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ARTICLE I. GENERAL PROVISIONS

Sec. 26-11. Authority and Title

This Chapter is adopted pursuant to the authority vested in the County of Solano by Section 7 of Article 11 of the California Constitution and by the Subdivision Map Act. This Chapter may be cited as the Solano County Subdivision Ordinance.®

Sec. 26-12. Purpose

The purpose of this Chapter is to regulate and control subdivisions of land and, in connection therewith, to implement the County's General Plan and to implement and supplement the Subdivision Map Act.

Sec. 26-13. Application

Except as otherwise provided in Section 26-15, this Chapter shall apply to all divisions, reversions to acreage, lot line adjustments, and mergers respecting real property located wholly or partially within the unincorporated areas of Solano County. This Chapter governs the filing, processing, approval, conditional approval, or disapproval of tentative, final and parcel maps, map waivers, lot line adjustments, certificates of compliance, conditional certificates of compliance, notices of violation, revisions to acreage, resubdivisions, mergers, and any modifications thereto. Except as specifically otherwise provided by this Chapter or the Subdivision Map Act, all subdivisions shall be subject to the same substantive and procedural requirements.

Sec. 26-14. Environmental Impact

No discretionary actions pursuant to the provisions of this Chapter shall be approved until an environmental impact analysis is prepared, processed and considered in accordance

with the provisions of the California Environmental Quality Act (Public Resources Code Section 21000 et seq.). The subdivider shall provide such data and information as may be required to complete such analysis, pay a deposit, and pay such fees as may be required to reimburse County costs for preparation and processing of environmental review documents as specified by the Board of Supervisors.

Sec. 26-15. Exemptions

Exemptions from the provisions of this Chapter are governed by Section 26-15.1 and 26.15.2.

Sec. 26-15.1. List of Exemptions

Except as otherwise provided in Section 26-15.2, this Chapter shall not apply to:

- (a) The financing or leasing of apartments, offices, stores or similar spaces within apartment buildings, industrial buildings, commercial buildings, mobile home parks, or trailer parks;
- (b) Mineral, oil, gas or agricultural leases;
- (c) Land dedicated for cemetery purposes under the provisions of the Health and Safety Code;
- (d) Boundary line or exchange agreements to which the State Lands Commission or a local agency holding a trust grant of tide and submerged lands is a party;
- (e) Any separate assessment under Section 2188.7 of the Revenue and Taxation Code;
- (f) The financing or leasing of existing separate commercial or industrial buildings on a single lot;
- (g) The financing or leasing of any lot, or portion thereof, in conjunction with the construction of commercial or industrial buildings on a single lot;
- (h) Subdivisions creating four or fewer lots for construction of removable commercial buildings having a floor area of less than 100 square feet;
- (i) The construction, financing or leasing of dwelling units pursuant to Section 65852.1 of the Government Code, or of second units pursuant to Section 65852.2 of the Government Code;
- (j) Subdivisions of a portion of the operating right-of-way of a railroad corporation defined as such by Section 230 of the Public Utilities Code which are created by short-term leases (terminable by either party on not more than 30 days= notice in writing);

- (k) Land conveyed to or from a governmental agency, public entity or public utility;
- (l) Land conveyed to a subsidiary of a public utility for conveyance to such public utility for rights-of-way;
- (m) The leasing of, or the granting of an easement to, a lot, or any portion thereof, in conjunction with the financing, erection and sale or lease of a wind powered electrical generation device on the lot or portion thereof; and
- (n) The leasing or licensing of a portion of a lot, or the granting of an easement, use permit, or similar right on a portion of a lot, to a telephone corporation as defined in Section 234 of the Public Utilities Code, exclusively for the placement and operation of cellular radio transmission facilities.

Sec. 26-15.2. Limitations on Exemptions

This Chapter shall apply to subdivisions affected in the manner described in subsections (j), (k) and (l) of Section 26-15.1 if the property involved is shown on the latest equalized County assessment roll unless the Director of Environmental Management has both:

- (a) Received advanced written notice of the proposed subdivision; and
- (b) Determined that there is no substantial evidence that public policy necessitates the filing of a final map, parcel map or map waiver for the subdivision.

The notice shall generally describe the proposed subdivision, shall identify the parties thereto, and shall contain such additional information as the Director of Environmental Management may require. The Director of Environmental Management's determination that there is or is not any such substantial evidence shall be made in writing within 30 calendar days after receipt of the notice. Public policy necessitates a final map, parcel map or map waiver whenever there is substantial evidence that the subdivision might create a lot that fails to satisfy any of the requirements of Article VII of this Chapter.

Sec. 26-15.3. Fees

Fees for the processing of tentative, final and parcel maps, and for other procedures required or authorized by the Subdivision Map Act or this Chapter, shall be paid in the amounts, if any, prescribed by resolution of the Board of Supervisors. Except as otherwise specified, such fees shall not be refundable. Each application for any such map or other procedure shall be accompanied by payment of all outstanding fees and charges by and owed to the County under this Chapter by the applicant, or by persons, partnerships, corporations or other entities owned or controlled by the applicant, or owning or controlling the applicant. No filing fee shall be charged or collected for any application filed by any County officer, employee, board or commission on behalf of the County of Solano.

ARTICLE II. DEFINITIONS

Sec. 26-21. Definitions

Whenever any words or phrases used in this Chapter are not defined herein, but are defined in the Subdivision Map Act, such definitions shall be deemed incorporated herein and shall apply as though set forth in full in this Chapter.

Sec. 26-21.1. Advisory Agency

ΔAdvisory Agency@ means a designated official or an official body charged with the duty of making investigations and reports on the design and improvement of proposed divisions of real property, or imposing or suggesting requirements or conditions thereon, or having the authority to approve, conditionally approve or disapprove maps, certificates of compliance, conditional certificates of compliance, map waivers, lot line adjustments, or having the authority to conduct the hearings relating to notices of violation as specified in this Chapter and the Subdivision Map Act.

(a) For subdivisions that require the preparation of a tentative map and a final map pursuant to this Chapter and the Subdivision Map Act, the Planning Commission shall constitute the Advisory Agency. In such capacity, the Planning Commission shall make recommendations as to findings, requirements, conditions, approvals and disapprovals, but shall not be empowered to approve, conditionally approve or disapprove tentative maps. The Board of Supervisors shall make all findings required by this Chapter and the Subdivision Map Act, and shall approve, conditionally approve or disapprove tentative maps that require the preparation of a final map.

(b) For subdivisions that require the preparation of a tentative map and a parcel map, or the preparation of a map waiver, the Development Review Committee shall constitute the Advisory Agency. In such capacity, the Development Review Committee shall make recommendations as to findings, requirements, conditions, approvals and disapprovals but shall not be empowered to approve, conditionally approve or disapprove tentative maps. The Zoning Administrator shall make all findings required by this Chapter and the Subdivision Map Act and shall approve, conditionally approve or disapprove tentative maps which require the preparation of a parcel map and map waivers unless the Zoning Administrator defers to the Planning Commission, in which case the Planning Commission shall make all findings required by this Chapter and the Subdivision Map Act, and shall approve, conditionally approve or disapprove tentative maps which require the preparation of a parcel map and map waivers.

(c) For lot line adjustments the Zoning Administrator shall constitute the Advisory Agency. In such capacity, the Zoning Administrator shall make all findings required by this Chapter and the Subdivision Map Act, and shall approve, conditionally approve, or disapprove lot line adjustments.

(d) For certificates of compliance for legal building site determinations, the Director of Environmental Management shall constitute the Advisory Agency. In such capacity, the Director of Environmental Management shall make all findings required by this Chapter and the Subdivision Map Act, and shall approve the certificate of compliance or defer the request to the Planning Commission if a conditional certificate of compliance may be required.

(e) For hearings relating to notices of violation and conditional certificates of compliance, the Planning Commission shall constitute the Advisory Agency.

Sec. 26-21.2. Appeal Board

“Appeal Board” means a designated board or other official body charged with the duty of hearing and making determinations upon appeals with respect to subdivisions and findings related thereto, the imposition of requirements or conditions thereon, or the kinds, nature and extent of the design or improvements, or both, required by the Advisory Agency. The Planning Commission shall constitute the Appeal Board respecting all actions taken by the Director of Environmental Management as Advisory Agency or the Zoning Administrator as Advisory Agency from which actions a right to appeal is granted by this Chapter or the Subdivision Map Act. The Board of Supervisors shall constitute the Appeal Board respecting all actions taken by the Planning Commission as an Advisory Agency or as an Appeal Board from which actions a right to appeal is granted by this Chapter or the Subdivision Map Act.

Sec. 26-21.3. Buildable area

“Buildable Area” means the area of a lot that is not within the building setback area or within a biologically, historically, or archaeologically sensitive area and includes areas that are reasonably free from soils and geologic hazards such as seismicity, Liquefaction, settlement, land sliding, mud sliding, and flood hazards, and to which there is reasonable access.

Sec. 26-21.4. Building and Safety Division

“Building and Safety Division” means the Building and Safety Division of the Solano County Environmental Management Department.

Sec. 26-21.5. CEQA

“CEQA” means the California Environmental Quality Act, codified as Division 13 (commencing with Section 21000) of the Public Resources Code and such amendments and additions thereto as may be made from time to time by the California Legislature.

Sec. 26-21.6. Contiguous

Lots are “contiguous” when they touch each other at any point or when they are in close proximity to each other and are so situated as to be reasonably developable as a single unit. Lots may be contiguous even when separated by a strip of land over which some

person or entity, other than the owner of the lots, has some property interest, including fee title or some lesser interest such as a leasehold or easement. Examples of such strips of land, which normally will not prevent lots from being contiguous, include roads and streets other than freeways, utility easements, railroad rights-of-way, canals and drainage channels.

Sec. 26-21.7. County Engineer

ACounty Engineer@ means the Director of the Solano County Transportation Department or his/her designee.

Sec. 26-21.8. County Surveyor

ACounty Surveyor@ means the Director of the Solano County Transportation Department or his/her designee.

Sec. 26-21.9. Development Review Committee

ADevelopment Review Committee@ means that body comprised of the Program Manager of the Planning Services Division, the Transportation Director, the Program Manager of Environmental Health Services Division, the Chief Building Inspector of the Building and Safety Division, and County Counsel or their designee and may include other affected departments, agencies and districts.

Sec. 26-21.10. Director or Environmental Management

ADirector of Environmental Management@ means the Director of the Solano County Environmental Management Department or his or her designee.

Sec. 26-21.11. Environmental Health Services Division

AEvironmental Health Services Division@ means the Environmental Health Services Division of the Solano County Environmental Management Department.

Sec. 26-21.12. Environmental subdivision

AEvironmental Subdivision@ means any division of land for biotic and wildlife purposes which is an environmental subdivision as defined in Section 66418.2 of the Subdivision Map Act.

Sec. 26-21.13. Filed

For the limited purpose of commencing the time periods prescribed by Section 66452.1 of the Subdivision Map Act and Sections 26-95.2 and 26-95.3 of this Code for the reporting or acting upon tentative maps, a tentative map for which a complete application has been submitted shall be deemed to be Afiled@ with the clerk of the Advisory Agency on the filing date established as follows:

(a) In cases where the subdivision is exempt from the requirements of CEQA, the Director of Environmental Management shall prepare and sign a notice of exemption and

the filing date of the tentative map shall be the date on which such notice is signed.

(b) In cases where a negative declaration or a mitigated negative declaration is required under CEQA, the Advisory Agency shall approve a negative declaration or a proposed mitigated negative declaration and the filing date for the tentative map shall be the date on which the appropriate Advisory Agency approves the document.

(c) In cases where an environmental impact report is required under CEQA, the filing date for the tentative map shall be the date on which the Advisory Agency having authority to approve, disapprove or conditionally approve the tentative map, certifies the environmental impact report.

For the purposes of Sections 66452.6, 66457 and 66463.5 of the Subdivision Map Act and Section 26-98.2 of this Code, a final map shall be deemed to be filed with the legislative body and a parcel map shall be deemed to be filed with the Advisory Agency on the date it is submitted to the County Surveyor in a form and condition which would permit the County Surveyor to sign the certificate specified in Section 26-102 of this Code. For the purpose of Sections 26-101 and 26-104 of this Code, a final map or parcel map is filed for record when the County Recorder accepts it for filing pursuant to Section 66466 of the Subdivision Map Act.

Sec. 26-21.14. Flag lot

Flag Lot means a lot whose general configuration is in the shape of an L or T, and which takes access from the road by means of a narrow strip which is part of the lot.

Sec. 26-21.15. Hillside area

Hillside area means any area within a proposed subdivision that has a slope in excess of 20 percent.

Sec. 26-21.16. Legislative body

Legislative body means the Board of Supervisors.

Sec. 26-21.17. Local Building Ordinance

Local Building Ordinance includes Chapter 6.3, Building Standards and Codes; Chapter 6.4, Sewage Standards; Chapter 9, Drainage and Flood Control; Chapter 12.2, Flood Damage Prevention; Chapter 13.10, Well Standards; Chapter 31, Grading and Erosion Control Ordinance, and this Chapter of the Solano County Code.

Sec. 26-21.18. Lot

Lot means an area of land having fixed boundaries depicted on or described by a tentative map, final map, parcel map or instrument of conveyance for the purpose of defining land to be held, actually or potentially, in fee title as a discrete unit; provided that roads, alleys and similar rights-of-way, whether held in fee or otherwise, are not lots.

Condominium units that consist of airspace, as opposed to divisions of land, are not lots. Mere easements and licenses are not lots. Except where otherwise specified in this Chapter, references to lots are intended to include remainder parcels and parcels offered for dedication.

Sec. 26-21.19. Lot area, gross

For purposes of this ordinance, AGross lot area@ and Agross area@ mean the total area under fee ownership, within the lot lines of the lot.

Sec. 26-21.20. Lot area, net

ANet lot area@ and Anet area@ mean gross lot area less the area within any existing or proposed road.

Sec. 26-21.21. Lot, legal

ALegal lot@ means a lot that met all local subdivision ordinance and Subdivision Map Act requirements when it was created, still exists, and can be lawfully conveyed in fee as a discrete unit separate from any contiguous lot. ALegal lot@ also means a lot for which a certificate of compliance or a conditional certificate of compliance has been issued under this Chapter and the Subdivision Map Act and the boundaries of which have not subsequently been altered by merger or further subdivision.

Sec. 26-21.22. Lot line adjustment

ALot line adjustment@ means any boundary line adjustment between two or more adjacent lots under the same or different ownership where land taken from one lot is added to an adjacent lot and where neither a greater nor a lesser number of lots than originally existed is created.

Sec. 26-21.23. Parcel

For the purposes of this Chapter, the word Aparcel@ shall have the same meaning as the word Alot@ and the two words shall be synonymous.

Sec. 26-21.24. Parent parcel

AParent parcel@ means all of the property from which a subdivision is, or was, created. For example, if a subdivision divides one original lot into two new lots, the original lot is the parent parcel for that subdivision, and if a subdivision merges and resubdivides two original lots into five new lots, the combined area of the two original lots is the parent parcel.

Sec. 26-21.25. Permanent domestic water supply

APermanent domestic water supply@ means a supply or supplies of potable water to be provided by a system or systems approved by a public health agency of the State of California or the Environmental Health Services Division of the Solano County Environmental Management Department.

Sec. 26-21.26. Planning Services Division

“Planning Services Division” means the Planning Services Division of the Solano County Environmental Management Department.

Sec. 26-21.27. Remainder parcel

“Remainder Parcel” means that portion of a parent parcel which is not created for purposes of sale, lease or financing, including any portion of a parent parcel that is either a “designated remainder” or an “omitted parcel” within the meaning of Section 66424.6 of the Subdivision Map Act, and also means any portion of a parent parcel that is designated as a “Remainder Parcel”. Except as otherwise provided in this Chapter, a remainder parcel is a lot for all purposes of this Chapter. For any subdivision there shall be only one remainder parcel. The remainder parcel shall conform to the minimum size requirements applicable to the current zoning on the property.

Sec. 26-21.28. Solano County Improvement Standards and Specifications

(a) “Solano County Improvement Standards and Specifications” means the latest revisions of the following documents adopted, from time to time, by the Board of Supervisors, and any other documents incorporated by reference therein:

- (1) Solano County Road Improvement Standards and Land Development and Subdivision Requirements.
- (2) County of Solano Hydrology and Drainage Design Procedure Manual.
- (3) Solano County Erosion and Sediment Control Handbook.
- (4) Solano County Water Agency Hydrology Manual.

(b) Pursuant to Section 66462, subdivision (b), of the Subdivision Map Act, the Solano County Improvement Standards and Specifications are adopted by reference and three copies shall be on file with the Clerk of the Board of Supervisors.

Sec. 26-21.29. Subdivider

“Subdivider” means any person, firm, corporation, partnership or association which is a subdivider as defined in Section 66423 of the Subdivision Map Act and, in addition, the following:

- (a) With respect to a subdivision ordered by a probate court to effect a testamentary disposition, the estate of the testator;
- (b) With respect to a subdivision ordered by a court in a partition action pursuant to Title 10.5 (commencing with Section 872.010) of Part 2 of the Code of Civil Procedure,

any plaintiff in such action and any owner of the subject property who consents to the partition; or

(c) With respect to a subdivision ordered by a court in a partition proceeding pursuant to Chapter 7 (commencing with Section 11950) of Part 10, Division 7 of the Probate Code, any heir, devisee or other beneficiary as defined in Section 24 of the Probate Code, entitled to the distribution of undivided interests in the subject property who petitions for or consents to the partition.

Sec. 26-21.30. Subdivision

ASubdivision@ means any division of land which is a subdivision as defined in Section 66424 of the Subdivision Map Act and, in addition, the following:

(a) The division, by any subdivider, of any unit or units of improved or unimproved land, or any portion, shown on the latest equalized County assessment roll as a unit or as contiguous units, for the purpose of any transfer, whether immediate or future, of the right to the exclusive possession of the surface of the land or portions, unless excepted by the Subdivision Map Act or this chapter.

Sec. 26-21.31. Subdivision Map Act

ASubdivision Map Act@ means the provisions of Division 2 (commencing with Section 66410) of Title 7 of the California Government Code and such amendments and additions thereto as may be made from time to time by the California Legislature.

Sec. 26-21-32. Zoning Administrator

AZoning Administrator@ means the designee of the Department of Environmental Management as defined under Section 28-61 of the Solano County Code.

ARTICLE III. MAP REQUIREMENTS

Sec. 26-31. Subdivisions creating five or more lots

(a) A tentative map and a final map shall be required for all subdivisions which create five or more lots, create five or more condominiums as defined in Section 783 of the Civil Code, are a community apartment project (as defined in Section 11004 of the Business and Professions Code) containing five or more parcels, or are a conversion of a dwelling to a stock cooperative containing five or more dwelling units, except where:

(1) The parent parcel contains less than five acres, each lot created by the division abuts upon a publicly maintained public road or highway, and no dedications or improvements are required by the legislative body; or

(2) Each lot created by the subdivision has a gross area of 20 acres or more and has an approved access meeting the requirements of the Solano County Road Improvement Standards and Land Development and Subdivision Requirements to a publicly

maintained public road or highway; or

(3) The parent parcel has an approved access meeting the requirements of the Solano County Road Improvement Standards and Land Development and Subdivision Requirements to a public road or highway and is zoned for industrial or commercial development, and which has the approval of the legislative body as to road alignment and widths; or

(4) Each lot created by the subdivision has a gross area of not less than 40 acres or is not less than a quarter of a quarter section; or

(5) Until January 1, 2003, the land being subdivided is solely for the creation of an environmental subdivision pursuant to Section 66418.2 of the Subdivision Map Act.

(b) A tentative map and a parcel map shall be required for those subdivisions described in subdivisions (a),(b),(c),(d) and (e). For the purposes of computing the number of lots created by a subdivision, any remainder parcel and any lots to be conveyed to a governmental agency, public entity, or public utility, or to a subsidiary of a public utility for reconveyance to a public utility for rights-of-way, shall not be counted. For purposes of this section, any conveyance of land to or from a governmental agency shall include a fee interest, an easement, or a license.

Sec. 26-32. Subdivisions creating four or fewer lots

Except as otherwise provided in this Chapter, a tentative map and a parcel map shall be required for all subdivisions creating four or fewer lots, or four or fewer condominiums, or (in the case of community apartment projects) containing four or fewer apartments, or (in the case of conversions to a stock cooperative) involving four or fewer dwelling units.

Sec. 26-33. Waivers

A final map or parcel map shall, upon proper application therefore, be waived in the following cases:

(a) Large Lot Subdivisions - Subdivisions (other than condominium conversions, community apartment projects and stock cooperative conversions) which create lots, each of which has a gross area of at least 40 acres or is not less than a quarter of a quarter section are eligible for map waiver provided that the Advisory Agency has issued written findings that (1) the subdivision meets all of the requirements of this Chapter and the Subdivision Map Act for a subdivision by parcel map except only those requirements set forth in Section 26-101.1 of this Chapter and in Section 66428 of the Subdivision Map Act and such other requirements as may be waived by the Advisory Agency pursuant to this Section, and (2) no injury would be done to the public health, safety or welfare by permitting the subdivision to occur without a field survey;

(b) Lot Elimination Subdivision - Subdivisions which merge existing legal lots and then

resubdivide the property so as to eliminate one or more of the previously existing lots by adding their territory to one or more of the other previously existing lots without otherwise altering the boundaries of the latter group of previously existing lots are eligible for map waiver provided that the Advisory Agency has issued written findings that the subdivision is consistent with the public health, safety and welfare, and the (1) all of the resulting lots will conform to all applicable zoning, general plan and specific plan requirements, or (2) at least one of the previously existing lots which are eliminated by the subdivision was nonconforming with applicable zoning, general plan or specific plan requirements, or (3) at least one of the previously existing lots which are enlarged by the subdivision was nonconforming with applicable zoning, general plan or specific plan requirements; or

(c) Mobile Home Park Condominium Conversions - Subdivisions which convert mobile home parks (as defined in Section 50781 of the Health and Safety Code) into condominiums are eligible for map waiver provided that the Advisory Agency has issued written findings that none of the conditions listed in subsections (a)(1) through (a)(4) of Section 66428.1 of the Subdivision Map Act exist.

Sec. 26-33.1. Applications

An application for a map waiver shall be on a form satisfactory to the Director of Environmental Management and shall be accompanied by documents containing all of the information specified in Sections 26-62 and 26-63, provided that the Advisory Agency may, in individual cases, permit the omission of items of information deemed by it not to be necessary for a proper review of the application. The application shall also be accompanied by a legal description and a sketch, prepared by a person authorized to practice land surveying, of each of the lots to be created by the subdivision or merger and, where applicable, each of the affected lots in existence at the time of application. The sketch shall include a north arrow and the bearings and distances for all the lot lines including, where applicable, distances between old and new lot lines. Where, in the opinion of the Director of Environmental Management, a field survey is necessary in order to support a required finding that one or more of the lots to be created will conform to applicable zoning requirements, the application shall be accompanied by a field survey. The application for a mobile home park condominium conversion described in subsection (c) of Section 26-33 shall also be accompanied by a petition in the form specified in Section 66428.1 of the Subdivision Map Act signed by at least two-thirds of the owners of mobile homes who are tenants in the mobile home park.

Sec. 26-33.2. Processing

(a) An application for a map waiver shall be processed as an application for a ministerial permit, without public notice or hearing, in the following cases:

- (1) Lot elimination subdivisions described in subsection (b) of Section 26-33; and
- (2) Mergers described in subsection (c) of Section 26-33 where all of the preexisting lots are legal lots.

(b) In all other cases, an application for a map waiver shall be processed in the same manner as an application for a tentative parcel map. Prior to expiration of the map waiver approval, legal descriptions describing the parcels, as approved by the Advisory Agency, shall be provided by the applicant(s) in a form and content acceptable to the Department of Environmental Management. Also, the applicant shall obtain certification from the County Tax Collector which states that according to the records of his/her department there are no liens against the parcels for unpaid state, county, or municipal or local taxes or special assessments collected as taxes, except taxes or special assessments not yet payable. The Director of Environmental Management shall prepare and sign a certificate of compliance or conditional certificate of compliance to indicate compliance with all of the conditions of the approval of the map waiver.

Sec. 26-33.3. Recording

A map waiver shall not become operative unless and until the certificate of compliance or conditional certificate of compliance is recorded in the Office of the County Recorder prior to expiration of the approval. Unless a certificate of compliance or a conditional certificate of compliance is recorded the approval shall expire one year from the date of the approval in the cases described in subdivisions (b) and (c) of Section 26-33, and three years from the date of the approval in the case described in subdivision (a) of Section 26-33. After approval of the map waiver, the Director of Environmental Management shall indicate on a separate document all conditions that, according to proof supplied by the applicant, have been satisfied. If all conditions that are required to be satisfied prior to the recording of the certificate of compliance or conditional certificate of compliance have not been satisfied, the Director of Environmental Management shall not sign and record the certificate of compliance or conditional certificate of compliance. If all conditions that are required to be satisfied prior to the recording of the certificate of compliance or conditional certificate of compliance have been satisfied, the Director of Environmental Management shall prepare and sign the certificate of compliance or conditional certificate of compliance, including applicable legal descriptions and sketches provided by the applicant, and shall transmit it to the Solano County Recorder. When recorded, the certificate of compliance or conditional certificate of compliance shall have the same force and effect as a recorded parcel map.

ARTICLE IV. LOT LINE ADJUSTMENTS

Sec. 26-41. Lot line adjustments

An application for a lot line adjustment, as defined in Section 66412 of the Subdivision Map Act and this Chapter, shall be on a form satisfactory to the Director of Environmental Management and shall be accompanied by documents containing all of the information specified in Section 26-41.1, provided that the Advisory Agency may, in individual cases, permit the omission of items of information deemed by it not to be necessary for a proper review of the application.

Sec. 26-41.1. Information to accompany the application

The application for a lot line adjustment shall include the following:

- (a) A preliminary title report current within the last 60 days for all of the property affected by the lot line adjustment.
- (b) The number of copies as required by the Director of Environmental Management of the lot line adjustment map accurately drawn to scale. Measurements shall be identified by feet or meters and shall include the area in square feet, square meters or acres. One copy of the map reduced to eight and one-half inches by eleven inches, (215 mm x 280 mm), shall also be submitted.
- (c) The map shall meet the following criteria:
 - (1) The scale of the map shall be one inch equals one hundred feet, (metric scale of 1:1000), or larger.
 - (2) In or near the lower right-hand corner of the first sheet:
 - (A) Name and address of the owners of the properties being adjusted;
 - (B) North point and scale of map;
 - (C) Name and address of person preparing the map;
 - (D) Date the map was prepared;
 - (3) All exterior and interior lines shall be shown on the map and shall be identified by course and bearing description, based on survey data, calculated data, or information of record. If a survey is done, any monuments established must be shown on a record of survey filed in accordance with the Professional Land Surveyors Act, Business and Professions Code Sections 8700 et seq.
 - (4) Proposed new lines and lines to be eliminated shall be so identified in written notation or by legend. Lines to be eliminated shall be dashed or otherwise drawn so as to be clearly distinguishable from remaining and new lines.
 - (5) The area of all existing and proposed parcels shall be identified and listed in acres, square feet or square meters.
 - (6) All existing structures, wells, septic tanks, leach fields, driveways, fences, tree rows, significant trees, public utility lines, and other prominent features located on the original parcels shall be accurately located, identified, and drawn to scale. A registered civil engineer or licensed land surveyor when deemed necessary by the Planning

Services Division shall establish such locations.

- (7) The locations, names, county road numbers, and widths of all adjoining and contiguous highways, streets, and roads.
- (8) The locations, purpose, and width of all existing and proposed easements, roads and appurtenant utilities.
- (9) The approximate location of all watercourses, drainage channels, and existing drainage structures.
- (10) The approximate location of other topographic or man-made features, such as bluff tops and ponds.
- (11) The approximate high-water line and elevation in lakes or reservoirs, and the mean high tide line along tidal channels.
- (12) The location of all areas subject to inundation or storm water overflows.

Sec. 26-42. Processing

The Zoning Administrator is the Advisory Agency for lot line adjustments and may approve, conditionally approve, or disapprove applications for lot line adjustments. Notice of hearing should be given pursuant to Section 26-95.1 for all lot line adjustments.

An application for a lot line adjustment shall be processed in the same manner as an application for a tentative parcel map. Upon approval of a lot line adjustment, the Advisory Agency shall date and sign a tentative approval form, including applicable legal descriptions and sketches. Any conditions imposed with respect to the approval shall be stated in full on a separate document physically attached to the tentative approval form. Any lot line adjustment that would create a lot that was adjusted as to ownership (including ownership of a security interest) shall be conditioned to require that deeds be recorded simultaneously with the certificate of compliance so as to make ownership boundaries correspond to lot boundaries, and the recording of the certificate of compliance shall constitute consent by the grantee of any such deed to a consolidation of the affected Assessor=s parcels in the grantee=s possession so as to prevent an increase in the number of Assessor=s parcels shown on the County=s assessment roll. If one or both of the parcels are encumbered by a deed of trust or mortgage, the liens of these security instruments shall be modified to correspond to the new lot line.

Sec. 26-43. Findings

The application shall not be approved by the Advisory Agency unless it finds as follows:

- (a) The adjustment is consistent with applicable building ordinances, and that either (1) all of the resulting lots will conform to all applicable zoning requirements, or (2) no conforming lot will be made nonconforming with applicable zoning requirements and the

adjustment will not reduce the aggregate area of all affected lots which do not meet the minimum area requirements of their zoning designations;

(b) Approval of the lot line adjustment will not create a greater number of parcels than originally existed;

(c) A letter signed by the Solano County Tax Collector, stating that there are no liens against the properties or any part thereof for unpaid State, County, municipal or local taxes or special assessments collected as taxes, except taxes or special assessments not yet payable, and stating that security has been filed with the Clerk of the Board of Supervisors for the estimated taxes which are a lien on the property but not yet payable for taxes and special assessments, and stating that security satisfying the requirements of Section 66493 of the Subdivision Map Act has been provided.

Sec. 26-44. Conditions of approval

Any conditions imposed with respect to the approval shall be stated in full on a separate document physically attached to the tentative approval form. Where applicable, the advisory agency may condition approval of a lot line adjustment as follows:

(a) Any lot line adjustment that would create a lot that was divided as to ownership (including ownership of a security interest) shall be conditioned to require that deeds be recorded simultaneously with the certificate of compliance so as to make ownership boundaries correspond to lot boundaries, and the recording of the certificate of compliance shall constitute consent by the grantee of any such deed to a consolidation of the affected Assessor=s parcels in the grantee=s possession so as to prevent an increase in the number of Assessor=s parcels shown on the County=s assessment roll. If one or both of the parcels are encumbered by a deed of trust or mortgage, the liens of these security instruments shall be modified to correspond to the new lot line.

(b) Any existing utilities, infrastructure, or easements, which must be relocated and/or extended due to the lot line adjustment, shall be relocated and/or extended.

(c) No portion of a parcel that is under an Agricultural Preserve Contract will be transferred to property that is not under an Agricultural Preserve Contract will be transferred to property that is not under an Agricultural Preserve Contract, unless it has been approved by the Planning Commission under the criteria set forth in Section 51257 of the Government Code.

Sec. 26-45. Approval

A lot line adjustment shall not become operative unless and until the certificate of compliance is filed in the Office of the County Recorder prior to expiration of the approval.

The approval shall expire one year from the date of the tentative approval by the Advisory Agency. The applicant for the lot line adjustment shall submit to the Director of Environmental Management information and documents sufficient to satisfy the

conditions of the lot line adjustment, including:

- (a) A signed and acknowledged statement satisfying all the requirements of Section 66436 of the Subdivision Map Act (record title interest);
- (b) A certificate or statement satisfying the requirements of Section 66492 of the Subdivision Map Act (no liens for taxes);
- (c) A certificate or statement and a security satisfying the requirements of Section 66493 of the Subdivision Map Act, if any part of the lot line adjustment is subject to a lien for taxes or special assessments collected as taxes which are not yet payable and/or any lot line created by the lot line adjustment would bisect any existing assessor=s parcel;
- (d) Conveyance documents for relocated and/or extended utilities and/or easements.

Sec. 26-45.1. Recording

(a) If all conditions that are required to be satisfied prior to the recording of the certificate of compliance have been satisfied, the Director of the Department of Environmental Management shall prepare the certificate of compliance and shall transmit it to the Solano County Recorder, to be recorded concurrently with the following documents:

- (1) Grant Deed(s) that convey the adjustment area(s) between the parcel owners;
- (2) Any conveyance documents that are required for the relocation and/or extension of existing utilities and/or easements; and
- (3) Any certificate or statement, and security required to meet the requirements of Section 66493 of the Subdivision Map Act.

(b) If conditions remain to be satisfied that are not required to be satisfied prior to recording of the certificate of compliance, the Director of Environmental Management shall prepare and record a conditional certificate of compliance stating those conditions, which remain to be satisfied. The recorded conditional certificate of compliance shall have the same force and effect as a recorded parcel map.

Sec. 26-46. Mapping

Neither a tentative map, final map nor parcel map shall be required for approval of a lot line adjustment. No record of survey shall be required unless required by Section 8762 of the Business and Professions Code (Professional Land Surveyor=s Act).

ARTICLE V. CERTIFICATES OF COMPLIANCE

Sec. 26-51. Certificate of Compliance and Conditional Certificate of

Compliance

Certificates of compliance and conditional certificates of compliance are issued under the provisions of this Chapter and Sections 66499.34 and 66499.35 of the Subdivision Map Act. Any owner of a lot, or any vendee of such owner pursuant to a contract of sale of the lot, may request a determination whether the real property complies with the provisions of the Subdivision Map Act and this Chapter. Any such certificate respecting a lot created by lease shall certify the lot's compliance for the purposes of lease only, and only for the duration of the lease, except as otherwise required by Section 66499.34 of the Subdivision Map Act.

Sec. 26-52. Certificate of Compliance

Any owner of a lot, or any vendee of such owner pursuant to a contract of sale of the lot, may submit an application for a certificate of compliance certifying that the lot complies with this Chapter and the Subdivision Map Act. Such application shall be accompanied by payment of the processing fee prescribed by the Board of Supervisors.

Sec. 26-52.1. Applications

The application shall be on a form that is satisfactory to the Director of Environmental Management. The application shall be processed as described in Section 26-52.2 through 26-52.3 of this Chapter. The application shall include all of the following:

- (a) Chain of title - A chain of title for the property. The applicant shall include legible copies of all deeds affecting the property beginning with the deed that described the property prior to its current configuration, from that time to the present, unless the parcels were created through a filed final map, parcel map, or official map or unless waived by the Director of Environmental Management. The applicant shall include copies of all filed maps where parcels were created using the maps; and
- (b) Preliminary title report - Two copies of a preliminary title report for the property which is dated within 60 days of the date of submittal; and
- (c) Other information - Any maps or other supporting documents to support and clarify when and how the parcel was created.

Sec. 26-52.2. Review by Director of Environmental Management

The Director of Environmental Management shall review the completed application in the light of public records. If the Director of Environmental Management is able to determine from this review that the lot is clearly in compliance with the provisions of this Chapter and the Subdivision Map Act, he or she shall issue a certificate of compliance for the lot and deliver the certificate to the County Recorder for recordation. If the Director of Environmental Management is unable to determine from this review that the lot is clearly in such compliance, he or she shall serve written notice on the applicant that the application will be referred to the Advisory Agency for a hearing pursuant to Section 26-52.3.

Sec. 26-52.3. Hearing by Advisory Agency

If the Director of Environmental Management refers the application to the Advisory Agency for hearing, the Secretary of the Advisory Agency shall mail by certified mail to the applicant and to all record owners of the lot a notice conforming in all respects to a notice of intention as specified in Section 26-164, except that the notice shall not be recorded with the County Recorder. The Advisory Agency shall conduct the hearing in the same manner as a hearing under Section 26-164. If the determination of the Advisory Agency is that the lot is in compliance with the provisions of this Chapter and the Subdivision Map Act, the Secretary of the Advisory Agency shall issue a certificate of compliance for the lot and delivery it to the County Recorder for recordation. If the determination of the Advisory Agency is that the lot is not in such compliance, the Secretary of the Advisory Agency shall file for record with the County Recorder a notice of violation complying with the provisions of Section 66499.36 of the Subdivision Map Act or file a conditional certificate of compliance, and shall so notify the applicant.

Sec. 26-53. Conditional Certificate of Compliance

A conditional certificate of compliance, certifying that a lot is deemed to be in compliance with this Chapter and the Subdivision Map Act, subject to satisfaction of certain conditions precedent to the issuance of a building permit or other grant of approval for development of the lot, may be obtained pursuant to Sections 26-53.1 and 26-53.2. Any such certificate respecting a lot created by lease shall certify the lot=s compliance for the purposes of lease only, and only for the duration of the lease, except as otherwise required by the last paragraph of Section 66499.34 of the Subdivision Map Act.

Sec. 26-53.1. Application and processing

Any person may submit an application for a conditional certificate of compliance for any existing lot or group of contiguous lots which have been created, legally or illegally, by any conveyance or subdivision map, provided that the application must pertain to all such contiguous lots in common ownership. If the application pertains to a single lot, it shall be submitted and processed in the same manner and subject to the same requirements as an application for a parcel map, except as otherwise provided in Section 26-53.2. If the application pertains to two or more contiguous lots, it shall be submitted and processed in the same manner and subject to the same requirements as an application for a parcel map or a final map creating those lots, except as otherwise provided in Section 26-53.2.

If the application pertains to two or more contiguous lots that were created illegally and are all owned by the illegal subdivider, the application may be approved only if the proposed conditional certificate of compliance merges all such lots into one, in which case it shall be treated as an application pertaining to a single lot. The approved conditional certificate of compliance shall be recorded in the same manner as other final maps and parcel maps, and once recorded shall have the same force and effect as a filed final map or parcel map.

Sec. 26-53.2. Conditions

(a) An application for a conditional certificate of compliance shall not be denied on account of the noncompliance of any lot with applicable requirements respecting:

- (1) Lot size and configuration;
- (2) Buildable site;
- (3) Sewage disposal;
- (4) Water for domestic or firefighting purposes; or
- (5) Access.

(b) However, the application may be approved subject to the condition that the lots are brought into compliance with such requirements. Any conditions imposed with respect to a conditional certificate of compliance shall be limited to those which could have been imposed in connection with a lawful subdivision of the legal parent parcel out of which each lot to which the certificate pertains was created had such lawful subdivision been effected on the date the present owner acquired his or her interest in the lot, except where the present owner was the owner at the time the parent parcel was subdivided so as to create the lot, in which case the conditions shall be limited to those which could be imposed in connection with a current lawful subdivision of such parent parcel. Compliance with such conditions by any lot to which the certificate pertains shall be required prior to County issuance of a building permit or other grant of development approval for said lot.

ARTICLE VI. SUBMISSION OF TENTATIVE MAP

Sec. 26-61. Submission

Unless otherwise provided in this Chapter, each proposed subdivision shall first be submitted to the Planning Services Division of the Department of Environmental Management in the form of a tentative map. Tentative maps shall be prepared and submitted in compliance with all applicable State laws and County ordinances.

(a) Number of copies - The number of copies required for submission of a tentative map shall be determined by the Planning Services Division based, in part, on the type of proposed subdivision, location of the property, and any known issues related to the area.

(b) Vesting Tentative Maps - A subdivider desiring to obtain the development rights conferred by Chapter 4.5 (Commencing with Section 66498.1) of the Subdivision Map Act shall print the words >Vesting Tentative Map= conspicuously on the face of each copy of the tentative map prior to submitting the tentative map to the Planning Services Division.

(c) Phased Maps - A subdivider desiring to record multiple final maps or multiple

parcel maps relating to a single tentative map shall so inform the Planning Services Division in writing at the time the tentative map is submitted, provided that, at any time prior to approval or conditional approval of the tentative map, the Advisory Agency may waive this requirement.

Sec. 26-62. Information to be shown on tentative maps

Each tentative map shall consist of one or more sheets of equal size. The scale of the tentative map shall be one inch equals one hundred feet (metric scale of 1:1000), or larger. The Director of Environmental Management may approve the use of another scale if warranted due to the size of the property. The map sheets shall not exceed 42 inches (1.1 meters) along any side. In addition to satisfying the requirements of Article VII of this Chapter, the map shall show the following information:

- (a) A small vicinity or area map, no larger than 5 inches by 5 inches (130 mm by 130 mm) in size, showing the major existing circulation pattern and all proposed major roads, existing major watercourses and existing channels within one-half mile (.8 km) of the exterior boundaries of the subdivision;
- (b) In or near the lower right-hand corner of the first sheet:
 - (1) Name and address of subdivider;
 - (2) Name and address of owner or parent parcel;
 - (3) Name and address of person preparing the map;
 - (4) North arrow and scale of map;
 - (5) The date the map was prepared and/or revised;
 - (6) The total number of lots or parcels to be offered for dedication excluding any remainder parcel and, if there is a remainder parcel, a notation to that effect;
- (c) All existing and proposed interior and exterior boundary lines of the subdivision with approximate bearings and distances;
- (d) Contour intervals as follows:
 - (1) One foot (1/4 meter) when the slope of ground is less than five percent; or
 - (2) Two feet (2 meter) when the slope of ground is between five and ten percent; or
 - (3) Five feet (1 2 meters) when the slope of ground is between ten and twenty-five percent; or

- (4) Ten feet (3 meters) when the slope of ground is greater than twenty-five percent; and
- (5) At least every fifth contour shall be clearly labeled and indicated so as to be distinctive; and
- (6) Contour lines shall be depicted for a sufficient distance beyond the boundary lines of the subdivision to clearly show the relationship of the topography of the subdivision to that of the surrounding land;
- (e) Each lot shall be identified with the following: any remainder parcel shall be designated "Remainder Parcel"; all other lots shall be numbered consecutively commencing with the number "One";
- (f) The gross and net area of each proposed lot;
- (g) The location of at least one buildable area on each proposed lot as defined in Section 26-21.3 and as required by Section 26-72.6, including the location and grade of driveways to serve the buildable area unless waived by the Director of Environmental Management;
- (h) The location of all existing structures, fences, tree rows, significant trees, existing or abandoned water wells, public utility lines, prominent features and land uses within the subdivision and within one hundred feet (30 meters) of the proposed subdivision. Designate those to be removed as part of the subdivision;
- (i) The location of all producing, abandoned or idle gas wells, oil or gas pipelines, existing or abandoned oil sumps; and the location and capacity of any abandoned or active underground storage tanks, buried fuel tanks or farm chemical tanks;
- (j) The location of all active, closed or abandoned solid waste disposal sites, including but not limited to domestic waste sites, agricultural waste or construction debris disposal sites;
- (k) The approximate location and direction of flow of all watercourses, including intermittent streams, natural drainage channels, man-made drainage channels, viaducts, ponds, surface impoundments and lakes;
- (l) The widths, centerline radii and approximate grades of all rights-of-way for all roads within the proposed subdivision, the approximate finish grades at road intersections and turnarounds within the proposed subdivision, the widths and approximate locations of all existing or proposed public or private easements either within or outside of the proposed subdivision for roads, drainage, or utilities, and the location within and outside

of the proposed subdivision of proposed storm drain lines, inlets and outlets;

(m) The width and location of all necessary off-site access, including the location of any bridges from the proposed subdivision to the nearest public road;

(n) Evidence of a purchase agreement adequate to insure sufficient title, including easements or licenses as appropriate, to permit the construction or installation of offsite improvements;

(o) Delineation of all flood hazard areas based on 100-year storm frequency as determined from the latest FEMA maps(s) for the site. For subdivisions that are within an identified flood hazard area the base flood elevation shall be shown. Development of the subdivision shall conform to Section 12.2-52. Standards for Subdivision, Flood Damage Prevention of the Solano County Code.

(p) The location of each existing or proposed septic tank, existing or proposed leach field, and existing or proposed reserve area, including the location of soil percolation test holes and soil profile excavations completed pursuant to site evaluation reports described in subsection (k) of Section 26-63; and

(q) The approximate location of all public roads, private roads, and public or private easements to be vacated pursuant to Sections 66499.203 and 66499.202 of the Subdivision Map Act.

Sec. 26-63. Documents to be submitted with tentative maps

Each tentative map submitted to the Planning Services Division shall be accompanied by a narrative description or documents containing all of the following items, excepting only those items waived by the Director of Environmental Management:

(a) A completed application form accompanied by a statement signed by all parties listed as owners of the property on the latest equalized County assessment roll, or by their authorized agents, consenting to the submittal of the tentative map and, if agents are used, a signed statement from the property owners authorizing the agents to act on the owner=s behalf;

(b) Any required application fees;

(c) Identify and existing oil/gas development permits and leases on the property;

(d) The names and addresses of all operators of proposed subdivision utility systems, all proposed water and sewer purveyors, all on-site oil/gas well permits, and all on-site oil/gas pipeline operators;

(e) Assessor=s parcel map with the parent parcel outlined in red;

- (f) Assessor=s parcel map with a line 300 feet (100 meters) to the outside of the parent parcel marked in red;
- (g) Two sets of gummed address labels filled out with the name and mailing address of each person who, according to the latest equalized assessment roll, owns real property within 300 feet (100 meters) of the parent parcel;
- (h) The proposed uses of each proposed lot (e.g., single-family, multiple family, commercial, industrial, schools, parks);
- (i) The existing use of the property including any active use permits;
- (j) A description of the proposed method of storm water disposal, prepared by a civil engineer registered by the State of California, including the following:
 - (1) A hydrologic and hydraulic study indicating the following conditions before and after proposed development of the subdivision: drainage areas, major watercourses, quantity and pattern of storm water, and diversion and collection systems; and
 - (2) A narrative and graphic description indicating how the drainage requirements set forth in the Solano County Road Improvement Standards and Land Division and Subdivision Requirements will be satisfied; and
 - (3) If the tentative map depicts a buildable area within a flood hazard area delineated on the tentative map, a demonstration that each such area can be protected from a 100-year flood;
- (k) A complete description of the proposed method of sewage disposal for each proposed lot, including the following:
 - (1) When the proposed method of sewage disposal is by a community (public) sewer system, a Will Serve Letter from a sewer utility, district or agency stating that adequate sewer capacity is currently available to provide service connections to each proposed lot in the subdivision, or will be available prior to the filing of the final or parcel map; or
 - (2) When the proposed method of sewage disposal is by an individual, on-site sewage disposal system, a site evaluation report which complies with the criteria specified in the Solano County Sewage Disposal Standards, shall be submitted which clearly demonstrates that there exists on each proposed lot, and adequate and suitable area for the installation of an on-site sewage disposal system and an equally suitable reserve area. If a non-standard sewage disposal system is proposed for use on any lot, the site evaluation report shall include basic system design calculations and system footprints to

demonstrate that site criteria can be met.

(l) A description of the proposed method and plan for providing a permanent domestic water supply to each proposed lot, including the following:

(1) When the proposed water supply is to be provided by a public water system, as defined in Section 116275(h) of the Health and Safety Code, a Will Serve Letter from a utility district, agency or company stating that water is available to provide permanent service connections for domestic purposes to each proposed lot in the subdivision; or

(2) When individual, on-site water supplies are proposed, the applicant must submit information designating the type and proposed location of the anticipated water source.

(m) A preliminary title report current within the last 60 days. If public easements are identified therein, a certification by the applicant that the design of the subdivision and the type of improvements will not conflict with easements acquired by the public at large for access through, or use of, property within the proposed subdivision;

(n) A preliminary geotechnical investigation addressing the suitability of each lot for purposes of construction, prepared by a Geotechnical Engineer registered by the State of California, and based upon adequate soil borings and other appropriate test methods, including the following information:

(1) A description of the nature of the subsurface soils and of any soils conditions, which would affect the proposed development and use of the subdivision;

(2) The location and logs of all test bores;

(3) The location of a buildable area for each proposed lot for which a buildable area is required under Section 26-72.6; and

(4) A description of general solutions for all known problems related to soils conditions and a statement as to the technical and economic feasibility of those solutions;

Provided that the preliminary geotechnical investigation may be waived if the Transportation Department, the Building and Safety Division and the Environmental Health Services Division find, on the basis of their knowledge of the soils in the subdivision, that the report is unnecessary;

(o) If the Transportation Department, Building and Safety Division, or the Environmental Health Services Division has knowledge of, or if the preliminary geotechnical investigation indicates the presence of, critically expansive soils or other soils problems which, if not corrected, could lead to structural defects or hazardous conditions, a geotechnical investigation report for each proposed lot where such

problems exist, shall be prepared by a Geotechnical Engineer registered with the State of California, including the following information:

(1) Recommended corrective action which is technically and economically feasible and is likely to prevent structural damage and eliminate any hazards to each proposed structure for the lot; and

(2) The location on the lot of a buildable area if one is required under Section 26-72.6;

(p) If the subdivision includes a hillside area, including type >A= or >B= lands identified in the Health and Safety Element of the General Plan, or any other geologically hazardous area, an engineering geology evaluation report, prepared by a Registered Geologist, in accordance with any applicable notes and recommended guidelines promulgated by the California Division of Mines and Geology, including the following information:

(1) A definition of geologic conditions within the subdivision;

(2) A discussion of specific areas where development may create hazardous conditions;

(3) A description of general solutions for all geologically hazardous conditions known to exist or which might be created by development and a statement as to the technical and economic feasibility of those solutions;

(4) The location and logs of all test bores;

(5) The location of a buildable area for each proposed lot if one is required under Section 26-72.6; and

(6) An evaluation of the effect of the geology on the proposed development and on adjacent properties;

Provided that the engineering geology evaluation report may be waived if the Transportation Department and the Building and Safety Division find, on the basis of their knowledge of the geologic characteristics of the subdivision, that the report is unnecessary;

(q) A report on the significant biological and wildlife resources found on the property, unless waived by the Director of Environmental Management;

(r) A survey of the archeological and paleontological resources found on the property, unless waived by the Director of Environmental Management;

- (s) A status report, approved by the State Division of Oil and Gas, on any shut-in or abandoned oil/gas wells, and other wells associated with oil and gas development, located on the parent parcel, including a map from the Division of Oil and Gas with the project site outlined in red;
- (t) Cross sections of all proposed improvements for roads or streets, utility lines, storm drains and the like;
- (u) A preliminary grading plan showing all cut and fill slopes over five feet (1.5 meters) in vertical height, both on and outside the parent parcel, and showing contour lines as prescribed by subsection (e) of Section 26-62;
- (v) If the proposed subdivision involves the conversion of a mobile home park to another use, a report on the impact of the conversion on displaced residents of the mobile home park meeting the requirements of Section 66427.4 of the Subdivision Map Act;
- (w) The flood elevation data used to delineate on the tentative map any flood hazard area based on 100-year storm frequency; and
- (x) Any other relevant document deemed necessary by the Planning Services Division to make a determination of application completeness.

ARTICLE VII. DESIGN REQUIREMENTS

Sec. 26-71. General

The provisions of this Article apply only to subdivisions for which a final map or parcel map is required. All tentative maps must be consistent with the Solano County General Plan and satisfy all applicable planning, zoning, design and improvement requirements specified or incorporated in this Code.

Sec. 26-72. Lot design

The design of proposed lots is regulated in the following ways in order to obtain the optimal usability of each lot, preserve on- and off-site resources, including existing contours and trees, minimize the potential for adverse impacts on adjacent property, minimize the need for additional infrastructure, and maintain consistency with appropriate General Plan policies and zoning regulations.

Sec. 26-72.1. Lot lines

Each sideline of a proposed lot shall be as close to perpendicular to the centerline of the road as is practicable at the point at which the lot sideline terminates.

Sec. 26-72.2. Lot width

All proposed lots shall conform to the minimum lot width requirements of the zone in which the property is located. No lot, other than a flag lot, shall have less than 40 feet of frontage, unless the minimum lot width of the zone is less than 40 feet. No flag lot shall have an access strip less than 30 feet or more than 40 feet in width.

Sec. 26-72.3. Lot depth

For all proposed lots, the average lot depth shall not be greater than three times the average lot width unless the Director of Environmental Management, upon information presented by the applicant, determines that a greater depth is justified. The applicant shall use the following criteria to justify the modification of this requirement.

- (a) Potential Amount of Grading - The amount and impact of on-site grading may be less with the provision of a greater lot depth.
- (b) Usable Lot Area - The steepness of the topography of proposed lots, the configuration of the parent parcel, and the location of on-site natural features may necessitate a greater depth to provide usable lot areas.
- (c) Flood Hazards - On-site and off-site flood hazards such as streams, tributaries and inundation areas subject to 100-year flood may create a need for a greater depth to provide usable lot areas and buildable sites.
- (d) Sun and Wind Orientation - A greater lot depth may be necessary to provide for passive and active solar heating and natural cooling opportunities.
- (e) Other - Other criteria relevant to unique or uncommon physical features of the property may necessitate a greater depth to provide usable lot areas and buildable sites or to mitigate adverse environmental effects.

Sec. 26-72.4. Lot area

All proposed lots, except lots to be dedicated or offered for dedication or reserved by recorded restrictions for flood control, natural resource preservation, common open space or other similar purpose, shall conform to the minimum lot area requirements of the General Plan Designation and Zoning District in which the property is located. In determining whether a proposed lot conforms to such minimum area requirements, only the net area of the lot shall be considered unless the General Plan or Zoning ordinance provides otherwise.

Sec. 26-72.5. Access

All proposed lots shall have legal access to public rights-of-way or approved private roads. Road layout shall be designed to provide for future access to, and not impose undue hardship upon, property adjoining the subdivision.

Sec. 26-72.6. Buildable area

Each proposed lot shall have at least one buildable area. Within the Watershed and Conservation, Exclusive Agricultural and Rural Residential Zone Districts, the minimum buildable area shall be 4000 square feet unless waived by the Director of Environmental Management. Buildable areas are not required for:

- (a) Those parcels dedicated or offered for dedication to the County or some other public entity or reserved by recorded restrictions for flood control purposes, natural resource preservation, common open space, environmental subdivision, or other similar purposes; and
- (b) Those lots created for such purposes as landfills, mining operations, or other similar, long-term uses which do not normally require a permanent, on-site, primary structure and which lots are or will be subject to a discretionary permit issued by the County regulating their proposed use.

Sec. 26-72.7. Setbacks

Each proposed lot shall, at all designated buildable areas and at all existing buildings, comply with all setback requirements of the zone. Whenever a subdivision results in a lot for which the only means of access is by way of an easement, that easement shall be considered as a public road or street for purposes of determining setbacks for all lots over which the easement passes.

Sec. 26-72.8. Energy conservation

The design of a subdivision shall provide, to the extent feasible, for future passive or natural heating and cooling opportunities in the subdivision.

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

Sec. 26-72.9. Agricultural preserves

Each proposed lot which is subject, in whole or in part, to a contract entered into pursuant to the California Land Conservation Act of 1965 (Chapter 7, commencing with Section 51200 of Part 1, of Division 1 of Title 5 of the Government Code) shall be consistent with the policy and uniform regulations governing administration of agricultural preserves in Solano County.

Sec. 26-73. Hillside and visually-sensitive areas

In areas where General Plan policies, Specific Plan policies or action of the Board of

Supervisors provide that ridge lines, natural land formations, stands of native vegetation, open space and view shed corridors, or other visually-sensitive site characteristics should be maintained while integrating residential development, and in hillside areas having such characteristics, subdivision applications shall include and conform to the following provisions:

- (a) The designation of building areas shall be shown on the tentative map;
- (b) The designation of areas subject to grading, including the amount of excavation, fill, and/or export or import material shall be shown on the tentative map;
- (c) The identification of all trees exceeding six inches in diameter measured three feet above the ground shall be shown on the tentative map for buildable area, road easements, driveway access and cut and fill areas;
- (d) Elevation drawings, photographs, or other graphic illustration method showing each building area in the project setting as viewed from adjacent primary roads in the area, shall be provided.

Sec. 26-73.1. Design guidelines

The design of proposed subdivisions shall be evaluated under this section relative to the following guidelines:

- (a) SITE GRADING
 - (1) Building pads should not be situated on slopes exceeding 25% grade.
 - (2) Stepped building pads should be utilized to reduce the grading of hillside areas and to reduce the mass and bulk of structures to be built thereon.
 - (3) Bare, exposed soils should be avoided and graded areas should be reseeded with natural grasses or should be planted, subject to a comprehensive landscaping plan which includes predominately native, drought tolerant and fire resistant species.
 - (4) Building pads atop ridge lines and knolls should be avoided.
 - (5) Grading to achieve flat areas atop ridge lines and knolls or other alteration of the existing topography including removal of native landscaping should be avoided.
 - (6) Retaining walls should be faced with materials and color compatible with the natural setting of the site such as natural stone or wood. Where it is physically feasible, retaining walls should be stepped to reduce the visual bulk and mass of such structures. Further, landscaping should be incorporated to minimize visual impacts of the walls, including plantings in front of or within the stepped structures.

(7) Contouring of graded areas to provide visual compatibility with existing terrain characteristics should be encouraged.

(b) DESIGN ELEMENTS

(1) The configuration of proposed parcels should be sensitive to existing landform and characteristics, particularly regarding building pad and access locations.

(2) Parcels should be designed and building pads and access driveways sited to allow, to the maximum extent feasible, the retention of open space and view corridors without intrusion.

Sec. 26-74. Road rights-of-way

The road layout of a proposed subdivision shall be consistent with all road right-of-way designations and general alignment shown on the Circulation Element of the Solano County General Plan. As a condition of approval of tentative maps, subdividers may be required to dedicate, or to make irrevocable offers of dedication, or to obtain offers of dedication of real property for roads, alleys, flood control, drainage, public utility purposes or other public purposes, together with such access rights and abutter=s rights as may be required for public purposes. All roads that are to be offered for dedication and used for vehicular traffic shall conform to the Road Improvement Standards and Land Division and Subdivision Requirements for public roads, and all other roads that are to be used for access shall conform to the Road Improvement Standards and Land Division and Subdivision Requirements for private roads.

Sec. 26-75. Road improvement requirements

The required improvement of existing roads and construction of new roads to provide access for subdivided land is contained in this section. Details and standards for construction of road improvements are contained in the Road Improvement Standards and Land Division and Subdivision Requirements.

Sec. 26-75.1. Provisions for circulation and access

All proposed lots shall have, as a minimum, >adequate access= (as defined in the Road Improvement Standards and Land Division and Subdivision Requirements) to public rights-of-way or approved private roads. The design of the subdivision shall provide for the following:

(a) The circulation plan for a proposed subdivision shall provide public or private road frontage to each lot, shall conform to the circulation element of the county general plan and any other applicable circulation plan as may be adopted by the County, and shall extend proposed roads to contiguous property to facilitate through roads.

(b) Where lots abut a public or private road and road improvements are required to be

made as a condition of approval of a tentative map, the standard of improvements required shall be reasonable for the parcels being created and shall conform to the Road Improvement Standards and Land Division and Subdivision Requirements.

(c) Where the Board of Supervisors has adopted plans for the establishment of bike lanes, but turnouts, equestrian trails, and other similar facilities, the design of the subdivision shall incorporate and allow for the establishment of such facilities.

Sec. 26-75.2. Additional conditions for properties zoned RR-2 2, R-E, R-S, R-D and R-M

In addition to the design standards set forth in this Chapter, the Advisory Agency may approve, or conditionally approve, a tentative final map or tentative parcel map affecting properties zoned RR 2 2, R-E, R-S, R-D and R-M, pursuant to Chapter 28 of the Solano County Code, only when the following minimum conditions are met:

(a) Each proposed lot shall abut a maintained public road, except where the road meets the requirements of Section 26-75.2(d), below.

(b) The proposed subdivision shall provide that each proposed lot shall abut an existing or proposed county road within the maintained mileage system or abut a state highway which affords access to the subdivision. If a subdivider proposes a public road to be constructed and dedicated it shall have direct access to an existing county road within the maintained mileage system or to a state highway. All proposed county roads shall be dedicated and offered for acceptance by the subdivider to the County of Solano. As a condition precedent to the acceptance of any such proposed county road, the Advisory Agency shall require reasonable off-site and on-site improvements to the standards required by the Road Improvement Standards and Land Division and Subdivision Requirements. If the road improvements are not completed prior to the filing of the final map or parcel map, the subdivider shall enter into a secured agreement or contract as described in Article XI of this Chapter, and in the case of a subdivision which creates four or fewer lots, a statement shall be placed on the parcel map stating the nature, extent and requirements for the construction of such improvements.

(c) If any proposed lot abuts or is provided access by a county road within the maintained mileage system, reasonable improvements limited to the dedication of rights-of-way and/or easements, and the construction of offsite and onsite improvements, or the payment of a road impact fee may be required by the Advisory Agency.

(d) If, in the judgment of the Advisory Agency, a proposed road cannot serve more than four potential lots, based on the existing General Plan, the proposed road may be a private road that is not maintained by the public. The road shall be improved to conform to the Road Improvement Standards and Land Division and Subdivision Requirements for private roads.

Sec. 26-75.3. Additional conditions for properties zoned RR-5 and 55-10

In addition to the design standards set forth in this Chapter, the Advisory Agency may approve, or conditionally approve, a tentative final map or tentative parcel map affecting properties zoned RR-5 and RR-10 pursuant to Chapter 28 of the Solano County Code, only when the following minimum conditions are met:

- (a) Each proposed lot shall abut a maintained public road or private road.
- (b) The proposed subdivision shall provide that each proposed lot shall abut an existing or proposed county road within the maintained mileage system, abut a state highway which affords access to each lot, or abut an existing or proposed private road. All proposed roads shall have a direct connection to an existing county road within the maintained mileage system or state highway. All public road improvements shall conform to the Road Improvement Standards and Land Division and Subdivision Requirements for public roads. All private roads shall be no less than deeded private easements improved to conform to the Road Improvement Standards and Land Division and Subdivision Requirements for private roads. If the road improvements are not completed prior to the filing of the final map or parcel map, the subdivider shall enter into a secured agreement or contract as described in Article XI of this Chapter, and in the case of a subdivision which creates four or fewer lots, a statement shall be placed on the parcel map stating the nature, extent and requirements for the construction of such improvements.
- (c) If any proposed lot abuts or is provided access by an existing county road or private road, reasonable improvements limited to the dedication of rights-of-way and/or easements, and the construction of offsite and onsite improvements, or payment of a road impact fee may be required by the Advisory Agency.

Sec. 26-75.4. Additional conditions for properties zoned T, A, A-L, P, C-H, C-N, C-G, C-S, C-O, M-L, M-G, I-WD, W, and MP

In addition to the design standards set forth in this Chapter, the Advisory Agency may approve, or conditionally approve, a tentative final map or tentative parcel map affecting properties zoned T, A, A-L, P, C-H, C-N, C-G, C-S, C-O, M-L, M-G, I-WD, W, and MP established pursuant to Chapter 28 of the Solano County Code, only when the following minimum conditions are met:

- (a) Adequate access as defined in the Road Improvement Standards and Land Division and Subdivision Requirements shall be provided to all lots.
- (b) If the proposed subdivision abuts a county road, the standard of improvements, including dedication, shall be reasonable for the parcel being created and shall conform with the Road Improvement Standards and Land Division and Subdivision Requirements.

Sec. 26-75.5. Time of construction

If the subdivision does not create five or more lots, any construction requirements

established pursuant to Section 26-75.2 through Section 26-75.4 shall be completed as a prerequisite to the issuance of any building permit, or at such other time as may be determined by the Advisory Agency pursuant to Section 66411.1 of the Subdivision Map Act. In such case, the Advisory Agency shall require a notation on the parcel map to the effect that said construction shall be completed as provided above unless, at the time of filing of the parcel map, the Advisory Agency requires the subdivider to complete said construction within a reasonable time following the approval of the parcel map because the same are necessary for reasons of public health and safety, or are required as a necessary prerequisite to the orderly development of the surrounding area.

Sec. 26-76. Utility easements

Whenever overhead utilities are allowed in a proposed subdivision by this Code, utility easements of sufficient width shall be provided along the rear or side lot lines. Whenever possible, such easements shall extend an equal distance into each of two abutting lots. This requirement may be modified or recommended for modification by the Advisory Agency if warranted by unusual circumstances in a particular proposed subdivision. To the extent practicable, underground utility easements, whenever necessary, shall be abutting and parallel to lot lines.

Sec. 26-77. Drainage facilities and rights-of-way

The design of a subdivision shall conform to good engineering practices, conform to Section 12.2-52, Standards for Subdivisions, Flood Damage Prevention of the Solano County Code, and shall provide for the proper drainage of the subdivision and all lots and improvements therein based on the runoff that can be anticipated from ultimate development of the watershed. The subdivision shall contain no undrained depressions. The subdivision and all lots and improvements therein shall be protected from off-site drainage or flood damage. All public facilities such as sewer, gas, electrical and water systems shall be located, elevated and constructed to minimize or eliminate potential flood damage. Any concentrations or increases of surface water resulting from the development of the subdivision must be conveyed by means of adequate facilities to a suitable natural watercourse in the area. If channels need to be constructed or improved to facilitate surface water removal, reasonable dedications to the appropriate public agency may be required. The design shall depict all those channels and all rights-of-way reasonably necessary for their improvements and maintenance. Such rights-of-way shall include, in addition to the channels themselves, and access right-of-way alongside the entire length of the channels.

Sec. 26-78. State highways

If an existing or proposed State highway abuts or crosses a proposed subdivision, the subdivider shall secure all pertinent road data and specifications, and shall make the design of the proposed subdivision compatible with such State highway.

Sec. 26-79. Public Water Agency

Whenever a proposed subdivision is located within the boundaries of a public water

agency willing and able to provide water service to the lots, the public water agency shall be chosen as the water purveyor for the proposed subdivision. At the time of tentative map approval, the Advisory Agency may waive the requirements of this section for good cause shown.

Sec. 26-80. On-site water supply system

When the proposed subdivision contains lots that are not served by a public water agency, each lot shall have a water supply provided by a private, individual well or spring and the subdivider shall submit to the Environmental Health Services Division the water source quantity information which complies the criteria listed as follows:

- (a) All proposed lots within water yield zones >A= and >B= as designated on the USGS Water Bearing Rock Map dated 1972 (on file with the Department of Environmental Management) shall submit water quantity test results prior to recordation of the final map or parcel map which demonstrate that ample water for domestic purposes is available on each lot. The test shall conform to methods specified in the Solano County Water Supply Standards.
- (b) All proposed lots within water yield zones >C= and >D= shall be presumed to have an adequate water source for domestic purposes.
- (c) All well yield tests shall be conducted by a professional with proper training and knowledge relating to water quantity testing and who is licensed well-driller, a registered civil engineer, hydrologist or registered geologist.
- (d) The results of water source production testing for subdivisions shall be reported on forms developed by the Environmental Health Services Division and shall include data relative to static water level, draw-down rates, pumping rates, and well recovery rates and test duration information.
- (e) A minimum yield of 3 gallons per minute shall be deemed acceptable for domestic use provided that a note is included on the final map or parcel map that at least 500 gallons of water storage capacity will be required at the time of lot development. A yield of five gallons per minute shall be deemed acceptable for residential development with no additional storage requirements for drinking water supplies; however, additional storage may be required to meet the current fire code.

Sec. 26-81. Public sewer agency

Whenever a proposed subdivision is located within the boundaries of a public sewer agency willing and able to provide sewer services to the lots, the public sewer agency shall be chosen to provide sewer service to the proposed subdivision. At the time of tentative map approval, the Advisory Agency may waive the requirements of the first sentence of this section for good cause shown.

Sec. 26-82. On-site sewage disposal systems

(a) In all cases where sewage disposal is not to be by means of a sewer operated by public sewer agency, it shall be by means of an individual sewage disposal system located entirely on the lot generating the sewage. Each proposed lot within a subdivision that is not served by a public sewer system shall meet minimum site and design criteria in this Section and Chapter 6.4 of the Solano County Code.

(b) Minimum Parcel Size.

(1) Parcels which are served by on-site sewage disposal systems and individual, on-site water supplies shall not be less than 5 acres.

(2) Parcels, which are served by on-site sewage disposal systems and community water supplies, operated by a public agency or utility district shall be no less than 2.5 acres. Where a planned unit development process is proposed where parcels may vary in size, the overall density of the project shall not be greater than one dwelling unit per 2.5 acres with a community water supply and no individual parcel development parcel shall be less than one acre in area.

(3) Parcels which meet the above-noted minimums, but are otherwise limited by conditions such as steep slopes, watercourses, easements, wetlands or other site constraints shall be sufficient size to accommodate conventional development (considering buildable area, driveways, parking areas and etc.) without the need to waive required setbacks, leach field area, or reserve areas.

Sec. 26-83. Street lighting

Prior to recordation of the final map or parcel map, the subdivider shall cause the area within the subdivision to be included in a County Service Area or other special district providing street lighting. At the time of tentative map approval, the Advisory Agency may waive this requirement if it finds that inclusion within such a service area or other special district is unnecessary because of the size or location of the proposed lots.

Sec. 26-84. Supplemental facilities

The Advisory Agency may require that improvements to be constructed or installed by the subdivider for the benefit of the subdivision contain supplemental size, capacity, number or length for the benefit of property not within the subdivision, and that some or all of those improvements be dedicated to public whenever the Advisory Agency determines that such supplemental size, capacity, number, length is necessary to ensure orderly development or otherwise protect the public health, safety or welfare. Any such requirement shall be subject to the condition precedent that the County enters into a reimbursement agreement with the subdivider pursuant to Article 6 (commencing with Section 66485) of Chapter 4 of the Subdivision Map Act.

ARTICLE VIII. PROCESSING OF TENTATIVE MAPS

Sec. 26-91. Determination of completeness or incompleteness

When the required number of copies of a tentative map and accompanying reports has been received by the Planning Services Division, the application shall be examined by staff of the Planning Services Division and other appropriate County departments, in light of the requirements of the Solano County Improvement Standards and Specifications and of this Code, to determine whether it contains all of the required information and is complete for the purposes of Section 65943 of the Government Code. No later than 30 days following the submittal of the application, the applicant shall be notified in writing whether it is complete or incomplete. If the application is determined to be incomplete, the applicant shall be notified in writing of the reasons therefore and informed of the information still needed to make the application complete.

Sec. 26-92. Termination of Incomplete applications

Upon written notification to the applicant, processing of an incomplete application may be terminated if no reasonable effort has been made by the applicant to complete the application for a period of six months from the date of notification of incompleteness. All unused fees shall be refunded to the applicant. The Director of Environmental Management on written request by the applicant showing good cause may grant an extension of this six-month period.

Sec. 26-93. CEQA requirements and filing date

The applicant shall provide such information as may be necessary to comply with CEQA and, when the appropriate environmental document has been prepared and approved pursuant to Section 66452.1 of the Subdivision Map Act, the tentative map shall be filed as specified in Section 26-21.13 of this Code.

Sec. 26-94. Reports and recommendations

Any staff report or recommendation on a tentative map to the Advisory Agency or Board of Supervisors shall be in writing and a copy thereof shall be served on the subdivider or his or her representative and, in the case of a proposed conversion of residential property to a condominium, community apartment or stock cooperative project, on each tenant of the parent parcel at least three days prior to any hearing or action on such map by the Advisory Agency or Board of Supervisors.

Sec. 26.95. Notice, hearings, and decisions:**Sec. 26-95.1. Notice of public hearings**

(a) Whenever this Article requires a public hearing, notice shall be given as provided in this section. The notice shall include the date, time, and place of the hearing, the identity of the hearing body or officer, a general explanation of the matter to be considered, a general description of the location of the subdivision, a notice of the environmental determination under consideration, and a statement that the person to whom the notice is addressed has a right to appear and be heard. The notice shall be

given by publication at least one time in at least one newspaper of general circulation within the County and, in addition, by mail or delivery to the following:

- (1) The owner of the subject real property or the owner=s duly authorized agent;
 - (2) The project engineer or surveyor;
 - (3) The project applicant;
 - (4) Each local agency expected to provide essential services or facilities to the project (schools, water, sewage, roads, etc.) whose ability to provide those services may be significantly affected;
 - (5) All owners of real property, as shown on the latest equalized assessment roll, within 300 feet (100 meters) of the property subject to the hearing; provided that, if the number of owners exceeds 1000, a one-eighth-page advertisement in a newspaper of general circulation within the County may be substituted for the direct mailing or delivery;
 - (6) If the proposed subdivision is a conversion of residential property to a condominium, community apartment, or stock cooperative project, each tenant of the parent parcel; and
 - (7) Other persons whose property rights may be significantly or substantially affected by the proposed subdivision.
- (b) Such publication, mailing or delivery shall occur at least 10 days before the hearing. Any interested person may appear at such a hearing and present testimony.

Sec. 26-95.2. Tentative final maps

With respect to any subdivision for which a tentative map and final map is required, the Planning Commission (as Advisory Agency authorized to make recommendations only) shall hold a public hearing on the tentative map, recommend the content of required findings, recommend approval, conditional approval or disapproval of the tentative map, and report its actions in writing to the Board of Supervisors within 50 days after the tentative map is filed with the clerk of the Advisory Agency, unless the applicant consents to a longer period of time. At the next regular meeting of the Board of Supervisors following receipt of the Planning Commission=s report, the Board (as the legislative body) shall fix the meeting date at which the tentative map will be considered by it at a public hearing, which date shall be within 30 days thereafter, and the Board shall make all findings required by this Chapter and the Subdivision Map Act, and shall approve, conditionally approve or disapprove the tentative map within such 30 day period; provided, however, that if legally sufficient notice thereof has been given the Board may hold the required public hearing at any regular meeting within 30 days following filing of the Planning Commission=s report, in which case the Board shall approve, conditionally

approve or disapprove the tentative map at the conclusion of such hearing. The Board may continue the public hearing on the tentative map to another date with the consent of the applicant.

Sec. 26-95.3. Tentative parcel maps

With respect to any subdivision for which a tentative map and a parcel map is required, the Zoning Administrator (as Advisory Agency) shall hold a public hearing on the tentative parcel map, make all findings required by this Chapter and the Subdivision Map Act, and shall approve, conditionally approve or disapprove the tentative map within 50 days after the tentative map is filed with the clerk of the Advisory Agency, unless the applicant consents to a longer period of time.

Sec. 26-95.4. Deferral of decisions

The Zoning Administrator may defer to the Planning Commission a decision on a tentative parcel map for any subdivision described in subdivisions (a) through (e). The Planning Commission shall then hold the public hearing and make all required findings and decisions as provided in Section 26-95.3 of this Code. Decisions on the following subdivisions may be deferred:

- (a) Subdivisions which may result in significant adverse environmental impacts which cannot be mitigated to less than significant levels;
- (b) Subdivisions that involve substantial controversy;
- (c) Subdivisions which are in conflict with County policies;
- (d) Subdivisions which may be precedent setting;
- (e) Subdivisions that the Zoning Administrator determines should be reviewed by the Planning Commission in order to best protect the public welfare.

Sec. 26-95.5. Findings

The Advisory Agency or the Board of Supervisors shall deny approval of a tentative map if it makes any of the following findings, based on information submitted at the public hearing:

- (a) The proposed map is not consistent with applicable general and specific plans as specified in Section 65451 of the Government Code;
- (b) The design or improvement of the proposed subdivision is not consistent with applicable general and specific plans;
- (c) The site is not physically suitable for the type of development;

- (d) The site is not physically suitable for the proposed density of development;
- (e) The design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injury fish or wildlife or their habitat, provided that the Advisory Agency or Board of Supervisors as appropriate may approve the tentative map if an environmental impact report was prepared with respect to the subdivision, and the Advisory Agency or Board of Supervisors also finds that specific economic, social or other considerations make infeasible the mitigation measures or project alternative identified in the environmental impact report;
- (f) The design of the subdivision or type of improvements is likely to cause serious public health problems;
- (g) The design of the subdivision or the type of improvements will conflict with easements which are of record or are established by judgment of a court of competent jurisdiction and which have been acquired by the public at large for access through or use of property within the proposed subdivision; provided that the Advisory Agency or Board of Supervisors as appropriate may approve the tentative 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;
- (h) The discharge of waste from the proposed subdivision into an existing community sewer system would result in, or add to, a violation of existing requirements prescribed by a California Regional Water Quality Control Board pursuant to Division 7 (commencing with Section 13000) of the Water Code;
- (i) The property fronts on any public waterway, public river, public stream, coastline, shoreline, publicly owned lake or publicly owned reservoir and the proposed subdivision does not provide, or have available, reasonable public access by fee or easement from a public highway to that portion of the bank of the waterway, river, stream, lake or reservoir bordering or lying within the proposed subdivision, or to land below the ordinary high-water mark on any bay shoreline within the subdivision; provided that the Advisory Agency or Board of Supervisors as appropriate may approve the tentative map if it finds that alternate reasonable public access is available within a reasonable distance from the subdivision;
- (j) The proposed subdivision fronts along a public waterway, public river or public stream and does not provide for a dedication of a public easement along a portion of the bank of the waterway, river or stream bordering or lying within the subdivision, which easement is defined so as to provide reasonable public use and maintenance of the waterway, river or stream consistent with public safety;
- (k) The parent parcel or a portion thereof is subject to a contract entered into pursuant to the California Land Conservation Act of 1965 and the proposed lots to be created from

the parent parcel or portion thereof and subject to the contract are not consistent with the minimum residential building site requirements under the Policy and Uniform Regulations Governing Administration of Agricultural Preserves in Solano County;

(l) The proposed subdivision is not consistent with applicable provisions of the County Hazardous Waste Management Plan; or

(m) The proposed subdivision is located within a special studies zone established pursuant to the Alquist-Priolo Special Studies Zone Act (Public Resources Code Section 2621 et seq.) and is not in accordance with the policies and criteria established by the State Mining and Geology Board pursuant to that Act.

Sec. 26-96. Appeals:

Sec. 26-96.1. Application

Except as otherwise specified, decisions of any County agency, officer or employee exercising powers pursuant to this Chapter may be appealed by an aggrieved party within 10 calendar days after any such decision has been made. Only filing an appeal application addressed to the clerk or secretary of the appropriate appeal board may commence an appeal. No appeal application shall be accepted for processing unless it contains all information, data and papers prescribed by the forms supplied by the clerk or secretary of the appeal board and are accompanied by payment of the fee, if any, specified by the Board of Supervisors.

Sec. 26-96.2. Appeal Board

Appeals of decisions made by the Planning Services Division, Zoning Administrator or the Director of Environmental Management shall be heard by the Planning Commission, which shall hold a public hearing. Appeals of decisions made by the Planning Commission, including those on appeals, shall be heard by the Board of Supervisors, which shall hold a public hearing.

Sec. 26-96.3. Time for hearing

Appeals shall be heard and decided upon within 30 days after submittal, or within such longer period of time as may be consented to by the appellant and, if the appellant is not the applicant, by the applicant.

Sec. 26-97. Modifications:**Sec. 26-97.1. Application**

Following the approval of, but before expiration of a tentative map, requests for modification may be made by the applicant. The Zoning Administrator shall determine whether the request for modification of an approved tentative map, including changes to map phasing, should be processed as a major modification or as a minor modification and that determination shall not be appeal able. The request shall be processed as a minor modification if it meets all of the following criteria:

- (a) It would not effect the quantity or quality of the required dedications;
- (b) It would not increase the total number of proposed lots;
- (c) It would not significantly alter the configuration of the proposed lots;
- (d) It would not reasonably be expected to change any of the findings adopted by the Advisory Agency or Appeal Board when the tentative map was approved;
- (e) It is not being made pursuant to Section 66474.2 or Section 66498.2 of the Subdivision Map Act for the purpose of securing a vested right to proceed with changed ordinances, policies or standards; and
- (f) It will not alter the conclusions of the environmental document prepared pursuant to CEQA.

Sec. 26-97.2. Processing

If it is determined that the request should be processed as a minor modification, the Zoning Administrator shall hold a public hearing and shall thereafter grant or deny the request. If it is determined that the request should be processed as a major modification, it shall be processed in the same manner as the original tentative map.

Sec. 26-98. Expiration of tentative maps:**Sec. 26-98.1. Expiration**

An approved or conditionally approved tentative map shall expire 24 months from the date it was approved or conditionally approved. Unless a final map is filed with the legislative body or a parcel map is filed with the County Surveyor prior to expiration of the corresponding tentative map, all proceedings shall terminate upon such expiration, and any subdivision of the land shall require the filing and processing of a new tentative map.

Said application shall be identified as a previously approved, but now expired map. A final map and a parcel map may be filed for record after the expiration date of the tentative map if said final or parcel map was filed with the legislative body or the County Surveyor, respectively, prior to the expiration date.

Sec. 26-98.2. Extension

At any time prior to the expiration of an approved or conditionally approved tentative map, the subdivider may submit to the Planning Services Division an application for an extension of the 24-month initial time period, pursuant to Section 66452.6(e) of the Subdivision Map Act, for the tentative map and, if the application is timely, the Advisory Agency that approved or conditionally approved the subdivision may grant the extension. There shall be no other extensions of the time period for the tentative map except as required by Section 66452.6 or Section 66463.5 of the Subdivision Map Act.

Sec. 26-98.3. Modification

Approval of a minor or major modification of a previously approved or conditionally approved tentative map shall not affect the expiration date of a tentative map.

Sec. 26-99. Expiration of development rights of vesting tentative map

(a) If a final map or parcel map for which a vesting tentative map has been approved is timely filed and recorded, the development rights conferred with respect to the subdivision by operation of Chapter 4.5 (commencing with Section 66498.2) of the Subdivision Map Act shall last for an initial period of 12 months beyond the date on which the final or parcel map is recorded. The initial period shall be extended by any time used by the County for processing a complete application for a grading permit or for design or architectural review if the time used by the County to process the application exceeds 30 days from the date the complete application is filed. At any time during the initial period the subdivider may submit to the Planning Services Division, on a form approved by the Director of Environmental Management, an application for an extension pursuant to Section 66452.6(g) of the Subdivision Map Act, and if the application is timely, the Advisory Agency that approved or conditionally approved the subdivision may grant the extension.

(b) If the subdivider submits a complete application for a building permit during the periods of time specified above, the rights conferred by Chapter 4.5 (commencing with Section 66498.1) of the Subdivision Map Act shall continue until the expiration of that permit, or any extension of that permit granted by the County.

ARTICLE IX. FINAL MAP AND PARCEL MAP REQUIREMENTS**Sec. 26-101. Map preparation, form and content**

After approval of a tentative map, the subdivider may cause a final map or parcel map of the proposed subdivision or any portion thereof to be prepared. Final maps and parcel maps shall be prepared under the supervision of a person authorized to practice land surveying in accordance with the requirements set forth in this Chapter, Article 2 (commencing with Section 66433) and Article 3 (commencing with Section 66444) of Chapter 2 of the Subdivision Map Act and the Road Improvement Standards and Land Division and Subdivision Requirements.

Sec. 26-101.1. Survey and mapping

Final maps and parcel maps shall be based upon a field survey made in conformity with the Professional Land Surveyors Act. The requirements of Section 2, Surveying and Mapping, of the Solano County Road Improvement Standards and Land Division and Subdivision Requirements shall be adhered to in the preparation of the final map or parcel map.

Sec. 26-101.2. Standard practices

All surveys and all drafting in connection with the preparation of tentative maps, final maps, parcel maps and improvement plans to be submitted pursuant to this Chapter shall be done in accordance with the standard practices and principles of drafting and land surveying.

Sec. 26-101.3. Cross reference to separate map sheets or documents

A cross reference to each separate map sheet or supplemental document required by Section 26-103.13 shall be placed on the title sheet of the final map or parcel map. The cross-reference shall generally describe the type of information appearing on the separate map sheet or document and shall state that the separate map sheet is filed with the map and/or give the recording information of the supplemental document.

Sec. 26-101.4. Cross reference to soils and/or geologic reports

A cross reference to each soils and/or geologic report prepared specifically for the proposed subdivision shall be placed on the title sheet of the final map or parcel map. The cross reference shall identify the preparer and the date of the report and shall state that the report is filed in the office of the County Surveyor.

Sec. 26-101.5. Statement regarding conveyance or remainder parcel

All filed maps that show a remainder parcel shall contain a statement on the map filed for record indicating that no person shall sell, lease or finance any remainder parcel or commence construction of any building for sale, lease or financing until a certificate of compliance or a conditional certificate of compliance, in full compliance with the Subdivision Map Act, consistent with the local Building Ordinance and this Chapter, has been filed for record by the Solano County Recorder.

Sec. 26-102. Submission for certification

Final maps and parcel maps being submitted for approval shall be first submitted to the County Surveyor who shall examine the final map or parcel map and determine whether it is technically correct and is in compliance with the Subdivision Map Act and this Chapter and is in substantial compliance with the corresponding approved or conditionally approved tentative map. If the tentative map was approved subject to any conditions that are to be satisfied prior to recordation of the final map or parcel map, the County Surveyor, in consultation with the appropriate County departments or agencies, shall determine whether those conditions have been satisfied. If any of those conditions have

not been satisfied, the final map or parcel map shall not be considered to be in substantial compliance with the tentative map. If a final map or parcel map depicts lots other than lots to be offered for dedication or reserved for flood control, natural resource preservation, common open space, or similar purposes, which are smaller than the minimum lot size required by either the applicable General Plan or the applicable zoning ordinance at the time of approval of the tentative map, the final map or parcel map shall not be considered to be in substantial compliance with the tentative map. If the County Surveyor is satisfied as to these map matters, he or she shall return the final map or parcel map to the subdivider and inform the subdivider of the deficiencies which have been noted. Where a map fails to meet the provisions of this section because of a technical and inadvertent error which, in the determination of the County Surveyor, does not materially affect the validity of the map, the County Surveyor may sign the map and recommend to the Advisory Agency having authority to approve, conditionally approve, or disapprove the map, that the Advisory Agency waive any requirement the noncompliance with which it finds to be the result of a technical and inadvertent error not materially affecting the validity of the map.

Sec. 26-103. Information to be submitted with final or parcel map

When a final map or parcel map is submitted to the County Surveyor, it shall be accompanied by the documents specified in Sections 26-103.1 through 26-103.15 except as otherwise provided in such sections.

Sec. 26-103.1. Improvement plans

Improvement plans and specifications required by this Chapter together with such calculations and additional information as will assist the County Surveyor in property checking the improvement plans and specifications shall be submitted with the final map or parcel map. The number of sets of such improvement plans and specifications submitted shall be as specified by the County Surveyor.

Sec. 26-103.2. Improvement agreements and securities

All agreements and improvement securities required by the Subdivision Map Act or this Chapter shall be submitted with the final map or parcel map.

Sec. 26-103.3. Tax collector=s statement and security for taxes

(a) A statement on the map, signed by the Solano County Tax Collector that there are no liens against the subdivision or any part for unpaid State, County, municipal or local taxes or special assessments collected as taxes, except taxes or special assessments not yet payable, and stating that a security has been filed with the Clerk of the Board of Supervisors for the estimated taxes which are a lien on the property but not yet payable for taxes and special assessments, and that all certificates required under provisions of the Sections 66492 and 66493 of the Government Code have been filed. This Section is inapplicable to amending maps filed in accordance with Section 66469 of the Subdivision Map Act.

- (b) “Security” for purposes of this section, shall be in the form of the following:
- (1) Bond or bonds by one or more duly authorized corporate sureties; or
 - (2) A deposit, either with the clerk of the Board of Supervisors, or a responsible escrow agent or trust company, at the option of the Tax Collector, of money in negotiable bonds of the kind approved for securing deposits of public monies; or
 - (3) An instrument of credit from an agency of the state, federal or local government when any agency of the state, federal or local government provides at least 20 percent of the financing for the portion of the act or agreement requiring security, or from one or more financial institutions subject to regulations 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, or a letter of credit issued by such a financial institution.
- (Ord. No. 1658, §1)

Sec. 26-103.4. Subdivision guarantee

A Subdivision Guarantee, issued by a title company acceptable to the County Recorder and authorized by the laws of the State of California to write the same, showing the names of all persons having any record title interest in the parent parcel together with the nature of their respective interests therein, shall be submitted with the final map or parcel map to be filed with the County Recorder.

Sec. 26-103.5. Deeds

Whenever land or easements are offered for dedication for public use or access, and whenever land or easements are to be granted to public agencies, all such land or easements not offered for dedication or granted by the owner=s certificate on the final map or parcel map shall be granted by deeds submitted no later than submission to the County Surveyor of the final map or parcel map.

Sec. 26-013.6. Off-site easements

Written evidence of rights-of-entry or permanent easements on or across private property not within the proposed subdivision as may be necessary to allow performance of the work necessary to improve the subdivision, to allow for the maintenance of the subdivision improvements once completed, to allow the permanent access to the proposed subdivision, and to allow for and to grant necessary slope rights, shall be submitted with the final map or parcel map except as otherwise provided in Section 66462.5 of the Subdivision Map Act.

Sec. 26-103.8. Utility statement

A statement from each operator of proposed subdivision utility systems stating that the public utility easements shown on the final map are satisfactory for use by that utility for service to the proposed subdivision and that arrangements have been made to convey such easements to the utilities which are to use them shall be submitted with the final

map.

Sec. 26-103.8. Water Supply Certificates

When the proposed water supply is to be provided by a public water system there shall be submitted with the final map or parcel map a water supply certificate, on a form provided by the County and signed by the proposed water supplier, certifying that:

(a) Either of the following is true:

(1) A binding agreement has been entered into between the owner of the land and the water supplier, enforceable by the owner and the owner=s successors in interest to the land, providing, on terms substantially the same as those given the water supplier=s customers generally, for the connection to the water supplier=s system of each lot proposed to be served by the water supplier; or

(2) Each lot proposed to be served by the water supplier will be served through an existing connection provided by the water supplier to the property; and

(b) The portion of the improvement plans containing the design and specifications for subdivision sewer is satisfactory to the water supplier.

Sec. 26-103.9. Approval of domestic water supply

A statement from the Environmental Health Services Division approving the method of permanent water supply.

Sec. 26-103.10. Sewer Service Certificate

When the proposed method of sewage disposal is by a public sewer entity, there shall be submitted with the final map or parcel map a sewer service certificate, on a form provided by the County and signed by the public sewer entity, certifying that:

(a) Either of the following is true:

(1) A binding agreement has been entered into between the owner of the land and the public sewer entity, enforceable by the owner and the owner=s successors in interest to the land, providing, on terms substantially the same as those given the public sewer entity=s customers generally, for the connection to the public sewer entity=s system of each lot proposed to be served by the public sewer entity; or

(2) Each lot proposed to be served by the public sewer entity will be served through an existing connection provided by the public sewer entity to the property; and

(b) The portion of the improvement plans containing the design and specifications for subdivision sewer is satisfactory to the public sewer entity.

Sec. 26-103.11. Approval of on-site sewage disposal system

A statement from the Environmental Health Services Division approving the concept of on-site sewage disposal for lots not proposed for connection to a public sewer shall be submitted with the final map or parcel map.

(a) For any lot approved for a non-standard sewage disposal system, a note of reference indicating the type of non-standard system shall be placed on a separate map sheet or supplemental document meeting the requirements of Section 26-103.13 of this Chapter.

(b) For lots approved for a standard sewage disposal system, the Environmental Health Services Division statement shall indicate that no special provisions exist.

Sec. 26-103.12. Storm water acceptance

Written evidence of such easements or other rights not within the proposed subdivision as may be necessary to provide for the acceptance of storm waters generated by the proposed subdivision shall be submitted with the final map or parcel map except as otherwise provided in Section 66462.5 of the Subdivision Map Act.

Sec. 26-103.13. Separate map sheets or documents

Separate map sheets or supplemental documents, in a form satisfactory to the County Surveyor and meeting the requirements of Section 66434.2 of the Subdivision Map Act, shall be submitted with the final map or parcel map and shall show the following information, if required as a condition of approval of the map:

(a) Unimproved natural watercourses wholly or partially within the proposed subdivision, and areas within the proposed subdivision that are subject to inundation or flood hazard;

(b) All producing, abandoned or idle oil wells, all oil or gas pipelines, all existing or abandoned oil sumps, all underground storage tanks, and all existing oil or gas conditional use permit boundaries;

(c) The fault line or zone of each active or potentially active earthquake fault within the proposed subdivision that is identified in any soils and/or geologic report prepared specifically for the proposed subdivision;

(d) Every building setback line or sewage disposal system setback line that is recommended in any archaeology report, soils and/or geologic report, prepared specifically for the proposed subdivision;

(e) All conditions of approval of the tentative map that are to be satisfied after the final map or parcel map are recorded.

Sec. 26-103.14. Soils and/or geologic reports

Every soils and/or geologic report prepared specifically for the proposed subdivision, if any, shall be submitted with the final map or parcel map.

Sec. 26-103.15. Certificate for Dedication

When, as a condition of approval of a subdivision, property is dedicated to a local agency in fee for public purposes other than open space, parks or schools, a certificate meeting the requirements of Section 66477.5 of the Subdivision Map Act shall be placed on the final map or parcel map.

Sec. 26-104. Approval and filing of maps

Final maps and parcel maps shall be approved and filed as follows:

(a) FINAL MAPS - A final map which has been submitted to and certified by the County Surveyor pursuant to Section 26-102 of this Code shall be delivered by the County Surveyor to the Board of Supervisors by transmitting a copy of the final map to the Clerk of the Board together with a request that the approval or disapproval of the final map be placed on the agenda for the Board's next regular meeting. If the final map is approved by the Board, the Clerk of the Board shall sign the final map and transmit it to the County Surveyor for a final check and transmittal of the map, agreements, supplemental documents, etc. to the County Recorder. The County Recorder shall file the map and documents subject to the provisions of Section 66466 of the Subdivision Map Act. Where a final map approved for filing with the County Recorder has been digitally created, a digital copy of the approved final map in a format acceptable to the Assessor/Recorder shall be provided to Mapping Services in the Assessor/Recorder Department.

(b) PARCEL MAPS - The County Surveyor is authorized to approve or disapprove parcel maps that have been submitted to him or her pursuant to Section 26-102 of this Code. If a parcel map contains an offer of dedication to the County of Solano, the County Surveyor shall refer the offer to dedicate to the Board of Supervisors for action thereon prior to acceptance of the map. If a parcel map is certified by the County Surveyor pursuant to Section 26-102 of this Code, it shall be deemed to be approved by him or her and he or she shall transmit it to the County Recorder and the County Recorder shall file it for record subject to the provisions of Section 66466 of the Subdivision Map Act.

Sec. 26-105. Filing of soils and/or geologic reports

Soils and/or geologic reports submitted pursuant to Section 26-103.14 shall be filed and maintained in the office of the County Surveyor and a copy submitted to the Building and Safety Division of the Department of Environmental Management. The County Surveyor shall index such reports by reference to the final map or parcel map to which they relate.

ARTICLE X. DEDICATION AND IMPROVEMENT REQUIREMENTS

Sec. 26-111. Dedications

At the time of or prior to recordation of a final map or parcel maps, the subdivider shall dedicate or make an irrevocable offer to dedicate all lots or other areas of land and all rights-of-way within the subdivision which are required for roads, alleys, flood control, drainage, public utility purposes or other public purposes, together with such access rights and abutter=s rights as may be required for public purposes. Such dedications or offers shall be in compliance with all applicable provisions of Section 26-133.

Sec. 26-112. Improvements

Prior to recordation of a final map or parcel map, or at such earlier time as may be specified in this Article, the subdivider shall complete or shall enter into an improvement agreement to complete all of the improvements specified in Sections 26-112.2 through 26-112.12. The County shall be a party having the right to enforce the improvement agreement, provided that, if the improvement is to be dedicated or offered for dedication to an entity other than the County, such other entity may, at the discretion of the County Surveyor, be substituted for the County as a party to the improvement agreement. All such improvements shall be completed in accordance with any applicable provisions of the Solano County Improvement Standards and Specifications, this Article and Section 66411.1 of the Subdivision Map Act. Except as otherwise provided in this Chapter, grading and other improvements shall not begin with respect to a parent parcel for which a tentative map has been submitted pursuant to Section 26-61 until the tentative map has been approved and the County Engineer has approved the corresponding improvement plans.

Sec. 26-112.1. Roads

All road improvements and appurtenances including, but not limited to, sidewalks, curbs, gutters, structures, signs, fences, street lighting, and barricades within the subdivision shall be installed.

Sec. 26-112.2. Drainage and erosion control

All improvements for drainage and erosion control required for the proposed subdivision, regardless of location, including improvements necessary to prevent sedimentation or damage to off-site property, shall be constructed.

Sec. 26-112.3. Sewage and water

Except as otherwise provided in this Chapter, and except where fees or other consideration are received pursuant to this Chapter in lieu of such systems, sewage and permanent domestic water supply systems shall be installed in each proposed subdivision and connections thereto made from each lot within the subdivision.

Sec. 26-112.4. Fire protection

As a part of the water supply system installed in the proposed subdivision, the subdivider shall install water mains, fire hydrants, gated connections and other fire protection facilities deemed necessary by the local fire protection district and the County Fire

Marshall to provide adequate fire protection to the proposed subdivision.

Sec. 26-112.5. Utilities

All utility facilities including, but not limited to, electric lines, communication lines, cable television lines, street lighting power supply lines and appurtenances thereto, may be required to be placed underground and when so required all utility facilities including service laterals shall be installed in the ground prior to the paving of roads. Where undergrounding is required, the County Engineer may authorize installation of utility facilities after road improvements or if unusual circumstances so warrant. Even where undergrounding is required, certain utility appurtenances including, but not limited to, transformers, pedestal-mounted terminal boxes and meter cabinets, and concealed ducts used in connection with underground facilities may be placed on the surface of the ground. All necessary arrangements for the installation of utilities shall be made with the operator of each utility system. At the time of approval of the tentative map, the Advisory Agency may consider the following in making a determination on undergrounding utilities:

- (a) Steep topography of all or part of the subdivision where the lines much are located;
- (b) Soil types, which would make trenching difficult;
- (c) The extent to which the facilities would be visible from public roads or other lots if they were not underground;
- (d) The need for lines, which, due to the large size of the lots, would be unreasonably costly to underground;
- (e) Other physical features, such as high groundwater table or large outcroppings of boulders along most of the feasible route, which would make trenching difficult; and
- (f) General Plan policies, and Area and Specific Plans.

Sec. 26-112.6. Road name and traffic signs

Road name signs shall be installed at all intersections within the subdivision. Traffic control devices and signs shall be installed at all locations within the subdivision specified by the County Engineer. All traffic control devices and signs shall conform to all applicable laws and regulations.

Sec. 26-112.7. Barricades

Barricades shall be constructed at the ends of all roads abutting undeveloped property adjacent to the proposed subdivision.

Sec. 26-112.8. Underground openings

All underground pipes and openings encountered during construction of any improvements in the subdivision shall be removed or sealed in a manner satisfactory to

the County Engineer.

Sec. 26-112.9. Water wells

All abandoned water wells within the proposed subdivision shall either be destroyed or be retained subject to compliance with the provisions of the Solano County Well Standards, Chapter 13.10 of the Solano County Code. All water wells that are not destroyed shall be shown on an additional map sheet of the final map or parcel map. Any improvements or deed restrictions that the County Engineer deems reasonably necessary to prevent injury to persons or property shall be constructed or recorded.

Sec. 26-112.10. Oil/gas wells

All oil/gas wells, including abandoned wells, within the proposed subdivision shall be re-evaluated by the State Division of Oil and Gas. All wells which have been abandoned or which are required to be abandoned shall be abandoned in a manner approved by the Division of Oil and Gas and documentation verifying said abandonment shall be submitted. All wells, including abandoned wells, shall be delineated on an additional map sheet of the final map or parcel map. Any improvements or deed restrictions that the County Engineer deems reasonably necessary to prevent injury to persons or property shall be constructed or recorded.

Sec. 26-112.11. Underground storage tanks

All underground storage tanks within the proposed subdivision shall be evaluated by the Solano County Department of Environmental Management. All underground storage tanks which have been abandoned or require closure shall be closed in a manner approved by the Department of Environmental Management. All underground storage tanks shall be delineated on a separate map sheet meeting the requirements of Section 26-103.13 of this ordinance.

Sec. 26-112.12. Monuments

At all times of making the survey for the final map or parcel map, the engineer or surveyor shall set sufficient durable monuments to conform to the standards prescribed in Section 8771 of the Business and Professional code so that another engineer or surveyor may readily retrace the survey. All required monuments shall be set within a time specified by the County Surveyor, following filing of the final map or parcel map. Monuments and monumentation shall conform to Section 2 of the Solano County Road Improvement Standards and Land Division and Subdivision Requirements.

Sec. 26-113. Improvement agreement

An improvement agreement shall be submitted to the County Surveyor at the time a final map or parcel map is submitted pursuant to Section 26-103, unless all of the improvements required for the subdivision have already been completed and approved. The improvement agreement shall be in a form approved by the County Surveyor, and shall be signed by the property owner and by every party whose written consent to the subdivision is required by Sections 66430 and 66436 of the Subdivision Map Act, and

shall bind each signatory to complete within a reasonable time specified therein the on-site and off-site improvements required for the subdivision by this Chapter and the Subdivision Map Act. The improvement agreement shall incorporate by reference the improvement plans required by Section 26-114.

Sec. 26-113.1. Security

The improvement agreement shall be accompanied by an improvement security as provided for in Article XI of this Chapter.

Sec. 26-113.2. Time extensions

If the improvements cannot be completed by the expiration date specified in the improvement agreement, the subdivider shall file a request for a time extension and shall pay the time extension fees prescribed by the Board of Supervisors before such expiration date. The body that approved the tentative map may grant or deny such extension as the circumstances warrant.

Sec. 26-114. Improvement plans

The subdivider's engineer shall prepare plans and specifications for improvements required for the proposed subdivision by this Chapter or the Subdivision Map Act.

Sec. 26-114.1. Submittal

Improvement plans shall be submitted to the County Engineer before or at the same time as the improvement agreement to which they relate or, if the work is to be commenced before execution of an improvement agreement, before the commencement of the work. Improvement plans shall not be submitted until the tentative map has been approved.

Sec. 26-114.2. Approval

The County Engineer shall review improvement plans duly submitted to him or her. He or she shall approve and sign them if, and only if, they fully comply with the requirements of the Subdivision Map Act and this Chapter, and substantially comply with the tentative map. Any changes from data shown on the tentative map relative to road and storm drains shall be supported by an engineering report and will not be allowed unless the County Engineer approves the change.

Sec. 26-114.3. Preparation

Improvement plans shall be prepared according to good engineering practice under the direction of, and shall be signed by, a civil engineer registered by the State of California. Improvements shall be designed in compliance with the Solano County Improvement Standards and Specifications. Improvement plans shall be printed or drawn clearly and legibly, or reproduced by a process that results in a permanent record that will permit direct reproductions. Each sheet shall be 24 inches vertically by 36 inches horizontally (610mm x 910mm). Each sheet shall have a marginal line drawn completely around it, leaving an entirely blank margin of one and one-half inches (38 mm) on the left-hand side and one-half inch (13mm) on the other three sides. If the improvement plans include five

or more sheets, a key map showing the roads and the area covered by each sheet of the plan shall be included on the first sheet of the plans.

Sec. 26-114.4. Grading plans included

Improvement plans shall also include complete grading plans. Grading plans shall be on sheets separate from the improvement plans, and shall contain a title block and have a graphical scale in addition to a numerical scale. The grading plans may be submitted initially on sheets larger than 24 inches by 36 inches (610mm x 910mm). However, if initial plans are submitted on such larger sheets, the grading plans must be resubmitted with the as-build plans on sheets conforming in size and margin requirements to the remainder of the improvement plans. Grading plans resubmitted at the proper size may be a series of 24 inches by 36 inches (610mm x 910mm) reproducible sheets made with proper overlap and title block from the initially submitted grading plans.

Sec. 26-114.5. Contents

The improvement plans shall show the complete plans, profiles and details for all improvements to be placed in a proposed subdivision including but not limited to, all road work, including road survey monuments, drainage channels and structures, all utilities to be installed by the subdivider including all appurtenances thereto located within the right-of-way, retaining walls or other improvements to support cut slopes and embankments, bridges if constructed in conjunction with subdivision improvements, the location of utilities not within the right-of-way which may control the location and elevations of storm drains and culverts, the location of fire hydrants, curbs, gutters and sidewalks, fences that may be required, gates, structures and drainage facilities necessary to control slides, other improvements which may be required to complete the work, and conditions beyond the subdivision boundaries which affect the integrity of the proposed improvements.

Sec. 26-114.6. Changes

No change shall be made in the improvement plans for the subdivision without prior approval of the County Engineer. All changes approved by the County Engineer shall comply with the requirements of this Chapter.

Sec. 26-114.7. Cost estimate

An estimate of the cost of the improvements to the proposed subdivision shall be prepared by the subdivider and shall accompany the improvement plans each time they are submitted. Cost estimates shall include a separate item for contingencies. The cost of relocating existing utilities and appurtenances should also be included. Upon consideration of the estimate submitted by the subdivider, the County Engineer shall determine the estimated cost for the improvements of the proposed subdivision.

Sec. 26-115. Record drawing

At the time of completion of the improvements required pursuant to this Chapter or the Subdivision Map Act, and as a condition precedent to exoneration of the improvement

security, the subdivider shall submit to the County Engineer the original and three sets of prints of the record drawing of the improvement plans which have been modified to reflect any changes in the improvements made during construction. The subdivider's engineer shall certify that all improvement work has been constructed in accordance with the plans and specifications.

ARTICLE XI. IMPROVEMENT AND GUARANTEE SECURITIES

Sec. 26-116. Prepayment of real property taxes for approval of lot line adjustment

As authorized under California Government Code section 66412, subdivision (d), prior to the approval of a line lot adjustment, the applicant shall obtain a written certification from the Tax Collector that there are no unpaid real property taxes. (Ord. No. 1598, '47)

Sec. 26-121. Requirement of improvement security

Any improvement agreement, contract, or act required or authorized by the Subdivision Map Act, for which security is required by the Subdivision Map Act or this Chapter, shall be secured in the manner and amounts provided in the Subdivision Map Act and this Article. An improvement security shall be posted both to secure the faithful performance of each improvement agreement and to secure payment by the subdivider to the contractor and his subcontractors and to persons renting equipment or furnishing labor or materials to them in connection with the performance of such improvement agreement.

Sec. 26-122. Type of improvement security.

The improvement security may, at the option of the subdivider, with approval of the County, be any one of the types specified in subsection (a) of Section 66499 of the Subdivision Map Act.

Sec. 26-123. Amount of improvement security:

Sec. 26-123.1. Bond security amount

If the improvement security is in the form of bonds, the bond securing faithful performance shall be in an amount equal to the estimated cost, as approved by the County Engineer, of the improvements or the act to be performed, and the bond for the security of laborers and material men shall also be in an amount equal to such estimated cost of the improvements or the act to be performed, and shall include costs and reasonable expenses and fees as authorized by Section 66499.4 of the Subdivision Map Act.

Sec. 26-123.2. Non-bond security amount

If the improvement security is in some form other than bonds, the total amount of such security for both faithful performance and for laborers and material men shall be in an amount equal to 150% percent of the estimated cost of the improvements or act to be performed. At the option of the County Surveyor any fraction ranging from one-third to

two-thirds of the total amount of such security may be applied to secure faithful performance and the balance may be applied to secure laborers and material men, and shall include costs and reasonable expenses and fees as authorized by Section 66499.4 of the Subdivision Map Act.

Sec. 26-124. Release of improvement security

After full and faithful performance of the improvement agreement by the subdivider, and after acceptance by the County Surveyor of the guarantee security pursuant to Section 26-125 and compliance by the subdivider with the provisions of Section 26-115, the County Surveyor will release all improvement security posted to secure faithful performance of the agreement. The County Surveyor may accept a cash deposit, or a certificate of deposit, necessary to accomplish the required performance in lieu of all, or part, of such performance when he or she finds it is reasonable and necessary. The County Surveyor may accept deferred construction, secured by agreement and by good and sufficient improvement security, when he or she finds that such deferred construction is reasonable and necessary. Upon request of the subdivider, the County Surveyor may at his or her discretion reduce the amount of the improvement security by partial release in an amount not exceeding 50% of the total estimated cost of improvements of the subdivision when a corresponding percentage amount of the improvements has been fully completed to the satisfaction of the County Engineer. However, in no circumstances shall such partial release constitute acceptance of the improvements upon which such partial release is granted. All security posted to secure laborers and material men will be released pursuant to subdivision (b) of Section 66499.7 of the Subdivision Map Act.

Sec. 26-125. Guarantee

All improvements required for a subdivision by this Chapter or the Subdivision Map Act shall be guaranteed by the subdivider for a period of one year following final acceptance of all improvements of the subdivision. The guarantee shall extend only to such replacement and/or repair as may be required during the guarantee period in excess of routine maintenance for ordinary wear and tear. A guarantee security guaranteeing such replacement and/or repair in an amount of at least 10% of the estimated cost of the improvements shall be posted prior to exoneration pursuant to Section 26-124 of any improvement security pertaining to those improvements. The amount of the guarantee security in no way limits the subdivider's guarantee as required by this Section. Following notification by the County Engineer of the need for such work the subdivider shall promptly replace and/or repair the improvements.

ARTICLE XII. IMPROVEMENT FEES, DEDICATIONS AND RESERVATIONS

Sec. 26-131. Fees for bridges and major thoroughfares

As a condition of approval of the final map or parcel map, or as a condition of the issuance of a building permit for any lot in the subdivision, the subdivider may be required to pay fees or other considerations in lieu thereof pursuant to this section and Section 66484 of the Subdivision Map Act in order to defray the actual or estimated costs of constructing

bridges over waterways, railways, freeways and canyons for which bridge crossing are required by the transportation or flood control provisions of the County General Plan, and of constructing major thoroughfares identified in the Circulation Element of the County General Plan.

Sec. 26-131.1. Hearing

In accordance with all requirements of Section 66484 of the Subdivision Map Act, the boundaries of the area of benefit, the actual or estimated costs of construction, fee apportionment, and a fair method of allocation of costs to the area of benefit shall be established at a public hearing held by the Board of Supervisors. The hearing shall be noticed pursuant to Section 26-95.1, provided that the notice shall also include preliminary information related to the boundaries of the area of benefit, estimated cost, and the method of fee apportionment.

Sec. 26-131.2. Fees for major thoroughfares

Payment of fees for a major thoroughfare shall not be required unless the major thoroughfare is in addition to, or a reconstruction of, an existing major thoroughfare serving the area at the time of the adoption of the boundaries of the area of benefit.

Sec. 26-131.3. Fees for bridges

Payment of fees shall not be required for a planned bridge facility unless the planned bridge facility is an original bridge serving the area or an addition to any existing bridge facility serving the area at the time of the adoption of the boundaries of the area of benefit, nor shall any such fees be expended to reimburse the cost of existing bridge facilities construction.

Sec. 26-131.4. Protests

(a) Written protests to the establishment of any proposed area of benefit for any particular improvement under Section 26-131 of this Code and Section 66484 of the Subdivision Map Act may be filed with the Clerk of the Board of Supervisors by the owners of real property within the proposed area of benefit at any time prior to the close of the required public hearing. If such written protests are filed by the owners of more than one-half of the area of the property to be benefited by an improvement, and sufficient protests are not withdrawn so as to reduce the area represented to less than one-half of that to be benefited, then the proposed proceedings shall be abandoned, and the Board of Supervisors shall not, for one year from the filing of that written protest, commence or carry on any proceedings for the same improvement or acquisition under the provisions of Section 26-131 of this Code and Section 66484 of the Subdivision Map Act.

(b) Nothing in this Section shall preclude the processing and recordation of maps in accordance with other provisions of this Code and the Subdivision Map Act if proceedings are abandoned.

(c) Any protests may be withdrawn in writing by the property owner making the same

at any time prior to the conclusion of the required public hearing.

(d) If any majority protest is directed against only a portion of the improvement, then all further proceedings under the provisions of Section 26-131 of this Code and Section 66484 of the Subdivision Map Act to construct that portion of the improvement so protested against shall be barred for a period of one year, but the Board of Supervisors shall not be barred from commencing new proceedings not including any party of the improvement or acquisition so protested against. Nothing in this subsection shall prohibit the Board of Supervisors, within such one-year period, from commencing and carrying on new proceedings for the construction of a portion of the improvement so protested against if it finds, by the affirmative vote of four-fifths of its members, that the owners of more than one-half of the area of the property to be benefited are in favor of going forward with such portion of the improvement or acquisition. Imposition of fees pursuant to this section shall also conform to any other requirements of law.

Sec. 26-131.5. Use of fees

A fund shall be established for each planned bridge facility project or each planned major thoroughfare project. Fees paid pursuant to this section shall be deposited in the appropriate fund. If the benefit area is one in which more than one bridge is required to be constructed, a fund may be established covering all the bridge projects in the benefit area. Moneys in such fund shall be expended solely for the construction or reimbursement for construction of the improvement serving the area to be benefited and from which the fees comprising the fund were collected, or to reimburse the County for the cost of constructing the improvement.

Sec. 26-131.6. Powers and obligations

In addition to those powers and obligations specifically set forth in Sections 26-131 through 26-131.5, the County and subdivider shall have all of the respective powers and obligations set forth in Section 66484 of the Subdivision Map Act.

Sec. 26-132. Traffic impact fee

To mitigate the traffic impacts of new development in the County, the Board of Supervisors may establish a development impact fee pursuant to the Mitigation Fee Act, Government Code section 66000 et seq., to be imposed as a condition of approval of tentative maps.

Sec. 26-133. Dedication of land and easements for public use

All title, rights and easements specified in Sections 26-133.1 through 26-133.4 shall be dedicated or offered for dedication to the County of Solano or other appropriate public agency not later than the time the final map or parcel map is filed for approval.

Sec. 26-133.1. Flood control channels

All rights-of-way required by Section 26-77 with respect to channels shall be offered for dedication to the appropriate public agency. All required rights-of-way offered to a public

agency shall be offered for dedication in a form that meets the requirements of that agency. All required rights-of-way offered for dedication pursuant to this section shall be free of all liens, encumbrances, assessments, leases and easements except for public utility easements.

Sec. 26-133.2. Private road easements

Easements allowing all governmental agencies access for public health, safety and welfare purposes on all private roads or lanes shall be dedicated or offered for dedication to the County of Solano.

Sec. 26-133.2. Public road easements and access

Except as otherwise provided below, all easements for public roads, public pedestrian and bicycle paths, public walks, and public alleys shown on the final map or parcel map and all rights of access to and from residential lots of the proposed subdivision abutting on controlled access roads shall be offered free and clear of any prior easements or rights-of-way, liens and encumbrances for dedication to the County of Solano. The rights of access to and from residential lots abutting on controlled access roads shall be such that owners of such lots shall have no rights whatsoever in such roads except in the general right of travel which belongs to the public at large. The Board of Supervisors may approve an offer of dedication wherein certain easements remain prior, in whole or part, to the rights being offered to the County. However, such approval shall be given only when unusual circumstances warrant and the easements that remain prior do not substantially interfere with proper use of the rights being offered to the county.

Sec. 26-133.4. Other easements

All other easements for public use required as a condition for approval of the tentative map for the proposed subdivision shall be offered for dedication to the County of Solano or other appropriate agency.

Sec. 26-133.5. Documentation

All offers of dedication shall be made by certificate on the final map or parcel map unless made by separate document with the approval of the County Surveyor.

Sec. 26-133.6. Acceptance of dedication

The Board of Supervisors is authorized to accept or reject on behalf of the County, or on behalf of any other public entity whose governing board is the Solano County Board of Supervisors, any and all offers of dedication, whether by separate document or by certificate on the map. Acceptance pursuant to this Section of an offer of dedication of a road (including ways offered only for nonvehicular use such as equestrian and pedestrian trails) shall cause that road to become a public way open to use by the public unless the offer expressly provides otherwise. Acceptance pursuant to this section of an offer of dedication of a road (including ways offered for nonvehicular use) shall not cause the road to become a County highway that the County is obligated to maintain unless and until the road is, by resolution of the Solano County Board of Supervisors, expressly accepted into

the County road system.

Sec. 26-134. Reservations for public use

As a condition of approval of any subdivision, the tentative map of which is filed subsequent to the adoption of a specific plan or a General Plan Community Facilities Element, a General Plan Recreation and Parks Element or a General Plan Public Building Element containing definite principles and standards regarding the determination of need for and location of parks, recreational facilities, fire stations, libraries or other public uses of land, the subdivider may be required to reserve areas or real property within the subdivision for such public uses pursuant to the provisions and subject to the powers and obligations set forth in Article 4 (commencing with Section 66479) of Chapter 4 of the Subdivision Map Act.

Sec. 26-135. Fees for drainage and sewer facilities

As a condition of approval of any subdivision, the tentative map for which is filed no sooner than 30 days after the adoption of any applicable drainage or sanitary sewer plan for a particular drainage or sanitary sewer area, the subdivider may be required to pay fees or consideration in lieu thereof for the purpose of defraying the actual or estimated costs of constructing planned drainage facilities for the removal of surface and storm waters from local or neighborhood drainage areas and constructing planned sanitary sewer facilities for local sanitary sewer areas pursuant to the provisions of and subject to the conditions, powers and obligations set forth in Section 66483 of the Subdivision Map Act.

ARTICLE XIII. CORRECTION AND AMENDMENT OF MAPS

Sec. 26-141. Amending maps

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 for the reasons and in the manner set forth in Sections 66469 through 66472 of the Subdivision Map Act.

Sec. 26-142. Amending conditions

After a final map or parcel map is filed in the Office of the County Recorder, the conditions of approval of such filed map may be amended as provided in Sections 26-142.1 through 26-142.6.

Sec. 26-142.1. Application

The Director of Environmental Management, or any person having a financial interest in conditions of approval of a filed final map or parcel map, may apply for an amendment of such conditions. Such application shall be submitted to the Planning Services Division in a form satisfactory to the Director of Environmental Management and shall include such information and documentation as the Director of Environmental Management may require.

Sec. 26-142.2. Notice

Upon receipt of a complete application for an amendment of such conditions and all applicable processing fees, the Director of Environmental Management shall give notice in accordance with Section 26-95.1 of a public hearing on such application to be held by the appropriate hearing body.

Sec. 26-142.3. Hearing body

The hearing body(s) shall be the same Advisory Agency and Approval Body that approved or conditionally approved the tentative map.

Sec. 26-142.4. Approval or denial

(a) The hearing body may approve an application to amend conditions of approval for a final map or parcel map if, after conducting a public hearing in accordance with the required notice, it makes all of the following findings:

- (1) There are changes in circumstances that make such conditions no longer appropriate or necessary;
- (2) The amendments do not impose any additional burden on the present fee owner(s) of the property;
- (3) The amendments do not alter any right, title or interest in the real property reflected on the map;
- (4) The map, as amended, will conform to the provisions of this Chapter and does not alter any previous findings made under the provisions of Section 66474 of the Subdivision Map Act; and
- (5) The amendment does not alter any previous findings made under the provisions of CEQA.

(b) Otherwise, the hearing body shall deny the application.

(c) The hearing and the actions of the hearing body shall be limited to consideration of and action upon the conditions that are the subject of the application. The decision of the hearing body shall be in writing.

Sec. 26-142.5. Appeals

A decision by the hearing body, to approve or disapprove an application to amend conditions of approval for a parcel map may be appealed by any interested person to the Planning Commission if the hearing body was the Zoning Administrator or if the hearing body was the Planning Commission to the Board of Supervisors. A decision of the Planning Commission action on appeal may itself be appealed to the Board of Supervisors. An appeal may be commenced only by filing with the Secretary or Clerk of

the appropriate body, within 10 calendar days after the date of the decision being appealed, an appeal application on a form approved by the Director of Environmental Management. No appeal application shall be accepted for processing unless it contains all information, data and papers prescribed by the forms supplied by the clerk or secretary of the appeal board and are accompanied by payment of the fee, if any, specified by the Board of Supervisors. A public hearing on the appeal shall be noticed in the same manner as the hearing before the hearing body. The decision of the Board of Supervisors on appeal shall be final and conclusive.

Sec. 26-142.6. Recording amendments

If, in order to implement an approved amendment of conditions, it is necessary or desirable also to amend the filed final map or parcel map, the Director of Environmental Management and the County Surveyor shall determine the appropriate document to be recorded for such purposes and the document shall be recorded as provided in Section 66472 of the Subdivision Map Act.

ARTICLE XIV. REVERSIONS TO ACREAGE, RESUBDIVISION, AND MERGERS

Sec. 26-151. Reversions to acreage

Property previously subdivided by final map or parcel map may be reverted to the acreage of the parent parcel pursuant to this section, Sections 62-151.1 through 26-151.10, and Article I (commencing with Section 66499.11) of Chapter 6 of the Subdivision Map Act. The reversion shall be by final map if the previous subdivision created five or more lots exclusive of any remainder parcel or by parcel map if the previous subdivision created four or less lots exclusive of any remainder parcel, regardless of whether the previous subdivision was by final map or parcel map.

Sec. 26-151.1. Initiation of proceedings

Proceedings may be initiated by petition of all of the owners of record of the property or by resolution of the Board of Supervisors. An owner=s petition shall be in a form prescribed by and shall be submitted to the Department of Environmental Management.

Sec. 26-151.2. Data required to be submitted for reversion

The petition in the case of owner-initiated proceedings, or the staff report of the Department of Environmental Management in the case of Board-initiated proceedings, shall include the following:

- (a) Adequate evidence of title to the real property within the subdivision;
- (b) Evidence sufficient to permit the Board of Supervisors or the Zoning Administrator to make all of the findings required by Section 26-151.6;
- (c) A tentative map in the form prescribed by the Director of Environmental Management which delineates existing dedications which will not be vacated, new

dedications which will be required as a condition of reversion, private roads or rights-of-way which are to remain in effect after the reversion, and such other information as the Director of Environmental Management may require; and

(d) Such other of the documents listed in Section 26-63 as may be required by the Director of Environmental Management.

Sec. 26-151.3. Fees

Fees shall be as prescribed by resolution of the Board of Supervisors. If a person requests the Board of Supervisors to initiate reversion proceedings, that person shall pay the required fees. The appellant shall pay appeal fees.

Sec. 26-151.4. Hearing

A public hearing respecting a proposed reversion to acreage shall be held by the Zoning Administrator if the reversion is to be by parcel map or by the Board of Supervisors if the reversion is to be by final map. Any decision of the Zoning Administrator may be appealed to the Planning Commission and any decision of the Planning Commission may be appealed to the Board of Supervisors by any interested person who, within 10 calendar days after the date of the decision, deposits with the Secretary or Clerk of the appropriate body, the appeal fee and an appeal application on a form approved by the Director of Environmental Management. The decision of the Board of Supervisors on appeal shall be final and conclusive.

Sec. 26-151.5. Notice

All public hearings respecting a proposed reversion to acreage, or appeal of a decision on a reversion to acreage, shall be noticed by the Department of Environmental Management in the manner prescribed by Section 26-95.1.

Sec. 26-151.6. Findings

The Zoning Administrator or the Board of Supervisors may approve a reversion to acreage only if it finds that:

(a) The Board of Supervisors has found that the 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 with an interest in the real property within the subdivision have consented to the reversion; or (2) none of the improvements required to be made has been made within two years from the date the final map or parcel map which created the subdivision 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 which created the subdivision have been sold within five years from the date such map was filed for record.

Sec. 26-151.7. Conditions

The Zoning Administrator or the Board of Supervisors shall require as conditions of the reversion:

(a) That the property owners dedicate or offer to dedicate all of those lands and easements described in Section 26-133.1 through 26-133.4 which the Zoning Administrator or the Board of Supervisors finds are reasonable and in the best interest of the public health, safety or welfare;

(b) That all or a portion of previously paid subdivision fees, deposits or improvement securities be retained if the same are necessary to accomplish any of the purposes of this Chapter or the Subdivision Map Act.

Sec. 26-151.8. Recordation

After approval of the reversion, the final map or parcel map for reversion shall be submitted to the County Surveyor for review and certification pursuant to Section 26-102, provided that the final map or parcel map may be considered to be in substantial compliance with the tentative map even if the parent parcel to which the subdivision is reverted is smaller than the required minimum lot size. The final map or parcel map for reversion shall contain a certificate signed and acknowledged by all parties whose consent would be required by Sections 66430 and 66436 of the Subdivision Map Act for a subdivision of the parent parcel, unless the reversion has been initiated by resolution of the Board of Supervisors. If the County Surveyor certifies the final map or parcel map for reversion, he or she shall deliver it to the County Recorder for filing.

Sec. 26-151.9. Effect of filing final map or parcel map

The filing of the final map or parcel map for reversion shall constitute a legal reversion to acreage of the land, vacation of all roads, easements, dedications or offers of dedication not shown on the final map or parcel map, and a merger of the previously separate lots into one parcel which shall thereafter be shown as such on the assessment roll.

Sec. 26-151.10. Return of fees, deposits, release of securities

Except as otherwise provided in this Chapter or the Subdivision Map Act, upon filing of a final map or parcel map for reversion by the County Recorder, all original fees and deposits designated for refund by the Board of Supervisors shall be returned to the current owner of the property and all original improvement securities shall be released, except those retained pursuant to Section 26-151.7.

Sec. 26-152. Resubdivisions

Previously subdivided real property, regardless of whether it was previously subdivided by maps or by conveyance, may be merged and resubdivided without first reverting to acreage by following all the procedures and requirements, including the payment of fees, for subdividing property that are contained in this Chapter and the Subdivision Map Act. Such merger and resubdivision shall occur automatically upon recordation of the

applicable final map, parcel map, or certificate of compliance.

Sec. 26-153. Merger, applicant-initiated

Property owner(s) may request and initiate proceedings for the merger of real property by meeting all of the requirements, including the payment of fees, for an application for the subdivision of property by parcel map that are contained in this Chapter and the Subdivision Map Act, provided that all references to the proposed merger and all references to the subdivider shall be deemed to be to the applicant for the merger. Any two or more contiguous lots in common ownership, regardless of whether they were created by map or by conveyance, may be merged so as to create one new lot. An application for a merger shall be processed as an application for a ministerial permit, without public notice or hearing, where all of the preexisting lots are legal lots. In all other cases, upon receipt of the request, the Director of Environmental Management shall process the application and schedule the matter for a hearing before the Planning Commission. The Planning Commission may impose those conditions, with respect to the illegal lot(s), which it could require for the issuance of a conditional certificate of compliance pursuant to Article V of this Chapter. If the request is approved, the recording of the parcel map, certificate of compliance, or conditional certificate of compliance shall create one new lot out of the affected existing lots by eliminating all common lot lines that separate such lots from each other.

ARTICLE XV. VIOLATIONS AND REMEDIES

Sec. 26-161. Not exclusive

The procedures and remedies set forth in this Article are not intended to be exclusive but are in addition to any other prohibitions, penalties, remedies and other procedures provided for in this Code, the Subdivision Map Act, or any other provision of law.

Sec. 26-162. Prohibitions

Any sale, lease or financing of property contrary to the provisions of this Chapter or the Subdivision Map Act by a person who is the subdivider or an owner of record, at the time of the violation, of property involved in the violation shall be punishable as set forth in Government Code section 66499.31. All other violations of the provisions of this Chapter or the Subdivision Map Act shall be a misdemeanor and any person, firm, corporation or partnership, upon conviction thereof shall be punishable as provided in Chapter 1, Section 1-17 of this Code. Nothing contained shall be deemed to bar any legal, equitable or summary remedy to which the County of Solano or other local agency or person, firm, corporation or partnership may otherwise be entitled and the County of Solano, or other public agency or such person, firm, corporation or partnership may file suit in the Superior Court of the County of Solano to restrain or enjoin any attempted or proposed division or sale, lease or financing in violation of this title.

Sec. 26-163. Conveyance or remainder parcel

No person shall sell, lease or finance any remainder parcel or commence construction of

any building for sale, lease or financing thereon until a certificate of compliance or a conditional certificate of compliance, in full compliance with the Subdivision Map Act and this Chapter, has been filed for record by the Solano County Recorder.

Sec. 26-164. Notices of violation

Whenever the County acquires knowledge that a certain identified lot may have been illegally created by a subdivision in violation of the Subdivision Map Act or this Chapter, the Zoning Administrator shall file for record with the County Recorder, and mail by certified mail to the record owners of such lot, a notice of intention to record a notice of violation. The notice of intention shall give a legal description of the lot, name the record owners thereof, describe the suspected violation, state the reasons why it is believed that the lot is not lawful under Section 66412.6 of the Subdivision Map Act, and state that a hearing will be held at the time, date and place stated therein for purpose of determining whether the lot was created by such an illegal subdivision. The notice of intention shall further state that the owners may present evidence at the hearing and that, if the preponderance of the evidence received at the hearing shows that the lot was created by such an illegal subdivision, a notice of violation respecting the lot will be recorded. The notice of intention shall be mailed to the record owners not less than 30 calendar days nor more than 60 calendar days before the hearing. The Zoning Administrator shall conduct the hearing regardless of whether the record owners appear or have responded to the notice of intention. The hearing shall be informal and shall not be governed by rules of evidence applicable to courts of law. The record owners shall have a right to present relevant evidence at the hearing. The Zoning Administrator may, but need not, receive relevant evidence presented by persons other than the record owners. At the conclusion of the hearing, or within a reasonable period of time thereafter, the Zoning Administrator shall determine whether the lot was created by an illegal subdivision. Such determination shall be in writing and shall contain a brief outline of the findings of fact upon which the determination is based. Such findings of fact shall be supported by the preponderance of the evidence received by the Zoning Administrator at the hearing. If the determination is that the lot was not created by an illegal subdivision, the Zoning Administrator shall mail a clearance letter to the current owner of record and shall file for record with the County Recorder a release of the notice of intention; provided that, if an otherwise illegal lot is determined to be lawful solely by operation of subdivision (b) of Section 66412.6 of the Subdivision Map Act, the release shall state that, as a condition precedent to the issuance of any building permit or other grant of approval for development of the lot, the owner shall be required to obtain a certificate of compliance or a conditional certificate of compliance for the lot and to satisfy all of the conditions thereof. If the determination is that the lot was created by an illegal subdivision, the Zoning Administrator shall file for record with the County Recorder a notice of violation complying with the provisions of Section 66499.36 of the Subdivision Map Act.

Sec. 26-165. Remedies

A certificate of compliance or a conditional certificate of compliance may be obtained pursuant to Article V of this Chapter.

