ORDINANCE NO. 2009-253

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF WINDSOR REPEALING, RENUMBERING OR AMENDING CERTAIN EXISTING MUNICIPAL CODE PROVISIONS AND ADOPTING A SUBDIVISION ORDINANCE UPDATE (FILE NO. ORD 09-10)

THE TOWN COUNCIL OF THE TOWN OF WINDSOR DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Recitals.

1. Upon incorporation in 1992, the Town of Windsor adopted relevant provisions of the Sonoma County Subdivision Ordinance as its local Subdivision Ordinance.

2. The Windsor General Plan, adopted in March of 1996, contained implementation programs identifying the need for preparation of revisions to subdivision regulations to ensure consistency between the General Plan and subdivision codes.

3. The Subdivision Ordinance Update has been prepared to ensure consistency with the provisions of the adopted Windsor General Plan as well as compliance with the provisions Subdivision Map Act and other relevant regulations of the State of California.

4. The Subdivision Ordinance Update includes regulations which identify the procedures and requirements for filing, reviewing, processing, approving and implementing subdivision applications while implementing the policies of the Town of Windsor General Plan.

5. Section 15308 of the CEQA Guidelines exempts "actions taken by regulatory agencies, as authorized by the state of local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment". The purpose of the Subdivision Ordinance Update is to establish compliance of the Town's subdivision regulations with the adopted General Plan and the Subdivision Map Act, and as such is determined to be categorically exempt as provided herein.

6. In accordance with the provisions of law, the Town of Windsor Planning Commission did conduct a noticed public hearing on May 26, 2009 to consider the Subdivision Ordinance Update, at which time all interested persons were given an opportunity to be heard.

7. Based on the comments and testimony received at the hearing, and on staff reports and evidence in the record, the Planning Commission adopted Resolution 569-09, dated May 26, 2009, recommending that the Town Council adopt the Subdivision Ordinance Update. The resolution also set forth the reasons for the Planning Commission's recommendations.

8. The Town Council considered the Planning Commission's recommendations at a noticed public hearing on July 1, 2009, at which time all interested parties were given an opportunity to be heard. The Town Council has also considered the comments and testimony received at the hearing, and on the staff report and evidence in the record.

9. The Subdivision Ordinance Update is found to be consistent and compatible with the provisions of Town of Windsor General Plan and the Subdivision Map Act.

SECTION 2. Adoption. The Subdivision Ordinance Update, attached as Exhibit A and including renumbering existing provisions, amending existing provisions, and adding new provisions, all as set forth in new Title XVI, Chapter 8 Subdivisions, of the Code of the Town of Windsor, and incorporated herein by reference, is hereby adopted.

SECTION 3. Repeal. The following ordinances are repealed.

1. The existing Subdivision Ordinance, as originally enacted by the Town in Ordinance 92-22.

2. Ordinance 93-40, which amended the Subdivision Ordinance regarding powers and duties of the Planning Commission and deleting references to a Project Review and Advisory Committee.

SECTION 4. Severability. If any part of this Ordinance or the application thereof to any person is held invalid, the remainder of the Ordinance and the application of such provisions to other persons shall not be affected thereby.

SECTION 5. Effective Date. This Ordinance shall take effect and be in force 30 days following its adoption.

SECTION 6. Posting. The Town Clerk of the of Town of Windsor shall cause this Ordinance to be posted in at least three (3) public places in the Town of Windsor in accordance with Section 36933 of the Government Code of the State of California.

PASSED, APPROVED, AND ADOPTED this 15th day of July 2009, by vote as follows:

AYES:	**COUNCILMEMBERS ALLEN, FUDGE, SALMON AND MAYOR GOBLE**
NOES:	**NONE**
ABSTAIN:	**NONE**
ABSENT:	**COUNCILMEMBER SCHOLAR**

ROBIN R. GOBLE, MAYOR

ATTEST:

MARIA DE LA O, TOWN CLERK

Exhibit A: Subdivision Ordinance Update

Town Council Ordinance No. 2009-253
Exhibit A

TOWN OF
WINDSOR

Subdivision Ordinance

Planning & Building Department
9291 Old Redwood Highway
P.O. Box 100
Windsor, CA 95492
(707) 838-1021
townofwindsor.com

Adopted:
Ordinance No. 2009-253

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CHAPTER 8. SUBDIVISIONS

Article 1. General Provisions

16-8-100 Citation and Authority.

This Chapter is adopted to supplement and implement the Subdivision Map Act, §§66410 *et seq.* of the Government Code and may be cited as the Subdivision Ordinance of the Town of Windsor.

16-8-110 Purpose.

It is the purpose of this Chapter to regulate and control the division of land within the Town of Windsor and to supplement the provisions of the Subdivision Map Act concerning the design, improvement and survey data of subdivisions, the form and content of all maps provided for by the Subdivision Map Act and the procedure to be followed in securing the official approval of the Town Engineer, the Planning Director, the Planning Commission, and Town Council regarding the maps. To accomplish this purpose, the regulations outlined in this Chapter are determined to be necessary for the preservation of the public health, safety, and general welfare; to promote orderly growth and development; to promote open space, conservation, protection, and proper use of land; and to ensure provision for adequate traffic circulation, utilities, and services.

16-8-120 Conformity to General Plan, Specific Plans, Area Plans, and Zoning Ordinance.

No land shall be subdivided and developed for any purpose that is not in conformity with the General Plan and any specific plan or local area plan of the Town of Windsor (including but not limited to the Shiloh Road Vision Plan and the Downtown Plan), or the Town's Design Standards, or that is not permitted by or in conformity with the Zoning Ordinance or other applicable provisions of the Windsor Municipal Code.

The type and intensity of land use as shown on the General Plan, as supplemented by the Town's specific plans and area plans, shall determine the type and capacity of streets, roads, highways, utilities, and public services and improvements that shall be provided by the subdivider.

16-8-130 Application.

a. Applications generally. The regulations set forth in this Chapter shall apply to all parts of subdivisions within the Town of Windsor and to the preparation of subdivision maps and to other maps provided for by the Subdivision Map Act. Each subdivision and each part thereof lying within the Town shall be made and each map shall be prepared and presented for approval as provided for and required by this Chapter.

b. Application fees. All applications required by and submitted pursuant to this Chapter shall be accompanied by the required fee, as set forth in a resolution adopted by the Town Council.

16-8-140 General Design Standards.

a. Lot depth and building envelope. In no case shall the depth of a lot created by a new subdivision be less than eighty-five feet, exclusive of rights of way or easements necessary for road purposes. Lot depth shall not be greater than 3 times the average lot width. Usable building envelopes for residential parcels shall not be less than 45 feet in depth unless approved otherwise by the Planning Director.

b. Lot width. In no case shall the width of a lot created by a new subdivision be less than prescribed by the Town of Windsor Zoning Ordinance's General Development Standards.

c. Lot area. In no case shall the area of a lot created by a new subdivision be less than prescribed by the Town of Windsor Zoning Ordinance's General Development Standards.

d. Corridor (flag pole) lots. Corridor lots shall not be allowed in new subdivisions, unless the appropriate decisionmaker finds that such lots further in-fill development objectives in a previously developed area, no other reasonable design alternatives are available that will further those objectives, and the resulting lot sizes will be compatible with those in surrounding areas. When a corridor lot is permitted, the minimum width of the "flag" corridor shall be 20 feet, and the "flag" corridor shall not be included in the minimum lot depth and area calculations.

e. Energy Conservation.

1. The design of a subdivision for which a tentative map is required shall provide, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision.

2. Examples of passive or natural heating opportunities in subdivision design include design of lot size and configuration to permit orientation of a structure in an east-west alignment for southern exposure.

3. Examples of passive or natural cooling opportunities in subdivision design include design of lot size and configuration to permit orientation of a structure to take advantage of shade or prevailing breezes.

4. In providing for future passive or natural heating or cooling opportunities in the design of a subdivision, consideration shall be given to local climate, to contour, to configuration of the parcel to be divided, and to other design and improvement requirements, and such provision shall not result in reducing allowable densities or the percentage of a lot that may be occupied by a building or structure under applicable planning and zoning in force at the time the tentative map is filed.

5. The requirements of this Section do not apply to condominium projects that consist of the subdivision of airspace in an existing building and that add no new structures.

6. For the purposes of this Section, "feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.

f. Cable Television Service.

1. The design of a subdivision for which a tentative map or tentative parcel map is required shall provide appropriate cable television systems an opportunity to construct, install, and maintain, on land identified on the map as dedicated or to be dedicated to public utility use, any equipment necessary to extend cable television services to each residential parcel in the subdivision. For the purposes of this Section, "appropriate cable television systems" means those systems franchised or licensed to serve the geographical area in which the subdivision is located.

2. This Section shall not apply to the conversion of existing dwelling units to condominiums, community apartments, or stock cooperatives.

g. Access.

1. The subdivision shall abut upon or have an approved access to a public street. Each unit or lot within the subdivision shall have an approved access to a public or private street.

2. Street layout shall be designed to provide for future access to, and not impose undue hardship upon, property adjoining the subdivision. Reserve strips, or non-access at the end of streets or at the boundaries of subdivisions, shall be dedicated unconditionally to the Town when required.

h. Planned developments. Lots included in subdivisions proposed as part of a planned development, as provided for in the Zoning Ordinance, may deviate from the standards required by this section. In that case, lot design shall be provided for in a development plan authorized by conditional use permit. Criteria for evaluating planned developments shall include, without limitation, elements of design or community benefit that, in the determination of the decisionmaker, are superior to those achieved through standard subdivision design. These elements include unique design features, creation of common open space, provision of amenities, and other features identified in the zoning ordinance. Provisions for long-term maintenance and management of common areas shall be in the form of an owners association or equivalent. Planned developments shall generally consist of five or more lots.

i. Water availability – Subdivisions of 500 or more units. Proposed residential subdivisions of 500 or more dwelling units shall demonstrate sufficient availability of public water per Section 66473.7 of the Subdivision Map Act.

16-8-150 Remainders.

a. Policy on the use of remainders.

1. Because they can result in "leap-frog" development, delays in the construction of public improvements necessary to maintain existing service levels, and other detriments to the public welfare, use of remainders as part of tentative map submittals will be closely scrutinized for consistency with General Plan policies encouraging efficient and orderly development. Subdividers who include

remainders in tentative maps must be able to show that development of the proposed subdivision will not interfere with the realization of those policies in the General Plan.

2. Remainders may be used in conjunction with parcel and final maps when phasing of the final or parcel map is authorized by the approved tentative map and use of a remainder does not otherwise conflict with required conditions of approval for the tentative map.

b. Depiction on tentative maps. Tentative maps for major and minor subdivisions shall depict remainders and clearly identify them as such.

c. Depiction on final maps. Final maps for major and minor subdivisions shall depict remainders of less than five acres. If a remainder is five acres or larger, then the subdivider shall submit with the final map a separate map exhibit showing the location and boundaries of the remainder in relation to the subdivided property. The additional map exhibit shall show the remainder, list any conditions required for the remainder, and be recorded with the final map. The additional map showing the remainder shall not itself be a final map, and recordation thereof shall not extend any development rights conferred by Government Code sections 66498.1 or 66498.5 or by Sections 16-8-410 and 16-8-1235.

d. Review for creation. All subdivision applications shall be subject to review to determine whether a remainder is created thereby and whether any such remainder is intended to be used for the purposes of finance, lease, or sale. If the Director determines that a tentative parcel map would create a remainder for any of those purposes, and the total number of lots created by the subdivision, including the proposed remainder, is more than four, the Director shall return the application and require the subdivider to submit a tentative or vesting tentative map for a major subdivision.

e. Review for further subdivision. The Planning Director shall review all subdivision applications to determine whether all or a part of the parcel subdivided is a remainder from a previous subdivision and whether the first subdivider intended to create the remainder for the purpose of finance, lease, or sale. Indicia of such intent include, but are not limited to, sale to the second subdivider for inadequate consideration; transfer of the remainder to close relatives or business associates; retention of control of or a financial interest in the remainder; and if the remainder was not capable of development under the Municipal Code, combination of the remainder or a part thereof with another parcel in the property proposed to be subdivided.

f. Conditions of approval. To the extent allowed by law, particularly section 66424.6 of the Government Code, the Town may impose conditions on a remainder created as part of a proposed subdivision.

1. The Town Council hereby finds that the construction of improvements associated with remainders prior to the approval of development therefor is necessary to protect the public health and safety and as a prerequisite to the orderly development of the Town.

2. Based on the foregoing finding, the Town Council, Planning Commission, and Planning Director and Town Engineer may require, as a condition of approving any tentative or final map, that improvements required for the subject subdivision also be constructed at the same time for any remainder. Any such condition may be appealed by the subdivider as set forth below.

3. To assist Town decisionmakers regarding the need for and details of conditions of approval for remainders, as part of a tentative map application, the Director or Town Engineer may require the subdivider to provide a site plan, consistent with Section 27.42.030 of the Municipal Code, for a remainder parcel.

4. In the event that the Town Council, Planning Commission, or Planning Director or Town Engineer allows a subdivider to defer improvement construction for a remainder, the subdivider shall record an agreement approved by the Town Attorney with the county recorder, stating:

A. What the required improvements are; and

B. That the subdivider or a successor owner is required to complete all required improvements before the Town will grant a permit or other approval for development.

g. Certificate of compliance required prior to sale or transfer. Prior to the sale or transfer of any remainder, the subdivider shall be required to obtain from the Town Engineer a certificate of compliance or conditional certificate of compliance, as provided for in the Subdivision Map Act and section 16-8-1320. The Town Engineer's review of such an application shall include a determination that the creation of a remainder and its subsequent sale or transfer do not constitute an attempt to avoid the requirements of this Chapter.

h. Reporting of assessor parcel number. For the purpose of tracking remainders, upon recordation of a final or parcel map and assignment of an assessor parcel number (APN) for a remainder, the subdivider shall deliver to the Planning Director a copy of the final or parcel map and report the APN for the remainder created by the subdivision. No building permit or certificate of occupancy for the lots created by a subdivision shall be issued until the subdivider has complied with the reporting requirements of this subsection. No certificate of compliance for the transfer of a remainder shall be issued until the subdivider has complied with the requirements of this subsection.

i. Appeals. A decision of the Planning Director or Town Engineer pursuant to this section may be appealed in accordance with the provisions of section 16-8-500(g).

16-8-160 Modification of Requirements.

Whenever in the opinion of the relevant decisionmaker the land involved in any subdivision is of a size or shape, is subject to title limitations of record, is affected by topographical location or conditions, or is to be devoted to a use that it is impossible or impracticable in the particular case for the subdivider to conform fully to the regulations contained in this Chapter, the decisionmaker may make modifications as, in its opinion, are reasonably necessary or expedient and in conformity with the Subdivision Map Act.

16-8-170 Approval Over an Existing Tentative Map.

Any approval or conditional approval of a tentative map or tentative parcel map over an existing approved tentative map or tentative parcel map (on the same piece or pieces of land) shall be conditioned upon the subdivider, prior to filing any subsequent drawings for plan check, submitting to the Planning Department a letter withdrawing one of the two approved tentative maps or tentative parcel maps. Any denial of a tentative map or tentative parcel map shall not affect the prior approved or conditionally approved tentative map over the same piece or pieces of land.

16-8-180 Administration of Restrictions Imposed Upon Recorded Maps.

Notations on previously recorded subdivision maps shall be reviewed by the Planning Director. If the Planning Director determines that notations on a previously recorded subdivision map are informational only, he or she shall use them to evaluate any proposed deviation from the existing approvals for subdivision and development of the property. If the Planning Director determines that notations constitute restrictions imposed upon the subdivision and development of the property, the subdivider shall be required to file a corrected or amended final map.

Article 2. Definitions and Responsibilities

16-8-200 Definitions.

Block. The area of land within a subdivision that is entirely bounded by streets, highways or ways (except alleys), or the exterior boundary or boundaries of the subdivision.

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

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

Design means:

a. Street alignments, grades and widths:

b. Drainage and sanitary facilities and utilities, including alignments and grades; water and recycled water;

c. Location and size of all required easements and rights-of-way;

d. Fire roads and firebreaks;

e. Lot size and configuration;

f. Traffic access;

g. Grading;

h. Land to be dedicated for park or recreational purposes: and

i. Other specific requirements in the plan and configuration of the entire subdivision as may be necessary to ensure consistency with, or implementation of, the General Plan, any applicable specific plan or area plan, or the Zoning Ordinance.

Development. The uses to which the land that is the subject of a map shall be put, the buildings to be constructed on it, and all alterations of and construction on the land.

Environmental Impact Report (EIR). A detailed statement under the California Environmental Quality Act (CEQA) describing and analyzing the significant environmental effects of a project and discussing ways to mitigate or avoid the effects. The contents of the EIR are described in Article 9, Section 15120 of the State CEQA Guidelines and the Town's CEQA Guidelines.

Final Map. A map showing a subdivision for which a tentative and final map are required by the Subdivision Map Act or this Chapter, prepared in accordance with the provisions of this Chapter and the Subdivision Map Act and designed to be recorded in the office of the County Recorder.

General Plan. The General Plan of the Town and any amendments or revisions.

Improvement. Any streets, storm drainage facilities, utilities, and landscaping to be installed, or agreed to be installed, by the subdivider on the land, as a condition precedent to the approval and acceptance of the final map, and to be used for public or private streets, parks, common areas, highways, and easements, as are necessary for the general use of the lot owners in the subdivision and local neighborhood traffic and drainage needs. Any other specific improvements or type of improvements, the installation of which, by the subdivider alone or in combination with public agencies, private utilities, or any other entity approved by the Town, is necessary to ensure consistency with or implementation of the General Plan or any applicable specific plan. Improvements shall be constructed in accordance with the Town of Windsor Design and Construction Standards and/or, when applicable, with standards as adopted by local utility companies and approved by the Town Engineer.

Lot. A parcel or portion of land separated from other parcels or portions by description, as on a subdivision, parcel, or record of survey map, or by metes and bounds, for purpose of sale, lease, or separate use.

Lot Line Adjustment. A minor shift or rotation of an existing lot line or other adjustments that do not create a greater number of parcels than originally existed, as approved by the Town Engineer or authorized representative.

Major Subdivision. A subdivision of five or more parcels.

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

Minor Subdivision. A subdivision of four or fewer parcels.

Parcel Map. A map showing a division of land of four or fewer parcels as required by this Ordinance, prepared in accordance with the provisions of this Chapter and the Subdivision Map Act.

Peripheral Street. An existing street the right-of-way of which is contiguous to the exterior boundary of the subdivision.

Remainder. That portion of an existing parcel that is not included as part of the subdivided land. The remainder is not considered as part of the subdivision but must be shown on the required tentative and final maps as part of the area surrounding subdivision development. When used in conjunction with a phased final or parcel map, a remainder refers to a portion of the subdivision, shown and authorized for phased development on the related approved tentative map, which the subdivider intends to defer.

Subdivider. A person, firm, corporation, partnership, or association who proposes to divide, divides, or causes to be divided real property into a subdivision for himself or for others. Employees and consultants of such persons or entities acting in that capacity are not "subdividers."

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

In determining the appropriate application and mapping procedures, the Planning Director and Town Engineer shall consider the number of lots proposed to be created by the subdivision, as well as the number of contiguous lots and of lots created by the previous subdivision of contiguous lots that the owner of the land to be subdivided either currently owns or had a financial interest in creating.

Subdivision Map Act (SMA). State of California Government Code Sections 66410 to 66499.

Tentative Map. A map made for the purpose of showing the design and improvements of a proposed major or minor subdivision and the existing conditions in and around it. The term "tentative map" includes a vesting tentative map.

Tentative Parcel Map. A tentative map for a subdivision of four or fewer parcels.

Vesting Tentative Map. A map that meets the requirements of a tentative map and Article 12 and has the words "Vesting Tentative Map" printed on it. The vesting tentative map conveys development rights for subdivisions according to Article 12.

Zoning Ordinance. Title 17 of the Town of Windsor Municipal Code, or any ordinance enacted under zoning law.

16-8-210 Responsibilities.

a. **Town Council.** The Town Council shall have final jurisdiction in the approval of final maps and improvement agreements and the acceptance by the Town of lands and improvements as may be proposed for dedication to the Town as part of subdivisions. The Town Council shall act as the appeal board for hearing appeals of the approval, conditional approval, or denial of tentative subdivision maps. The Town Council shall have final jurisdiction in the approval of any subdivision approvals that require legislative action, including but not limited to an amendment to the General Plan or Zoning Ordinance, or as otherwise provided for in the Town's Growth Control Ordinance.

b. **Planning Commission.** The Planning Commission shall be responsible for approving, conditionally approving, or denying the tentative map for major subdivisions. In the event that the Town Council has final jurisdiction over a subdivision application, the Planning Commission shall forward a recommendation to the Town Council regarding whether the application should be approved, conditionally approved, or denied. The Planning Commission shall hear appeals regarding minor subdivisions.

c. **Town Engineer.** The Town Engineer shall be responsible for:

1. Establishing design and construction details, standards, and specifications;
2. Determining whether proposed subdivision improvements comply with the provisions of this

Chapter and the Subdivision Map Act and for reporting those findings together with any recommendations for approval or conditional approval of the tentative map to the Planning Director for subdivisions of five (5) or more parcels;

3. The processing of final maps, reversion to acreage maps, and amended maps; the processing and approval of subdivision improvement plans, lot line adjustments, mergers, and certificates of compliance;

4. Examining and stating that final maps are in substantial conformance with the approved tentative map;

5. The inspection and approval of subdivision improvements;

6. Final approval of parcel maps, including the acceptance of (1) dedications and improvements for minor subdivisions and (2) offsite dedications lying outside a subdivision boundary that require a separate grant deed.

7. The recording of a notice of completion of private subdivision improvements when not to be maintained by the Town.

d. **Planning Director.** The Planning Director shall be responsible for the management of the Planning Department in carrying out the responsibilities imposed upon it by this Chapter, as well as the following:

1. Investigating proposed subdivisions for conformity to the General Plan, specific plans, and the Town Zoning Ordinance, as well as reporting his/her findings together with recommendations for approval or conditional approval to the Planning Commission for subdivisions of five (5) or more parcels.

2. Stating, as Secretary of the Planning Commission, that the Planning Commission has approved or conditionally approved the tentative map for subdivisions of five (5) or more parcels.

3. Approving, conditionally approving, or denying tentative parcel maps for four (4) or fewer parcels.

e. **Planning Department.** The Planning Department shall be responsible for the processing of, tentative maps, and tentative parcel maps, and for the collection of all required deposits and fees.

f. **Town Attorney.** The Town Attorney shall be responsible for approving as to form all subdivision improvement agreements and other agreements and instruments related to the subdivision of land. Examples of documents requiring Town Attorney approval as to form include, but are not limited to, agreements for shared access or parking and declarations of covenants, conditions and restrictions ("CC&R's").

Article 3. Maps Required

16-8-300 General.

The necessity for tentative, final, and parcel maps shall be governed by the provisions of this Chapter.

16-8-310 Division of Land–Five or More Parcels (Major Subdivisions).

a. Both a tentative map and a final map shall be required for all divisions of land when determined by the Planning Department that such land may be divided into five (5) or more parcels, five (5) or more condominiums, as defined in Section 783 of the State Civil Code, a community apartment project containing five (5) or more parcels, or for the conversion of a dwelling to a stock cooperative containing five (5) or more dwelling units, unless:

1. The land before division contains fewer than five (5) acres, each parcel created by the division abuts upon a maintained public street or highway, and no dedications or improvements are required by the legislative body;
2. Each parcel created by the division has a gross area of twenty (20) acres or more and has an approved access to a maintained public street or highway;
3. The land consists of a parcel or parcels of land having approved access to a public street or highway that comprises part of a tract of land zoned for industrial or commercial development, and that has the approval of the governing body as to street alignments and widths; or
4. Each parcel created by the division has a gross area of not less than forty (40) acres or is not less than a quarter (1/4) of a quarter (1/4) section.
5. The land being subdivided is solely for the creation of an environmental subdivision pursuant to Government C ode Section 66418.2.

b. A tentative parcel map and a parcel map shall be required for subdivisions described above in subsections (1), (2), (3), (4), and (5).

16-8-320 Division of Land–Four or Fewer Parcels (Minor Subdivisions).

a. A tentative map and parcel map shall be required for all divisions of land into four (4) or fewer parcels, except that such maps shall not be required for:

1. Subdivisions of a portion of the operating right-of-way of a railroad corporation, defined by Section 230 of the Public Utilities Code, which are created by short-term leases terminable by either party on not more than thirty (30) days' notice in writing;
2. Land conveyed to or from a governmental agency, public entity, or public utility; or
3. Land conveyed to a subsidiary of a public utility for conveyance to the public utility for rights-of-way.
4. Lot line adjustments, provided:
   (A) No additional parcels or building sites have been created;
   (B) There are no resulting violations of the Windsor Municipal Code;
   (C) The applicant conforms to all conditions imposed on the approval of the lot line adjustment.
5. Parcel maps waived by the Town Engineer as provided by Section 16-8-520.

b. The exceptions in subparagraphs (a)(2) and (3) above shall not apply if a showing is made in individual cases, upon substantial evidence, that public policy necessitates a parcel map. The foregoing exemption shall only apply if, prior to the conveyance, the owner of the subject land complies with this Section. The owner shall submit an application for exemption in the form and with such information as is required by the Town Engineer. Upon receipt of a complete application by the Planning Director, the Planning Director shall either determine that the exemption applies, determine that the exemption applies subject to conditions, or determine that public policy necessitates a parcel map. In making that determination, the Planning Director shall consider any written materials submitted by the applicant or any interested party. The Planning Director shall notify the applicant of the determination in writing. If the Planning Director determines that a parcel map is necessary, the applicant shall not subdivide the subject land without obtaining Town approval of a parcel map pursuant to this Chapter. Notwithstanding the

foregoing, a tentative map and parcel map for a division of land into four (4) or fewer parcels shall not be required for the dedication of land to a governmental agency, public entity, or public utility that is required by the Town as a condition of approval of a development project.

16-8-330 Lot line adjustments.

a. Lot line adjustments shall be prepared and processed in accordance with the procedures and criteria set forth in this section:

1. Applications must include an accurate site plan that depicts, for each parcel involved, the location, nature, and extent of existing structures, utilities, infrastructure, sewage systems, water systems, drainage systems, easements, and any other information required by the Town.

2. The Town may require a title report for parcels to be adjusted and shall require the written consent of the owners of all parcels identified in the title report.

3. The Town may require a record of survey in conjunction with a lot line adjustment if required by Section 8762 of the Business and Professions Code.

4. Up to four adjoining parcels may be adjusted or reconfigured under lot line adjustment procedures. For the purposes of this section, "adjoining" properties means lots with contiguous boundaries and not separated by a public street.

5. If the parcels to be adjusted are in different zoning districts, the applicant must file the necessary zone change application prior to or concurrent with the lot line adjustment application.

6. Applications for lot line adjustments must include a request for the voluntary merger of any antiquated parcels underlying the property.

7. The Town Engineer processes and approves all lot line adjustment applications, with the following exceptions:

(A) When the boundaries of the one of the lots to be adjusted is conterminous with a zoning district boundary, and the lot line adjustment will change the boundary of the zoning district, the applicant must also submit an application for a zoning amendment. In that case, the Town Council shall have final approval authority for the lot line adjustment, and the Planning Commission shall make a recommendation on both the zoning amendment and the lot line adjustment.

(B) When the lot line adjustment application is part of a broader request for entitlements.

In either of the foregoing cases, the Planning Department shall process the lot line adjustment application with the other legislative or entitlement requests.

8. The Town Engineer shall refer the lot line adjustment application to the Planning Director, Building Official and any other department or agency he or she determines appropriate for comment.

b. Consistent with Government Code Section 66412, the Town may impose conditions, including but not limited to construction and dedication of improvements and exactions, upon a lot line adjustment.

1. The Town may impose conditions on a lot line adjustment as necessary to achieve conformity with the General Plan, applicable specific plans and area plans, the Zoning Ordinance, the Growth Control Ordinance, and building ordinances.

(A) The General Plan contains policies requiring new development to pay its fair share of required services and infrastructure in a timely manner (e.g. Community Services and Facilities Policy E.2 in the Town of Windsor General Plan—2015). The Town's specific plans and area plans contain similar policies related to the specific needs of the portions of the Town regulated by those plans.

(B) The frontage improvement and dedication requirements for new development contained in Chapter 2 of Title 16 of the Windsor Municipal Code are an implementation of the policies in the General Plan and therefore applicable to lot line adjustments.

(C) Because lot line adjustments further the development potential of the affected properties, the Town may impose conditions of approval as necessary to ensure that lot line adjustments as necessary to comply with applicable provisions of the General Plan, specific plans, area plans, the Zoning Ordinance, the Growth Control Ordinance, and building ordinances. The nature and extent of such conditions may be appealed as provided for in this Chapter.

(D) Existing restrictions imposed upon the parcels as a result of a recorded subdivision map (including notes, setbacks, and easements) shall be carried forward and recorded as part of the lot line adjustment in a form approved by the Town Engineer. This may include preparation of exhibits as determined necessary.

2. The Town may require prepayment of real property taxes prior to the approval of a lot line adjustment.

3. The Town may require the applicant to take any action that the approving body considers necessary to facilitate relocation of existing utilities, infrastructure, or easements.

4. Lot line adjustments shall be conditioned to require the subdivider to provide the following to the Town prior to final approval of the grant deeds creating the new property descriptions:

(A) Submittal of a Combining Agreement, approved by the Sonoma County Assessor's Office showing the combination of lots as per the approved map.

(B) Verification that all taxes that are a lien on the affected parcel and then payable have been paid to the Sonoma County Treasurer/Tax Collector's Office.

(C) Legal descriptions of the new parcel configurations.

(D) Title company verification that documents have been prepared to establish conformance of any deed of trust agreements to the adjusted lot boundaries and will be recorded under supervision of the title company concurrently with the lot line adjustment deeds.

c. An application for a lot line adjustment may be denied if it is determined that the adjustment would create the potential for an increase in density beyond the limit established for the area or would in any way detrimentally conflict with the Town's growth control regulations.

d. If the Planning Director believes the circumstances warrant such action, he/she may request that the Planning Commission decide whether to approve, conditionally approve, or deny an application for a lot line adjustment.

e. If the Planning Director, Town Engineer, or Planning Commission denies an application for a lot line adjustment, the applicant may appeal the decision as provided for in section 16-8-500(g) or 16-8-400(g), respectively.

f. All lot line adjustment approvals shall expire two years from their approval date. The owner of the affected property may apply for a single one-year extension. Any lot line adjustment not effectuated within two years of approval, or after any extension, shall expire automatically, and a new application shall be required.

16-8-340. Modification to Approved Condominium Subdivision.

a. Resubdivision of Condominium Airspace or Other Elements of a Condominium Plan. Resubdivision of airspace or other ownership or exclusive use areas created as part of a condominium plan shall be processed and reviewed in the same manner as major or minor subdivisions.. An approved resubdivision shall be recorded as an amendment to the condominium plan if the resubdivision affects unit descriptions and either individual property owner or property owners association responsibilities, an amendment to the CC&Rs for the subdivision is also required. Approval by the owners association shall be provided upon application and for any documents revisions prior to authorization to record the amendment to the condominium plan.

b. Adjustments of Condominium Airspace or Other Elements of a Condominium Plan. Adjustments to airspace exclusive use areas or other ownership areas created as part of a condominium plan shall be processed and reviewed in the same manner as lot line adjustments. An approved adjustment shall be recorded as an amendment to the condominium plan if the resubdivision affects unit descriptions and either individual property owner or property owners association responsibilities, an amendment to the CC&Rs for the subdivision is also required. Approval by the owners association shall be provided upon application and for any documents revisions prior to authorization to record the amendment to the condominium plan.

16-8-350 Plat Exhibits.

A plat exhibit may be required to accompany lot line adjustments, mergers, certificates of compliance, amendments to condominium plans and parcel map waivers. The plat exhibit shall be drawn to scale, shall be fully annotated and shall include and clearly define all streets, improvements, lot lines, lot boundaries, easements and any encroachments within the subject property(s). Deviations from this requirement shall require approval from the Town Engineer

16-8-360 Fees and Deposits.

All persons submitting maps as required by this Chapter shall pay all fees and/or deposits as provided by the Town's resolution establishing fees and charges.

Article 4. Subdivision of Five or More Parcels (Major Subdivisions)

16-8-400 Tentative Maps.

a. General. The form and contents, submittal and approval of a tentative map for subdivisions of five (5) or more parcels shall be governed by the provisions of this Section. Any application for a vesting tentative map shall be subject to the provisions of Article 12 in addition to this Article.

b. Form and Contents. The tentative map shall be prepared in a manner acceptable to the Planning Department and shall be prepared by a registered civil engineer or licensed land surveyor. The tentative map shall be clearly and legibly drawn on sheets no larger than 24"X36", stapled in sets, and folded to a maximum size of 9" X 12". The tentative map shall contain all of the following information:

1. General Information

(A) North arrow.

(B) Scale of drawings. Minimum scale is one inch = 100 feet for parcels of more than 20 acres and one inch = 50 feet for parcels of less than 20 acres.

(C) Industry standard symbols, legends and abbreviations (with definitions).

(D) Name and address of owner(s).

(E) Name and address of subdivider.

(F) Name, address and license number of civil engineer and land surveyor.

(G) Area in acres of subdivision.

(H) Vicinity map that depicts the location of the property from nearest arterial road; no scale is required. The depiction shall include roads, adjoining subdivisions, towns, creeks, railroads, driveways within 100 feet of the subdivided property, and other data sufficient to locate the proposed subdivision and show its relation to the community.

(I) Boundaries of the site.

(J) A title that shall contain the subdivision name, type of subdivision (e.g. "Tentative Map" or "Vesting Tentative Map"), number and type of lots (e.g. commercial, residential, public), address, Assessor's Parcel Number, and date of preparation.

(K) Existing and proposed land uses and zoning districts.

(L) A title that shall contain the subdivision number, subdivision name, and type of subdivision, and the date of preparation.

(M) Town Boundary and local fire and school district boundaries, when abutting or crossing the site.

2. Existing Features

(A) Clear delineation of subdivision boundaries (with distances and bearings). Include the names of adjoining subdivisions and property owners, along with assessor's parcel numbers.

(B) Topographic contours of the site at one-foot intervals, unless otherwise authorized by the Town Engineer, including the adjoining ground for at least 100 feet beyond the project boundaries. Topographic contours may be required to extend beyond 100 feet to illustrate the extent of drainage impacts.

(C) Faults, flood zones, slide areas, and benchmark on such datum as specified by the Town Engineer.

(D) Water courses and open drainage channels: width to the nearest foot, direction of flow, existing improvements, approximate boundaries areas subject to inundation.

(E) Locations and species of all trees 6 inches or greater in trunk diameter, measured 4.5 feet above ground level and an indication of whether they are to be removed or protected. A tree protection plan may be required.

(F) Locations of on-site buildings and structures and an indication of whether they are to be removed or retained. For structures to remain, include their outside dimensions, use(s), and distances between buildings and proposed streets and lot lines.

(G) Locations of wells and septic systems with notations that they are to be removed.

(H) Locations and sizes of existing on-site sewer, water, street lighting, fire hydrants, utility lines, gas lines and storm drain facilities, or nearest off-site connections.

(I) Locations and sizes of existing on-site sewer connections to existing buildings with

notations as to whether the services are to be retained, replaced or removed.

(J) Locations, names and existing widths of all adjoining and contiguous highways, streets, alleys and sidewalks. Notate all private highways, streets, alleys and sidewalks.

(K) Locations and widths of easements, and a statement of purpose (access, storm drainage, etc.) and ownership.

(L) Locations of any public areas.

(M) The approximate location of any identified wetlands.

(N) The following statement shall be included on the tentative map: "The project engineer has reviewed all applicable lists of potential hazardous waste sites in accordance with Section 65962.5 of the Government Code, including those of the Department of Toxic Substances Control, the State Water Resources Control Board, the State Department of Health Services, and the Sonoma County Department of Environmental Health, and finds that (either): 1) no hazardous materials are presently known or identified on the lands included within this subdivision, or 2) any known or identified sites are analyzed in a Phase 1 Environmental Assessment accompanying the tentative map application."

3. Proposed Subdivision and Improvements

(A) Lot layout and dimensions of each lot (to nearest foot).

(B) Lot numbers shall begin with the number one (1) in each subdivision and shall continue consecutively with no omissions or duplications, unless contiguous lands under the same ownership are being subdivided in successive units, in which event, lot numbers may begin with the next consecutive number following the last number in the preceding unit. Parcels to be held in common ownership as well as parcels to be offered for dedication to public ownership shall be shown in letters, beginning with "A" and continuing consecutively with no omissions or duplications.

(C) Lot areas in square feet and acres. The tentative map shall distinctively identify the smallest lot and largest lot within a subdivision, including the size in square feet and lot number of each.

(D) Proposed public and common areas.

(E) Locations, widths, purpose (access, drainage, sewer, utilities, etc.), and ownership (public or private) of all easements.

(F) Provide names, widths (to nearest foot), approximate curve radii, approximate grades, clear identification of proposed ownership (public and private) of all streets and right-of-way dedications.

(G) Provide cross-section details with dimensions for public and private streets, private driveways that are to serve more than two lots, and public access easements.

(H) If applicable, show proposed location and typical dimension of required parking and driveways, pedestrian circulation & emergency vehicle access, and retaining structures required for constructing all streets.

(I) Show areas proposed to be dedicated or reserved for parks, trails, schools, public or quasi-public buildings, and other such uses.

(J) Demonstration of Adequate Legal Interest in New Public Easements, Streets, and Public Use Areas. In the event that the proposed subdivision contemplates or requires the creation of one or more new public easements, streets, or public use areas on property that is not a part of the property to be subdivided, as part of the tentative map application, the subdivider shall provide evidence that it possesses adequate legal interest in the easement, street, or public use area property to permit construction of any improvements to Town standards and dedication of the property to the Town.

(K) Final map phasing boundaries. If any, and a statement that sets forth the manner and phasing of the installation of subdivision improvements.

4. Preliminary Grading and Utility Plan

(A) Show existing and proposed contours carried a minimum of 100 feet beyond the subdivision boundaries.

(B) Provide cross-section details with dimensions for public and private streets, private driveways that are to serve more than two lots, and public access easements. Appropriate cross sections shall be shown to indicate resultant slopes.

(C) Show direction and path of existing proposed drainage channels or facilities. Indicate building pad and finished elevations, retaining walls (with height and materials specified).

(D) List the 100-year flood elevation if the project is within, or in close proximity to the flood plain as defined by FEMA.

(E) Storm drainage: Indicate any proposed culverts and underground storm drainage, showing their location, diameter in inches, approximate length, direction of flow and materials. Indicate, by notation, private storm drains. Proposed storm drainage measures should direct flows to the nearest downstream facility.

(F) Sewer lines: Locations, sizes (diameter in inches), material, rough invert elevations and slope, delineation between public and private ownership. Show proposed manhole locations.

(G) Water lines: Locations, sizes (diameter in inches), material, and delineation between public and private ownership. Show any proposed fire hydrants.

(H) Driplines and Tree Protection Zones, trunk diameter and elevation, identification numbering, status (to be saved or removed), and preservation measures for all Protected Trees as required by Chapter 27.36 of the Zoning Ordinance.

c. Accompanying Data and Reports.

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

1. Soils Report. A preliminary soils report prepared in accordance with the Town's Grading Ordinance shall be submitted. If the preliminary soils report indicates the presence of critically expansive soils or other soil problems that, if not corrected, could lead to structural defects, the soils report accompanying the final map shall contain an investigation of each lot within the subdivision. The Town Engineer may require additional information or reject the report if it is found to be incomplete, inaccurate, or unsatisfactory. The preliminary soils report may be waived if the Town Engineer determines that, due to knowledge of the soil qualities in the subdivision, no preliminary analysis is necessary. A soils report shall not be required for a condominium conversion.
2. Title Report. A preliminary title report, showing the legal owners at the time of filing the tentative map, prepared no more than three months before the date of the tentative map application.
3. Engineering Geology and/or Seismic Safety Report. If the subdivision lies within a geologic hazard area, as determined by the Building Official, a preliminary engineering geology and/or seismic safety report, shall be prepared to the satisfaction of the Building Official.
4. School Site. The subdivider shall obtain from the school districts involved their intention, in writing, concerning the necessity for a school site and/or facilities, if any, within the subdivision and shall present this information to the Planning Department prior to the consideration of the tentative map by the Planning Commission.
5. Environmental Assessment. The subdivider shall provide additional data and information, to the satisfaction of the Town, to make a determination pursuant Section 21080.1 of the Public Resources Code regarding the appropriate environmental document to be prepared for the subdivision. As provided for in Government Code Section 65941(b), a subdivision application shall be considered incomplete until the additional environmental data and documents have been submitted. The determination that the additional data and information are satisfactory and that the application is complete shall be based upon a separately prepared list of criteria. Typical data and documents required under this section include, but is not limited to, the following:
   (A) An Arborist Report per Chapter 27.36 (Zoning Ordinance).
   (B) A Biological Assessment.
   (C) A Cultural Resources Survey.
   (D) A Traffic Impact Analysis.
   (E) An Acoustic Analysis.
6. Vesting Tentative Maps. If applicable, the subdivider shall submit any information required under Section 16-8-1225(b).
7. Other Reports. Any other data or reports deemed necessary by the Planning Department.

d. Submittal to Planning Department. The tentative map application shall be considered complete for filing only when the map conforms to Section 16-8-400(b) and when all accompanying data or reports, as required by Section 16-8-400(c), have been submitted and accepted by the Planning Department (unless specifically waived by the Planning Director in consultation with the Town Engineer). The subdivider shall file with the Planning Department the number of tentative maps the director may deem necessary. The requirements of this section may be reduced by the Planning Department, upon consultation with other agencies and departments, if the Planning Director and Town Engineer agree that

the specific requirements are not warranted or necessary based upon the scope, size, and attributes of the proposed subdivision.

1. Determination of Complete Application. The Planning Department shall determine whether the application is complete within thirty (30) days after receipt of the application and shall notify the applicant of its determination in writing. The application shall be determined as complete on the date a written "Determination of Application Status," showing a complete application, is prepared by the Planning Department and mailed to the developer.

2. Preliminary Review by Other Departments. The Planning Department may refer a subdivision application to interested departments and agencies when the Planning Department determines that the level of application information and data submitted are sufficient for meaningful preliminary evaluation, even if the application is not yet formally determined to be complete. The purpose of such initial review is to assist in early identification of issues and clarification of items needed to determine the completeness of the application.

3. Determination of Parcel Validity. As part of the Department's determination of application completeness, it may review the title report and other relevant information to determine, in addition, whether the property proposed to be subdivided constitutes a legally valid parcel. The Department may require the subdivider to submit additional information to prove that the property proposed to be subdivided is a legally valid parcel. If the Department questions the validity of a parcel, the burden shall be on the subdivider to demonstrate its legal validity.

e. Application Review.

1. The Planning Department shall forward copies of the tentative map to the affected public agencies, which may, in turn, forward to the Planning Department their findings and recommendations. Public agencies and utilities shall state that the subdivision can be adequately served.

2. The Planning Department shall also send a notice of the filing of the tentative map to the governing board of any elementary, high school, or unified school district within the boundaries of which the subdivision is proposed to be located. The notice shall also contain information about the location of the proposed subdivision, the number of units, density, and any other information that would be relevant to the affected school district. The governing board may review the notice and may send a written report to the Planning Commission. The report shall indicate the impact of the proposed subdivision on the affected school district and shall make recommendations as the governing board of the district deems appropriate. In the event the school district fails to respond within a twenty (20) day period from receipt of notice of the tentative map, the failure shall be deemed approval of the proposed subdivision by the school district. The Planning Commission shall consider the report from the school district in approving, conditionally approving, or denying the tentative map.

3. The Town's Staff Review Committee (SRC), a committee appointed by the Town Manager and comprised of representatives of development related Town departments as well as the local fire districts, may review and offer comments regarding the subdivision application. Review by the SRC typically includes application completeness, identification of issues to be resolved prior to approval, and forwarding of recommended conditions to the decisionmaking bodies.

f. Action by Town Council, Planning Commission, or Planning Director. The decisionmaker with primary responsibility to decide whether to approve a tentative map shall be as set forth in Section 16-8-210. Any decisionmaker may, however, opt to transfer the matter to the decisionmaker that would review its decision on appeal. Regardless of the decisionmaker, the following provisions shall apply to Town action on a tentative map.

1. Notice of Public Hearings. Upon the determination of a complete application, receipt of any recommendations from the Staff Review Committee, and satisfaction of the requirements of Section 21080.1 of the Public Resources Code, the application shall be set for public hearing. At least ten (10) calendar days before the public hearing, a notice shall be given of the time, date, and place of the hearing, including a general explanation of the matter to be considered, a general description of the area affected, and the street address, if any, of the property involved.

(A) Notice shall be given in the manner required by Government Code Sections 65090 and 65091, as follows:

(1) Publication once in a newspaper of general circulation;

(2) Mailing or delivery to the property owner and project applicant;

(3) Mailing or delivery to each local agency expected to provide water, sewage, streets, roads, schools or other essential facilities or services to the project; and

(4) Mailing or delivery to all owners of real property within three hundred feet of the property. If the number of owners exceeds one thousand, theTown may instead publish notice of at least one-eighth page in a newspaper of general circulation.

(B) In addition, the Town may give notice in any other manner it deems necessary or desirable.

(C) If the proposed project is a conversion of residential real property to a condominium, community apartment, or stock cooperative, notice shall be given to each tenant of the property consistent with this section and Government Code Sections 66451.3 and 66452.5(e).

2. Timing of Decision on Tentative Map. The decisionmaker shall approve, conditionally approve, or deny the tentative map and shall report its decision to (A) the Town Council, if the decisionmaker is the Planning Commission, or (B) the Planning Commission, if the decisionmaker is the Planning Director, and (C) the subdivider within fifty (50) days after certification of an environmental impact report, adoption of a negative declaration, or a determination by the Town that the project is exempt from the requirements of the California Environmental Quality Act. Timelines may be extended if the subdivision application also includes an application for rezoning or an amendment to the General Plan, or if it requires discretionary legislative action under the Growth Control Ordinance.

3. Approval of Tentative Map

(A) The decisionmaker may approve or conditionally approve the tentative map, if it finds that the proposed subdivision, together with the provisions for its design and improvement, is consistent with the General Plan and any applicable specific plans and area plans, the Town's Design Standards, the zoning ordinance, and all applicable provisions of this Code, including but not limited to the Growth Control Ordinance.

(B) The decisionmaker may modify or delete any of the conditions of approval recommended in the Planning Department's report, except conditions required by Town ordinance or by the Town Engineer, related to public health and safety or to standards approved by the Town Engineer. The decisionmaker may add additional requirements as a condition of its approval.

(C) Whether or not such a condition is explicitly listed as a condition of approval, every approved tentative map shall be deemed to include a condition requiring the subdivider to defend, indemnify, and hold harmless the Town and its agents, officers, and employees from any claim, action, or proceeding against the Town or its agents, officers, or employees to attach, set aside, void, or annul an approval of the Town Council, Planning Commission, Staff Review Committee, or Town Staff concerning a subdivision. The Town shall promptly notify the subdivider of any claim, action, or proceeding and shall cooperate fully in the defense.

4. Denial. The tentative map may be denied by the decisionmaker on any of the grounds provided by this Ordinance or the Subdivision Map Act. The decisionmaker shall deny approval of the tentative map if it makes any of the following findings:

(A) That the proposed map is not consistent with the General Plan, any applicable specific or area plans, the Town's Design Standards, the zoning ordinance, or any applicable provision of this Code. Additionally, the tentative map shall be denied if there are insufficient growth control allocations available under the Growth Control Ordinance;

(B) That the design or improvement of the proposed subdivision is not consistent with the General Plan or any applicable specific or area plans, the zoning ordinance, or any applicable provision of this Code;

(C) That the site is not physically suitable for the type of development;

(D) That the site is not physically suitable for the proposed density of development;

(E) That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. Notwithstanding the foregoing, the decisionmaker may approve such a tentative map if an environmental impact report was prepared with respect to the project and a finding is made pursuant to Section 21081(c) of the Public Resources Code that specific economic, social, or other considerations make infeasible the mitigation measures and project alternatives identified in the environmental impact report.

(F) That the design of the subdivision or the type of improvements are likely to cause serious

public health problems;

(G) That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision. In this connection, the decisionmaker may approve a map if it finds that alternate easements for access or for use will be provided, and that they will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction, and no authority is hereby granted to the decisionmaker to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.

(H) That the land is subject to a contract under the Williamson Act, and that the resulting parcels following the subdivision would be too small to sustain their agricultural use, subject to the exceptions listed in Section 66474(b) of the Subdivision Map Act.

5. Town Council Review.

(A) Any member of the Town Council may request that the Town Council review the decision of the Planning Commission or Planning Director concerning the tentative map application. If a regular meeting of the Council occurs during the period in which an appeal of the Planning Commission or Planning Director decision may be filed, then a member of the Council may make a request for review orally during that meeting. Otherwise, a member of the Council may request review of the Planning Commission or Planning Director decision by filing a written request with the Town Clerk prior to the expiration of the time during which an appeal can be made. When such review is requested by any member of the Town Council, the request shall be deemed an appeal subject to the provisions of Section 16-8-400(g)(7). However, the member of the Council shall not be required to state a ground of the appeal, and there shall be a presumption applied that the appealed action has significant and material effects on the quality of life in the Town of Windsor. Additionally, no inference of bias shall be made because of such an appeal.

(B) If the Council does not act within the time limits set forth in this Article, the tentative map shall be deemed to have been approved or conditionally approved as set forth in the Planning Commission's report, if it complies with all other applicable provisions of the Subdivision Map Act, this Code, and the General Plan.

6. Extension of Time for Planning Director, Planning Commission or Town Council Action. The time limits set forth above for acting on the tentative map may be extended by mutual consent of the subdivider and the Planning Director, the Planning Commission, or the Town Council.

7. Appeals of Tentative Map Decisions.

(A) Tentative map decisions of the Planning Director may be appealed to the Planning Commission, and decisions of the Planning Commission may be appealed to the Town Council, by the subdivider, any tenant of the subject property, or any other interested person adversely affected by the action, including a member of the Town Council, as provided for in subsection (5).

(B) Any appeal must be filed in writing and accompanied by the required fee. Appeals of a decision of the Planning Commission shall be filed with the Town Clerk; appeals of a decision of the Planning Director shall be filed with the Planning Department. All appeals must be filed within ten (10) days after the action being appealed. The appellant shall state the basis for the appeal. The Council or Commission shall consider the appeal within thirty (30) days, unless the subdivider consents to a continuance. The appeal shall be a public hearing after notice has been given pursuant to Section 16-8-400(g)(1). In addition, notice shall be given to the subdivider and the appellant.

(C) Upon conclusion of the public hearing, the Council or Commission shall, within seven (7) days, render its decision. The review on appeal shall not be limited to the issues stated in the appeal. The reviewing authority may sustain, modify, reject, or overrule any recommendations or rulings in the decision being appealed and may make such findings as are consistent with the provisions of this Chapter or the Subdivision Map Act.

(D) At the hearing, the appellate body may consider any issue involving the matter that is the subject of the appeal, in addition to the specific grounds of the appeal. The reviewing authority may:

(i) Affirm, affirm in part, or reverse the action, the determination, or the decision that is the subject of the appeal;

(ii) Adopt additional conditions of approval that may address issues or concerns other

than the subject of the appeal. New conditions of approval shall be based upon substantial evidence in the record of the appeal, which may include information not presented during the hearing on the decision that is the subject of the appeal; or

(iii) Disapprove the tentative map, even though the appellant only requested a modification or elimination of one or more conditions of approval.

(E) If new or different evidence is presented on appeal, the Commission or Council may refer the matter to the prior decisionmaker for further consideration.

g. Expirations and Extensions.

1. Expiration.

(A) The approval or conditional approval of a tentative map shall expire twenty-four (24) months after the date of approval by the Planning Commission or, if applicable, the Town Council. However, the expiration date shall be extended in accordance with Section 66452.6(a) of the Subdivision Map Act, if the filing of multiple final maps is authorized by Section 16-8-410(b), and if the subdivider is required to provide off-site improvements in the amounts specified in Section 66452.6(a) of the Subdivision Map Act. An extension to the expiration date may be approved as provided in Section 16-8-400(h)(2).

(B) The period specified above shall not include any period of time during which a development moratorium is in effect according to Section 66452.6(b) of the Subdivision Map Act.

(C) Unless the Town Council approves a stay of the specified time period, the time period shall include any period of time during which a law suit has been filed and is pending in a court of competent jurisdiction involving the approval or conditional approval of a tentative map. Within ten (10) days of the service of the initial petition or complaint upon the Town, the subdivider shall, in writing, to the Planning Director, request a stay in the time period of the tentative map. Within forty (40) days after receiving the request, the Town Council shall either stay the time period for up to five years or deny the requested stay. The request for the stay shall be a hearing with notice to the subdivider and to the appellant, and upon conclusion of the hearing, the Town Council shall, within ten (10) days, declare its findings.

(D) Expiration of an approved or conditionally approved tentative or vesting tentative map shall terminate all proceedings and no final or parcel map of all or any portion of the real property included within the tentative map shall be filed without first processing a new tentative map.

(E) Pursuant to Government Code section 66452.6(d), if the following documents have been delivered to the Town Engineer prior to the expiration of the tentative map, processing, approval, and recording may occur after the expiration date of the tentative map.

(i) A final map, signed by the subdivider of the property, that has previously been determined by the Town Engineer to comply with all requirements of the approved or conditionally approved tentative or vesting tentative map and all other applicable Town requirements and conditions of approval. The filing shall include the original mylars and prints of the map, as required by the Town, and all applicable certificates or statements signed by the subdivider.

(ii) An executed copy of an improvement agreement, based upon the improvement plans signed by the Town Engineer, complete with all required attachments, including bonds.

(iii) An executed copy of any other agreements or instruments to be recorded with the final map in fulfillment of conditions of approval, and in the form previously reviewed and approved (where required) by the Town Attorney.

(iv) An application form to be prepared by the Town Engineer, which at a minimum, shall require the subdivider to certify that all required materials have been submitted and that, to the best of his/her knowledge, all information contained therein is correct.

(v) If no improvement agreement is required for the project, timely filing of all other materials described above before the expiration of the tentative map shall constitute a "timely filing" within the meaning of Government Code section 66452.6(d).

(F) If the Town Engineer determines that the aforementioned materials delivered to the Town Engineer do not comply with the requirements of this subsection, and the Town Engineer returns them to the subdivider, the previously established expiration date of the tentative or vesting tentative map shall remain in effect. If the subdivider subsequently fails to deliver a version of the materials required herein that complies with the requirements of this subsection before the expiration of the tentative or vesting

tentative map, pursuant to subsection (D), all proceedings related to the map shall cease, and a new tentative or vesting tentative map shall be required.

2. Extensions.

(A) Request by Subdivider. The subdivider or the engineer may request an extension of the expiration date of the approved or conditionally approved tentative map by written application to the Planning Department and payment of required fees prior to expiration of the map. The map shall automatically be extended for sixty (60) days or until the application for the extension is approved, conditionally approved, or denied, whichever occurs first.

(B) Planning Director Action. The Planning Department shall review the extension request and submit the application for the extension, together with a report, to the Planning Director at a noticed public hearing. A copy of the Department's report shall be forwarded to the subdivider prior to the hearing on the extension application. The Director may approve or deny an application. The record of the Planning Director's approval of an extension shall specify the new expiration date of the tentative map. The Planning Director may refer the decision on an extension application to the Planning Commission. The Planning Director shall refer the decision on an extension application to the Planning Commission if conditions of approval are recommended for the extension, as provided for in Section 16-8-400(g)(2)(E).

(C) Planning Commission Action. If the Planning Director refers a tentative map extension application to the Planning Commission, he or she shall submit the application and a report to the Commission at a noticed public hearing. A copy of the Planning Director's report shall be forwarded to the subdivider prior to the hearing on the extension. The Commission may approve, conditionally approve, or deny an application. The resolution adopted by the Commission approving or conditionally approving an extension shall specify the new expiration date of the tentative map.

(D) Denial of Extension. An application for an extension of a tentative map may be denied for the following reasons:

(i) Based on evidence in the record for the hearing on the extension application, circumstances surrounding the original approval have changed substantially so that the subdivision would result in one or more potentially significant and adverse environmental impacts that either

(a) were not previously identified and reduced to a less than significant level, or

(b) were previously identified but for which the adopted mitigation measures are no longer adequate to reduce an adverse environmental impact to a less than significant level.

(ii) The Town's infrastructure capacity, including any contributions from the subdivider in the form of fees or improvements, is no longer adequate to accommodate the subdivision.

(iii) Growth control allocations under the Town's Growth Control Ordinance are not available for the subdivision.

(iv) The subdivision conflicts with new policies approved by the Town Council by a resolution or ordinance adopted subsequent to the original approval or a previous extension of the tentative map.

(E) Conditions of Approval. As a condition of the extension of a tentative map, the Planning Commission, or the Town Council on appeal, may impose new conditions or revise existing conditions on the approved tentative map as recommended by the Planning Department in its report or as it may find necessary. Absent an agreement with the subdivider regarding new conditions, if at the time of an application for an extension of an expiration date, circumstances exist that would justify the denial of a map, as provided for in the Map Act and section 16-8-400(f)(4), the Council or Commission may impose additional conditions on the approval of an extension. In addition, the Council or Commission may impose new conditions on a map extension to the extent allowed by law. Tentative map extension applications that result in new or modified conditions of approval shall be approved by the Town Council or Planning Commission, and not by the Town staff.

(F) Time Limit of Extension. The expiration date may be extended pursuant to this Section for a period or periods totaling no more than five (5) years. If it chooses, the may require annual renewal for a total of five (5) years.

(G) Appeal. The subdivider or any interested person adversely affected by a decision on a tentative map extension application may appeal the decision within ten (10) days of it becoming final, in conformance with Section 16-8-400(f)(7) of this Chapter. The Town Council may seek review of a tentative map extension decision, in conformance with Section 16-8-400(f)(5).

i. Amendments to Approved Tentative Map.

1. Minor changes in the tentative map may be approved by the Planning Department upon application by the subdivider or on its own initiative, provided:

(A) No lots, units, or building sites are added;

(B) Such changes are consistent with the intent and spirit of the original tentative map approval; and

(C) There are no resulting violations of the Windsor Municipal Code.

2. Any such minor amendment shall be approved by the Planning Director and the Town Engineer and appropriately documented to their satisfaction.

3. Amendments of the tentative map that the Planning Department determines are not minor, including but not limited to amendment of conditions of approval, shall be properly noticed for public hearing and presented to the decisionmaking body for approval. In the event that (a) Town Council approval is required as part of the acceptance of a final map or related agreements, and (b) the Planning Director and Town Engineer both support the requested amendment, the hearing on the amendment may be conducted by the Town Council concurrently as part of the final map acceptance.

4. Processing of tentative map amendment applications shall be the same as for new tentative map applications, as set forth in this chapter.

5. Any approved amendment to a tentative map, including but not limited to a condition of approval, shall not alter the expiration date of the tentative map, unless the amendment application includes a request for an extension.

6. If an application to amend a tentative map includes a request to amend a condition of approval that was also a mitigation measure identified during the CEQA review process for the subdivision, then additional CEQA review may be required as part of the application.

16-8-410 Final Maps.

a. General. The form, contents, accompanying data, and filing of the final map shall conform to the provisions of this Chapter. The final map shall be prepared by or under the direction of a registered civil engineer or licensed land surveyor.

b. Phased Final Maps.

1. Multiple final maps relating to an approved or conditionally approved tentative map may be filed prior to the expiration of the tentative map under the following conditions:

A. At the time the tentative map was filed, the subdivider informed the Planning Director of the subdivider's intention to file multiple final maps on the tentative map.

B. After filing of the tentative map, the decisionmaker and the subdivider concur in the filing of multiple final maps.

2. Although the subdivider shall not be required to define the number or configuration of the proposed multiple final maps, he or she shall provide a phasing plan for project-related public improvements at the time of providing notice of intent to file multiple final maps The public improvement phasing plan shall demonstrate to the satisfaction of the Planning Commission, Town Engineer, and Planning Director that the subdivider will provide adequate infrastructure for each phase of the subdivision, as well as the subdivision as a whole. In general, completion of infrastructure necessary to serve the entire subdivision and neighboring properties, as well as infrastructure of area-wide benefit, shall be priorities of the Town in considering phasing of public improvements. Satisfaction of the public improvement phasing plan shall be made a condition of approval of the tentative map

3. The filing of a final map on a portion of an approved or conditionally approved tentative map shall not invalidate any part of the tentative map. Each final map that constitutes a part or unit of the approved or conditionally approved tentative map shall be designated as a "Phase" or "Unit" of the subdivision and numbered consecutively, starting with the number one, without duplication or omission (e.g. "Phase 1", "Phase 2", etc.).

4. Requests for approval of multiple final maps that are received following approval of the tentative map shall be considered by the Planning Commission and treated and processed in the same manner as an amendment to the tentative map.

5. When a subdivider intends to file multiple final maps, the subdivision improvement agreement(s) executed by the subdivider shall provide for the construction of improvements in a manner

that constitutes a logical and orderly development of the whole subdivision. The Town Engineer shall determine whether the phasing of improvements proposed in the subdivision improvement agreement(s) satisfies the requirements of this section, based upon the characteristics of the subdivision and surrounding development, the General Plan, any applicable specific plans or area plans, the Growth Control Ordinance, the Town's design guidelines, and any other relevant planning documents

6. Subsection 16-8-410(b) shall also govern the filing of multiple parcel maps relating to an approved tentative map.

c. Survey Required.

1. An accurate and complete survey of the land to be subdivided shall be made by a registered civil engineer or licensed land surveyor. All monuments, property lines, centerlines of streets, alleys, and easements adjoining or within the subdivision shall be tied into the survey. The allowable error of closure on any portion of the final map shall not exceed 1/10,000 for field closures and 1/20,000 for calculated closures.

2. At the time of making the survey for the final map, the engineer or surveyor shall set sufficient durable monuments to conform with the standards described in Section 8771 of the Business and Professions Code so that another engineer or surveyor may readily retrace the survey. At a minimum, the following shall be monumented before recording a final map: at least one exterior boundary line, front and rear property corners, and property line angle points. Other monuments shall be set as required by the Town Engineer.

d. Form. The form of the final map shall conform to the Subdivision Map Act and as follows:

1. 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. Statements, 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.

2. The size of each sheet shall be eighteen (18) inches by twenty-six (26) inches. A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of one inch. The scale of the map shall be not less than 1" = 100' or as may be necessary to show all details clearly, and enough sheets shall be used to accomplish this end. The particular number of the sheet and the total number of sheets comprising the map shall be stated on each of the sheets, and its relation to each adjoining sheet shall be clearly shown. When four or more sheets including the certificated sheet are used, a key map shall be included.

3. All printing or lettering on the map shall be of one-eighth inch minimum height and of such shape and weight as to be readily legible on prints and other reproductions made from the original drawings.

4. The final form of the final map shall be as approved by the Town Engineer.

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

1. Title Sheet. The title sheet shall include all of the following information and all listed certificates shall be approved by Town Engineer:

(A) The subdivision number conspicuously placed at the top of the sheet;

(B) Affidavits, certificates, acknowledgments, endorsements, acceptances of dedication and notarial seals required by law;

(C) Where the size of a subdivision permits, in lieu of a title sheet, required information may be shown on the same sheet as the final map;

(D) The date of preparation and the signed certificate of the subdivider's engineer or surveyor who prepared the map;

(E) A certificate of dedication signed by those persons having any record title interest in the land subdivided, if any land is to be dedicated for public use;

(F) A certificate enacted by all parties having any record title interest in the land subdivided, consenting to the preparation and recordation of the map; and

(G) Certificates for execution by the Town Engineer and the Town Clerk.

2. Boundary. The boundary of the subdivision shall be designated by a visually distinctive border in such a manner as not to obliterate figures or other data.

3. Title. Each sheet shall have a title showing the subdivision number and name and the

location of the property being subdivided with reference to maps that have been previously recorded, or by reference to the plat of a United States Survey. The following words shall appear in the title, "Town of Windsor, Sonoma County."

4. Statements. The following statements shall appear on the certificate sheet. The approved form of all required statements shall be kept on file in the office of the Town Engineer.

(A) Owner's Statement. A statement, signed and acknowledged by all parties having record title interest in the land subdivided, consenting to the preparation and recordation of the map and offering for dedication to the public certain specific parcels of land or easements. Exceptions are those parties having rights of way, easements, or interests that cannot ripen into a fee, or as provided in Section 66436 of the Subdivision Map Act.

(B) Trustee's or Beneficiary's Statement. A statement, signed and acknowledged by any trustees or beneficiaries of record at the time of Town Council approval of the final map, consenting to the recording of the map and any offers of dedications.

(C) Engineer's Statement. A statement by the engineer or surveyor responsible for the survey and final map shall appear on the map, including the following:

(i) The date of the survey, that the survey and final map were made by or under the direction of the engineer or surveyor, for whom the survey was completed, and that the survey is true and complete as shown.

(ii) That all the monuments are of the character and occupy the positions indicated, or that they will be set in such positions on or before a specified later date: The statement shall also state that the monuments are, or will be, sufficient to enable the survey to be retraced.

(iii)That the map complies with the Subdivision Map Act and the provisions of this Chapter.

(D) Statement of Soils and Geologic Report. When a soils report, a geologic report, or soils and geologic reports have been prepared specifically for the subdivision, such fact shall be noted as part of the final map, together with the date of such report or reports, and the name of the engineer making the soils report and geologist making the geologic report.

(E) Town Engineer's Statement. A statement by the Town Engineer stating that the map has been examined, that it conforms with the tentative map and any approved alterations thereof, including conditions of approval, that it complies with the Subdivision Map Act of the State and the provisions of this Chapter, and that it is technically correct.

(F) Town Clerk's Statement. A statement for execution by the Town Clerk stating the date and number of the resolution adopted by the Town Council approving the final map and stating that the Town Council accepted subject to improvement or rejected on behalf of the public any real property offered for dedication for public use in conformity with the terms of the offer of dedication

(G) County Clerk's Statement. A statement to be executed by the County Clerk stating that all taxes due have been paid, or that a tax bond, assuring the payment of all taxes that are a lien but not yet payable, has been filed with the County.

(H) County Recorder's Statement. A statement to be executed by the County Recorder stating that the map has been accepted for recording, that the map has been examined ,and that it complies with the provisions of State laws and local ordinances governing the recording of final maps. The statement shall show who requested the recording of the map, the time and date the map was recorded, and the book and page where the map was recorded.

4. Scale, North Point, and Basis of Bearings. There must appear on each map sheet the scale, the north point, the basis of bearings based on Zone III of the California Coordinates, and the equation of the bearing to true north. The basis of bearings shall be approved by the Town Engineer.

5. Linear, Angular, and Radial Data. Sufficient linear, angular, and radial data shall be shown to determine the bearings and lengths of monument lines, street centerlines, the boundary lines of the subdivision, the boundary lines on every lot and parcel that is a part of the subdivision, and ties to existing monuments used to establish the boundary. Arc length, radius, and total central angle and radial bearings of all curves shall be shown. Ditto marks shall not be used in the dimensions and data shown on the map.

6. Monuments. The location and description of all existing and proposed monuments shall be shown. Standard Town monuments shall be set at or on Town Engineer approved offsets from the following locations.

(A) The intersection of street centerlines;

(B) Beginning and end of curves or intersection of tangents on centerlines.

(C) At the locations set forth in Section 16-8-410(c).

(D) At other locations as may be required by the Town Engineer.

7. Lot Numbers. Lot numbers shall begin with the number one (1) in each subdivision and shall continue consecutively with no omissions or duplications, unless contiguous lands under the same ownership are being subdivided in successive units, in which event, lot numbers may begin with the next consecutive number following the last number in the preceding unit. Each lot shall be shown entirely on one sheet of the final map, unless approved by the Town Engineer. Parcels to be held in common ownership as well as parcels to be offered for dedication to public ownership shall be shown in letters, beginning with "A" and continuing consecutively with no omissions or duplications.

8. Adjoining Properties. The adjoining corners of all adjoining subdivisions shall be identified by subdivision number, or by name when not identified by official number, and by reference to the book and page of the filed map showing such subdivision; if no such subdivision is adjacent, then identification shall be by the name of the owner and reference to the recorded deed by book page number for the last recorded owner of such adjacent property.

9. Town Boundaries. Town boundaries that cross or join the subdivision shall be clearly designated.

10. Street Names. The names of all streets, alleys, or highways within or adjoining the subdivision shall be shown. The determination of street names and addresses shall be in accordance with procedures established by the Planning Department.

11. Easements.

(A) Easements for roads or streets, paths, storm water drainage, sanitary sewers, or other public use, as may be required, shall be dedicated to the public for acceptance by the Town or other public agency, and the use shall be specified on the map. All easements of record shall be shown on the map, together with the name of the grantee and sufficient recording data to identify the conveyance, such as the recorder's serial number and date or the book and page of official records.

(B) Easements not disclosed by the records in the office of the County Recorder and found by the surveyor or engineer to be existing shall be specifically designated on the map, identifying the apparent dominant tenements for which the easement was created.

(C) The sidelines of all easements of record shall be shown by dashed lines on the final map with the widths, lengths, and bearings of record. The width and location of all easements shall be approved by the Town Engineer.

12. Additional Information. The Town may require additional information to be recorded simultaneously with the final map. The additional information shall be in the form of a separate document or an additional map sheet that shall indicate its relationship to the final map, and that shall contain a statement that the additional information is for informational purposes, describing conditions as of the date of the recording, and is not intended to affect record title interest. The document or additional map sheet may also contain a notation that the additional information is derived from public records or reports and does not imply the correctness or sufficiency of those records or reports by the preparer of the document or additional map sheet. Whenever additional information is made by separate document, there shall appear on the final map a reference to the separately recorded document. This reference shall be completed by the County Recorder according to Section 66468.1 of the Subdivision Map Act.

f. Submittal for Town Approval.

1. Preliminary Submittal. The subdivider shall submit prints of the final map to the Town Engineer for checking. The preliminary prints shall be accompanied by the following data, plans, reports, and documents in a form as approved by the Town Engineer.

(A) Improvement Plans. Improvement plans as required by Section 16-8-825 of this Chapter;

(B) Soils Report. A soils report prepared in accordance with Chapter 7 of the Windsor Municipal Code and Sections 66490 and 66491 of the Subdivision Map Act, as determined to be necessary by the Town Engineer and Building Official;

(C) Title Report. A title report showing the legal owners at the time of submittal of the final map. The report must have been prepared within 60 days of the first submittal. If any change in ownership occurs during the Town's review of the final map, the subdivider shall submit an updated title

report;

(D) Improvement Agreement. In the event sewer, water, recycled water, drainage, grading, paving, or other improvements required pursuant to Sections 16-8-800 *et seq.* have not been completed prior to the presentation of the final map, an agreement in accordance with the requirements of Section 16-8-807 shall be filed for the improvement thereof. The subdivider shall secure the performance of the agreement in accordance with the requirements of Section 16-8-835.

(E) Deeds for Easements or Rights-of-way. Deeds for easements or rights-of-way required for road or drainage purposes that have not been dedicated on the final map. Written evidence acceptable to the Town in the form of rights of entry or permanent easements across private property outside of the subdivision permitting or granting access to perform necessary construction work and permitting the maintenance of the facility.

(F) Traverse Closures. Traverse closures for the boundary blocks, lots, easements, street centerlines, and monument lines.

(G) Hydrology and Hydraulic Calculations. Complete hydrology and hydraulic calculations of all storm drains;

(H) Governing Documents. If required by the Town, the submittal of the final map or parcel map for a common interest development, as defined by Section 1350 *et seq.* of the California Civil Code, shall include all governing documents for the subdivision and the proposed Declaration of Covenants, Conditions, and Restrictions described in Section 1353 of the Civil Code. The submittal of the final map or parcel map for all subdivisions other than a common interest development shall include any Declaration of Covenants, Conditions, and Restrictions proposed in connection therewith. All documents shall be subject to review and approval by the Planning Director and Town Attorney, as well as the Town Engineer, if applicable.

(I) Guarantee of Title. A guarantee of title, in a form acceptable to the Town Engineer and Town Attorney, shall be issued by a competent title company to and for the benefit and protection of the Town and shall be continued complete up to the instant of recording of the final map, guaranteeing that the names of all persons whose consent is necessary to pass a clear title to the land being subdivided, all public easements being offered for dedication, and all acknowledgments thereto appear on the proper certificates and are correctly shown on the map, both as to consents to the making thereof and affidavits of dedication where necessary.

(J) Flood Plain Information. Flood plain information, including the amount of flooding that may occur during a storm with a frequency of once in 100 years and mitigation measures necessary to protect the subdivision from flooding during a storm with a frequency of once in 100 years.

(K) Any additional data, reports, or information as required by the Town Engineer.

2. Review and Approval by Town Engineer. The Town Engineer, in consultation with the Planning Department, shall review the final map to determine if it conforms to the approved tentative map, including conditions of approval, the Subdivision Map Act, and this title. The subdivider shall make corrections and additions until the map is acceptable to the Town Engineer. The subdivider shall submit to the Town Engineer the original tracing of the map, corrected to its final form and signed by all parties required to execute the certificates on the map. Original signatures shall appear on the original drawing and on any duplicates. Upon receipt of all required certificates and submittals and the subdivider's payment of required fees, the Town Engineer shall sign the Town Engineer's Statement and present the corrected final map with accompanying documents to the Town Council for its consideration and approval.

3. Approval by Town Council.

(A) The Town Council shall approve or disapprove the final map at the meeting at which it receives the map or at its next regular meeting after the meeting at which it receives the map. The Town Council shall approve or disapprove the subdivision improvement agreement prior to approving or disapproving the final map. The Town Council shall approve the subdivision improvement agreement and the final map, if they conform with the approved or conditionally approved tentative map, the provisions of this Code that were applicable at the time of approval or conditional approval of the tentative map, and the provisions of the Subdivision Map Act.

(B) If the Town Council approves the final map, it shall at the same time accept, accept subject to improvement, or reject any offer of dedication. The Town Clerk shall certify on the final map the

action by the Town Council. If at the time the final map is approved, any streets, paths, alleys, public utility easements, rights-of-way for local transit facilities, or storm drainage easements are not accepted by the Town Council, the offer of dedication shall remain open, and the Town Council may, by resolution at any later date and without further action by the subdivider, rescind its action and accept and open the streets, paths, alleys, rights-of-way for local transit facilities, or storm drainage easements, which acceptance shall be recorded in the office of the County Recorder.

(C)The Town Council may accept any dedications lying outside the subdivision boundary that require a separate grant deed. The acceptance shall be recorded in the office of the County Recorder.

(D) If the Town Council approves the subdivision improvement agreement and final map, it shall instruct the Mayor to execute the agreement on behalf of the Town. If the subdivision improvement agreement and/or final map are unacceptable, the Council shall make its recommended corrections, instruct the Town Engineer to draft a new agreement and/or revise the final map, and defer approval until an acceptable agreement and/or final map has been resubmitted.

(E) The Town Council shall not postpone or refuse approval of a final map because the subdivider has failed to meet a tentative map condition requiring construction of off-site improvements on land that neither the subdivider nor the Town has sufficient title or interest to permit the improvements to be made. In such case the Town shall follow procedure according to Section 16-8-805(g).

5. Denial by Town Council. The Town Council shall deny the final map, if it finds that the final map is not in substantial compliance with the previously approved tentative map.

6. Filing with the County Recorder. Upon approval of the final map by the Town Council, the Town Clerk shall execute the appropriate statement on the map and forward the map, or have an authorized agent forward the map, to the County Recorder. If the subdivider dedicates property to the Town, the Town Clerk shall also prepare and forward for recording a certificate concerning the dedication as provided in Section 66477.5 of the Subdivision Map Act.

Article 5. Subdivision of Four or Fewer Parcels (Minor Subdivisions)

16-8-500 Tentative Parcel Map.

a. General. The form and contents, submittal requirements, and procedure for approval, amendment, extension, and expiration of tentative parcel maps shall be the same as provided for major subdivisions in Section 16-8-400[1], except as otherwise set forth in this section.

b. Conditions of Approval Generally. In conditionally approving the tentative parcel map, the conditions shall be limited to the following:

1. Dedications or rights-of-way, easements, and the construction of reasonable offsite and onsite improvements for the parcels being created.
2. Mitigation measures identified in the CEQA review process as necessary to reduce potential impacts of the proposed subdivision.
3. Other conditions necessary to achieve conformity between the proposed subdivision and the General Plan, applicable specific plans and area plans, the Zoning Ordinance, the Growth Control Ordinance, and building ordinances.
4. Payment of applicable fees.
5. Execution of an improvement agreement, prior to approval of the parcel map, securing construction of onsite and offsite improvements.

c. Conditions of Approval Related to Offsite Improvements. Conditions of approval for a tentative parcel map requiring construction of onsite or offsite improvements shall not require completion of construction until approval of a permit to develop the parcels created by the subdivision or until the time specified in the required improvement agreement, whichever is earlier. Notwithstanding the foregoing, if an improvement agreement is not made a condition of tentative parcel map approval, construction of onsite and offsite improvements within a reasonable time following approval of the parcel map and prior to the issuance of a permit or other grant of approval for the development of a parcel may be made a condition of approval of the tentative parcel map, upon a finding that fulfillment of the construction requirements is necessary for either of the following reasons:

1. The public health and safety.
2. The required construction is a necessary prerequisite to the orderly development of the surrounding area.

d. Extensions. The approved life of a tentative parcel map may be extended by the filing of multiple parcel maps for the subdivision, under the same conditions and subject to the same terms as for tentative maps, as provided for in Section 16-8-400(g)(1) and 16-8-410(b) of this Chapter, if and only if all offsite improvements for the subdivision have been secured as part of the approval of the first parcel map.

e. Approving Authority. In contrast to tentative maps, the Planning Director is typically the decision maker for tentative parcel maps, unless the Director elects to transfer the matter to the Planning Commission.

16-8-510 Parcel Maps.

a. General. The form and contents, submittal, approval, and filing of parcel maps shall conform to the provisions of this Section and the Subdivision Map Act.

b. Survey Required. An accurate and complete survey of the land to be subdivided shall be made by a registered civil engineer or licensed land surveyor. All monuments, property lines, centerlines of streets, alleys, and easements adjoining or within the subdivision shall be tied into the survey. The allowable error of closure on any portion of the parcel map shall not exceed 1/10,000 for field closures and 1/20,000 for calculated closures.

c. Form. The form of the parcel map shall conform to final map form requirements as specified by Section 16-8-410(d).

d. Contents. The contents of the parcel map shall conform to final map content requirements as

[1] When the provisions of Section 16-3-500 regarding extensions is applied to a tentative parcel map, references to the Subdivision Map Act shall be to Government Code section 66463.5, and not to section 66452.6.

specified by Section 16-8-410(e); however, a Town Clerk Statement shall not be required unless the final approval of a parcel map is by the Town Council. It shall additionally include an executed improvement agreement securing construction of offsite and onsite improvements required as a condition of approving the tentative map.

e. Preliminary Submittal. The subdivider shall submit prints of the parcel map to the Town Engineer for checking. The preliminary prints shall be accompanied by copies of the data, plans, reports, and documents as required for final maps by Section 16-8-410(f)(1), including a required improvement agreement. The Town Engineer may waive any of the requirements, if the location and nature of the proposed subdivision or existing documentation demonstrates that compliance with the requirements of Section 16-8-410(f)(1) is not necessary.

f. Review and Approval by Town Engineer. The Town Engineer, in consultation with the Planning Department, shall review the parcel map to determine if it conforms to the approved tentative parcel map, including conditions of approval, the Subdivision Map Act, and this title. The subdivider shall make corrections and additions until the map is acceptable to the Town Engineer. The subdivider shall submit to the Town Engineer the original tracing of the map, corrected to its final form and signed by all parties required to execute the certificates on the map. Original signatures shall appear on the original drawing and on any duplicates. Upon receipt of all required certificates and submittals and the subdivider's payment of required fees, the Town Engineer shall approve the parcel map, if it complies with the requirements of the Subdivision Map Act, this Chapter, and the tentative map and all conditions thereof. The Town Manager or, pursuant to his or her designation, the Town Engineer may execute the required improvement agreement prior to the Town Engineer's approval of the parcel map.

g. Timing of Construction of Offsite Improvements. In the event that an improvement agreement was not required or that, pursuant to Section 16-8-500(c), the timing of construction of offsite improvements was not otherwise established as a condition of approving a tentative parcel map, the Town Engineer may, in approving a parcel map, require fulfillment of the construction requirements within a reasonable time following approval of the parcel map and prior to the issuance of a permit or other grant of approval for the development of a parcel upon a finding that fulfillment of the construction requirements is necessary for either of the following reasons:

1. The public health and safety.
2. The required construction is a necessary prerequisite to the orderly development of the surrounding area.

h. Filing with the County Recorder. The Town Engineer or authorized agent shall file the approved parcel map directly with the County Recorder.

16-8-520 Waiver of Parcel Map Requirements.

a. A subdivider may file an application for a waiver of the requirements for a parcel map in a form acceptable to the Planning Director.

1. A parcel map shall not be required for the following:

(A) Subdivisions of a portion of the operating right-of-way of a railroad corporation, as defined by Section 230 of the Public Utilities Code, that are created by short-term leases (terminable by either party on not more than 30 days' notice in writing).

(B) Land conveyed to or from a governmental agency, public entity, public utility, or for land conveyed to a subsidiary of a public utility for conveyance to that public utility for rights-of-way, unless a showing is made in individual cases, upon substantial evidence, that public policy necessitates a parcel map. For purposes of this subsection, land conveyed to or from a governmental agency shall include a fee interest, a leasehold interest, an easement, or a license.

2. The Planning Director may waive the parcel map for any other division of real property that would otherwise require a parcel map, if the division of real property otherwise satisfies the requirements of this section.

b. A complete application for a parcel map waiver shall include a complete tentative parcel map application, providing the Town with the information necessary to determine whether it can make the findings required by subsection (c) below while also providing an opportunity for continued processing of the tentative parcel map in the event that the waiver is denied. The Planning Director may, however, waive the requirement of a tentative parcel map application, if unnecessary to make the findings in

subsection (c) below. Upon receipt of a complete application for a parcel map waiver, the application shall be processed in the same manner as a tentative parcel map application. The Planning Director or other decisionmaker shall make a decision within 60 days of receiving the complete application. In the event that the Planning Director denies a request for parcel map waiver, the request may be reconsidered by the appropriate decisionmaker as part of a concurrently processed tentative map or tentative parcel map application.

c. A parcel map may be waived, as provided in this Section, only upon the following findings by the decisionmaker:

1. The proposed division of land complies with requirements as to area, improvement and design, floodwater drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection, and other requirements of this Chapter, local ordinance, the Subdivision Map Act, and the General Plan; and

2. The public purposes served by recordation of a parcel map (e.g. providing an instrument for disclosure of title restrictions, easements, agreements, and other limitations of use which are either pre-existing or are resulting from the creation of the new parcel) do not apply.

d. Upon waiving the parcel map requirement, the Town Engineer shall cause to be filed with the County Recorder a "Certificate of Compliance" for the land to be divided and a plat map showing the division. The certificate shall include a statement regarding payment of taxes for signature by the County Clerk according to Section 16-8-410(e)(4)(G).

e. A tentative map may be required for all divisions of land for which a parcel map waiver is approved.

f. Parcel map waivers shall be subject to the same conditions as those for a tentative parcel map, as set forth in Section 16-8-500(b).

g. If the Planning Director, Planning Commission, or on appeal, Town Council denies an application to waive a parcel map, the subdivider may apply for a tentative and parcel map in accordance with this Article.

Article 6. Dedications and Reservations

16-8-600 Dedication of Streets, Alleys, and Other Public Rights-of-way or Easements.

As a condition of approval of a tentative or parcel map, the subdivider shall dedicate or make an irrevocable offer of dedication of all parcels of land within the subdivision that are needed for streets and alleys (including access rights and abutters' rights), drainage and creek setback areas, trails, public greenways, scenic easements, public utility easements, and other public easements. In addition, the subdivider shall improve or agree to improve all streets and alleys (including access rights and abutters' rights), drainage and creek setback areas, trails, public utility easements, and other public easements. Improvements shall be in accordance with Article 8 of this Chapter.

16-8-610 Dedication of Land for Park and Recreation Purposes

Please refer to Chapter 3 of Title 16 of the Municipal Code.

16-8-620 School Site Dedication.

a. General. As a condition of approval of a final subdivision map, a subdivider who develops or completes the development of one or more subdivisions within a school district shall dedicate to the school district such lands as the Town shall deem necessary for the purpose of constructing thereon schools necessary to assure the residents of the subdivision adequate elementary school service.

b. Procedure. The requirement of dedication shall be imposed at the time of approval of the tentative map. If within thirty (30) days after the requirement of dedication is imposed by the Town, the school district does not offer to enter into a binding commitment with the subdivider to accept the dedication, the requirement shall be automatically terminated. The required dedication may be made any time before, concurrently with, or up to sixty (60) days after the filing of the final map on any portion of the subdivision.

c. Payments to Subdivider for School Site Dedication. The school district shall, if it accepts the dedication, repay to 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:

1. The cost of any improvements to the dedicated land since acquisition by the subdivider;
2. The taxes assessed against the dedicated land from the date of the school district's offer to enter into the binding commitment to accept the dedication;
3. Any other costs incurred by the subdivider in maintenance of such dedicated land, including interest costs incurred on any loan covering such land.

d. Exemptions. The provisions of this Section shall not be applicable to a subdivider who has owned the land being subdivided for more than ten (10) years prior to the filing of the tentative maps.

16-8-630 Reservations.

a. General. As a condition of approval of a tentative map, the subdivider shall reserve sites, appropriate in area and location, for parks, recreational facilities, fire stations, libraries, or other public uses according to the standards and formula contained in this Section.

b. Standards for Reservation of Land. If a park, recreational facility, fire station, library, or other public use is shown on an adopted specific plan or the General Plan containing a community facilities element, recreation and parks element, and/or a public building element—including implementation plans such as a Bicycle and Pedestrian Master Plan, Downtown Plan, Redevelopment Plan, and Park and Recreation Master Plan—the subdivider may be required by the Town to reserve sites as so determined by the Town in accordance with the principles and standards contained in the specific plan or General 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 development of the remaining land held by the subdivider economically unfeasible. The reserved area shall be consistent with the adopted specific plan or the General Plan and shall be in such multiples of streets and parcels as to permit an efficient division of the reserved area in the event that it is not acquired within the prescribed period.

c. Procedure. The public agency for benefit of which 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 improvements, unless the period of time is extended by mutual agreement.

d. Payment to Subdivider. The purchase price shall be the fair market value thereof at the time of the filing of the tentative map plus the taxes against such reserved area from the date of the reservation and any other costs incurred by the subdivider in the maintenance of the reserved area, including interest costs incurred on any loan covering the reserved area.

e. Termination. If the public agency for the benefit of which an area has been reserved does not enter into a binding agreement, the reservation of such area shall automatically terminate.

16-8-640 Claims of Excessive Dedications.

If tentative or vesting tentative map approval contains a condition requiring a dedication that the subdivider claims is excessive, claims shall be processed according to Section 66475.4 of the Subdivision Map Act.

Article 7. Common Interest Development (Condominium) Conversion--RESERVED

Article 8. Subdivision Improvements

16-8-800 General standards.

a. The subdivider shall design and construct all required improvements on-site and off-site in accordance with Town design standards, detail drawings and construction specifications, as provided by this Chapter and as adopted by the Town. Subject to the Subdivision Map Act, the Town Engineer may authorize an exception to the construction standards in this Chapter

b. A decision or interpretation by the Town Engineer regarding the specifications, details or design of improvements is final unless appealed as provided for in this Chapter.

c. No parcel map or final map shall be approved until the subdivider either completes the required improvements or enters into an improvement agreement with the Town.

16-8-810 Improvements Required.

a. General. All improvements required as tentative map conditions of approval or by Town ordinance or resolution, together with the required improvements set forth below, are required of all subdivisions.

b. Frontage Improvements. The frontage of each lot shall be improved to its ultimate adopted geometric section, including, but not limited to, street structural section, curbs, sidewalks, driveway approaches, and transitions. Transit facilities (bus shelters, bus turnouts and bus pads) shall be provided on a collector street or major street when requested by the local transit authority or in accordance with an applicable plan adopted by the Town.

c. Storm Drainage. Stormwater runoff from the subdivision shall be collected and conveyed by an approved storm drain system. The storm drain system shall be designed for ultimate development of the watershed. The storm drain system shall provide for the protection of abutting and off-site properties that would be adversely affected by any increase in run-off attributed to the development. Off-site storm drain improvements may be required in this regard.

d. Sanitary Sewers. Each unit or lot within the subdivision shall be served by an approved sanitary sewer system designed for the ultimate development of the area.

e. Water Supply. Each unit or lot within the subdivision shall be served by an approved water system designed for ultimate development of the area that includes sufficient fireflow and hydrant spacing for fire protection and access to recycled water.

f. Utilities. Each unit or lot within the subdivision shall be served by gas (if required), electric, telephone, and cable television facilities.

g. Underground Utilities. All existing and proposed utilities within the subdivision and along street frontages adjacent to the subdivision shall be placed underground. For the purposes of this subsection, "utilities" shall include wires, cables and related facilities, equipment, and structures used in the distribution of electricity or in the transmission of telephone, telecommunications, telegraph, data, radio, or television signals. All existing electrical distribution lines of 21kV (21,000 volts) or less shall be placed underground. The requirement to underground existing and proposed utilities within subdivisions shall otherwise apply unless exempted by an ordinance or resolution adopted by the Town Council. The Town Council may also grant an exception to the undergrounding requirements if topographical soil or other conditions make underground installation of the facilities not feasible or desirable.

h. Streets.

1. All streets (public and private) shall be constructed to widths and grades approved by the Town Engineer, and consistent with the Town's street design standards. The subdivider shall improve the extension of all subdivision streets, highways, or public ways to the intercepting centerline of any County road or Town street. The subdivider shall also be responsible for resurfacing existing streets which are substantially disturbed or degraded in the process of providing required underground utilities necessary to provide service to the subdivision.
2. Every lot shall have access to a public or a private street.
3. All streets are subject to full frontage improvements, unless an alternative design is recommended by the Town Engineer and approved by the Town.
4. Street design shall include streetlights and street trees in accordance with established design criteria.

i. Monuments.

1. At the time of making the survey for the final or parcel map, the engineer or surveyor shall set sufficient durable monuments to conform to (a) the standards described in Business and Professions Code Section 8771 and (b) the Town standards, so that another engineer or surveyor may easily retrace the survey.

2. Interior monuments need not be set at the time the map is recorded if the engineer or surveyor certifies on the map that the monuments will be set by a specified date and if the subdivider provides security to guarantee the cost.

3. Within five days after the final setting of all monuments, the engineer or surveyor shall give written notice of the setting of the monument to the subdivider and to the Town Engineer.

j. Other Improvements. Other improvements such as street lights, fire hydrants, signs, street trees and landscaping, or fees in lieu of any of the foregoing, are required as determined by the Town Engineer in accordance with this title and Town standards and specifications.

k. Off-Site Improvements.

1. If the subdivider is required to construct off-site improvements on land in which neither the Town nor the subdivider has sufficient title or interest to allow construction, the construction of improvements and dedication of land shall be secured by a subdivision improvement agreement and the forms of security required by this Article. The Town shall, before approving the final or parcel map, require the subdivider to enter into the subdivision improvement agreement.

2. If the off-site improvements are identified as necessary for the development as part of the CEQA review process, and the subdivider has not already acquired sufficient title or legal interest in the property to be used for the improvements prior to submitting a complete subdivision application, then the Town shall defer considering approving the CEQA document and tentative map until the subdivider has attempted to acquire the necessary real property interests to construct the off-site improvements. If, after making a good-faith attempt, the subdivider is unable to acquire sufficient title or legal interest in the property necessary to construct the off-site improvements identified as part of the CEQA review process, the subdivider shall either revise the proposed project to eliminate the need for the off-site improvements or identify alternate and equivalent improvements. The Town may require additional CEQA review of the revised project or alternate and equivalent improvements.

16-8-820 Design of Subdivision Improvements.

In addition to the Design Standards identified in Sections 16-8-120 and 16-30140, the design and layout of all required improvements both onsite and offsite, public and private, shall conform to generally acceptable engineering standards, to the Town's Design and Construction Standards, and to such standards as approved by the Town Engineer.

16-8-830 Improvement Plans.

a. General. Improvement plans shall be prepared under the direction of and signed by a registered civil engineer; the form and content shall conform to the conditions of approval and to the Town design standards, detail drawings and construction specifications. Improvement plans shall include those improvements specified in this title. The Town Engineer shall determine that improvement plans comply with the requirements of this Section.

b. Supplementary Plans and Calculations. Engineering calculations, bond or other security estimates and any structural calculations as may be required by the Town Engineer shall be submitted with the improvement plans. All calculations shall be legible, systematic, signed and dated by a registered civil engineer and in a form approved by the Town Engineer.

c. Filing – Review by the Town Engineer. The subdivider shall submit copies of the preliminary improvement plans and all computations to the Town Engineer for review. Upon completion of the review, one set of the preliminary plans, with any required revisions indicated, will be returned to the subdivider. If any revisions are necessary, the subdivider shall submit the corrected improvement plans and computations to the Town Engineer. The Town Engineer shall act on the improvement plans within sixty working days of its submittal, plus extensions agreed to or necessitated by corrections.

d. Approval by the Town Engineer.

1. After the subdivider has completed all required revisions, the subdivider shall transmit the

corrected originals of the improvement plans to the Town Engineer for signature.

2. Upon finding that the required revisions have been made and that the plans conform to all applicable Town ordinances and plans, design requirements and conditions of approval of the tentative map, the Town Engineer shall sign and date the plans. The originals will be returned to the subdivider. Approval of the improvement plans shall not be construed as approval of the gas, electric, telephone, and cable television service construction plans.

3. Approval by the Town Engineer in no way relieves the subdivider or the subdivider's responsibility for the design of the improvements or for any deficiencies resulting from the design thereof or from any required conditions of approval for the tentative map. The approval of the improvement plans by the Town Engineer, or the Town Engineer's certification that no improvements are required, is a condition precedent to the approval of the final or parcel map of the subdivision.

e. Revisions to Approved Plans.

1. By Subdivider. A request by the subdivider for a revision to the approved plans, appearing necessary or desirable during construction ,shall be submitted in writing to the Town Engineer and shall be accompanied by revised drawings showing the proposed revision. If the revision is acceptable to the Town Engineer and is consistent with the tentative map, the original shall be submitted to the Town Engineer's office for initialing. The original shall be returned to the subdivider, and the revised plans shall be immediately transmitted to the Town Engineer. Construction of any proposed revision may not begin until the Town Engineer receives and approves revised plans.

2. Plan Checking and Inspection Costs for Revisions. Costs incurred by the Town for the checking of plans or calculations or inspection as a result of revisions to the approved plans shall be borne by the subdivider at actual cost. A deposit, when required, shall be submitted with the revised prints and applied toward the actual costs.

16-8-840 Subdivision Improvement Agreement.

a. Before a final map or parcel map is approved by the Town Council, the subdivider shall submit a signed subdivision improvement agreement assuring the completion of improvements within a specified time and adequate funding for their completion. The agreement will be based on the Town's standard form of subdivision improvement agreement and shall include the developer's promise to complete certain improvements within two years; to perform repairs or corrective work on the specified improvements for one year after acceptance by the Town; the time of completion; special conditions; insurance requirements; and improvement security requirements for faithful performance, labor and materials, monumentation, and warranty period.

b. The agreement must be approved as to form by the Town attorney. The executed improvement agreement shall be recorded in the office of the county recorder and shall bind the subdivider's successors-in-interest.

16-8-845 Improvement Security.

a. General. An improvement agreement, contract, or act required or authorized by the Subdivision Map Act or this title for which security is required, shall be secured as provided in this section, and subject to Town attorney approval.

b. Amount and Types of Security.

1. The subdivider shall provide the following security in the amount and forms specified:

(A) Performance security. A cash deposit, a corporate surety bond issued by an admitted surety insurer, or an instrument of credit, whichever is required by the Town Engineer, equal to one hundred percent of the total estimated construction costs to guarantee the construction or installation of all improvements.

(B) Materials and labor security. A cash deposit, a corporate surety bond issued by an admitted surety insurer, or an instrument of credit, whichever is required by the Town Engineer, equal to one hundred percent of the estimated construction cost to guarantee payment to subdivider's contractor, and to subcontractors and to persons furnishing labor, materials, or equipment for the construction or installation of improvements.

(C) Monumentation security. A cash deposit or a corporate surety bond issued by an admitted surety insurer, whichever is required by the Town Engineer, equal to one hundred percent of

estimated cost of setting all monuments within the subdivision as shown on the final map.

(D) Warranty security. Upon acceptance of any improvements by the Town, a bond or other security acceptable to the Town Engineer to guarantee the improvements throughout a one-year warranty period. The amount of the warranty security shall not be less than ten percent of the cost of construction; the Town shall retain the security throughout the warranty period.

2. As a part of the obligation guaranteed by the security, and in addition to the full amount of the security, there shall be included costs and reasonable expenses and fees, including attorneys' fees, incurred by the Town in enforcing the obligations secured.

3. The estimate of improvement costs shall be as approved by the Town Engineer and shall provide for:

(A) Total construction costs;

(B) If the security provided is a standby letter of credit, twenty percent of the total construction cost for contingencies;

(C) Increase for projected inflation computed to the estimated end of construction; and

(D) Enforcement costs calculated as twenty-five thousand dollars or five percent of the estimated construction cost, whichever is greater. These enforcement costs are not added if the security provided includes enforcement costs in addition to the face amount of the security.

c. Release of Improvement Security.

1. Performance security. In the case of public improvements to be dedicated to and accepted by the Town, the Town shall release performance security only upon acceptance of all improvements by the Town. In the case of improvements that will not be dedicated to and accepted by the Town, the Town shall release performance security only upon (1) the subdivider submitting certification by a registered civil engineer that the improvements have been constructed in accordance with the approved plans and specifications and (b) the improvements have passed any final inspections required by the responsible department. In either case, released of performance security shall also be predicated upon receipt of any required maintenance or warranty agreements and security therefor. Release and reduction of performance security shall be consistent with Government Code section 66499.7.

2. Material and labor security. Release and reduction of material and labor security shall be consistent with Government Code section 66499.7.

3. Warranty security. The Town shall release the warranty security upon satisfactory completion of the warranty period; provided:

(A) All deficiencies appearing on the warranty deficiency list for the subdivision have been corrected; and

(B) Not less than twelve months has elapsed since the acceptance of the improvements by the Town Council.

16-8-850 Construction and Inspection.

a. The construction methods and materials for all improvements shall conform to the conditions of approval, Town design standards, current California Code of Regulations, Title 24, detail drawings and construction specifications and are subject to inspection and approval by the Town Engineer.

b. Construction shall not begin until all required improvement plans are approved by the Town Engineer. Grading plans must conform to submitted improvement plans and shall provide for drainage. Grading shall not commence until the provisions of the Town grading ordinance have been met and a permit is issued by the Building Official.

c. A final report acceptable to the Town Engineer and Building Official shall be prepared for each preliminary geotechnical report. Each final report shall be submitted at the completion of the grading work, prior to the release of grading bonds, and prior to issuance of building permits. Each final report shall contain complete field data to indicate full compliance with the preliminary report and subsequent recommendations based on new information acquired during construction. The geotechnical engineer shall provide written approval as to the adequacy of the site for the intended use and shall include pad certifications and compaction reports

d. The subdivider shall notify the Town engineer one full working day before beginning any work. All work done in constructing the improvements and all materials furnished shall be subject to the inspection of the Town engineer. The Town engineer and the flood control district shall have access to the work at

all times during its construction and shall be furnished with every reasonable facility for ascertaining that the materials used and the workmanship are in accordance with the requirements of this title. If any of the work on improvements is done by the subdivider before the inspection of the improvements as required by the Town engineer, the Town engineer may reject that work, and it is deemed to have been done at the risk of the subdivider.

e. The subdivider shall prosecute the work to completion without undue delay except for inclement weather or other reasonable cause. If there is a delay in completion of the work beyond the period stated in the subdivision improvement agreement, unless an extension is approved by the Town council and the surety company, the Town council may take appropriate steps to use the security to complete the work.

f. The Town Engineer shall also inspect private streets, onsite grading, and utility systems improvements for conformance with this code and the zoning ordinance, and the Town design standards, detail drawings and construction specifications.

16-8-860 Time of Completion.

a. Major subdivisions.

1. The subdivider shall complete the improvements for a subdivision of five or more lots within two years from the effective date of a subdivision improvement agreement between the Town and subdivider, unless an extension is granted by the Town council.

2. If the subdivider fails to complete the improvements within the specified time, the Town may, by resolution of the Town council, cause the uncompleted improvements to be completed, and the parties executing the performance security shall be firmly bound for the payment of all costs.

b. Minor subdivisions.

The completion of improvements for subdivisions of four or fewer parcels is not required until a permit or other grant of approval for the development of a lot within the subdivision is applied for. However, the Town may require completion of the improvements within twenty-four months from the recording of the parcel map when it finds that the completion of the improvements is necessary for public health or safety or for the orderly development of the surrounding area. The decisionmaker may make this finding at the time of tentative map approval. A subdivision improvement agreement shall be required to secure the required improvements.

c. Extensions.

1. The Town council may extend the completion date upon written request by the subdivider and the submittal of adequate evidence to justify the extension. The request shall be made at least thirty days before expiration of the subdivision improvement agreement. No extension shall be granted if any lot within the subdivision has been sold.

2. The subdivider shall enter into a subdivision improvement agreement extension with the Town. The agreement shall be prepared by the Town Engineer, approved as to form by the Town Attorney, executed by the subdivider and surety and transmitted to the Town Manager for his or her consideration. The Town Manager may approve extensions or refer them to the Town Council.

3. In passing upon a request for a subdivision improvement agreement extension, the Town Manager may require the following:

(A) Revision of improvement plans to provide for current design and construction standards when required by the Town Engineer;

(B) Revised improvement construction estimates to reflect current improvement costs as approved by the Town Engineer;

(C) Increase of improvement securities in accordance with revised construction estimates;

(D) Increase of inspection fees to reflect current construction costs; however, inspection fees are not subject to decrease or refund; and

(E) The Town Manager as a condition to approving a time extension for the completion of improvements may impose additional requirements relating to the physical improvements, considered necessary to bring the project into compliance with current ordinances, standards and policies.

4. The subdivider shall pay the costs incurred by the Town in processing the extension request and extension agreement.

16-8-865 Acceptance of Improvements.

a. When the subdivider has completed all improvements, corrected all deficiencies, and submitted record drawings of the improvements, the Town shall consider the subdivision improvements for acceptance. The Town Council shall act by resolution accepting any previously rejected improvements for maintenance and also accepting the public streets and easements for these improvements.

b. When dedications of rights-of-way, dedications of easements or improvements are accepted for public purposes, the Town Clerk shall file a notice with the county recorder.

16-8-870 Supplemental Improvement Capacity.

a. As a condition of approval of a tentative 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 Town shall, subject to the provisions of Sections 66486 and 66487 of the Government Code, 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.

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

1. 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.
2. The contribution to the subdivider of that part of the cost of the improvements that is attributable to the benefit to real property outside the subdivision and the levy of a charge upon the real property benefited to reimburse the Town for such costs, together with interest thereon, if any, paid to the subdivider.
3. The establishment and maintenance of local benefit districts for the levy and collection of such charge or costs from the property benefited.

c. If the Town Council determines to reimburse the subdivider through the creation of a benefit district, the following procedure shall be followed:

1. The Town Engineer shall prepare a report calculating the amount of the fee to be imposed on each benefited property. The report shall show that there is a reasonable relationship between the amount of the fee to be imposed on each benefited property and cost of the improvements constructed by the subdivider attributable to each benefited property.
2. Prior to approving the formation of the district and the fee, the Town Council shall hold a public hearing.
3. At least 14 days before the public hearing, the Town shall mail written notice of the hearing to the owners of benefited properties. The notice shall identify the improvements to be funded by the fee and the amount of the fee to be imposed on the benefited property. The notice shall additionally inform the owners of benefited properties that the report will be made available to them for review.
4. At the conclusion of the public hearing, the Town Council may approve by resolution the formation of the benefit district and the imposition of the fee to reimburse the subdivider for the costs of the improvements.
5. The public hearing may, but is not required to, be held at the same time as Town Council consideration of a subdivision improvement agreement and acceptance of a final map. In that event, the proposed fee shall be based upon the estimated cost to construct the improvements and shall be revised to reflect the actual cost of construction subsequent to acceptance by the Town Council.

16-8-880 Deferred Improvement Agreements.

Although a subdivision improvement agreement is required for all subdivisions to ensure the construction of all improvements necessary to be completed as part of the development, the Town may permit some improvements to deferred until a later date. When the Town allows improvements to be deferred, the owner shall enter into an agreement with the Town in a form acceptable to the Town Engineer and Town Attorney for the installation of all deferred improvements at a time in the future as specified by the Town.

The agreement shall provide all of the following:

a. The owner shall begin construction of improvements within ninety days of the receipt of the notice to proceed from the Town, or as mutually agreed upon in writing. The agreement may require the owner to deposit 100% of the estimated cost of the improvements with the Town or to provide other security for their construction, consistent with the requirements of this Article.

b. In the event of default by the owner, the Town is authorized to cause construction of the improvements to be done and charge the entire cost and expense to the owner, including interest from the date of notice of said cost and expense until paid. The interest rate shall be consistent with the requirements of Article 15, Section 1 of the California State Constitution.

c. The agreement shall be recorded with the County Recorder at the expense of the owner, and shall constitute notice to all successors and assigns of the title to the real property of the obligations set forth therein, and shall also constitute a lien in such amount necessary to fully reimburse the Town, including interest as provided above, subject to foreclosure in the event of a default in payment. The obligations under the agreement shall run with the property and constitute a lien against it.

d. In the event of litigation occasioned by any default of owner, the owner agrees to pay all costs involved, including reasonable attorney's fees. Those costs shall become a part of the lien against the real property. The construction of deferred improvements shall conform to this title and all applicable provisions of this code in effect at the time of construction.

Article 9. Reversions to Acreage

16-8-900 General.

Subdivided property may be reverted to acreage pursuant to provisions of this Article and the Subdivision Map Act. This Article shall apply to final and parcel maps.

16-8-910 Initiation of Proceedings.

a. By Owners. Proceedings to revert subdivided property to acreage may be initiated by petition of all of the owners of record of the property. The petition shall be in a form prescribed by the Town Engineer. The petition shall contain the information required by Section 16-8-920 and such other information as required by the Town Engineer.

b. By Town Council. The Town Council, at the request of any person or on its own motion may, by resolution, initiate proceedings to revert property to acreage. The Town Council shall direct the Town Engineer to obtain the necessary information to initiate and conduct the proceedings and to file a Notice of Intent to Revert to acreage with the County Recorder for recording.

16-8-920 Contents of Petition.

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

a. Evidence of title to the real property;

b. Evidence of the consent of all of the owners of an interest in the property;

c. Evidence that none of the improvements required to be made have been made within two years from the date the final map was filed for record, or within the time allowed by agreement for completion of the improvements, whichever is later;

d. Evidence that no lots shown on the final or parcel map have been sold within five (5) years from the date such final or parcel map was filed for record;

e. A tentative map in the form prescribed by Section 16-8-400 or Section 16-8-500 of this Chapter;

f. A final or parcel map in the form prescribed by Section 16-8-410 or Section 16-8-510 of this Chapter, which delineates dedications that will not be vacated and dedications required as a condition to reversion. Final or parcel maps shall be conspicuously designated with the title, "The Purpose of this Map is a Reversion to Acreage;"

16-8-930 Submittal of Petition to Town Engineer.

The final or parcel map for the reversion together with all other data as required by this Article shall be submitted to the Town Engineer for review.

Upon finding that the petition meets with all the requirements of this Chapter and the Subdivision Map Act, the Town Engineer shall submit the final or parcel map, together with a report and recommendations of approval or conditional approval of the reversion to acreage, to the Town Council for its consideration.

16-8-940 Town Council Approval.

a. A public hearing shall be held by the Town Council on all petitions for initiations for reversions to acreage. Notice of the public hearing shall be given as provided in Section 16-8-400(g)(1). The Town Engineer may give other notice that he or she deems necessary or advisable.

b. The Town Council may approve a reversion to acreage only if it finds and records by resolution that:

1. Dedications or offers of dedication to be vacated or abandoned by the reversion to acreage are unnecessary for present or prospective public purposes; and

2. One of the following:

(A) All owners of an interest in the real property within the subdivision have consented to reversion;

(B) None of the improvements required to be made have been made within two years from the date the final or parcel map was filed for record or within the time allowed by agreement for completion of the improvements, whichever is later, or

(C) No lots shown on the final or parcel map were sold within five (5) years from the date such map was filed for record.

c. The Town Council may require as conditions of the reversion:

1. That the owners dedicate or offer to dedicate streets, public rights-of-way, or easements;
2. The retention of all or a portion of previously paid subdivision fees, deposits, or improvement securities, if necessary to accomplish any of the provisions of this Chapter;
3. Such other conditions as are necessary to accomplish the purposes of this Chapter or necessary to protect the public health, safety, or welfare.

16-8-950 Filing with County Recorder.

Upon approving the reversion to acreage, the Town Engineer or an authorized representative shall transmit the final or parcel map, together with the Town Council resolution approving the reversion, to the County Recorder for recordation.

Reversion shall be effective upon the final map being filed for record by the County Recorder. Upon filing, all dedications and offers of dedication not shown on the final or parcel map for reversion shall be of no further force and effect.

Article 10. Parcel Mergers

16-8-1000 Mergers not Required.

Except as otherwise provided in this Article, two or more contiguous parcels or units of land that have been created under the provisions of this Chapter or the Subdivision Map Act shall not merge solely by virtue of the fact that the contiguous parcels are held by the same owner. No further proceedings under this Chapter shall be required for the purpose of sale, lease, or financing.

16-8-1010 Mergers Required.

Two or more contiguous parcels or units held by the same owner shall be considered as merged, if any one of the contiguous parcels or units held by the same owner does not conform to the standards for minimum parcel size, under the Zoning Ordinance, and if all the following requirements are satisfied:

a. At least one of the affected parcels is undeveloped by any structure for which a building permit was issued or for which a building permit was not required at the time of construction; is developed only with an accessory structure or accessory structures; or is developed with a single structure, other than an accessory structure, that is also partially sited on a contiguous parcel or unit.

b. With respect to any affected parcel, one or more of the following conditions exists:

1. Comprises less than 5,000 square feet in area at the time of the determination of merger.
2. Was not created in compliance with applicable laws and ordinances in effect at the time of its creation.
3. Does not meet current standards for sewage disposal and domestic water supply.
4. Does not meet slope stability standards.
5. Has no legal access that is adequate for vehicular and safety equipment access and maneuverability.
6. Its development would create health or safety hazards.
7. Is inconsistent with the General Plan and any applicable specific plan, other than minimum lot size or density standards.

For purposes of determining whether contiguous parcels are held by the same owner, ownership shall be determined as of the date that notice of intention to determine status is recorded.

Subsection (b) shall not apply if one or more of the contiguous parcels or units complies with Sections 16-8-1070(b)(1) through (4).

16-8-1020 Notice of Intention to Determine Status.

Prior to recording a notice of merger, the Town Engineer shall mail, by certified mail, a notice of intention to determine status to the current record owner of the property. The notice shall state that the affected parcels may be merged and the owner may request a hearing before the Town Engineer to present evidence that the property does not meet the criteria for merger. The notice of intention to determine status shall be filed for record at the office of the Sonoma County Recorder on the same day that the notice is mailed to the property owner.

16-8-1030 Hearing on Determination of Status.

The owner of the affected property may file a written request for a hearing with the Town Engineer within thirty (30) days after recording of the notice of intention to determine status. Upon receipt of the request, the Town Engineer shall set a time, date, and place for a hearing and notify the owner by certified mail. The hearing shall be conducted within thirty (30) days following the receipt of the owner's request or may be postponed or continued by mutual consent of the Town Engineer and the property owner.

At the hearing, the property owner shall be given the opportunity to present any evidence that the affected property does not meet the requirements of Section 16-8-1010.

At the conclusion of the hearing, the Town Engineer shall make a determination that the affected parcels are to be merged or are not to be merged and shall so notify the owner of the determination.

16-8-1040 Determination of Merger.

If the Town Engineer makes a determination that the parcels are to be merged, a determination of merger shall be recorded within ninety (90) days of the mailing of the notice of the hearing to the owner. The determination of merger shall specify the name of the record owners and a description of the property.

If the Town Engineer makes a determination that the parcels shall not be merged, a release of the notice of intention to determine status shall be recorded and a clearance letter mailed to the owner.

16-8-1050 Determination When No Hearing is Requested.

If the owner does not file a request for a hearing within thirty (30) days of the recording of the notice of intention to determine status, the Town Engineer may, at any time, make a determination that the parcels are or are not to be merged. If they are to be merged, a determination of merger shall be recorded within ninety (90) days of the mailing of the notice of intent to determine status.

16-8-1060 Request to Merge by Property Owner.

Upon request of the legal owner of contiguous parcels, the Town Engineer may approve, pursuant to Government Code Section 66499.20 3/4, the merger of the parcels without reverting to acreage. Any such request shall be in writing, signed by all owners, and accompanied by an executed "assessor's combining agreement" and such other data, documents or maps as may be required by the Town Engineer to illustrate or legally describe the proposed configuration. In approving the combination of parcels, the Town Engineer may impose reasonable conditions. Upon approval, a certificate of merger in a form approved by the Town Attorney shall be recorded with the county recorder. The filing of the certificate of merger shall constitute legal merger of the land affected thereby.

16-8-1070 Unmerger of Parcels.

Any parcel that has merged under the provisions of any law prior to January 1, 1984, and for which a notice of merger has not been recorded prior to January 1, 1984, shall be unmerged if on that date:

a. The parcel meets each of the following criteria:

1. Contains at least 5,000 square feet in area.
2. Was created in compliance with applicable laws and ordinances in effect at the time of its creation.
3. Meets current standards for sewage disposal and domestic water supply.
4. Meets slope density standards.
5. Has legal access that is adequate for vehicular and safety equipment access and maneuverability.
6. Its unmerger and development would create no health or safety hazards.
7. The unmerged parcel would be consistent with the General Plan and any applicable specific plan, other than minimum lot size or density standards.

b. And, with respect to the parcel, none of the following conditions existed on or before July 1, 1981:

1. One or more of the contiguous parcels or units of land is enforceably restricted open-space land by a contract, agreement, scenic restriction, or open-space easement.
2. One or more of the contiguous parcels or units of land is timberland or is land devoted to an agricultural use.
3. One or more of the contiguous parcels or units of land is located within 2,000 feet of the site on which an existing commercial mineral resource extraction use is being made, whether or not the extraction is being made with a use permit issued by the Town.
4. One or more of the contiguous parcels or units of land is located within 2,000 feet of a future commercial mineral extraction site as shown on a plan for which a use permit or other permit authorizing commercial mineral extraction has been issued by the Town.

16-8-1080 Request for Determination by Owner.

Upon written application made by the owner, the Town Engineer shall make a determination that the affected parcels have merged or are to be unmerged. If the Town Engineer determines that the parcels have not merged, a Certificate of Compliance shall be issued and recorded. If the Town Engineer

determines that the parcels have merged and that they meet the requirements for unmerger in Section 16-8-1070, a Certificate of Compliance shall be issued and recorded. If the Town Engineer determines that the parcels have merged and do not meet the requirements in Section 16-8-1070, a Notice of Merger specifying the record owner and a description of the parcel shall be issued to the owner and recorded.

Article 11. Correction and Amendments of Maps

16-8-1100 Requirements.

a. After a final parcel map is filed in the office of the County Recorder, it may be amended by a certificate of correction or an amending map as provided for in this Article.

b. Corrections.

1. A certificate of correction may be used to make only the following changes:

(A) To correct an error in any course or distance shown on the recorded map.

(B) To show any course or distance that was omitted from the recorded map.

(C) To correct an error in the description of the real property shown on the recorded map.

(D) To indicate monuments set after the death, disability, replacement, or retirement from practice of the engineer or surveyor charged with responsibility for setting monuments.

(E) To show the proper location of any monument that has been changed in location or character, or that originally was shown at the wrong location or incorrectly as to its character.

(F) To correct any other type of map error or omission as approved by the Town Engineer, which does not affect any property right. Errors and omissions may include but not be limited to lots and numbers, acreage, street names, and identification of adjacent record maps. Error does not include changes in courses or distances from which an error is not ascertainable from the data shown on the final or parcel map.

2. The Town Engineer may approve certificates of correction without a public hearing.

c. Modifications.

1. Any modification of a recorded final or parcel map that cannot be made by a certificate of correction, as listed above, shall require the approval and recordation of an amended final or parcel map. Modifications requiring an amended final or parcel include, but are not limited to, changes that make any or all of the conditions of the map no longer appropriate or necessary.

2. Modifications of recorded final and parcel maps shall be processed and set for public hearing as provided for in Sections 16-8-400 and 16-8-500, respectively. The decisionmaker shall confine the hearing to consideration of and action on the proposed modification.

16-8-1110 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 16-8-410 (10-1.403), if a final map, or Section 16-8-510, if a parcel map. The certificate of correction shall set forth in detail the corrections made and show the names of the present fee owners of the property affected by the correction.

16-8-1120 Submittal and Approval by the Town Engineer.

The amending map or certificate of correction, complete as to final form, shall be submitted to the Town Engineer for review and approval.

The Town Engineer shall examine the amending map or certificate of correction, and if the only changes made are those in Section 16-8-1100, that fact shall be certified on the amending map or certificate of correction.

16-8-1130 Filing with the County Recorder.

The amending map or certificate of correction certified by the Town Engineer shall be filed in the office of the County Recorder in which the original map was filed. Upon such filing, the County Recorder shall index the names of the fee owners and the appropriate subdivision designation shown on the amending map or certificate of correction in the general index and map index respectively. The original map shall be deemed to have been conclusively so corrected and shall impart constructive notice of all the corrections in the same manner as though upon the original map.

Article 12. Vesting Tentative Maps

16-8-1200 Citation and Authority.
This Article is enacted pursuant to the authority granted by Chapter 4.5 (commencing with Section 66498.1) of Division 2 of Title 7 of the Government Code of the State of California (hereafter "Vesting Tentative Map Statute").

16-8-1205 Purpose and Intent.
It is the purpose of this Article to establish procedures necessary for the implementation of the Vesting Tentative Map Statute and to supplement the provisions of the Subdivision Map Act and this Chapter. Except as otherwise set forth in the provisions of this Ordinance, the provisions of this Chapter relating to tentative maps shall also apply to vesting tentative maps.

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

16-8-1210 Consistency.
No land shall be subdivided and developed pursuant to a vesting tentative map for any purpose that is inconsistent with the General Plan and any applicable specific plan or that is not permitted by this Chapter or other applicable provisions of the Municipal Code.

16-8-1215 Definitions.
a. A "vesting tentative map" shall mean a "tentative map" as defined in this Chapter, that shall have printed conspicuously on its face the words "Vesting Tentative Map" at the time it is filed in accordance with Section 16-8-1225 and that is thereafter processed in accordance with the provisions hereof.
b. All other definitions set forth in this Chapter are applicable.

16-8-1220 Application.
a. Whenever a provision of the Subdivision Map Act, as implemented and supplemented by this Chapter, requires the filing of a tentative map or tentative parcel map a vesting tentative map may instead be filed, in accordance with the provisions hereof.
b. If a subdivider does not seek the rights conferred by this Article, the filing of a vesting tentative map shall not be a prerequisite to any approval for any proposed subdivision, permit for construction, or work preparatory to construction.

16-8-1225 Filing and Processing.
A vesting tentative map shall be filed in the same form and have the same contents, accompanying data, and reports and shall be processed in the same manner as set forth in this Chapter for a tentative map except as hereinafter provided:
a. At the time a vesting tentative map is filed, it shall have printed conspicuously on its face the words "Vesting Tentative Map."
b. At the time a vesting tentative map is filed, a subdivider shall also file and supply the following information. An application shall not be deemed complete unless accompanied by the following:
1. Boundary survey map prepared by a registered Land Surveyor.
2. Detailed improvement plans for all roads, streets, highways, and ways in the proposed subdivision including the location , names, exact widths, curve radii and grades, typical section, and an indication as to whether the facility is intended to be public or private. Details of curbs, gutters, sidewalks and other improvements shall be shown and shall be of such scale so as to show clearly all details thereof;.
3. Precise drainage and flood control plans, including cross-sections for all creeks, streams, channels, and the like. All lot drainage, including easements required for lot-to-lot drainage and off-site drainage shall be addressed. Additionally, all proposed erosion control measures shall be included.

4. Precise sewerage plans and a capacity study of the downstream collector sewer.

5. Precise water supply plans.

6. Final grading plans, showing existing and proposed grades, the extent of cut and fill, slope angle of all banks, spot elevations at the top of cuts and toe of fills for all hillside grading, any existing or proposed retaining walls, and sections at lot lines and subdivision boundaries. Contour lines shall have one foot intervals for zero to five percent cross slope, and five-foot (maximum) intervals for over five percent cross slope. All grades and elevation shall bee based on Town datum. The scale shall be sufficiently large to show the details of the plan clearly (preferable one inch equals 100 feet).

7. Location, delineation and dimensions of parking spaces for each lot, unit or building in compliance with the zoning ordinance.

8. Precise location of building envelopes for proposed buildings and precise location and setbacks for existing buildings.

9. Location and approximate boundary of all proposed public areas.

10. Landscaping plans including species, can size, and irrigation and maintenance plans.

11. A soils report based upon adequate tests and prepared by a registered Civil Engineer or registered engineering geologist which addressed and resolves all questions of stability and fault setbacks.

12. A geological report based upon adequate tests and prepared by a registered Civil Engineer or registered engineering geologist which addressed and resolves all questions of stability and fault setbacks.

13. A statements from the Sonoma County Water Agency setting forth the nature, type, and extent of public infrastructure and services which will, during the life of the proposed vesting tentative and final maps be needed to serve the area in which the subdivision is to be located.

14. Unless specifically deemed unnecessary by the Town Engineer, a traffic study prepared by a registered Traffic Engineer in the format requested by the Town.

15. Where applicable, a written agreement from the Town regarding affordable housing requirements.

16. All information deemed necessary to complete an initial study of environmental significance. (Among the materials which could be required to satisfy this item are a noise study, a biological resources study, and a historical/cultural resources analysis. Other items will be required as necessary or appropriate based on location and project description).

17. Pedestrian circulation and emergency vehicle access.

18. In the case of a map creating condominiums, townhouses, multifamily housing, a planned development, or where otherwise determined applicable by the Planning Director, the following additional material shall be required, but need not be shown on the map:

(A) Proposed height, size and footprint of all buildings and precise building locations,

(B) Architectural plans for all buildings including floor plans, elevations, perspectives as necessary to illustrate design concept, color and materials samples and proposed signs,

(C) Precise plan of all common areas including location of sidewalks and walkways to serve all units, location of recreational and other common usage facilities, and an exterior lighting plan,

(D) Precise plans of all individual lots including location of patios, fences and walkways,

(E) Precise plans of all garages, carports, parking spaces and loading spaces as well as plans of any areas of common trash collection facilities and/or gang-type mailboxes,

(F) Summary statement on net and gross densities, areas of public and private open space, coverage of land by structures, number and type of units, uses to which the building will be put, required and proposed number of parking and loading spaces, and maintenance of all common facilities.

19. Proposed Conditions, Covenants, and Restrictions (CC&Rs) plus any other agreements or legal instruments required based upon the proposed design of the subdivision.

20. When required by the Planning Director, an economic analysis, including analysis of the market for the subdivision.

21. Such additional information as may be required by the Planning Director.

16-8-1230 Expiration.

The approval or conditional approval of a vesting tentative map shall expire at the end of the same

time period, and shall be subject to the same extensions, established by this Chapter for the expiration of the approval or conditional approval of a tentative map.

16-8-1235 Vesting on Approval of Vesting Tentative Map.

a. 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 Government Code Section 66474.2, which generally marks the point of vesting at the time that the Town determines that the vesting tentative map application is complete. The nature of a subdivider's vested rights shall depend on the content of the applicable ordinances, policies, and standards themselves.

However, if Section 66474.2 of the Government Code is repealed, the approval or conditional approval of a Vesting Tentative Map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies, and standards in effect at the time the vesting tentative map is approved or conditionally approved.

b. Notwithstanding subdivision (a), a permit, approval, extension, or entitlement may be made conditional or denied if any of the following are determined:

1. A failure to do so would place the residents of the subdivision or the immediate community, or both, in a condition dangerous to their health or safety, or both.
2. The condition or denial is required to comply with state or federal law.

c. The rights referred to herein shall expire, if a final map is not approved prior to the expiration of the vesting tentative map as provided in Section 16-8-1230. If the final map is approved, the rights shall last for the following periods of time:

1. An initial time period of one (1) year after recording. If several final maps are recorded on various phases of a project covered by a single vesting tentative map, the initial period shall begin for each phase when the final map for that phase is recorded. All of said final maps must be recorded within the time period set forth in Section 16-8-1230, or the vesting tentative map approval shall expire for those parcels for which final maps are not timely recorded.
2. The initial time period set forth above in subsection (c)(1) shall be automatically extended by any time used for processing a complete application for a grading permit, if such processing exceeds thirty (30) days from the date a complete application is filed.
3. A subdivider may apply for a one-year extension of the rights described herein at any time before the initial time period set forth in subsection (c)(1) expires. The request for extension shall be submitted, in writing, to the Secretary of the Planning Commission. The Planning Commission shall review any request for extension, and an extension may be granted for a maximum period of one year. A Planning Commission denial of an extension request may be appealed to the Town Council within 15 days. The Planning Commission shall deny a request for extension, unless it finds that changes to any Town Ordinances, policies, or standards that were adopted subsequent to the time of filing the vesting tentative map are not necessary to protect the public health, safety, or welfare, or if it finds that the extension is not beneficial to the public health, safety, or welfare.
4. If the subdivider submits a complete application for a building permit during the periods of time specified in subsections (a) and (c), and the building permit is approved, the rights referred to herein shall continue until the expiration of that permit or any extension of that permit.
5. A failure to comply with the time limits or periods as specified in subsections (c)(1) through (c)(4) above shall result in a loss of rights conferred by final map approval.

d. In addition to conditions otherwise allowed by statue, ordinance, plan or the Town' police power, vesting tentative maps may also be subject to a condition which identifies the nature, type, and extent of public infrastructure or services which will be needed to serve the proposed subdivision and surrounding area during the projected life of the vesting tentative and final maps and which requires that the precise amount of the subdivider's contribution toward those types of infrastructure and services shall be calculated by the applicable Town department and paid at the time that building permits are issued.

16-8-1240 Proposed Development Inconsistent with Zoning.

Should a subdivider file a vesting tentative map for a subdivision the intended development of which is inconsistent with the then-existing zoning on the property, that inconsistency shall be noted on the

tentative map. The decisionmaker shall deny approval of the proposed vesting tentative map, if at the time the decisionmaker considers the proposed map, the zoning on the property is still inconsistent with the intended development. If, however, a rezoning is requested concurrently with consideration of a vested tentative map, the vesting tentative map approval shall be conditional upon successful rezoning of the property. Any concurrent rezoning decision to accommodate the vesting tentative map is subject to referendum, in which case the approval or denial of the vesting tentative map is subject to the outcome of the referendum.

16-8-1245 Modification.

If the subdivider seeks to modify an approved or conditionally approved vesting tentative map, such modification may be granted at the discretion of the decisionmaker, following a noticed public hearing. The application for modification shall be processed and reviewed in the same manner as a tentative map. The decisionmaker may impose additional conditions on such maps. An such modifications shall not extend the life of the vesting tentative map or any rights created thereby.

16-8-1250 No Approval Prior to Final Site Plan and Design Review Approval.

No approval or conditional approval of a vesting tentative map creating any of the developments described in Section 16-8-1225(b)(18) shall be given prior to final Site Plan and Design Review approval having been previously or concurrently granted.

Article 13. Enforcement of Article Provisions

16-8-1300 Prohibition.

a. No person shall sell, lease, or finance any parcel or parcels of real property; commence construction of any building for sale, lease, or financing, except for model homes; or allow occupancy, for which a final map is required by this Chapter or the Subdivision Map Act, until a map, in full compliance with the provisions of this Chapter and the Subdivision Map Act, has been filed with the County Recorder for record.

b. No person shall sell, lease, or finance any parcel or parcels of real property; commence construction of any building for sale, lease, or financing ,except for model homes; or allow occupancy, for which a parcel map is required by this Chapter or the Subdivision Map Act, until a map, in full compliance with the provisions of this Chapter and the Subdivision Map Act, has been filed for record by the Recorder.

c. Conveyances of any part of a division of real property for which a final or parcel map is required shall not be made by parcel number, letter, or other designation, unless and until the final or parcel map has been filed for record with the County Recorder.

d. This Section does 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 regulating the design and improvement of subdivisions in effect at the time the subdivision was established.

e. Nothing contained in subdivisions (a) through (d), inclusive, shall prohibit an offer or contract to sell, lease, or finance real property or to construct improvements, the sale, lease, financing, or commencement of construction of which is expressly conditioned upon the approval and filing of a final or parcel map.

16-8-1310 Remedies.

a. Within one year after the date of discovery of the violation, any deed of conveyance, sale, or contract to sell real property, divided or resulting from a division in violation of the provisions of this Chapter or the Subdivision Map Act, is voidable at the sole option of the grantee, buyer, person contracting to purchase, heir, personal representative, or trustee in insolvency or bankruptcy. 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 assignee, heir, or devisee.

b. Any grantee or successor in interest of real property, divided or resulting from a division in violation of the provisions of this Chapter or the Subdivision Map Act, 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 the division of property. The action may be brought against the person who divided the property in violation 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 16-8-1320 (10-1.1303) or identified in a recorded final or parcel map, from and after the date of recording.

The provisions of this Section shall not limit or affect in any way the rights of a grantee or successor in interest under any other provision of law.

d. This Section does not bar any legal, equitable, or summary remedy to which the Town, other public agency, person, firm ,or corporation may otherwise be entitled. The Town and such other entities and persons may file a suit in the superior court of Sonoma County to restrain or enjoin any attempted or proposed subdivision for sale, lease, or financing in violation of this Chapter.

e. The Town shall not issue a permit or grant any approval necessary to develop any real property that has been divided or that has resulted from a division in violation of the provisions of this Chapter or the Subdivision Map Act, if it finds that development of the real property is contrary to the public health or the public safety. The authority to deny a permit or approval shall apply whether the applicant was the owner of the real property at the time of the violation, or whether the applicant is the current owner of the real property, with or without actual or constructive knowledge of the violation at the time of the acquisition of interest in the real property.

The Town, in issuing a permit or granting approval for the development of any real property illegally subdivided, may impose those additional conditions that would have been applicable to the division of the property at the time the current owner of record acquired the property. If the property has the same owner of record as at the time of the initial violation, the Town may impose conditions applicable to a current division of the property. If a conditional certificate of compliance has been filed for record, only those conditions stipulated therein shall be applicable.

16-8-1320 Certificate of Compliance.

a. Any person owning real property may request the Town Engineer to determine whether the real property complies with the provisions of this Chapter and the Subdivision Map Act.

b. Upon making a determination that the real property complies with this Chapter and the Subdivision Map Act, the Town Engineer shall cause a certificate of compliance to be filed for record with the County Recorder. The certificate of compliance shall identify the real property and shall state that the division of land complies with the Subdivision Map Act and this Chapter.

c. If the Town Engineer determines that the real property does not comply with the provisions of the Municipal Code or Subdivision Map Act, the Town Engineer may, as a condition to granting a certificate of compliance, impose conditions according to Section 16-8-1310(e). Upon making a determination and establishing conditions, the Town Engineer or authorized representative shall file a conditional certificate of compliance for record with the County Recorder. The certificate shall serve as notice to the property owner who has applied for the certificate, a grantee of the property owner, or any subsequent transferee or assignee 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.

Compliance with the conditions shall not be required until a permit or other grant of approval for development of the property is issued.

d. A recorded final or parcel map shall constitute a certificate of compliance with respect to the parcels of real property described therein.

e. A fee to be charged at actual cost shall be charged to the applicant for making the determination and processing the certificate of compliance. A deposit may be required to be applied toward the fee.

f. Each certificate of compliance or conditional certificate of compliance shall include information the Town Engineer deems necessary, including, but not limited to, all of the following:

1. Name or names of owners of the parcel.
2. Assessor parcel number or numbers of the parcel.
3. The number of parcels for which the certificate of compliance or conditional certificate of compliance is being issued and recorded.
4. Legal description of the parcel or parcels for which the certificate of compliance or conditional certificate of compliance is being issued and recorded.
5. A notice stating as follows: "This certificate relates only to issues of compliance or noncompliance with the Subdivision Map Act and local ordinances enacted pursuant thereto. The parcel described herein may be sold, leased, or financed without further compliance with the Subdivision Map Act or any local ordinance enacted pursuant thereto. Development of the parcel may require issuance of a permit or permits, or other grant or grants of approval."
6. (A) Any conditions to be fulfilled and implemented prior to subsequent issuance of a permit or other grant of approval for development of the property, as specified in the conditional certificate of parcel compliance.

(B) The Town Engineer may process applications for certificates of compliance or conditional certificates of compliance concurrently and may record a single certificate of compliance or a single conditional certificate of compliance for multiple parcels. Where a single certificate of compliance or conditional certificate of compliance is certifying multiple parcels, the single certificate of compliance or conditional certificate of compliance shall clearly identify, and distinguish between, the descriptions of each such parcel.

16-8-1330 Notice of Violation.

a. If the Town Engineer or authorized representative has knowledge that real property has been divided in violation of the provisions of this Chapter or the Subdivision Map Act, a notice of intention to

record 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 owner, describe the violation, and state that the owner will be given opportunity to present evidence. The notice shall specify the date, time, and place for a meeting at which the owner may present evidence to the Town Engineer why a notice of violation should not be recorded.

b. The meeting shall be held no sooner than thirty (30) days and no later than sixty (60) days from the date of mailing. If, within fifteen (15) days of receipt of the notice, the owner fails to notify the Town Engineer of his/her objection to the recording of the notice of violation, the Town Engineer shall record it. If, after the owner presents evidence, the Town Engineer determines that the property has in fact been illegally divided, the Town Engineer shall record the notice of violation. If, after the owner presents evidence, the Town Engineer determines that there has been no violation, the Town Engineer shall mail a clearance letter to the owner.

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

16-8-1340 Penalties.

a. Each violation of this Chapter 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 ten thousand dollars ($10,000), or by both fine and imprisonment. The Town may alternatively, in its discretion, charge such a violation as a misdemeanor. Every other violation of this Chapter is a misdemeanor.

b. Any person convicted of a misdemeanor under the provisions of this Chapter shall be punishable by imprisonment in the county jail not exceeding 6 months, by fine not exceeding one thousand dollars ($1,000), or by both.

c. Except as otherwise provided in this Chapter, each person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this Chapter is committed, continued, or permitted by such person and shall be punishable accordingly.

16-8-1350 Judicial Action.

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

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