



DATE: February 9, 2017
TO: Planning Commission
FROM: Mike Sawley, AICP, Senior Planner (879-6812, mike.sawley@chicoca.gov)
RE: Appeal of Setback Determination at 3 Summersky Commons (APN 018-060-029)

SUMMARY

This is an appeal of a setback determination made by the Community Development Director on a property located at 3 Summersky Commons, within the Canyon Oaks Subdivision in eastern Chico. At issue is the minimum structural setback required from the northerly property boundary which abuts Upper Bidwell Park. Based on the history of the City's approvals involving the site and matters of record for the property, the Community Development Director determined that a 410 foot setback is required on the subject property. Such determination was made in response to a request on behalf of the owner of the property as to the appropriate setback distance. The representative of the owner of the property then filed an appeal of the Community Development Director's determination. As discussed in this report, staff believes that a 410-foot minimum setback from the Park boundary is required.

Recommendation:

Planning staff recommends adoption of Resolution No. 17-02 (**Attachment A**), denying the appeal and upholding the Community Development Director's determination.

Proposed Motion:

I move that the Planning Commission adopt Resolution No. 17-02, denying the appeal and upholding the Community Development Director's determination regarding the rear setback for Lot 54 of The Pinnacle-Phase 2 (3 Summersky Commons, APN 018-060-029).

BACKGROUND

Original Entitlements

In 1986, the Chico City Council adopted an Environmental Impact Report (EIR) and approved a tentative subdivision map for the Canyon Oaks development in eastern Chico (see Location Map, **Attachment B**, and Tentative Map, **Attachment C**). The Canyon Oaks development contains approximately 660 acres, including a 150-acre golf course, approximately 300 acres of open space and plans for roughly 500 residences. It abuts Upper Bidwell Park along most of its northern boundary, California Park on its western boundary, and unincorporated open space areas on its eastern and southern boundaries. The 1986 approvals included a General Plan amendment, rezone, tentative subdivision, parcel map, and annexation.

The EIR addressed, among other topics, potential impacts that the Canyon Oaks development could have on the "Urban Viewshed" (see EIR Excerpt, **Attachment D**). The viewshed analysis focused primarily on determining the potential visibility of future homes that would be situated along the northerly project boundary from high-use areas within Upper Bidwell Park (e.g., Horseshoe Lake and Upper Park Road).

The EIR acknowledged that the project had been designed to minimize such viewshed impacts by including a “200 +/- foot viewshed setback area shown on the site plan (Figure 2).” Figure 2 from the EIR is included with this report as **Attachment E**.

Despite the viewshed setback designed into the project along the Upper Bidwell Park boundary, the EIR identified that additional measures were needed to effectively minimize visibility of new homes from high-use areas of the Park. Two of these measures, as included in the EIR, read as follows:

21.1 Buildings in lots 24 to 34, 81 to 83, 192 to 200, 203 to 216, 234 to 241, and 245 shall not exceed 20 feet in height.

21.3 Lots 81 to 83, 207, 209, 210, 212 to 216, 234 to 241, and 245 shall have a minimum rear yard setback of 50 feet; lots 196 to 200 and 203 to 205 shall have a minimum rear yard setback of 100 feet; and lots 194 and 195 shall have a minimum rear yard setback of 250 feet.

These EIR mitigation measures call out specific lots on the tentative map and impose both a height limit of 20 feet, as well as an additional structural setback, depending on where along the Park boundary the lots were planned. Lots 194 and 195, the westernmost lots planned along the Park boundary, were required to have a 250-foot setback, in addition to the approximately 160-foot viewshed setback proposed by the tentative map. Therefore, the EIR mitigation required a minimum structural setback of 410 feet from the Park boundary for Lots 194 and 195. For illustrative purposes, a depiction of this setback mitigation is provided under **Attachment F**.

Since the 1986 project approvals, build-out of the Canyon Oaks development has taken place over many final map phases. Final maps located along the project boundary shared with Upper Bidwell Park, west of the major overhead power lines, were called “The Pinnacle” phases one through four.

The Pinnacle Final Map and CC&Rs

The final map for The Pinnacle, Phase 2 was recorded in 1999 (see **Attachment G**). It depicts the following:

- Three lots (Lots 54, 55 and 56) located in the same area of the project as Lots 194 and 195 on the approved tentative map;
- Lots 54, 55 and 56 extending all the way to the subdivision boundary abutting Bidwell Park, such that they include within their boundaries the 160-foot viewshed setback buffer that was shown on the approved tentative map;
- A “No Building Setback Line” on Lots 54, 55 and 56, located 375 feet from the subdivision boundary abutting Upper Bidwell Park; and
- A handwritten reference in the bottom left-hand corner to “Certificate of Correction 2003-18490, Recorded 3/25/2003”.

The Certificate of Correction, recorded under serial number 2003-0018490, is provided under **Attachment H** of this report. It includes the following statement:

“Lots 54, 55 and 56 shall have a minimum rear yard setback of 250 feet to conform to the DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF THE PINNACLES as noted in that certain document on file as Document Number 96-034079 in the office of the Recorder of the County of Butte.”

Recorded in 1996, the Declaration of Covenants, Conditions and Restrictions (CC&Rs) of the Pinnacle is an 81-page document outlining various responsibilities and limitations for future homeowners. Excerpts from the CC&Rs are included under **Attachment I** of this report. Section 34 of the CC&Rs states:

Section 34. Building Height Limitations and Rear Yard Setbacks.

Certain building height limitations and rear yard setbacks have been established for certain of the Lots as mitigation measures required by the City. To protect the view shed of Bidwell Park, building height shall be limited to 20 feet on the following Lots 51 and 52.

For planning and disclosure purposes, mitigation measures have been imposed on other Lots in future Phases, hereinafter identified using the numbering system and other characterizations as shown on the tentative subdivision map which is attached hereto as Exhibit “C”. However, these Lot numbers and Lot characterizations may not, and probably will not, be the same as will be shown on the final subdivision map for future Phases to be recorded on these Properties. However, the following mitigation measures may apply to the Lots ultimately formed in the locations represented by the following Lots as shown on the tentative subdivision map. To protect the viewshed of Bidwell Park, building heights shall be limited to 20 feet on Lots 193 through 200, inclusive and Lots 203 through 206, inclusive. The following Lots shall have a minimum rear yard set back of 50 feet: Lots 196 through 199, inclusive. The following Lots shall have a minimum rear yard set back of 100 feet: Lot 200 and Lots 203 through 205, inclusive. The following Lots shall have a minimum rear yard set back of 250 feet: Lots 194 and 195.

The CC&Rs refer directly back to the tentative map and reproduce the viewshed setbacks required by Mitigation Measure 21.3 of the Canyon Oaks EIR. As noted above, the rear lines of Lots 194 and 195 on the tentative map were located approximately 160 feet from the project boundary abutting Upper Bidwell Park. The 250-foot rear yard setback imposed by the mitigation on those lots is in addition to the 160-foot viewshed setback shown on the tentative map, resulting in a minimum structural setback of 410 feet from the Park boundary.

Setback Determination Request for 3 Summersky Commons

On October 26, 2016, the Community Development Director received a request to confirm a 250-foot rear setback for 3 Summersky Commons, also known as Lot 54 of Pinnacle-Phase 2. Included as **Attachment J**, the letter cites the Certificate of Correction and stipulates that the property “*was previously identified as Lot 194 before the recordation of the final map.*” The letter also includes, as an attachment, City Council Resolution No. 124 86-87, which approved the Canyon Oaks Tentative Map subject to conditions, including the viewshed setback mitigation measures 21.1 and 21.3 provided above.

The Community Development Director responded in a letter dated November 23, 2016, concluding that a 410-foot rear setback is required (see **Attachment K**).

An appeal of the determination was filed on December 5, 2016, and supplemental information was submitted by the appellant on January 25, 2017 (see **Attachments L and M**).

DISCUSSION

Items raised in the appeal are summarized below and followed by a brief staff response:

1. The appeal disputes the applicability of the City's Title 19 interpretation process for deciding the proper setback for Lot 54.

Staff Response: The interpretation and appeal process in Title 19 is appropriate for resolving disputes over how and where structural setbacks apply for development in Chico in general. While perhaps not a perfect fit for interpreting a setback required by conditions of approval for a tentative subdivision map, the process requires timely responses from staff and offers exhaustive administrative remedies for disagreements. Decisions by staff can be appealed to an appointed body (the Planning Commission) and, if necessary, on to an elected, legislative body (the City Council).

2. The appeal takes issue with the timing of the City's response to the October 26 request, noting that it was issued the day before the Thanksgiving holiday.

Staff Response: The Director's response was sent on November 23, two days prior to the 30-day deadline directed by the Code for such responses (CMC 19.02.030). The timing of the response was directly related to the timing of the request. Regardless, in response to these concerns raised, staff informed the appellants on December 19 that supplemental appeal information would be considered in this report if provided at least three weeks prior to the appeal hearing. Such information was received on January 25 (see **Attachment M**).

3. The appeal claims that the Director's letter "*fails to account for the simple fact that the Certificate of Correction (recorded on or about March 25, 2003 as document number 2003-0018490) expressly establishes the rear setback for the Property as 250 feet.*"

Staff Response: This assertion, which is found throughout the appellant's letters, ignores the second half of the operative sentence from the Certificate of Correction. The complete sentence reads:

"Lots 54, 55 and 56 shall have a minimum rear yard setback of 250 feet to conform to the DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF THE PINNACLES as noted in that certain document on file as Document Number 96-034079 in the office of the Recorder of the County of Butte."

The reference to the CC&Rs is not trivial, since the CC&Rs explicitly refer to the tentative subdivision map and mitigation measures to protect the viewshed of Bidwell Park, noting that a 250-foot setback is required for Lots 194 and 195 as shown on the tentative map.

No reference to the CC&Rs would be needed if the intention was to simply reduce the setback on Lots 54-56 from 375 feet to 250 feet. Because the sentence explains that the 250-foot setback on these lots is to conform to the CC&Rs, one must refer to the recorded CC&Rs to understand the intent of the 250-foot callout.

4. The appeal claims “*the suggestion that the ‘true’ setback is 410 feet is belied by the original Final Map, which, according to its own scale, shows a setback of some 375 feet. This belies Mr. Wolfe’s recitation of the supposed history of a setback larger than 250 feet as established by the Certificate of Correction.*”

Staff Response: A contradiction, though relatively minor in scale, does exist between the 410-foot setback required by the EIR mitigation and the 375-foot building setback line on the final map. The final map was apparently found to be in error in this regard, which led to the Certificate of Correction changing the setback to conform to the CC&Rs. See Item #3, above regarding the need to consider the Certificate of Correction in its entirety.

5. The appeal claims that the “*substantial changes from the Tentative to the Final Map should have required additional consideration to establish what, exactly, the rear setbacks should have been. This is particularly true given the disparity between what Mr. Wolfe claims the setback should be (410 feet) with what the Final Map appears to show (375 feet). The City’s failure to account for the changes to the Final Map cannot redound to our client’s detriment.*”

Staff Response: Two memoranda from the City’s Planning Director to the developer of Canyon Oaks in 1995 demonstrate that the modified lot configurations and no building setbacks depicted on the final map were reviewed at the time (see **Attachment N**).

In the memo dated March 29, 1995, the Planning Director affirms that the 250-foot setback applies to the rear line of Lots 194 and 195 on the tentative map, concluding that “*the total setback from the north boundary of the Canyon Oaks site is approximately 375 feet.*”

In the memo dated April 19, 1995, the Planning Director indicated that certain areas depicted as open space on the tentative map may be incorporated into the adjacent residential lots for the final map, provided that these areas remain as permanent open space and are shown as a no development/improvement area on the final map.

Staff concedes that the 1999 final map should have been more carefully considered to ensure that it reflected the proper setbacks from the Park. However, the error was apparently caught by 2003 and rectified by recording the Certificate of Correction. After 2003, the Certificate of Correction and the CC&Rs referenced by the Certificate of Correction were a matter of record available to all prospective purchasers.

6. The appeal claims that the City also cannot “*rely on the CC&Rs for the property, as those constitute a private contract to which the City is not a party and over which the City has no enforcement authority.*”

Staff Response: The City required the CC&Rs as a condition of project approval and may seek to enforce its elements insofar as those elements relate to other conditions of approval or City regulations. Importantly, the Certificate of Correction refers to the recorded CC&Rs, and the CC&Rs describe required setbacks from the Park consistent with the tentative map conditions of approval.

The City would not seek to enforce the CC&Rs within the framework contained in the CC&Rs. The City would require adherence to the conditions of approval for the tentative

map, via the final map and Certificate of Correction. That the Certificate of Correction references information contained in a document recorded for separate purposes does not render the information inaccurate or inapplicable.

7. The appeal claims that the “*CC&Rs do not provide any record notice of any other setback as they refer to the Tentative Map, which is not in the chain of title and is insufficient to provide record notice.*”

Staff Response: It is unfortunate that the CC&Rs state that the tentative map “*is attached hereto as Exhibit ‘C’*,” when no such exhibit was recorded with the CC&Rs. However, the CC&Rs note on Page 68 that “*All exhibits to which reference is made herein are deemed to be incorporated herein by reference, whether or not actually attached.*”

8. The appeal claims that “*the only evidence in the chain of title relating to the rear setback for the Property is the recorded Final Map and the Certificate of Correction.*”

Staff Response: See Item #3, above, regarding the appellants incomplete reading of the Certificate of Correction. The Certificate of Correction refers to the recorded CC&Rs, which reproduce the viewshed setbacks required by the Canyon Oaks EIR.

Therefore, constructive notice of the setback requirements imposed “*as mitigation measures required by the City*” was provided by both the CC&Rs (in 1999, shortly after the final map was recorded), as well as the Certificate of Correction in 2003, which references the CC&Rs.

9. The appeal states that it “*is manifestly inequitable for the City to establish a setback in the Final Map via the Certificate of Correction and then claim that such is inaccurate, particularly after purchasers such as my client have expended substantial funds in reliance on the public record.*”

Staff Response: See Item #3, above, regarding the appellants incomplete reading of the Certificate of Correction. Staff makes no claim that the Certificate of Correction is inaccurate.

A supplemental letter was received after the initial appeal filing, which largely reiterates and expands upon the points addressed above (see **Attachment M**). Regarding the appeal procedure and understanding staff’s position on the Certificate of Correction (the first three headings of the letter), see Items #1 and #3, above. Items below are organized by the subsequent headings of the letter (starting on Page 5), each followed by a brief staff response:

10. Claim: The City’s contradictory positions are improper and prejudicial. Prior to purchasing the property the owner’s surveyor received an email from the Community Development Department stating “*I confirmed with Brad in our GIS department that the OS zoning district corresponds with the set back line shown on the map- so yes, that setback line is where building can begin. And yes, we’ll go by the corrected set back line recorded in 2003.*”

Staff Response: The referenced email text is not clear. Note that the Certificate of Correction did not include a map. The only known setback line shown on a map associated with Lot 54 is the 375-foot “No Building Setback Line” that appears on the final map. This

line only roughly corresponds with the OS zoning district boundary, which is located approximately 270 feet from the Park boundary.

The confirmation that the City will “*go by the corrected set back line recorded in 2003*” is correct. However, as explained under Item #3 above, the Certificate of Correction must be considered in its entirety, including the stated purpose of conforming to the CC&Rs which reproduce the original conditions of approval regarding viewshed setbacks based on lots on the tentative map.

11. Claim: The City’s position would give rise to a regulatory taking.

Staff Response: Staff seeks only to apply the conditions of approval for the Canyon Oaks tentative map in a manner consistent with their original intent. This does not require a reinterpretation of the EIR, but rather acknowledgement that the EIR identified that certain setbacks were necessary along the Park boundary in addition to “*the 200+/- foot viewshed setback area*” to avoid potentially significant viewshed impacts. Imposing mitigation measures and conditions of approval through the CEQA process, and carrying out their intent via subsequent City actions or approvals does not constitute a regulatory taking.

In summary, staff concedes that understanding the required viewshed setbacks requires a thorough review of the recorded documents associated with the property. However, proceeding as if the viewshed setback did not exist on the tentative map would enable development much closer to the Park boundary, in clear contravention of the conditions placed on the underlying discretionary approval. Staff recommends upholding the Director’s determination that the rear setback shall be 410 feet from the Park boundary.

DISTRIBUTION:

PC Distribution

Miller, Star, Regalia, Attn: Nadia Costa, 1331 N. California Blvd., Walnut Creek, CA 94596

Greg Peitz, 383 Rio Lindo Ave., Chico, CA 95926

Owner

ATTACHMENTS:

- A. Planning Commission Resolution No. 17-02
- B. Location Map
- C. Canyon Oaks Tentative Map
- D. EIR Excerpt – Urban Viewshed Section
- E. EIR Figure 2 - Site Plan
- F. Depiction of Setback Mitigation
- G. The Pinnacle, Phase 2 Final Map
- H. Certificate of Correction
- I. Excerpts from The Pinnacle CC&Rs
- J. Setback Determination Request – 3 Summersky Commons (Oct 26, 2016)
- K. Setback Determination Response (Nov 23, 2016)
- L. Appeal of Setback Determination (Dec 5, 2016)
- M. Supplemental Appeal Information (Jan 25, 2017)
- N. Memoranda from Planning Director to Developer (1995)

RESOLUTION NO. 17-02

**RESOLUTION OF THE CITY OF CHICO PLANNING COMMISSION
DENYING AN APPEAL AND UPHOLDING THE COMMUNITY DEVELOPMENT
DIRECTOR'S DETERMINATION REGARDING THE REAR YARD SETBACK FOR
LOT 54 OF THE PINNACLE-PHASE 2
(3 Summersky Commons, APN 018-060-029)**

WHEREAS, a request was received on October 26, 2016, for the Community Development Director ("Director") to render a determination regarding the required rear yard setback for property located at 3 Summersky Commons, identified as Assessor's Parcel No. 018-060-029 and legally described as Lot 54 of that certain map entitled "The Pinnacle-Phase 2", recorded on November 22, 1999, in Book 148 of Maps at Page 80-85 in the office of the Recorder of the County of Butte (Lot 54 is hereinafter the "Property", and the map is hereinafter the "Final Map");

WHEREAS, the Director responded in a letter dated November 23, 2016, summarizing the Property history and concluding that the required rear yard setback from the property boundary shared with Upper Bidwell Park is 410 feet;

WHEREAS, a timely appeal was received on December 5, 2016, disagreeing with the Director's rear yard setback determination;

WHEREAS, supplemental appeal information was received from the appellant on January 25, 2017;

WHEREAS, facts concerning the Property include: (1) the Property is located within the Canyon Oaks development; (2) the rear lot line of the Property abuts Upper Bidwell Park (Park); (3) prior to approving the Canyon Oaks Tentative Subdivision Map (Tentative Map), the City Council certified an Environmental Impact Report (EIR) which identified certain mitigation measures pertaining to increased setbacks for lots located near the Park boundary to protect sensitive views from high-use areas of the Park; (4) the Tentative Map shows numbered lots near the Park boundary, though separated from the Park boundary by "common area" lots, also referred to by various Canyon Oaks documents as "open space" lots or "View Shed Setback Area"; (5) said EIR mitigation measures became conditions of Tentative Map approval, which in

1 part state that Lots 194 and 195 shall have a minimum rear yard setback of 250 feet; (6) Lots
2 194 and 195, as shown on the Tentative Map, do not abut the subdivision boundary shared with
3 the Park, and in fact are separated from the subdivision boundary and Park by some distance; (7)
4 the subsequently recorded Final Map reflects modified lot numbers and modified lot
5 configurations relative to the Tentative Map, such that the Property is located in the same general
6 location within Canyon Oaks as Lots 194 and 195 shown on the Tentative Map; (8) the Property
7 is shown on the Final Map with a 375-foot “No Building Setback Line”; (9) a Certificate of
8 Correction was subsequently recorded, stating that Lots 54 shall have a minimum rear yard
9 setback of 250 feet to conform to the Declaration of Covenants, Conditions and Restrictions
10 (CC&Rs) of The Pinnacles as noted in Document Number 96-034079 in the office of the
11 Recorder of the County of Butte; (10) the recorded CC&Rs include a section noting that,
12 although lot numbers and lot characterizations may differ between the approved Tentative Map
13 and various final map phases, Bidwell Park viewshed setbacks will be required relative to the
14 lots shown on the Tentative Map, and Lots 194 and 195 shall have a minimum rear yard setback
15 of 250 feet; and

16 WHEREAS, the Planning Commission considered the request, Director’s response, appeal,
17 supplemental information, staff report and attachments thereto, and comments submitted at a
18 public hearing held on February 16, 2017;

19 NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE
20 CITY OF CHICO AS FOLLOWS:

21 1. The Planning Commission, in exercising its independent judgment, finds as summarized
22 above in the Preamble that based on the information provided in the request, the Director’s
23 response, the appeal to such response, all supplemental information, the staff report and
24 attachments thereto, and comments submitted and testimony provided at the public hearing held
25 on February 16, 2016:

26 A. Lots 194 and 195, as shown on the Tentative Map, were proposed with a 160-foot
27 common area between their northern (rear) boundaries and the subdivision boundary
28 that abuts the Park.

1 B. Mitigation contained in the Canyon Oaks EIR, which was also required as a condition of
2 approval for the Tentative Map, set forth a 250-foot rear yard setback for Lots 194 and
3 195, as shown on the Tentative Map, resulting in an overall minimum building setback
4 of 410 feet relative to the Park boundary.

5 C. The fact that the Property was allowed on the Final Map to include a portion of the
6 common area such that the Property now abuts the Park boundary does not change the
7 applicability of the combined setbacks totaling 410 feet.

8 2. Based on all of the above, the Planning Commission hereby denies the appeal and upholds
9 the Director's interpretation that the rear yard setback for the Property is 410 feet.

10 3. The Planning Commission hereby specifies that the materials and documents which
11 constitute the record of proceedings upon which its decision is based are located at and under the
12 custody of the City of Chico Community Development Department.

13 THE FOREGOING RESOLUTION WAS ADOPTED at a meeting of the Planning
14 Commission of the City of Chico held on February 16, 2017, by the following vote:

15 AYES:

16 NOES:

17 ABSENT:

18 ABSTAINED:

19 DISQUALIFIED:

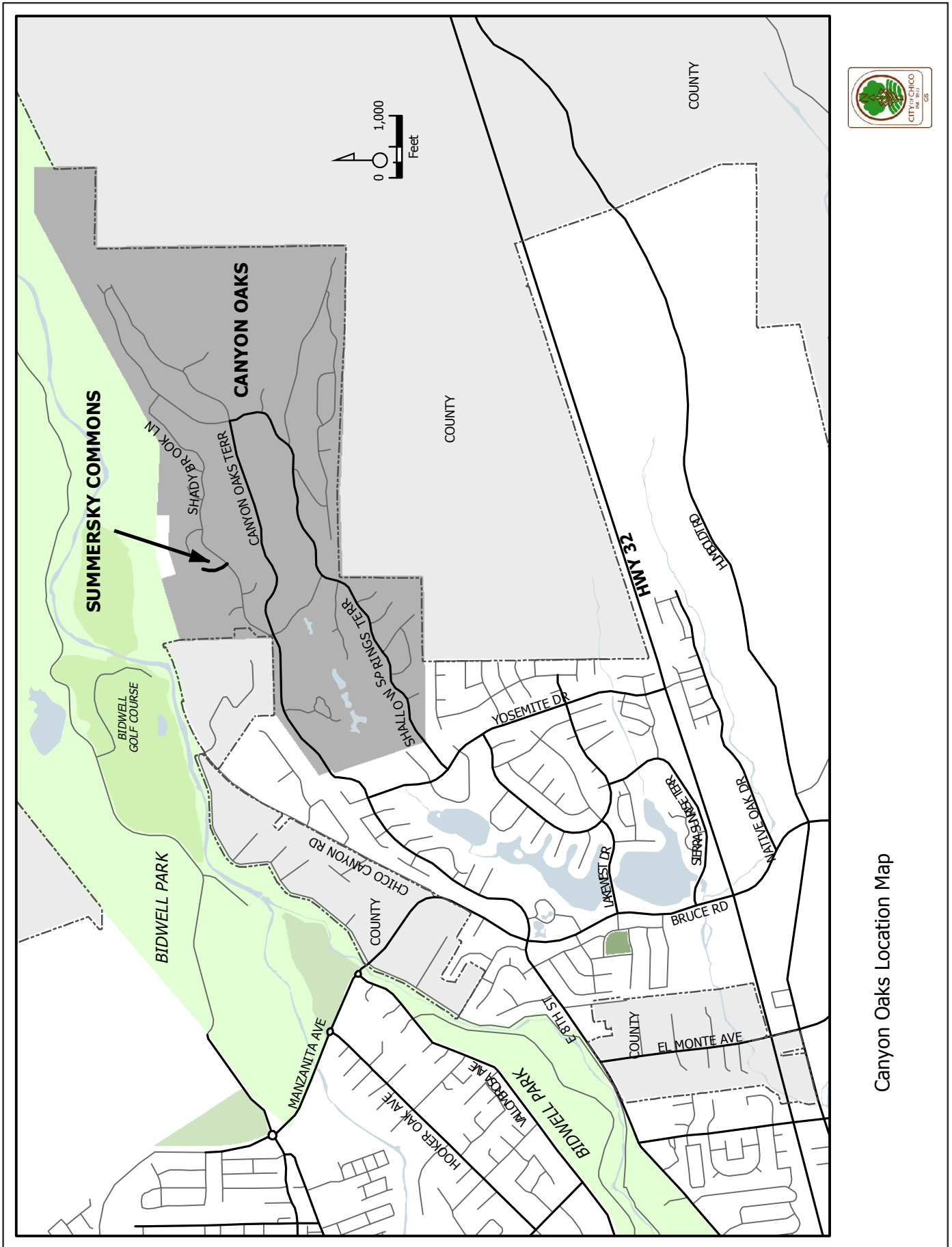
20 ATTEST:

APPROVED AS TO FORM:

21
22
23 _____
24 MARK WOLFE
25 Planning Commission Secretary

ANDREW L. JARED
Assistant City Attorney*

*Pursuant to The Charter of
the City of Chico, Section 906(E)

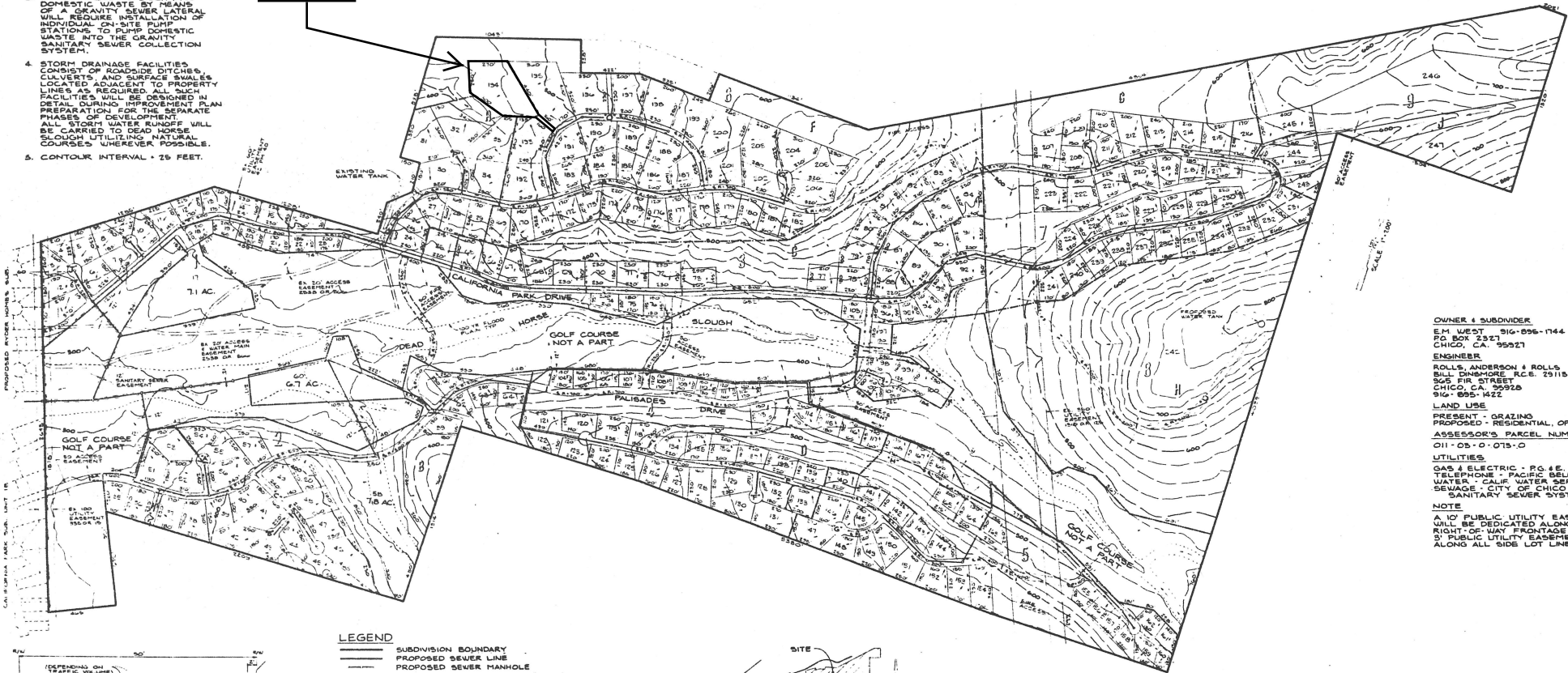


Canyon Oaks Location Map

NOTES

1. FAIRWAY LOTS - 1/2 ACRE MIN
OTHER LOTS - 1 ACRE MIN.
2. ALL AREAS NOT NUMBERED AS LOTS ARE COMMON AREA INCLUDING STREETS, COMMON AREA DESIGNATION IS REPRESENTATIVE OF ALL THE COMMON AREA IN EACH PHASE.
3. LOTS UNABLE TO DISCHARGE DOMESTIC WASTE BY MEANS OF A GRAVITY SEWER LATERAL WILL REQUIRE INSTALLATION OF INDIVIDUAL ON-SITE PUMP STATIONS TO PUMP DOMESTIC WASTE INTO THE GRAVITY SANITARY SEWER COLLECTION SYSTEM.
4. STORM DRAINAGE FACILITIES CONSIST OF ROADSIDE DITCHES, CULVERTS AND SUBURFACE DRAINS LOCATED ADJACENT TO PROPERTY LINES AS REQUIRED. DRAINAGE FACILITIES WILL BE DESIGNED IN DETAIL DURING IMPROVEMENT PLAN PREPARATION FOR THE SEPARATE PHASES OF DEVELOPMENT. ALL STORM WATER RUNOFF WILL BE CARRIED TO DEAD HORSE SLOUGH UTILIZING NATURAL COURSES WHEREVER POSSIBLE.
5. CONTOUR INTERVAL - 25 FEET.

Lot 194



CALIFORNIA PARK DRIVE UNIT 18
PROPOSED RIVER NUMBER 18

OWNER & SUBDIVIDER
E.M. WEST 316-056-1744
P.O. BOX 2327
CHICO, CA. 95927

ENGINEER
ROLLS, ANDERSON & ROLL'S
BILL DIMMICK R.C.E. 29115
265 FIR STREET
CHICO, CA. 95926
916-095-1422

LAND USE
PRESENT - GRAZING
PROPOSED - RESIDENTIAL, OPEN SPACE

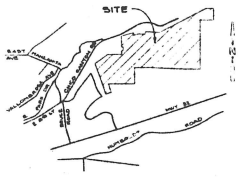
ASSESSOR'S PARCEL NUMBER
011-05-0-075-0

UTILITIES
GAS & ELECTRIC - P.G. & E.
TELEPHONE - PACIFIC BELL
WATER - CALIF. WATER SERVICE
SEWAGE - CITY OF CHICO
SANITARY SEWER SYSTEM

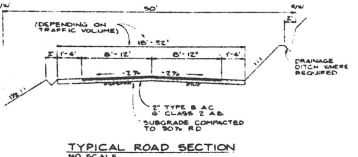
NOTE
A 10' PUBLIC UTILITY EASEMENT WILL BE DEDICATED ALONG ALL RIGHT-OF-WAY FRONTAGE, AND A 5' PUBLIC UTILITY EASEMENT ALONG ALL SIDE LOT LINES.

LEGEND

- SUBDIVISION BOUNDARY
- PROPOSED SEWER LINE
- PROPOSED SEWER MANHOLE
- PROPOSED SEWER CLEANOUT
- PROPOSED STORM DRAIN PIPE, CULVERT
- PROPOSED STORM DRAIN D.I.
- DIRECTION OF SURFACE FLOW
- EXISTING GROUND CONTOUR
- HIGH WATER LINE - 100 YR.
- EXISTING EASEMENT
- PROPOSED EASEMENT
- PHASE LINE
- PHASE NUMBER
- COMMON AREA
- ACCESS ROAD
- BOUNDARY OF "NOT A PART"
- "H" ROAD NAME DESIGNATION



LOCATION MAP
NO SCALE



TYPICAL ROAD SECTION
1/4" SCALE

- NOTES:**
1. "RAW" - LIMITS OF PARCEL FOR STREET USE.
 2. "NO PARKING - FIRE ZONE" SIGNS WILL BE REQUIRED WHERE TOTAL STREET SECTION FROM SHOULDER TO SHOULDER IS LESS THAN 32 FEET.
 3. SUPERELEVATIONS WILL BE USED WHERE APPLICABLE.
 4. ALL ROADS WILL BE PRIVATELY MAINTAINED.

TENTATIVE SUBDIVISION MAP
CANYON OAKS

A SUBDIVISION OF A PORTION OF PARCEL 1 AS SHOWN ON PARCEL MAP NO. 42 AND BOUNDARY LINE MODIFICATION RECORDING BOOK 91 AT PAGES 11-13 AND A PORTION OF SECTION 20, CITY OF CHICO, BUTTE COUNTY, CALIFORNIA
MAY, 1986

SHEET 1 OF 1 86087

20.3 Pad-mounted electrical transformer vaults shall be used rather than the subsurface type.

20.4 All sediment traps used on the site shall have perforated bottoms.

20.5 When each phase of development occurs, all trees within that area shall be checked for mosquito-breeding cavities and all such cavities shall be filled with sand or other comparable material.

21. Urban Viewshed

Portions of the project site can be viewed from a number of locations in the site vicinity, including the Highway 32 corridor, Bidwell Park and various locations with the Chico Urban Area. Because the viewpoints along Highway 32 and in the Chico Urban Area are effectively within an existing urban setting, the proposed project is not expected to significantly alter the visual perception from these locations. However, Bidwell Park, in particular the Upper Park, is recognized and valued by the community as a pristine environment with limited visual intrusions. Because the proposed project is adjacent to the Upper Park and has the potential to significantly affect the viewshed from the Park, this analysis focuses on the effects of the project on the viewshed from within the Park.

The project site is essentially undeveloped. Its visual features include distinctive geologic characteristics and vegetation patterns. The northern edge of the site, which abuts Upper Bidwell Park, generally follows the crest of a steep, rocky bluff overlooking the Park. Artificial visual elements on or adjacent to the site that can be seen from the Upper Park Road include two sets of aerial power transmission lines, one house on the crest of the bluff overlooking the Park, and a water storage tank adjacent to the northwest boundary of the site.

The project has been designed so that it is generally not visible from high-use areas in Upper Bidwell Park, such as the Upper Park Road corridor and the Horseshoe Lake area. Proposed design features include the 200+/- foot viewshed setback area shown on the site plan (Figure 2). The detailed visual analysis conducted by Planning Associates revealed the need for further mitigation in order to effectively minimize visibility from high-use areas.

The visual analysis conducted for the proposed project consisted first of developing eleven line-of-sight cross-sections originating from the Park and passing through the characteristic and prominent topography of the project site. The purpose of the cross-sections was to establish a set of points within the Park, north of which project elements could become visible. The cross-sections were based on topography only and did not account for screening due to existing vegetation. The locations of the cross-sections were selected to result in a worst-case analysis. The points established through the line-of-sight cross-sections were then joined to establish a viewshed threshold in the Park beyond which elements of the proposed development could be visible. This threshold is shown as Line A in Figure 4. Field checks were conducted to confirm the accuracy of this line and adjustments were made where necessary.

That area within Upper Park from which existing urban development can currently be seen is shown as the area north of Line B in Figure 4. Line B, the existing urban viewshed threshold, was developed based on topographic mapping only and was not field checked. It should be regarded as approximate and used only as a rough indicator.

Potential Impacts

If developed as proposed, portions of the project would be visible from all areas within the Upper Park north of Line A, as shown on Figure 4. That area of the Upper Park that does not currently have a view of urban development but would have such a view following site development is approximated as the area between Lines A and B.

Areas within Upper Park that are most utilized by visitors include the Golf Course Road and Upper Park Road corridors as well as the Horseshoe Lake area. (For the purposes of this report, Golf Course Road is defined as shown on City of Chico maps -- i.e., the road extending from Wildwood Avenue to the Bidwell Park Golf Course.) Elements of the proposed project that would be visible from these areas are listed below. These areas were identified based on the line-of-sight analysis and field reconnaissance. It should be noted that the field check did not provide the "worst case" scenario; the "worst-case" condition would occur during the winter, after the deciduous trees, which screen the site from the roads, have lost their leaves.

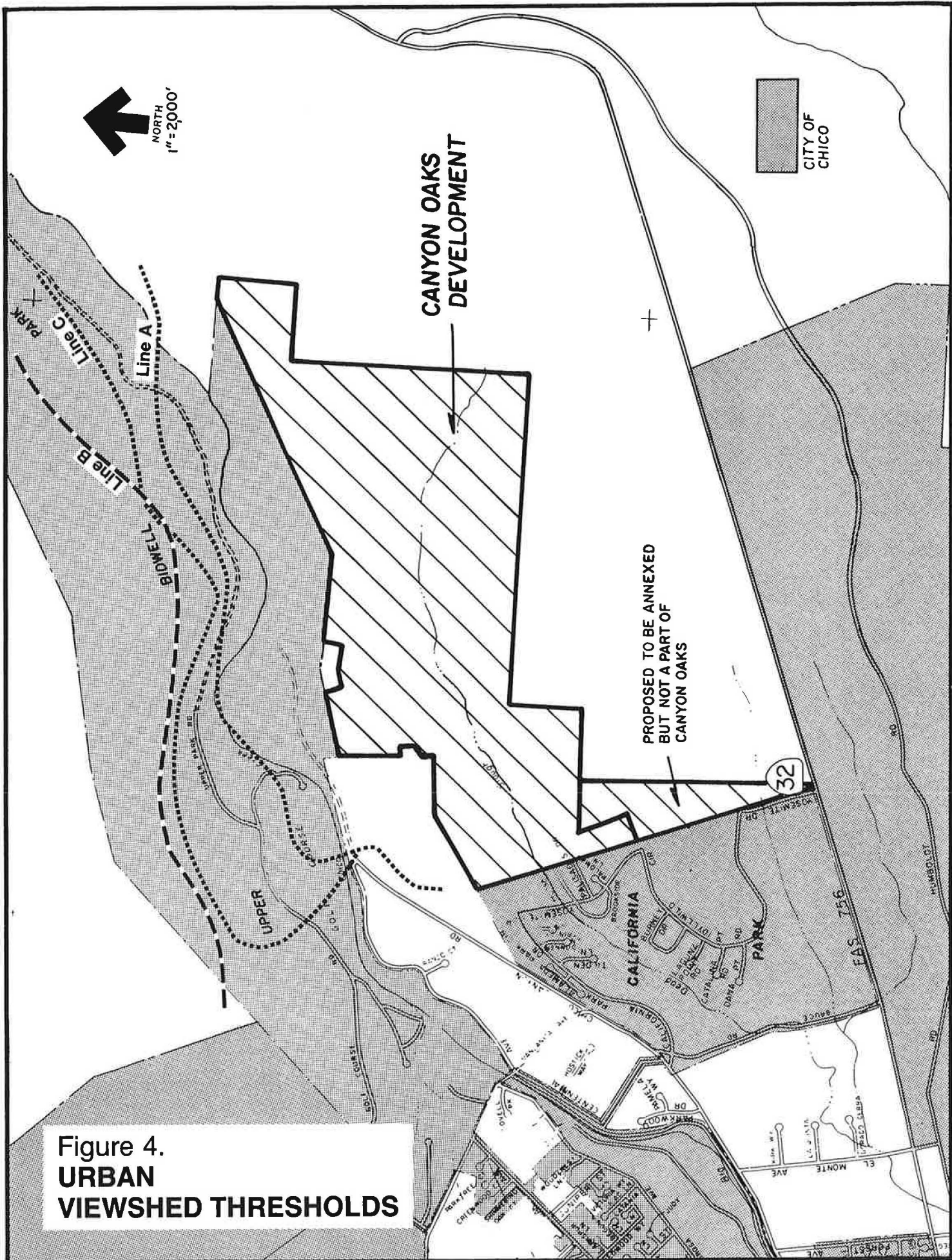


Figure 4.
**URBAN
 VIEWSHED THRESHOLDS**

- 1) Buildings along the north edge of future development area C could be visible from Upper Park Road.
- 2) Buildings on the north and west faces of the main knoll, in future development area B, could be visible from Upper Park Road.
- 3) Buildings on the low end of the northern ridge (i.e., the area generally north of the existing water tank and west of the existing residence) could be visible from a number of viewpoints along Golf Course Road, the lower end of Upper Park Road and the Horseshoe Lake area. Because this area slopes gently to the west and has a draw opening to the west which further increases its visibility, buildings on about ten lots could be visible from viewpoints within the high-use areas of the Upper Park.
- 4) The water service company has tentatively proposed that two new water tanks be constructed on the site: one on the main knoll east of the aerial power lines and one on the bluff west of the powerlines and overlooking the Park. Depending on their locations, these tanks could be highly visible from viewpoints throughout the Upper Park.

To meet the objective of precluding views of the project from Upper Park Road and the Horseshoe Lake area, Planning Associates developed the mitigation measures listed below. Provided that mitigation measures 21.1 to 21.4 are implemented, buildings on the site will not be visible from Upper Park Road, the Horseshoe Lake area or the eastern portion of Golf Course Road. The threshold beyond which elements of the project would be visible is shown as Line C, the "mitigated threshold", in Figure 4. North of this line, chimneys, roofs and other elements of the project would become visible, and would become more visible as one moves further north of this line. The area between Lines B and C approximates the area within Upper Park that does not currently have an urban view, but would have such a view if the project were developed and all proposed viewshed mitigation measures were implemented.

It should be noted that existing vegetation in the Park screens the

project from certain viewpoints within the Park, such as Five-Mile Recreation Area, that would otherwise have a view of the project. The effectiveness of this screening is greatest during the spring, summer and autumn, when the deciduous trees are in leaf.

It may be possible that a vegetative screen on the project site could be used to further reduce or preclude views of the site from the Park. However, the feasibility of establishing such a screen has not been demonstrated and may be difficult due to the poor growing conditions on the northern periphery of the site.

It is expected that successful use of an onsite vegetative screen could largely preclude views of the project from all areas within the Upper Park where urban development cannot currently be seen. The effectiveness of a vegetative screen would depend on the height and density of the trees and the location of the screen with respect to onsite topographic features and building locations. In some cases, tiered plantings would be needed to fully screen the site.

In cases where building elements are visible from Bidwell Park, street lighting may also be visible. In addition, some upward illumination may be visible at night from the Park.

Mitigation Measures

21.1 Buildings in lots 24 to 34, 81 to 83, 192 to 200, 203 to 216, 234 to 241, and 245 shall not exceed 20 feet in height.

21.2 Buildings in future development area C shall be set back at least 350 feet from the northern and northwestern project site boundaries, and shall not be of a height that would permit them to be visible from Upper Bidwell Park.

21.3 Lots 81 to 83, 207, 209, 210, 212 to 216, 234 to 241, and 245 shall have a minimum rear yard setback of 50 feet; lots 196 to 200 and 203 to 205 shall have a minimum rear yard setback of 100 feet; and lots 194 and 195 shall have a minimum rear yard set back of 250 feet.

21.4 No buildings, construction activity or other disturbance shall be

allowed within that portion of future development area B, as shown in Figure 5.

21.5 If establishment of a vegetative screen is undertaken, plant species used shall be visually compatible with the area's native vegetation.

21.6 All external lighting shall be baffled downward and directed only toward areas requiring illumination to eliminate excessive glare and minimize visibility from Bidwell Park.

It is expected that implementation of the above mitigation measures will preclude views of the project from the high-use areas of Upper Bidwell Park to the extent indicated by Line C on Figure 4. However, if the City decision-makers determine that visibility of the project should be further reduced, available mechanisms include: 1) prohibiting buildings in areas deemed visually sensitive by the City decision-makers, 2) requiring building setbacks and/or height limitations more stringent than those recommended above, and/or 3) requiring establishment of vegetative screens sufficient to obscure views of onsite structures, prior to building construction.

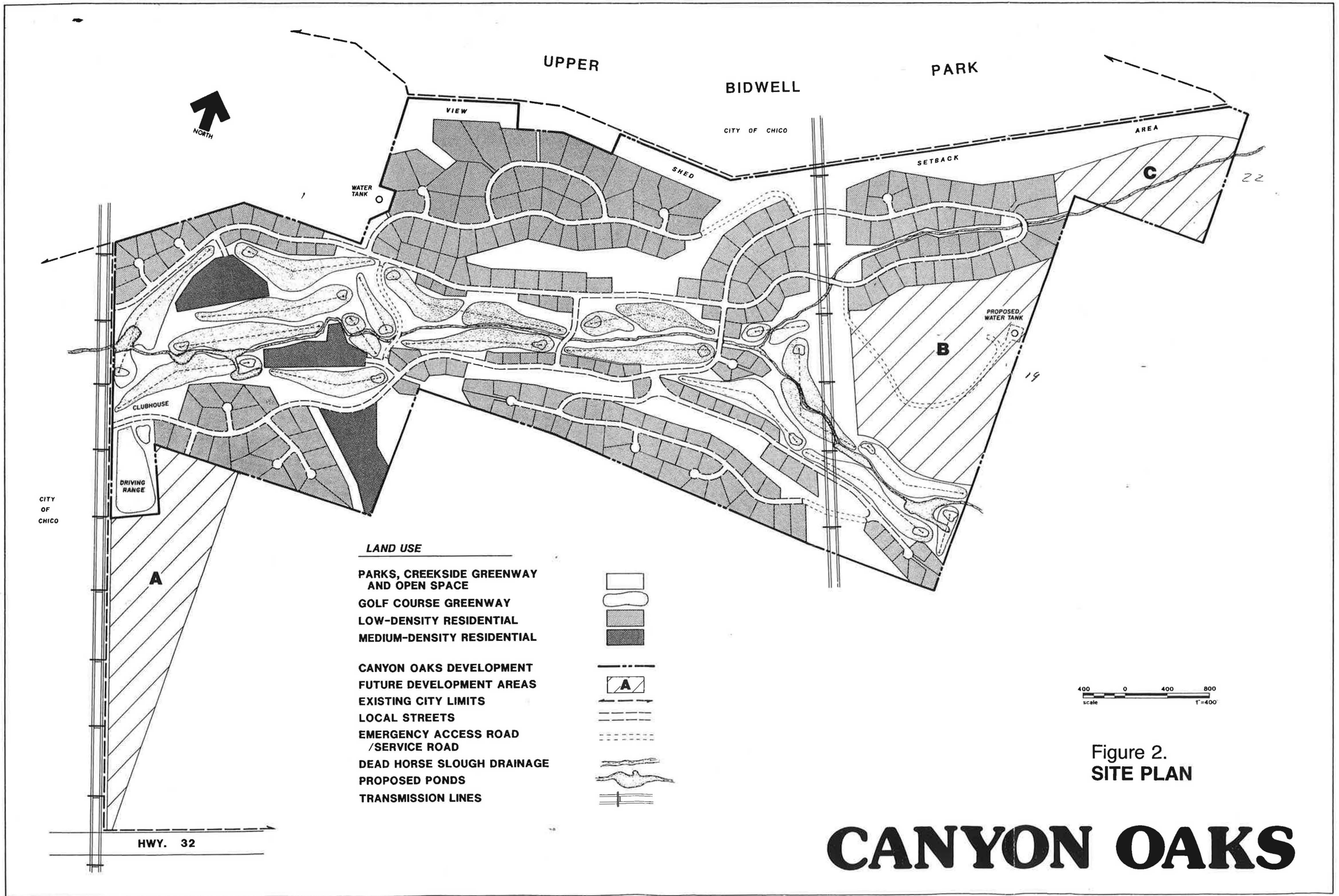
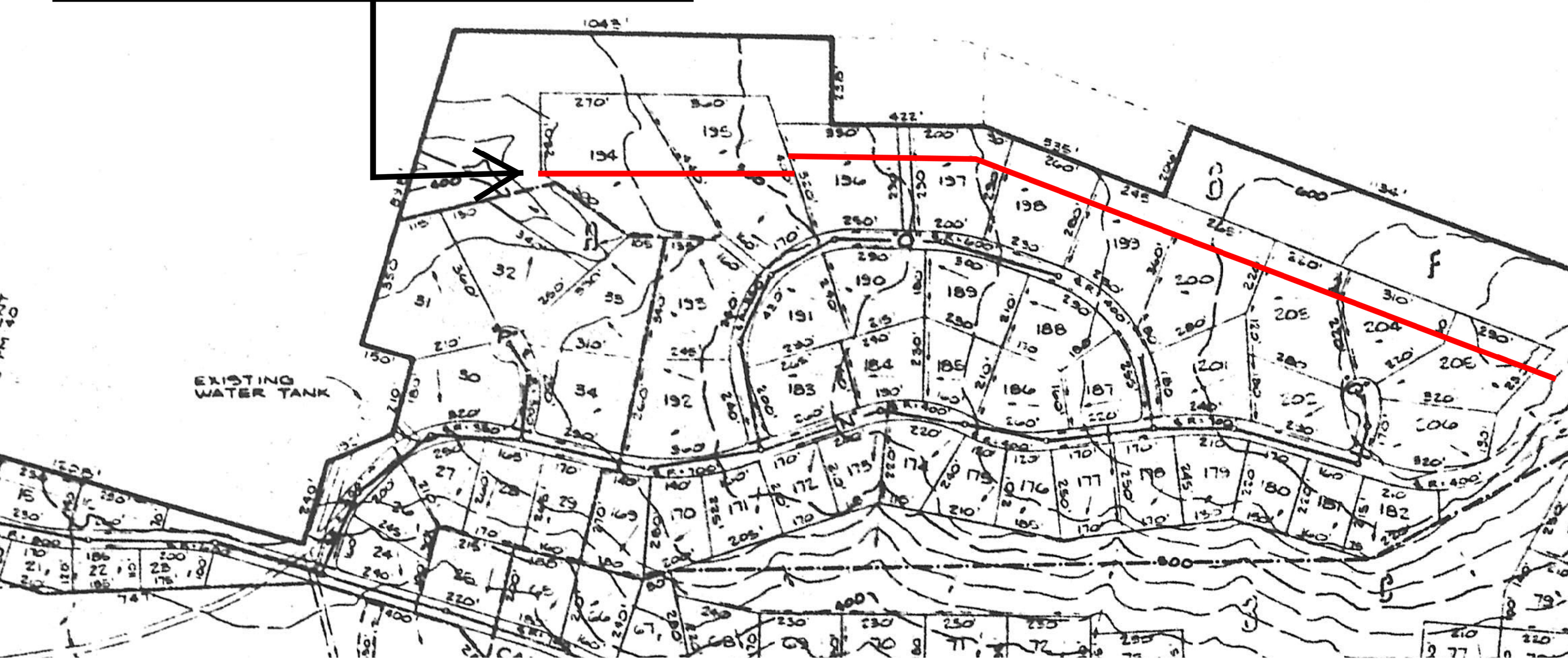


Figure 2.
SITE PLAN

CANYON OAKS

**Viewshed setbacks required
per Mitigation Measure 21.3**



OWNER'S STATEMENT

WE, THE UNDERSIGNED, DO HEREBY STATE THAT WE ARE THE ONLY PERSONS WHOSE CONSENT IS NECESSARY TO PASS CLEAR TITLE TO SAID LAND AND WE CONSENT TO THE PREPARATION AND RECORDATION OF THIS MAP. WE HEREBY OFFER FOR DEDICATION TO THE CITY OF CHICO FOR SPECIFIC PURPOSES THE FOLLOWING:

- 1. PUBLIC UTILITY EASEMENTS AND LOT A AS A PUBLIC UTILITY EASEMENT.

WE HEREBY CREATE WITH THIS MAP FOR PRIVATE PURPOSES:

- 2. LOT "A" AS A PRIVATE ROADWAY.
- 3. INGRESS AND EGRESS EASEMENTS ON ALL AREAS SHOWN AS P.U.E. FOR MAINTENANCE OF CURBS, DRAINAGE CHANNELS, CULVERTS, ROADWAY SHOULDERS, SLOPES AND PATHWAYS BY THE PINNACLE PROPERTY OWNERS ASSOCIATION OR THEIR SUCCESSORS.
- 4. PRIVATE SANITARY SEWER EASEMENT ACROSS LOT 53 BENEFITTING LOTS 54, 55, 56 AND 100, TO BE RESERVED IN DEEDS BY REFERENCE TO THIS MAP.
- 5. OVERLAND SURFACE FLOWAGE EASEMENTS ACROSS ALL LOTS FOR THE BENEFIT OF ALL ADJOINERS DIRECTLY UPHILL; STORM DRAIN EASEMENTS FOR THE BENEFIT OF ALL ADJOINERS WHERE SHOWN HEREON; MEANDERING DRAINAGE EASEMENTS ALONG ALL EXISTING DRAINAGE FOR THE BENEFIT OF ALL ADJOINERS AND SEWAGE EASEMENTS FOR THE BENEFIT OF ALL PROPERTY OWNERS IN THE PINNACLE PHASE 2 AND REMAINING LANDS. SAID EASEMENTS TO BE RESERVED IN DEEDS BY REFERENCE TO THIS MAP.
- 6. 30 FOOT WIDE EASEMENT FOR ACCESS AND UTILITY PURPOSES BENEFITING LOTS 100, 101, 102 AND 103, TO BE RESERVED IN DEEDS BY REFERENCE TO THIS MAP.

VISTA RIDGE LIMITED PARTNERSHIP
A CALIFORNIA LIMITED PARTNERSHIP
BY: FARWEST ENTERPRISES, INC.
A CALIFORNIA CORPORATION, GENERAL PARTNER
(AS OWNER)

MID VALLEY TITLE AND ESCROW CO.
A CALIFORNIA CORPORATION
(AS TRUSTEE)

BY: Gregory B. Brown
GREGORY B. BROWN
PRESIDENT

BY: Daniel F. Hunt
DANIEL F. HUNT
PRESIDENT

STATE OF CALIFORNIA }
COUNTY OF Butte }

ON 5-12-99, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED GREGORY B. BROWN, PERSONALLY KNOWN TO ME (OR PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE) TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN HIS AUTHORIZED CAPACITY, AND THAT BY HIS SIGNATURE ON THE INSTRUMENT THE PERSON OR THE ENTITY UPON BEHALF OF WHICH THE PERSON ACTED, EXECUTED THE INSTRUMENT.

WITNESS MY HAND.
SIGNATURE: Greg Wood
NAME: Greg Wood
COUNTY OF Butte COMMISSION EXPIRES: 11-25-00

STATE OF CALIFORNIA }
COUNTY OF Butte }

ON 5-4-99, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED DANIEL F. HUNT, PERSONALLY KNOWN TO ME (OR PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE) TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN HIS AUTHORIZED CAPACITY, AND THAT BY HIS SIGNATURE ON THE INSTRUMENT THE PERSON OR THE ENTITY UPON BEHALF OF WHICH THE PERSON ACTED, EXECUTED THE INSTRUMENT.

WITNESS MY HAND.
SIGNATURE: Tami Barlow
NAME: Tami Barlow
COUNTY OF Butte COMMISSION EXPIRES: Nov. 19, 2000

NOTES:

- 1. IN ACCORDANCE WITH THE PROVISIONS OF THE CHICO MUNICIPAL CODE, A TRANSPORTATION FACILITY FEE, PARK FACILITY FEE, AND BUILDING AND EQUIPMENT FEE MAY BE ASSESSED AND LEVIED UPON THE OWNER OF ANY LOT OR PARCEL WITHIN THIS SUBDIVISION AT THE TIME A NEW BUILDING OR STRUCTURE IS CONSTRUCTED ON SUCH LOT OR PARCEL, AT THE TIME AN ALTERATION OR ADDITION IS MADE TO AN EXISTING BUILDING OR STRUCTURE CONSTRUCTED ON SUCH LOT OR PARCEL WHICH RESULTS IN THE EXPANSION OF SUCH BUILDING OR STRUCTURE, OR AT THE TIME OF A CHANGE IN USE OF AN EXISTING BUILDING OR STRUCTURE CONSTRUCTED ON THE LOT OR PARCEL. IN ADDITION, A STORM DRAINAGE FACILITY FEE MAY BE ASSESSED AND LEVIED UPON THE OWNER OF ANY LOT OR PARCEL WITHIN THIS SUBDIVISION AT THE TIME SUCH LOT OR PARCEL IS FIRST USED FOR ANY RESIDENTIAL OR NON-RESIDENTIAL PURPOSE, AT THE TIME THE AREA OF THE LOT OR PARCEL DEVOTED TO SUCH RESIDENTIAL OR NON-RESIDENTIAL USE IS EXPANDED, OR AT THE TIME OF A CHANGE IN THE USE OF THE LOT OR PARCEL. SUCH TRANSPORTATION FACILITY FEE, PARK FACILITY FEE, BUILDING AND EQUIPMENT FEE AND STORM DRAINAGE FACILITY FEE WILL BE CALCULATED FROM THE SCHEDULE OF SUCH FEES ADOPTED BY RESOLUTION OF THE CITY COUNCIL AND IN EFFECT ON THE DATE OF APPROVAL OF SUCH FINAL MAP OR PARCEL MAP, TOGETHER WITH ANY ADJUSTMENTS TO SUCH SCHEDULES OF FEES MADE IN ACCORDANCE WITH THE PROVISIONS OF THE CHICO MUNICIPAL CODE SUBSEQUENT TO THE DATE OF APPROVAL OF THE FINAL MAP OR PARCEL MAP TO ACCOUNT FOR ANY CHANGES IN THE TYPE OR EXTENT OF TRANSPORTATION FACILITIES, PARK FACILITIES, BUILDINGS AND EQUIPMENT AND/OR STORM DRAINAGE FACILITIES WHICH WILL BE REQUIRED AS A RESULT OF THE DEVELOPMENT AND/OR USE OF REAL PROPERTY DURING THE PERIOD UPON WHICH SUCH FEES ARE BASED, ANY CHANGE IN THE ESTIMATED COST OF THE TRANSPORTATION FACILITIES, PARK FACILITIES, BUILDINGS AND EQUIPMENT AND/OR STORM DRAINAGE FACILITIES UPON WHICH SUCH FEES ARE BASED, OR ANY CHANGE IN THAT PORTION OF THE ESTIMATED COST OF SUCH TRANSPORTATION FACILITIES, PARK FACILITIES, BUILDINGS AND EQUIPMENT AND/OR STORM DRAINAGE FACILITIES WHICH CANNOT BE FUNDED FROM REVENUE SOURCES AVAILABLE TO THE CITY OTHER THAN SUCH FEES.
- 2. ALL LOTS WITHIN THIS SUBDIVISION SHALL PAY THE REQUIRED SCHOOL IMPACT FEES AT THE TIME OF THEIR DEVELOPMENT.
- 3. BUILDINGS ON LOTS 53, 54, 55, 56, 100, AND 101 SHALL NOT EXCEED TWENTY [20] FEET IN HEIGHT.
- 4. ALL SINGLE FAMILY LOTS SHALL PROVIDE A MINIMUM OF FOUR [4] OFF-STREET PARKING SPACES IN ADDITION TO ANY GARAGE SPACES PROVIDED.
- 5. AREA BETWEEN FRONT LOT LINES AND CURBS (2' TYP) TO BE MAINTAINED BY PROPERTY OWNER.
- 6. ISSUANCE OF A BUILDING PERMIT OR SUBDIVISION OF LOTS 100, 101, 102 OR 103 WILL REQUIRE THE INSTALLATION OF FULL PRIVATE STREET IMPROVEMENTS INCLUDING UTILITIES, ALONG THE FULL FRONTAGE OF LOTS 100 AND 103.
- 7. SEE SHEET 4 FOR "OTHER INTERESTS".

SPECIAL NOTES

- 1. THE PINNACLE PHASE 2 IS A PRIVATE STREET SUBDIVISION.
- 2. THE TOTAL AREA CONTAINED IN THIS SUBDIVISION IS 64.03 ACRES, MORE OR LESS.
- 3. THE AREA IN LOT A (PRIVATE ROAD) IS 0.32 ACRES MORE OR LESS.

PLANNING STATEMENT

I, KIM SEIDLER, SECRETARY OF THE PLANNING COMMISSION OF THE CITY OF CHICO, DO HEREBY CERTIFY THAT THIS MAP OF THE PINNACLE PHASE 2, CONFORMS SUBSTANTIALLY WITH THE TENTATIVE MAP OF FILE, WHICH WAS RECOMMENDED FOR APPROVAL BY THE CITY COUNCIL ON THE EIGHTEENTH DAY OF NOVEMBER, 1986.

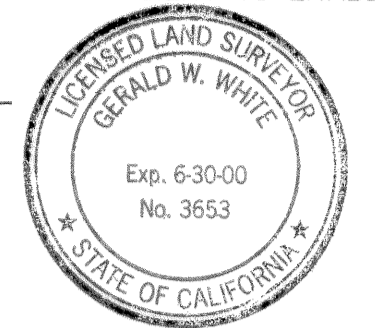
Kim Seidler
KIM SEIDLER
SECRETARY, PLANNING COMMISSION
DATE 11/17/99

SURVEYOR'S STATEMENT

I, GERALD W. WHITE, DO HEREBY STATE THAT I AM A LICENSED LAND SURVEYOR OF THE STATE OF CALIFORNIA, THAT THE MAP OF THE PINNACLE-PHASE 2, REPRESENTS A SURVEY MADE UNDER MY DIRECTION IN JANUARY, 1997, THAT IT IS TRUE AND COMPLETE AS SHOWN, THAT THE MONUMENTS SHOWN WILL BE SET IN THEIR CORRECT POSITION WITHIN 90 DAYS OF MAP RECORDATION AND WILL BE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.

Gerald W. White
GERALD W. WHITE, L.S. 3653
EXP. DATE 6/30/2000

5/3/99
DATE



CITY ENGINEER'S STATEMENT

I, E.C. ROSS CITY ENGINEER OF THE CITY OF CHICO, STATE OF CALIFORNIA, DO HEREBY STATE THAT I HAVE EXAMINED THE FINAL MAP OF THE PINNACLE-PHASE 2 THAT IT IS SUBSTANTIALLY THE SAME AS APPEARED ON THE TENTATIVE MAP AND ANY APPROVED ALTERATIONS THEREOF, THAT ALL PROVISIONS OF THE SUBDIVISION MAP ACT OF THE STATE OF CALIFORNIA AND LOCAL ORDINANCES HAVE BEEN COMPLIED WITH AND I AM SATISFIED THAT THE MAP IS TECHNICALLY CORRECT.

E.C. Ross
E. C. ROSS, LS 3882 R.C.E. 37119
CITY ENGINEER, CITY OF CHICO
EXP. DATE 6/30/2000

11/17/99
DATE



CITY MANAGER'S STATEMENT

I, THOMAS J. LANDO, CITY MANAGER OF THE CITY OF CHICO, STATE OF CALIFORNIA, DO HEREBY STATE THAT ITEM 1 LISTED IN THE OWNERS STATEMENT HEREIN, AND AS SHOWN ON THE ANNEXED MAP OF "THE PINNACLE PHASE 2" OFFERED FOR DEDICATION TO THE CITY OF CHICO, IS ACCEPTED BY THE UNDERSIGNED OFFICER ON BEHALF OF THE CITY COUNCIL OF THE CITY OF CHICO PURSUANT TO THE AUTHORITY CONFERRED BY RESOLUTION NO. 47 77-78 & 141 78-79 AND SECTION 2R.04.030 OF THE CITY OF CHICO MUNICIPAL CODE AND THAT THE GRANTEE CONSENTS TO THE RECORDATION THEREOF BY ITS DULY AUTHORIZED OFFICER.

THOMAS J. LANDO
CITY MANAGER, CITY OF CHICO

BY: Trish Dunlap
TRISH DUNLAP
ASSISTANT CITY MANAGER, CITY OF CHICO

11/17/99
DATE

RECORDER'S CERTIFICATE

FILED THIS 22ND DAY OF NOVEMBER, 1999, AT 9:01 A.M. IN BOOK 148 OF MAPS AT PAGE 80-85 AT THE REQUEST OF LONDON ENGINEERING & SURVEYING, INC.

Candace J. Grubbs
CANDACE J. GRUBBS
COUNTY RECORDER, COUNTY OF BUTTE

SERIAL NUMBER: 1999-0048729
FEE: \$17.00

by: _____
DEPUTY

THE PINNACLE-PHASE 2

(A PRIVATE STREET SUBDIVISION)
A PORTION OF
CANYON OAKS SUBDIVISION

A SUBDIVISION OF A PORTION OF THE REMAINING LANDS OF THE PINNACLE - PHASE 1 AS SHOWN ON THAT CERTAIN MAP RECORDED IN BOOK 138 OF MAPS, AT PAGES 84,85,86 & 87 CITY OF CHICO ALSO BEING A PORTION OF SECTION 17, T.22N., R.2E., M.D.M.

CITY OF CHICO
BUTTE COUNTY CALIFORNIA
for
VISTA RIDGE LIMITED PARTNERSHIP
a California limited partnership



LONDON
ENGINEERING
AND
SURVEYING
INCORPORATED
103 SOUTH PLUMAS STREET
P.O. BOX 1325
WILLOWS, CALIFORNIA 95988
(530) 934-7055

SHEET 1 OF 6 SHEETS

Certificate of Correction 2003-18490 Recorded 3/25/2003

BOOK 148 PAGE 80

Attachment G

CITY OF CHICO

BASIS OF BEARING

SOUTHERLY LINE OF LOT 36 OF CANYON OAKS SUBDIVISION AS SHOWN ON THAT CERTAIN MAP RECORDED IN BOOK 116 MAPS 83-88 BASED ON THE MONUMENTS SHOWN AS FOUND.

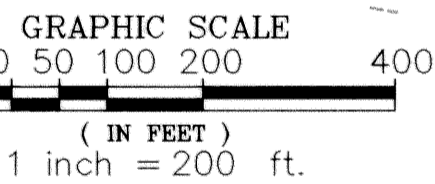
FD. 1/2" BRIDGE SPIKE (N68°41'04"W 2.54 N56°30'40"W 2.70) PER 138 PM 85

FD. 3/4" IP TAGGED LS 2611 PER 138 PM 85

FD. BRASS TOPPER MARK'ED RCE 7294 PER 138 PM 85 (1.04'S. & 0.01'W)

FALCONS POINT PUD (126 M 89-92 135 M 86-88)

BASIS OF BEARING



RADIAL DATA

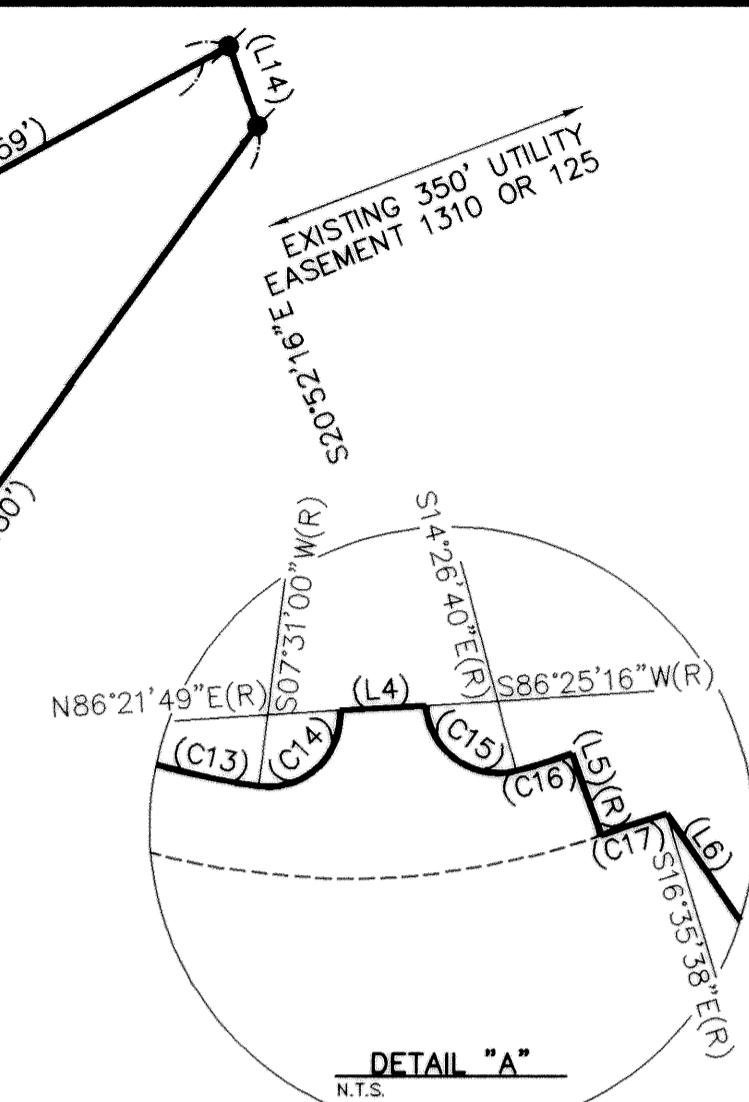
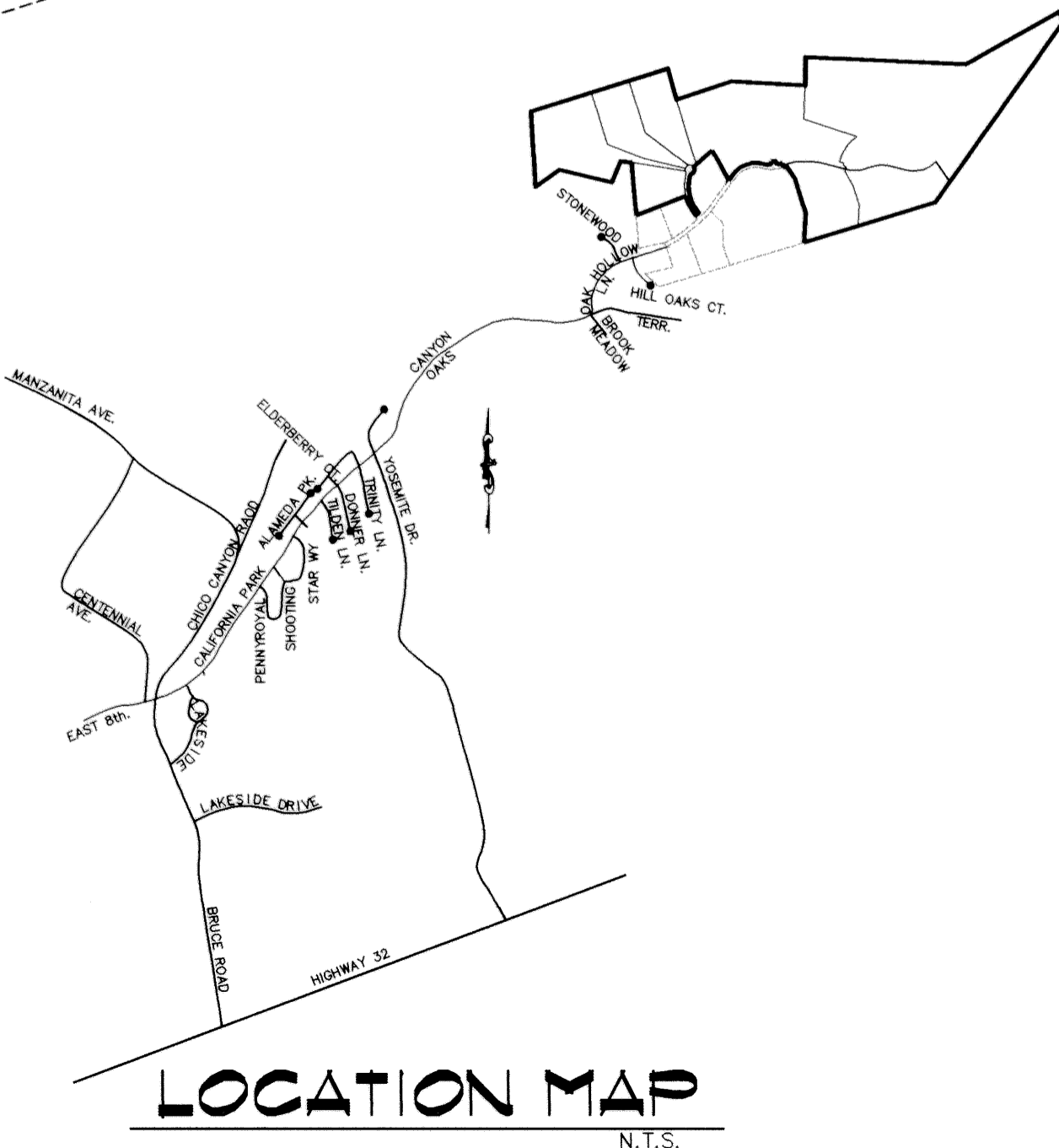
LINE	DIRECTION
(R5)	S49°54'50"W
(R6)	S23°34'54"E
(R7)	N76°03'01"W
(R8)	N77°19'53"E
(R9)	S48°35'50"W
(R10)	S48°41'56"W
(R11)	S53°19'47"E
(R12)	N15°43'02"E

LINE DATA

LINE	DIRECTION	DISTANCE
(L1)	N47°31'39"E	30.01'
(L2)	N49°55'17"E	188.74'
(L3)	N36°40'13"E	55.89'
(L4)	N86°46'32"E	30.00'
(L5)(R)	S19°26'30"E	30.00'
(L6)	N34°20'33"W	118.19'
(L7)	S07°39'53"E	15.00'
(L8)	N79°30'00"W	85.00'
(L9)	S28°31'35"W	181.68'
(L10)	S59°00'00"W	240.00'
(L11)	S17°02'53"E	238.01'
(L12)	S72°57'07"W	422.33'
(L13)	N02°37'07"E	206.27'
(L14)	S19°26'30"E	88.32'

CURVE DATA

CURVE	RADIUS	LENGTH	TANGENT	DELTA
(C9)	315.00'	303.76'	164.86'	55°15'03"
(C10)	25.00'	22.89'	12.32'	52°28'07"
(C11)	35.00'	65.06'	46.87'	106°30'16"
(C12)	215.00'	259.10'	147.90'	69°02'49"
(C13)	235.00'	33.63'	16.85'	08°12'02"
(C14)	25.00'	44.14'	30.41'	101°09'11"
(C15)	25.00'	44.01'	30.26'	100°51'56"
(C16)	235.00'	20.50'	10.25'	04°59'50"
(C17)	485.00'	24.11'	12.06'	02°50'52"
(C21)	345.00'	173.02'	88.37'	28°44'03"



LEGEND

- FOUND AS NOTED
- ✱ SET ALUMINUM CAPPED MONUMENT TAGGED LS 3653 IN THE CENTERLINE OF THE STREET ON THE EXTENSION OF THE LOT LINES AT 1/2 THE RIGHT-OF-WAY WIDTH UNLESS NOTED AS OTHERWISE IE: (15.32)
- SET 3/4" IRON PIPE WITH ALUMINUM CAP TAGGED LS 3653
- ⊙ SET ALUMINUM CAPPED MONUMENT TAGGED LS 3653
- ⊗ SET 3/4" IRON PIPE WITH ALUMINUM CAP TAGGED LS 3653 IN CONCRETE
- ⊗ FOUND 3/4" IRON PIPE WITH ALUMINUM CAP TAGGED LS 3653 PER 138 M 85
- FOUND 3/4" IRON PIPE WITH ALUMINUM CAP TAGGED LS 3653 IN CONCRETE PER 138 M 85
- ✱ FOUND 3/4" IRON PIPE WITH ALUMINUM CAP TAGGED LS 4914 PER 138 M 85 & 107 PM 87-88
- (~) RECORD INFORMATION PER 138 BOOK OF MAPS, PAGE 85
- [~] RECORD INFORMATION PER 116 BOOK OF MAPS, PAGE 83-88
- ┆ DIMENSION POINT, NOTHING FOUND OR SET
- BOUNDARY LINE

THE PINNACLE-PHASE 2

(A PRIVATE STREET SUBDIVISION)
A PORTION OF
CANYON OAKS SUBDIVISION

A SUBDIVISION OF A PORTION OF THE REMAINING LANDS OF THE PINNACLE - PHASE I AS SHOWN ON THAT CERTAIN MAP RECORDED IN BOOK 138 OF MAPS, AT PAGES 84,85,86 & 87 CITY OF CHICO ALSO BEING A PORTION OF SECTION 17, T.22N., R.2E., M.D.M. CITY OF CHICO

BUTTE COUNTY CALIFORNIA
for
VISTA RIDGE LIMITED PARTNERSHIP
a California limited partnership



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(530) 934-7055

SHEET 2 OF 6 SHEETS

Certificate of Correction 2003-18490 Recorded 3/25/2003

BOOK 148 PAGE 81

Attachment G

LINE DATA SEE SHEET 4

LINE	DIRECTION	DISTANCE
L15	N49°55'17"E	17.61'

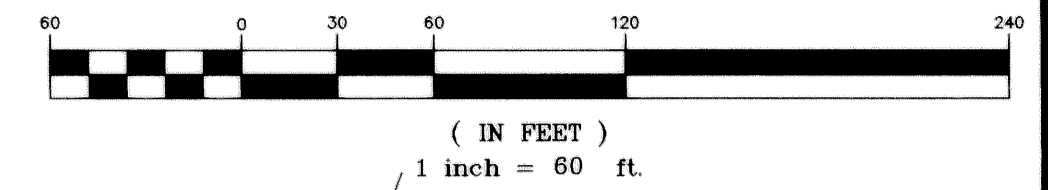
RADIAL DATA

LINE	DIRECTION
R1	N76°07'01"W
R2	S75°05'53"E
R3	N60°16'34"E
R4	N78°58'03"E
R5	N49°54'50"E
R6	S23°34'54"E

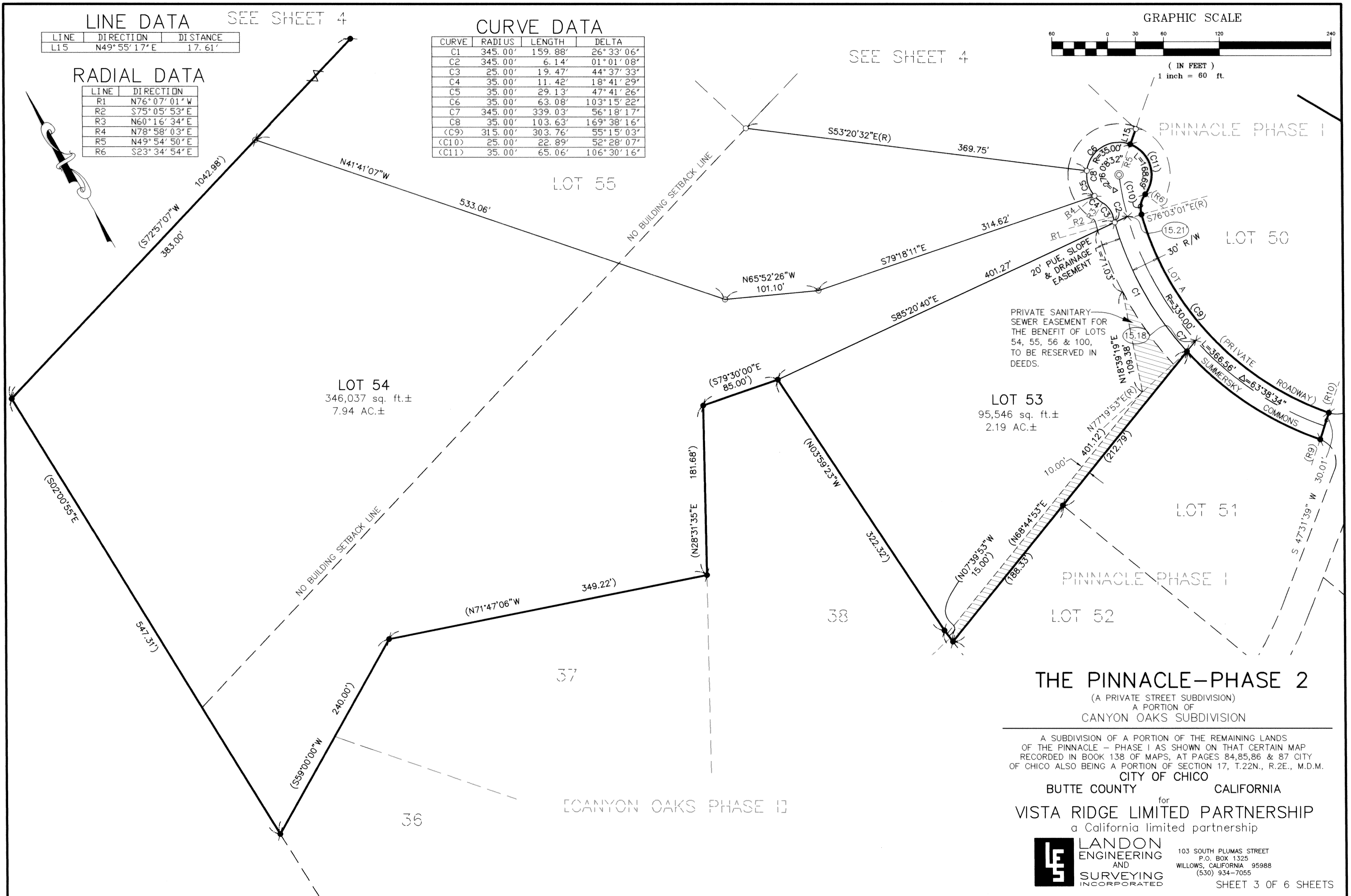
CURVE DATA

CURVE	RADIUS	LENGTH	DELTA
C1	345.00'	159.88'	26°33'06"
C2	345.00'	6.14'	01°01'08"
C3	25.00'	19.47'	44°37'33"
C4	35.00'	11.42'	18°41'29"
C5	35.00'	29.13'	47°41'26"
C6	35.00'	63.08'	103°15'22"
C7	345.00'	339.03'	56°18'17"
C8	35.00'	103.63'	169°38'16"
(C9)	315.00'	303.76'	55°15'03"
(C10)	25.00'	22.89'	52°28'07"
(C11)	35.00'	65.06'	106°30'16"

GRAPHIC SCALE



SEE SHEET 4



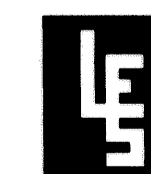
THE PINNACLE-PHASE 2

(A PRIVATE STREET SUBDIVISION)
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A SUBDIVISION OF A PORTION OF THE REMAINING LANDS OF THE PINNACLE - PHASE I AS SHOWN ON THAT CERTAIN MAP RECORDED IN BOOK 138 OF MAPS, AT PAGES 84,85,86 & 87 CITY OF CHICO ALSO BEING A PORTION OF SECTION 17, T.22N., R.2E., M.D.M. CITY OF CHICO

BUTTE COUNTY CALIFORNIA

for
VISTA RIDGE LIMITED PARTNERSHIP
a California limited partnership



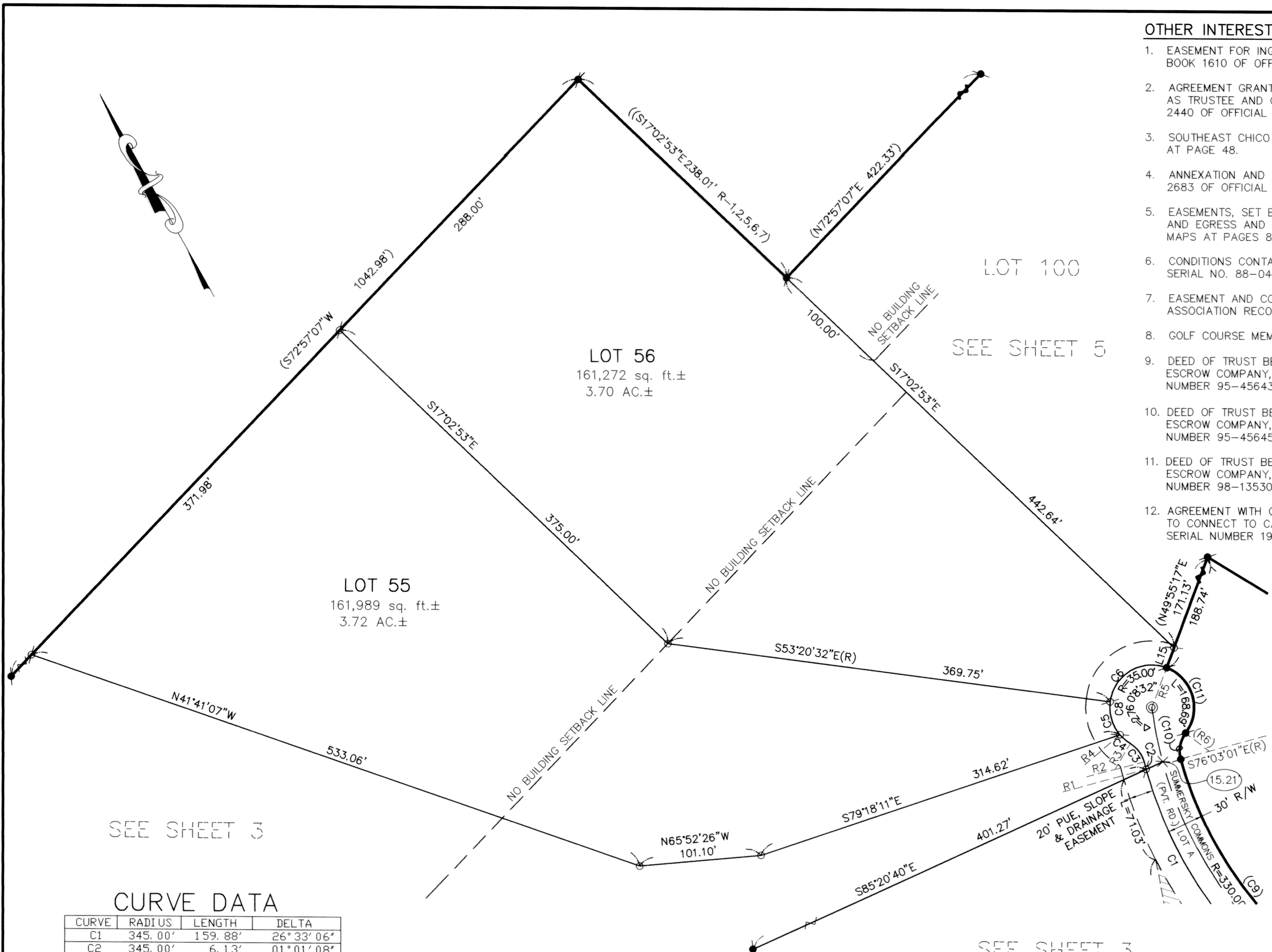
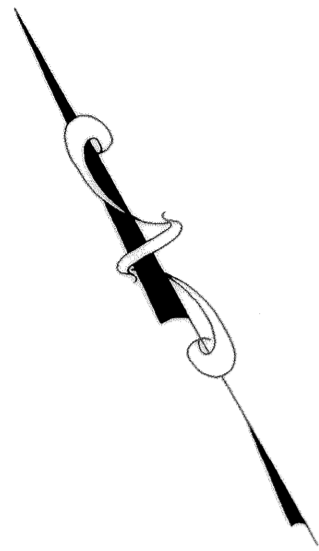
LANDON ENGINEERING AND SURVEYING INCORPORATED

103 SOUTH PLUMAS STREET
P.O. BOX 1325
WILLOWS, CALIFORNIA 95988
(530) 934-7055

SHEET 3 OF 6 SHEETS

Certificate of Correction 2003-18490 Recorded 3/25/2003

BOOK 148 PAGE 82



OTHER INTEREST

1. EASEMENT FOR INGRESS AND EGRESS AND INCIDENTAL PURPOSES PER DEED RECORDED IN BOOK 1610 OF OFFICIAL RECORDS AT PAGES 13 AND 14, LOCATION NOT DEFINED.
2. AGREEMENT GRANTING RECIPROCAL EASEMENTS BETWEEN FIRST AMERICAN TRUST COMPANY AS TRUSTEE AND CALIFORNIA PARK ASSOCIATION FOR LAKE ACCESS AS REQUIRED IN BOOK 2440 OF OFFICIAL RECORDS AT PAGE 343.
3. SOUTHEAST CHICO REDEVELOPMENT PLAN AS RECORDED IN BOOK 2568 OF OFFICIAL RECORDS AT PAGE 48.
4. ANNEXATION AND SEWER SERVICE AGREEMENT BY THE CITY OF CHICO AS RECORDED IN BOOK 2683 OF OFFICIAL RECORDS AT PAGE 239.
5. EASEMENTS, SET BACK LINES, NON-EXCLUSIVE EASEMENTS FOR INCIDENTAL PURPOSES, INGRESS AND EGRESS AND ROAD PURPOSES AS SHOWN ON THAT CERTAIN MAP RECORDED IN BOOK 107 OF MAPS AT PAGES 87 AND 88.
6. CONDITIONS CONTAINED IN DEED CREATING GOLF COURSE PER DEED RECORDED UNDER RECORDERS SERIAL NO. 88-04037.
7. EASEMENT AND COST SHARE MAINTENANCE AGREEMENT WITH CANYON OAKS PROPERTY OWNERS ASSOCIATION RECORDED UNDER RECORDERS SERIAL NO. 89-51347.
8. GOLF COURSE MEMBERSHIP AGREEMENT RECORDED UNDER RECORDERS SERIAL NO. 90-4503.
9. DEED OF TRUST BETWEEN VISTA RIDGE, A LIMITED PARTNERSHIP, AND MIDVALLEY TITLE AND ESCROW COMPANY, AS TRUSTEE, RECORDED UNDER BUTTE COUNTY RECORDER'S SERIAL NUMBER 95-45643 AND MODIFIED UNDER RECORDER'S SERIAL NUMBER 98-07288 AND 99-39416.
10. DEED OF TRUST BETWEEN VISTA RIDGE, A LIMITED PARTNERSHIP, AND MIDVALLEY TITLE AND ESCROW COMPANY, AS TRUSTEE, RECORDED UNDER BUTTE COUNTY RECORDER'S SERIAL NUMBER 95-45645.
11. DEED OF TRUST BETWEEN VISTA RIDGE, A LIMITED PARTNERSHIP, AND MIDVALLEY TITLE AND ESCROW COMPANY, AS TRUSTEE, RECORDED UNDER BUTTE COUNTY RECORDER'S SERIAL NUMBER 98-13530.
12. AGREEMENT WITH CALIFORNIA PARK, A CALIFORNIA GENERAL PARTNERSHIP, GRANTING THE RIGHT TO CONNECT TO CAL PARK SEWER OUTFALL, RECORDED UNDER BUTTE COUNTY RECORDER'S SERIAL NUMBER 1999-0032206 AND 1999-0032207.
13. DEED OF TRUST BETWEEN VISTA RIDGE, A LIMITED PARTNERSHIP, AND MIDVALLEY TITLE AND ESCROW COMPANY, AS TRUSTEE, RECORDED UNDER BUTTE COUNTY RECORDER'S SERIAL NUMBER 99-25029.
14. SEWER TRUNK LINE AGREEMENT BY CALIFORNIA PARK AS RECORDED UNDER BUTTE COUNTY RECORDER'S SERIAL NUMBER 99-27893.

PINNACLE PHASE I
50

THE PINNACLE-PHASE 2
(A PRIVATE STREET SUBDIVISION)
A PORTION OF
CANYON OAKS SUBDIVISION

A SUBDIVISION OF A PORTION OF THE REMAINING LANDS OF THE PINNACLE - PHASE I AS SHOWN ON THAT CERTAIN MAP RECORDED IN BOOK 138 OF MAPS, AT PAGES 84,85,86 & 87 CITY OF CHICO ALSO BEING A PORTION OF SECTION 17, T.22N., R.2E., M.D.M.

CITY OF CHICO
BUTTE COUNTY CALIFORNIA
for
VISTA RIDGE LIMITED PARTNERSHIP
a California limited partnership

LANDON ENGINEERING AND SURVEYING INCORPORATED
103 SOUTH PLUMAS STREET
P.O. BOX 1325
WILLOWS, CALIFORNIA 95988
(530) 934-7055

SHEET 4 OF 6 SHEETS

CURVE DATA

CURVE	RADIUS	LENGTH	DELTA
C1	345.00'	159.88'	26°33'06"
C2	345.00'	6.13'	01°01'08"
C3	25.00'	19.47'	44°37'32"
C4	35.00'	11.42'	18°41'29"
C5	35.00'	29.13'	47°41'25"
C6	35.00'	63.08'	103°15'22"
C7	345.00'	166.01'	27°34'14"
C8	35.00'	103.63'	169°38'16"
(C10)	25.00'	22.89'	52°28'07"
(C11)	35.00'	65.06'	106°30'16"

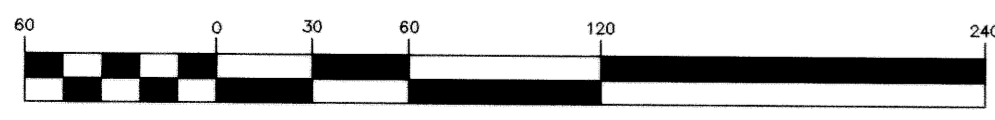
LINE DATA

LINE	DIRECTION	DISTANCE
L15	N49°55'17"E	17.61'

RADIAL DATA

LINE	DIRECTION
R1	N76°07'01"W
R2	S75°05'53"E
R3	N60°16'34"E
R4	N78°58'03"E
R5	N49°54'50"E
R6	S23°34'54"E

GRAPHIC SCALE



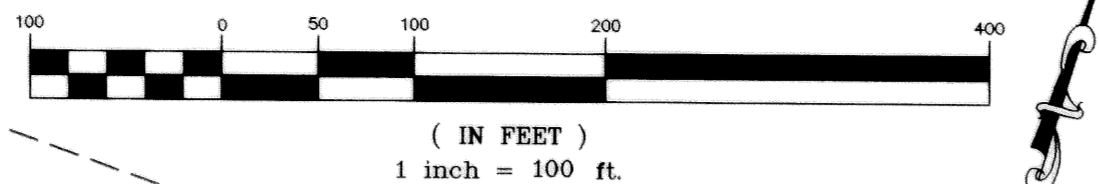
(IN FEET)
1 inch = 60 ft.

Certificate of Correction 2003-18490 Recorded 3/25/2003

BOOK 148 PAGE 83

Attachment G

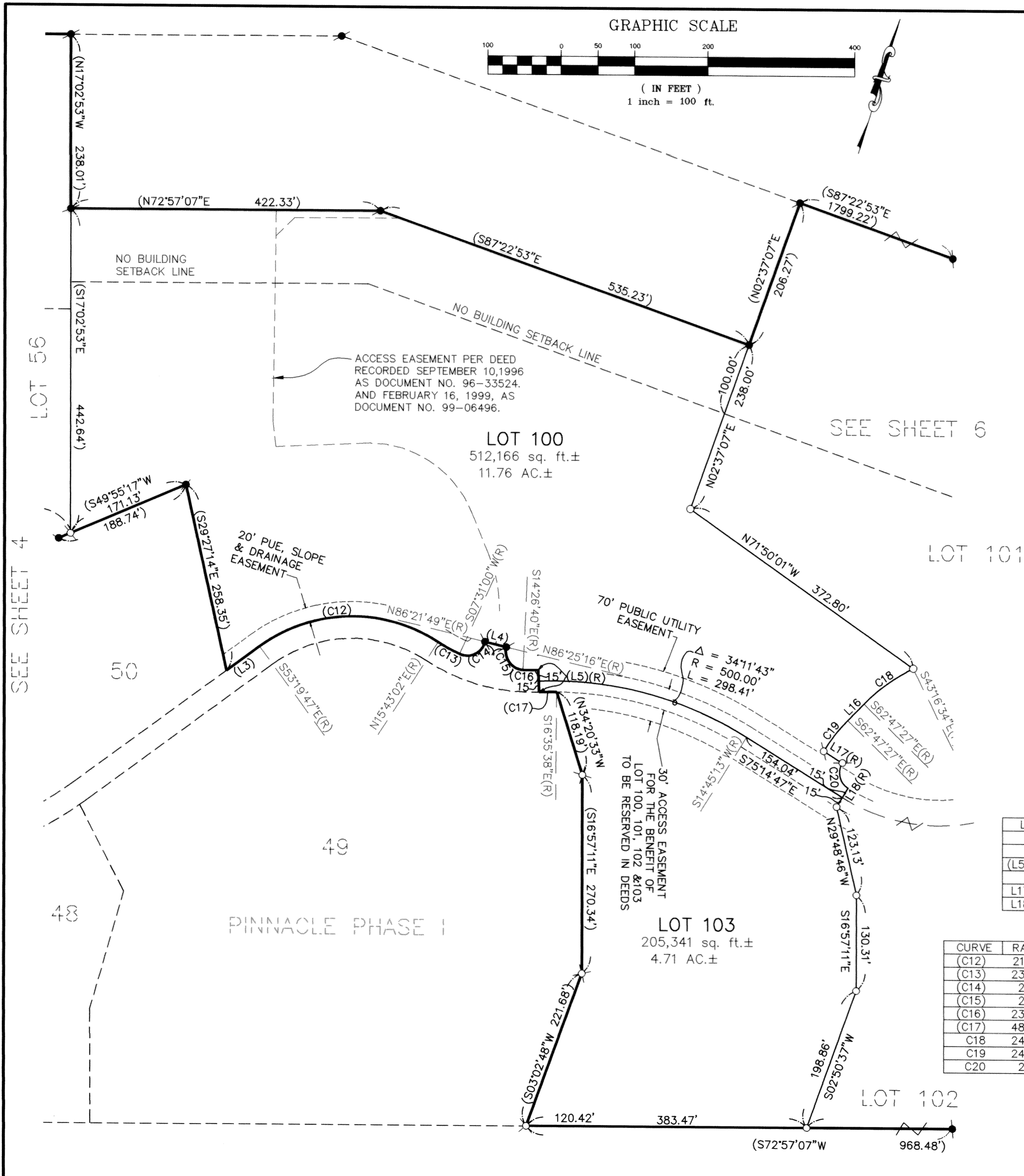
GRAPHIC SCALE



LEGEND

- FOUND AS NOTED
- ✕ SET ALUMINUM CAPPED MONUMENT TAGGED LS 3653 IN THE CENTERLINE OF THE STREET ON THE EXTENSION OF THE LOT LINES AT 1/2 THE RIGHT-OF-WAY WIDTH UNLESS NOTED AS OTHERWISE IE: (15.32)
- SET 3/4" IRON PIPE WITH ALUMINUM CAP TAGGED LS 3653
- ⊙ SET ALUMINUM CAPPED MONUMENT TAGGED LS 3653
- ⊗ SET 3/4" IRON PIPE WITH ALUMINUM CAP TAGGED LS 3653 IN CONCRETE
- ⊗ FOUND 3/4" IRON PIPE WITH ALUMINUM CAP TAGGED LS 3653 PER 138 M 85
- FOUND 3/4" IRON PIPE WITH ALUMINUM CAP TAGGED LS 3653 IN CONCRETE PER 138 M 85
- ✕ FOUND 3/4" IRON PIPE WITH ALUMINUM CAP TAGGED LS 4914 PER 138 M 85 & 107 PM 87-88
- (~) RECORD INFORMATION PER 138 BOOK OF MAPS, PAGE 85
- [~] RECORD INFORMATION PER 116 BOOK OF MAPS, PAGE 83-88

- ┆ DIMENSION POINT, NOTHING FOUND OR SET
- BOUNDARY LINE



LINE DATA

LINE	DIRECTION	DISTANCE
(L3)	N36°40'13"E	55.89'
(L4)	N86°46'32"E	30.00'
(L5)(R)	S19°26'30"E	30.00'
L16	S27°12'33"W	31.50'
L17(R)	S75°14'47"E	30.00'
L18(R)	S14°45'13"W	30.00'

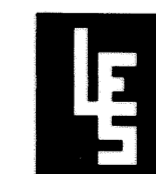
CURVE DATA

CURVE	RADIUS	LENGTH	TANGENT	DELTA
(C12)	215.00'	259.10'	147.90'	69°02'49"
(C13)	235.00'	33.63'	16.85'	08°12'02"
(C14)	25.00'	44.14'	30.41'	101°09'11"
(C15)	25.00'	44.01'	30.26'	100°51'56"
(C16)	235.00'	20.50'	10.25'	04°59'50"
(C17)	485.00'	24.11'	12.06'	02°50'52"
C18	245.00'	83.45'	42.13'	19°30'53"
C19	245.00'	53.26'	26.74'	12°27'20"
C20	25.00'	39.27'	25.00'	90°00'00"

THE PINNACLE—PHASE 2
 (A PRIVATE STREET SUBDIVISION)
 A PORTION OF
 CANYON OAKS SUBDIVISION

A SUBDIVISION OF A PORTION OF THE REMAINING LANDS OF THE PINNACLE — PHASE I AS SHOWN ON THAT CERTAIN MAP RECORDED IN BOOK 138 OF MAPS, AT PAGES 84,85,86 & 87 CITY OF CHICO ALSO BEING A PORTION OF SECTION 17, T.22N., R.2E., M.D.M.

CITY OF CHICO
 BUTTE COUNTY CALIFORNIA
 for
VISTA RIDGE LIMITED PARTNERSHIP
 a California limited partnership



LANDON
ENGINEERING
 AND
SURVEYING
 INCORPORATED

103 SOUTH PLUMAS STREET
 P.O. BOX 1325
 WILLOWS, CALIFORNIA 95988
 (530) 934-7055

SHEET 5 OF 6 SHEETS

Certificate of Correction 2003-18490 Recorded 3/25/2003

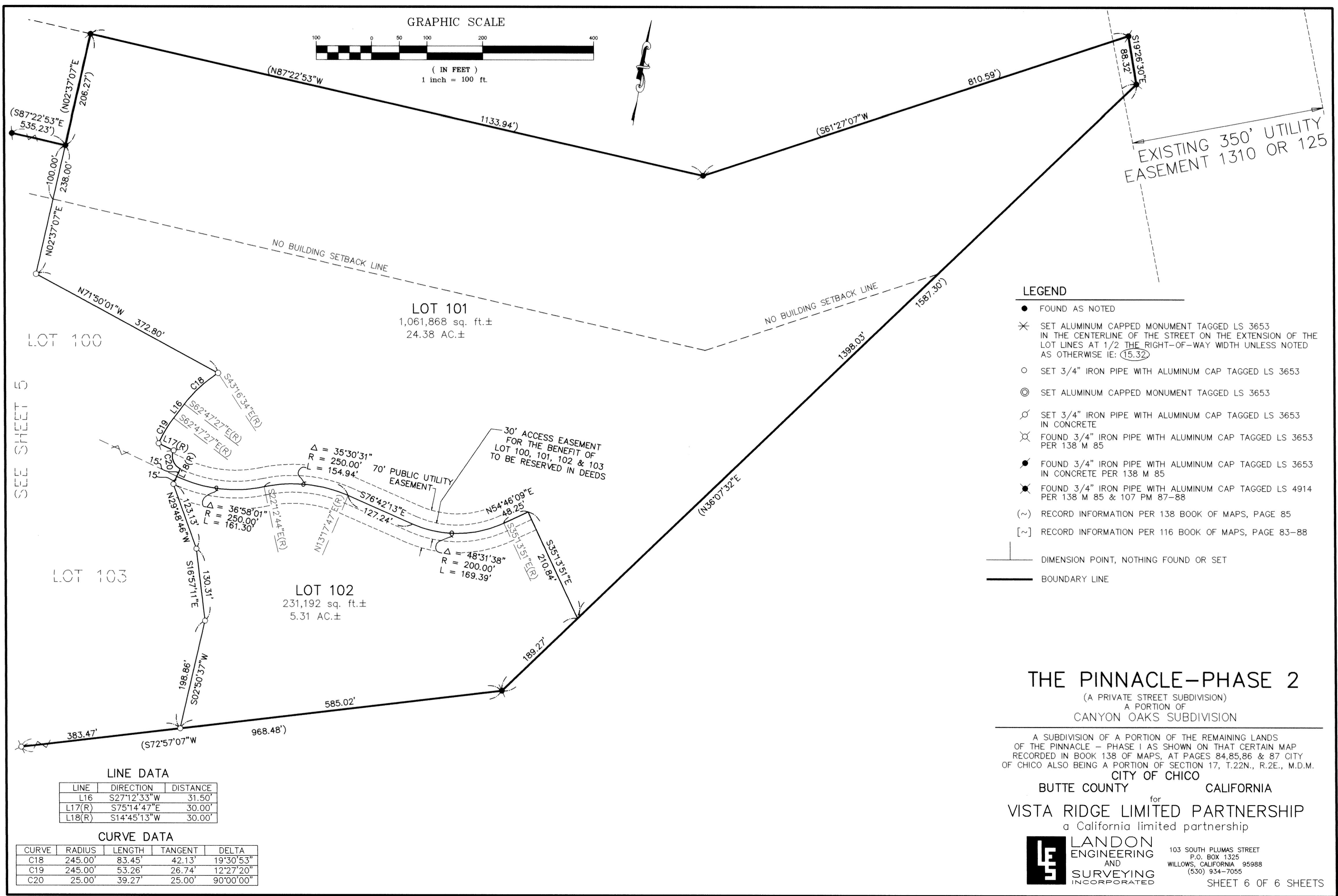
BOOK 148 PAGE 84

Attachment G

GRAPHIC SCALE



(IN FEET)
1 inch = 100 ft.



EXISTING 350' UTILITY EASEMENT 1310 OR 125

LEGEND

- FOUND AS NOTED
- ✕ SET ALUMINUM CAPPED MONUMENT TAGGED LS 3653 IN THE CENTERLINE OF THE STREET ON THE EXTENSION OF THE LOT LINES AT 1/2 THE RIGHT-OF-WAY WIDTH UNLESS NOTED AS OTHERWISE IE: (15.32)
- SET 3/4" IRON PIPE WITH ALUMINUM CAP TAGGED LS 3653
- ⊙ SET ALUMINUM CAPPED MONUMENT TAGGED LS 3653
- ⊘ SET 3/4" IRON PIPE WITH ALUMINUM CAP TAGGED LS 3653 IN CONCRETE
- ⊗ FOUND 3/4" IRON PIPE WITH ALUMINUM CAP TAGGED LS 3653 PER 138 M 85
- FOUND 3/4" IRON PIPE WITH ALUMINUM CAP TAGGED LS 3653 IN CONCRETE PER 138 M 85
- ✕ FOUND 3/4" IRON PIPE WITH ALUMINUM CAP TAGGED LS 4914 PER 138 M 85 & 107 PM 87-88
- (~) RECORD INFORMATION PER 138 BOOK OF MAPS, PAGE 85
- [~] RECORD INFORMATION PER 116 BOOK OF MAPS, PAGE 83-88
- ┆ DIMENSION POINT, NOTHING FOUND OR SET
- BOUNDARY LINE

THE PINNACLE—PHASE 2
(A PRIVATE STREET SUBDIVISION)
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WILLOWS, CALIFORNIA 95988
(530) 934-7055
SHEET 6 OF 6 SHEETS

LINE DATA

LINE	DIRECTION	DISTANCE
L16	S27°12'33"W	31.50'
L17(R)	S75°14'47"E	30.00'
L18(R)	S14°45'13"W	30.00'

CURVE DATA

CURVE	RADIUS	LENGTH	TANGENT	DELTA
C18	245.00'	83.45'	42.13'	19°30'53"
C19	245.00'	53.26'	26.74'	12°27'20"
C20	25.00'	39.27'	25.00'	90°00'00"

Certificate of Correction 2003-18490 Recorded 3/25/2003

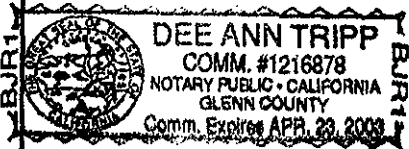
BOOK 148 PAGE 85

Attachment G

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of CALIFORNIA
 County of GLENN
 On 3/4/03 before me, DEE ANN TRIPP
 personally appeared GERALD W. WHITE

personally known to me - OR - proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Dee Ann Tripp

OPTIONAL

Though the data below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent reattachment of this form.

CAPACITY CLAIMED BY SIGNER	DESCRIPTION OF ATTACHED DOCUMENT
<input type="checkbox"/> INDIVIDUAL <input type="checkbox"/> CORPORATE OFFICER <hr/> <div style="text-align: center;">TITLE(S)</div> <input type="checkbox"/> PARTNER(S) <input type="checkbox"/> LIMITED <input type="checkbox"/> GENERAL <input type="checkbox"/> ATTORNEY-IN-FACT <input type="checkbox"/> TRUSTEE(S) <input type="checkbox"/> GUARDIAN/CONSERVATOR <input type="checkbox"/> OTHER: _____ <hr/> SIGNER IS REPRESENTING: _____ _____	<p style="text-align: center;"><u>CERTIFICATE OF CORRECTION</u></p> <p style="text-align: center;">TITLE OR TYPE OF DOCUMENT</p> <p style="text-align: center;">↓</p> <hr/> <p style="text-align: center;">NUMBER OF PAGES</p> <hr/> <p style="text-align: center;">DATE OF DOCUMENT</p> <p style="text-align: center;">NONE</p> <hr/> <p style="text-align: center;">SIGNER(S) OTHER THAN NAMED ABOVE</p>

chi / ru

81XXXX
7

RECORDING REQUESTED BY:	96-034079	Rec Fee	270.00
		Check	270.00
WHEN RECORDED MAIL TO:	Recorded Official Records County of Butte Candace J. Grubbs Recorder		
VISTA RIDGE LPT P.O. BOX 7670 CHICO, CA. 95927	2:57pm 12-Sep-96	PUBL	XX 81

DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
DOCUMENT ATTACHED

THE UNDERSIGNED GRANTOR(S) DECLARE(S):

DOCUMENTARY TRANSFER TAX IS \$
 COMPUTED ON FULL VALUE OF PROPERTY CONVEYED OR
 COMPUTED ON FULL VALUE LESS VALUE OF LIENS AND
 ENCUMBRANCES REMAINING AT TIME OF SALE
 UNINCORPORATED AREA: 0.

~~GRANTOR/TRUSTOR~~ VISTA RIDGE LIMITED PARTNERSHIP

GRANTEE/TRUSTEE/BENEFICIARY

MAIL TAX STATEMENTS TO:

SAME

Section 25. Solar Heating Systems. Subject to limitations imposed by California law, the Architectural Committee shall be entitled to adopt, as part of the Architectural Guidelines, reasonable regulations regarding the installation of solar heating systems. These rules may include limitations on placement and design of such systems to the extent necessary to avoid an unsightly appearance from neighboring Lots or the Common Area.

Section 26. Drainage. No Owner shall do any work, construct any improvement, place any landscaping or suffer the existence of any condition whatsoever which shall alter or interfere with the drainage pattern for the Owner's or any adjacent Lots or parcels or Common Area as established in connection with the approval of the Final Subdivision and parcel maps applicable to the Properties by the City except to the extent such alteration in drainage pattern is approved in writing by the Architectural Committee, the City and all other public authorities having jurisdiction.

Section 27. Minimum House Size. Any Residence constructed on any Lot shall be at least 3,000 square feet in size, exclusive of the garage, with the exterior of the building envelope, cumulative with multiple buildings.

Section 28. Plant Selection In Vegetation Screens. All plants used in vegetation screens shall be selected from species of plants normally found in the surrounding area and as set forth in the Architectural Guidelines.

Section 29. Excavation at Base of Slopes. All excavation at the base of slopes conducted on the Properties shall be done so as to minimize the risk of erosion to the adjoining Lots or Common Area.

Section 30. Erosion Control of Slopes. The design and construction of and Residence and landscaping on the Properties shall be done so as to minimize the risk of erosion to the adjoining Lots and Common Area.

Section 31. No Herbicides. Herbicides shall not be used in the Common Area.

Section 32. Fire Breaks. Fire breaks on all Lots and the Common Area are to be installed and properly maintained as required by the City Fire Department.

Section 33. Preservation of Native Plants. Native plants are to be preserved to the fullest extent possible throughout the Properties. Preservation of native plants may be monitored by the City through the building permit process. Each application for a building permit shall be accompanied by submission of a reasonable survey of existing significant native plants present on each Lot as a condition of permit approval and for approval by the Architectural Committee.

Section 34. Building Height Limitations and Rear Yard Setbacks. Certain building height limitations and rear yard setbacks have been established for certain of the Lots as mitigation measures required by the City. To protect the view shed of Bidwell Park, building height shall be limited to 20 feet on the following Lots 51 and 52.

For planning and disclosure purposes, mitigation measures have been imposed on other Lots in future Phases, hereinafter identified using the numbering system and other characterizations as shown on the tentative

subdivision map which is attached hereto as Exhibit "C". However, these Lot numbers and Lot characterizations may not, and probably will not, be the same as will be shown on the final subdivision map for future Phases to be recorded on these Properties. However, the following mitigation measures may apply to the Lots ultimately formed in the locations represented by the following Lots as shown on the tentative subdivision map. To protect the viewshed of Bidwell Park, building heights shall be limited to 20 feet on Lots 193 through 200, inclusive and Lots 203 through 206, inclusive. The following Lots shall have a minimum rear yard set back of 50 feet: Lots 196 through 199, inclusive. The following Lots shall have a minimum rear yard set back of 100 feet: Lot 200 and Lots 203 through 205, inclusive. The following Lots shall have a minimum rear yard set back of 250 feet: Lots 194 and 195.

Section 35. Master Grading Plan. The Association shall retain a Registered Civil Engineer to provide and maintain a master grading plan for the entire Properties, which prior to the issuance of a building permit for a given Lot shall show the following information:

- (a) Existing ground elevations for a given Lot and adjacent Lots;
 - (b) Proposed Lot grades, house grades, and Lot drainage for a given Lot;
 - (c) As-built Lot grades for adjacent previously developed Lots;
- and
- (d) Proposed grading and drainage alterations on adjacent undeveloped Lots.

The master grading plan and each subsequent amendment thereto shall be submitted to the City for review and approval prior to issuance of a building permit for any Lot.

Section 36. Construction Activity. All construction activity carried on within the Properties shall be done in such a manner that dust is controlled and in a manner which minimizes noise disturbance to the surrounding area. No construction activities shall be permitted on the Common Area, except as it relates to construction and maintenance of the streets, sewers, utilities, storm drains, street lights, fire breaks, landscaping and related uses.

Section 37. No Disturbance of Oak Woodland. All oak woodland located on the Common Area shall not be disturbed.

Section 38. Weeds and Debris. No weeds, rubbish, debris, objects or materials of any kind shall be placed or permitted to accumulate upon any portion of any Lot which render such portion unsanitary, unsightly, offensive or detrimental to any Lot in the vicinity thereof or to the occupants of any such Lot in the vicinity. No plants or seeds infected with noxious insects or plant diseases shall be brought upon, grown or maintained upon any portion of any Lot. In the event of the default in the performance of this provision by any Owner, and if such default shall not have been cured within five (5) days after written notice thereof, Declarant, so long as it is the Owner of at least twenty-five percent (25%) of the Lots, or the Association, shall have the right to enter upon said Lot and remove all

(e) Grading of land for drainage and encroachment purposes; or

(f) Ingress and Egress from the Common Areas for purposes of completing improvements thereon.

Section 3. Termination of Any Responsibility of Declarant. If Declarant shall convey all of its rights, title and interest in and to the Properties to any Person or Persons, Declarant shall be relieved of the performance of any further duty or obligation hereunder, and such Person or Persons shall be obligated to perform all such duties and obligations of the Declarant.

Section 4. Construction.

(a) Restrictions Construed Together. All of the covenants, conditions and restrictions of this Declaration shall be liberally construed together to promote and effectuate the fundamental concepts of the development of the Properties as set forth in the Recitals of this Declaration. Failure to enforce any provision hereof shall not constitute a waiver of the right to enforce that provision in a subsequent application or any other provision hereof.

(b) Restrictions Severable. Notwithstanding the provisions of subparagraph (a) above, the covenants, conditions and restrictions of this Declaration shall be deemed independent and severable, and the invalidity or partial invalidity of any provision or portion thereof shall not affect the validity or enforceability of any other provision.

(c) Singular Includes Plural; The singular shall include the plural and the plural the singular unless the context requires the contrary, and the masculine, feminine or neuter shall each include the masculine, feminine and neuter, as the context requires.

(d) Captions. All captions or titles used in this Declaration are intended solely for convenience of reference and shall not affect the interpretation or application of that which is set forth in any of the terms or provisions of the Declaration.

(e) Exhibits. All exhibits to which reference is made herein are deemed to be incorporated herein by reference, whether or not actually attached.

(f) Governing Laws. This Declaration shall be governed by and interpreted in accordance with California law. All references to Codes and Statutes are references to California Codes and Statutes.

Section 5. Rule Against Perpetuities. If any interest purported to be created by this Declaration is challenged under the Rule Against Perpetuities or any related rule of law, the interest shall be construed as becoming void and no effect as of the end of the applicable period of perpetuities computed from the date when the period of perpetuities starts to run on the challenged interest; the "lives in being; for computing the period of perpetuities shall be:

(a) those which would be used in determining the validity of the challenged interest; plus



**MILLER STARR
REGALIA**

1331 N. California Blvd.
Fifth Floor
Walnut Creek, CA 94596

T 925 935 9400
F 925 933 4126
www.mslegal.com

Nadia L. Costa
Direct Dial: 925 941 3235
nadia.costa@mslegal.com

October 26, 2016

RECEIVED

OCT 28 2016

**CITY OF CHICO
PLANNING SERVICES**

VIA E-MAIL AND U.S. MAIL

Mark Wolfe, Director
Community Development Department
411 Main Street, 2nd Floor
P. O. Box 3420
Chico, CA 95927
E-Mail: zoning@chicoca.gov

Re: Building Permit Application for Property at 3 Summersky Commons

Dear Mr. Wolfe:

My firm represents the owner of the property in the City of Chico located at 3 Summersky Commons, legally described as lot 54 of the map entitled "The Pinnacle – Phase 2" filed in Book 148 of Maps at Pages 80 through 85 in the Office of the Recorder of the County of Butte (APN 018-060-029) ("Property"). I understand that you have been in touch with our client's representatives about plans for erecting a single family residence on the Property. The purpose of this letter is to introduce myself and attempt to resolve what appears to be some confusion as to the proper rear setback of the Property, which is currently unimproved.

As an initial matter, I understand that our client's architect, Greg Peitz, has reached out to you in an effort to schedule a meeting to discuss and hopefully resolve questions relating to the Property's rear setback. Mr. Peitz has informed me that you requested that our client submit a written "request for interpretation" under the City's Municipal Code, which I take to refer to section 19.02.030. That provision, however, applies to "provisions of these Regulations," i.e., the City's land use and development regulations. (See Chico Mun. Code, § 19.01.010.) The question at hand does not involve any question of interpretation of the Regulations; it simply involves application of the extant setback requirements to development on the Property. If I am mistaken in this respect or missing another applicable provision of the City's Municipal Code, please let me know.

With respect to the substance of the setback issue, my understanding is that the City filed a Certificate of Correction on or about March 25, 2003 (as document number 2003-0018490) expressly establishing the rear setback for the Property as 250 feet. Under the terms of the Subdivision Map Act, the City's preparation, certification, and recordation of the Certificate of Correction "conclusively" amended

Attachment J

PTZG\53665\1015202.3

Mark Wolfe
October 26, 2016
Page 2

the final map relative to the Property and confirmed the applicable setback. (Gov. Code, § 66472.)

This setback is consistent with the prior approvals for the subdivision of the Property (which was previously identified as lot 194 before the recordation of the final map). For example, Resolution No. 124 86-87 approving the tentative map at issue specified a 250-foot rear setback for the Property. In addition, the EIR for the subdivision project at issue included as a mitigation measure a 250-foot rear setback, which was determined to fully mitigate all identified viewshed impacts discussed in the EIR. (EIR, pp. 66 & 67, Mitigation Measure No. 21.3.) Accordingly, it seems clear that 250 feet is unquestionably the correct rear setback for the Property, as further evidenced by the City's own action to record the above-referenced Certificate of Correction. I have included copies of these documents under cover of this letter for your ease of reference.

Based on the foregoing, it is clear that the mandated rear setback for the Property is 250 feet. If you contend otherwise, please provide me with the basis for your position. Otherwise, we would appreciate confirmation from you that the applicable rear setback is 250 feet so that my client can obtain the building permit necessary to develop the Property as envisioned under the applicable entitlements. As you are no doubt aware, issuance of a building permit is a ministerial function where the project complies with all applicable governing standards. (*Court House Plaza Co. v. City of Palo Alto* (1981) 117 Cal.App.3d 871, 883. See also Chico Municipal Code, § 16.10.130.)

Thank you for your attention to this matter, it is very much appreciated. Please do not hesitate to contact me should you have issues or questions with any of the above. As already suggested, I would be happy to meet in person to discuss the setback or the Property more generally.

Very truly yours,

MILLER STARR REGALIA



Nadia L. Costa

NLC:klw

Encls.

cc: Greg Peitz
David Murray

Attachment J

PTZG\53665\1015202.3

39



2003-0018490

Recorded	REC FEE	10.00
Official Records		
County Of		
BUTTE		
CANDACE J. GRUBBS		
Recorder		
ROSEMARY DICKSON		
Assistant		
09:00AM 25-Mar-2003	Barbara	Page 1 of 2

WHEN RECORDED FILE WITH
MAP LISTED BELOW

SPACE ABOVE THIS LINE FOR RECORDER'S USE

CERTIFICATE OF CORRECTION

2
BW

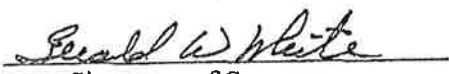
COUNTY OF BUTTE)
) SS
STATE OF CALIFORNIA)

GERALD W. WHITE, being duly sworn, deposes and says:

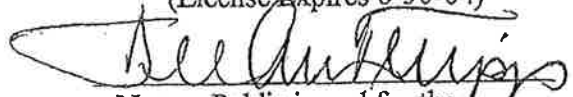
That the following corrections or addition to the map of THE PINNACLES - PHASE 2, as filed in Book 148 of MAPS at Pages 80-85 in the office of the Recorder are made by me in accordance with Section 66469 of the Subdivision Map Act:

Lots 54, 55 and 56 shall have a minimum rear yard setback of 250 feet to conform to the DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF THE PINNACLES as noted in that certain document on file as Document Number 96-034079 in the office of the Recorder of the County of Butte.

The owner of the real property affected on the date of the original map filing was VISTA RIDGE LIMITED PARTNERSHIP, A CALIFORNIA LIMITED PARTNERSHIP.


Signature of Surveyor
LS No. 3653
(License Expires 6-30-04)

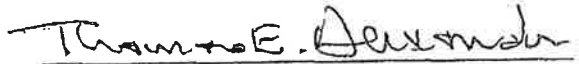



Notary Public in and for the
County of Glenn
State of California



CITY ENGINEER'S STATEMENT

This is to certify that the above certificate of correction has been examined for compliance with Section 66471 of the Subdivision Map Act.


Thomas E. Alexander, R.C.E. 30183
Assistant Director of Public Works
City of Chico
My Registration Expires: 03-31-04

OWNER'S STATEMENT

WE, THE UNDERSIGNED, DO HEREBY STATE THAT WE ARE THE ONLY PERSONS WHOSE CONSENT IS NECESSARY TO PASS CLEAR TITLE TO SAID LAND AND WE CONSENT TO THE PREPARATION AND RECORDEMENT OF THIS MAP. WE HEREBY OFFER FOR DEDICATION TO THE CITY OF CHICO FOR SPECIFIC PURPOSES THE FOLLOWING:

1. PUBLIC UTILITY EASEMENTS AND LOT A AS A PUBLIC UTILITY EASEMENT.

WE HEREBY CREATE WITH THIS MAP FOR PRIVATE PURPOSES:

2. LOT "A" AS A PRIVATE ROADWAY.
3. INGRESS AND EGRESS EASEMENTS ON ALL AREAS SHOWN AS P.U.E. FOR MAINTENANCE OF CURBS, DRAINAGE CHANNELS, CURBSETS, ROADWAY SHOULDER, SLOPES AND PATHWAYS BY THE PINNACLE PROPERTY OWNERS ASSOCIATION OR THEIR SUCCESSORS.
4. PRIVATE SANITARY SEWER EASEMENT ACROSS LOT 53 BENEFITTING LOTS 54, 55, 56 AND 80, TO BE RESERVED IN DEEDS BY REFERENCE TO THIS MAP.
5. OVERLAND SURFACE FLOWAGE EASEMENTS ACROSS ALL LOTS FOR THE BENEFIT OF ALL ADJOWNERS DIRECTLY UPWIND; STORM DRAIN EASEMENTS FOR THE BENEFIT OF ALL ADJOWNERS WHERE SHOWN HEREON; NEARSHORE DRAINAGE EASEMENTS ALONG ALL EXISTING DRAINAGE FOR THE BENEFIT OF ALL ADJOWNERS AND SEWAGE EASEMENTS FOR THE BENEFIT OF ALL PROPERTY OWNERS IN THE PINNACLE PHASE 2 AND REMAINING LANDS. SAID EASEMENTS TO BE RESERVED IN DEEDS BY REFERENCE TO THIS MAP.
6. 30 FOOT WIDE EASEMENT FOR ACCESS AND UTILITY PURPOSES BENEFITING LOTS 100, 101, 102 AND 103, TO BE RESERVED IN DEEDS BY REFERENCE TO THIS MAP.

VISTA RIDGE LIMITED PARTNERSHIP
A CALIFORNIA LIMITED PARTNERSHIP
BY: FARMEST ENTERPRISES, INC.
A CALIFORNIA CORPORATION, GENERAL PARTNER
(AS SHOWN)

480 VALLEY TITLE AND ESCROW CO.
A CALIFORNIA CORPORATION
(AS TRUSTEE)

By: Gregory A. Brown
CHIEF OF TITLE
PRESIDENT

By: Charles D. Brown
DANIEL F. BROWN
PRESIDENT

STATE OF CALIFORNIA
COUNTY OF Butte 155

ON 5-12-99 BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED GREGORY A. BROWN, PERSONALLY KNOWN TO ME (OR PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE) TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN HIS AUTHORIZED CAPACITY, AND THAT BY HIS SIGNATURE ON THE INSTRUMENT THE PERSON OR THE ENTITY UPON BEHALF OF WHICH THE PERSON ACTED, EXECUTED THE INSTRUMENT.

WITNESS MY HAND,
SIGNATURE: Gregory A. Brown
NAME: Gregory A. Brown
COUNTY OF Butte COMMISSION EXPIRES: 11-25-00

STATE OF CALIFORNIA
COUNTY OF Butte 155

ON 5-4-99 BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED DANIEL F. BROWN, PERSONALLY KNOWN TO ME (OR PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE) TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN HIS AUTHORIZED CAPACITY, AND THAT BY HIS SIGNATURE ON THE INSTRUMENT THE PERSON OR THE ENTITY UPON BEHALF OF WHICH THE PERSON ACTED, EXECUTED THE INSTRUMENT.

WITNESS MY HAND,
SIGNATURE: Tami Barlow
NAME: Tami Barlow
COUNTY OF Butte COMMISSION EXPIRES: Nov. 19, 2000

NOTES

1. IN ACCORDANCE WITH THE PROVISIONS OF THE CHICO MUNICIPAL CODE, A TRANSPORTATION FACILITY FEE, PARK FACILITY FEE, AND BUILDING AND EQUIPMENT FEE MAY BE ASSESSED AND LEVIED UPON THE OWNER OF ANY LOT OR PARCEL WITHIN THIS SUBDIVISION AT THE TIME A NEW BUILDING OR STRUCTURE IS CONSTRUCTED ON SUCH LOT OR PARCEL, AT THE TIME AN ALTERATION OR ADDITION IS MADE TO AN EXISTING BUILDING OR STRUCTURE CONSTRUCTED ON SUCH LOT OR PARCEL WHICH RESULTS IN THE EXPANSION OF SUCH BUILDING OR STRUCTURE, OR AT THE TIME OF A CHANGE IN USE OF AN EXISTING BUILDING OR STRUCTURE CONSTRUCTED ON THE LOT OR PARCEL. IN ADDITION, A STORM DRAINAGE FACILITY FEE MAY BE ASSESSED AND LEVIED UPON THE OWNER OF ANY LOT OR PARCEL WITHIN THIS SUBDIVISION AT THE TIME SUCH LOT OR PARCEL IS FIRST USED FOR ANY RESIDENTIAL, OR NON-RESIDENTIAL PURPOSE, OR AT THE TIME THE AREA OF THE LOT OR PARCEL DEVOTED TO SUCH RESIDENTIAL OR NON-RESIDENTIAL USE IS EXPANDED, OR AT THE TIME OF A CHANGE IN THE USE OF THE LOT OR PARCEL. SUCH TRANSPORTATION FACILITY FEE, PARK FACILITY FEE, BUILDING AND EQUIPMENT FEE AND STORM DRAINAGE FACILITY FEE WILL BE CALCULATED FROM THE SCHEDULE OF SUCH FEES ADOPTED BY RESOLUTION OF THE CITY COUNCIL AND IN EFFECT ON THE DATE OF APPROVAL OF SUCH FINAL MAP OR PARCEL MAP, TOGETHER WITH ANY ADJUSTMENTS TO SUCH SCHEDULES OF FEES MADE IN ACCORDANCE WITH THE PROVISIONS OF THE CHICO MUNICIPAL CODE SUBSEQUENT TO THE DATE OF APPROVAL OF THE FINAL MAP OR PARCEL MAP TO ACCOUNT FOR ANY CHANGES IN THE TYPE OR EXTENT OF TRANSPORTATION FACILITIES, PARK FACILITIES, BUILDINGS AND EQUIPMENT AND/OR STORM DRAINAGE FACILITIES WHICH WILL BE REQUIRED AS A RESULT OF THE DEVELOPMENT AND/OR USE OF REAL PROPERTY DURING THE PERIOD UPON WHICH SUCH FEES ARE BASED, ANY CHANGE IN THE ESTIMATED COST OF THE TRANSPORTATION FACILITIES, PARK FACILITIES, BUILDINGS AND EQUIPMENT AND/OR STORM DRAINAGE FACILITIES UPON WHICH SUCH FEES ARE BASED, OR ANY CHANGE IN THAT PORTION OF THE ESTIMATED COST OF SUCH TRANSPORTATION FACILITIES, PARK FACILITIES, BUILDINGS AND EQUIPMENT AND/OR STORM DRAINAGE FACILITIES WHICH CANNOT BE FUNDED FROM REVENUE SOURCES AVAILABLE TO THE CITY OTHER THAN SUCH FEES.
2. ALL LOTS WITHIN THIS SUBDIVISION SHALL PAY THE REQUIRED SCHOOL IMPACT FEES AT THE TIME OF THEIR DEVELOPMENT.
3. BUILDINGS ON LOTS 53, 54, 55, 56, 80, AND 101 SHALL NOT EXCEED TWENTY (20) FEET IN HEIGHT.
4. ALL SINGLE FAMILY LOTS SHALL PROVIDE A MINIMUM OF FOUR (4) OFF-STREET PARKING SPACES IN ADDITION TO ANY GARAGE SPACES PROVIDED.
5. AREA BETWEEN FRONT LOT LINES AND CURBS (2' TYP) TO BE MAINTAINED BY PROPERTY OWNER.
6. ISSUANCE OF A BUILDING PERMIT OR SUBDIVISION OF LOTS 100, 101, 102 OR 103 WILL REQUIRE THE INSTALLATION OF FULL PRIVATE STREET IMPROVEMENTS INCLUDING UTILITIES, ALONG THE FULL FRONTAGE OF LOTS 80 AND 80A.
7. SEE SHEET 4 FOR "OTHER INTERESTS".

SPECIAL NOTES

1. THE PINNACLE PHASE 2 IS A PRIVATE STREET SUBDIVISION.
2. THE TOTAL AREA CONTAINED IN THIS SUBDIVISION IS 84.03 ACRES, MORE OR LESS.
3. THE AREA IN LOT A (PRIVATE ROAD) IS 0.22 ACRES MORE OR LESS.

PLANNING STATEMENT

I, RIM BERGLER, SECRETARY OF THE PLANNING COMMISSION OF THE CITY OF CHICO, DO HEREBY CERTIFY THAT THIS MAP OF THE PINNACLE PHASE 2 CONFORMS SUBSTANTIALLY WITH THE TENTATIVE MAP OF FILE, WHICH WAS RECOMMENDED FOR APPROVAL BY THE CITY COUNCIL ON THE EXPEDITIOUS DAY OF NOVEMBER, 1986.

By: Rim Bergler DATE: 11/17/98
SECRETARY, PLANNING COMMISSION

SURVEYOR'S STATEMENT

I, GERALD W. WHITE, DO HEREBY STATE THAT I AM A LICENSED LAND SURVEYOR OF THE STATE OF CALIFORNIA, THAT THE MAP OF THE PINNACLE-PHASE 2 REPRESENTS A SURVEY MADE UNDER MY DIRECTION IN JANUARY, 1997, THAT IT IS TRUE AND COMPLETE AS SHOWN, THAT THE MONUMENTS SHOWN WILL BE SET IN THEIR CORRECT POSITION WITHIN 90 DAYS OF MAP RECORDEMENT AND WILL BE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.

By: Gerald W. White DATE: 5/3/99
G.W. WHITE L.S. 36857
EXP. DATE: 6/26/2000



CITY ENGINEER'S STATEMENT

I, E.C. BOSS, CITY ENGINEER OF THE CITY OF CHICO, STATE OF CALIFORNIA, DO HEREBY STATE THAT I HAVE EXAMINED THE FINAL MAP OF THE PINNACLE-PHASE 2 THAT IT IS SUBSTANTIALLY THE SAME AS APPEARED ON THE TENTATIVE MAP AND ANY APPROVED ALTERATIONS THEREOF, THAT ALL PROVISIONS OF THE SUBDIVISION MAP ACT OF THE STATE OF CALIFORNIA AND LOCAL ORDINANCES HAVE BEEN COMPLIED WITH AND I AM SATISFIED THAT THE MAP IS TECHNICALLY CORRECT.

By: E.C. Boss DATE: 11/19/98
E.C. BOSS CITY ENGINEER
CITY ENGINEER, CITY OF CHICO
EXP. DATE: 6/30/2000



CITY MANAGER'S STATEMENT

I, THOMAS J. LANDO, CITY MANAGER OF THE CITY OF CHICO, STATE OF CALIFORNIA, DO HEREBY STATE THAT ITEM 1 LISTED IN THE OWNER'S STATEMENT HEREON, AND AS SHOWN ON THE ANNEXED MAP OF "THE PINNACLE PHASE 2" OFFERED FOR DEDICATION TO THE CITY OF CHICO, IS ACCEPTED BY THE UNDERSIGNED OFFICER ON BEHALF OF THE CITY COUNCIL OF THE CITY OF CHICO PURSUANT TO THE AUTHORITY CONFERRED BY RESOLUTION NO. 47 77-78 & 141 78-79 AND SECTION 20.04.035 OF THE CITY OF CHICO MUNICIPAL CODE AND THAT THE GRANTEE CONSENTS TO THE RECORDEMENT THEREOF BY ITS DULY AUTHORIZED OFFICER.

By: Thomas J. Lando DATE: 11/17/99
THOMAS J. LANDO
CITY MANAGER, CITY OF CHICO
YVETTE DUNLAP
ASSISTANT CITY MANAGER, CITY OF CHICO



RECORDER'S CERTIFICATE

FILED THIS 22ND DAY OF APRIL, 1999, AT 12:08 P.M. BOOK 478 OF MAPS AT FOLIO 2 AT THE REQUEST OF LANDON ENGINEERING & SURVEYING, INC.
By: Christine A. ... SERIAL NUMBER: 1999-0018130
COUNTY RECORDER, COUNTY OF BUTTE, CALIFORNIA. FILED: 4/22/99

THE PINNACLE-PHASE 2
(A PRIVATE STREET SUBDIVISION)
A PORTION OF
CANYON OAKS SUBDIVISION

A SURVEYOR OF A PORTION OF THE REMAINING LANDS OF THE PINNACLE - PHASE 1 AS SHOWN ON THAT CERTAIN MAP RECORDED IN BOOK 135 OF MAPS, AT PAGES 84, 85, 86 & 87 CITY OF CHICO ALSO BEING A PORTION OF SECTION 17, T20N, R22E, M30W, CITY OF CHICO.

BUTTE COUNTY CALIFORNIA
VISTA RIDGE LIMITED PARTNERSHIP
a California limited partnership



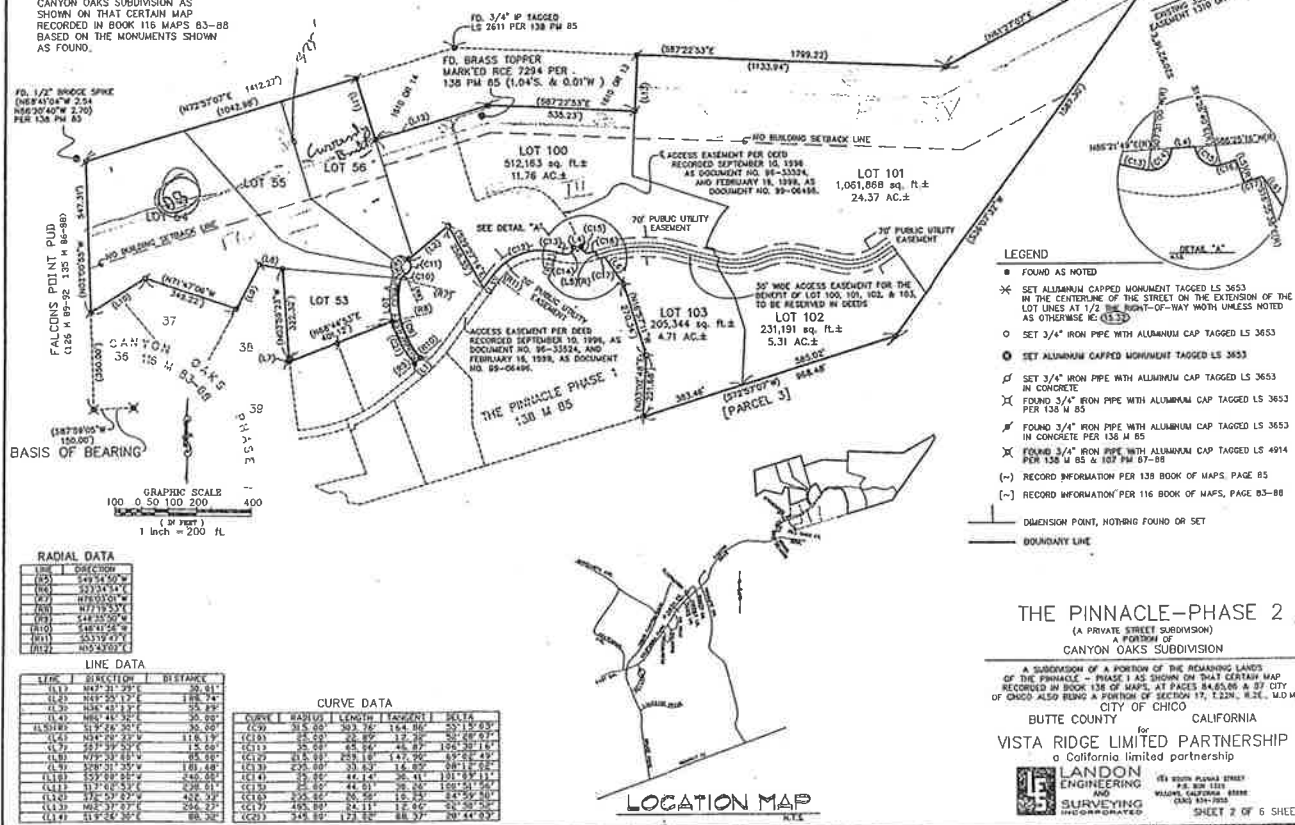
183 SOUTH ALAMO STREET
P.O. BOX 1528
REDDING, CALIFORNIA 96008
(916) 814-7088
SURVEYING
HYDROGRAPHIC
SHEET 1 OF 8 SHEETS

Certificate of Correction 2003-18490 Recorded 3/24/2003

BOOK 148 PAGE 80

CITY OF CHICO

BASIS OF BEARING
 SOUTHERLY LINE OF LOT 36 OF
 CANYON OAKS SUBDIVISION AS
 SHOWN ON THAT CERTAIN MAP
 RECORDED IN BOOK 116 MAPS 83-88
 BASED ON THE MONUMENTS SHOWN
 AS FOUND.



- LEGEND**
- FOUND AS NOTED
 - ✱ SET ALUMINUM CAPPED MONUMENT TAGGED LS 3653 IN THE CENTERLINE OF THE STREET ON THE EXTENSION OF THE LOT LINES AT 1/2 THE RIGHT-OF-WAY UNLESS NOTED AS OTHERWISE IN (C) (3)
 - SET 3/4" IRON PIPE WITH ALUMINUM CAP TAGGED LS 3653
 - ◉ SET ALUMINUM CAPPED MONUMENT TAGGED LS 3653
 - ⊠ SET 3/4" IRON PIPE WITH ALUMINUM CAP TAGGED LS 3653 IN CONCRETE
 - ⊞ FOUND 3/4" IRON PIPE WITH ALUMINUM CAP TAGGED LS 3653 PER 138 M 85
 - ⊞ FOUND 3/4" IRON PIPE WITH ALUMINUM CAP TAGGED LS 3653 IN CONCRETE PER 138 M 85
 - ⊞ FOUND 3/4" IRON PIPE WITH ALUMINUM CAP TAGGED LS 4914 PER 138 M 85 & 107 PM 87-88
 - (-) RECORD INFORMATION PER 138 BOOK OF MAPS, PAGE 85
 - (-) RECORD INFORMATION PER 116 BOOK OF MAPS, PAGE 83-88
 - DIMENSION POINT, NOTHING FOUND OR SET
 - BOUNDARY LINE

RADIAL DATA

LINE	DIRECTION
100	S23°31'51" E
101	N78°03'00" W
102	N77°18'51" E
103	N48°25'00" W
104	S68°12'00" W
105	S53°39'00" E
106	N05°43'00" E

LINE DATA

LINE	DIRECTION	DISTANCE
111.1	N45°11'31" E	30.41
111.2	N01°55'12" E	188.74
111.3	S34°41'32" E	30.29
111.4	S13°26'30" E	30.20
111.5	N44°06'00" E	118.17
111.6	S77°39'52" E	18.50
111.7	N79°30'00" W	85.50
111.8	S08°01'30" W	183.60
111.9	S59°09'00" W	240.00
111.10	S11°06'00" W	228.00
111.11	S72°52'00" W	420.30
111.12	N68°37'00" E	206.25
111.13	S12°42'00" E	80.00

CURVE DATA

CURVE	RADIUS	LENGTH	TANGENT	DELTA
1009	303.76	203.76	164.80	251.15
1010	25.00	25.00	17.36	30.00
1011	30.00	65.00	41.87	120.30
1012	215.00	255.10	147.20	201.12
1013	225.00	33.50	14.60	30.00
1014	25.00	42.14	20.41	121.03
1015	25.00	44.51	20.50	120.00
1016	225.00	20.50	12.33	24.00
1017	400.00	24.11	12.00	20.00
1018	24.11	12.11	8.37	20.00

City of Chico 2003-18490 Recorded 3/25/2003

THE PINNACLE - PHASE 2
 (A PRIVATE STREET SUBDIVISION)
 CANYON OAKS SUBDIVISION

A SUBDIVISION OF A PORTION OF THE REMAINING LANDS OF THE PINNACLE - PHASE 1 AS SHOWN ON THAT CERTAIN MAP RECORDED IN BOOK 136 OF MAPS, AT PAGES 84, 85, 86, & 87 CITY OF CHICO ALSO BEING A PORTION OF SECTION 17, T22N, R12E, W10M, U.S.M.

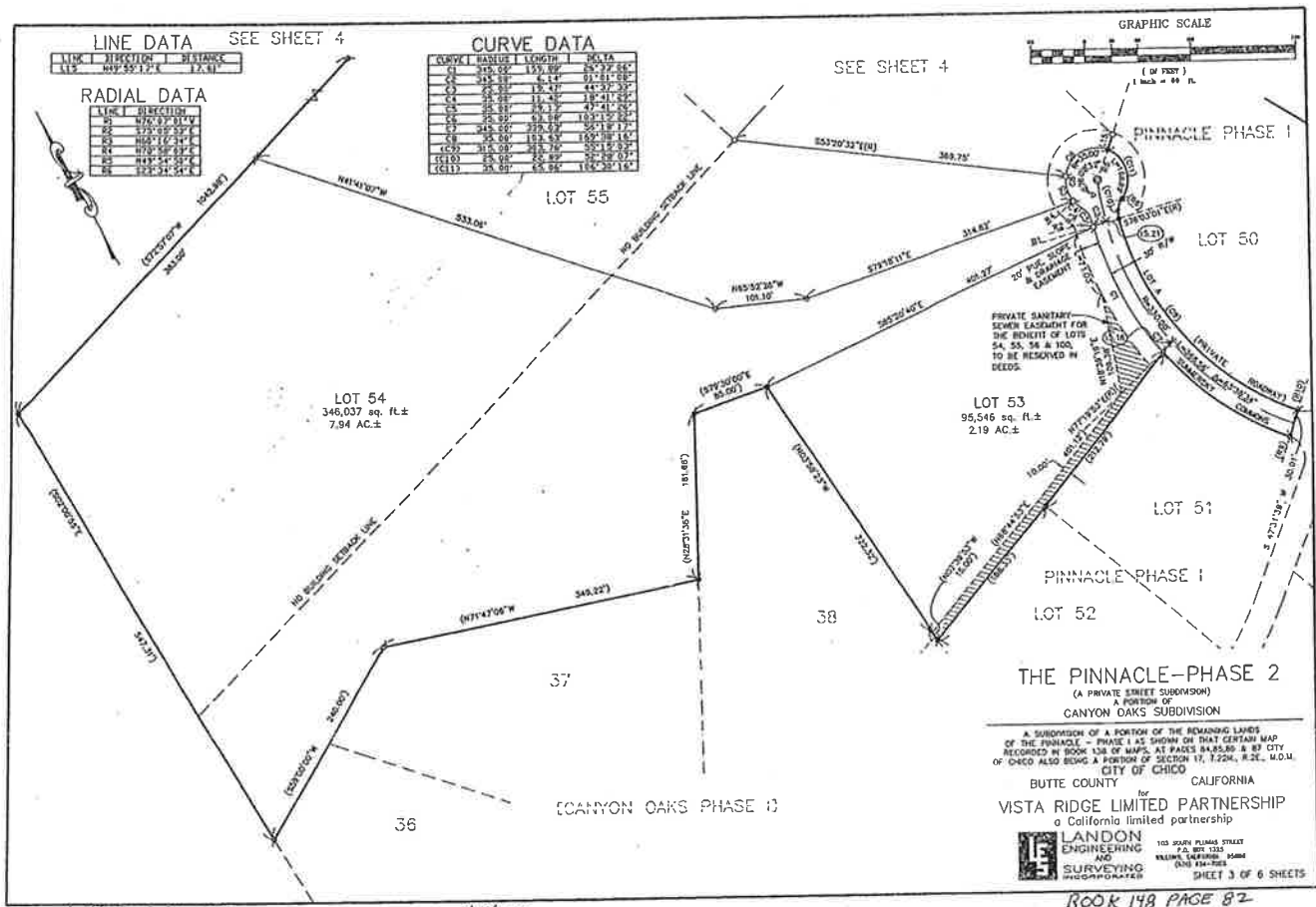
BUTTE COUNTY CALIFORNIA
 for
VISTA RIDGE LIMITED PARTNERSHIP
 a California limited partnership

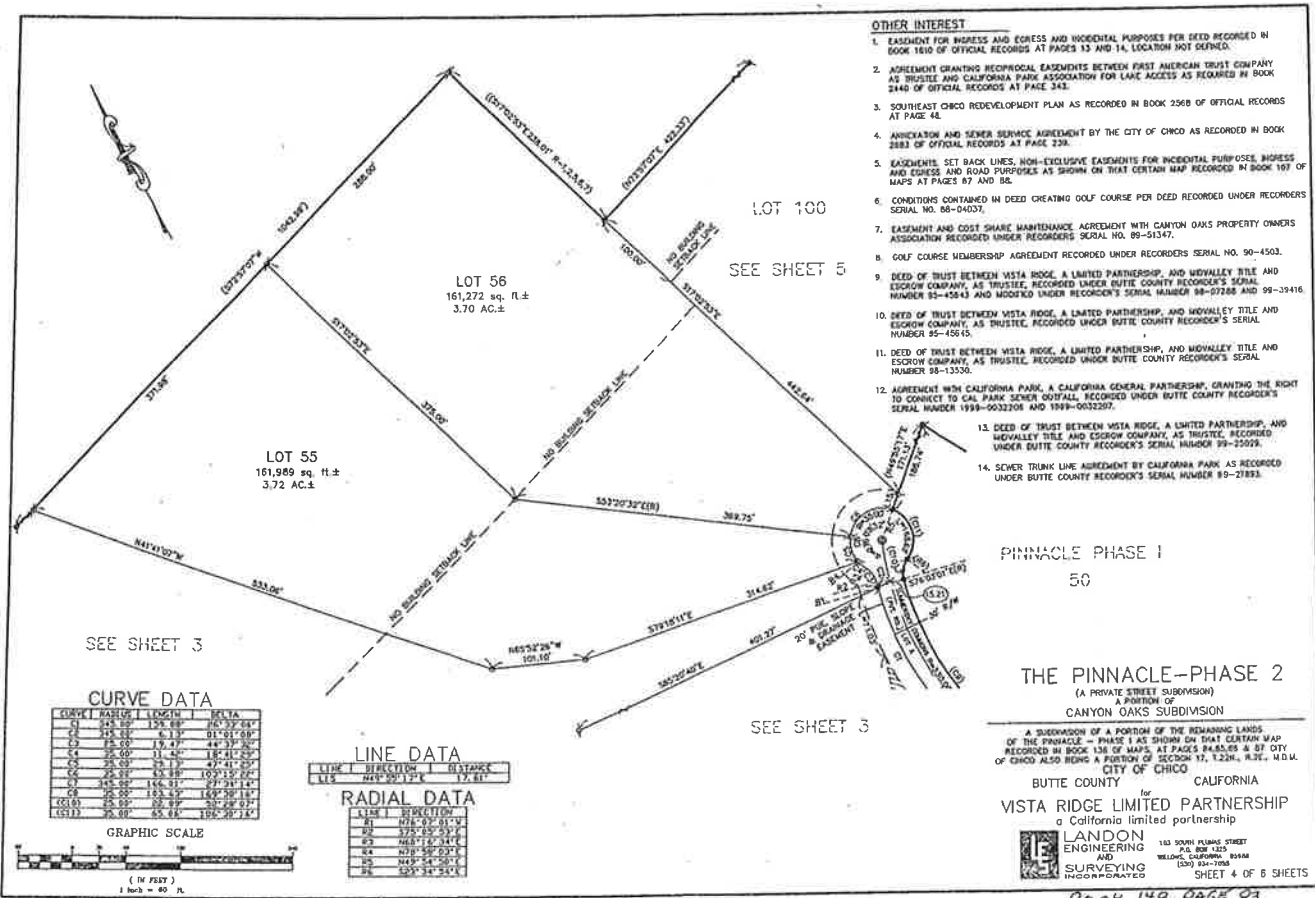
LONDON
 ENGINEERING
 AND
 SURVEYING
 INCORPORATED

100 SOUTH PLUMAS STREET
 P.O. BOX 1539
 WILSON, CALIFORNIA 95603
 (916) 944-1800

SHEET 2 OF 6 SHEETS

BOOK 198 PAGE 81





- OTHER INTEREST**
- EASEMENT FOR ingress AND egress AND INCIDENTAL PURPOSES PER DEED RECORDED IN BOOK 1610 OF OFFICIAL RECORDS AT PAGES 13 AND 14, LOCATION NOT DEFINED.
 - AGREEMENT GRANTING RECIPROCAL EASEMENTS BETWEEN FIRST AMERICAN TRUST COMPANY AS TRUSTEE AND CALIFORNIA PARK ASSOCIATION FOR LAKE ACCESS AS RECORDED IN BOOK 2140 OF OFFICIAL RECORDS AT PAGE 343.
 - SOUTHEAST CHICO REDEVELOPMENT PLAN AS RECORDED IN BOOK 2568 OF OFFICIAL RECORDS AT PAGE 48.
 - ANNEXATION AND SEWER SERVICE AGREEMENT BY THE CITY OF CHICO AS RECORDED IN BOOK 2883 OF OFFICIAL RECORDS AT PAGE 239.
 - EASEMENTS, SET BACK LINES, NON-EXCLUSIVE EASEMENTS FOR INCIDENTAL PURPOSES, INGRESS AND EGRESS AND ROAD PURPOSES AS SHOWN ON THAT CERTAIN MAP RECORDED IN BOOK 197 OF MAPS AT PAGES 87 AND 88.
 - CONDITIONS CONTAINED IN DEED CREATING GOLF COURSE PER DEED RECORDED UNDER RECORDERS SERIAL NO. 88-04037.
 - EASEMENT AND COST SHARE MAINTENANCE AGREEMENT WITH CANYON OAKS PROPERTY OWNERS ASSOCIATION RECORDED UNDER RECORDERS SERIAL NO. 99-01347.
 - GOLF COURSE MEMBERSHIP AGREEMENT RECORDED UNDER RECORDERS SERIAL NO. 99-1503.
 - DEED OF TRUST BETWEEN VISTA RIDGE, A LIMITED PARTNERSHIP, AND MEVALLY TITLE AND ESCROW COMPANY, AS TRUSTEE, RECORDED UNDER BUTTE COUNTY RECORDER'S SERIAL NUMBER 98-40843 AND MODIFIED UNDER RECORDER'S SERIAL NUMBER 98-07288 AND 98-39416.
 - DEED OF TRUST BETWEEN VISTA RIDGE, A LIMITED PARTNERSHIP, AND MEVALLY TITLE AND ESCROW COMPANY, AS TRUSTEE, RECORDED UNDER BUTTE COUNTY RECORDER'S SERIAL NUMBER 98-40645.
 - DEED OF TRUST BETWEEN VISTA RIDGE, A LIMITED PARTNERSHIP, AND MEVALLY TITLE AND ESCROW COMPANY, AS TRUSTEE, RECORDED UNDER BUTTE COUNTY RECORDER'S SERIAL NUMBER 98-13530.
 - AGREEMENT WITH CALIFORNIA PARK, A CALIFORNIA GENERAL PARTNERSHIP, GRANTING THE RIGHT TO CONNECT TO CAL PARK SEWER DISTRICT, RECORDED UNDER BUTTE COUNTY RECORDER'S SERIAL NUMBER 1989-0032208 AND 1989-0032207.
 - DEED OF TRUST BETWEEN VISTA RIDGE, A LIMITED PARTNERSHIP, AND MEVALLY TITLE AND ESCROW COMPANY, AS TRUSTEE, RECORDED UNDER BUTTE COUNTY RECORDER'S SERIAL NUMBER 98-35009.
 - SEWER TRUNK LINE AGREEMENT BY CALIFORNIA PARK AS RECORDED UNDER BUTTE COUNTY RECORDER'S SERIAL NUMBER 98-21893.

CURVE DATA

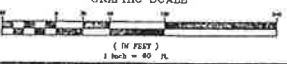
CURVE	PARABOLIC	LENGTH	DELTA
C1	214.00'	129.88'	26°37'04"
C2	214.00'	6.13'	01°01'08"
C3	18.00'	19.43'	44°31'26"
C4	25.00'	11.42'	18°41'23"
C5	25.00'	12.79'	49°41'29"
C6	25.00'	20.18'	100°15'22"
C7	316.00'	146.21'	27°28'14"
C8	25.00'	18.43'	100°20'18"
CG(1)	25.00'	20.89'	20°28'07"
CG(2)	25.00'	65.48'	100°20'18"

LINE DATA

LINE	DIRECTION	DISTANCE
118	S44°50'12"E	17.81'

RADIAL DATA

LINE	DIRECTION
81	S76°07'01"W
82	S75°05'53"W
83	N68°51'03"E
84	N31°58'03"E
85	N45°05'58"E
86	S50°34'50"W



Control of Correction 2003-10490 Recorded 01/25/2007

PINNACLE PHASE I
50

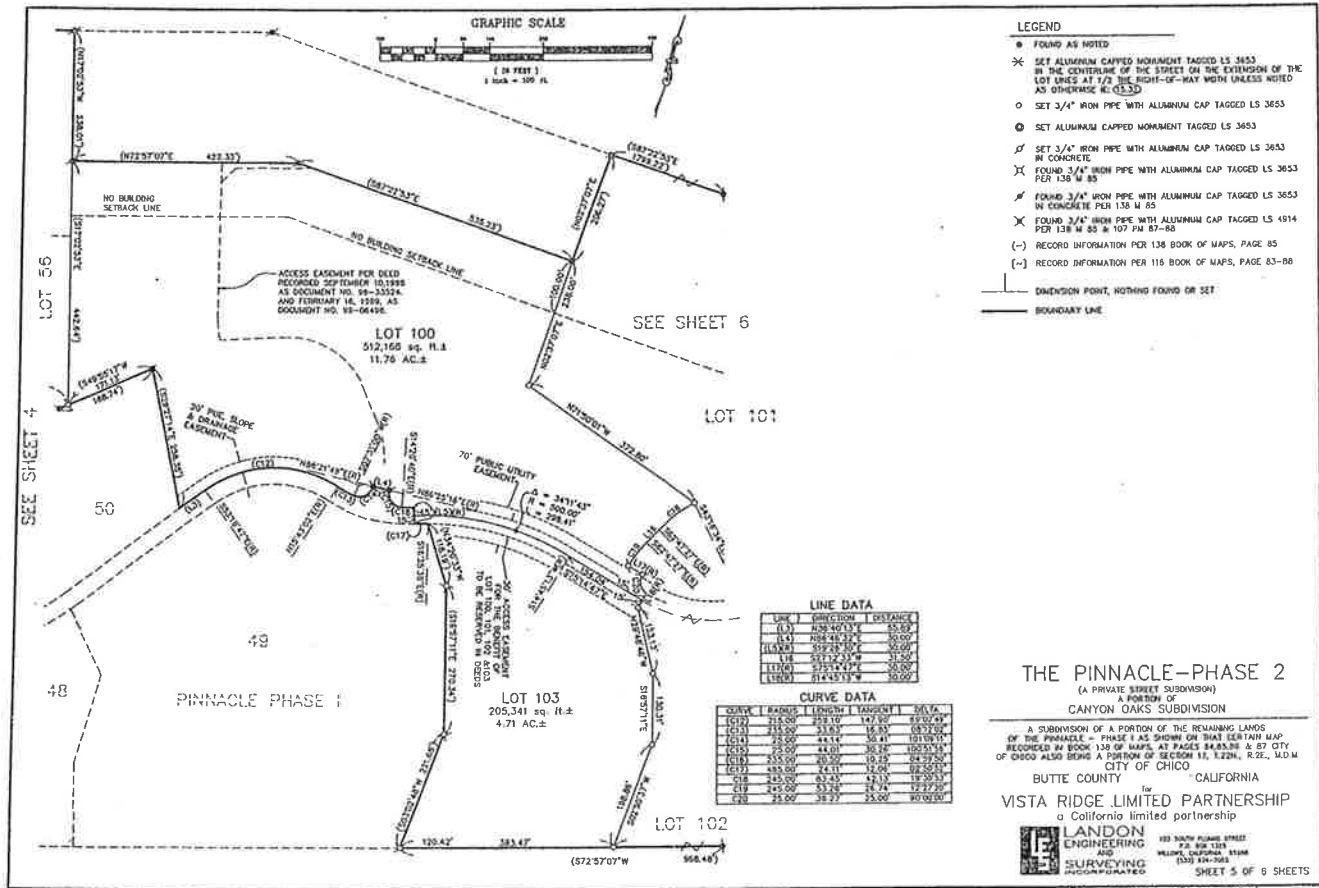
THE PINNACLE—PHASE 2
(A PRIVATE STREET SUBDIVISION)
A PORTION OF
CANYON OAKS SUBDIVISION

A SUBDIVISION OF A PORTION OF THE REMAINING LANDS OF THE PINNACLE—PHASE 1 AS SHOWN ON THAT CERTAIN MAP RECORDED IN BOOK 136 OF MAPS AT PAGES 84, 85, 86 & 87 CITY OF CHICO ALSO BEING A PORTION OF SECTION 17, T28N, R12E, U.D.M. CITY OF CHICO

BUTTE COUNTY CALIFORNIA
for
VISTA RIDGE LIMITED PARTNERSHIP
a California limited partnership

LONDON ENGINEERING AND SURVEYING INCORPORATED
113 SOUTH PLUMAS STREET
P.O. BOX 1225
WELLS, CALIFORNIA 95944
(530) 834-7008
SHEET 4 OF 6 SHEETS

BOOK 178 PAGE 83



- LEGEND**
- FOUND AS NOTED
 - ✕ SET ALUMINUM CAPPED MONUMENT TAGGED LS 3653 IN THE CENTERLINE OF THE STREET ON THE EXTENSION OF THE LOT LINES AT 1/2 THE RIGHT-OF-WAY WIDTH UNLESS NOTED AS OTHERWISE (10-133)
 - SET 3/4" IRON PIPE WITH ALUMINUM CAP TAGGED LS 3653
 - SET ALUMINUM CAPPED MONUMENT TAGGED LS 3653
 - ✕ SET 3/4" IRON PIPE WITH ALUMINUM CAP TAGGED LS 3653 IN CONCRETE
 - ✕ FOUND 3/4" IRON PIPE WITH ALUMINUM CAP TAGGED LS 3653 PER 138 M 85
 - ✕ FOUND 3/4" IRON PIPE WITH ALUMINUM CAP TAGGED LS 3653 IN CONCRETE PER 138 M 85
 - ✕ FOUND 3/4" IRON PIPE WITH ALUMINUM CAP TAGGED LS 4914 IN CONCRETE PER 138 M 85
 - (-) RECORD INFORMATION PER 138 BOOK OF MAPS, PAGE 85
 - (-) RECORD INFORMATION PER 116 BOOK OF MAPS, PAGE 83-86
 - DIMENSION POINT, NOTHING FOUND OR SET
 - BOUNDARY LINE

LINE DATA

LINE	BEGINNING	END	DISTANCE
(1)	N88°40'13"E		85.89
(2)	N88°41'31"E		30.00
(3)	S72°23'35"W		31.50
(4)	S72°23'35"W		31.50
(5)	S72°23'35"W		31.50
(6)	S72°23'35"W		31.50
(7)	S72°23'35"W		31.50
(8)	S72°23'35"W		31.50
(9)	S72°23'35"W		31.50
(10)	S72°23'35"W		31.50
(11)	S72°23'35"W		31.50
(12)	S72°23'35"W		31.50
(13)	S72°23'35"W		31.50
(14)	S72°23'35"W		31.50
(15)	S72°23'35"W		31.50
(16)	S72°23'35"W		31.50
(17)	S72°23'35"W		31.50
(18)	S72°23'35"W		31.50
(19)	S72°23'35"W		31.50
(20)	S72°23'35"W		31.50
(21)	S72°23'35"W		31.50
(22)	S72°23'35"W		31.50
(23)	S72°23'35"W		31.50
(24)	S72°23'35"W		31.50
(25)	S72°23'35"W		31.50
(26)	S72°23'35"W		31.50
(27)	S72°23'35"W		31.50
(28)	S72°23'35"W		31.50
(29)	S72°23'35"W		31.50
(30)	S72°23'35"W		31.50
(31)	S72°23'35"W		31.50
(32)	S72°23'35"W		31.50
(33)	S72°23'35"W		31.50
(34)	S72°23'35"W		31.50
(35)	S72°23'35"W		31.50
(36)	S72°23'35"W		31.50
(37)	S72°23'35"W		31.50
(38)	S72°23'35"W		31.50
(39)	S72°23'35"W		31.50
(40)	S72°23'35"W		31.50
(41)	S72°23'35"W		31.50
(42)	S72°23'35"W		31.50
(43)	S72°23'35"W		31.50
(44)	S72°23'35"W		31.50
(45)	S72°23'35"W		31.50
(46)	S72°23'35"W		31.50
(47)	S72°23'35"W		31.50
(48)	S72°23'35"W		31.50
(49)	S72°23'35"W		31.50
(50)	S72°23'35"W		31.50
(51)	S72°23'35"W		31.50
(52)	S72°23'35"W		31.50
(53)	S72°23'35"W		31.50
(54)	S72°23'35"W		31.50
(55)	S72°23'35"W		31.50
(56)	S72°23'35"W		31.50
(57)	S72°23'35"W		31.50
(58)	S72°23'35"W		31.50
(59)	S72°23'35"W		31.50
(60)	S72°23'35"W		31.50
(61)	S72°23'35"W		31.50
(62)	S72°23'35"W		31.50
(63)	S72°23'35"W		31.50
(64)	S72°23'35"W		31.50
(65)	S72°23'35"W		31.50
(66)	S72°23'35"W		31.50
(67)	S72°23'35"W		31.50
(68)	S72°23'35"W		31.50
(69)	S72°23'35"W		31.50
(70)	S72°23'35"W		31.50
(71)	S72°23'35"W		31.50
(72)	S72°23'35"W		31.50
(73)	S72°23'35"W		31.50
(74)	S72°23'35"W		31.50
(75)	S72°23'35"W		31.50
(76)	S72°23'35"W		31.50
(77)	S72°23'35"W		31.50
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(79)	S72°23'35"W		31.50
(80)	S72°23'35"W		31.50
(81)	S72°23'35"W		31.50
(82)	S72°23'35"W		31.50
(83)	S72°23'35"W		31.50
(84)	S72°23'35"W		31.50
(85)	S72°23'35"W		31.50
(86)	S72°23'35"W		31.50
(87)	S72°23'35"W		31.50
(88)	S72°23'35"W		31.50
(89)	S72°23'35"W		31.50
(90)	S72°23'35"W		31.50
(91)	S72°23'35"W		31.50
(92)	S72°23'35"W		31.50
(93)	S72°23'35"W		31.50
(94)	S72°23'35"W		31.50
(95)	S72°23'35"W		31.50
(96)	S72°23'35"W		31.50
(97)	S72°23'35"W		31.50
(98)	S72°23'35"W		31.50
(99)	S72°23'35"W		31.50
(100)	S72°23'35"W		31.50

CURVE DATA

CURVE	RADIUS	LENGTH	TANGENT	DELTA
C1	215.00	238.10	147.50	83.0244°
C2	215.00	238.10	147.50	83.0244°
C3	215.00	238.10	147.50	83.0244°
C4	215.00	238.10	147.50	83.0244°
C5	215.00	238.10	147.50	83.0244°
C6	215.00	238.10	147.50	83.0244°
C7	215.00	238.10	147.50	83.0244°
C8	215.00	238.10	147.50	83.0244°
C9	215.00	238.10	147.50	83.0244°
C10	215.00	238.10	147.50	83.0244°
C11	215.00	238.10	147.50	83.0244°
C12	215.00	238.10	147.50	83.0244°
C13	215.00	238.10	147.50	83.0244°
C14	215.00	238.10	147.50	83.0244°
C15	215.00	238.10	147.50	83.0244°
C16	215.00	238.10	147.50	83.0244°
C17	215.00	238.10	147.50	83.0244°
C18	215.00	238.10	147.50	83.0244°
C19	215.00	238.10	147.50	83.0244°
C20	215.00	238.10	147.50	83.0244°

THE PINNACLE—PHASE 2
 (A PRIVATE STREET SUBDIVISION)
 A PORTION OF
CANYON OAKS SUBDIVISION

A SUBDIVISION OF A PORTION OF THE REMAINING LOTS OF THE PINNACLE - PHASE I AS SHOWN ON THAT CERTAIN MAP RECORDED IN BOOK 126 OF MAPS, AT PAGES 84, 85, 86 & 87 CITY OF CHICGO ALSO BEING A PORTION OF SECTION 31, T22N, R.2E., 1/4 D.M. BUTTE COUNTY CALIFORNIA

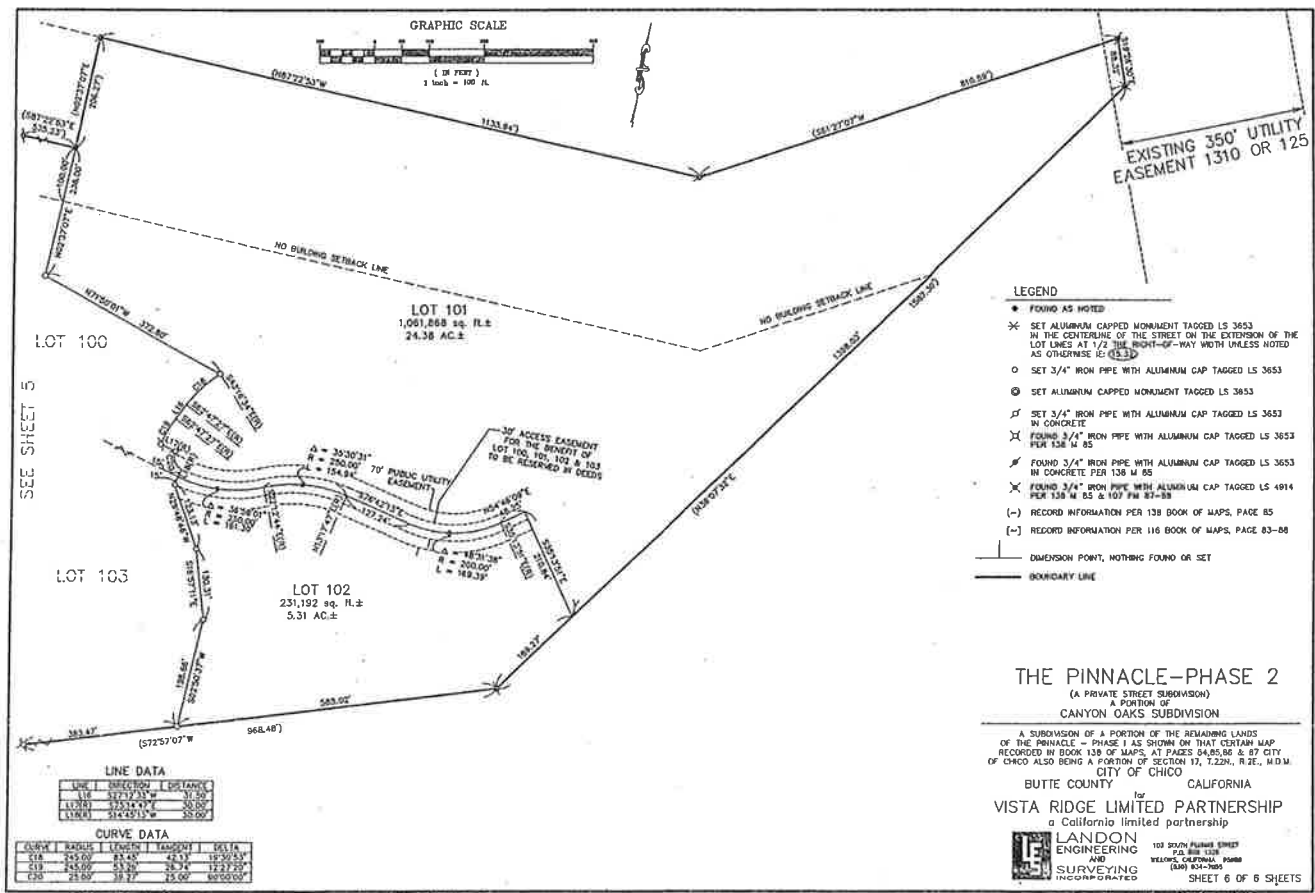
VISTA RIDGE LIMITED PARTNERSHIP
 a California limited partnership

LONDON ENGINEERING AND SURVEYING
 122 SOUTH PULASKI STREET
 CHICAGO, ILLINOIS 60607
 (312) 541-5881

SHEET 5 OF 6 SHEETS

BOOK 198 PAGE 84

Certificate of Corrector 2003-18490 Recorded 3/28/2003



1 RESOLUTION NO. 124 86-87
2 RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO
3 APPROVING TENTATIVE MAP
4 CANYON OAKS (E.M. WEST)

5 WHEREAS, a tentative map has been submitted for property
6 located easterly of the existing California Park development and
7 the City limits, and southerly of Bidwell Park; and

8 WHEREAS, the Planning Commission considered the tentative
9 map and staff report at a noticed public hearing and recommends
10 City Council approval; and

11 WHEREAS, the City Council of the City of Chico held a
12 noticed public hearing on the tentative map; and

13 WHEREAS, the City Council finds that this tentative map and
14 its design and improvements are consistent with the Chico
15 General Plan, and finds that the site is physically suitable for
16 the proposed development, and finds that the discharge of waste
17 into the City's sewer system will not result in a violation of
18 California Regional Water Quality Control Board requirements;
19 and

20 WHEREAS, this Council, after considering the Final
21 Environmental Impact Report for such tentative subdivision map
22 has, by resolution, certified and approved the Canyon Oaks Final
23 Environmental Impact Report and environmental findings, as
24 required by law; and

25 WHEREAS, this tentative map complies with all State and
26 City regulations governing the division of land except as set
27 forth below; and

28 WHEREAS, division and development of the property in the
manner set forth on the tentative map will not unreasonably

Attachment J

DATE 11-19-86
AGENDA 11-18-86
COUNCIL _____
CLERK _____
MANAGER _____
DEP. MGR. 1
ATTORNEY _____
ACM _____
ACM _____
C.S.D. _____
FINANCE _____
FIRE _____
PARK _____
PLANNING 1
POLICE _____
PUB. WKS. _____
PRESS _____
PUBLISH _____
CODE _____

1 interfere with the free and complete use of existing public
2 and/or public utility easements or rights-of-way.

3 NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE
4 CITY OF CHICO, AS FOLLOWS:

- 5 1. The City Council hereby approves the tentative map for
6 Canyon Oaks (E.M. West).
- 7 2. The City Council hereby grants modification of the Design
8 Criteria and Improvement Standards to permit a private
9 street system designed to site characteristics, a private
10 on-site sanitary sewer collection system, new radial lot
11 lines, cul-de-sac length in excess of 500 feet, a private
12 on-site storm drainage system utilizing roadside swales and
13 existing open drainage features, and modified street
14 lighting finding that:
- 15 A. The property to be divided is affected by topographic
16 and geologic features, specifically steep slopes,
17 extremely shallow soils and proximity to Bidwell Park,
18 that it is impossible, impracticable and/or
19 undesirable in this particular case, to conform to the
20 strict application of the regulations;
- 21 B. That cost to the subdivider of strict or literal
22 compliance with the regulations is not the sole reason
23 for granting the modification;
- 24 C. That the modification will not be detrimental to the
25 public health, safety or welfare, or be injurious to
26 other properties in the vicinity, due to the specific
27 conditions of approval set forth below; and
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Attachment J

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D. That granting the modification is in accord with the intent and purposes of these regulations, and is consistent with the General Plan of the City.

3. That the approval herein granted shall be subject to the following conditions:

- A. Segregate any assessments against the property.
- B. Pay any delinquent taxes and/or assessments against the property.
- C. Comply with all requirements set forth in the attached Public Works Subdivision Report, dated September 18, 1986, except as follows:
 - 1. Item 1(a) shall also allow alternative street design as approved by Public Works.
 - 2. Item 1(i) shall allow the construction of Palisades Drive within the existing 56 foot right-of-way if additional width is not required by utility companies.
 - 3. Item 1(j) shall allow cul-de-sacs in excess of 500 feet subject to the provision of approved emergency vehicle access and turn-around.
 - 4. 1(l)3 shall apply only to single family residential development.
 - 5. Item 1(m) shall apply to on-site collector roads.
 - 6. Item 1(p) shall provide that street improvements for street "T", providing access to a future development parcel, shall be determined at the

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time development or subdivision of that parcel is proposed.

- 7. Item 1(q) is deleted.
- 8. Item 2 is clarified to allow for a combination underground-open ditch system as approved by Public Works. The master storm draini plan shall detail system for phase being developed and adequate capacity for future phases.
- 9. Item 6 shall require a signage program as approved by the Fire and Police Departments.
- 10. Item 7 shall require street tree plantings as determined by the City of Chico, recognizing existing vegetation and soil conditions will limit such plantings.
- 11. Item 8 shall require street lighting as necessary to provide adequate illumination for safety purposes, as approved by Public Works. Street lighting to City standards is not necessarily required. Light structures are not required to be standard metal pole and luminaire.
- 12. Item 9 shall require lot grading plans, including that information necessary for Public Works review.

D. Each phase of the subdivision shall provide adequate access meeting Public Works, Fire Department and

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Police Department requirements, including all-weather surface.

- E. The modification of the boundary line between the phase being subdivided and the adjacent undeveloped parcels or golf course parcel is authorized and approved so long as such modification:
 - 1. Is consistent with mitigation measures identified in the Canyon Oaks Final Environmental Impact Report.
 - 2. Does not result in the creation of additional parcels.

- F. A homeowner's association shall be formed. Such association shall provide for the maintenance of all common use private on-site facilities, and shall also authorize the City to provide maintenance of such facilities if the association fails to provide maintenance, and assess costs of such maintenance to the property owners. The homeowner's association shall be formed through Conditions, Covenants and Restrictions prepared by a licensed attorney and approved by the City Attorney. The subdivision Conditions, Covenants and Restrictions shall also include the following requirements:
 - 1. Housing construction and landscaping shall be designed so as to not significantly increase on-site erosion.

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- 2. Except for site maintenance and emergency access, motorized vehicles shall be prohibited from common open space areas.
- 3. Herbicide use in areas zoned as OS-2 Open Space shall be prohibited.
- 4. A leash law shall be established for the common areas of the project site.
- 5. As required by the Fire Department, fire breaks shall be installed and maintained.
- 6. Native plants shall be preserved to the extent feasible.
- G. Excavation at the base of slopes shall be minimized to reduce the chance of undermining potentially unstable portions of the tuff-breccia.
- H. The applicant shall implement all of the grading practices and erosion control measures contained in the June 4 and July 17, 1986 letters from Jeff W. Stayton to Tom Hayes, City of Chico Planning Office.
- I. No temporary storage of fill material within the 100 year flood plain will be allowed except as approved by the City, as part of an engineered plan.
- J. All construction activities, including parking of vehicles, stockpiling of supplies, and use of construction-related equipment shall be excluded from the areas planned to serve as permanent open space or otherwise set aside for the protection of plants,

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except as necessary for the construction of roads and other infrastructure, including firebreaks.

K. The areas shown in Figure 5, page 69, of the Canyon Oaks-Final Environmental Impact Report, and a buffer zone for the main *Sidalcea robusta* population extending north from the ridge, which limits natural drainage flow to the plant area shall be surveyed and development rights for these areas shall be dedicated as permanent open space or development rights conveyed to a not-for-profit conservation organization, as approved by the City.

L. The locations of the true riparian vegetation near the main fork of Dead Horse Slough as well as all of the *Sidalcea robusta* populations that will not be included within the single family residential lots shall be delineated on the ground with metal fenceposts and the boundaries of these sites shall be flagged and appropriately signed until site construction is complete. The staking shall be supervised by a qualified botanist. The rare plant populations within the golf course shall be permanently posted to keep people from entering.

M. Any channelization or diversion of Dead Horse Slough shall be designed so as not to affect the *Sidalcea robusta* populations or the true riparian woodland.

N. The boundaries of lots 92 to 94, 97 to 100, and 154 shall be modified as may be needed to exclude the true

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riparian woodland and the *Sidalcea robusta* populations.

O. A permanent barrier to direct access, such as continuous fences without gates, or such other equally effective alternative as approved by the City, shall be constructed along the backs of lots 92 to 94, 98 to 100, 231 to 241, on the southern and eastern sides of lot 97, and on the eastern edge of lot 154, to restrict access to the *Sidalcea robusta* populations and the true riparian woodland.

P. The subdivider shall enter into a development agreement with the City of Chico, or otherwise accept responsibility, for the costs of off-site traffic improvements to the extent the project contributes to the cumulative need for such improvements; for the proportionate share of permanent school facility; and for the proportionate share of park facilities.

Q. As a part of any improvement plans submitted for City review, a dust control plan shall be included.

R. All recommendations of the site archaeologist for protecting the identified site shall be implemented.

S. The rear yard lot line at lots 231 to 241 shall be relocated to allow a sixteen foot firebreak to be constructed and maintained within the area originally proposed as rear yard area.

T. All on site drainage ditches shall be maintained free of weeds and properly graded to avoid the creation of

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pools of standing water. Maintenance will be required of the homeowner's association as a condition of project approval.

U. If requested by the City, modification of the fire suppression water supply system shall be provided by the applicant to meet the minimum fire flow requirements specified by the City.

V. Buildings in lots 24 to 34, 81 to 83, 192 to 200, 203 to 216, 234 to 241, and 245 shall not exceed 20 feet in height.

W. Lots 81 to 83, 207, 210, 212 to 216, 234 to 241, and 245 shall have a minimum rear yard setback of 50 feet; lots 196 to 200 and 203 to 205 shall have a minimum rear yard setback of 100 feet; and lots 194 and 195 shall have a minimum rear yard setback of 250 feet.

4. That in connection with its approval of such tentative subdivision map, this Council certifies that the Final Environmental Impact Report for the tentative subdivision map was completed in compliance with the requirements of the California Environmental Quality Act and the Environmental Review Guidelines adopted in Chapter 19R.04 of the Chico Municipal Code, that such Final Environmental Impact Report was presented to this Council and each member thereof prior to the adoption of this resolution, and that this Council and each member thereof reviewed and considered the information contained in the Final

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Environmental Impact Report prior to approving such tentative subdivision map.

- 5. This resolution incorporates the Canyon Oaks Final Environmental Impact Report and the Council's resolution certifying the Final Environmental Impact Report and adopting findings.
- 6. The City Manager is authorized to execute the subdivision Conditions, Covenants and Restrictions (C.C. and R.'s) on behalf of the City of Chico.
- 7. That the City Clerk is authorized to sign the final map of this subdivision upon certification by the Director of Public Works that all conditions of approval have been met or agreed to be met, in a form acceptable to the City of Chico and that all development is in accordance with the standards of the City of Chico and the Municipal Code.
- 8. Notwithstanding any provisions of this resolution to the contrary, approval of the Canyon Oaks Tentative Subdivision Map shall be suspended in the manner provided by Section 4050 et seq. of the California Elections Code if the referendum petition which was filed with the City Clerk on November 5, 1986, and which protests the adoption of the Canyon Oaks General Plan Amendment, is found by the County Clerk to contain the number of signatures required for a valid referendum petition by Section 4051 of the California Elections Code.

1 The foregoing resolution was adopted by the City Council of
2 the City of Chico at its adjourned regular meeting held on the 18th
3 day of November , 1986, by the following vote:

4 AYES: Councilmembers Andrews, Enochs, Hubert, Kumli, Nelson, Nichols and
Willis.

5 NOES: None.

6 ABSENT: None.

7
8 ATTEST:

9
10 Barbara A. Evans

11
12 Barbara A. Evans, City Clerk

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14
15 APPROVED AS TO FORM:

16 Robert G. Boehm

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18 Robert G. Boehm, City Attorney

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20.3 Pad-mounted electrical transformer vaults shall be used rather than the subsurface type.

20.4 All sediment traps used on the site shall have perforated bottoms.

20.5 When each phase of development occurs, all trees within that area shall be checked for mosquito-breeding cavities and all such cavities shall be filled with sand or other comparable material.

21. Urban Viewshed

Portions of the project site can be viewed from a number of locations in the site vicinity, including the Highway 32 corridor, Bidwell Park and various locations with the Chico Urban Area. Because the viewpoints along Highway 32 and in the Chico Urban Area are effectively within an existing urban setting, the proposed project is not expected to significantly alter the visual perception from these locations. However, Bidwell Park, in particular the Upper Park, is recognized and valued by the community as a pristine environment with limited visual intrusions. Because the proposed project is adjacent to the Upper Park and has the potential to significantly affect the viewshed from the Park, this analysis focuses on the effects of the project on the viewshed from within the Park.

The project site is essentially undeveloped. Its visual features include distinctive geologic characteristics and vegetation patterns. The northern edge of the site, which abuts Upper Bidwell Park, generally follows the crest of a steep, rocky bluff overlooking the Park. Artificial visual elements on or adjacent to the site that can be seen from the Upper Park Road include two sets of aerial power transmission lines, one house on the crest of the bluff overlooking the Park, and a water storage tank adjacent to the northwest boundary of the site.

The project has been designed so that it is generally not visible from high-use areas in Upper Bidwell Park, such as the Upper Park Road corridor and the Horseshoe Lake area. Proposed design features include the 200+/- foot viewshed setback area shown on the site plan (Figure 2). The detailed visual analysis conducted by Planning Associates revealed the need for further mitigation in order to effectively minimize visibility from high-use areas.

The visual analysis conducted for the proposed project consisted first of developing eleven line-of-sight cross-sections originating from the Park and passing through the characteristic and prominent topography of the project site. The purpose of the cross-sections was to establish a set of points within the Park, north of which project elements could become visible. The cross-sections were based on topography only and did not account for screening due to existing vegetation. The locations of the cross-sections were selected to result in a worst-case analysis. The points established through the line-of-sight cross-sections were then joined to establish a viewshed threshold in the Park beyond which elements of the proposed development could be visible. This threshold is shown as Line A in Figure 4. Field checks were conducted to confirm the accuracy of this line and adjustments were made where necessary.

That area within Upper Park from which existing urban development can currently be seen is shown as the area north of Line B in Figure 4. Line B, the existing urban viewshed threshold, was developed based on topographic mapping only and was not field checked. It should be regarded as approximate and used only as a rough indicator.

Potential Impacts

If developed as proposed, portions of the project would be visible from all areas within the Upper Park north of Line A, as shown on Figure 4. That area of the Upper Park that does not currently have a view of urban development but would have such a view following site development is approximated as the area between Lines A and B.

Areas within Upper Park that are most utilized by visitors include the Golf Course Road and Upper Park Road corridors as well as the Horseshoe Lake area. (For the purposes of this report, Golf Course Road is defined as shown on City of Chico maps -- i.e., the road extending from Wildwood Avenue to the Bidwell Park Golf Course.) Elements of the proposed project that would be visible from these areas are listed below. These areas were identified based on the line-of-sight analysis and field reconnaissance. It should be noted that the field check did not provide the "worst case" scenario; the "worst-case" condition would occur during the winter, after the deciduous trees, which screen the site from the roads, have lost their leaves.

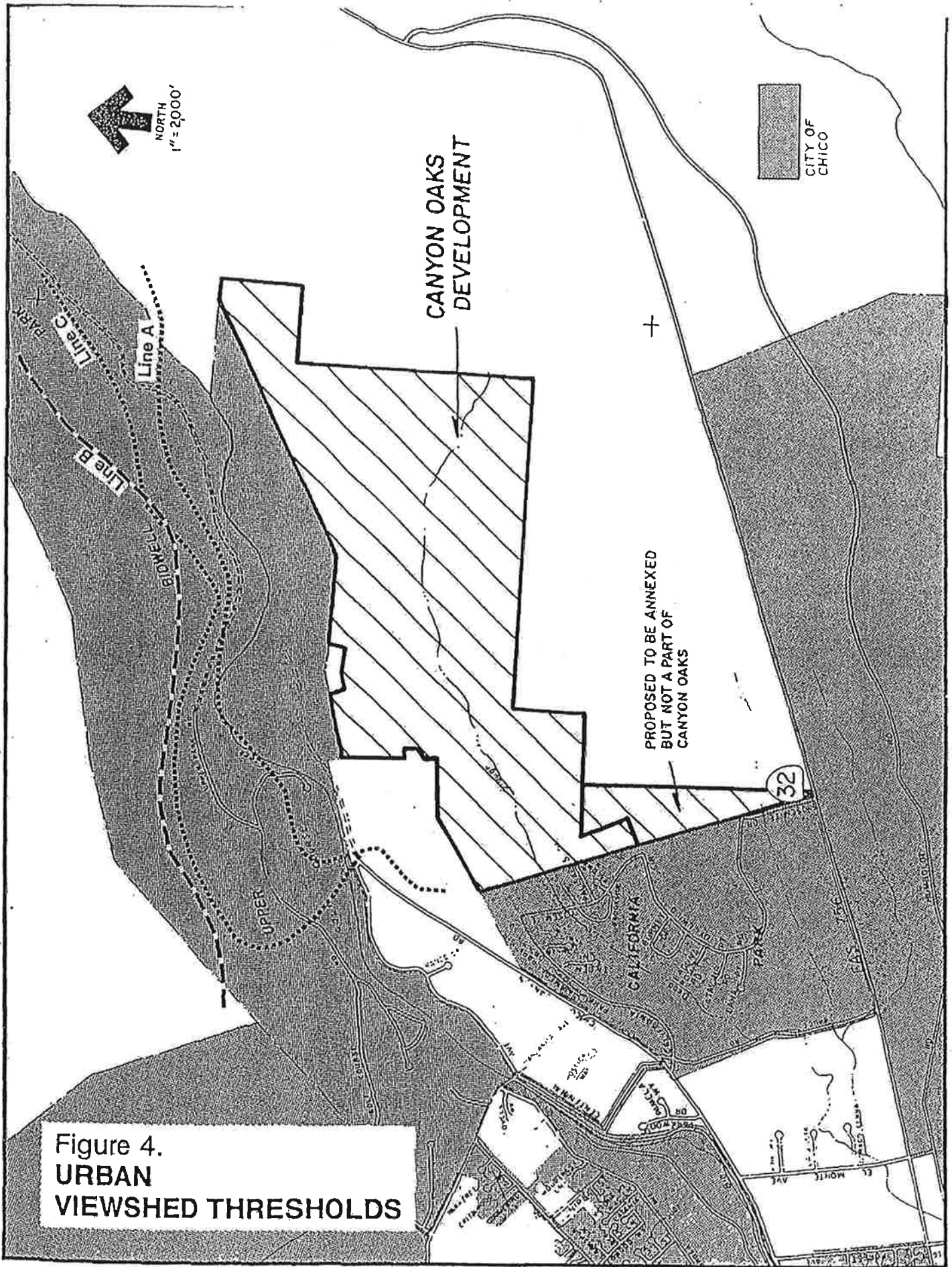


Figure 4.
URBAN
VIEWSHED THRESHOLDS

- 1) Buildings along the north edge of future development area C could be visible from Upper Park Road.
- 2) Buildings on the north and west faces of the main knoll, in future development area B, could be visible from Upper Park Road.
- 3) Buildings on the low end of the northern ridge (i.e., the area generally north of the existing water tank and west of the existing residence) could be visible from a number of viewpoints along Golf Course Road, the lower end of Upper Park Road and the Horseshoe Lake area. Because this area slopes gently to the west and has a draw opening to the west which further increases its visibility, buildings on about ten lots could be visible from viewpoints within the high-use areas of the Upper Park.
- 4) The water service company has tentatively proposed that two new water tanks be constructed on the site: one on the main knoll east of the aerial power lines and one on the bluff west of the powerlines and overlooking the Park. Depending on their locations, these tanks could be highly visible from viewpoints throughout the Upper Park.

To meet the objective of precluding views of the project from Upper Park Road and the Horseshoe Lake area, Planning Associates developed the mitigation measures listed below. Provided that mitigation measures 21.1 to 21.4 are implemented, buildings on the site will not be visible from Upper Park Road, the Horseshoe Lake area or the eastern portion of Golf Course Road. The threshold beyond which elements of the project would be visible is shown as Line C, the "mitigated threshold", in Figure 4. North of this line, chimneys, roofs and other elements of the project would become visible, and would become more visible as one moves further north of this line. The area between Lines B and C approximates the area within Upper Park that does not currently have an urban view, but would have such a view if the project were developed and all proposed viewshed mitigation measures were implemented.

It should be noted that existing vegetation in the Park screens the

project from certain viewpoints within the Park, such as Five-Mile Recreation Area, that would otherwise have a view of the project. The effectiveness of this screening is greatest during the spring, summer and autumn, when the deciduous trees are in leaf.

It may be possible that a vegetative screen on the project site could be used to further reduce or preclude views of the site from the Park. However, the feasibility of establishing such a screen has not been demonstrated and may be difficult due to the poor growing conditions on the northern periphery of the site.

It is expected that successful use of an onsite vegetative screen could largely preclude views of the project from all areas within the Upper Park where urban development cannot currently be seen. The effectiveness of a vegetative screen would depend on the height and density of the trees and the location of the screen with respect to onsite topographic features and building locations. In some cases, tiered plantings would be needed to fully screen the site.

In cases where building elements are visible from Bidwell Park, street lighting may also be visible. In addition, some upward illumination may be visible at night from the Park.

Mitigation Measures

21.1 Buildings in lots 24 to 34, 81 to 83, 192 to 200, 203 to 216, 234 to 241, and 245 shall not exceed 20 feet in height.

21.2 Buildings in future development area C shall be set back at least 350 feet from the northern and northwestern project site boundaries, and shall not be of a height that would permit them to be visible from Upper Bidwell Park.

21.3 Lots 81 to 83, 207, 209, 210, 212 to 216, 234 to 241, and 245 shall have a minimum rear yard setback of 50 feet; lots 196 to 200 and 203 to 205 shall have a minimum rear yard setback of 100 feet; and lots 194 and 195 shall have a minimum rear yard set back of 250 feet.

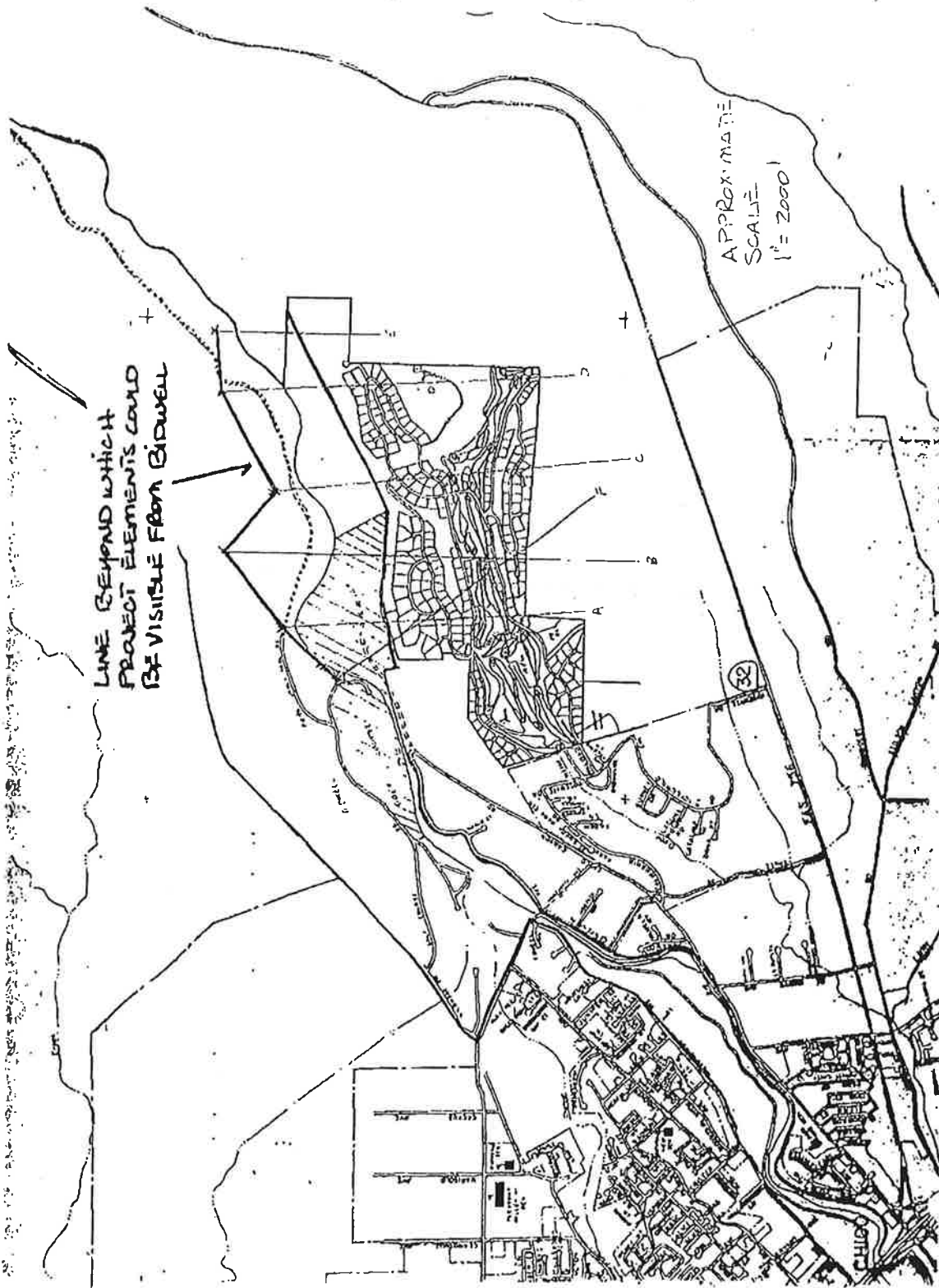
21.4 No buildings, construction activity or other disturbance shall be

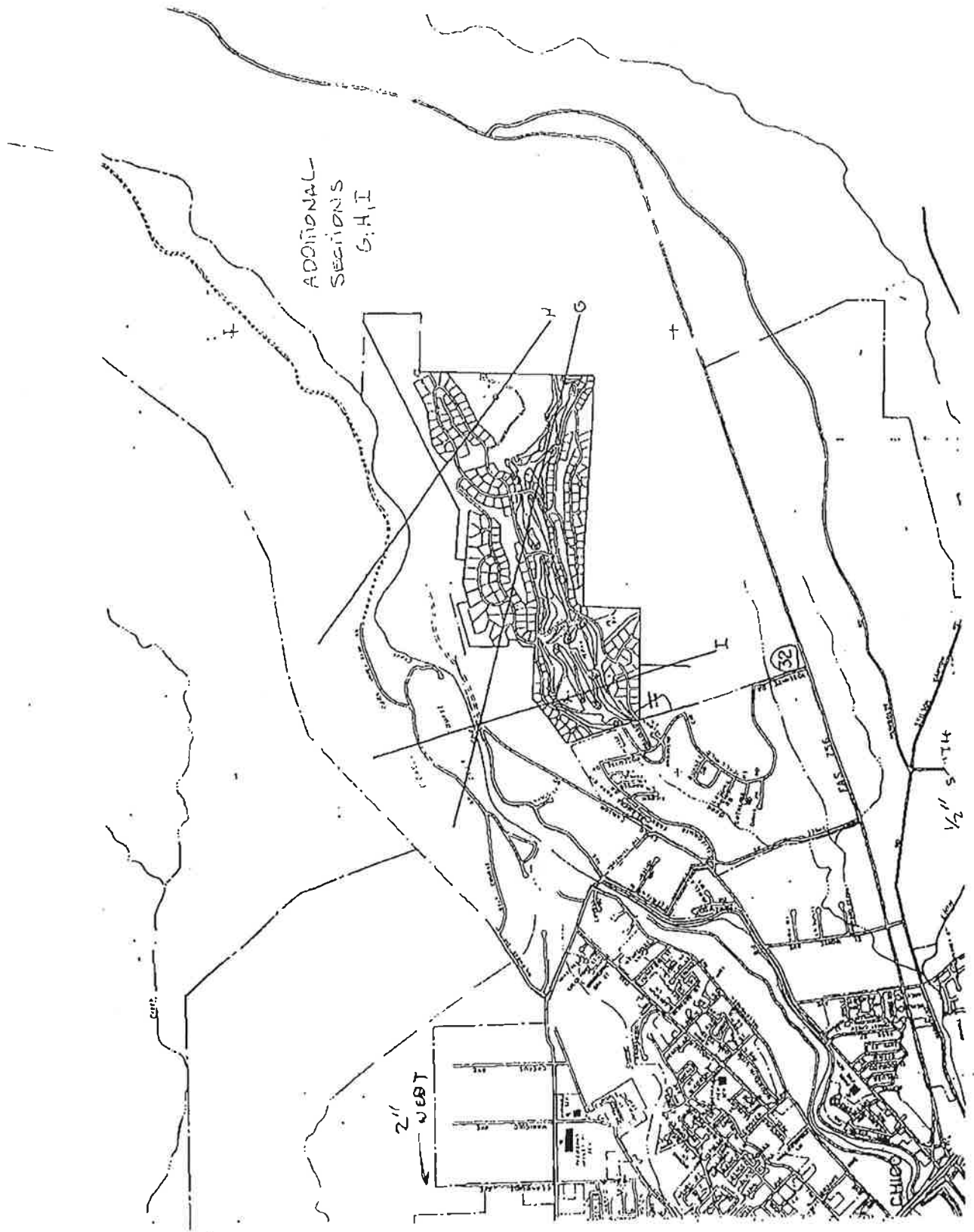
allowed within that portion of future development area B, as shown in Figure 5.

21.5 If establishment of a vegetative screen is undertaken, plant species used shall be visually compatible with the area's native vegetation.

21.6 All external lighting shall be baffled downward and directed only toward areas requiring illumination to eliminate excessive glare and minimize visibility from Bidwell Park.

It is expected that implementation of the above mitigation measures will preclude views of the project from the high-use areas of Upper Bidwell Park to the extent indicated by Line C on Figure 4. However, if the City decision-makers determine that visibility of the project should be further reduced, available mechanisms include: 1) prohibiting buildings in areas deemed visually sensitive by the City decision-makers, 2) requiring building setbacks and/or height limitations more stringent than those recommended above, and/or 3) requiring establishment of vegetative screens sufficient to obscure views of onsite structures, prior to building construction.







COMMUNITY DEVELOPMENT DEPARTMENT

411 Main Street - 2nd Floor
P.O. Box 3420
Chico, CA 95927
<http://www.ci.chico.ca.us>

PLANNING
(530) 879-6800
Fax (530) 895-4726

November 23, 2016

Ms. Nadia Costa
c/o Miller, Star, Regalia
1331 N. California Blvd.
Fifth Floor
Walnut Creek, CA 94596

Re: Building Permit Application for Property at 3 Summersky Commons (the “Subject Property”)

Dear Ms. Costa:

This letter comes to you in response to your October 26, 2016 correspondence concerning the above referenced matter. The letter was received by the City on October 28, 2016.

The question at hand is a determination as to the correct buildable area at the rear yard of the lot now known as 3 Summersky Commons (that is, the setback from the lot’s northerly boundary of the subdivision). Our conclusion is that the required setback, as measured from that boundary, is 410 feet. This conclusion is based upon the following facts:

1. The land now comprising the subject parcel was within the boundaries of the 1986 Canyon Oaks Tentative Map. Exhibit I to this letter is a reproduction of a portion of the approved Tentative Map, approved by Chico’s City Council on October 7, 1986. As depicted on the Tentative Map, the subject parcel (created as Lot 54 of The Pinnacle – Phase 2 Final Map) (the “Subject Property”), is comprised of portions of the Map’s Lots 31, 32, 33, 193, and 194. Because Lot 194 of the Tentative Map is referenced in the Environmental Impact Report for the map as requiring a 250 foot setback from the rear boundary of that lot as it was depicted at that time, that such lot was later amended by the Final Map to include the View Shed Setback areas indicated in Figure 2 of the EIR not previously included in but immediately adjacent to Lot 194, and because the 250’ rear yard setback is subsequently referred to in the Certificate of Correction to conform with the Pinnacles CC&R’s, Lot 194 is required to be used as the basis for determining the setback on the Subject Property (Lot 54 of the Final Map). Notably, lands to the north and west of Lot 194 are included in a portion of the Tentative Map having no Lot Number. This is important, as Note 2 on the approved Tentative Map states that “All areas not numbered as lots are common area including streets. Common area designation is representative of all the common area in each phase.” This area is also noted in Fig. 2 of the EIR as being View Shed Setback areas and is not included as part of the Subject Parcel.

Thus, as depicted on the Tentative Map, the northerly boundary of Lot 194 is located 160 feet south of and parallel to the subdivision boundary, the area between them being defined by the Note as Common Area. It is from this lot line that the 250’ rear setback for Lot 194 may be established.

2. Mitigation Measure 21.3 from the project EIR (reference Exhibit II to this letter) requires that "...lots 194 and 195 shall have a minimum rear yard setback of 250 feet." This 250 foot setback, combined with the 160' gap (the View Shed Setback) between the subdivision boundary and the rear lot lines of these parcels produce a required aggregate setback from the subdivision boundary to any structures on these lots of 410 feet from the subdivision boundary. As this setback was established to mitigate potential visual impacts, it pertains to a physical location on the land in question. Its location is not altered by changing lot lines, parcel number, or other such conditions.
3. The Final Map for The Pinnacle Phase 2 (reference Exhibit III to this letter) depicts a "No Building Setback Line" on Lot 54 (as well as others in the subdivision) which approximates the setback established by the mitigation measure, but in fact appears to be slightly less than required. On the Final Map, there is unfortunately no dimension provided to firmly locate the "No Setback Line" relative to the subdivision boundary.
4. The Certificate of Correction recorded in March of 2003 establishes that "Lots 54, 55, and 56 shall have minimum rear yard setback of 250 feet to conform to the DECLARATION OF COVENANTS, CONDITIONS AND RESTRICIONS OF THE PINNACLES...". Section 34 of the referenced CC&R's (Exhibit IV to this letter) states in part:

*"For planning and disclosure purposes, mitigation measures have been imposed on other Lots in future phases, hereinafter identified using the numbering system and other characterizations as shown on the tentative subdivision map which is attached hereto as Exhibit "C". However, these Lot numbers and Lot characterizations may not, and probably will not, be the same as will be shown on the final subdivision map for future Phases to be recorded on these Properties. However, the following mitigation measures may apply to the Lots ultimately formed in the locations represented by the following Lots as shown the tentative subdivision map. To protect the viewshed of Bidwell Park, building heights shall be limited to 20 feet on Lots 193 through 200, inclusive and Lots 203 through 206, inclusive. The following Lots shall have a minimum rear yard setback of 100 feet: Lot 200 and Lots 203 through 205, inclusive. **The following Lots shall have a minimum setback of 250 feet: Lots 194 and 195.**"*

Thus, the Certificate of Correction refers us back to the location specified in this letter's summary number 2. The language used in the CC&R's anticipates this very situation, wherein lot lines, lot configurations, and lot numbers on the Final Map differ from those of the Tentative Map. The CC&R's clarify that the location of the referenced setback is established relative to the lots as identified in the original Tentative Map, irrespective of these conditions. Regardless, then, of a now different configuration of lots in this part of the subdivision, the role of a Certificate of Correction is to clarify and ensure that the setback line remains as required by the mitigation measure as it was applied to the project analyzed in the EIR.

A Certificate of Correction may be used to address minor errors or omissions on a map. (Cal. Gov Code sec. 66439; See also Miller and Starr California Real Estate 4th, 7 Cal. Real Est. § 20:43 (4th ed.)).

"Error" as used in section 66439 does not include changes in course or distances from which it is not discernable from the data shown on the final or parcel map. (Id.) Moreover, such section requires that use of the Certificate of Correction must not affect any property right. (Id.) Here, the 2003 Certificate of Correction clarifies that the correction is made *to conform the Subject Property to the Pinnacles CC&R's*, not to provide additional buildable acreage which is the net effect of your interpretation. Such interpretation would require the City to ignore the EIR creating View Shed Setback from the project boundary, and omit the analysis and

subsequent requirement of such View Shed Setback area in the CC&R's directly referenced in the Certificate of Correction itself. Such interpretation would also affect property rights by granting the owner more buildable area, in the face of mitigation measures to the contrary meant to attenuate impacts identified, analyzed, and adopted by the City of Chico in the Final Map. Such use of a Certificate of Correction is not supported by the law and is contrary to public policy.

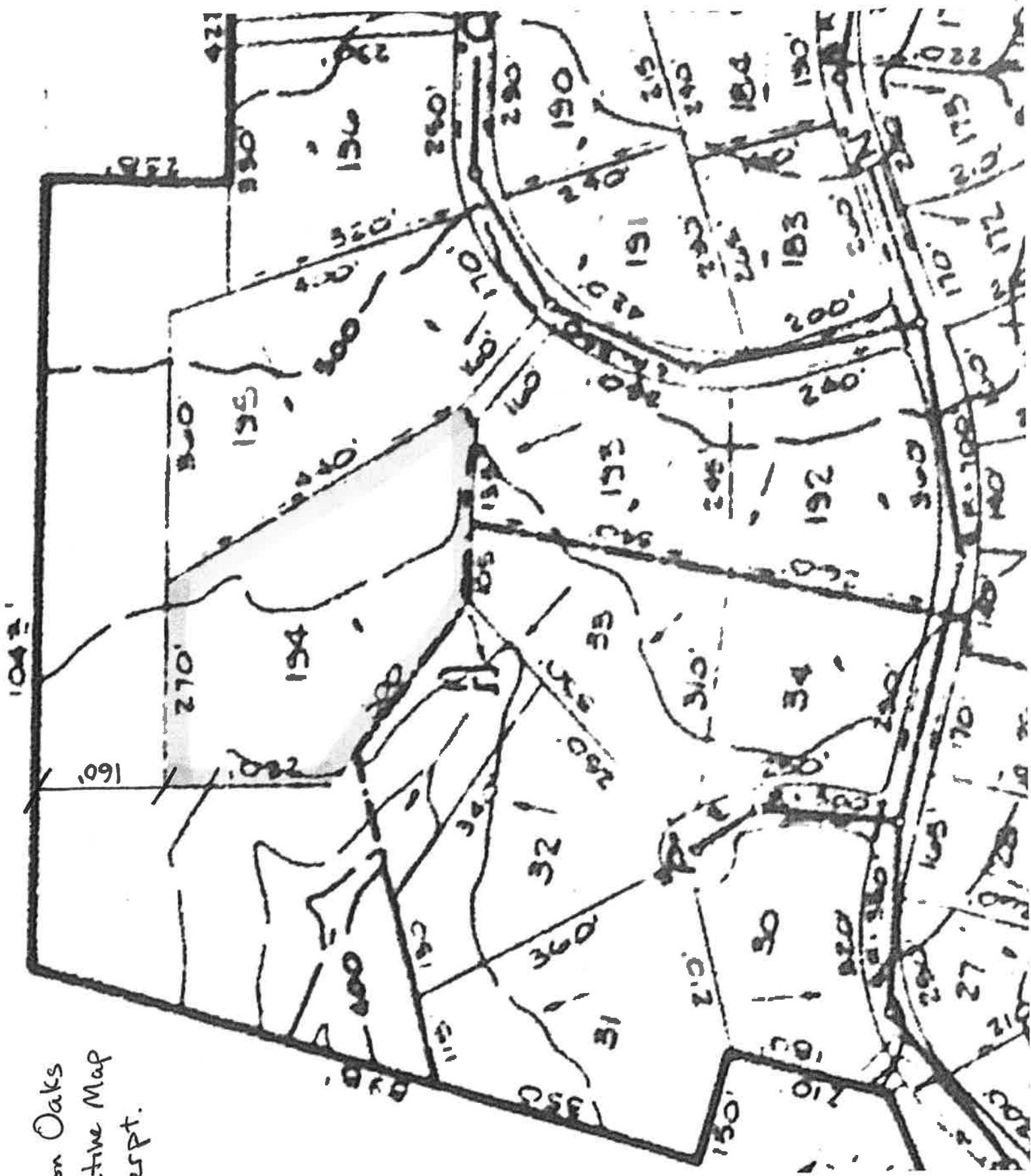
Therefore, it is my opinion that the Certificate of Correction was utilized to clarify that the CC&R's must be followed and that a 250' rear yard setback applies in addition to the View Shed Setback. This interpretation has been made in accordance with Chico Municipal Code Section 19.02.030, and may be appealed to the Planning Commission pursuant to Section 19.02.030.D.

Respectfully,

Mark Wolfe, AICP
Community Development Director

cc: City Attorney
File

Canyon Oaks
Tentative Map
excerpt.



project from certain viewpoints within the Park, such as Five-Mile Recreation Area, that would otherwise have a view of the project. The effectiveness of this screening is greatest during the spring, summer and autumn, when the deciduous trees are in leaf.

It may be possible that a vegetative screen on the project site could be used to further reduce or preclude views of the site from the Park. However, the feasibility of establishing such a screen has not been demonstrated and may be difficult due to the poor growing conditions on the northern periphery of the site.

It is expected that successful use of an onsite vegetative screen could largely preclude views of the project from all areas within the Upper Park where urban development cannot currently be seen. The effectiveness of a vegetative screen would depend on the height and density of the trees and the location of the screen with respect to onsite topographic features and building locations. In some cases, tiered plantings would be needed to fully screen the site.

In cases where building elements are visible from Bidwell Park, street lighting may also be visible. In addition, some upward illumination may be visible at night from the Park.

Mitigation Measures

21.1 Buildings in lots 24 to 34, 81 to 83, 192 to 200, 203 to 216, 234 to 241, and 245 shall not exceed 20 feet in height.

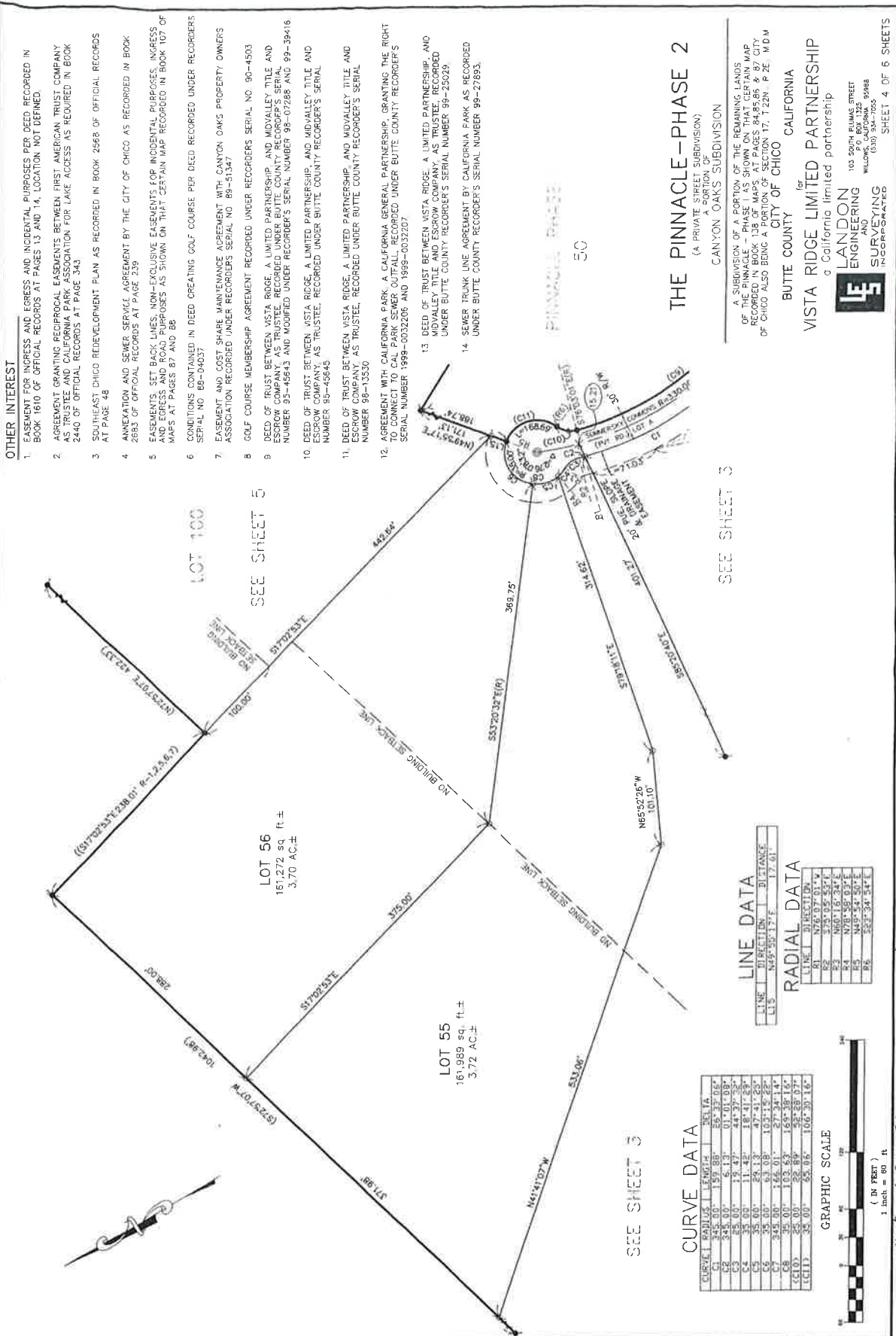
21.2 Buildings in future development area C shall be set back at least 350 feet from the northern and northwestern project site boundaries, and shall not be of a height that would permit them to be visible from Upper Bidwell Park.

21.3 Lots 81 to 83, 207, 209, 210, 212 to 216, 234 to 241, and 245 shall have a minimum rear yard setback of 50 feet; lots 196 to 200 and 203 to 205 shall have a minimum rear yard setback of 100 feet; and lots 194 and 195 shall have a minimum rear yard set back of 250 feet.

21.4 No buildings, construction activity or other disturbance shall be

OTHER INTEREST

1. EASEMENT FOR INGRESS AND EGRESS AND INCIDENTAL PURPOSES PER DEED RECORDED IN BOOK 1610 OF OFFICIAL RECORDS AT PAGES 13 AND 14, LOCATION NOT DEFINED.
2. AGREEMENT GRANTING RECIPROCAL EASEMENTS BETWEEN FIRST AMERICAN TRUST COMPANY AS TRUSTEE AND CALIFORNIA PARK ASSOCIATION FOR LAKE ACCESS AS REQUIRED IN BOOK 2440 OF OFFICIAL RECORDS AT PAGE 343.
3. SOUTHEAST CHICO REDEVELOPMENT PLAN AS RECORDED IN BOOK 2568 OF OFFICIAL RECORDS AT PAGE 48.
4. ANNEXATION AND SEWER SERVICE AGREEMENT BY THE CITY OF CHICO AS RECORDED IN BOOK 2683 OF OFFICIAL RECORDS AT PAGE 239.
5. EASEMENTS, SET BACK LINES, NON-EXCLUSIVE EASEMENTS FOR INCIDENTAL PURPOSES, INGRESS AND EGRESS AND ROAD PURPOSES AS SHOWN ON THAT CERTAIN MAP RECORDED IN BOOK 107 OF MAPS AT PAGES 87 AND 88.
6. CONDITIONS CONTAINED IN DEED CREATING GOLF COURSE PER DEED RECORDED UNDER RECORDERS SERIAL NO. 88-04037.
7. EASEMENT AND COST SHARE MAINTENANCE AGREEMENT WITH CANYON OAKS PROPERTY OWNERS ASSOCIATION RECORDED UNDER RECORDERS SERIAL NO. 89-51347.
8. GOLF COURSE MEMBERSHIP AGREEMENT RECORDED UNDER RECORDERS SERIAL NO. 90-4503.
9. DEED OF TRUST BETWEEN VISTA RIDGE, A LIMITED PARTNERSHIP, AND MIDVALLEY TITLE AND ESCROW COMPANY, AS TRUSTEE, RECORDED UNDER BUTTE COUNTY RECORDER'S SERIAL NUMBER 95-45843 AND MODIFIED UNDER RECORDERS SERIAL NUMBER 98-07288 AND 99-38416.
10. DEED OF TRUST BETWEEN VISTA RIDGE, A LIMITED PARTNERSHIP, AND MIDVALLEY TITLE AND ESCROW COMPANY, AS TRUSTEE, RECORDED UNDER BUTTE COUNTY RECORDER'S SERIAL NUMBER 89-45845.
11. DEED OF TRUST BETWEEN VISTA RIDGE, A LIMITED PARTNERSHIP, AND MIDVALLEY TITLE AND ESCROW COMPANY, AS TRUSTEE, RECORDED UNDER BUTTE COUNTY RECORDER'S SERIAL NUMBER 89-13530.
12. AGREEMENT WITH CALIFORNIA PARK, A CALIFORNIA GENERAL PARTNERSHIP, GRANTING THE RIGHT TO CONNECT TO CAL PARK SEWER OUTFALL, RECORDED UNDER BUTTE COUNTY RECORDER'S SERIAL NUMBER 1999-0032206 AND 1999-0032207.
13. DEED OF TRUST BETWEEN VISTA RIDGE, A LIMITED PARTNERSHIP, AND MIDVALLEY TITLE AND ESCROW COMPANY, AS TRUSTEE, RECORDED UNDER BUTTE COUNTY RECORDER'S SERIAL NUMBER 99-25029.
14. SEWER TRUNK LINE AGREEMENT BY CALIFORNIA PARK AS RECORDED UNDER BUTTE COUNTY RECORDER'S SERIAL NUMBER 99-27893.



CURVE DATA

CURVE	RADIUS	LENGTH	DELTA
C1	24.00'	12.85'	32°11'05"
C2	25.00'	12.85'	32°11'05"
C3	25.00'	19.47'	44°37'35"
C4	35.00'	11.42'	18°41'28"
C5	35.00'	59.13'	87°41'28"
C6	35.00'	63.09'	103°15'28"
C7	35.00'	105.01'	174°28'11"
C8	35.00'	52.89'	92°28'07"
C9	35.00'	55.05'	106°20'16"

LINE DATA

LINE	DESCRIPTION	DISTANCE
L1	N45°52'25"W	17.61'
L2	N65°52'25"W	01.10'
L3	N45°52'25"W	17.61'

RADIAL DATA

LINE	DESCRIPTION	DISTANCE
R1	N76°07'01"W	17.61'
R2	S75°05'53"E	17.61'
R3	N00°15'28"E	17.61'
R4	N00°15'28"E	17.61'
R5	N45°52'25"W	17.61'
R6	S27°34'34"E	17.61'



THE PINNACLE—PHASE 2
(A PRIVATE STREET SUBDIVISION)
A PORTION OF
CANYON OAKS SUBDIVISION

A SUBDIVISION OF A PORTION OF THE REMAINING LANDS OF THE PINNACLE — PHASE I AS SHOWN ON THAT CERTAIN MAP RECORDED IN BOOK 138 OF MAPS, AT PAGES 84, 85, 86 & 87 CITY OF CHICO ALSO BEING A PORTION OF SECTION 17, T22N R 2E MDM BUTTE COUNTY CALIFORNIA

VISTA RIDGE LIMITED PARTNERSHIP
a California limited partnership
LONDON ENGINEERING AND SURVEYING INCORPORATED
100 SOUTH PLUMAS STREET
WALLACAS, CALIFORNIA 95988
(530) 938-7055

BOOK 178 PAGE 83

2003-18490 Recorded 3/25/2003

Section 25. Solar Heating Systems. Subject to limitations imposed by California law, the Architectural Committee shall be entitled to adopt, as part of the Architectural Guidelines, reasonable regulations regarding the installation of solar heating systems. These rules may include limitations on placement and design of such systems to the extent necessary to avoid an unsightly appearance from neighboring Lots or the Common Area.

Section 26. Drainage. No Owner shall do any work, construct any improvement, place any landscaping or suffer the existence of any condition whatsoever which shall alter or interfere with the drainage pattern for the Owner's or any adjacent Lots or parcels or Common Area as established in connection with the approval of the Final Subdivision and parcel maps applicable to the Properties by the City except to the extent such alteration in drainage pattern is approved in writing by the Architectural Committee, the City and all other public authorities having jurisdiction.

Section 27. Minimum House Size. Any Residence constructed on any Lot shall be at least 3,000 square feet in size, exclusive of the garage, with the exterior of the building envelope, cumulative with multiple buildings.

Section 28. Plant Selection In Vegetation Screens. All plants used in vegetation screens shall be selected from species of plants normally found in the surrounding area and as set forth in the Architectural Guidelines.

Section 29. Excavation at Base of Slopes. All excavation at the base of slopes conducted on the Properties shall be done so as to minimize the risk of erosion to the adjoining Lots or Common Area.

Section 30. Erosion Control of Slopes. The design and construction of and Residence and landscaping on the Properties shall be done so as to minimize the risk of erosion to the adjoining Lots and Common Area.

Section 31. No Herbicides. Herbicides shall not be used in the Common Area.

Section 32. Fire Breaks. Fire breaks on all Lots and the Common Area are to be installed and properly maintained as required by the City Fire Department.

Section 33. Preservation of Native Plants. Native plants are to be preserved to the fullest extent possible throughout the Properties. Preservation of native plants may be monitored by the City through the building permit process. Each application for a building permit shall be accompanied by submission of a reasonable survey of existing significant native plants present on each Lot as a condition of permit approval and for approval by the Architectural Committee.

Section 34. Building Height Limitations and Rear Yard Setbacks. Certain building height limitations and rear yard setbacks have been established for certain of the Lots as mitigation measures required by the City. To protect the view shed of Bidwell Park, building height shall be limited to 20 feet on the following Lots 51 and 52.

For planning and disclosure purposes, mitigation measures have been imposed on other Lots in future Phases, hereinafter identified using the numbering system and other characterizations as shown on the tentative

subdivision map which is attached hereto as Exhibit "C". However, these Lot numbers and Lot characterizations may not, and probably will not, be the same as will be shown on the final subdivision map for future Phases to be recorded on these Properties. However, the following mitigation measures may apply to the Lots ultimately formed in the locations represented by the following Lots as shown on the tentative subdivision map. To protect the viewshed of Bidwell Park, building heights shall be limited to 20 feet on Lots 193 through 200, inclusive and Lots 203 through 206, inclusive. The following Lots shall have a minimum rear yard set back of 50 feet: Lots 196 through 199, inclusive. The following Lots shall have a minimum rear yard set back of 100 feet: Lot 200 and Lots 203 through 205, inclusive. The following Lots shall have a minimum rear yard set back of 250 feet: Lots 194 and 195.

Section 35. Master Grading Plan. The Association shall retain a Registered Civil Engineer to provide and maintain a master grading plan for the entire Properties, which prior to the issuance of a building permit for a given Lot shall show the following information:

- (a) Existing ground elevations for a given Lot and adjacent Lots;
- (b) Proposed Lot grades, house grades, and Lot drainage for a given Lot;
- (c) As-built Lot grades for adjacent previously developed Lots; and
- (d) Proposed grading and drainage alterations on adjacent undeveloped Lots.

The master grading plan and each subsequent amendment thereto shall be submitted to the City for review and approval prior to issuance of a building permit for any Lot.

Section 36. Construction Activity. All construction activity carried on within the Properties shall be done in such a manner that dust is controlled and in a manner which minimizes noise disturbance to the surrounding area. No construction activities shall be permitted on the Common Area, except as it relates to construction and maintenance of the streets, sewers, utilities, storm drains, street lights, fire breaks, landscaping and related uses.

Section 37. No Disturbance of Oak Woodland. All oak woodland located on the Common Area shall not be disturbed.

Section 38. Weeds and Debris. No weeds, rubbish, debris, objects or materials of any kind shall be placed or permitted to accumulate upon any portion of any Lot which render such portion unsanitary, unsightly, offensive or detrimental to any Lot in the vicinity thereof or to the occupants of any such Lot in the vicinity. No plants or seeds infected with noxious insects or plant diseases shall be brought upon, grown or maintained upon any portion of any Lot. In the event of the default in the performance of this provision by any Owner, and if such default shall not have been cured within five (5) days after written notice thereof, Declarant, so long as it is the Owner of at least twenty-five percent (25%) of the Lots, or the Association, shall have the right to enter upon said Lot and remove all

CITY OF CHICO
APPLICATION FOR APPEAL TO CITY COUNCIL
DECISIONS OF BOARDS, COMMISSIONS, OFFICERS OR EMPLOYEES
(Pursuant to Chapter 2.80 and Section 18.17.080 of the Chico Municipal Code)

Planning Commission

1. Name of Appellant: Gregory Pritz Address: 383 Rio Lindero Ave Zip Code: Chico 95426 Phone: _____

2. Official Representative (If Any): Madia L. Costa Address: 1331 N. California Blvd Zip Code: Walnut Creek CA Phone: 530-894-5719

3. Address or Location of Property Involved (If Applicable): 3 Summersky Commons, Chico, CA Phone: 94596

RECEIVED

4. Confirmation of the Timely Filing of Appeal:

- Final Decision of a City Board or Commission:
Date of meeting at which the decision was made _____
(Appeal must be filed within 10 days following the date of meeting)
- Decision/Determination/Order Made by City Officer or Employee:
Date of personal service or postmark 11/23/10
(Appeal must be filed within 10 days that written notice of decision was served in person or 15 days of depositing in mail, whichever occurs first)

DEC 05 2016

CITY OF CHICO
PLANNING SERVICES

5. Indicate if this appeal is being filed pursuant to Chico Municipal Code:

- Chapter 2.80 entitled "Appeals from a Decision, Determination or Order Made or Issued by a City Board, Commission, Officer or Employee".
- Section 18.17.080 entitled "Appeals to the City Council" involving minor land divisions, boundary line modifications and mergers or subdivision design and improvement standards.

6. Briefly state (a) the decision/determination/order that was made, and (b) the name of the Board, Commission, Officer or Employee who made it.

7. State the reason(s) for filing the appeal and specifically identify the item(s) you are requesting to appeal. Only the item(s) specifically identified by you on this application will be considered for appeal. You may attach additional sheets if necessary. Please attach a copy of any written notice received from the City.

8. Indicate any procedural or factual errors that may have contributed to the decision being appealed.

12/3/10
Date

(530) 896-2144
Daniel J. Murray Esq.
Signature of Appellant or Official Representative

Fee Received* \$ _____ Official Receipt No. _____ Received By: _____

*Qualified low income applicants may file for an appeal fee exemption.



**MILLER STARR
REGALIA**

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Nadia L. Costa
Direct Dial: 925 941 3235
nadia.costa@msrlegal.com

December 5, 2016

VIA PERSONAL DELIVERY AND EMAIL

Planning Commission
City of Chico
421 Main Street
Chico, CA 95927
E-Mail: zoning@chicoca.gov

Re: Appeal of Setback Determination for Property at 3 Summersky Commons

Dear Honorable Members of the Planning Commission:

This letter is sent with respect to the above-referenced matter concerning the proper rear setback for the property at 3 Summersky Commons (legally described as lot 54 of the map entitled "The Pinnacle – Phase 2" filed in Book 148 of Maps at Pages 80 through 85 in the Office of the Recorder of the County of Butte (APN 018-060-029) ("Property")) in the City of Chico. On October 26, 2016 I sent a letter to Community Development Director Mark Wolfe respecting that issue and setting forth our client's position with respect to the setback. Mr. Wolfe responded on the evening of November 23, 2016, purporting to make a determination under the City's Municipal Code and giving our client ten days to appeal that determination. As the tenth day fell on Saturday, December 3, today is the deadline by which an appeal must be filed. Accordingly, we hereby appeal Mr. Wolfe's determination as set forth in his letter of November 23.

At the outset, we wish to emphasize that we do not agree that Mr. Wolfe's determination is subject to the appeal provisions of the City's Municipal Code. Mr. Wolfe's letter concludes by stating, "This interpretation has been made in accordance with Chico Municipal Code Section 19.02.030, and may be appealed to the Planning Commission pursuant to Section 19.02.030.D." As I observed in my letter of October 26, this provision applies to "provisions of these Regulations," i.e., the City's land use and development regulations. (See Chico Mun. Code, § 19.01.010.) This matter does not concern the interpretation or application of any of the City's Regulations, and Mr. Wolfe's letter does not identify any such Regulation at issue. Accordingly, this appeal is submitted under protest and by no

means do we concede that this matter is properly within the ambit of the appeal procedure.¹

In addition, we also object to Mr. Wolfe's letter having been sent via email at 4:35 p.m. on Wednesday, November 23, 2016. As you are no doubt aware, November 23 was the day before the Thanksgiving holiday. The timing of the letter thus had two prejudicial results. First, by sending it at the close of business, we were deprived of almost an entire day of time to review and analyze the letter's contents. (This is particularly true given that many of our staff and attorneys had already departed for the holiday when the letter was sent.) Secondly, by sending it on November 23, we were deprived of the two days of the Thanksgiving holiday to review and respond to the letter. Accordingly, the timing of the letter appears to be an intentional effort to truncate the time in which we could respond to it.

As to the substance of Mr. Wolfe's letter, among other things, it fails to account for the simple fact that the Certificate of Correction (recorded on or about March 25, 2003 as document number 2003-0018490) expressly establishes the rear setback for the Property as 250 feet. The City is not empowered to interpret the governing subdivision map documents in a way that is directly contrary to their express language and state law. Furthermore, the suggestion that the "true" setback is 410 feet is belied by the original Final Map, which, according to its own scale, shows a setback of some 375 feet. This belies Mr. Wolfe's recitation of the supposed history of a setback larger than 250 feet as established by the Certificate of Correction.

In addition, to the extent the City relies on the difference between the Tentative Map and the Final Map and the elimination of certain parcels and renumbering of others, obviously those changes postdate the environmental impact report. The substantial changes from the Tentative to the Final Map should have required additional consideration to establish what, exactly, the rear setbacks should have been. This is particularly true given the disparity between what Mr. Wolfe claims the setback should be (410 feet) with what the Final Map appears to show (375 feet). The City's failure to account for the changes to the Final Map cannot redound to our client's detriment. This is particularly true given the fact that the Final Map and the Certificate of Correction have long since become final and immune from legal challenge under the Subdivision Map Act. (Gov. Code, § 66499.37.)

Nor can the City rely on the CC&Rs for the property, as those constitute a private contract to which the City is not a party and over which the City has no enforcement authority. The CC&Rs do not provide any record notice of any other setback as they refer to the Tentative Map, which is not in the chain of title and is insufficient to provide record notice. (See Gov. Code, § 66429.) Moreover, a tentative map "need

¹ In addition, Chico Municipal Code section 19.12.030, subdivision (B)(1) refers to a "form" of appeal, but I have been unable to locate any such form on the City's web site. There is no form for "appeal" listed at http://www.ci.chico.ca.us/planning_services/fees_and_forms.asp.

not be based on an accurate or detailed final survey of the property.” (Gov. Code, § 66424.5, subd. (a).) Accordingly, the only evidence in the chain of title relating to the rear setback for the Property is the recorded Final Map and the Certificate of Correction. It is manifestly inequitable for the City to establish a setback in the Final Map via the Certificate of Correction and then claim that such is inaccurate, particularly after purchasers such as my client have expended substantial funds in reliance on the public record.

Finally, should the City persist in asserting that the setback is something other than 250 feet, this will warrant further evaluation as to whether it constitutes an act to deprive our client of a substantial value of his property and thus a regulatory taking, in which case our client will need to consider pursuing available legal remedies.

Very truly yours,

MILLER STARR REGALIA

Nadia L. Costa

Nadia L. Costa

NLC:klw

Encls.

cc: Greg Peitz
David Murray
Mark Orme
Vincent Ewing



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Direct Dial: 925 941 3235
nadia.costa@mslegal.com

January 25, 2017

VIA EMAIL AND U.S. MAIL

Planning Commission
City of Chico
421 Main Street
Chico, CA 95927
E-Mail: zoning@chicoca.gov

Re: Appeal of Setback Determination for Property at 3 Summersky Commons

Dear Honorable Members of the Planning Commission:

This letter is sent as a follow up to my letter of December 5, 2016, which appealed the City of Chico's purported determination of the rear setback for the property located at 3 Summersky Commons (legally described as lot 54 of the map entitled "The Pinnacle – Phase 2" filed in Book 148 of Maps at Pages 80 through 85 in the Office of the Recorder of the County of Butte (APN 018-060-029) ("Property")).

To summarize the basis of my client's appeal, the City's position vis-à-vis the rear setback for the Property is not supported by the applicable facts or law. At the outset, my client objects to having to adhere to the City's appeal procedure as it does not cover the determination at issue here. Moreover, the Certificate of Correction that the City itself certified establishes the rear setback at 250 feet from the Property line, which the City itself confirmed in writing as of December 2015. None of the arguments to the contrary hold water, and the City must reaffirm that the existing rear setback for the Property is 250 feet.

The Cited Appeal Procedure Is Inapplicable

It is clear from any fair reading of the City's municipal code that an appeal is neither required nor appropriate under these circumstances. In his letter of November 23, 2016, Community Development Director Mark Wolfe purported to "determine" that the appropriate rear setback for the Property is 410 feet. Mr. Wolfe concluded his letter by stating, "This interpretation has been made in accordance with Chico Municipal Code Section 19.02.030, and may be appealed to the Planning Commission pursuant to Section 19.02.030.D."

Section 19.02.030 by its own terms applies to "any written request for interpretation of the provisions of these Regulations." It requires that a "Request for

Attachment M

PTZG\53665\1023266.2

Interpretation” be submitted that identifies “the provision(s) in question.” (Chico Mun. Code, § 19.02.030, subd. A.) The question that must be asked, then, is whether the Property’s rear setback falls under this procedure. The clear answer to this question is “No.” Simply put, the “Regulations” subject to an interpretation that may be appealed are the City’s Land Use and Development Regulations in Title 19 of the Municipal Code. “This title is and may be cited as the City of Chico Land Use and Development Regulations, Title 19 of the Chico Municipal Code, hereafter referred to as ‘Regulations.’” (Chico Mun. Code, § 19.01.010.) Notably, the Regulations do not set forth the setback at issue in this case. Nor has the City adduced any provision within the Regulations pursuant to which the setback is established or “interpreted.”

Accordingly, it is clear that the appeal provision in the Regulations does not apply here. We have submitted this appeal under protest and do not agree or concede that this matter is properly the subject of the appeal procedure stated in Mr. Wolfe’s letter.

The Setback Is Conclusively Established by the Certificate of Correction

As noted in our prior correspondence, the proper rear setback for the Property is conclusively established by the Certificate of Correction recorded on or about March 25, 2003 as document number 2003-0018490 in the records of Butte County. That document (a copy of which is attached hereto) specifically states, “Lots 54, 55, and 56 shall have a minimum rear yard setback of 250 feet...” Under the applicable law, this should be the end of the inquiry.

However, Mr. Wolfe has taken the position that the City is free to impose a greater setback than the 250 feet clearly spelled out in the Certificate of Correction. The Subdivision Map Act (Gov. Code, § 66410 *et seq.*) definitively refutes this position, however. The Act specifically allows for certificates of correction to final maps, including those that amend “building setback lines.” (Gov. Code, §§ 66469, subd. (f), 66434.2, subd. (b).)

More to the point, the Act also makes it clear that the recordation of a certificate of correction **conclusively** amends the final map. “[Upon recordation], **the original map shall be deemed to have been conclusively so corrected**, and thereafter shall impart constructive notice of all those corrections in the same manner as though set forth upon the original map.” (Gov. Code, § 66472, emphasis added.) The Certificate of Correction has long since become final and immune from legal challenge. (Gov. Code, § 66499.37.)

Citing to Government Code section 66439, Mr. Wolfe’s letter argues that the Certificate of Correction could not amend a setback because it cannot “affect any property right.” This assertion is mistaken, for several reasons. First, section 66439 deals with offers of dedication and has nothing to do with Certificates of Correction. Second, assuming the reference is to section 66469, as set forth above, the

Subdivision Map Act specifically allows for Certificates of Correction to amend property setbacks, without regard to the existence of any claim of “error.” (Gov. Code, §§ 66469, subd. (f), 66434.2, subd. (b).) Finally, a setback correction is permitted if it “does not impose any additional burden on the present fee owners of the real property and does not alter any right, title, or interest in the real property reflected on the recorded map.” (Gov. Code, § 66469, subd. (f).) The City cannot seriously contend that the Certificate of Correction imposes a greater burden than the 410-foot setback the City now arbitrarily seeks to impose. Nor can the City argue that the Certificate of Correction alters my client’s right, title, or interest in the Property. This is particularly true given that ***the City has already certified the Certificate of Correction as proper under the Act.*** That it now seeks to contradict its own actions is dismaying, improper and not allowed under applicable law.

In short, the Certificate of Correction is the final and definitive word on the Property’s rear setback. The City’s argument to the contrary is belied not only by the law, but also by its own actions with respect to the Certificate. The simple fact is that the City Engineer and Assistant Director of Public Works certified that the Certificate of Correction met the standards of the Subdivision Map Act, attesting, “This is to certify that the above certificate of correction has been examined for compliance with Section 66471 of the Subdivision Map Act.” In other words, City personnel reviewed the Certificate of Correction, found it to be factually and procedurally proper, and certified it as such. The City cannot now reverse course and contradict itself and the Certificate of Correction it certified more than ten years ago. The setback is 250 feet.

The City Cannot Rely on CEQA to Impose a Greater Setback

Much of Mr. Wolfe’s position is based on the inaccurate notion that CEQA requires a 410-foot setback. As explained further below, this position reflects a fundamental misunderstanding of CEQA, which has no bearing on the current status of the setback as established by the Certificate of Correction.

As a preliminary matter, my client is merely seeking a building permit that is in substantial compliance with the recorded Final Map and related Certificate of Correction. This is a ministerial action on the part of the City and thus does not trigger CEQA in the first place. (Pub. Resources Code, § 21080, subd. (b)(1); *Prentiss v. City of South Pasadena* (1993) 15 Cal.App.4th 85, 90.)

Furthermore, there is no justification under CEQA that would otherwise allow the City to interject new, different and more onerous conditions on a project based on City staff’s reinterpretation of a prior CEQA document certified years before.

By way of brief background, as part of the discretionary approval process back in 1987, the City prepared and certified an Environmental Impact Report (“EIR”) for the project. In the EIR, among other things, aesthetic impacts were analyzed and

mitigated as necessary. As required by CEQA, the City then adopted a Mitigation Monitoring Reporting Program (“MMRP”) and imposed a requirement on the project that it comply with the EIR’s mitigation measures (as set forth in the MMRP) as conditions of approval. The City thereafter determined that the project applicant had satisfied all conditions of approval, as evidenced by the City’s subsequent approval of the Final Map, with such approval being further reaffirmed by the City when it then approved the Certificate of Correction which expressly established the setback as 250 feet from the Property line. In other words, the City long since acknowledged, approved and accepted the 250-foot setback as consistent with and in satisfaction of the conditions of approval (including any relevant EIR mitigation measures). There is no basis in the law that would allow the City to interject CEQA at this point in a ministerial process to rationalize the imposition of a new, different and far more restrictive condition.

More to the point, the City also cannot look to CEQA as a basis for the imposition of a setback that contradicts the Certificate of Correction (and, by extension, the Subdivision Map Act). “CEQA confers no independent grant of authority to impose mitigation measures on a project. When imposing measures to mitigate a project’s significant environmental effects, a public agency may exercise only powers provided by legal authority independent of CEQA.” (1 Kostka & Zischke, Practice Under the Cal. Environmental Quality Act (Cont.Ed.Bar 2d ed. 2016) § 14.25, citing Pub. Resources Code, § 21004.) Accordingly, the setback here can only be imposed pursuant to the authority of the Subdivision Map Act, under whose auspices the subdivision and setback lines were created, and must be consistent with its express and implied limitations. (Cal. Code Regs., tit. 14, § 15040, subd. (e).) And, as has been demonstrated above, the terms of the Subdivision Map Act make it clear that the Certificate of Correction conclusively establishes the rear setback for the Property at 250 feet. At this point, it is not legally feasible for the City to impose a setback greater than 250 feet. (Cal. Code Regs., tit. 14, §§ 15040, 15364; *Kenneth Mebane Ranches v. Superior Court* (1992) 10 Cal.App.4th 276, 291.)

In addition, to the extent the City relies on the difference between the Tentative Map and the Final Map and the elimination of certain parcels and renumbering of others, obviously those changes postdate the EIR and involve ministerial decisions and determinations long since made by the City. Whatever changes were made between the Tentative Map and the Final Map are irrelevant to the question at hand. At that time, the City would have been required to give additional consideration, as the City determined appropriate, to confirm what, exactly, the rear setbacks should have been. This is particularly true given the disparity between what Mr. Wolfe claims the setback should be (410 feet) with what the Final Map (prior to the Certificate of Completion) appears to show (375 feet). Any failure on the City’s part to account for the changes to the Final Map cannot redound to my client’s detriment. Moreover, to the extent the City thought said changes were significant enough, then the law would have allowed the City to deny the Final Map at that time and instead require the applicant to seek an amendment to the Tentative Map (and any

concomitant CEQA review that might have been triggered by this additional discretionary action).

However, none of this happened. Instead, the City determined that the Tentative Map was in substantial compliance with the Final Map – ***as evidenced by the fact that the City approved the Final Map and later a Certificate of Correction that conclusively established the rear setback as 250 feet.*** CEQA simply does not come into play.

For the reasons set forth above, any attempt to rely on CEQA as a justification to re-write the setback years later is unlawful and must be rejected as improper.

The City's Contradictory Positions Are Improper and Prejudicial

The City already recognized the propriety of the 250 foot setback for the Property. Prior to purchasing it, my client undertook due diligence to ascertain the governing development standards for the Property, including the relevant setback. More than a year ago, on December 8, 2015, Community Development Technician Shannon Costa expressly stated to my client's surveyor in writing, "I confirmed with Brad in our GIS department that the OS zoning district corresponds with the set back line shown on the map- so yes, that setback line is where building can begin. ***And yes, we'll go by the corrected set back line recorded in 2003.***" (Emphasis added.) A copy of this email is attached to this letter. In addition, the Certificate of Correction is expressly referenced in the deed granting my client the Property (a copy of which is also attached to this letter). It is patently obvious that my client relied in good faith on the Certificate of Correction and the 250 foot setback set forth therein. The City cannot justify taking two diametrically opposed positions on the same setback, particularly insofar as my client relied on the initial statement under the Certificate of Correction that the setback is in fact 250 feet. To do so would be arbitrary and capricious.

The City's new position that the "original" rear setback for the Property was 410 feet is also belied by the original, uncorrected Final Map itself. The original Final Map shows by its own scale a setback of some 375 feet. This completely undercuts the City's position as to the supposed history of a setback larger than 250 feet.

Nor can the City rely on the CC&Rs for the Property, as those constitute a private contract to which the City is not a party and over which the City has no enforcement authority. The CC&Rs do not provide any record notice of any other setback as they refer to the Tentative Map, which is not in the chain of title and is insufficient to provide record notice. (See Gov. Code, § 66429.) Moreover, a tentative map "need not be based on an accurate or detailed final survey of the property." (Gov. Code, § 66424.5, subd. (a).) Accordingly, the only evidence in the chain of title relating to the rear setback for the Property is the recorded Final Map and the Certificate of Correction. It is manifestly inequitable for the City to establish a setback in the Final Map via the Certificate of Correction and then attempt to revisit this issue fourteen

years after the fact based on a claim that such is inaccurate, particularly after purchasers such as my client have expended substantial funds in reliance on the public record.

The City's Position Would Give Rise to a Regulatory Taking

The law is clear that overreaching land use regulations (including setbacks) can comprise a compensable regulatory taking. (*Lucas v. South Carolina Coastal Council* (1992) 505 U.S. 1003; *Keystone Bituminous Coal Assn. v. DeBenedictis* (1987) 480 U.S. 470; *Tilem v. City of Los Angeles* (1983) 142 Cal.App.3d 694.) It would be more than reasonable to conclude that the City had inversely condemned the Property given the severe impact the City's expanded setback would have on my client's ability to use it. (*Penn Central Transportation Co. v. New York City* (1978) 438 U.S. 104.) Moreover, the increased setback also likely violates the constitutional standards of *Nollan v. California Coastal Comm'n* (1987) 483 U.S. 825 and *Dolan v. City of Tigard* (1994) 512 U.S. 374. The City must accordingly reverse course and confirm the true setback as 250 feet.

* * *

In conclusion, my client does not wish to be adversarial towards the City or staff. However, we must insist upon his clear rights in and to the Property, including the proper 250-foot rear setback. We look forward to resolving this issue amicably and hope to not have to take further action with respect to this issue.

Very truly yours,

MILLER STARR REGALIA

Nadia L. Costa

Nadia L. Costa

NLC:klw
encls.

cc: Greg Peitz
David Murray
Mark Orme
Vincent Ewing, Esq.
Mike Sawley
Mark Wolfe
Bill Shiber, Esq.
Matthew Henderson, Esq.

Subject: Summersky Commons
From: Shannon Costa (shannon.costa@Chicoca.gov)
To: harrissurveying@sbcglobal.net;
Date: Tuesday, December 8, 2015 1:00 PM

Hi Tom-

I was able to talk to a few people about lot 54 on Summersky Commons-

Rich Burgi will be your contact regarding the SWPP permit and the project will need to comply with LID (low impact development) standards. He said you'll probably need to the state permit but that if the map was recorded before a certain time that that permit could possible already be covered. He can help you with that- his phone number is 879-6950 and email is richard.burgi@chicoca.gov.

I confirmed with Brad in our GIS department that the OS zoning district corresponds with the set back line shown on the map- so yes, that setback line is where building can begin. And yes, we'll go by the corrected set back line recorded in 2003.

I think that covers it, let me know if you have any further questions.

Shannon Costa

Community Development Technician

(530) 879-6506



City of Chico

Attachments

- image002.jpg (2.92KB)

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

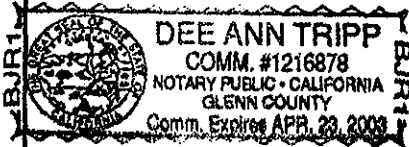
State of CALIFORNIA

County of GLENN

On 3/4/03 before me, DEE ANN TRIPP

personally appeared GERALD W. WHITE

personally known to me - OR - proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Dee Ann Tripp

OPTIONAL

Though the data below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent reattachment of this form.

CAPACITY CLAIMED BY SIGNER	DESCRIPTION OF ATTACHED DOCUMENT
<input type="checkbox"/> INDIVIDUAL <input type="checkbox"/> CORPORATE OFFICER	<u>CERTIFICATE OF CORRECTION</u> TITLE OR TYPE OF DOCUMENT
TITLE(S) <input type="checkbox"/> PARTNER(S) <input type="checkbox"/> LIMITED <input type="checkbox"/> GENERAL	NUMBER OF PAGES 1
<input type="checkbox"/> ATTORNEY-IN-FACT <input type="checkbox"/> TRUSTEE(S) <input type="checkbox"/> GUARDIAN/CONSERVATOR <input type="checkbox"/> OTHER: _____	DATE OF DOCUMENT NONE
SIGNER IS REPRESENTING: _____ _____	SIGNER(S) OTHER THAN NAMED ABOVE

25



2016-0009189

Recorded	REC FEE	31.00
Official Records	TAX	462.00
County of Butte		
CANDACE J. GRUBBS		
County Clerk-Recorder		
09:00AM 11-Mar-2016	HZ	Page 1 of 6

RECORDING REQUESTED BY
Mid Valley Title & Escrow Company

**MAIL TAX STATEMENT
AND WHEN RECORDED MAIL DOCUMENT TO:**
Dinesh Bajaj
25 Jordan's Pl #1
Chico, CA 95973

Space Above This Line for Recorder's Use Only

A.P.N.: 018-060-029

File No.: 0401-5047941 (DH) *6*
Chi-C
MZ

GRANT DEED

The Undersigned Grantor(s) Declare(s): DOCUMENTARY TRANSFER TAX \$462.00; CITY TRANSFER TAX \$-0-;
SURVEY MONUMENT FEE \$-0-

- computed on the consideration or full value of property conveyed, OR
- computed on the consideration or full value less value of liens and/or encumbrances remaining at time of sale,
- unincorporated area; City of Chico, and

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, **Seward L. Schreder and Antoinette Schreder, husband and wife as community property**

hereby GRANTS to **Dinesh Bajaj and Punnu Chopra, husband and wife as joint tenants**

the following described property in the City of **Chico**, County of **Butte**, State of **California**:

PARCEL I:

LOT 54, AS SHOWN ON THAT CERTAIN MAP ENTITLED, "THE PINNACLE - PHASE 2", WHICH MAP WAS RECORDED IN THE OFFICE OF THE RECORDER OF THE COUNTY OF BUTTE, STATE OF CALIFORNIA, ON NOVEMBER 22, 1999, IN BOOK 148 OF MAPS, AT PAGE(S) 80, 81, 82, 83, 84 AND 85.

CERTIFICATE OF CORRECTION RECORDED MARCH 25, 2003 AS SERIAL NO. 2003-18490.

PARCEL II:

AN EASEMENT FOR STORM DRAIN, UTILITIES, SEWAGE AND STORM DRAIN FLOWAGE OVER LOT 10, AS SHOWN ON THAT CERTAIN PARCEL MAP, RECORDED IN THE OFFICE OF THE RECORDER OF THE COUNTY OF BUTTE, STATE OF CALIFORNIA, ON SEPTEMBER 4, 1987, IN BOOK 107 OF MAPS, AT PAGE(S) 87 AND 88.

PARCEL III:

AN EASEMENT FOR STORM DRAINS, UTILITIES, SEWER LINES, MANHOLES, LIFT STATIONS AND RELATED IMPROVEMENTS, PLUS THE RIGHT TO THE SURFACE OF THE PROPERTY FOR WATER DRAINAGE PURPOSES OVER PARCEL 10, AS SHOWN ON THAT CERTAIN PARCEL MAP, WAS RECORDED IN THE OFFICE OF THE RECORDER OF THE COUNTY OF BUTTE, STATE OF CALIFORNIA, ON SEPTEMBER 4, 1987, IN BOOK 107 OF MAPS, AT PAGE(S) 87 AND 88.

PARCEL IV:

EASEMENTS FOR ACCESS PURPOSES OVER THE FOLLOWING 3 PARCELS:

Mail Tax Statements To: **SAME AS ABOVE**

PARCEL 1:

COMMENCING AT THE INTERSECTION OF PARCELS 2, 4 AND 10, AS SHOWN ON THE AFOREMENTIONED MAP; THENCE NORTH 66 DEG. 17' 50" EAST ALONG THE BOUNDARY COMMON TO SAID PARCELS 4 AND 10, A DISTANCE OF 104.54 FEET; THENCE CONTINUING ALONG SAID BOUNDARY NORTH 72 DEG. 53' 50" EAST, A DISTANCE OF 605.07 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID BOUNDARY NORTH 72 DEG. 53' 50" EAST, A DISTANCE OF 75.00 FEET; THENCE CONTINUING ALONG SAID BOUNDARY NORTH 80 DEG. 05' 45" EAST, A DISTANCE OF 25.62 FEET; THENCE LEAVING SAID BOUNDARY NORTH 68 DEG. 48' 42" EAST, A DISTANCE OF 605.06 FEET; THENCE NORTH 21 DEG. 11' 18" WEST, A DISTANCE OF 210.00 FEET; THENCE SOUTH 68 DEG. 48' 42" WEST, A DISTANCE OF 704.99 FEET; THENCE SOUTH 21 DEG. 11' 18" EAST, A DISTANCE OF 199.64 FEET TO THE TRUE POINT OF BEGINNING.

PARCEL 2:

COMMENCING AT THE INTERSECTION OF PARCELS 4, 5 AND 10, AS SHOWN ON THE AFOREMENTIONED MAP; THENCE NORTH 88 DEG. 05' 12" WEST ALONG THE BOUNDARY COMMON TO SAID PARCELS 4 AND 10, A DISTANCE OF 634.30 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID BOUNDARY COMMON TO PARCELS 4 AND 10 NORTH 21 DEG. 35' 43" WEST, A DISTANCE OF 154.87 FEET; THENCE LEAVING SAID BOUNDARY NORTH 60 DEG. 56' 22" EAST, A DISTANCE OF 347.61 FEET TO A POINT ON THE BOUNDARY COMMON TO PARCELS 3 AND 10, AS SHOWN ON THE AFOREMENTIONED MAP; THENCE ALONG SAID BOUNDARY COMMON TO PARCELS 3 AND 10, SOUTH 11 DEG. 35' 32" EAST, A DISTANCE OF 80.49 FEET; THENCE CONTINUING ALONG SAID BOUNDARY SOUTH 67 DEG. 37' 12" EAST, A DISTANCE OF 98.19 FEET; THENCE LEAVING SAID BOUNDARY COMMON TO PARCELS 3 AND 10, SOUTH 60 DEG. 56' 22" WEST, A DISTANCE OF 404.77 FEET TO A POINT ON THE BOUNDARY COMMON TO PARCELS 4 AND 10, SAID POINT BEING THE TRUE POINT OF BEGINNING.

PARCEL 3:

COMMENCING AT THE INTERSECTION OF PARCELS 3, 7, 8 AND 10, AS SHOWN ON THE AFOREMENTIONED MAP; THENCE SOUTH 28 DEG. 44' 23" EAST ALONG THE BOUNDARY COMMON TO SAID PARCELS 8 AND 10, A DISTANCE OF 707.11 FEET; THENCE CONTINUING ALONG SAID BOUNDARY SOUTH 56 DEG. 18' 36" EAST, A DISTANCE OF 272.68 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID BOUNDARY SOUTH 56 DEG. 18' 36" EAST, A DISTANCE OF 224.21 FEET; THENCE LEAVING SAID BOUNDARY COMMON TO PARCELS 8 AND 10 SOUTH 6 DEG. 49' 02" WEST, A DISTANCE OF 428.92 FEET TO A POINT ON THE BOUNDARY COMMON TO PARCELS 5 AND 10, AS SHOWN ON THE AFOREMENTIONED MAP; THENCE ALONG SAID BOUNDARY COMMON TO PARCELS 5 AND 10 NORTH 79 DEG. 33' 45" WEST, A DISTANCE OF 200.40 FEET; THENCE LEAVING SAID BOUNDARY COMMON TO PARCELS 5 AND 10 NORTH 6 DEG. 49' 02" EAST, A DISTANCE OF 517.61 FEET TO A POINT ON THE BOUNDARY COMMON TO PARCELS 8 AND 10, SAID POINT BEING THE TRUE POINT OF BEGINNING.

PARCEL V:

A NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS, BOTH PEDESTRIAN AND VEHICULAR USE, SUPPORT AND ENJOYMENT THROUGH, OVER, UNDER, ACROSS AND ON LOT A, THE COMMON AREA, AS SHOWN ON THAT CERTAIN MAP ENTITLED, "PHASE I CANYON OAKS SUBDIVISION", WHICH MAP WAS RECORDED IN THE OFFICE OF THE RECORDER OF THE COUNTY OF BUTTE, STATE OF CALIFORNIA, ON NOVEMBER 16, 1989, IN BOOK 116 OF MAPS, AT PAGE(S) 83 THRU 88.

PARCEL VI:

ALL OVERLAND SURFACE FLOWAGE EASEMENTS, ACROSS ALL LOTS FOR THE BENEFIT OF ALL ADJOINERS DIRECTLY UPHILL; STORM DRAIN EASEMENTS FOR THE BENEFIT OF ALL ADJOINERS WHERE SHOWN HEREON; MEANDERING DRAINAGE EASEMENTS ALONG ALL EXISTING DRAINAGES FOR THE BENEFIT OF ALL ADJOINERS; AND SEWAGE EASEMENTS FOR THE BENEFIT OF ALL PROPERTY OWNERS IN PHASE I AND ALL FUTURE CONNECTIONS UPSTREAM OF SAID PHASE I, AS SAID EASEMENTS ARE SHOWN ON THAT CERTAIN MAP ENTITLED, "PHASE I CANYON OAKS SUBDIVISION", WHICH MAP WAS RECORDED IN THE OFFICE OF THE RECORDER OF THE COUNTY OF BUTTE, STATE OF CALIFORNIA, ON NOVEMBER 16, 1989, IN BOOK 116 OF MAPS, AT PAGE(S) 83 THRU 88.

THE ABOVE MAP WAS AMENDED ON APRIL 29, 1991, IN BOOK 122 OF MAPS, AT PAGE(S) 46, BUTTE COUNTY RECORDS.

CERTIFICATE OF CORRECTION RECORDED JUNE 13, 1991, UNDER BUTTE COUNTY RECORDER'S SERIAL NO. 91-23645.

EXCEPTING THEREFROM ALL THAT PORTION LYING WITHIN THE BOUNDS OF PARCEL I, DESCRIBED HEREIN.

PARCEL VII:

EASEMENTS FOR PEDESTRIAN AND BICYCLES AND ROADWAY DRAINAGE EASEMENTS AS SAID EASEMENTS ARE SHOWN ON THAT CERTAIN MAP ENTITLED, "PHASE I CANYON OAKS SUBDIVISION", WHICH MAP WAS RECORDED IN THE OFFICE OF THE RECORDER OF THE COUNTY OF BUTTE, STATE OF CALIFORNIA, ON NOVEMBER 16, 1989, IN BOOK 116 OF MAPS, AT PAGE(S) 83 THRU 88.

THE ABOVE MAP WAS AMENDED ON APRIL 29, 1991, IN BOOK 122 OF MAPS, AT PAGE(S) 46, BUTTE COUNTY RECORDS.

CERTIFICATE OF CORRECTION RECORDED JUNE 13, 1991, UNDER BUTTE COUNTY RECORDER'S SERIAL NO. 91-23645.

EXCEPTING THEREFROM ALL THAT PORTION LYING WITHIN THE BOUNDS OF PARCEL I, DESCRIBED HEREIN.

PARCEL VIII:

A NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS, BOTH PEDESTRIAN AND VEHICULAR USE, SUPPORT AND ENJOYMENT THROUGH, OVER, UNDER, ACROSS AND ON LOT A, THE COMMON AREA, AS SHOWN ON THAT CERTAIN MAP ENTITLED, "THE PINNACLE - PHASE 2", WHICH MAP WAS RECORDED IN THE OFFICE OF THE RECORDER OF THE COUNTY OF BUTTE, STATE OF CALIFORNIA, ON NOVEMBER 22, 1999, IN BOOK 148 OF MAPS, AT PAGE(S) 80, 81, 82, 83, 84 AND 85.

CERTIFICATE OF CORRECTION RECORDED MARCH 25, 2003 AS SERIAL NO. 2003-18490.

PARCEL IX:

ALL OVERLAND SURFACE FLOWAGE EASEMENTS, ACROSS ALL LOTS FOR THE BENEFIT OF ALL ADJOINERS DIRECTLY UPHILL; STORM DRAIN EASEMENTS FOR THE BENEFIT OF ALL ADJOINERS WHERE SHOWN HEREON; MEANDERING DRAINAGE EASEMENTS ALONG ALL

EXISTING DRAINAGES FOR THE BENEFIT OF ALL ADJOINERS; AND SEWAGE EASEMENTS FOR THE BENEFIT OF ALL PROPERTY OWNERS IN THE PINNACLES PHASE 2 AND REMAINING LANDS AS SAID

EASEMENTS ARE SHOWN ON THAT CERTAIN MAP ENTITLED, "THE PINNACLE - PHASE 2", WHICH MAP WAS RECORDED IN THE OFFICE OF THE RECORDER OF THE COUNTY OF BUTTE, STATE OF CALIFORNIA, ON NOVEMBER 22, 1999, IN BOOK 148 OF MAPS, AT PAGE(S) 80, 81, 82, 83, 84 AND 85.

CERTIFICATE OF CORRECTION RECORDED MARCH 25, 2003 AS SERIAL NO. 2003-18490.

A.P.N.: 018-060-029

File No.: 0401-5047941 (DH)

Dated: March 03, 2016

Seward L. Schreder

Antoinette Schreder

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF California)SS

COUNTY OF Butte

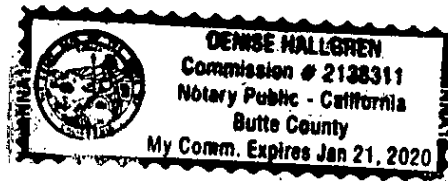
On 3/9/16 before me, Denise Hallgren, Notary Public, personally appeared

Seward L. Schreder
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.
Signature Denise Hallgren

This area for official notarial seal.



A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF California, SS

COUNTY OF Butte

On 3/10/16 before me, Denise Hallgren, Notary Public, personally appeared

Antonette Schroeder

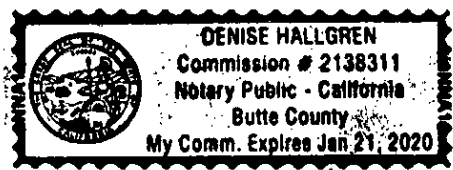
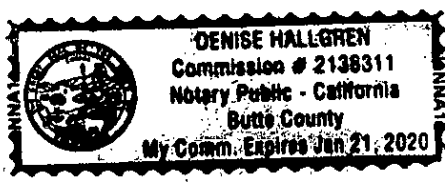
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Denise Hallgren

This area for official notarial seal.





COMMUNITY DEVELOPMENT
DEPARTMENT

PLANNING

5th & Main Streets
P.O. Box 3420
Chico, CA 95927
(916) 895-4851
Fax (916) 895-4825
ATSS 459-4851

March 29, 1995

E.M. West
California Park
Post Office Box 2327
Chico, California 95927

RE: Canyon Oaks Subdivision - Phase III

Dear Mr. West:

At your request, setback requirements for the northerly tier of lots in Canyon Oak have been reviewed. Based on the final EIR, tentative map and conditions of map approval, the following setbacks apply:

1. For those lots west of the Simmons' parcels (A.P. Nos. 011-030-044 and 045): A 250 foot setback from the rear (north) lot line shown on the tentative map is required. With the open space parcel depicted on the tentative map, the total setback from the north boundary of the Canyon Oaks site is approximately 375 feet. (Parcels 194 and 195 of the tentative map).
2. For those lots south of the Simmons' parcels. A 100 foot setback from the rear (north) lot line of the lots shown on the tentative map, corresponding to the south line of the Simmons parcels is required. (Parcels 196, 197, 198 and 199 of the tentative map).
3. For those lots east of the Simmons' parcels. A 100 foot setback from the rear (north) lot line of the lots shown on the tentative map is required. With the open space parcel depicted on the tentative map between the north line of the lots and the north boundary of the project, the total setback from the north boundary of Canyon Oaks is 306 feet. (Parcels 200, 203, 204, and 205 of the tentative map.)

Please feel free to contact me if you require any additional information or assistance regarding this matter.

Sincerely,


CLIF SELLERS
Planning Director

CS:kk

Canyon Oaks Sub.

cc: Sr. Plnr. Hayes

Attachment N



COMMUNITY DEVELOPMENT
DEPARTMENT
PLANNING

5th & Main Streets
P.O. Box 3420
Chico, CA 95927
(916) 895-4851
Fax (916) 895-4825
ATSS 459-4851

April 19, 1995

Mo West
California Park
P. O. Box 2327
Chico, CA 95927

Re: Canyon Oaks Phase III

Dear Mr. West:

The property along the north side of Canyon Oaks Phase III, depicted as "open space" on the approved tentative subdivision map for Canyon Oaks, may be incorporated into adjacent parcels rather than held as common open space by the homeowners association. However, if this is done, the property between the north boundary of the project site and the parcel lines shown on the tentative map must remain as permanent open space and be shown as a "no development/improvement area" on the final map.

Further, for the purposes of determining setbacks and fence locations, the location of property lines shown on the tentative map will be used. Restrictions on use of the open space include prohibition of non-native landscaping, irrigation system or any type of structure, including fencing.

Finally, the final map for this phase must include an adequate pedestrian circulation/path system. This feature was not adequately addressed in the first phase of project development.

Please feel free to contact me if you require any additional information or assistance regarding this matter.

Sincerely,

CLIF SELLERS
Planning Director

jls

cc: CM
CDD
Sr. Planner Hayes
CDD ACE Varga

Attachment N