

ORDINANCE NO.. 99-04

AN ORDINANCE OF THE CITY OF FERNDALE  
AMENDING IN ITS ENTIRETY ORDINANCE NO. 290  
PERTAINING TO REGULATIONS FOR THE DIVISION  
AND SUBDIVISION OF LAND

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ADOPTION & ATTESTMENT

ORDINANCE NO.. 99-04AN ORDINANCE OF THE CITY OF FERNDALE  
AMENDING IN ITS ENTIRETY ORDINANCE NO. 290  
PERTAINING TO REGULATIONS FOR THE DIVISION  
AND SUBDIVISION OF LAND

The City Council of the City of Ferndale does ordain as follows:

*SECTION #1. Ordinance No. 290, the Subdivision Ordinance of the City of Ferndale, is hereby amended in its entirety to read as follows:*

## SECTION 1.1 GENERAL PROVISIONS

Section 1.101 Citation and Authority.

This Ordinance is adopted to supplement and implement the Subdivision Map Act, Section 66410, et. seq. of the Government Code, and may be cited as the Subdivision Ordinance of the City of Ferndale.

Section 1.102 Purpose.

It is the purpose of this Ordinance to regulate and control the division of land within the City of Ferndale 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 from the Subdivision Design Review Committee and the Subdivision Technical Review Committee, and/or, the Planning Commission, the City Engineer, the Planning Department, and the City Council, regarding such Maps. To accomplish this purpose, the regulations outlined in this Ordinance 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 insure provision for adequate traffic circulation, utilities and services.

Section 1.103 Conformity to General Plan and Zoning Ordinance.

No land shall be subdivided and developed for any purpose which is not in conformity with the General Plan of the City of Ferndale or specifically authorized by the precise Zoning Ordinance, as amended, of the City of Ferndale.

The type and intensity of land use as shown in the Ferndale General Plan and the Ferndale Zoning Ordinance, as amended, shall determine the type of streets, utilities and services that shall be provided by the subdivider.

Section 1.104 Application.

The regulations set forth in this Ordinance shall apply to all subdivisions or parts thereof within the City of Ferndale and to the preparation of Subdivision Maps thereof and to other Maps as provided for by the Subdivision Map Act and local Ordinance. Each such subdivision and each part thereof lying within the City of Ferndale shall be made and each such map shall be prepared and presented for approval as hereafter provided for and required.

Section 1.105 Modification of Requirements.

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

## SECTION 1.2 DEFINITIONS

Access. A deeded or prescriptive right-of-way to a lot from a right-of-way maintained for the public.

Advisory Agency. A designated official or an official body charged with the duty of making investigations and reports on the design and improvements of proposed divisions of real property, the imposing of requirements or conditions thereon, or having the authority by local Ordinance to approve, conditionally approve, or disapprove Tentative Maps.

The principal advisory agency responsible for the administration of this Ordinance, and the regulating and controlling of subdivisions in a manner set forth in the Subdivision Map Act and this Ordinance, shall be the Ferndale Planning Commission.

Appeal Board. A designated board or other official body charged with the duty of hearing and making determinations upon appeals with respect to the divisions of real property and the imposition of requirements or conditions thereon; or the kinds, nature and extent of either the design or improvements, or both, recommended or decided by the advisory agency to be required.

The principal “appeal board” responsible for ensuring the proper administration of this Ordinance, and the regulating and controlling subdivisions in a manner set forth in the Subdivision Map Act and this Ordinance, shall be the Ferndale City Council.

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

California Environmental Quality Act (CEQA). The State law which, (a) defines State environmental goals and the responsibilities of local governments to assist in achieving those goals; and, (b) sets forth the requirements for the environmental analysis of proposed public and private projects, and the preparation and/or review of Environmental Impact Reports (EIR), Negative Declarations (ND) or the issuance of Exemptions.

Certificate of Compliance. The certificate the City must issue to the owner of property who has requested the City’s determination as to whether a subject property complies with the Subdivision Map Act and the local subdivision Ordinance. The City must issue either a Certificate of Compliance or a Conditional Certificate of Compliance.

CEQA. See California Environmental Quality Act.

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

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

Dedication. The offering of private land by an owner or developer, for public use, and its acceptance for such a use by the governmental agency in charge of the public function for which it will be used

Design. "Design" means: (1) street alignments, grades, and widths; (2) drainage and sanitary facilities and utilities, including alignments and grades thereof; (3) location and size of all required easements and rights-of-way; (4) fire roads and fire breaks; (5) lot size and configuration; (6) traffic access; (7) grading; (8) land to be dedicated for park or recreational purposes; and (9) such other specific physical requirements in the plan and configuration of the entire subdivision as may be necessary to ensure consistency with or the implementation of, the General Plan or any applicable specific plan. (From the definition contained in the Subdivision Map Act).

Development. For the purposes of this section, the uses to which the land which is the subject of the map shall be put, the buildings to be constructed on it, and all the alteration of the land and construction incident thereto. (From the definition contained in the Subdivision Map Act).

Easement. A nonpossessing interest held by one person or entity in land of another whereby the first person is accorded partial use of such land for a specific purpose.

Environmental analysis or review. The process mandated by CEQA to ensure that the State environmental policies are implemented, and that the impacts of a proposed project or activity are evaluated, and subject to public review, before project/activity approval.

Environmental Impact Report (EIR). A written document that assesses the environmental characteristics of an area, and contains a detailed assessment of, and statement on, a proposed project or development activity, to determine if said project or activity will have any "significant" environmental impacts or other considerations on said area, as specified in Section 22100 of the California Environmental Quality Act (CEQA).

Additionally, any significant environmental impact identified by the EIR should be

appropriately mitigated so as to lessen or avoid the impact.

Exaction. A contribution or payment required as a condition of receiving approval for a development permit or subdivision, usually referring to fees, dedications or requirements to make public improvements.

Exemption: See Notice of Exemption (from CEQA).

Final Map. A Map showing a “major” subdivision of land, usually consisting of five or more parcels, for which a Tentative and Final map is required by the Subdivision Map Act or this Ordinance, prepared in accordance with the provisions of this Ordinance and the Subdivision Map Act, and intended to be recorded in the office of the County Recorder.

Flag Lot. A lot with access to a public street by a corridor of land of considerable length and not less than 20 feet in width.

For setback purposes the front of the lot shall be as that defined as that interior lot line which is more parallel and closest to the public street, except where due to the irregularity of the shape of the lot the Planning Department may determine otherwise. In computing the area of the flag lot, the area of the corridor shall be excluded.

General Plan. The General Plan of the City of Ferndale, as amended.

Improvement. "Improvement" refers to such street work, storm drainage, utilities and landscaping to be installed, or agreed to be installed, by the subdivider on the land to be used for public or private streets, highways, and easements, as are necessary for the general use of the lot owners in the subdivision and local neighborhood traffic and drainage needs, and as a condition precedent to the approval and acceptance of the Final Map thereof; or, to such other specific improvements or type of improvements, the installation of which, either by the subdivider, by public agencies, by private utilities, by any other entity approved by the local agency, or by a combination thereof, is necessary or convenient to insure conformity to, or implementation of, the Ferndale General Plan, any adopted specific plans, and/or any applicable Ordinances of the City of Ferndale.

Improvements shall be constructed in accordance with the City of Ferndale Standard Specifications and/or when applicable with standards as adopted by local utility companies and approved by the City Engineer.

Initial Study. A preliminary environmental analysis of the proposed project or development activity, and specific itemized checklist, per CEQA, to determine whether an Environmental Impact Report (EIR) must be prepared or a Negative Declaration (ND) will be sufficient.

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

Note: Use of the words “lot” or “parcel” does not always assure or imply that said lot or parcel is separate and “legally created”.

Lot, Flag. See Flag Lot.

Lot Line Adjustment. A minor shift and/or rotation of an existing lot line, or other adjustments, between two or more adjacent legal parcels, where land taken from one parcel is added to an adjacent parcel, and, where a greater number of parcels than originally existed, is not created; as approved by the City Engineer or authorized representative.

Major Subdivision. The division of land into five (5) or more parcels, for which a Tentative Map and Final Map shall be required, pursuant to the provisions of this Ordinance and the Subdivision Map Act.

Map Act. The Subdivision Map Act of the State of California, latest edition.

Merger. The joining of two or more adjacent legal parcels of land, under one ownership, into one parcel, provided one parcel does not conform to local standards for minimum parcel size, pursuant to the provisions of this Ordinance and the Subdivision Map Act.

Minor Subdivision. The division of land into four (4) or less parcels, for which a Tentative Map may be required and a Parcel Map shall be required, pursuant to the provisions of this Ordinance and the Subdivision Map Act.

Negative Declaration. A written statement adopted by a public agency under CEQA, describing the reasons that a proposed project will not have a “significant” effect on the environment, and therefore does not require an EIR.

Notice of Exemption (i.e. Exemption). A formal review and finding that a proposed project or development activity is exempt from the requirements of CEQA.

Owner. The person or persons having record title interest in the land being subdivided, excepting those parties having rights-of-way, easements, or other interests which cannot ripen into a fee, or exceptions provided by the Subdivision Map Act.

Parcel. Interchangeable with “lot”. See Lot.

Parcel Map. A map showing a “minor” subdivision of land, usually consisting of four or less parcels, as required by the Subdivision Map Act or this Ordinance, prepared in accordance with the provisions of this Ordinance and the Subdivision Map Act, and intended to be recorded in the office of the County Recorder.

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

Planning Department. The City Planner and/or other persons as may be retained from time to time by the City of Ferndale to provide technical planning assistance to the Ferndale Planning Commission and City Council.

Preliminary Map. For the purpose of this Ordinance, a type of Tentative Map, submitted prior to the actual subdivision application and Tentative Map, typically containing less detail than a Tentative Map and sometimes accompanied by improvement plans, studies or data, which contains sufficient detail for the City to perform a “preliminary review” of the subdivision’s proposed “design” and/or “improvements” (as defined herein), and which is submitted with the intent to allow City Staff and/or Committees to make comments, recommendations and/or requests. Preliminary Maps may be submitted voluntarily by the subdivider for any and all subdivisions, and/or may be required under this Ordinance for all “major” subdivisions creating five (5) or more parcels.

Remainder. That portion of an existing parcel which is not included as part of the subdivided land. A Remainder, when “designated” as such, is not considered as part of the subdivision when counting parcels to determine whether a Final Map or Parcel Map is required, but must be shown on the required Map(s) as part of the area surrounding subdivision development, and, is subject to review in accordance with the provisions of this Ordinance and the Subdivision Map Act.

Right-of-way. Any strip or area of land, including surface, overhead, or underground, granted for specific enumerated purposes. The public may acquire this right-of-way through “express” or “implied” dedication.

Street. A public or private right-of-way which affords the principal means of access to abutting property.

Street, Dedicated. A “street” that is dedicated for public use.

Subdivision Design Review Committee (SDRC). An advisory committee, responsible for the review of Preliminary or Tentative Maps, for “major” subdivisions (5 or more parcels), for

general subdivision layout and aesthetic issues or concerns, with the authority to make recommendations for approval or conditional approval to the Planning Commission and/or the City Council.

Subdivision Technical Review Committee (STRC). An advisory committee, responsible for the review of Preliminary or Tentative Maps, for “major” subdivisions (5 or more parcels), for general “design” and/or “improvements” (as defined herein) issues or concerns, with the authority to make recommendations for approval or conditional approval to the Planning Commission and/or the City Council.

Subdivision Improvement Standards. Standard details, standard specifications, and other standards approved by the City Engineer that shall cover the improvements to be constructed pursuant to this chapter and the Subdivision Map Act.

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; except that employees and consultants of such persons or entities, acting in such capacity, are not "Subdividers".(From the definition contained in the Subdivision Map Act).

Subdivision. The division, by any “subdivider”, of any unit or units of improved or unimproved land, or any portion thereof, 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 subdivision (f) of Section 1351 of the Civil Code, or a community apartment project, as defined in subdivision (d) of Section 1351 of the Civil Code. (From the definition contained in the ~~State~~ Subdivision Map Act).

Any conveyance of land to or from a governmental agency, public entity, or public utility shall not be considered a division of land for purposes of requiring a Parcel Map, as per Section 66428 of the Subdivision Map Act.

Per Section 66412 of the Map Act a "Subdivision" does not include:

- (a) Buildings divided into apartments, offices, stores or similar space within apartment buildings, industrial buildings, commercial buildings, mobile home parks, or trailer parks for the purpose of lease or financing.
- (b) Land divided by mineral, oil, or gas leases.

- (c) Land dedicated for cemetery purposes under the Health and Safety Code of the State of California.
- (d) A lot line adjustment between two or more adjacent existing parcels, where land taken from one parcel is added to an adjacent parcel, and where a greater number of parcels than originally existed is not created, provided the lot line adjustment is approved by the City Engineer.
- (e) All other inapplicable actions granted by Section 66412 of the Subdivision Map Act, latest edition.

Subdivision Map Act. The Subdivision Map Act of the State of California, latest edition, often referred to as the Map Act. The Map Act sets forth certain mandates that must be followed for subdivision processing, and vests in the City the power, by ordinance, to regulate and control “design” and “improvements” (as defined herein) of subdivisions within its boundaries.

Subdivided Lands Act. Not to be confused with the above-noted Subdivision Map Act, the Subdivided Lands Act regulates offerings of land in subdivisions for sale or lease and is interpreted and enforced by the California Department of Real Estate.

Tentative Map. "Tentative Map" refers to a Map made for the purpose of showing the “design” and “improvement” (as defined herein) of a proposed subdivision and the existing conditions in and around it.

Tentative Parcel Map. A “Tentative Map” for a “minor” subdivision of land, for which a Parcel Map is required, usually consisting of four or less parcels, as required by, and prepared in accordance with, the provisions the Map Act or this Ordinance. May also be referred to as “a Tentative Map”.

Tentative Subdivision Map. A “Tentative Map” for a “major” subdivision of land, for which a Final Map is required, usually consisting of five or more parcels, as required by, and prepared in accordance with, the provisions the Map Act or this Ordinance. Is interchangeable with, and also known as, “a Tentative Map”.

Utility Corridors (or dedications). Right-of-ways or easements for utility lines on either publicly or privately owned property.

Vesting Tentative Map. A type of Tentative Map, that if granted, and in accordance with Chapter 4.5 of the Map Act and Section 1.503 of this Ordinance, confers a vested right to proceed and develop the project or development in accordance with the regulations, standards and policies in effect at the time said Vested Tentative Map is approved or conditionally

approved.

Zone. A portion of the territory of the City of Ferndale, within which certain uniform “zoning” regulations and requirements apply, under the provisions of the Ferndale General Plan and Zoning Ordinance. Note: Not to be confused with a “lot” or a “parcel”

Zoning Ordinance. "Zoning Ordinance" shall mean Ordinance No. 237, the Zoning Ordinance of the City of Ferndale, and subsequent amending Ordinances.

### SECTION 1.3 RESPONSIBILITIES

Section 1.301 City Attorney. The City Attorney shall be responsible for approving as to form all subdivision improvement agreements and subdivision improvement securities.

Section 1.302 City Council. The City Council shall have final jurisdiction in the approval of Parcel Maps, Final Maps and improvement agreements, and the acceptance by the City of such land and/or improvements as may be proposed for dedication to the City for any and all subdivisions.

The City Council shall act as the appeal board for hearing appeals of the approval, conditional approval or denial of all Tentative Maps, or other actions, by the Planning Commission.

Section 1.303 City Engineer. The City Engineer shall be responsible for:

- (a) Establishing design and construction details, standards and specifications;
- (b) Determining if proposed subdivision improvements, for all Tentative Maps, comply with the provisions of this chapter, the Subdivision Map Act and any other applicable City Ordinances; and for reporting the findings together with any recommendations for approval, or conditional approval, of the Tentative Map to the Planning Department.
- (c) Assisting the Planning Department, and/or other City Staff or personnel, in the prescribing of the design, kinds, nature and extent of required dedications and related improvements, necessary for all proposed subdivisions, and reporting any recommendations to the Planning Department.
- (d) The processing and certification of all Final and Parcel Maps, reversion to acreage Maps, and amended Maps; and the processing and approval of subdivision improvement plans, Lot Line Adjustments, Mergers and Certifications of Compliance.
- (e) The approval of all subdivision improvement plans, and the inspection and approval of subdivision improvements.
- (f) The review of, and acceptance of, private improvements (i.e. improvements, associated with any approved subdivision, not to be maintained by the City)

Section 1.304 City Planner. The City Planner shall be responsible for:

- (a) Processing of Preliminary and Tentative Maps, Final and Parcel Maps, and collection of all required deposits and fees.

- (b) If necessary, referring of Tentative Maps to other City Staff, personnel or departments, other governmental boards, bureaus and agencies, and/or affected utility companies, both public and private, for review and comment.
- (c) Investigating proposed subdivisions for conformity to the City's General Plan, Zoning Ordinance, and any other applicable City Ordinances; and reporting the findings together with recommendations for approval, conditional approval, or denial to the Planning Commission for all subdivisions, and to the City Engineer for Lot Line Adjustments.
- (d) With assistance from the City Engineer, and/or other City Staff or personnel, prescribing the design, kinds, nature and extent of required dedications and related improvements necessary for all proposed subdivisions, and reporting recommendations to the Planning Commission.
- (e) Assisting the City Engineer with the review of, and processing of, all Final and Parcel Maps to certify they are in substantial conformance to the approved Tentative Map.

Section 1.305 Planning Commission. The Planning Commission shall be responsible for:

- (a) Approving, conditionally approving, or denying the applications for Tentative Maps for all subdivisions of five (5) or more units or parcels, and reporting it's action to the City Council.
- (b) Approving, conditionally approving, or denying the applications for Tentative Maps for all subdivisions of four (4) or less parcels.
- (c) Prescribing the design, kinds, nature and extent of required dedications and related improvements necessary for proposed subdivisions, as guided or recommended by City Staff, personnel, departments or committees.
- (d) Hearing appeals of the approval, conditional approval, or denial of Lot Line Adjustments.

Section 1.306 Subdivision Design Review Committee (SDRC).

A Subdivision Design Review Committee shall be created for each subdivision project. The Subdivision Design Review Committee is an advisory committee, and shall be responsible for the review of Preliminary or Tentative Maps, for major subdivisions of five (5) or more parcels

or units, and shall focus its review on the general layout and/or other overall aesthetic issues associated with the subdivision, and if deemed necessary, shall make recommendations for approval or conditional approval to both the Planning Department and the Planning Commission.

The Subdivision Design Review Committee shall be comprised of a total of five (5) members, as follows: Two (2) members of the Planning Commission, as selected by the Planning Commission; Two (2) members of the community at large, as selected by the Planning Commission; The City Manager, or the City Administrator, or another member selected by the City Council.

Section 1.307 Subdivision Technical Review Committee (STRC).

The Subdivision Technical Review Committee is hereby created. The Subdivision Technical Review Committee is an advisory committee, and shall be responsible for the review of Preliminary or Tentative Maps, for major subdivisions of five (5) or more parcels or units, and shall focus its review on the “design” and/or “improvements” (as defined herein) of, and any technical issues or concerns associated with, the subdivision, and if deemed necessary, shall make recommendations for approval or conditional approval to both the Planning Department and the Planning Commission.

The Subdivision Technical Design Review Committee shall be comprised of at least three (3), and no more than five (5) members, depending on the current governmental structure of the City, and is intended to be generally as follows: The City Engineer, or other similar representative of the Engineering Department; The City Planner, or other similar representative of the Planning Department; The Director of Public Works, or other similar representative of the Public Works Department; The City Manager or the City Administrator, or other similar representative; The Mayor or another selected City Council, or community member, as selected by the City Council.

## SECTION 1.4 MAPS REQUIRED

### Section 1.401 General.

The necessity for Preliminary, Tentative, Final and Parcel Maps shall be governed by the provisions of this Ordinance.

### Section 1.402 Division of Land - Five or More Parcels.

A Preliminary, Tentative, and Final Map shall be required for all divisions of land when determined by the Planning Department that such land may be divided into five or more parcels, five or more condominiums as defined in Section 783 of the State Civil Code, a community apartment project containing five or more parcels, or for the conversion of a dwelling to a stock cooperative containing five or more dwelling units, except where any one of the following occurs:

- (a) The land before division contains less than five acres, each parcel created by the division abuts upon a maintained public street or highway and no dedications or improvements are required by the legislative body, or
- (b) Each parcel created by the division has a gross area of 20 acres or more and has an approved access to a maintained public street or highway, or
- (c) The land consists of a parcel or parcels of land having approved access to a public street or highway which comprises part of a tract of land zoned for industrial or commercial development, and which has the approval of the governing body as to street alignments and widths, or
- (d) Each parcel created by the division has a gross area of not less than 40 acres or is not less than a quarter of a quarter section.
- (e) Until January 1, 2003,(unless otherwise extended), the land being subdivided is solely for the creation of an Environmental Subdivision pursuant to Section 66418.2 of the Subdivision Map Act.

A Parcel Map shall be required for these subdivisions described in subdivisions (a), (b), (c), (d), and (e).

### Section 1.403 Division of Land - Four or Less Parcels.

A Tentative Map and Parcel Map shall be required for all divisions of lands which, as

determined by the Planning Department, create four or less parcels, except for:

- (a) Subdivisions of a portion of the operating right-of-way of a railroad corporation defined as such by Section 230 of the Public Utilities Code, which are created by short term leases (terminable by either party or not more than 30 days notice in writing), or,
- (b) Land conveyed to or from a government agency, public entity, public utility, or for land conveyed to a subsidiary for a public utility for conveyance to such public utility for rights-of-way; provided, however, that upon a showing made to the City Engineer based upon substantial evidence that public policy necessitates such a Parcel Map, this exception shall not apply, or,
- (c) When the Parcel Map is waived by the City Engineer as provided by Section 1.602.10.

Section 1.404 Lot Line Adjustments.

A Tentative Map and a Parcel Map shall not be required for a Lot Line Adjustments between two or more adjacent parcels. Those making application for a Lot Line Adjustment shall submit a "Lot Line Adjustment Plot Plan" as specified in Section 7.7 of this Ordinance.

Section 1.405 Fees and Deposits.

All persons submitting applications for approval of Maps, as required by this Ordinance, shall pay all fees and/or deposits as provided by the City's Resolution establishing fees and charges, or, as provided by this Ordinance, or, as otherwise directed by the City Council.

**SECTION 1.5 SUBDIVISION MAPS (FIVE OR MORE PARCELS)****Section 1.501 Preliminary Maps.**

**1.501.1 General.** The contents, form, submittal and processing of Preliminary Maps shall be governed by the provisions of this Section.

**1.501.2 Submittal to the Planning Department, and the Subdivision Technical Review Committee and Subdivision Design Review Committee.**

Prior to the filing of a formal application for a Tentative Subdivision Map for a subdivision of five or more parcels, the subdivider shall submit a “Preliminary Map” consisting of plans and data related to the “design” and “improvements”, layout, grading, traffic, circulation, sewer, noise levels, safety issues, and any other development or features, proposed for the subdivision, as required by, or otherwise agreed with, the Planning Department. The plans and data obtained shall be submitted to the Subdivision Technical Review Committee and the Subdivision Design Review Committee for preliminary review, comment and action.

Within thirty (30) days after such submittal, the Subdivision Technical Review Committee and the Subdivision Design Review Committee shall advise the Planning Department, the Planning Commission and the subdivider, in writing, of any comments it desires to make and any changes to the proposed Preliminary Plan it deems appropriate, as the result of its preliminary review, and, if deemed necessary, shall make recommendations for approval or conditional approval. Upon receipt of the Subdivision Technical Review Committee and the Subdivision Design Review Committee comments, changes and/or recommendations, the subdivider shall cause to be prepared a Tentative Subdivision Map pursuant to the provisions of this Ordinance.

The subdivider may request to meet with either the Subdivision Technical Review Committee or the Subdivision Design Review Committee prior to the submittal of the Preliminary Map to discuss the proposed subdivision, the associated developments and each Committee’s respective concerns and requirements.

Subject to the discretion of each Committee, should said meeting, or meetings, be sufficient to satisfy the intent of each Committee, then said meeting(s) may be substituted in lieu of the submittal of a Preliminary Map. However, each Committee shall still advise the Planning Department, the Planning Commission and the subdivider, in writing, of any comments it desires to make, any changes it deems appropriate, or any recommendations for approval or conditional approval it deems necessary, as a result of said meeting(s).

A Tentative Subdivision Map may be submitted to the Planning Department, Subdivision Technical Review Committee and Subdivision Design Review Committee in lieu of a Preliminary Map. If such is submitted, the review time by the Subdivision Technical Review Committee and the Subdivision Design Review Committee shall not be considered as part of the time limit specified by Section 1.502.6.1 for Planning Commission action.

Section 1.502 Tentative Subdivision Maps.

1.502.1 General. The form and contents, submittal and approval of Tentative Subdivision Maps shall be governed by the provisions of this Section and the Subdivision Map Act.

1.502.2 Form and Content. The Tentative Map shall be prepared in a manner acceptable to the Planning Department and shall be prepared by a Registered Civil Engineer. The Tentative Map shall be clearly and legibly drawn on one sheet (minimum 18 x 26 inches) and contain not less than the following:

- (a) A title which shall contain the subdivision name and type of subdivision.
- (b) Name and address of legal owner, subdivider, and person preparing the map (including registration number).
- (c) Sufficient legal description to define the boundary of the proposed subdivision.
- (d) Name and assessor's parcel number of contiguous property owners.
- (e) Date, north arrow, scale and contour interval.
- (f) Existing and proposed land use of all parcels and remainders.
- (g) A vicinity map showing existing streets, adjoining subdivisions, creeks and waterways, and other physical features and/or data sufficient to locate the proposed subdivision and show its relation to the community.
- (h) Existing topography and surrounding conditions of the proposed site, and at least 100 feet beyond its boundary, including but not limited to:
  1. Existing contours at 2-ft. intervals if the existing ground slope is less than 10 percent and at not less than 5 ft. intervals for existing ground slopes

equal to or greater than 10 percent. Contour intervals shall not be spread more than 150 feet apart. Existing contours shall be represented by dashed lines or by screened lines. The source and date of existing contours shall be noted.

2. Type, diameter and dripline of existing trees. Any trees proposed to be removed shall be so indicated.
  3. The approximate location, size and outline of existing structures, identified by type, with accurate dimensions to all primary dwellings. Buildings to be removed shall be so marked. Accessories to existing buildings shall also be shown, such as septic systems, driveways, wells, parking, propane or other tanks, etc.
  4. The approximate location of all areas subject to inundation or storm water overflow and the location, width and direction of flow of each water course.
  5. The location, pavement and right-of-way width, grade and name of existing streets or highways, including existing access roads within the subject parcels.
  6. The widths, location and identity of all existing easements.
  7. The location and size of existing sanitary sewers, water mains, irrigation ditches, flood ways and storm drains. The approximate slope of existing sewers and storm drains shall be indicated. The location of existing overhead utility lines on peripheral streets, and the location and type of all street improvements.
  8. The approximate location of the 60, 65, and 70 CNEL (Community Noise Equivalent Level) contours, if any.
  9. Existing hazardous areas such as steep or unstable slopes, earthquake faults, etc.
  10. Sensitive habitat areas including ponds, natural waterways, marshes, beaches, etc.
  11. Historical buildings and known archaeological or paleontological sites.
  12. Land uses and buildings on adjacent parcels.
- (i) Proposed improvements to be shown shall include but are not be limited to:

1. The location, grade, centerline radius and arc length of curves, pavement and right-of-way width, and name of all proposed streets. Typical sections of all streets shall be shown.
  2. The location and radius of all proposed curb returns and cul-de-sacs.
  3. The location, width and purpose of all proposed easements.
  4. The angle of intersecting streets if such angle deviates from a right angle by more than four degrees.
  5. The approximate lot layout and the approximate dimensions of each lot and of each building site. The number of each lot. Engineering data shall show the approximate finished grading of each lot, the preliminary design of all grading, the elevation of proposed building pads, the top and toe of cut and fill slopes to scale. An estimate of proposed grading and fill volumes shall be provided.
  6. Proposed contours at 2 ft. intervals shall be shown if the existing ground slope is less than ten percent and not at less than 5-ft. intervals for existing ground slopes greater than or equal to 10 percent. A separate proposed grading and/or drainage plan may be required to be submitted.
  7. Proposed recreation sites, trails and parks for private or public use.
  8. Proposed common areas and areas to be dedicated to public open space.
  9. The location and size of proposed sanitary sewers, flood ways, water mains, and storm drains. Proposed slopes and approximate elevations of sanitary sewers, water mains, storm drains, and flood control channels shall be indicated.
- (j) The name or names of any geologist or soils engineer whose services were required in the preparation of the design of the Tentative Map.
- (k) The source and date of the existing contours.
- (l) All lettering size shall be 1/8" minimum.
- (m) Certificates for execution by the Secretary of the Planning Commission indicating the approval of the Tentative Map and the date thereof by the Planning

Commission, and a certificate by the City Clerk indicating the approval by the City Council if the Map was reviewed by the City Council.

(n) If the subdivider plans to develop the site as shown on the Tentative Map in units, then he shall show the proposed units and their proposed sequence of construction on the Tentative Map.

(o) The Planning Department may waive any of the foregoing Tentative Map requirements whenever it finds that the type of subdivision is such as not to necessitate compliance with these requirements, or that other circumstances justify such waiver. The Planning Department or City Engineer may require other such drawings, data or other information as deemed necessary.

1.502.3 Accompanying Data and Reports. The Tentative Map shall be accompanied by the following data or reports:

(a) Soils Report - A preliminary soils report, prepared by a Registered Civil Engineer, and based upon adequate test borings, shall be submitted. If the preliminary soils report indicates the presence of critically expansive soils or other problems [i.e. liquefaction and/or landslide hazards] which, if not corrected, would lead to structural defects, then a soils report addressing the specific problems or hazards shall accompany the Final Map and shall contain an investigation of each lot within the subdivision.

(b) Title Report - A preliminary title report, prepared within sixty (60) days prior to the filing of the Tentative Map.

(c) Engineering Geology Report - If the subdivision lies within an area of low- or moderate-slope stability, as shown on maps on file with the Planning Department, a preliminary engineering geology report, prepared in accordance with guidelines established by the Planning Department, shall be provided. If the preliminary engineering geology report indicates the presence of geologic hazards which, if not corrected, would lead to structural defects, then an engineering geology report addressing the specific problems or hazards shall accompany the Final Map and shall contain an investigation of each lot within the subdivision.

(d) Environmental Assessment/Impact Study - No Tentative Map, filed pursuant to the provisions of this Ordinance, shall be approved until the project is either found "Exempt", or, an Initial Study is completed and a Negative Declaration or Environmental Impact Report, as appropriate, is prepared, processed, considered and adopted in accordance with the provisions of the California Environmental Quality Act.

The subdivider shall provide such data and information deemed necessary, and pay such fees as may be required, for the satisfactory preparation and processing of the above-noted required environmental review and documents.

(e) Utility Certification - Certification in writing from all utilities that the proposed subdivision can be adequately served. The City Engineer may defer the required certifications until after the filing of the Tentative Map.

(f) Hydrology and Hydraulic Report - Subject to the discretion of the City Engineer, a Preliminary Hydrology and Hydraulic Report may be required to be submitted detailing the existing drainage facilities, effects of the subdivision on current flows to serve the subject parcel and effects of subdivision on existing downstream drainage facilities. The Preliminary Report shall be prepared in accordance with guidelines established by the Planning Department, the City Engineer and the City's Drainage Ordinance.

(g) Other Reports - Any other data or reports deemed necessary by the Planning, Engineering and/or Public Works Departments.

1.502.4 Submittal to Planning Department. The Tentative Map shall be considered for filing only when such Map conforms to Section 1.502.2 and when all accompanying data or reports, as required by Section 1.502.3, have been submitted and accepted by the Planning Department.

The subdivider shall file with the Planning Department the number of copies of the Tentative Map the Planning Department may deem necessary.

1.502.5 Review by Affected Public Agencies. Within 5 days of a Tentative Map being deemed “complete”, the Planning Department shall forward copies of the Tentative Map to the affected public agencies per Sections 66453 and 66455 of the Subdivision Map Act, which may in turn, within 15 days of receipt of the proposed subdivision Map, forward to the Planning Department their findings and recommendations thereon.

Within 5 days of a Tentative Map being deemed “complete”, the Planning Department shall send notice, return receipt requested, 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. Such notice shall also contain information about the location of the proposed subdivision, the number of units, density, and any other information which would be relevant to the affected school district. Such governing board may review the notice and may send, within 15 days of receipt of the proposed subdivision Map, a written report thereon, return receipt

requested, to the agency required by law to approve such Tentative Map. The report shall indicate the impact of the proposed subdivision on the affected school district and shall make such recommendations as the governing board of the district deems appropriate.

In the event that an affected public agency or school district fails to respond within a 15 day period from receipt of notice of the Tentative Map, such failure shall be deemed approval of the proposed subdivision by the affected public agency or school district. The Planning Commission shall consider any report from an affected public agency or school district in approving or conditionally approving the Tentative Map.

#### 1.502.6 Planning Commission Action.

1.502.6.1 Notice of Public Hearings. Upon receipt of a valid application and having received from the Planning Department their report and recommendations for the proposed Tentative Subdivision Map, the secretary of the Planning Commission shall set the matter for public hearing. At least 10 calendar days before the public hearing, he/she shall cause notice to be given of the time, date and place of said hearing including a general description of the area affected, and the street address, if any, of the property involved. Said notice shall be published at least once in a newspaper of general circulation, printed and published in the County of Humboldt and circulated in the City of Ferndale.

In addition to notice by publication, the City shall give notice of the hearing by mail or delivery to all persons, including businesses, corporations or other public or private entities, shown on the last equalized assessment roll as owning real property within 300 feet of the property which is the subject of the proposed change.

In the event that the proposed change has been requested by a person other than the property owner as such property owner is shown on the last equalized assessment roll, the City shall also give mailed notice to the owner of the property as shown on the last equalized assessment roll.

In addition, notice shall be given by first class mail to any person who has filed a written request with the secretary of the Planning Commission. Such a request may be submitted at any time during the calendar year and shall apply for the balance of such calendar year. The City may impose a reasonable fee on persons requesting such notice for the purpose of recovering the cost of such mailing.

Substantial compliance with these provisions therewith to notice shall be

sufficient and a technical failure to comply shall not affect the validity of any action taken pursuant to the procedures set forth in the article.

The Planning Commission shall hold a Public Hearing to consider the submitted Tentative Map, the Planning Department's Report, any Reports submitted by the Technical and/or Design Review Committees, and any other comments provided by other City Departments, or other agencies, groups or affected citizens, and shall approve, conditionally approve or deny the Tentative Map. The Planning Commission shall report its decision to the City Council and the subdivider within fifty (50) days after the filing thereof with the City Clerk.

The Planning Commission shall comply with the time periods referred to in Section 21151.5 of the Public Resources Code and within the time limits set forth in this Section. However, if an Environmental Impact Report is prepared for the Tentative Map, the 50-day period specified in this section shall not be applicable and the Planning Commission shall render its decision on the Tentative Map within 45 days after certification of the Environmental Impact Report.

1.502.6.2 Approval. In approving or conditionally approving the Tentative Subdivision Map, the Planning Commission shall find that the proposed subdivision, together with its provisions for its "design" and "improvements", is consistent with applicable provisions of the Ferndale General Plan, or other Specific Plans or Ordinances adopted by the City of Ferndale.

The Planning Commission may modify or delete any of the conditions of approval recommended in the Planning Department's report, except conditions required by City Ordinance, or by the City Engineer related to public health and safety or standards approved by the City Engineer. The Planning Commission may also add additional requirements as a condition of its approval.

1.502.6.3 Denial. The Tentative Subdivision Map may be denied by the Planning Commission on any of the grounds provided by City Ordinances, Resolutions or the Subdivision Map Act.

The Planning Commission shall deny approval of the Tentative Map if it makes any of the following findings:

- (a) That the proposed Map is not consistent with applicable General and Specific Plans.

- (b) That the “design” or “improvement” of the proposed subdivision is not consistent with applicable General and Specific Plans.
- (c) That the site is not physically suitable for the type of development.
- (d) That the site is not physically suitable for the proposed density of development.
- (e) That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

Note: The City may approve a Tentative Map, if mitigation measures are incorporated to reduce the level of damage or impact, to an appropriate and legally found level of significance, in accordance with all applicable environmental laws and regulations; or, if an adequate Environmental Impact Report was prepared and appropriate findings are made that specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the EIR.

(f) That the design of the subdivision or the proposed 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 governing body may approve a Map if it finds that alternate easements for access or for use will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.

1.502.6.4 City Council Review. If a Tentative Map is approved or conditionally approved, the Planning Department shall make a written report to the City Council. Within ten (10) days, or at its next succeeding regular meeting, after receipt of said report, unless the subdivider consents to a continuance, the Council may review the Map and the conditions imposed by the Planning Commission.

If the Council decides to review the Map and conditions, it shall conduct a public hearing after giving notice pursuant to Section 1.502.6.1. In addition, notice shall be given to the subdivider and the Planning Commission. At that hearing the Council may add, modify or delete conditions when the Council determines that such changes are necessary to insure that the Tentative Map conforms to zoning conditions imposed upon the property, applicable City Ordinances, and of the Subdivision Map Act. The City Council may deny the Tentative Map on any of the grounds contained in Section 1.502.6.3.

If the Council does not act within the time limits set forth in this Ordinance, the Tentative Map shall be deemed to have been approved or conditionally approved as set forth in the Planning Commission's report.

1.502.6.5 Extension of Time for Planning Commission or City 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 Commission or the City Council.

1.502.7 Appeals of Planning Commission Action.

1.502.7.1 By Subdivider. If the subdivider disagrees with any action by the Planning Commission with respect to the Tentative Subdivision Map he may, within 10 days of such decision, file an appeal with the City Clerk. The Council shall consider the appeal within thirty (30) days, or at its first regular meeting, subsequent to such appeal, unless the subdivider consents to a continuance. This appeal shall be a public hearing after notice has been given pursuant to 1.502.6.1. In addition, notice shall be given to the subdivider and the Planning Commission. Upon conclusion of the public hearing, or agreed upon continuance, the Council shall within ten (10) days declare its findings. The Council may sustain, modify, reject, or overrule any recommendations or rulings of the Planning Commission and may make such findings as are not inconsistent with the provisions of this Ordinance or the Subdivision Map Act.

1.502.7.2 By Interested Persons Adversely Affected, or, Not in Agreement with the Findings of Conformity to the General Plan or any Special Plan. Any interested person adversely affected by a decision of the Planning Commission, or not in agreement with the findings that an approved Tentative Map conforms to the General Plan, may file an appeal with the City Council concerning such decision. Any such appeal shall be filed with the City Clerk within ten (10) days after the action which is the subject of the appeal. No appeal shall be considered after the ten (10)day period. The City Council may, at its discretion, reject the appeal or set the matter for hearing. If the City Council rejects the appeal, the appellant shall be notified of such action. If the matter is set for hearing, a public hearing shall be held within 30 days after the filing of the appeal pursuant to the procedures contained in Section 1.502.7.1 with additional notice being given to the affected interested persons.

1.502.7.3 Fees for Appeals per Above Sections 1.502.7.1 and 1.502.7.2. The fees for filing an appeal for the above Sections 1.502.7.1 and 1.502.7.2 shall be at actual cost for the time involved associated with the processing and hearing of the appeal, unless otherwise established by Resolution of the City Council, or as otherwise directed by the City Council. The city clerk may require a deposit of funds for this purpose, from which costs will be drawn. Any funds remaining from the deposit, after all costs are considered, will be refunded to the appellant.

#### 1.502.8 Expiration and Extensions.

1.502.8.1 Expiration. Expiration of an approved Tentative Map shall be as provided by this section and the Subdivision Map Act.

The approval or conditional approval of a Tentative Subdivision Map shall expire 24 months from the date of adoption of the Resolution by the Planning Commission approving or conditionally approving the Map. An extension to the expiration date may be approved as provided in Section 1.502.8.2.

Expiration of an approved or conditionally approved Tentative Map shall terminate all proceedings and no Final Map of all or any portion of the real property included within such Tentative Map shall be filed without first processing a new Tentative Map.

#### 1.502.8.2 Extensions.

(a) Request by Subdivider. The subdivider or his/her engineer may request an extension of the expiration date of the approved or conditionally approved

Tentative Subdivision Map by written application to the Planning Department. The application shall be filed not less than forty-five (45) days before the map is to expire and shall state the reasons for requesting the extension. Pursuant to the Map Act, upon receipt of the written application, an automatic sixty day extension will be honored, until a decision is rendered on the extension.

(b) Planning Commission Action. The Planning Department shall review the request and submit the application for the extension, together with a report, to the Planning Commission for approval, conditional approval or denial. A copy of the Planning Department's report shall be forwarded to the subdivider prior to the Planning Commission meeting on the extension. The Resolution adopted by the Planning Commission approving or conditionally approving an extension shall specify the new expiration date of the Tentative Subdivision Map.

(c) Time Limit of Extension. The approved "discretionary" extension shall not exceed 12 months. The approved new expiration date shall not extend more than three (3) years beyond the date of the Resolution adopted by the Planning Commission approving or conditionally approving the Tentative Subdivision Map.

(d) Conditions of Approval. As a condition of the extension of the Tentative Subdivision Map, the Planning Commission 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.

Note: Conditioning of extensions of Tentative Maps is limited, but allowed, providing it is based upon the reasonable and necessary findings, and should be thoroughly investigated, pursuant to the Subdivision Map Act and any applicable case law, prior to implementation.

(e) Appeal of Conditions of Extension. The subdivider may appeal any action of the Planning Commission on the extension to the City Council within ten (10) days of such action in accordance with Section 1.502.7.1 of this Ordinance.

(f) Fee. The fee for processing an extension shall be at actual cost. A deposit to be applied toward this fee may be required.

#### 1.502.9 Amendments to Approved Tentative Map.

All amendments to the Tentative Map, or conditions of approval thereof, should be

processed through the Planning Commission and City Council for approval, in accordance with Sections 1.502.5 and 1.502.6 of this Ordinance.

However, “minor” amendments in the Tentative Map, or conditions of approval thereof, may be approved by the Planning Department upon application of 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.
- (c) There are no resulting violations of the Ferndale City ordinances or Subdivision Map Act.
- (d) The Planning Commission and the City Council be notified of any and all amendments to the Tentative Map, or conditions of approval thereof.

Any such “minor” revision shall be approved by the City Planner and the City Engineer. The amendment shall be indicated on the approved Map and certified by the City Planner and the City Engineer.

Amendments of the Tentative Map other than “minor” shall be presented to the Planning Commission for approval. Processing shall be in accordance with Sections 1.502.5 and 1.502.6.

Any approved amendment shall not alter the expiration date of the Tentative Map.

### Section 1.503 Vesting Tentative Maps.

Section 1.503.1 Citation and Authority. This section 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 (hereinafter referred to as the Vesting Tentative Map Statute).

Section 1.503.2 Consistency. No land shall be subdivided and developed pursuant to a Vesting Tentative Map for any purpose which is inconsistent with the General Plan and/or any applicable specific plan, or which is not permitted by applicable provisions of this code.

Section 1.503.3 Definitions.

- (a) A "vesting tentative map" means a "tentative map" as defined in Section 1.2 of this ordinance, that has printed conspicuously on its face the words "Vesting Tentative Map" at the time it is filed in accordance with Section 1.503.5 below and is thereafter processed in accordance with the provisions of this Ordinance.
- (b) All other definitions set forth in Section 1.2 of this Ordinance are applicable.

Section 1.503.4 Application

- (a) Whenever a provision of the Subdivision Map Act, as implemented and supplemented by this Ordinance, requires the filing of a Tentative Map, a Vesting Tentative Map may instead be filed, in accordance with the provisions of this Ordinance.
- (b) If a subdivider does not seek the rights conferred by the Vesting Tentative Map Statute, 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.

Section 1.503.5 Filing and Processing. The 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 Section 1.502 of this Ordinance 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 supply the following information:
1. Preliminary grading and engineering plans and specifications for the improvement and development of the proposed subdivision.
  2. Tentative building plans, including heights, sizes and architectural specifications.
  3. Soil and geologic studies, and any other studies or reports for any other potential or known hazards for the proposed development of the particular subdivision.
  4. Information necessary to satisfy the CEQA process.

5. Information necessary to satisfy any other Federal or State requirements or laws.

Section 1.503.6 Fees. Upon filing of a Vesting Tentative Map, the subdivider shall pay the fees required by Resolution for the filing and processing of a Tentative Map.

Section 1.503.7 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, as provided by this Ordinance for the expiration of the approval or conditional approval of a Tentative Map.

(a) An approved or conditionally approved Tentative Map shall expire 24 months after its approval or conditional approval, or after any additional period of time as may be prescribed by local ordinance, not to exceed an additional 12 months. However, if the subdivider is required to expend one hundred twenty-five thousand dollars (\$125,000) or more to construct, improve, or finance the construction of improvement of public improvements outside the property boundaries of the Tentative Map, excluding improvements of public right-of-way which abut the boundary of the property to be subdivided and which are reasonably related to the development of that property, each filing of a Final Map authorized shall extend the expiration of the approved or conditionally approved Tentative Map by 36 months from the date of its expiration, as provided in this section, or the date of the previously filed Final Map, whichever is later. The extensions shall not extend the Tentative Map more than 10 years from its approval or conditional approval. However, a Tentative Map on property subject to a development agreement authorized by Article 2.5 (commencing with Section 65864) of Chapter 4 of Division 1 of the State Planning and Zoning Law may be extended for the period of time provided for in the agreement, but not beyond the duration of the agreement. The number of phased Final Maps which may be filed shall be determined by the Planning Commission at the time of the approval or conditional approval of the Tentative Map.

(b) "Public improvements", as used in this subdivision, include traffic controls, streets, roads, highways, freeways, bridges, overcrossings, street interchanges, flood control or storm drain facilities, sewer facilities, water facilities, and lighting facilities.

(c) Upon application of the subdivider filed prior to the expiration of the approved or conditionally approved Tentative Map, the time at which the map expires may be extended by the City Council for a period or periods not exceeding a total of three years. Prior to the expiration of an approved or conditionally approved Tentative Map, upon an application by the subdivider to extend that Map, the Map shall automatically be extended for 60 days or until the application for the extension is approved, conditionally

approved, or denied, whichever occurs first. If the Planning Commission denies a subdivider's application for an extension, the subdivider may appeal to the City Council within 15 days after the Planning Commission has denied the extension.

Section 1.503.8 Development Rights - Vesting on Approval

- (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
- (b) Notwithstanding subsection (a) a permit, approval, extension, or entitlement may be 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, in order to comply with state or federal law.
- (c) The rights referred to in this chapter shall expire if a Final Map or Parcel Map is not approved prior to the expiration of the Vesting Tentative Map as provided in Section 1.503.7.

Section 1.503.9 Development Inconsistent with Zoning. When a subdivider files a Vesting Tentative Map for a subdivision whose intended development is inconsistent with the zoning ordinance in existence at that time, the subdivider shall also apply for the necessary change in the Zoning Ordinance to eliminate the inconsistency. Until the change in the Zoning Ordinance is obtained, the Vesting Tentative Map shall not be approved. The approval or conditional approval of the Vesting Tentative Map may be granted only simultaneously with or after the necessary changes in the Zoning Ordinance have been approved.

Section 1.503.10 Applications Inconsistent with Current Policies. Notwithstanding any provision of this Ordinance, a subdivider may apply for permits or other grants of approval for development which depart from the ordinances, policies and standards described in subsection (a) of Section 1.503.8 and Section 1.503.9. The City may grant these permits or other approvals to the extent that the departures are authorized under applicable law. Approval of the Vesting Tentative Map may be granted only simultaneously with or after the grant of the permits or other approvals have been applied for.

Section 1.503.11 Conditions on Subsequent Required Approvals. Consistent with subsection (a) of Section 1.503.8, an approved or conditionally approved Vesting Tentative Map shall not limit the City from imposing reasonable conditions on subsequent required approvals or permits necessary for the development and authorized by the ordinances, policies, and standards described in subsection (a) of Section 1.503.8.

Section 1.503.12 Amendment to Vesting Tentative Map. If the ordinances, policies, or standards described in subsection (a) of Section 1.503.8 are changed subsequent to the approval or conditional approval of a Vesting Tentative Map, the subdivider, or his or her assignee, at any time prior to the expiration of the Vesting Tentative Map pursuant to Section 1.503.7, may apply for an amendment to the Vesting Tentative Map to secure a vested right to proceed with the changed ordinances, policies, or standards. An application shall clearly specify the changed ordinances, policies, or standards for which the amendment is sought.

#### Section 1.504 Final Maps

1.504.1 General. The form, contents, accompanying data, and filing of the Final Map shall conform to the provisions of this Section and the Subdivision Map Act.

The Final Map shall be prepared by or under the direction of a registered civil engineer or licensed land surveyor.

1.504.2 Survey Required. An accurate and complete survey of the land to be subdivided shall be made by a registered civil engineer authorized to practice land surveying or licensed land surveyor. All monuments, property lines, centerline 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.

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 least one exterior boundary line shall be monumented prior to recording the Final Map. Other monuments shall be set as required by the City Engineer.

1.504.3 Form. The form of the Final Map shall conform to the Subdivision Map Act and as provided herein.

The Final Map shall be legibly drawn, printed or reproduced by a process guaranteeing a permanent record in black on tracing cloth or polyester base film. Certificates, affidavits and acknowledgments may be legibly stamped or printed upon the map with opaque ink. If ink is used on polyester base film, the ink surface shall be coated with a suitable substance to assure permanent legibility.

The size of each sheet shall be 18 by 26 inches. A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of one (1) inch. The scale of the Map shall be not less than 1" (inch)= 100'(feet) 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 certificate sheet are used, a key sheet will be included.

All printing or lettering on the Map shall be of one-eighth (1/8) inch minimum height and of such shape and weight as to be readily legible on prints and other reproductions made from the original drawings. The final form of the Final Map shall be as approved by the City Engineer.

1.504.4 Contents. The contents of the Final Map shall conform to the Subdivision Map Act and as provided herein.

(a) Boundary. The boundary of the subdivision shall be designated by a heavy black line in such a manner as not to obliterate figures or other data.

(b) Title. Each sheet shall have a title showing the subdivision number and name and the location of the property being subdivided with reference to Maps which have been previously recorded, or by reference to the plat of a United States Survey. The following words shall appear in the title, "In the City of Ferndale".

(c) Certificates. The following certificates shall appear only once on the cover sheet.

1. Owner's Certificate. A certificate, signed and acknowledged by all parties having record title interest in the land subdivided, excepting those parties having rights-of-way, easements, or other interest which cannot ripen into a fee, or exceptions provided by the Subdivision Map Act, consenting to the preparation and recordation of the Map and offering for dedication to the public certain specific parcels of land.

2. Engineer's Certificate. A certificate by the engineer or surveyor responsible for the survey and Final Map shall appear on the Map. The certificate shall give the date of the survey, state that the survey and Final Map were made by or under the direction of the engineer or surveyor, and that the survey is true and complete as shown.

The certificate shall also state 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 certificate shall also state that the monuments are, or will be, sufficient to enable the survey to be retraced.

The certificate shall state that the Map complies to the Subdivision Map Act and the provisions of this Ordinance.

3. City Engineer's Certificate. A certificate by the City Engineer stating that the Map has been examined and that it is in accord with the Tentative Map and any approved alterations thereof, complies with the Subdivision Map Act of the State and the provisions of this Ordinance. If the engineer was registered as a civil engineer prior to January 1, 1982, pursuant to Section 66442(b), than the statement "and is technically correct" may be added to the end of the City Engineers certificate. Otherwise, the City Surveyor's certificate must appear on the Map.

4. City Surveyor's Certificate. A certificate by the City Surveyor stating that the Map is technically correct.
5. Planning Commission Certificate. A certificate by the secretary of the Planning Commission stating that the Tentative Map was approved by Resolution of the Planning Commission. The date and number of the Resolution shall appear in the certificate.
6. City Clerk's Certificate. A certificate for execution by the City Clerk stating the date and number of the Resolution adopted by the City Council approving the Final Map and stating that the City Council accepted, 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.
7. County Recorder's Certificate. A certificate to be executed by the County Recorder stating that the Map has been accepted for filing; that the Map has been examined and that it complies with the provisions of State laws and local ordinances governing the filing of Final Maps.

The certificate shall show who requested the filing of the Map, the time and date the Map was filed and the Book and Page where the Map was filed.

8. County Tax Collector's Certificate. A certificate 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 which are a lien but not yet payable has been filed with the County.
- (d) Scale, North Arrow and Basis of Bearings. There must appear on each Map sheet the scale, north arrow and the basis of bearings, and the equation of the bearing to true north. The basis of bearings shall be approved by the City Engineer.
- (e) Linear, Angular and Radial Data. Sufficient linear, angular, and radial data shall be shown to determine the bearings and lengths of monument lines, street center lines, proposed easement lines, the boundary lines of the subdivision and of the boundary lines on every lot and parcel which is a part thereof. Length, radius and total central angle or radial bearings of all curves shall be shown. Ditto marks shall not be used in the dimensions and data shown on the Map.
- (f) Monuments. The location and description of all existing and proposed monuments shall be shown. Standard City monuments shall be set at (or from offsets as

approved by the City Engineer) the following locations:

1. The intersection of street centerline.
2. Beginning and end of curves in centerline.
3. The corners of all lots, parcels, and remainders.
4. At other locations as may be required by the City Engineer.

(g) Lot Numbers. Lot numbers shall begin with the number 1 in each subdivision and shall continue consecutively with no omissions or duplications except where contiguous lands, under the same ownership, are being subdivided in successive units, in which event lot numbers may begin with the next consecutive number following the last lot number in the preceding unit. Each lot shall be shown entirely on one sheet of the Final Map, unless approved by the City Engineer.

(h) Adjoining Properties. The adjoining corners of all adjoining subdivisions shall be identified by subdivision number, or name when not identified by official number, and reference to the Book and Page of the filed Map showing such subdivision; and if no such subdivision is adjacent, then by the name of the owner and reference to the recorded Deed by Book and Page number for the last recorded owner of such adjacent property.

(i) City Boundaries. City boundaries which cross or join the subdivision shall be clearly designated.

(j) Street Names. The names of all streets, alleys, or highways within or adjoining the subdivision shall be shown.

(k) Easements. 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 City or other public agency, and the use shall be specified on the Map. If at the time the Final Map is approved, any streets, paths, alleys, or storm drainage easements are not accepted by the City Council, the offer of dedication shall remain open and the City Council may, by resolution at any later date, accept and open the streets, paths, alleys, or storm drainage easements for public use, which acceptance shall be recorded in the office of the County Recorder.

All easements of record shall be shown on the Map, together with the name of the grantee and sufficient recording data to identify the conveyance, e.g., recorder's serial

number and date, or Book and Page of official records.

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.

The sidelines of all easements of record shall be shown by dashed lines on the Final Map with the widths, lengths, and bearings of record. The width and location of all easements shall be approved by the City Engineer.

Any public streets or public easements to be left in effect after the subdivision shall be adequately delineated on the Map. The filing of the Final Map shall constitute designation of public streets or public easements shown on the Map. The filing of the Final Map shall also constitute abandonment of public streets or public easements not shown on the Map; providing that written notation and reference to the document creating said street or easement proposed to be abandon is listed on the Map, and certified to by the Clerk after legislative approval of Final Map (Section 66434(g) of Map Act). Any other public entity which has a vested interest in any public easement proposed to be abandon pursuant to this section, must provide prior approval, before said easement can be abandon (Section 66434(g) of Map Act).

- (l) Vicinity Map. A vicinity map showing existing streets and other physical features sufficient to locate the proposed subdivision and show its relation to the community.
- (m) Match Lines and References to Adjoining Streets. Shall be shown where necessary.
- (n) Legend. Provide a Legend for All Monuments, Abbreviations and Map Symbols.
- (o) California Coordinate System (if used). List references of all records used to check survey.
- (p) Survey Method. Indicate method of establishment of all lines and corners shown on Map.
- (q) Access Status. Provide a Right-of-Way of Record or No Right-of-Way of Record note.
- (r) Areas. Show areas and dimensions of all lots and blocks.

### 1.504.5 Submittal for City Approval.

1.504.5.1 Preliminary Submittal. The subdivider shall submit four sets of prints of the Final Map to the City Engineer for checking. The preliminary prints shall be accompanied by two copies of the following data, plans, reports, and documents in a form as approved by the City Engineer.

- (a) Improvement Plans. Improvement plans as required by Section 1.806 of this Ordinance.
- (b) Soils Report and/or Engineering Geology Report. A Soils Report, and/or an Engineering Geology Report, as required by Section 1.502.3(a) and/or Section 1.502.3(c) of this Ordinance and the Subdivision Map Act.
- (c) Title Report. A title report showing the legal owners at the time of submittal of the Final Map, prepared within sixty (60) days prior to the submittal of the Final Map.
- (d) Improvement Bond Cost Estimate. The improvement bond cost estimate shall include all improvements within public rights-of-way, easements, or common areas and utility trench backfill as provided by the developer, except for those utility facilities installed by a utility company under the jurisdiction of the California Public Utilities Commission.
- (e) Deeds for easements or rights of way. Deeds for easements or rights-of-way required for road or drainage purposes which have not been dedicated on the Final Map.

Written evidence acceptable to the City in the form of rights-of-entry or permanent easements across private property outside of the subdivision permitting or granting access to perform necessary construction work and permitting the maintenance of the facility.

- (f) Joint Use of Right-of-Way Agreement. Agreements, acceptable to the City, executed by all owners of all utility and other easements within the proposed rights-of-way consenting to the dedication of the road or consenting to the joint use of the right-of-way, as may be required by the City for public use and convenience of the road shall be required. These owners shall join in the dedication and subordinate their rights to the right of the public in the road.
- (g) Traverse Closures. Traverse closures for the boundary, blocks, lots, easements, street centerline and monument lines.

The error of field closures in the traverse around the subdivision and around the interior lots or blocks shall not exceed one part in twenty thousand (1/20,000).

(h) Hydrology and Hydraulic Report. A complete hydrology and hydraulic report shall be submitted detailing the existing drainage facilities, effects of subdivision on current flows to serve the subject parcel and effects of subdivision on existing downstream drainage facilities. The report shall include engineering calculations to support all conclusions and recommendations. All proposed drainage facilities shall be designed accordingly. The report shall be prepared, stamped and signed by a registered Civil Engineer.

(i) Organization Documents. The submittal of the Final Map shall include the proposed Declaration of Covenants, Conditions, and Restrictions, and all other organizational documents for the subdivision in a form as prescribed by Section 1355 of the Civil Code of the State of California. All documents shall be subject to review by the City Engineer and City Attorney.

(j) Any additional data, reports or information as required by the City Engineer.

1.504.5.2 Return to Subdivider's Engineer for Corrections.

Upon completing the preliminary check the City Engineer shall note the required corrections on the preliminary prints, reports and data and return one set to the subdivider's engineer for revision.

1.504.5.3 Resubmittal. The subdivider's engineer shall submit two sets of the revised Map, reports and data to the City Engineer. After checking the revisions, one set shall be returned to the subdivider's engineer marked "Approved as Submitted", "Approved When Corrected as Noted", or "Revise and Resubmit".

1.504.5.4 Approval by the City Engineer. Upon receipt of an approved print, the subdivider shall submit the original tracing of the revised Map, prepared in accordance with the Subdivision Map Act and this chapter and corrected to its final form, and signed by all parties required by the Subdivision Map Act and this chapter to execute the certificates on the Map, to the City Engineer.

The City Engineer, City Surveyor (if required) and Secretary of the Planning Commission shall sign the appropriate certificates and transmit the original to the City Clerk within 20 days from the time the Final Map is submitted to them by the subdivider for approval.

1.504.5.5 Approval by City Council. The Final Map, upon execution by the City

Engineer, City Surveyor (if required) and Secretary of the Planning Commission together with the subdivision improvement agreement, shall be placed on the Council agenda for their approval. The City Council shall consider the Final Map for approval within ten (10) days after filing with the City Clerk, or at its next regular meeting at which it receives the Map, whichever is later. The City Council shall have approved the subdivision improvement agreement before approving the Final Map.

If the subdivision improvement agreement and Final Map are approved by the City Council, it shall instruct the Mayor to execute the agreement on behalf of the City. If the subdivision improvement agreement and/or Final Map is unacceptable, the Council shall make their recommended corrections, instruct the City Engineer to draft a new agreement and/or revise the Final Map and defer approval until an acceptable agreement and/or Final Map has been resubmitted.

1.504.5.6 Denial by the City Council. The City Council shall deny approval of the Final Map upon making any of the findings contained in Section 1.502.6.3 of this Ordinance.

The City Council shall not deny approval of the Final Map if the City has previously approved a Tentative Map for the proposed subdivision and if the Council finds that the Final Map is in substantial compliance with the previously approved Tentative Map.

1.504.5.7 Filing with the County Recorder. Upon approval of the Final Map by the City Council and receipt of the improvement security by the City Engineer, the City Clerk shall execute the appropriate certificate on the certificate sheet and forward the Map, or have an authorized agent forward the Map, to the County Recorder for filing.

1.504.5.8 Submittal by Units. Multiple Final Maps relating to an approved or conditionally approved Tentative Map may be filed prior to the expiration of the Tentative Map if: (a) the subdivider, at the time the Tentative Map is filed, informs the Planning Department of the subdivider's intention to file multiple Final Maps on such Tentative Map, or (b) after filing of the Tentative Map, the Planning Department and the subdivider concur in the filing of multiple Final Maps. In providing such notice the subdivider shall not be required to define the number or configuration of the proposed multiple Maps. However, the Planning Commission shall approve the sequence of Map approvals. The filing of a Final Map on a portion of an approved or conditionally approved Tentative Map shall not invalidate any part of the Tentative Map. Each Final Map which constitutes a part, or unit, of the approved Tentative Map shall have a separate subdivision number. The subdivision improvement agreement to be executed by the Subdivider shall provide for the construction of such improvements as may be required to constitute a logical and orderly development of the whole subdivision by units.

## SECTION 1.6 PARCEL MAP SUBDIVISIONS (FOUR OR FEWER PARCELS)

### Section 1.601 Tentative Parcel Maps.

1.601.1 General. The form and contents, submittal, and approval of Tentative Parcel Maps shall conform to the provisions of this section and the Subdivision Map Act.

The Tentative Parcel Map shall be prepared by a registered civil engineer or licensed land surveyor.

1.601.2 Form. The Tentative Map shall be clearly and legibly drawn (minimum size 18 x 26 inches) on one sheet. The scale shall be approved by the City Engineer and all lettering shall be 1/8" minimum in height. The final form shall be approved by the City Engineer.

1.601.3 Content and Accompanying Data and Reports. The content and accompanying data and reports for Tentative Parcel Maps shall be as required by Section 1.502.2 and 1.502.3 of this Ordinance. The Planning Department and the City Engineer may waive any of the foregoing requirement(s) upon finding that the location or nature of the proposed minor subdivision is such as not to necessitate compliance with this provision, and that such waiver would not be inconsistent with the purpose of this Ordinance; or, may require additional information as deemed necessary.

1.601.4 Submittal to Planning Department. The Tentative Map shall be considered for filing only when such map conforms to Sections 1.601.1 and 1.601.2 of this Ordinance and when all accompanying data or reports, as required have been submitted and accepted by the Planning Department.

The Subdivider shall file with the Planning Department the number of Tentative Maps the Planning Department may deem necessary.

1.601.5 Review and Notice of Public Hearings. The Tentative Parcel Map shall be reviewed by the Planning Department for compliance to all applicable City ordinances and the Subdivision Map Act. The Planning Department shall forward copies of the Tentative Parcel Map to the City Engineer, the City Public Works Director, and if applicable, the City Manager/Administrator, or, their respective representatives, which shall in turn forward to the Planning Department their findings and recommendations concerning the proposed subdivision. The Planning Department may forward copies of the Tentative Parcel Map to any other affected public/private agencies which may, in turn, forward to the Planning Department their findings and recommendations

concerning the proposed subdivision (as guided by Section 1.502.5 of this Ordinance). Upon completion of review and upon receipt of a valid application for the Tentative Parcel Map which has been deemed complete by the Planning Department, the secretary of the Planning Commission shall set the matter for public hearing. The Planning Commission shall conduct a public hearing(s) after giving notice pursuant to Section 1.502.6.1 of this Ordinance.

1.601.6 Action by the Planning Commission. During the public hearing(s), the Planning Commission shall consider the submitted Tentative Map, the Planning Department's Report, and any other Reports submitted by, or comments provided by, other City Departments, or agencies, groups or affected citizens, and, upon completion of the public hearing(s), the Planning Commission shall approve, conditionally approve, or deny the Tentative Parcel Map. If the Map is approved, it shall be signed and dated by the secretary of the Planning Commission. A letter of action taken, along with any conditions imposed, shall be sent to the subdivider and/or engineer. If the subdivision is denied, the subdivider or the engineer shall be so notified in writing with a statement for the reasons of denial.

1.601.7 Approval. On approving or conditionally approving the Tentative Parcel Map, the Planning Commission shall find that the proposed subdivision, together with its provisions for its "design" and "improvements", is consistent with the applicable provisions of the Ferndale General Plan or any other Specific Plan adopted by the City of Ferndale.

The Planning Commission may modify or delete any of the conditions of approval recommended in the Planning Department's report, except conditions required by City Ordinance, or by the City Engineer related to public health and safety or standards approved by the City Engineer. The Planning Commission may also, add additional requirements as a condition of its approval.

If no action is taken by the Planning Commission within fifty (50) days after the Tentative Map has been accepted as complete, the Tentative Map as filed shall be deemed to be approved, insofar as it complies with other applicable provisions of the Subdivision Map Act, this Ordinance or other City Ordinances, and it shall be duty of the City Clerk to certify the approval.

The Planning Commission shall comply with the time periods referred to in Section 21151.5 of the Public Resources Code, and within the time limits set forth in this Section. However, if an Environmental Impact Report is prepared for the Tentative Map, the 50-day period specified in this Section shall not be applicable and the Planning Commission shall render its decision on the Tentative Map within 45 days after

certification of the Environmental Impact Report.

1.601.8 Denial. The Tentative Parcel Map may be denied for any reason provided by City Ordinances, Resolutions, or the Subdivision Map Act. The Planning Commission shall deny approval of the Tentative Parcel Map if the Commission makes any of the findings contained in Section 1.502.6.3.

1.601.9 Conditions of Approval. In approving the Tentative Parcel Map, the Planning Commission may impose as conditions of filing a Parcel Map any or all but not limited to the following requirements:

- (a) Frontage Improvements
- (b) On-site Improvements
- (c) Off-site Improvements
- (d) Dedications
- (e) Applicable Fees
- (e) A Soils and/or Engineering Geology Report
- (f) A Grading and/or Drainage Plan
- (g) A Hydrology and Hydraulic Report
- (h) A Sewer Flow Study

These requirements shall be in accordance with the provisions of this Ordinance. The subdivider or the engineer shall be notified in writing of all the conditions imposed.

1.601.10 Extension of Time for Planning Commission Approval. The time limit set forth above for acting on the Tentative Parcel Map may be extended by mutual consent of the subdivider and the Planning Commission.

1.601.11 Appeal of Planning Commission Action. The subdivider or any interested person adversely affected by the decision of the Planning Commission may file a complaint with the City Council concerning such decision. Appeals shall be in accordance with the provisions of Section 1.502.7 of this Ordinance.

1.601.12 Expiration and Extensions.

1.601.12.1 Expiration. Expiration of an approved Tentative Map shall be as provided by this Section and the Subdivision Map Act. Approval or conditional approval of the Tentative Parcel Map shall expire 24 months from the date of its approval.

The expiration of the approved or conditionally approved Tentative Parcel Map

shall terminate all proceedings and no Parcel Map of all or any portion of the real property included within such Tentative Parcel Map shall be filed without first processing a new Tentative Parcel Map.

1.601.12.2 Extensions.

The request for extensions of the expiration date of an approved Tentative Parcel Map, and any subsequent Planning Commission action, time limit of extension(s), conditions of approval of extension(s), appeals to Planning Commission action or conditions of approval of extension(s), and any associated processing fees shall be guided by, and conform with, Section 1.502.8.2 of this Ordinance. The extension of time shall commence with the expiration date of the approved or conditionally approved Tentative Map.

1.601.13 Amendments to the Approved Tentative Parcel Map.

All amendments to the Tentative Map, or conditions of approval thereof, will be processed through the Planning Commission for approval, in accordance with Section 1.601.4 through Section 1.601.11 of this Ordinance.

However, “minor” amendments to the Tentative Map, or conditions of approval thereof, may be approved by the Planning Department upon application of 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.
- (c) There are no resulting violations of the Ferndale City Ordinances, or the Subdivision Map Act.
- (d) The Planning Commission and the City Council be notified of any and all amendments to the Tentative Map, or conditions of approval thereof.

Any such “minor” revision shall be approved by the City Planner and City Engineer. The amendment shall be indicated on the approved map and certified by the City Planner and City Engineer.

Amendments of the Tentative Map other than “minor” shall be presented to the Planning Commission for approval. Processing shall be in accordance with Section 1.601.4 through Section 1.601.11 of this Ordinance.

Any approved amendment shall not alter the expiration date of the tentative map.

### Section 1.602 Parcel Maps.

1.602.1 General. The form, contents, accompanying data, submittal, approval and filing of Parcel Maps shall conform to the provisions of this Section and the Subdivision Map Act.

1.602.2 Survey Required. An accurate and complete survey of the land to be subdivided shall be made by a registered civil engineer authorized to perform land surveying or licensed land surveyor. All monuments, property lines, centerline 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.

1.602.3 Form. The form of the Parcel Map shall conform to Final Map form requirements as specified by Section 1.504.3 of this Ordinance.

1.602.4 Contents. The contents of the Parcel Map shall conform to Final Map content requirements as specified by Section 1.504.4 of this Ordinance, and as modified herein.

Certificates shall be in accordance with Section 66449 and 66450 of the Government Code.

The City Clerk's certificate will not be required.

1.602.5 Preliminary Submittal. The subdivider shall submit three sets of prints of the Parcel Map to the City Engineer for checking. The preliminary prints shall be accompanied by two copies of the data, plans, reports, and documents as required for Final Maps by Section 1.504.5.1 "Preliminary Submittal", and as modified herein.

The City Engineer may waive any of the requirements upon finding that the type, location and nature of the proposed subdivision is such as not to necessitate compliance with the requirements of Section 1.504.5.1, or that other specific circumstances justify such waiver.

Any additional information or documents required shall be as specified with the

conditions of approval of the Tentative Map, or as deemed necessary by the City Engineer.

1.602.6 Return to Subdivider's Engineer for Corrections. Upon completing preliminary check, the City Engineer shall note the required corrections on the preliminary prints, reports and data and return one set to the subdivider's engineer for revision.

1.602.7 Resubmittal. The Subdivider's engineer shall submit two sets of the revised Map, reports and data to the City Engineer. After checking the revisions, one set shall be returned to the subdivider's engineer marked, "Approved as Submitted", "Approved When Corrected as Noted", or "Revise and Resubmit".

1.602.8 Approval by City Engineer. Upon receipt of an approved print, the subdivider shall submit the original tracing of the revised Map, prepared in accordance with the Subdivision Map Act and this Ordinance and corrected to its final form, and signed by all parties required by the Subdivision Map Act and this Ordinance to execute the certificates on the Map, to the City Engineer.

The City Engineer shall not deny approval of a Parcel Map if the Planning Commission has previously approved a Tentative Map for the proposed subdivision and if he/she finds that the Parcel Map is in substantial compliance with the previously approved Tentative Map.

1.602.9 Approval by City Council

The Parcel Map, upon execution by the City Engineer, City Surveyor (if required) and Secretary of the Planning Commission, together with the subdivision improvement agreement, shall be placed on the Council agenda for their approval. The City Council shall consider the Parcel Map for approval within ten (10) days after filing with the City Clerk, or at its next regular meeting at which it receives the Map, whichever is later. The City Council shall have approved the subdivision improvement agreement before approving the Parcel Map.

If the subdivision improvement agreement and Parcel Map are approved by the City Council, it shall instruct the Mayor to execute the agreement on behalf of the City. If the subdivision improvement agreement and/or Parcel Map is unacceptable, the Council shall make their recommended corrections, instruct the City Engineer to draft a new agreement and/or revise the Parcel Map and defer approval until an acceptable agreement and/or Parcel Map has been resubmitted.

1.602.10 Denial by the City Council

The City Council shall deny approval of the Parcel Map upon making any of the findings

contained in Section 1.502.6.3 of this Ordinance.

1.602.11 Filing With the County Recorder. The City Clerk or authorized agent shall transmit the approved Parcel Map directly to the County Recorder.

1.602.12 Waiver of Parcel Map Requirements. The City Engineer may waive the Parcel Map for the following:

- (a) Division of real property or interests therein created by probate, eminent domain procedures, partition, or other civil judgments or decrees; or
- (b) A division of property resulting from the conveyance of land, or interest therein, to a public agency for a public purpose, such as school sites, public building sites, or rights of way for streets, sewers, utilities, drainage, etc.; or
- (c) A Lot Line Adjustment between two or more parcels providing said Lot Line Adjustment is in conformance with Section 1.7 of this Ordinance and with the Subdivision Map Act.
- (d) The City Engineer may waive the Parcel Map upon making a finding that the proposed division of land complies with requirements as to area, improvement, and design, flood water drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection, and the other requirements of this Ordinance, local Ordinances, the Subdivision Map Act, and conforms to the City's General Plan.

A Tentative Map prepared in accordance with Section 1.601 may be required where a Parcel Map is waived pursuant to the provisions of this Section.

A Record of Survey prepared in accordance with the Land Surveyor Act and/or a plot plan, in a form as required by the City Engineer, shall be required for Mergers, Certificates of Compliance and Parcel Map waivers.

Upon waiving the Parcel Map requirement, the City Engineer shall cause to be filed with the County Recorder a "Certificate of Compliance" for the land to be divided. A Parcel Map waived by the City Engineer may be conditioned to provide for payment of drainage, utility under-grounding, and other fees by a method approved by the City Engineer.

## SECTION 1.7 LOT LINE ADJUSTMENTS

### Section 1.701 General.

Lot lines between two or more adjacent parcels may be adjusted pursuant to the provisions of this Section and the Subdivision Map Act. It is the City of Ferndale's policy to provide for the adjustment of property boundaries between contiguous parcels in a manner consistent with state law. The Planning Department shall limit its review and approval to the following determinations:

- (1) The proposed Lot Line Adjustment occurs between two or more “existing” and “adjacent” parcels, as defined by the Subdivision Map Act.
- (2) No new parcels are created.
- (3) Parcels involved in the Lot Line Adjustment conform to the City's building and zoning ordinances.

The City shall not impose conditions or exactions on its approval of a Lot Line Adjustment except: a) to conform to local building and zoning ordinances, b) to facilitate the relocation of existing utilities, infrastructure or easements, and c) to require the prepayment of real property taxes. No Tentative Map, Parcel Map, or Final Map shall be required as a condition of approval. The Lot Line Adjustment shall be reflected in a Deed and a Record of Survey or Lot Line Adjustment Plot Plan which shall be recorded. When parcels being adjusted are held in common ownership, no new Deeds shall be required. However, a Lot Line Adjustment Plot Plan shall be required. No record of survey shall be required for a Lot Line Adjustment unless required by Section 8762 of the Business and Professional Code.

### Section 1.702 Initiation of Proceedings

Proceedings for a Lot Line Adjustment shall be initiated by application of all the owners of record of the affected properties. The application shall be in a form prescribed by the Planning Department. A certificate, signed and acknowledged by all parties having record title interest in the effected land, excepting those parties having rights-of-way, easements, or other interest which cannot ripen into a fee, consenting to the lot line adjustment. If there is more than one ownership involved, and a Lot Line Adjustment is approved, along with a Record of Survey or Notice of Lot Line Adjustment Plot Plan, a Deed or Deeds for the areas to establish ownership of record for each parcel must be recorded.

### Section 1.703 Information to Accompany Application

The following information shall be submitted along with the Application for Lot Line Adjustment.

- (1) Three copies of the present owners of record's Vesting Deeds and a Title Report for each lot to be adjusted (prepared within six months of submittal).
- (2) Three copies of a Lot Line Adjustment Plot Plan accurately drawn to scale, not to exceed 8 ½" x 14" in size, that shows the following information for each lot to be adjusted:
  - (a) All exterior and interior lines shall be shown on the plat and dimensioned based on information of record.
  - (b) Proposed new lines and lines to be eliminated shall be so identified by written notation or by legend and shall be readily distinguishable from each other and other lines.
  - (c) Areas of the initial and resulting parcels shall be identified in square footage or acreage.
  - (d) All existing structures, their uses, and other constructed improvements, located within 50 feet of the existing boundaries or the proposed new boundaries shall be accurately located and shown with dimensions from the property lines.
  - (e) The names, county road numbers, and widths of abutting rights-of-way and their locations.
  - (f) The locations, purpose, and width of all proposed and existing easements, streets, and appurtenant utilities located within 100 feet of the existing boundaries or the proposed new boundaries.
  - (g) The approximate location of all water courses, drainage channels, and existing drainage structures located within 100 feet of the existing boundaries or the proposed new boundaries.
  - (h) Approximate high water lines of all areas subject to inundation located within 100 feet of the existing boundaries or the proposed new boundaries.
  - (i) Assessed owners and parcel numbers.
  - (j) North arrow, and scale.

- (k) Vicinity map.
- (3) Location of wells, septic tanks and primary and reserve leach fields within 100 feet of the existing boundaries or the proposed new boundaries.
- (4) Fees per the applicable City of Ferndale Fee Schedule, or as otherwise established or directed by the City Council.
- (5) A written statement from the Applicant explaining the reason(s) for the proposed Lot Line Adjustment.
- (6) "Current Parcel Map Guarantee" for all properties affected.
- (7) Traverse closure and legal description (if required for deeds) of proposed parcel configurations prepared by a registered Civil Engineer or Land Surveyor.
- (8) Written confirmation of written request to the County Assessor for Boundary Line Adjustment.

#### Section 1.704 Submittal to City Engineer

The Plot Plan for the Lot Line Adjustment together with all other data as required by this Ordinance shall be submitted to the City Engineer for review.

Upon finding that the application meets with the requirements of this Ordinance and the Subdivision Map Act, the City Engineer shall submit the Lot Line Adjustment Plot Plan, together with his report and recommendations of approval or conditional approval of the Lot Line Adjustment, to the City Planner for his consideration.

#### Section 1.705 Planning Department Action

The Planning Department, or other similar authorized representative shall review the Lot Line Adjustment application and Plot Plan for conformance with the City's building and zoning Ordinances. The Planning Department may refer the Lot Line Adjustment Plot Plan to the Planning Commission for their consideration when the proposed Lot Line Adjustment has the potential for arousing extraordinary public concern. The Planning Department shall also prepare a report, in conjunction with the City Engineers report, with recommendations of approval or conditional approval of the Lot Line Adjustment. The Planning Department shall report back to the City Engineer and shall submit the report(s) to the Applicant.

### Section 1.706 Review and Notice of Public Hearing

Upon receipt of the Planning Departments report, the City Engineer or his authorized representative shall set the matter for public hearing. Notice of the hearing shall be given in accordance with the provisions of Section 1.502.6.1 of this Ordinance.

The City Engineer, at his discretion, may require that a public hearing be held by the Planning Commission when the proposed adjustment arouses extraordinary public concern. Said hearing shall be in accordance with Section 1.502.6 of this Ordinance.

### Section 1.707 Action by the City Engineer

Upon completion of the public hearing, the City Engineer shall approve, conditionally approve or deny the Lot Line Adjustment. If the Lot Line Adjustment is approved it shall be signed and dated by the City Engineer and City Attorney or their authorized representative. A letter of the action taken, along with any conditions imposed shall be sent to the applicant. If the Lot Line Adjustment is denied, the applicant shall be so notified in writing with a statement for the reasons of denial.

### Section 1.708 Approval and/or Denial

In approving or conditionally approving the Lot Line Adjustment, the City Engineer or authorized representative shall find that the proposed Lot Line Adjustment is consistent with local zoning and building ordinances.

The Lot Line Adjustment may be denied for any reason provided by the Subdivision Map Act, or other applicable State law.

### Section 1.709 Conditions of Approval.

In approving the Lot Line Adjustment the City Engineer may impose as conditions any of the following requirements:

- (a) Applicable Fees
- (b) Conditions to make the findings that, and to assure that, the Lot Line Adjustment conforms to and meets the requirements of this Ordinance and the Subdivision Map Act
- (c) Conditions to make the findings that, and to assure that, the Lot Line Adjustment

conforms to and meets the requirements of the local building and zoning ordinances

- (d) Recordation of “Lot Line Adjustment Plot Plan” if a record of survey is not required
- (e) Conditions to facilitate the relocation of existing affected utilities, infrastructure or easements.
- (f) Require the payment of real property taxes prior to the approval of the Lot Line Adjustment.

These requirements shall be in accordance with the provisions of this Ordinance and the Subdivision Map Act. The applicants shall be notified in writing of all conditions imposed.

Section 1.710 Appeal of City Engineer Action.

1.710.1 By Applicant. If the applicant(s) disagree with any action by the City Engineer with respect to the Lot Line Adjustment, they may, within ten (10) days of receipt of such decision, appeal such action to the Planning Commission, in accordance with the below Section 1.710.2 of this Ordinance.

1.710.2 By Interested Persons Adversely Affected. Any interested person adversely affected by a decision of the City Engineer with respect to the Lot Line Adjustment may, within ten (10) days of such decision, file an appeal with the secretary of the Planning Commission.

The Planning Commission shall consider the appeal within thirty (30) days, or at their next regular meeting. This appeal shall be a public hearing with notice being given pursuant to Section 1.502.6.1 with additional notices to be given to the petitioners and to the affected interested persons. Upon the conclusion of the public hearing, or any continuance of said hearing agreed to between the Planning Commission and the applicant, the Planning Commission shall within ten (10) days declare its findings. The Planning Commission may sustain, modify, reject, or overrule any recommendations or rulings of the City Engineer and may make such findings as are not inconsistent with the provisions of this Ordinance or the Subdivision Map Act.

The applicant, or any other interested person adversely affected by the decision of the Planning Commission with respect to the Lot Line Adjustment may file an appeal with the City Council concerning such decision. The procedure contained in Section 1.502.7 shall apply.

### Section 1.711 Expiration and Extension.

1.711.1 Expiration. The approval or conditional approval of the Lot Line Adjustment shall expire twenty-four (24) months from the date of its approval.

The expiration of the approved or conditionally approved Lot Line Adjustment shall terminate all proceedings, and no adjustment of the real property included in said Lot Line Adjustment such shall be filed without first processing a new Lot Line Adjustment application.

#### 1.711.2 Extension.

(a) Request by Petitioners. The applicants for the Lot Line Adjustment may request an extension of the expiration date of the approved or conditionally approved Lot Line Adjustment by written application to the Planning Department. The application shall be filed not less than thirty (30) days prior to the expiration date and shall state the reasons for requesting the extension.

(b) City Engineer and Planning Department Action. The City Engineer shall review the request for extension. Upon completion of his review the City Engineer shall forward the application, together with his recommendation for approval, conditional approval, or denial, to the City Planner for his consideration. No more than two extensions shall be approved for a Lot Line Adjustment and the period of each extension shall not exceed twelve (12) months. The extension of time shall commence with the expiration of the approved or conditionally approved Lot Line Adjustment. The approved new expiration date shall not extend more than three (3) years beyond the date of initial approval by the City Engineer.

(c) Conditions of Approval. As a condition of extension, the City Engineer may impose new conditions or revise existing conditions on the approved Lot Line Adjustment, as recommended by the Planning Department in its report, or as he/she may find necessary. These conditions shall be in accordance with Section 1.709 of this Ordinance, the Subdivision Map Act and any other applicable State law.

(d) Appeal Conditions of Extension. The applicants, or any other persons adversely affected, may appeal any action of the City Engineer on the extension, to the Planning Commission within ten (10) days of such action. Appeals shall be in accordance with Section 1.710 of this Ordinance.

(e) Fee. The fee for processing an extension shall be at actual cost. A deposit to be applied toward this fee may be required.

Section 1.712 Amendments to an Approved Lot Line Adjustment.

Amendments to an approved Lot Line Adjustment or conditions of approval thereof may be approved by the City Engineer, upon application of the applicants provided:

- (a) Such changes are consistent with the intent of the original Lot Line Adjustment approval, and
- (b) There are no resulting violations of the Ferndale City Ordinances, and
- (c) Such changes conform to all the provisions of Section 1.7 of this Ordinance.

The fee for processing an amendment to an approved Lot Line Adjustment shall be at actual cost. A deposit to be applied toward this fee may be required.

Any revisions shall be approved by the City Engineer and City Planner. The amendment shall be indicated on the approved Plot Plan, and certified by the City Engineer and City Planner, and shall be reflected within a recorded document as directed by the City Engineer.

Section 1.713 Boundary Corrections Exemption

Boundary Corrections. The adjustment of property lines for the corrections of record title descriptions or real property is exempt from the Lot Line Adjustment requirements of this Section 1.7, provided that the City Surveyor finds:

- (a) That the correction is necessary to correct deed descriptions to coincide with the physical conditions and/or occupation lines of the properties
- (b) That such physical conditions and/or occupancy lines have existed for a minimum of five (5) years.
- (c) That all affected property owners consent to the correction and
- (d) That the parcels resulting from the Lot Line Correction will conform to the local general plan and zoning and building ordinances.

A written statement declaring the purpose of the correction shall be submitted to the City Surveyor by a Licensed Land Surveyor or a Registered Civil Engineer qualified to practice land surveying along with a Record of Survey or Subdivision Map for recordation showing the monumentation of the new property line.

A deed or deeds must be recorded to correct the descriptions and must have a note on the first page as follows: "The recordation of this deed is to correct record title to coincide to the physical occupation of the property. This correction is exempt from the provisions of the Subdivision Map Act and local ordinances enacted pursuant thereto. No new or additional parcels are created by this correction." Legal descriptions within these deeds must be prepared by a Licensed Land Surveyor or a Registered Civil Engineer qualified to practice land surveying."

## SECTION 1.8 DEDICATIONS AND RESERVATIONS

### Section 1.801 Dedication of Streets, Alleys, and Other Public Rights-of-Way or Easements.

As a condition of approval of a Final Map 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; public green ways and public parks; 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; public utility easements; and other public easements.

Improvements shall be in accordance with Section 1.9 of this Ordinance.

### Section 1.802 Reservations.

1.802.1 General. As a condition of approval of a 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, or as otherwise prescribed by the City Council.

1.802.2 Standards for Reservation of Land. Where a park, recreational facility, fire station, library, or other public use is shown on an adopted Specific Plan or adopted General Plan containing a community facilities element, recreation and parks element and/or a public building element, the subdivider may be required by the City to reserve sites as so determined by the City in accordance with the definite principles and standards contained in the above 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 conform to the adopted Specific Plan or 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.

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

1.802.4 Payment to Subdivider. The purchase price shall be the 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 such reserved area, including interest costs incurred on any loan covering such reserved area.

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

Section 1.803 Waiver of Direct Street Access.

The City may require as a condition of approval of any subdivision the waiver of direct access rights to proposed or existing streets from any property within the subdivision and abutting thereon.

Any such waiver shall become effective in accordance with its provisions and shall be contained in the owners certificate of the Final Map or Parcel Map.

## SECTION 1.9 SUBDIVISION IMPROVEMENTS

### Section 1.901 General.

The subdivider shall construct all required improvements both onsite and offsite according to approved standards adopted by the City, or as otherwise determined by the City Engineer.

No Final Map or Parcel Map shall be presented to the Council or to the City Engineer for approval until the subdivider either completes the required improvements, or enters into an agreement with the City agreeing to do such work.

### Section 1.902 Improvements Required.

1.902.1 General. All improvements as may be required as conditions of approval of the Tentative Map or City Ordinance, together with but not limited to, the following shall be required of all subdivisions.

Requirements for construction of onsite and offsite improvements for subdivisions of four or less parcels shall be noted on the Parcel Map, or waiver of Parcel Map or the subdivision improvement agreement recorded prior to or concurrent with the Parcel Map.

Completion of improvements shall be in accordance with Section 1.911, herein.

1.902.2 Frontage Improvements. The frontage of each lot shall be improved to its ultimate adopted geometric section, including street structural section, curbs, sidewalks, driveway approaches and transitions.

1.902.3 Storm Drainage. Storm water 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 offsite properties that would be adversely affected by any increase in runoff attributed to the development; offsite storm drain improvements may be required to satisfy this requirement.

1.902.4 Sanitary Sewers. Each unit or lot within the subdivision shall be served by an approved sanitary sewer system. Proposed use of sanitary sewer systems other than the public sewer system will require Planning Commission approval.

1.902.5 Street Lights. Street lights shall be installed by the applicant in accordance with the City Standards and as directed by the City Engineer.

1.902.6 Water Supply. Each unit or lot within the subdivision shall be served by an approved domestic water system. Proposed use of a water supply system other than a publically regulated, community water system will require Planning Commission approval.

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

All utilities within the subdivision and along peripheral streets shall be placed underground except those facilities exempted by the Public Utilities Commission regulations.

For subdivision of five or more parcels the developer may appeal the undergrounding requirement along peripheral streets to the City Council. Such appeal shall be in accordance with Section 1.502.7 of this Ordinance. The appeal shall be accompanied by an estimate from each utility company for the approximate cost per lineal foot and total cost to underground its facilities along the peripheral street. The developer shall pay all fees as may be charged by each utility company to make the required estimate.

The City Council may, at its discretion, accept an in-lieu fee for the undergrounding of existing facilities along peripheral streets. The amount of fee shall not be less than the amount established by the City Engineer for the normal cost of undergrounding of existing utilities along residential streets.

In-lieu fees shall be deposited in a special undergrounding account to be used as approved by the City Council for future undergrounding of utilities throughout the City.

For subdivisions of four or less parcels, undergrounding requirements may be waived or modified by the City Engineer upon finding:

- (a) The subdivision is within an area where existing utilities have not been undergrounded.
- (b) Overhead utilities will have no significant visual impact.

If the undergrounding requirement is waived as allowed by findings (a) and (b) above, the in-lieu fee as established by the City Engineer shall be paid.

Section 1.903 Deferred Improvement Agreements.

1.903.1 Subdivisions of Four or Less Parcels. The frontage improvements along existing peripheral streets may be deferred when deemed necessary by the City Engineer. Deferral will be allowed when the City Engineer finds that construction is impractical due to physical constraints, or the surrounding neighborhood is absent of similar improvements. When improvements are deferred, the subdivider shall enter into an Agreement with the City for the installation of all frontage improvements at such time in the future as required by the City. The Agreement shall provide:

- (a) Construction of said improvements shall commence within ninety (90) days of receipt of the notice to proceed from the City.
- (b) That, in event of default by the Owner, his successors or assigns, the City is hereby authorized to cause said construction to be done and charge the entire cost and expense to the Owner, his successors or assigns, including interest from the date of notice of said cost and expense until paid.
- (c) That this Agreement shall be recorded in the office of the Recorder of Humboldt County, California, at the expense of the Owner and shall constitute notice to all successors and assigns of the title to said real property of the obligation herein set forth, and also a lien in such amount as will fully reimburse the City, including interest as herein above set forth, subject to foreclosure in event of default in payment.
- (d) That in event of litigation occasioned by any default of the Owner, his successors or assigns, the Owner, his successors or assigns agree to pay all costs involved, including reasonable attorney's fees, and that the same shall become a part of the lien against said real property.
- (e) That the term "Owner" shall include not only the present Owner but also his heirs, successors, executors, administrators and assigns, it being the intent of the parties hereto that the obligations herein undertaken shall run with said real property and constitute a lien there against.

The Agreement shall not relieve the Owner from any other requirements specified herein. The construction of deferred improvements shall conform to the provisions of this Ordinance and all applicable City Ordinances in effect at the time of construction.

1.903.2 Remainders. Where Remainders are appropriately designated and made part of a Final or Parcel Map, the City may enter into an Agreement with the subdivider to construct improvements within the Remainder at some future date, and prior to the issuance of a permit, or other grant of approval, for the development of a Remainder parcel. Said improvements shall be at the developer's expense. In the absence of such an Agreement, the City may require fulfillment of such construction requirements within a reasonable time following approval of the Map, upon a finding that fulfillment of the construction requirements is necessary for reasons of:

- (a) The public health and safety, or
- (b) The required construction is a necessary prerequisite to the orderly development of the surrounding area.

Section 1.904 Design.

1.904.1 General. The design and layout of all required improvements both on and offsite, private and public, shall conform to generally acceptable engineering standards and to such standards as adopted by the City and/or approved by the City Engineer.

1.904.2 Energy Conservation. The design of a subdivision for which a Tentative Map is required, pursuant to Section 1.4 of this Ordinance, particularly “major subdivisions”, shall provide, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision.

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.

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 which may be occupied by a building or structure under applicable planning and zoning in force at the time the Tentative Map is filed.

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.

#### Section 1.905 Access.

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.

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 City when required.

#### Section 1.906 Improvement Plans.

1.906.1 General. Improvement plans shall be prepared under the direction of and signed by a Registered Civil Engineer licensed by the State of California.

Improvement plans shall include but not be limited to site grading and drainage, storm drains, all other pertinent utilities, landscaping, streets and related facilities, and any requisite design review or control standards.

1.906.2 Form. Plans, profiles and details shall be legibly drawn, printed or reproduced on 24" x 36" sheets. A border shall be made on each sheet proving 1/2" at top, bottom and right side and 1 1/2" on the left side.

A suitable title block shall be placed along the bottom or right edge and provide adequate space for approval by the City Engineer and for approval of plan revisions.

Plan and profiles shall be drawn to the horizontal scale of 1" = 40' or larger unless

approved by the City Engineer. Details shall be drawn such that they clearly shows the facility to be constructed. The scales for various portions of the plans shall be shown on each sheet.

A vicinity map shall be shown on the first sheet of all sets of plans.

A north arrow shall be shown on each sheet when applicable.

Plans shall be laid out to orient north to the top or right edge of the sheet unless approved otherwise by the City Engineer.

All lettering shall be 1/8" minimum.

If the plans include three or more sheets, a cover sheet showing the streets, lots, easements, storm drains, index and vicinity map shall be included.

The form of all plans shall conform to such additional requirements as may be established by the City Engineer. The final form of all plans shall be as approved by the City Engineer.

1.906.3 Contents. The improvement plans shall show complete plans, profiles and details for all required improvements to be constructed, both public and private (including common areas).

Reference may be made to City of Ferndale, Humboldt County or State Standard Plans in lieu of duplicating the drawings thereon.

1.906.4 Supplementary Plans and Calculations. Hydrology, hydraulic plans and calculations, bond estimates and any structural calculations as may be required, shall be submitted with the improvement plans to the City Engineer. All calculations shall be legible, systematic and signed and dated by a Registered Civil Engineer licensed by the State of California and in a form as approved by the City Engineer.

1.906.5 Review by the City Engineer. The subdivider shall submit two sets of improvement plans and two copies of all computations to the City Engineer for review. Upon completion of his review, one set of the preliminary plans, with the required revisions indicated thereon, will be returned to the subdivider's engineer.

1.906.6 Approval by the City Engineer. After completing all required revisions, the subdivider's engineer shall transmit the originals of the improvement plans to the City Engineer for his signature.

Upon finding that all required revisions have been made and that the plans conform to all applicable City Ordinances, design review requirements and conditions and approval of the Tentative Map, the City Engineer shall sign and date the original plans. The originals will be returned to the subdivider's engineer.

Approval of the improvement plans shall not be construed as approval of the sanitary sewer or water construction plans.

Approval by the City Engineer shall in no way relieve the subdivider or his engineer from responsibility for the design of the improvements and for any deficiencies resulting from the design thereof or from any required conditions of approval for the Tentative Map.

#### 1.906.7 Revisions to Approved Plans.

1.906.7.1 By Subdivider. Requests by the subdivider or the engineer for revisions to the approved plans appearing necessary or desirable during construction shall be submitted in writing to the City Engineer or his appointee and shall be accompanied by two sets of revised drawings showing the proposed revision. If the revision is acceptable, the originals shall be submitted to the City Engineer's office for initialing. The originals shall be returned to the subdivider's engineer and two sets of the revised plans shall be immediately transmitted to the City Engineer. Construction of any proposed revision will not be permitted to commence until revised plans have been approved by the City Engineer and forwarded to his designated inspector.

1.906.7.2 By City Engineer. When revisions are deemed necessary by the City Engineer to protect public health and safety, or as field conditions may require, a request in writing shall be made to the subdivider and his engineer. The subdivider's engineer shall revise the plans and transmit the originals to the City Engineer for initialing within such time as specified by the City Engineer. Upon receipt of the initialed originals, the subdivider's engineer shall immediately transmit two sets of revised drawings to the City Engineer. Construction of all or any portion of the improvements may be stopped by the City Engineer until revised drawings have been submitted.

The subdivider may appeal revisions required by the City Engineer to the City Council by filing an appeal with the City Clerk within five (5) working days following receipt of the request to revise the plans.

1.906.7.3 Plan Checking and Inspection Costs for Revisions. Costs incurred by

the City 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; such deposit shall be applied toward the actual costs.

Section 1.907 Improvement Agreements.

The Agreement shall be prepared and signed by the City Engineer and approved as to form by the City Attorney. The Agreement shall provide for:

- (a) Construction of all improvements per the approved plans and specifications.
- (b) Completion of improvements within the time specified by Section 1.911.
- (c) Right by City to modify plans and specifications.
- (d) Warranty by subdivider that construction will not adversely affect any portion of adjacent properties.
- (e) Payment of inspection fees in accordance with the City's Resolution establishing fees and charges.
- (f) Improvement security as required by this Ordinance.
- (g) Maintenance and repair of any defects or failures and causes thereof.
- (h) Release of the City from all liability incurred by the development and payment of all reasonable attorney's fees that the City may incur because of any legal action arising from the development.
- (i) Any other deposits, fees or conditions as required by City Ordinance or Resolution and as may be required by the City Engineer.

Section 1.908 Improvement Security.

1.908.1 General. Any improvement Agreement, contract or act required or authorized by the Subdivision Map Act, for which security is required, shall be secured in accordance with Section 66499 of the Government Code and as provided herein.

No Final Map or Parcel Map shall be signed by the City Engineer or recorded until all improvement securities required by this Section have been received and approved.

1.908.2 Form of Security. The form of security shall be one or the combination of the following at the option and subject to the approval of the City Clerk, City Manager, or City Administrator, who will consult with the City Attorney.

- (a) Bond or bonds by one or more duly authorized corporate sureties.
- (b) A deposit, either with the local agency or a responsible escrow agent or trust company, at the option of the City, or money or negotiable bonds of the kind approved for securing deposits of public monies.
- (c) An instrument of credit or a set aside letter from one or more financial institutions subject to regulation by the state or federal government and pledging that the funds necessary to carry out the act or agreement are on deposit and guaranteed for payment.

The provisions of the bond or bonds shall be in accordance with Section 66499.1 and 66499.2 of the Subdivision Map Act.

1.908.3 Amount of Security. A performance bond or security in the amount of one hundred and ten percent (10%) of the estimated construction cost to guarantee the construction or installation of all improvements shall be required of all subdivisions. An additional amount of fifty percent (50%) of the estimated construction cost shall be required to guarantee the payment to the subdivider's contractor, subcontractors, and to persons furnishing labor, materials or equipment for the construction or installation of improvements.

If a set aside letter is used as security, an additional 20% of the estimated construction cost will be required in addition to the 150% as stated above.

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

- (a) Not less than five percent (5%) nor more than ten percent (10%) of the total construction cost for contingencies.

- (b) Increase for projected inflation computed to the estimated midpoint of construction.
- (c) All utility installation costs or a certification acceptable to the City Engineer from the utility company that adequate security has been deposited to insure installation.
- (d) In addition to the full amount of the security, there shall be included costs and reasonable expenses and fees, including attorney's fees, incurred in enforcing the obligation secured.

1.908.4 Cash Bond. The developer shall deposit with the City not less than One Thousand Dollars (\$1,000.00) cash for subdivisions of four or less parcels, and Three Thousand Dollars (\$3,000.00) for other subdivisions, or such additional amount as required by the City Engineer, not to exceed one percent of the construction cost. The deposit may be used at the discretion of the City to correct deficiencies and conditions caused by the subdivider or his contractor that may arise during or after the construction of the subdivision. Any unexpended amount will be returned to the Developer at the time all bonds are released.

1.908.5 Warranty Security. Upon acceptance of the subdivision improvements by the City Council, the subdivider shall provide security in the amount as required by the City Engineer to guarantee the improvements throughout the warranty period. The amount of the warranty security shall be not less than 50% of the cost of the construction of the improvements, including the cash bond which shall be retained for the one year warranty period. In hillside areas, the warranty security shall be not less than 100% of the construction cost of improvements.

1.908.6 Reduction in Performance Security. The City Engineer may authorize in writing the release of a portion of the security in conjunction with the acceptance of the satisfactory completion of a part of the improvements as the work progresses upon application by the subdivider, but in no case shall the security be reduced to less than 50% of the total improvement security given for faithful performance. The amount of reduction of the security shall be as determined by the City Engineer; however, in no event shall the City Engineer authorize a release of the improvement security which would reduce such security to an amount below that required to guarantee the completion of the improvements and any other obligation imposed by this Ordinance, the Subdivision Map Act, or the improvement Agreement.

1.908.7 Release of Improvement Securities.

1.908.7.1 Performance Security. The performance security shall be released only upon acceptance of the improvements by the City and when an approved warranty security has been filed with the City Engineer.

1.908.7.2 Material and Labor Security. Security given to secure payment to the contractor, subcontractors and to persons furnishing labor, materials or equipment may, after passage of the time within which claims of lien are required to be recorded pursuant to Article 3 (commencing with Section 3114) of Chapter 2 of Title 15 of Part 4 of Division 3 of the Civil Code and after the acceptance of the work; be reduced to amount not less than the total claimed by all claimants for whom claims of lien have been recorded and notice thereof given in writing to the City Council, and if no such claims have been recorded, the security may be released in full. The balance of the security shall be released upon the settlement of such claims and obligations for which the security was given.

1.908.7.3 Warranty Security. The warranty security shall be released upon satisfactory completion of the warranty period provided.

- (a) All deficiencies appearing on the warranty deficiency list for the subdivision have been corrected.
- (b) Not less than twelve (12) months have elapsed since the acceptance of the improvements by the City Council.

The City Engineer may authorize in writing the release or reduction of the security in accordance with the conditions herein above set forth.

#### Section 1.909 Construction.

The construction methods and materials for all improvements shall conform to the Standard Improvement Specifications of the City of Ferndale, as amended, and/or as otherwise determined by the City Engineer. The general provisions of the City's Standard Specifications shall apply to the Developer where applicable.

Construction shall not commence until required improvement plans have been approved by the City Engineer.

#### Section 1.910 Construction Inspection.

1.910.1 General. All improvements are subject to inspection by the City Engineer or authorized personnel in accordance with the City's Standard Specifications.

1.910.2 Pre-Construction Conference. Prior to commencing any construction, the Developer shall arrange for a pre-construction conference with the city Engineer or his designated inspector.

1.910.3 Final Inspection and Deficiency List. Upon completion of the subdivision improvements, the Developer shall apply in writing to the City Engineer for a preliminary final inspection. The City Engineer or authorized representative shall schedule a preliminary final inspection.

A deficiency list shall be compiled during the inspection, noting all corrections or any additional work required. If the number of items are excessive or the subdivision appears incomplete, the preliminary final inspection may be halted and rescheduled on a date as determined by the City Engineer or authorized representative.

When the preliminary final inspection has been completed, a copy of the deficiency list shall be transmitted to the Developer for correction.

Upon having completed all corrections or additional work as outlined by the deficiency list, the Developer shall certify in writing that all corrections have been completed satisfactorily and request a final inspection. The City Engineer or authorized representative shall then make a final inspection.

Upon finding that all items on the deficiency list have been corrected and receipt of as built improvement plans, the subdivision shall be placed on the Council Agenda for acceptance.

The completion of corrections indicated by the deficiency list shall not relieve the Developer from the responsibility of correcting any deficiency not shown on the list that may be subsequently discovered.

Section 1.911 Completion of Improvements.

1.911.1 Subdivisions of Five or More Parcels. The subdivision improvements shall be completed by the Developer within eighteen (18) months, or such time as approved by the City Engineer, not to exceed a period of twenty-four (24) months, from the recording of the Final Map, unless an extension is granted by the City Council.

Should the subdivider fail to complete the improvements with the specified time, the City may, by resolution of Council and at its option, cause any or all uncompleted improvements to be completed and the parties executing the surety or sureties shall be firmly bound for the payment of all necessary costs therefor.

1.911.2 Subdivisions of Four or Less Parcels. Completion of improvements will not be required until such time as a permit or other grant approval for the development of any parcel within the subdivision is applied for. Improvements shall be completed prior to final building inspection or occupancy of any unit within the subdivision.

The completion of the improvements may be required by a specified date by the City when the completion of such improvements are found to be necessary for public health or safety or for the orderly development of the surrounding area. This finding shall be made by the City Engineer or authorized representative. Such specified date, when required, shall be stated in the Subdivision Improvement Agreement.

1.911.3 Extensions. The completion date may be extended by the City Council for subdivision of five or more parcels and by the City Engineer for subdivision of four or less parcels upon written request by the Developer and the submittal of adequate evidence to justify the extension. The request shall be made not less than thirty (30) days prior to expiration of the Subdivision Improvement Agreement.

The subdivider shall enter into a Subdivision Improvement Agreement Extension with the City. For subdivisions of five or more parcels the agreement shall be prepared and signed by the City Engineer, approved as to form by the City Attorney, executed by the subdivider and transmitted to the City Council for their consideration. If approved by the City Council, the Mayor shall execute the agreement on behalf of the City.

In consideration of a Subdivision Improvement Extension Agreement, the following may be required:

- (a) Revision of improvement plans to provide for current design and construction standards when required by the City Engineer;
- (b) Revised improvement construction estimates to reflect current improvement costs as approved by the City Engineer.
- (c) Increase of improvement securities in accordance with revised construction estimates.
- (d) Inspection fees may be increased to reflect current construction costs but shall not be subject to any decrease or refund.

The City Council may impose additional requirements as recommended by the City Engineer or as it may deem necessary as a condition to approving any time extension for the completion of improvements.

The costs incurred by the City in processing the agreement shall be borne by the Developer at actual cost.

#### Section 1.912 Acceptance of Improvements.

1.912.1 General. When all improvement deficiencies have been corrected and as built improvement plans filed, the subdivision improvements shall be considered by the City for acceptance. Subdivisions of five or more parcels must be accepted by the City Council. The City Engineer or authorized representative shall be responsible for the acceptance of subdivisions of four or less parcels.

Acceptance of the improvements shall imply only that the improvements have been completed satisfactorily and that public improvements have been accepted for public use.

1.912.2 Notice of Completion. If the subdivision has been accepted by the City, the City Clerk's shall cause to be filed with the County Recorder a Notice of Completion.

1.912.3 Acceptance of a Portion of the Improvements. When requested by the subdivider in writing, the City may consider acceptance of a portion of the improvements as recommended by the City Engineer. The improvements will be accepted by the City only if it finds that it is in the public interest and such improvements are for the use of the general public.

Acceptance of a portion of the improvements shall not relieve the Developer from any other requirements imposed by this Ordinance.

**SECTION 1.10 REVERSIONS TO ACREAGE****Section 1.1001 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 Maps and Parcel Maps.

**Section 1.1002 Initiation of Proceedings.**

**1.1002.1 By Owners.** Proceedings to revert subdivided property to acreage may be initiated by petition of all of the owners of record of the property. The petition shall be in a form prescribed by the City Engineer. The petition shall contain the information required by Section 1.1003 and such other information as required by the City Engineer.

**1.1002.2 By City Council.** The City Council, at the request of any person or on its own motion may, by Resolution, initiate proceedings to revert property to acreage. The City Council shall direct the City Engineer to obtain the necessary information to initiate and conduct the proceedings.

**Section 1.1003 Contents of Petition.**

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

- (a) Evidence of Title to the real property; and
- (b) Evidence of the consent of all parties having record Title interest in the property to the Reversion to Acreage.
- (c) Evidence that none of the improvements required to be made have been made within two (2) years from the date the Final Map or Parcel Map was filed for record, or within the time allowed by agreement for completion of the improvements, whichever is later; or
- (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 1.502 or Section 1.601 of this Ordinance.
- (f) A Final Map or Parcel Map in the form prescribed by Section 1.504 or Section 1.602 of this Ordinance which delineates dedications which 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."

(g) A deposit as required by the City Engineer toward processing and plan checking costs in accordance to the City's Resolution establishing fees and charges, or as otherwise established or directed by the City Council.

Section 1.1004 Submittal of Petition to the City Engineer.

The Final Map or Parcel Map for the Reversion together with all other data as required by this Section shall be submitted to the City Engineer for his/her review.

The City Engineer shall forward a copy of the petition to the Planning Department for review and response. The Planning Department shall review the petition for conformance to the City's General Plan and any Specific Plan, the City's Zoning Ordinance, and any other applicable City Ordinances, and shall report any findings to the City Engineer.

Upon receipt of the Planning Departments report, and upon finding that the petition meets with all the requirements of this Ordinance and the Subdivision Map Act, the City Engineer shall submit the Final Map or Parcel Map, together with his report and recommendations of approval or conditional approval of the Reversion to Acreage, to the City Council for their consideration.

Section 1.1005 City Council Approval.

A public hearing shall be held by the City Council on all petitions for initiations for Reversions to Acreage. Notice of the public hearing shall be given as provided in Section 66451.3 of the Government Code. The City Clerk may give such other notice that it deems necessary or advisable.

The City Council may approve a Reversion to Acreage only if it finds and records by Resolution that:

- (a) Dedications or offers of dedication to be vacated or abandoned by the Reversion to Acreage are unnecessary for present or prospective public purposes; and
- (b) Either:
  - (1) All owners of an interest in the real property within the Subdivision have consented to reversion; or

(2) None of the improvements required to be made have been made within two (2) 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

(3) No lots shown on the Final Map or Parcel Map have been sold within five (5) years from the date such maps were filed for record.

The City Council may require as conditions of the reversion:

(a) The owners dedicate or offer to dedicate streets, public rights-of-way or easements.

(b) The retention of all or a portion of previously paid subdivision fees, deposits, or improvement securities if the same are necessary to accomplish any of the provisions of this Ordinance and the Subdivision Map Act.

Section 1.1006 Filing with County Recorder.

Upon approving the Revision to Acreage, the City Engineer shall transmit the Final Map or Parcel Map, together with the City Council Resolution approving the Reversion, to the County Recorder for recordation.

The Reversion shall be effective upon the Final Map or Parcel Map being filed for record by the County Recorder. Upon filing, all dedications and offers of dedication not shown on the Final Map or Parcel Map for Reversion shall be of no further force and effect.

## SECTION 1.11 PARCEL MERGERS

Under certain circumstances, contiguous legal parcels owned by one and the same owner can be combined into one parcel, thus constituting a “Merger”.

Mergers initiated by the City are strictly governed by the provisions of Article 1.5 of the Subdivision Map Act.

Mergers initiated by the same owner of contiguous parcels, for the purpose of merging the parcels, merging and re-subdividing the parcels, merging with out reverting to acreage and re-subdividing without reverting to acreage, are allowed and are governed by Section 66499.20-1/4, Section 66499.20-1/2, and Section 66499.20-3/4 of the Subdivision Map Act, and the provisions of this Ordinance. However, these procedures only apply to property on which a previously filed subdivision exists.

### Section 1.1101 Mergers Not Required.

Two or more contiguous parcels or units of land which have been subdivided under the provisions of this Ordinance, or the Subdivision Map Act, shall not be deemed merged by the City or a property owner by virtue of the fact that such parcels or units are contiguous and held by the same ownership. No further proceedings under this Ordinance or the Subdivision Map Act shall be required for the purpose of sale, lease or financing of contiguous parcels: except as provided by this Section.

The sole and exclusive authority for a local agency to initiate or deem a merger of contiguous parcels is granted by, and shall proceed in strict accordance with, the provisions prescribed in Article 1.5 of the Subdivision Map Act. However, this does not abrogate or limit the authority of the City, to approve Lot Line Adjustments, Reversions to Acreage, or Parcel or Final Maps which combine lots or result in the creation of fewer parcels.

City initiated Mergers require the adoption of a specific Merger Ordinance, in conformance with Section 66451.11 of the Subdivision Map Act, prior to implementation or action.

### Section 1.1102 Filing of Parcel Merger Application.

Any property owner of contiguous parcels requesting a merger of the parcels shall file an application with the City Engineer. Included with the applications shall be the following materials:

- (a) Application form with signatures of all parties having title in the affected parcels.
- (b) Information on current ownership of all affected parcels. This information shall be in the

form of a Preliminary Title Report, Lot Book Report or PIRT. The information shall be dated no more than 60 days prior to the filing of the application, and may be obtained from a title company.

(c) Materials required to process the Parcel Merger request as specified by the Planning Department and/or the City Engineer, or their authorized representative. Such materials may include documentation that affected departments, utilities, and local agencies have been contacted, and drafts of documents such as the action notice and notice of merger.

(d) Submittal of Parcel Merger Map which shall include, and/or conform to, the following:

(1) Submittal number: One (1) original and three (3) copies.

(2) Size: Eight and one-half by eleven inches (8 ½" x 11"), or eleven by seventeen inches (11" x 17").

(3) Scale: Appropriate to the size of Map and amount of detail to be shown. Map may be reduced from a larger to-scale Map if notation is made to show that Map is reduced.

(4) Accurate location of all property lines including existing and proposed *lot lines* clearly labeled. Bearing and length of each line from existing recorded Maps. The areas of the existing parcels and the areas of the adjusted parcels. Notation of the latest recorded subdivision *or Parcel Map* from which the Parcel Merger Map is prepared, and/or bearing and distance to a known survey point.

(5) Accurate location of all existing and proposed rights-of-way, easements, existing and proposed *structures*, and adjacent streets and roads.

(6) Assessor's Parcel numbers and current zoning.

(7) The name of the *person* who prepared the map. The map need not be prepared by a licensed engineer or surveyor unless the location of buildings or property corners or lines requires more accurate data. In such -instances the property owner may be required to have such -*buildings*, corners and/or adjoining *lot lines* accurately located to determine the effect that a Merger would have on the existing surrounding *development*.

(e) A legal description describing the resultant parcels following the Parcel Merger. The legal Description shall bear the original stamp of a Licensed Land Surveyor.

(f) Application fee in accordance to the City's Resolution establishing fees and charges, or as otherwise established or directed by the City Council.

Section 1.1103 Processing and Approving a Parcel Merger.

- (a) The property owner of the affected parcels shall submit a complete application to the City Engineer in accordance with Section 1.1102 of this Ordinance.
- (b) The City Engineer, upon receipt of an application for a Parcel Merger that is deemed to be complete, shall submit the Parcel Merger application to the Planning Department for review and response per the provisions enumerated in Section 1.1004 of this Ordinance. In addition, the City Engineer shall transmit the Parcel Merger application to those departments, utilities, and local agencies which may have an effect on the proposal, for review and response. Note: The applicant may also submit evidence that such contacts and responses have occurred.
- (c) The City Engineer shall forward the Parcel Merger application and his/her findings, along with the Planning Department findings, to the City Council for approval per the provisions enumerated in Section 1.1004 of this Ordinance.
- (d) The City Council shall approve all Parcel Merger applications per the provisions enumerated in Section 1.1005 of this Ordinance, as superceded by, augmented by, and/or amended by, the specific provisions in Section 66499.20-1/4, Section 66499.20-1/2, and Section 66499.20-3/4 of the Subdivision Map Act.
- (e) The approved Parcel Merger application shall cause a Final and/or Parcel Map to be recorded by the County Recorder per the provisions enumerated in Section 1.1006 of this Ordinance, as superceded by, augmented by, and/or amended by, the specific provisions in Section 66499.20-1/4, Section 66499.20-1/2, and Section 66499.20-3/4 of the Subdivision Map Act.

**SECTION 1.12 CORRECTION AND AMENDMENTS OF MAPS****Section 1.1201 Requirements.**

After a Final Map or Parcel Map is filed in the office of the County Recorder, it may be amended by a Certificate of Correction or an amending Map:

- (a) To correct an error in any course or distance shown thereon;
- (b) To show any course or distance that was omitted therefrom;
- (c) To correct an error in the description of the real property shown on the Map;
- (d) To indicate monuments set after the death, disability, retirement from practice, or replacement of the Engineer or Surveyor charged with responsibilities for setting monuments; or
- (e) To show the proper location or character of any monument which has been changed in location, or character, or 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 City Engineer, which does not impose any additional burden on the present fee owner of the property and does not alter any right, title or interest in the real property reflected on the recorded Map.

**Section 1.1202 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 1.504 if a Final Map, or Section 1.602 if a Parcel Map, and the Subdivision Map Act. 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.

**Section 1.1203 Submittal and Approval by the City Engineer.**

The amending Map or Certificate of Correction, complete as to final form, shall be submitted to the City Engineer for his/her review and approval.

The City Engineer shall examine the amending Map or Certificate of Correction and if the only changes made are those set forth in Section 1.1201 above, he/she shall certify to this fact on the amending Map or Certificate of Correction.

Section 1.1204 Filing with the County Recorder.

The amending Map or Certificate of Correction certified by the City 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 tract designation shown on the amending Map or Certificate of Correction in the general index and map index respectively. Thereupon, the original Map shall be deemed to have been conclusively so corrected and thereafter shall impart constructive notice of all such corrections in the same manner as though set forth upon the original Map.

Section 1.1205 Fee.

The fee charged by the City for checking, processing and recording the amended Map or Certificate of Correction shall be in accordance with the City's Resolution establishing fees and charges. A deposit to be applied toward this fee may be required by the City Engineer upon submittal of the amended Map or Certificate of Correction for his review. A fee may also be charged by the county recorder for recordation and for compensation for the cost of maintaining an index of recorded Certificates of Corrections.

**SECTION 1.13 ENFORCEMENT OF ORDINANCE PROVISIONS****Section 1.1301 Prohibition.**

(a) No person shall offer to sell or lease, to contract to sell or lease, to sell or lease, or to finance any parcel or parcels of real property, or to commence construction of any building for sale, lease or financing thereon, except for model homes, or to allow occupancy thereof, for which a Final Map or Parcel Map is required by this Ordinance, or the Subdivision Map Act, until such Map, in full compliance with the provisions of this Ordinance, or the Subdivision Map Act, has been filed for record with the County Recorder.

(b) Conveyances of any part of a division of real property for which a Final or Parcel Map is required by this Ordinance shall not be made by parcel or block number, initial or other designation, unless and until such Map has been filed for record with the County Recorder.

(c) All development activity within the area of a subdivision shall be completed in accordance with the approved or amended Tentative Subdivision Map or Tentative Parcel Map. Failure to comply with conditions established for the subdivision, or development activity, shall constitute a violation of this Ordinance for which the penalty provisions of Section #2 herein below, "Penalties", shall apply. In addition, no Final Subdivision Map or Final Parcel Map will be accepted by the City unless full compliance with the conditions of approval has been established.

(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 (including a local ordinance), regulating the design and improvement of subdivisions in effect at the time the subdivision was established.

(e) Nothing contained in subdivision (a) shall be deemed to prohibit an offer to sell, lease, or finance real property or to construct improvements thereon where such sale, lease, or financing, or the commencement of such construction, is expressly conditioned upon the approval and filing of a Final Subdivision Map or Parcel Map, as required under this Ordinance.

(f) Nothing in this section shall in any way modify or affect the provisions of Section 11018.2 of the Business and Professions Code.

Section 1.1302 Remedies.

(a) Any deed of conveyance, sale or contract to sell real property which has been divided, or which has resulted from a division, in violation of the provisions of this Ordinance or State Subdivision Map Act, is voidable at the sole option of the grantee, buyer or person contracting to purchase, his/her heirs, personal representative, or trustee in insolvency or bankruptcy within one year after the date of discovery of the violation, but the deed of conveyance, sale or contract to sell is binding upon any successor in interest of the grantee, buyer or person contracting to purchase, other than those above enumerated, and upon the grantor, vendor or person contracting to sell, or his/her assignee, heir or devisee.

(b) Any grantee, or his/her successor in interest, of real property which has been divided, or which has resulted from a division, in violation of the provisions of this Ordinance or the Subdivision Map Act may, within one year of the date of discovery of such violation, bring an action in the Superior Court of to recover any damages he/she has suffered by reason of such 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 66499.35 of the Government Code, or Section 1.1303 of this Ordinance, or identified in a recorded Final Map 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 his successor in interest under any other provision of law.

(d) This Section does not bar any legal, equitable or summary remedy to which the City or other public agency, or any person, firm or corporation may otherwise be entitled, and the City or other public agency, or such person, firm or corporation may file a suit in the Superior Court of Humboldt County, to restrain or enjoin any attempted or proposed subdivision for sale, lease or financing in violation of this Ordinance.

(e) The City shall not issue any permit or grant any approval necessary to develop any real property which has been divided, or which has resulted from a division, in violation of the provisions of this Ordinance or the Subdivision Map Act if it finds that development of such real property is contrary to the public health or the public safety. The authority to deny such a permit or such approval shall apply whether the applicant therefore is either the current owner of record or a vendee of the current owner of record pursuant to a contract of sale of the real property with, or without actual or constructive knowledge of the violation at the time of the acquisition of his or her interest in such real property.

The City, in issuing a permit or granting approval for the development of any such real property, may impose only those additional conditions as would have been applicable to the division of the property at the time the applicant acquired his or her interest in such real property, and which had been established at such time by local ordinance adopted pursuant to the Subdivision Map Act, except that where the applicant was the owner of record at the time of the initial violation of the provisions of the Subdivision Map Act or the Ferndale Subdivision Ordinance who, by a grant of the real property created by a parcel or parcels in violation of Subdivision Map Act or Ferndale Subdivision Ordinance, and such person is the current owner of record of one or more of the parcels which were created as a result of the grant in violation of the Subdivision Map Act or Ferndale Subdivision Ordinance, then the City may impose such conditions as would be applicable to a current division of the property, and except that if a Conditional Certificate of Compliance has been filed for record under the provisions of Subdivision (b) of Section 66499.35 of the Subdivision Map Act, only such conditions stipulated in that Certificate shall be applicable.

Section 1.1303 Certificate of Compliance.

- (a) Any person owning real property within the City of Ferndale or a vendee of such person pursuant to a contract of sale of such real property may request the City Engineer to determine whether such real property complies with the provisions of this Ordinance and the Subdivision Map Act.
- (b) Upon making such determination, the City 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 applicable provisions of the City of Ferndale Municipal Code and the Subdivision Map Act.
- (c) If the City Engineer determines that such real property does not comply with the provisions of the Ferndale Municipal Code or Subdivision Map Act, he/she may as a condition to granting a Certificate of Compliance, impose such conditions, permitted by this Ordinance, as would have been applicable to the division of the property at the time the applicant acquired his or her interest therein, and which had been established at such time by the Ferndale Subdivision Ordinance or the Subdivision Map Act, except that where the applicant was the owner of record at the time of the initial violation of the provisions of the Subdivision Map Act or Ferndale Subdivision Ordinance who by a grant of the real property created a parcel or parcels in violation of the Subdivision Map Act or Ferndale Subdivision Ordinance, and such person is the current owner of record of one or more of the parcels created as a result of the grant in violation of the Subdivision Map Act or Ferndale Subdivision Ordinance, then the City Engineer may

impose such conditions, permitted by this Ordinance, as would be applicable to a current division of the property. Upon making such a determination and establishing such conditions, the City Engineer or authorized representative shall cause a Conditional Certificate of Compliance to be filed for record with the County Recorder. Such Certificate shall serve as notice to the property owner who has applied for the Certificate pursuant to this Section, a grantee of the property owner, or any subsequent transferee or assignee of the property that the fulfillment and implementation of such conditions shall be required prior to subsequent issuance of a permit or other grant of approval for development of the property. Compliance with such conditions shall not be required until such time as a permit or other grant of approval for development of such property is issued.

(d) A recorded Final Map 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 this fee.

Section 1.1304 Certificate of Non-Compliance.

Whenever the City Engineer or an authorized representative has knowledge that real property has been divided in violation of the provisions of this Ordinance or the Subdivision Map Act, they shall cause to be filed for record with the recorder of the County a tentative Notice of Violation (or a "Certificate of Non-Compliance"), describing the real property in detail, naming the owners thereof, and describing the violation and stating that an opportunity will be given to the owner to present evidence. At least thirty (30) days prior to the recording of the Notice (or "Certificate of Non-Compliance"), the owner of the real property shall be advised in writing of the intention to record said Notice and specifying a time, date, and place at which the owner may present evidence as to why such Notice should not be recorded. If, after the owner has presented evidence, it is determined that there has been no violation, the Notice shall not be recorded and the owner of said property shall be notified of such in writing. If, however, it is determined that a violation continues to be evident, the Notice shall be filed with the County Recorder. Such Notice, when recorded, shall be deemed to be constructive Notice of the Violation (or "Certificate of Non-Compliance"), to all successors in interest in such property.

SECTION #2 PENALTIES.

Any person, firm or corporation, whether as principal, agent, employee or otherwise, violating any provision of this Ordinance shall be guilty of a misdemeanor and upon conviction thereof, shall be punishable by a fine of not more than Five Hundred Dollars (\$500.00) or by imprisonment in the county jail of the County of Humboldt for a term of not exceeding five (5) months, or both. In addition any such person, firm or corporation shall be required to reimburse the City for all costs of enforcement, including attorney fees. Such person, firm or corporation, shall be deemed to be guilty of a separate offense for each and every day during any portion of which any violation of this Ordinance is committed, continued or permitted by such person, firm or corporation, and shall be punishable as herein provided.

SECTION #3 SEPARABILITY CLAUSE.

Should any section, subsection, paragraph, sentence, clause or phrase of this Ordinance be declared invalid, such declaration shall not affect the validity of any other section, subsection, paragraph, sentence, clause or phrase. All other provisions of this Ordinance shall remain in full force and effect.

SECTION #3 EFFECTIVE DATE.

This Ordinance shall be in full force and effect thirty (30) days after the date of its final passage and adoption.

PASSED AND ADOPTED ON THIS 11<sup>th</sup> day of October, 1999, by the following vote:

AYES: Benemann, Hindley, Taubitz, Von Braun

NOES: 0

Abstained from voting: 0

ABSENT: Johnson

<s> Carlos E. Benemann  
Mayor, City of Ferndale

ATTEST:

<s> Frances Scalvini  
City Clerk, City of Ferndale