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APR 13 2006

# The County of Yuba

**DEPARTMENT OF PUBLIC WORKS****KEVIN MALLEN, DIRECTOR***Committee  
4/25/06 &?**OK*

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APR 12 2006

DATE: APRIL 25, 2006

TO: LAND USE AND PUBLIC WORKS COMMITTEE,  
 YUBA COUNTY BOARD OF SUPERVISORS

FROM: KEVIN MALLEN, DIRECTOR OF PUBLIC WORKS  
 GARY T. LIPPINCOTT, COUNTY SURVEYOR

SUBJECT: AMENDMENTS TO THE SUBDIVISION ORDINANCE, CHAPTER 11.15 OF TITLE  
 XI, RELATING TO THE COMMUNITY SERVICES DIRECTOR AND APPROVAL  
 OF FINAL MAPS

**RECOMMENDATION:** Approve adoption of proposed ordinance amendments to Chapter 11.15 of Title XI of the Yuba County Ordinance Code.

**BACKGROUND:** Currently final maps and associated Subdivision Improvement Agreements are presented to the Board of Supervisors for final approval. The map and agreement approvals are typically a ministerial act taken as items under the Consent Agenda. Considerable staff time and resources are required to prepare informational documents for the Board for the final map approval process as well as time delays for developers. Government Code (Subdivision Map Act) section 66458(d) allows the legislative body (Board of Supervisors) to provide, by ordinance the ability to delegate the approval or disapproval of the final maps to the county engineer, surveyor or other designated official, subject to several stipulations. The acceptance of dedications and offers of dedication on final maps included in the Owner's Statement on the title page of the map are also currently accepted by the Board of Supervisors. Authority to accept dedications for roads and drainage easements by separate instruments associated with parcel maps and for some other land development projects has been previously granted to the County Surveyor by Resolution No. 2000-83 adopted on August 8, 2000. Subdivision Improvement Agreements and Parcel Map Improvement Agreements are also currently approved by the Board. Subdivision Improvement Agreements for on-site and off-site improvements required for the subdivision or parcel map are between the Developer and the County with security bonds provided by the Developer.

**DISCUSSION:** In an effort to increase efficiency and to make minor amendments to the county ordinance, staff is requesting the five amendments as stated in the resolution. The first amendment to the Subdivision Ordinance clarifies that the Community Services Director is now the Community Development Director. The second amendment would delegate authority from the Board of Supervisors to the County Surveyor to file final maps, with certain stipulations, including providing notice to the Board and the public that the surveyor is reviewing the map for approval and the ability to appeal to the Board. The third amendment would allow the County Surveyor to accept dedications and offers of dedication by a statement on the face of the final map and parcel maps or by separate instruments. The fourth amendment would allow the Public Works Director the ability to enter into subdivision improvement agreements associated with final maps and parcel maps. The fifth amendment provides minor corrections due to changes in the Subdivision Map Act.

**FISCAL IMPACT:** Amount unknown. Would result in reduction of staff time and materials.

**COUNTY OF YUBA**

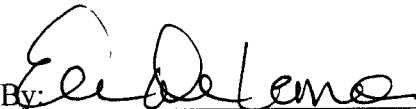
**SUMMARY OF PROPOSED ORDINANCE  
AMENDING CHAPTER 11.15 OF THE YUBA COUNTY  
ORDINANCE CODE  
DEPARTMENT HEAD TITLE, FINAL MAP APPROVALS AND DEDICATIONS  
AND SUBDIVISION IMPROVEMENT AGREEMENT**

The following is a summary of an ordinance proposed to be adopted by the Board of Supervisors of the County of Yuba on \_\_\_\_\_, 2006.

The proposed ordinance clarifies that the Community Services Director is now the Community Development Director, it delegates authority to the County Surveyor to approve a final map and accept dedications of property to the County; authorizes certificates to appear on the face of subdivision maps as well as by separate instrument and it delegates authority to the Public Works Director to enter into a subdivision improvement agreement .

The complete text of the proposed ordinance may be reviewed in the Office of the Clerk of the Board of Supervisors of Yuba County.

DONNA STOTTLEMEYER  
Clerk of the Board of Supervisors

By:  \_\_\_\_\_

**COUNTY OF YUBA**

**SUMMARY OF ADOPTED ORDINANCE NO. \_\_\_\_\_  
AMENDING CHAPTER 11.15 OF THE YUBA COUNTY  
ORDINANCE CODE  
DEPARTMENT HEAD TITLE, FINAL MAP APPROVALS AND DEDICATIONS  
AND SUBDIVISION IMPROVEMENT AGREEMENT**

The following is a summary of an ordinance adopted by the Board of Supervisors of the County of Yuba on \_\_\_\_\_, 2006.

The ordinance clarifies that the Community Services Director is now the Community Development Director; it delegates authority to the County Surveyor to approve a final map and to accept dedications of property to the County; and it authorizes certificates to appear on the face of subdivision maps as well as by separate instrument; and it delegates authority to the Public Works Director to enter into a subdivision improvement agreement .

The ordinance was passed upon the following vote:

AYES:

NOES:

ABSENT:

The complete text of the ordinance may be reviewed in the Office of the Clerk of the Board of Supervisors of Yuba County.

DONNA STOTTLEMEYER  
Clerk of the Board of Supervisors

By: \_\_\_\_\_

**THE BOARD OF SUPERVISORS OF THE COUNTY OF YUBA, STATE OF CALIFORNIA, DOES ORDAIN AS FOLLOWS:**

**Section 1.** This ordinance shall take effect thirty (30) days after its passage, and before the expiration of fifteen (15) days after its passage a summary shall be published, with the names of the members voting for and against the same, once in a local newspaper of general circulation in the County of Yuba, State of California.

**Section 2.** Section 11.15.035 is hereby added to Chapter 11.15 of Title XI of the Yuba County Ordinance Code to read in its entirety as follows:

**11.15.035 Community Services Director.**

The term “Community Services Director” means the Director of the department currently known as “Community Development Department” and any successor department that may exist in the future.

**Section 3.** Section 11.15.440 of Chapter 11.15 of Title XI of the Yuba County Ordinance Code is hereby amended to read in its entirety as follows:

**11.15.440 Required Approval - Final Map.**

After all required certificates on the final map are signed and, where necessary, acknowledged, the final map conforming to the approved or conditionally approved tentative map may be filed for approval of the County Surveyor. The County Surveyor thereupon: (1) shall notify the Board of Supervisors at its next regular meeting after the

County Surveyor receives the map that the County Surveyor is reviewing the map for final approval, (2) shall approve or disapprove the final map within ten days following the meeting of the Board of Supervisors that was preceded by the notice in (4) below, (3) the County Surveyor's action may be appealed to the Board of Supervisors, (4) the clerk of the Board of Supervisors shall provide notice of any pending approval or disapproval by the County Surveyor, which notice shall be attached and posted with the Board of Supervisors' regular agenda and shall be mailed to interested parties who request notice, and (5) the Board of Supervisors shall periodically review the delegation of final map approval authority provided herein to the County Surveyor.

**Section 4.** Section 11.15.445 is hereby added to Chapter 11.15 of Title XI of the Yuba County Ordinance Code to read in its entirety as follows:

**11.15.445 Acceptance of Dedications**

With respect to parcel maps and final maps, the County Surveyor may accept or reject dedications and offers of dedication that are made by a statement on the face of the map or by separate instrument.

**Section 5.** Section 11.15.470 of Chapter 11.15 of Title XI of the Yuba County

Ordinance Code Subsection (a) is hereby amended to read in its entirety as follows:

**11.15.470. Security Agreement-Bond.**

(a) If, at the time of approval of the final map or parcel map, any required improvements have not been completed and accepted, the Public Works Director shall require the subdivider to enter into an agreement to thereafter complete the improvements at the subdivider's expense or an agreement to initiate and consummate proceedings under an appropriate special assessment act for the financing and completion of such improvements, provided that the latter agreement must provide that if the improvements are not completed under the special assessment act, the subdivider must agree to complete them at the subdivider's expense.

**Section 6.** Section 11.15.500 of Chapter 11.15 of Title XI of the Yuba County

Ordinance Code is hereby amended to read in its entirety as follows:

**11.15.500. Required Signatures/Certificates.**

(a) No Final Map or Parcel Map required by this chapter which creates a subdivision shall be filed with the County without the written consent of all parties having any record title interest in the real property proposed to be subdivided, except as otherwise provided in accordance with the provisions of sections 66436 and 66445 of the Government Code, or any other provision of the Subdivision Map Act or this chapter.

(b) Pursuant to Government Code section 664365.1, certificates required for Final Maps by Government Code sections 66436 and 66443 may be made either on the face of the

map or by separate instrument to be recorded concurrently with the required map.

(c) Pursuant to Government Code section 66447, certificates required for Parcel Maps by Government Code sections 66449 and 66450 may be made either on the face of the map or by separate instrument to be recorded concurrently with the required map.

**Section 7.** If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be unconstitutional and invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and every section, subsection, sentence, clause or phrase thereof, irrespective of the fact any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING CHAPTER 11.15 OF THE  
YUBA COUNTY ORDINANCE CODE RELATING TO  
DEPARTMENT HEAD TITLE, FINAL MAP APPROVALS AND DEDICATIONS  
AND SUBDIVISION IMPROVEMENT AGREEMENT**

The following ordinance consisting of seven (7) sections, was duly and regularly passed and adopted by the Board of Supervisors of the County of Yuba, State of California, at a regular meeting of the Board of Supervisors held on the \_\_\_\_\_ day of \_\_\_\_\_, 2006, by the following vote:

AYES:

NOES:

ABSENT:

\_\_\_\_\_  
Chairperson of the Board of Supervisors  
County of Yuba, State of California

ATTEST: DONNA STOTTLEMEYER  
CLERK OF THE BOARD OF SUPERVISORS

By: \_\_\_\_\_

APPROVED AS TO FORM  
DANIEL G. MONTGOMERY, COUNTY  
COUNSEL

  
\_\_\_\_\_  
Angil P. Morris-Jones, Chief Deputy