.50.070.

- B. Calculation of in-lieu fees:** The amount of in-lieu fees shall be based upon the fair market value of the amount of land which would otherwise be required for dedication, as determined by the City Council. The amount to be paid shall be a sum calculated pursuant to the following formula:

$$A \times V = M$$

Where A = the amount of land required for dedication as determined in Section 16.50.060.

Where V = the fair market value (per acre) of the property to be subdivided as established by the City Council.

Where M = the number of dollars to be paid in lieu of dedication of land, to which shall be added 20 percent for the public improvements.

16.50.090 Use and Basis for In-lieu Fees

The money collected pursuant to this Chapter is to be used only for the purpose of providing park or recreational facilities to serve the subdivision from which the fees are collected. These fees shall be used to purchase land, equipment or to construct improvements to neighborhood and community parks or recreational facilities serving the subdivision.

16.50.100 Requirement for a Combination of Land Dedication and Fees

A combination of dedication of land and payment of in-lieu fees may be required when the following exists:

- A.** When only a portion of the land proposed for a park or recreation site is within the subdivision or is acceptable to the City as a site for a park or recreation facility, such portion shall be dedicated for park or recreation purposes, and a fee computed pursuant to the provisions of this Chapter shall be paid for the value of any additional land that would have been required to be dedicated pursuant to this Chapter.
- B.** When a part of a park or recreation site has already been acquired by the City and only a portion of the land is needed from the subdivision to complete the site, such remaining portion shall be dedicated; and a fee computed pursuant to the provisions of this Chapter shall be paid in an amount equal to the value of the land which would otherwise have been required to be dedicated pursuant to this Chapter.

16.50.110 Credit for Private Facilities

Where private open space usable for park or recreational purposes is provided in a planned development, real estate development, stock cooperative and community apartment project, as defined in Sections 11003, 11003.1, 11003.2, 11003.4 and 11004, respectively of the Business and Professions Code, and condominiums, as defined in Section 783 of the Civil Code, partial credit, not to exceed 50 percent, shall be given against the requirement of land dedication or

payment of fees in-lieu thereof if the Planning Commission finds that it is in the public's interest to do so and that all of the following standards are met:

- A. Consistent with the General Plan:** The facilities proposed are in substantial conformance with the Parks and Recreation Element of the Live Oak General Plan and any implementing park studies; and
- B. Not in required open space:** Yards and other open areas required by the zoning and building regulations shall not be included in the computation of such private open space; and
- C. Homeowners association:** The private park and recreation facilities shall be owned by an owners association composed of all property owners in the subdivision and being an incorporated nonprofit organization capable of dissolution only by a 75 percent affirmative vote of the membership and approved by the City, operated under recorded land agreements through which each lot owner on the project is automatically a member, and each lot is subject to a charge for a proportionate share of the expenses for maintaining the facilities; and
- D. Minimum size:** The private park or recreation area against which credit will be given shall be at least two acres in size.

Chapter 16.52 Elementary School Site Dedication

16.52.010 Purpose of this Chapter

This Chapter is enacted pursuant to the authority granted by Section 66478 of the Subdivision Map Act for the purpose of obtaining elementary school sites to assure residents of the new subdivision adequate public school service.

16.52.020 School Site Dedication

As a condition of approval of a tentative map or tentative parcel map within the Live Oak Unified School District the subdivider shall dedicate to the school district such lands as the City deems to be necessary for the purpose of constructing thereon an elementary school to assure residents of the subdivision adequate public school service, provided that the dedication does not require the amount of land which would make development of the remaining land held by the subdivider economically unfeasible or would exceed the amount of land ordinarily allowed under the procedures of the State Allocation Board.

16.52.030 Procedure

If within 30 days after the requirement of dedication is imposed by the City, the school district does not offer to enter into a binding commitment with the subdivider to accept the dedication, the requirement will be automatically terminated. The required dedication may be made any time before, concurrently or up to 60 days after the filing of the final map or parcel map.

16.52.040 Payments to the Subdivider for School Site Dedication

The school district shall, if it accepts the dedication, repay the subdivider or his or her successors the original cost to the subdivider of the dedicated land, plus a sum equal to the total of the following amounts:

- A. Improvement costs:** The cost of any improvements to the dedicated land since acquisition by the subdivider;
- B. Taxes:** The taxes assessed against dedicated land from the date of the school district's offer to enter into the binding commitment to accept the dedication.
- C. Other:** Any other costs incurred by the subdivider in maintenance of such land, including interest costs incurred on any loan covering such land.

16.52.050 Exemptions

The provisions of this Section are not applicable to a subdivider who has owned the land being subdivided for more than 10 years prior to filing of the tentative map or tentative parcel map.

Chapter 16.54 Reservations of Land for Public Uses

16.54.010 Purpose of this Chapter

This Chapter provides a procedure for the City to reserve land for public purposes such as libraries, fire and police facilities, parks and recreational facilities and other public facilities, as provided in Section 66479 of the Subdivision Map Act.

16.54.020 Standards and Formula for Reservation

Where a park, recreation facility, fire station, library or other public facility is shown in the Live Oak General Plan or an adopted specific plan, the subdivider may be required by the City to reserves sites as determined by the City in accordance with the policies and standards contained in the General Plan or adopted specific plan. The reserved area must be of such size and shape as to permit the balance of the property within which the reservation is located to develop in an orderly and efficient manner. The amount of land to be reserved shall not make developing the remaining land held by the subdivider economically infeasible. The reserved area shall be consistent with the General Plan or the adopted specific plan and shall be in such multiples of streets and lots as to permit an efficient subdivision of the reserved area in the event that it is not acquired within the prescribed period.

16.54.030 Procedure

The City or other public agency for whose benefit an area has been reserved shall, at the time of approval of the final map or parcel map, enter into a binding agreement to acquire such reserved area within two years after the completion and acceptance of all public improvements, unless the period of time is extended by mutual agreement.

16.54.040 Payment to Subdivider

The purchase price for the reserved area shall be the market value thereof at the time of the filing of the tentative map or tentative parcel map, plus the taxes against the reserved area from the date of the reservation and any other costs incurred by the subdivider in the maintenance of the reserved area.

16.54.050 Termination

If the City or other public agency for whose benefit an area has been reserved does not enter into a binding agreement in accordance with this Chapter, the reservation shall automatically terminate.

Chapter 16.56 Enforcement

16.56.010 Prohibition

- A. No person shall sell, lease or finance any parcel or parcels of real property or commence construction of any building for sale, lease or financing thereon, or allow occupancy thereof, for which a final or parcel map is required by the Subdivision Map Act or this Title, until such a final or parcel map, in full compliance with the provisions of the Subdivision Map Act and this Title, has been filed for record by the Sutter County recorder.
- B. Conveyances of any part of a division of property for which a final or parcel map is required by the Subdivision Map Act or this Title shall not be made by parcel or block number, letter or other designation, unless and until such final or parcel map has been filed for record by the Sutter County Recorder.
- C. Subsections A. and B. of this Section do not apply to any parcel or parcels of a subdivision offered for sale or lease, contracted for sale or lease, or sold or leased in compliance with or exempt from any law, including this Title, regulating the design and improvement of subdivisions in effect at the time the subdivision was established.
- D. Nothing contained in Subsection A. of this Section shall be deemed to prohibit an offer or contract to sell, lease or finance real property or to construct improvements thereon where such sale, lease or financing, or the commencement of construction, is expressly conditioned upon the approval and filing of a final map or parcel map, as required under the Subdivision Map Act or this Title.
- E. Nothing in Subsections A. to D. of this Section, inclusive, shall in any way modify or affect the provisions of Section 11018.2 of the Business and Professions Code.
- F. For purposes of this Section, the limitation period for commencing an action, either civil or criminal, against the subdivider or owner of record at the time of a violation of the Subdivision Map Act or this Title, shall be tolled for any time period during which there is no constructive notice of the transaction constituting the violation, because the owner of record, at the time of the violation or at any time thereafter, failed to record a deed, lease or financing document with the Sutter County Recorder.

16.56.020 Violations and Penalties

Each violation of the Subdivision Map Act and this Title by a person who is the subdivider or an owner of record at the time of the violation, of property involved in the violation shall be punishable by imprisonment in the county jail not exceeding one year or in the state prison, by a fine not exceeding \$10,000, or by both that fine and imprisonment. Every other violation of the Subdivision Map Act and this Title is a misdemeanor.

16.56.030 Remedies

- A. Any deed of conveyance, sale or contract to sell real property which has been divided or which has resulted from a division in violation of the provisions of the Subdivision Map Act or this Title, is voidable at the sole option of the grantee, buyer or person contracting to

purchase, his/her heirs, personal representative or trustee in insolvency or bankruptcy within one year after the date of discovery of such violation but the deed of conveyance, sale or contract to sell is binding upon any successor in interest of the grantee, buyer or person contracting to purchase, other than those above enumerated, and upon the grantor, vendor or person contracting to sell, or his or her assignee, heir or devisee.

- B.** Any grantee, or successor in interest thereof, of real property which has been divided, or which has resulted from a division, in violation of the provisions of the Subdivision Map Act or this Title may, within one year of the date of discovery of such violation, bring an action in the superior court to recover any damages suffered by reason of such division of property. The action may be brought against the person who so divided the property and against any successors in interest who have actual or constructive knowledge of such division of property.
- C.** The provisions of this Section shall not apply to the conveyance of any parcel of real property identified in a certificate of compliance filed pursuant to Section 16.56.040 of this Chapter or identified in a recorded final map or parcel map, from and after the date of recording.
- D.** The provisions of this Chapter shall not limit or affect, in any way, the rights of a grantee or successor in interest under any provision of law.
- E.** The Subdivision Map Act does not bar any legal or equitable or summary remedy to which the City or other public agency, or any person, firm or corporation may otherwise be entitled, and the City or other public agency, or such person, firm or corporation may file a suit in the superior court to restrain or enjoin any attempted or proposed subdivision or sale, lease or financing in violation of the Subdivision Map Act or this Title.
- F.** The City shall not issue a permit or grant any approval necessary to develop any real property which has been divided or which resulted from a division, in violation of the provisions of the Subdivision Map Act or this Title, if it finds that development of such real property is contrary to the public's health or safety. The authority to deny such a permit or such approval shall apply whether the applicant therefore was the owner of record at the time of such violation or whether the applicant therefore is either the current owner of record or a vendee thereof pursuant to a contract of sale of the real property with, or without, actual or constructive knowledge of the violation at the time of the acquisition of an interest in such real property.
- G.** If the City issues a permit or grants approval for the development of any real property which has been divided or which resulted from a division, in violation of the provisions of the Subdivision Map Act or this Title, the City may impose those conditions which would have been applicable to the division of the property at the time the applicant acquired interest in such real property. If the applicant was the owner of record at the time of the initial violation, the City may impose conditions applicable to a current division of the property. If a conditional certificate of compliance has been filed for record in accordance with the provisions of Section 16.56.040, only those provisions stipulated in that certificate shall be applicable.

16.56.040 Certificate of Compliance

This Section provides procedures for the processing of certificates of compliance, consistent with the requirements of the Subdivision Map Act Section 66499.35.

- A. Applicability:** A certificate of compliance is a document recorded by the Sutter County Recorder, which acknowledges that the lot is considered by the City of Live Oak to be a legal lot of record. Any person owning real property, or a purchaser of the property in a contract of sale of the property, may request a certificate of compliance.
- B. Application contents:** A certificate of compliance application shall include the form provided by the City, the required filing fee, a chain of title, consisting of copies of all deeds beginning before the division and thereafter, unless the lots were created through a recorded subdivision map.
- C. City Engineer review**
1. Upon making a determination that the real property complies with the provisions of the Live Oak Municipal Code and the Map Act, the City Engineer shall cause a certificate of compliance to be filed for record with the Sutter County Recorder. The certificate of compliance shall identify the real property and shall state that the division of land complies with applicable provisions of the City of Live Oak Municipal Code and the Subdivision Map Act.
 2. If the City Engineer determines that the real property does not comply with the provisions of the City of Live Oak Municipal Code or Subdivision Map Act, the City Engineer may, as a condition to granting a certificate of compliance, impose conditions. Upon making a determination and establishing conditions, the City Engineer shall file a conditional certificate of compliance for record with the County Recorder. The certificate shall serve as a notice to the property owner who has applied for the certificate or a purchaser of the property, that the fulfillment and implementation of the conditions shall be required prior to subsequent issuance of a permit or other grant of approval for development of the property.
 3. Compliance with the conditions shall not be required until a permit or other grant of approval for development of the property is issued.
- D. Form of certificate:** The certificate of compliance shall identify the real property, shall state that the division complies with the provisions of the Subdivision Map Act and this Title, and shall include all information required by the Subdivision Map Act Section 66499.35.
- E. Effective date of certificate of compliance:** A certificate of compliance shall not become final until the document has been recorded by the Sutter County Recorder.
- F. Recorded final or parcel map:** A recorded final or parcel map shall constitute a certificate of compliance with respect to the lots of real property described in the final or parcel map.

16.56.050 Notice of Violation

Whenever the City has knowledge that real property has been divided in violation of the Subdivision Map Act or this Title, a notice of intention to file a notice of violation shall be

mailed by certified mail to the current owner of record. The notice shall describe the property in detail, name the owners, describe the violation and state that the owner will be given the opportunity to present evidence. The notice shall also contain an explanation as to why the subject parcel is not lawful under Section 66412.6(a) of the Subdivision Map Act. The notice shall specify the date, time and place for a meeting at which the owner may present evidence to the Planning Commission why a notice of violation should not be recorded.

The meeting shall be held no sooner than 30 days and no later than 60 days from the date of mailing the notice of intention to record a notice of violation. If, within 15 days of receipt of the notice, the owner fails to file with the City a written objection to recording the notice of violation, the City shall file the notice of violation for record with the Sutter County Recorder. If, after the owner has presented evidence, the Planning Commission determines that there has been no violation, the City shall mail a clearance letter to the then current owner of record. If, however, after the owner has presented evidence, the Planning Commission determines that the property has in fact been illegally divided, the Planning Commission shall file the notice of violation for record with the Sutter County Recorder.

The notice of violation, when recorded, shall be deemed to be constructive notice of the violation to all successors in interest in such property.