

galt code

**Title 17**

**SUBDIVISIONS**

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**Chapter 17.04**

**GENERAL PROVISIONS**

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**Section 17.04.010 Title.**

The ordinance codified in this title is adopted to supplement and implement the Subdivision Map Act set forth in Division 2, Title 7 of the California Government Code and may be cited as the "subdivision ordinance" of the city. (Ord. 86-3 § 1 (part))

**Section 17.04.015 Exceptions.**

This title shall not apply to:

- A. The financing or leasing of apartment, offices, stores or similar space within apartment buildings, industrial buildings, commercial buildings, mobilehome parks or trailer parks;
- B. Mineral, oil or gas leases;
- C. Land dedicated for cemetery purposes under the state Health and Safety Code;
- D. A lot line adjustment between two or more existing adjacent parcels, where the land taken from one parcel is added to an adjacent parcel, and where a greater number of parcels than originally existed is not thereby created, provided that subject to the provisions of Section 66412(d) of the Subdivision Map Act, the lot line adjustment is approved by the department review committee (DRC), created in this title and composed of the city engineer, the planning director and the building official or their respective designees pursuant to Section 17.12.050 of this code. The purpose of the DRC shall be to review, evaluate and approve lot line adjustments as provided in this title;
- E. Any separate assessment under Section 2188.7 of the state Revenue and Taxation Code;
- F. Subject to the requirements of Sections 66412(g) and 66412(h) of the Subdivision Map Act, the conversion of a community apartment project or a stock cooperative to a condominium;
- G. The leasing of, or the granting of an easement to, a parcel of land, or any portion or portions thereof, in conjunction with the financing, erection, and sale or lease of a windpowered electrical generation device on the land, if the project is subject to discretionary action by the city;
- H. The financing or leasing of any parcel of land, or any portion thereof, in conjunction with the construction of commercial or industrial buildings on a single parcel, unless the project is not subject to review under other city ordinances regulating design and improvements;
- I. The financing or leasing of existing separate commercial or industrial buildings on a single parcel;

J. The construction, financing or leasing of dwelling units pursuant to Section 65852.1 or second units pursuant to Section 65852.2 of the Government Code; but this chapter shall apply to the sale or transfer, but not leasing of those units;

K. Leasing for agricultural purposes, cultivation of food or fiber, and grazing or pasturing of livestock;

L. Subdivisions of four parcels or less for construction of removable commercial buildings having a floor area of less than one hundred square feet;

M. Any other mandatory exceptions to the applicability of the Subdivision Map Act as provided in the Subdivision Map Act. (Ord. 96-07 § 1; Ord. 86-3 § 1 (part))

**Section 17.04.020 Purpose.**

The council of the city has, in the interest of protecting the health, safety and general welfare of the people of the city, adopted the ordinance codified in this title to carry out the following purposes:

A. To implement the provisions of the Subdivision Map Act;

B. To provide policies, standards, requirements and procedures to regulate and control the design and improvement of all subdivisions within the city;

C. To implement the programs, policies and objectives of the General Plan of the city; and

D. To promote the orderly growth and development of the city and to promote open space, conservation, protection and proper use of land, and to ensure provision for adequate traffic circulation, utilities and services. (Ord. 86-3 § 1 (part))

**Section 17.04.030 Conformity to general plan and zoning ordinance.**

No land shall be subdivided and developed for any purpose which is not in conformity with the general plan and any specific plan of the city or specifically authorized by the zoning ordinance or other applicable provisions of this code. In the event that a development project requires an amendment to the general plan, specific plan, zoning ordinance and/or zoning map of the city, no tentative map or tentative parcel map shall be accepted for filing until such time as the legislative entitlements are approved. A preliminary site plan shall be submitted in lieu of the tentative map or tentative parcel map. The type and intensity of land use as shown on the general plan shall determine, together with the requirements of the Subdivision Map Act and this chapter, the type of streets, road, highways, utilities and public services that shall be provided by the subdivider. Neither the approval nor conditional approval of a subdivision or parcel map pursuant to this title shall constitute or waive compliance with any other applicable provision of any ordinance of the city or other regulation adopted by the city, nor shall any such approval authorize or be deemed to authorize a violation or failure to comply with other applicable ordinances or regulations of the city. (Ord. 91-17 § 1; Ord. 86-3 § 1 (part))

**Section 17.04.040 Application.**

The regulations set forth in this title shall apply to all subdivisions of parts thereof within the city and to the preparation of subdivision maps thereof and to all other maps provided for by the Subdivision Map Act. (Ord. 86-3 § 1 (part))

**Section 17.04.050 Advisory agency designation.**

The city planning commission is designated as advisory agency, as that term is used in the Subdivision Map Act, for subdivisions, and shall be charged with the duty of making investigations and reports on the design and improvement of proposed divisions of real property. Investigations and reports shall be forwarded to the city council for its review of final maps. The city planning commission is charged with the duty of imposing any requirements or conditions on

proposed divisions of real property or denying the division, and to approve, conditionally approve or disapprove tentative maps. (Ord. 90-12 § 1: Ord. 86-3 § 1 (part))

**Section 17.04.060 Subdivision required to be annexed.**

Map applications shall be processed only if the proposed subdivisions are located within the incorporated area of the city. (Ord. 86-3 § 1 (part))

**Section 17.04.070 Property owner consent.**

No final map or parcel map required by this title shall be filed with the city without the written consent of all parties having any record title interest in real property proposed to be subdivided. (Ord. 86-3 § 1 (part))

**Section 17.04.080 Environmental review.**

A. All tentative maps and tentative parcel maps shall be subject to environmental review in accordance with the rules and procedures adopted by the city council pursuant to the California Environmental Quality Act of 1970 as set forth in Division 13 of the California Resources Code.

B. An application for approval of a subdivision shall not be complete until after the environmental review for such subdivision has been accomplished.

C. With respect to any map for which an environmental impact report is required, the planning commission and city council shall consider such report as independent evidence in determining whether to approve, conditionally approve, or disapprove the map. (Ord. 86-3 § 1 (part))

**Section 17.04.090 Fees and deposits.**

All persons submitting maps as required by this title shall pay all application fees and/or deposits as provided by city council resolution establishing such fees and deposits. (Ord. 86-3 § 1 (part))

**Section 17.04.100 Notice.**

Whenever a public hearing is held pursuant to this title, a notice of the time and place thereof, including a general description of the location of the subdivision or proposed subdivision, shall be given as specified in Section 66451.3 of the Subdivision Map Act. (Ord. 86-3 § 1 (part))

**Section 17.04.110 Violations.**

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

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

C. Conveyances of any part of a division of real property for which a final or parcel map is required by this title shall not be made by parcel or block number, initial or other designation, unless and until such map has been filed for record by the county recorder.

D. This section does not apply to any parcel or parcels of a subdivision offered for sale or lease, contracted for sale or lease, or sold or leased in compliance with or exempt from any city

ordinance regulating the design and improvement of subdivisions in effect at the time the subdivision was established.

E. Nothing contained in subsections A and B of this section shall be deemed to prohibit an offer or contract to sell, lease or finance real property or to construct improvements thereon where such sale, lease or financing, or the commencement of such construction, is expressly conditioned upon the approval and filing of a final subdivision map or parcel map, as required under this title.

F. The violation of any provision of this title which has not been exempted in unlawful and an offense. Each day that such violation continues is deemed a separate and distinct offense. (Ord. 92-04 § 38: Ord. 86-3 § 1 (part))

**Section 17.04.120 Modification of requirements.**

Whenever, in the opinion of the city planning commission, the land involved in any subdivision is of a size or shape, or is subject to title limitations of record, or is affected by topographical location or conditions, or is to be devoted to a use that it is impossible or impracticable in the particular case for the subdivider to conform fully to the regulations contained in this chapter, the city planning commission or city council may make modifications of the requirements of this title, that are reasonably necessary or expedient and in conformity with the Subdivision Map Act. (Ord. 90-12 § 3: Ord. 86-3 § 1 (part))

**Section 17.04.125 Payment of fees and compliance with construction and improvement standards.**

A. For all projects which are approved pursuant to this title, the applicants, subdividers, or the successors thereof, shall pay fees in accordance with approved schedules of the city, and shall pay fees which may be imposed subsequent to project approval, at the time of building permit issuance, certificate of occupancy or other prescribed time, including but not limited to sewer, water, traffic, fire, police, administration, library, child care, open space acquisition, schools, parks, or other fees established in accordance with law.

B. All development shall comply with and occur under the city's adopted building and construction standards that are in effect at the time of construction or improvement. (Ord. 90-17 § 2)

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**Chapter 17.08**

**DEFINITIONS**

**Sections:**

- 17.08.010 Applicability.**
- 17.08.020 Advisory agency.**
- 17.08.030 Approved access.**
- 17.08.040 City.**
- 17.08.045 City engineer.**
- 17.08.050 Commission.**
- 17.08.060 Council.**
- 17.08.070 County.**
- 17.08.075 Design.**
- 17.08.080 Design and improvements standards.**
- 17.08.090 Final map or final subdivision map.**
- 17.08.100 Flood hazard.**
- 17.08.110 Floodplain.**
- 17.08.120 Front lot line.**
- 17.08.130 General Plan.**
- 17.08.140 Geological hazard.**
- 17.08.150 Improvement.**
- 17.08.160 Lot.**
- 17.08.170 Lot area, lot size.**
- 17.08.180 Parcel.**
- 17.08.190 Parcel map, final parcel map.**
- 17.08.200 Planning director.**
- 17.08.210 Private road easement.**
- 17.08.220 Public way.**
- 17.08.230 Rear lot line.**
- 17.08.240 Side lot line.**
- 17.08.250 Structure.**
- 17.08.260 Subdivider.**
- 17.08.270 Subdivision.**
- 17.08.280 Subdivision Map Act.**
- 17.08.290 Tentative map, tentative subdivision map, tentative parcel map.**
- 17.08.300 Vesting tentative map.**
- 17.08.310 Zoning ordinance.**

**Section 17.08.010 Applicability.**

Except as otherwise set forth in this chapter, words and phrases used in this title shall be deemed to have the same meaning attributed to them in the Subdivision Map Act and additional definitions contained in the Subdivision Map Act are incorporated in this chapter and shall be deemed to apply as though set forth in this title. (Ord. 86-3 § 1 (part))

**Section 17.08.020 Advisory agency.**

"Advisory agency" means the city planning commission which is charged with the duty of making investigations and reports on the design and improvement of proposed divisions of real property, with imposing of requirements or conditions thereon, and of approving, conditionally approving, or disapproving tentative maps. (Ord. 90-12 § 4, 1990: Ord. 86-3 § 1 (part))

**Section 17.08.030 Approved access.**

"Approved access" means the right of vehicular travel to a public street, as shown on a final subdivision map or final parcel map or as approved by the council. (Ord. 86-3 § 1 (part))

**Section 17.08.040 City.**

"City" means the city of Galt. (Ord. 86-3 § 1 (part))

**Section 17.08.045 City engineer.**

The city engineer's responsibilities shall include:

- A. Establishing design and construction details, standards and specifications;
- B. Determining if proposed subdivision improvements comply with the provisions of the Subdivision Map Act and this title;
- C. The processing and certification of final maps, parcel maps, reversion to acreage maps, and amended maps and the processing and approval of subdivision improvement plans;
- D. Examining and certifying that final maps and parcel maps are in substantial compliance with the approved tentative map;
- E. The approval as to form of subdivision improvement agreements;
- F. The inspection, approval and acceptance of subdivision improvements. (Ord. 86-3 § 1 (part))

**Section 17.08.050 Commission.**

"Commission" means the planning commission of the city. (Ord. 86-3 § 1 (part))

**Section 17.08.060 Council.**

"Council" means the city council of the city. (Ord. 86-3 § 1 (part))

**Section 17.08.070 County.**

"County" means the county of Sacramento. (Ord. 86-3 § 1 (part))

**Section 17.08.075 Design.**

"Design" means:

- A. Street alignments, grades and widths;
- B. Drainage, water, sewer and sanitary facilities and utilities, including alignments and grades;
- C. Location and size of all required easements and rights-of-way;
- D. Fire roads and firebreaks;
- E. Lot size and configuration;
- F. Vehicular and bicycle traffic access;
- G. Grading;
- H. Land to be dedicated for park or recreational purposes; and
- I. Such other specific physical requirements in the plan and configuration of the entire subdivision as may be necessary to ensure consistency with, or implementation of, the General Plan or any applicable specific plan. (Ord. 86-3 § 1 (part))

**Section 17.08.080 Design and improvements standards.**

"Design and improvement standards" means any standards or specifications that have been adopted by the city council for the design of subdivisions and the public improvements therein.

(Ord. 86-3 § 1 (part))

**Section 17.08.090 Final map or final subdivision map.**

"Final map" or "final subdivision map" means a map prepared by a registered civil engineer or licensed land surveyor and presented for recording, which conforms to an approved tentative subdivision map, the Subdivision Map Act and the provisions of this title. (Ord. 86-3 § 1 (part))

**Section 17.08.100 Flood hazard.**

"Flood hazard" means a hazard to land or improvements due to seasonal inundation or to overflow water having sufficient velocity to transport or deposit debris, scour the surface soil, dislodge or damage buildings, or erode the banks of watercourses. (Ord. 86-3 § 1 (part))

**Section 17.08.110 Floodplain.**

"Floodplain" means the one-hundred-year floodplain as defined by applicable criteria and surveys of the United States Army Corps of Engineers for the city or, where no data is available from the Corps of Engineers, then as determined by the city engineer. (Ord. 86-3 § 1 (part))

**Section 17.08.120 Front lot line.**

In the case of an interior lot, "front lot line" means a line separating the lot from the street, and in the case of a corner lot, "front lot line" means a line separating the narrowest street frontage of the lot from the street. (Ord. 86-3 § 1 (part))

**Section 17.08.130 General Plan.**

"General Plan" means the General Plan of the city. (Ord. 86-3 § 1 (part))

**Section 17.08.140 Geological hazard.**

"Geological hazard" means any hazard inherent in the crust of the earth, or artificially created, which is dangerous or potentially dangerous to life, property or improvements due to the movement, failure or shifting of earth. (Ord. 86-3 § 1 (part))

**Section 17.08.150 Improvement.**

"Improvement" means streets, sidewalks, storm drainage facilities, water and sewer facilities, utilities, landscaping to be installed, or agreed to be installed, by the subdivider on the land to be used for public or private streets, highways, ways and easements, as are necessary for the general use of the lot owners in the subdivision and local neighborhood traffic and acceptance of the final map thereof. "Improvement" also means other specific improvements or types of improvements, the installation of which, either by, or by a combination of, the subdivider, public agencies, private utilities, or any other entity approved by the city, is necessary to ensure consistency with, or implementation of, the General Plan or any applicable specific plan. Improvements shall be constructed in accordance with standard engineering specifications, where applicable. (Ord. 86-3 § 1 (part))

**Section 17.08.160 Lot.**

"Lot" means a parcel or portion of land separated from other parcels or portions by description, as on a subdivision, parcel, or record of survey map, or by metes and bounds, for purpose of sale, lease or separate use. (Ord. 86-3 § 1 (part))

**Section 17.08.170 Lot area, lot size.**



"Lot area" or "lot size" means the total horizontal area included within lot lines, including one-half, but not exceeding ten feet, of the width of any alley or portion thereof abutting upon such lot. The terms "lot width" and "lot depth" mean the average horizontal distances measured between the side lines of the lot, or from the front lot line to the rear lot line, as the case may be. "Lot lines" are the lines bounding a lot as defined in this chapter; provided, that in case of doubt, the front, side and rear lot lines shall be determined by the planning commission. (Ord. 86-3 § 1 (part))

**Section 17.08.180 Parcel.**

"Parcel" means a piece of real property, including lots and any real property which, though appearing as separate entities on a map filed for record, or on the maps of the county assessor, has never been legally divided or merged. (Ord. 86-3 § 1 (part))

**Section 17.08.190 Parcel map, final parcel map.**

"Parcel map" or "final parcel map" means a map prepared by a registered civil engineer or licensed land surveyor and presented for recording which conforms to an approved parcel map, the Subdivision Map Act, and the provisions of this title. (Ord. 86-3 § 1 (part))

**Section 17.08.200 Planning director.**

"Planning director" means the planning director of the city or his authorized representative. (Ord. 86-3 § 1 (part))

**Section 17.08.210 Private road easement.**

"Private road easement" means a parcel of land not dedicated as a public street, over which a private easement for road purposes is proposed to be or has been granted to the owners of property that is contiguous or adjacent to such private road easement, which intersects or connects with a public street or a private street. In each instance, the instrument creating such easement shall be or shall have been duly recorded or filed in the office of the county recorder. (Ord. 86-3 § 1 (part))

**Section 17.08.220 Public way.**

"Public way" means any street, highway, alley, pedestrian way, equestrian or hiking trail, bicycle path, channel, viaduct, subway, tunnel, bridge, easement, right-of-way, or other way which the public has a right of use. (Ord. 86-3 § 1 (part))

**Section 17.08.230 Rear lot line.**

"Rear lot line" means a line which is opposite and most distant from the front lot line or, in case of an irregular or triangular lot, a line ten feet in length within the lot, parallel to and at the maximum distance from the front lot line. (Ord. 86-3 § 1 (part))

**Section 17.08.240 Side lot line.**

"Side lot line" means any lot boundary line not a front lot line or a rear lot line. (Ord. 86-3 § 1 (part))

**Section 17.08.250 Structure.**

"Structure" means anything constructed or erected and the use of which requires permanent location on the ground, but not including walls or fences less than six feet high, or pergolas, or lath houses, or other minor improvements. (Ord. 86-3 § 1 (part))

**Section 17.08.260 Subdivider.**

"Subdivider" means a person, firm, corporation, partnership or association who proposes to divide, divides or causes to be divided real property into a subdivision for himself or for others except that employees and consultants of such persons or entities, acting in such capacity, are not "subdividers." (Ord. 86-3 § 1 (part))

**Section 17.08.270 Subdivision.**

"Subdivision" means the division, by any subdivider, of any unit or units of improved or unimproved land, or any portion thereof, shown on the latest equalized county assessment roll as a unit or as contiguous units, for the purpose of sale, lease or financing, whether immediate or future except for leases of agricultural land for agricultural purposes. Property shall be considered as contiguous units, even if it is separated by roads, streets, utility easements or railroad rights-of-way. "Subdivision" includes a condominium project, as defined in Section 1350 of the California Civil Code, a community apartment project, as defined in Section 11004 of the California Business and Professions Code, or the conversion of five or more existing dwelling units to a stock cooperative, as defined in Section 11003.2 of the California Business and Professions Code. As used in this section, "agricultural purposes" means the cultivation of food or fiber or the grazing or pasturing of livestock. (Ord. 86-3 § 1 (part))

**Section 17.08.280 Subdivision Map Act.**

"Subdivision Map Act" means the Subdivision Map Act of the state of California (California Government Code, Title 7, Division 2, commencing with Section 66410) and all amendments or additions thereto. (Ord. 86-3 § 1 (part))

**Section 17.08.290 Tentative map, tentative subdivision map, tentative parcel map.**

"Tentative map," "tentative subdivision map," or "tentative parcel map" refers to a map made for the purpose of showing the design and improvement of a proposed subdivision and the existing conditions in and around it and need not be based upon an accurate or detailed final survey of the property. (Ord. 86-3 § 1 (part))

**Section 17.08.300 Vesting tentative map.**

"Vesting tentative map" means a tentative subdivision map or a tentative parcel map for a residential subdivision that has printed conspicuously on its face the words "Vesting Tentative Map" at the time it is filed in accordance with Section 17.20.030 of this title. (Ord. 86-3 § 1 (part))

**Section 17.08.310 Zoning ordinance.**

"Zoning ordinance" means Title 18 of this code and all amendments thereto. (Ord. 86-3 § 1 (part))

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**Chapter 17.12**

**REGULATIONS GENERALLY**

**Sections:**

**17.12.010 Access and size required to build--Zoning conformance.**

**17.12.020 One building per lot or parcel.**

**17.12.030 Divisions creating less than five parcels.**

**17.12.040 Divisions creating more than five parcels.**

**17.12.050 Lot line adjustment.**

**Section 17.12.010 Access and size required to build--Zoning conformance.**

A. No building or structure shall be constructed on any lot or parcel, and no permit shall be issued to permit such construction unless:

1. Such lot or parcel has an approved access to a public way or private road easement;
2. Such lot or parcel conforms to the minimum size required by the zoning ordinance for the zone in which the lot or parcel is located.

B. A parcel of land which is shown as a separate lot on a subdivision map, parcel map, Record of Survey, or other map filed for record, or on the maps of the county assessor, shall not be deemed to be a buildable lot unless it meets the size and configuration requirements of the zoning ordinance. (Ord. 86-3 § 1 (part))

**Section 17.12.020 One building per lot or parcel.**

Except where expressly permitted by the city council, only one main building or structure (exclusive of permitted accessory buildings) shall be constructed on a lot or parcel. (Ord. 86-3 § 1 (part))

**Section 17.12.030 Divisions creating less than five parcels.**

A tentative parcel map and final parcel map shall be required for all subdivisions creating four or fewer parcels and for all subdivisions described in subsections A through D of Section 17.12.040 of this chapter, except when the parcel map requirement is waived pursuant to Section 17.24.020 of this title. (Ord. 86-3 § 1 (part))

**Section 17.12.040 Divisions creating more than five parcels.**

A tentative subdivision map and final subdivision map shall be required for all subdivisions creating five or more parcels, five or more condominiums as defined in Section 783 of the California Civil Code, a community apartment project containing five or more parcels, or for the conversion of a dwelling to a stock cooperative containing five or more dwelling units, except where:

- A. The land before division contains less than five acres, each parcel created by the division abuts upon a maintained public street or highway and no dedications or improvements are required by the legislative body; or
- B. Each parcel created by the division has a gross area of twenty acres or more and has an approved access to a maintained public street or highway; or
- C. The land consists of a parcel or parcels of land having approved access to a public street or highway which comprises part of a tract of land zoned for industrial or commercial development, and which has the approval of the city council as to street alignments and widths; or
- D. Each parcel created by the division has a gross area of not less than forty acres or is not less than a quarter of a quarter section. (Ord. 86-3 § 1 (part))

**Section 17.12.050 Lot line adjustment.**

The provisions of Sections 17.12.030 and 17.12.040 of this chapter shall not apply to lot line adjustment. A lot line adjustment is an adjustment of the property line or lines between two or more existing adjacent parcels, where the land taken from one parcel is added to an adjacent parcel, and where a greater number of parcels than originally existed is not thereby created.

A. A request for a lot line adjustment shall be submitted to the planning department on forms provided by the city. The application shall be accompanied by:

1. Seven copies of a plot plan on bond paper measuring eight and one-half inches by eleven inches showing all existing property lines of the affected parcels or lots and the proposed location of the new property line(s). The new property line shall be shown in a pattern that distinguishes it from the existing property line(s). The plot plan shall be drawn to scale and shall show all existing structures, easements, landscaping, including trees, and other improvements on the affected parcels or lots and their location in relation to all existing and proposed property lines;

2. Current legal descriptions for the affected parcels;

3. Revised legal descriptions for each of the affected parcels or lots signed and sealed by a registered civil engineer or licensed land surveyor;

4. Written verification from the affected property owners that the affected properties are not encumbered by a deed of trust, or if they are, written verification from all affected beneficiaries that they will either accept additional property or release their interest in the affected portion of the property. Letters or partial reconveyances from trustees, beneficiaries or title/escrow officers or a property profile will be accepted as written verification;

5. A letter signed by all owners of the affected parcels or lots requesting that the lot line adjustment be approved; and

6. Filing fees, as established by city council resolution.

B. Upon determination that the application is complete, the lot line adjustment shall be reviewed and approved based on the following:

1. The lot line adjustment shall conform to Title 18, Zoning, and Title 15, Buildings and Construction, of the Galt Municipal Code.

2. The lot line adjustment may be subject to conditions of approval. These include conditions related to:

a. The zoning and building codes;

b. Prepayment of real property taxes prior to the approval of the lot line adjustment, and/or payment of all delinquent taxes;

c. Facilitating the relocation of existing utilities, infrastructure or easements.

C. The complete application shall be reviewed by the development review committee (DRC) composed of the city engineer, the planning director and the building official or their respective designees. The applicant, property owner and any other person requesting notification shall be provided a minimum five-day written notice of an administrative hearing to be held by the DRC to consider the application. At the conclusion of the hearing, the DRC shall approve the lot line adjustment in accordance with Section 17.12-.050C2 if it finds that each condition set forth in Section 17.12.050B is met. The DRC may modify the lot line adjustment plot plan as a condition of approval in accordance with Section 17.12.050B2a and c of this chapter.

1. The DRC may approve, conditionally approve, deny or deny without prejudice any application reviewed pursuant to this section based on whether the proposed lot line adjustment complies with all applicable requirements of this chapter. Such decision shall include findings in accordance with the provisions of this chapter.

2. Written notice of the decision shall be given by mail within five calendar days after the date of the decision to the applicant, the property owner and any person filing a written request for notice of the decision.

3. The decision of the DRC shall be final on expiration of fourteen calendar days from and including the date of decision unless an appeal is filed in accordance with Section 17.12.050C4 within such time.

4. Any decision of the DRC made pursuant to this section shall be subject to appeal to the planning commission. An appeal can be made by filing a written notice of appeal with the planning director prior to the time the decision becomes final. Such appeal shall be accompanied by the filing fee established by resolution of the city council.

5. No permit shall be issued prior to the expiration of any appeal period.

D. Appeal. When an appeal has been filed pursuant to this title, notice shall be given and hearing shall be conducted as provided by this chapter.

1. Notice of Appeal Hearing. Notice of an appeal hearing shall be published in a newspaper ten days in advance of the hearing in accordance with Government Code Section 65090.

2. Conduct of Hearings. The planning commission and the city council, in the event of an appeal of the decision of the planning commission, may establish rules for the conduct of hearings. Evidence shall be offered or presented, and the name and address of each witness shall be recorded and made a part of the permanent files. Any hearing may be continued provided that prior to adjournment or recess the presiding officer shall announce the time and place to which the hearing will be continued.

3. The planning commission and the city council, in the event of an appeal of the decision of the planning commission, may approve, conditionally approve, deny or deny without prejudice any application reviewed pursuant to this section based on whether the proposed project complies with all applicable requirements of this chapter. Such decision shall include findings in accordance with the provisions of this chapter.

4. The decision of the planning commission shall be final on expiration of fourteen calendar days from and including the date of decision, unless an appeal is filed in accordance with Section 17.12.050D5 within such time.

5. Any decision of the planning commission made pursuant to this section shall be subject to appeal to the city council. An appeal can be made by filing a written notice of appeal with the planning director prior to the time the decision becomes final. Such appeal shall be accompanied by the filing fee established by resolution of the city council. The decision of the city council shall be final. Judicial review of the decision of the city council must be initiated pursuant to Section 1094.6 of the California Code of Civil Procedure within ninety days of the date the decision becomes final.

6. No permit shall be issued prior to the expiration of an appeal period.

E. If the request for a lot line adjustment is approved, the applicant shall arrange to have the following documents prepared:

1. Revised deeds for each of the affected parcels or lots;
2. One eight-and-one-half-inch by eleven-inch exhibit plot plan for each parcel affected;
3. Any offers of dedication;
4. Street improvement plans or deferred street improvement agreements, if applicable;
5. Applicable fees, including recordation fees and plan check fees;
6. Additional information as may be required by the DRC;
7. Signatures of all parties having interest in affected parcels.

F. The documents described in subsection E of this section shall be submitted to the city engineer. The city engineer shall review the documents for consistency with the approved lot line adjustment and shall then forward the documents to the applicant for recording.

G. A lot line adjustment approval shall be valid for one year from the date of approval and if the adjusted parcels or lots are not a matter of record within that one-year period, the approval shall expire. (Ord. 96-07 § 2; Ord. 90-12 § 5; Ord. 86-3 § 1 (part))

**Chapter 17.16**

**TENTATIVE MAPS**

**Sections:**

- 17.16.010 Application for approval.**
- 17.16.020 Form of tentative map.**
- 17.16.030 Information to be shown.**
- 17.16.040 Accompanying data.**
- 17.16.050 Filing.**
- 17.16.060 Transmittal and review.**
- 17.16.070 Other public agency reports and recommendations.**
- 17.16.080 Public hearing--Notice.**
- 17.16.090 Planning commission action.**
- 17.16.100 Interested person appeals to city council.**
- 17.16.110 Findings.**
- 17.16.120 Waiver of statutory time by developer.**
- 17.16.130 Soils investigation.**
- 17.16.140 Incomplete or incorrect data.**
- 17.16.150 Withdrawal.**
- 17.16.160 Expiration.**
- 17.16.170 Amendments to approved tentative maps.**

**Section 17.16.010 Application for approval.**

An application for approval of a tentative map shall be filed with the planning director on forms provided by the city. The application shall be signed by all owners of the property to be subdivided or their representative pursuant to written authorization. The application shall be accompanied by:

- A. A tentative subdivision map, as described in Section 17.16.020 of this chapter;
- B. A map drawn to scale showing the exterior property lines of all properties located within a three hundred foot radius of the exterior boundaries of the proposed subdivision with the assessor's parcel numbers of such properties noted thereon;
- C. A list of the names and addresses of the owners of such properties as shown on the last equalized assessment roll;
- D. An environmental impact questionnaire; and
- E. A filing fee, as established by city council resolution. (Ord. 86-3 § 1 (part))

**Section 17.16.020 Form of tentative map.**

- A. Tentative subdivision maps shall be drawn to a size of eighteen inches by twenty-six inches and a scale of not more than one hundred feet to one inch.
- B. Tentative maps shall be prepared by or under the direction of a registered civil engineer or licensed land surveyor and shall contain the following information:
  - 1. A site sketch indicating the location of the proposed subdivision in relation to the surrounding area or region;
  - 2. The tract name, date, north point, scale and sufficient boundaries to defined the proposed tract;
  - 3. The names, addresses and telephone numbers of the property owner of record, subdivider, civil engineer or land surveyor;
  - 4. The location, names, widths and approximate grades of all streets and rights-of-way in the proposed subdivision including all streets and rights-of-way to be offered for dedication;

5. Contour lines having the following intervals:
  - a. One-foot contour interval for ground slope greater than five percent,
  - b. Five-foot contour interval for ground slope greater than five percent;
6. The approximate location of all areas subject to flood hazards and the location, width and direction of flow of all watercourses;
7. The approximate width and location of all easements for drainage, water supply, sewage and public utilities;
8. The approximate dimensions of all lots, a number assigned to each lot, and the radii and central angles of all curves;
9. The location of all existing buildings and structures to remain on the property;
10. The location of all railroad rights-of-way and grade crossings; the approximate locations of all existing wells, abandoned wells and sumps, including septic systems or other similar underground systems; active or abandoned quarries; and the identification of any physical restrictions or conditions in the subdivision which may affect the use of the property; and
11. The approximate location and a general description of any trees of a diameter of six inches or greater with notations as to whether such trees will be retained or destroyed. Additionally, where groves of trees exist, the perimeter of the grove canopy shall be shown symbolically on the map;
12. Sufficient legal description to define the boundary of the proposed subdivision. (Ord. 86-3 § 1 (part))

**Section 17.16.030 Information to be shown.**

In addition to those items set forth in Section 17.16.020 of this chapter, information on the following matters shall be shown on the tentative map or shall be included in a written statement attached thereto:

- A. Proposed storm drainage and/or flood control measures, including flood control zone designations;
- B. Existing uses of the property;
- C. Proposed uses of the property and a copy of proposed deed restrictions;
- D. Proposed public areas;
- E. Detailed information on the proposed sewage disposal system if connection to the city's sewage treatment plant is not proposed;
- F. Existing and proposed utilities;
- G. Proposed recreational sites, trails and parks for private or public use;
- H. Geological studies including seismic zone designations. (Ord. 86-3 § 1 (part))

**Section 17.16.040 Accompanying data.**

The following drawings, statements and other data shall be filed on or with the tentative map:

- A. Two copies of a preliminary title report for the property proposed to be subdivided;
- B. A statement which identifies the property's existing and proposed zoning;
- C. A preliminary soils report by a registered civil engineer, based on adequate test borings, unless such report is waived by the city engineer on the basis of known soil conditions in the proposed subdivision;
- D. A preliminary grading plan, unless waived by the city engineer;
- E. A statement of any proposed phasing of development; and
- F. Any other data that may be required by the planning director as a prerequisite to approval of the tentative map, including plans, reports, fees and other requirements;
- G. A list of street names for any unnamed street or alley;
- H. Preliminary Engineering Calculations. Information shall be submitted as required by the standard engineering specifications to demonstrate the adequacy of the design of the proposed

improvements. Such information shall include design parameters and engineering calculations.

I. Phasing. If the subdivider plans to file multiple final maps on the tentative map, he shall submit a written notice to this effect to the planning director. (Ord. 86-3 § 1 (part))

**Section 17.16.050 Filing.**

A. The subdivider shall, at the time of making application for approval of the tentative map, submit to the planning director twenty-five prints of the tentative map folded to eight and one-half inches by eleven inches, and one eight-and-one-half-inch by eleven inch reduction of the map and such other information which may be required by this chapter. Additional prints of the tentative map may be required if the proposed subdivision abuts a state highway, railroad right-of-way or flood control project.

B. The subdivider shall, at the time of making application for approval of a tentative map, pay an application and processing fee in the amount established by resolution of the city council.

C. The planning director shall examine the tentative map upon presentation of the same and shall not accept such map filing as complete unless the same is in full compliance with the provisions of the law and of this chapter as to form and as to the data and information required to be shown thereon or furnished therewith.

D. The filing of the tentative map with the planning director shall not preclude the securing of additional information from the subdivider necessary for the proper consideration of the tentative map nor shall it ensure that the map complies with all laws and with this chapter. (Ord. 86-3 § 1 (part))

**Section 17.16.060 Transmittal and review.**

A. The planning director shall transmit copies of the tentative map to the public works department, the city engineer and any other affected city departments and requesting agencies for review. A report on each tentative map shall be prepared by the planning director and submitted to the planning commission.

B. Within ten days of the filing of a tentative map, the planning director shall send a notice of the filing of the tentative map to the Galt Joint Union High School District and the Galt Joint Union School District. Such notice shall also contain information about the location of the proposed subdivision, the number and size of proposed residential units, density, and any other information which may be relevant to the school districts. The board of each school district may review the notice and may send a written report thereon to the planning commission and the city council. The report shall indicate the impact of the proposed subdivision on the school districts and shall make such recommendations as the school boards deem appropriate. In the event the school districts fail to respond within a twenty-day period from receipt of notice of the tentative map, such failure shall be deemed approval of the proposed subdivision by the school districts. The planning commission and the city council shall consider the reports from the school districts in approving, conditionally approving or denying the tentative map. (Ord. 86-3 § 1 (part))

**Section 17.16.070 Other public agency reports and recommendations.**

The planning director shall transmit copies of the tentative map and other applicable data to other public or private agencies and departments that may be affected by the proposed subdivision. Such agencies and departments shall be allowed to make a report and recommendation to the planning commission and the city council. (Ord. 86-3 § 1 (part))

**Section 17.16.080 Public hearing--Notice.**

The planning director shall give notice of the public hearing as required by Section 66451.3 of the California Government Code. In addition, mailed notice of the time and place of the



hearing, and a general description of the location of the subdivision, shall be given to the owners of real property lying within three hundred feet of the exterior boundaries of the subdivision, as their names appear on the last equalized assessment roll. (Ord. 86-3 § 1 (part))

**Section 17.16.090 Planning commission action.**

A. The planning commission shall hold a public hearing to consider the tentative map and reports and, within fifty days after the application has been filed with the planning department, shall prepare a written report of its findings for approval, conditional approval or denial. At least three days prior to the public hearing, a copy of any city staff report on the tentative map shall be delivered to the subdivider. The time limits referred to in Section 21151.5 of the Public Resources Code shall be complied with by the city. However, if an environmental impact report, negative declaration or a determination of exemption, is prepared for a tentative map, the fifty-day period specified in this section shall not be applicable and the planning commission shall render its report or decision within fifty days after certification of the environmental impact report, adoption of a negative declaration or a determination that this project is exempt from the requirements of Division 13 of the Public Resources Code, pursuant to Government Code Section 66452.1(c).

B. Any decision to approve or conditionally approve a tentative map shall include a description of the nature, type and extent of any improvement required to be constructed or installed by the subdivider.

C. The city planning commission may impose conditions for approval of the tentative map which bear a reasonable relationship to the public need created by the proposed subdivision and may, in its discretion, deny approval of the map if, in its opinion, such conditions cannot be met.

D. Copies of the approved tentative map shall remain on file in the office of the city clerk.

E. If no action is taken by the planning commission to approve, conditionally approve or disapprove the tentative map, within the time limits specified, the tentative map, as filed, shall be deemed approved insofar as it complies with the Subdivision Map Act and this municipal code. It shall be the duty of the city clerk to certify the deemed approval of this tentative map. (Ord. 90-12 § 6: Ord. 86-3 § 1 (part))

**Section 17.16.100 Interested person appeals to city council.**

A. The subdivider, interested party, or any tenant, of the real property in issue, in the case of a proposed conversion of the residential real property to a condominium project, community apartment project, or stock cooperative, may appeal from any action of the planning commission with respect to a tentative map to the city council.

B. The appeal shall be filed in writing with the city clerk within ten days after the action of the planning commission from which the appeal is being taken.

C. The city council shall set the matter for a hearing date within thirty days of the appeal filing. Within ten days after the conclusion of the hearing, the city council shall render its decision on the appeal. Decisions on appeal issued by the city council must comply with Government Code Sections 66473, 66473.5, 66474, as amended from time to time, of the Subdivision Map Act.

D. If the city council fail to act on an appeal, the tentative map insofar that it complies with the Subdivision Map Act and this municipal code, shall be deemed to be approved or conditionally approved as last approved or conditionally approved. It is the duty of the city clerk to certify that deemed approval.

E. Notice of the appeal hearing shall be sent by United States mail to each tenant of real property in issue in the case of conversion to a condominium project, community apartment project, or stock cooperative project, at least three days before the appeal hearing.

F. The city council may establish reasonable fees which are necessary to process the appeal of the city planning commission's action on a tentative map by resolution. (Ord. 90-12 § 7: Ord.

86-3 § 1 (part))

**Section 17.16.110 Findings.**

A. The following findings shall be made before the planning commission approves, or conditionally approves a tentative map:

1. That the proposed subdivision, together with the provisions for its design and improvement, is consistent with the General Plan and any applicable specific plan;
2. That the housing needs of the surrounding region have been balanced against the public service needs of the city's residents and available fiscal and environmental resources pursuant to Section 66412.3 of the California Government Code;
3. Except for condominium conversion projects where no new structures are added, that the design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision, as described in Section 66473.1 of the Subdivision Map Act and any guidelines promulgated by the city council.

B. The planning commission shall deny approval of a tentative map if any of the following findings are made:

1. That the proposed map is not consistent with the General Plan and applicable specific plans;
2. That the design or improvement of the proposed subdivision is not consistent with the General Plan and applicable specific plans;
3. That the site is not physically suitable for the type of development;
4. That the site is not physically suitable for the proposed density of development;
5. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat;
6. That the design of the subdivision or the type of improvements is likely to cause serious public health problems;
7. That the design of the subdivision or the type of improvements will conflict with easements of record or assessments established by court judgment, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the city planning commission may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public;
8. That all requirements of the California Environmental Quality Act and the rules and procedures adopted by the city council pursuant thereto have not been met;
9. That the proposed map fails to meet or perform any of the requirements or conditions of this chapter or the Subdivision Map Act, unless upon appeal the city council finds and determines that such failure is a result of a technical and inadvertent error which does not materially affect the validity of the map.

C. The planning commission may deny approval of the tentative map if they find that the discharge of waste from the proposed subdivision into an existing community sewer system would result in, or add to, violation of existing requirements prescribed by the State Regional Water Quality Control Board. (Ord. 90-12 § 8: Ord. 86-3 § 1 (part))

**Section 17.16.120 Waiver of statutory time by developer.**

Whenever a tentative map is subject to environmental review under the California Environmental Quality Act (CEQA), and/or when the subdivider concurrently applies for an entitlement under the zoning ordinance, or an amendment to the General Plan on the same development project, the subdivider shall be requested to waive the statutory time for the consideration of and action upon the tentative map. If the subdivider declines to waive the

statutory time, the tentative map shall not be accepted for filing until the requirements of CEQA are complied with and/or consideration of all other pending applications are first acted upon. (Ord. 86-3 § 1 (part))

**Section 17.16.130 Soils investigation.**

A preliminary soils report, prepared by a civil engineer registered in this state, and based upon adequate test borings, shall be required for every subdivision for which a tentative and final map is required under the Subdivision Map Act. The preliminary soils report may be waived if the city engineer determines that, due to the knowledge he or she has of the qualities of the soils of the subdivision, no preliminary analysis is necessary. If the preliminary soils report indicates the presence of critically expansive soils or other soils problems which if not corrected, would lead to structural defects, a soils investigation of each lot in the subdivision may be required by the city engineer as a condition precedent to consideration of the tentative map by the planning commission and the city council. The soils investigation shall be done in the manner provided in Section 66491(b) of the California Government Code. (Ord. 86-3 § 1 (part))

**Section 17.16.140 Incomplete or incorrect data.**

If at any time during the processing of the tentative map, the map or accompanying data are found to be incomplete or incorrect with respect to pertinent required information, the subdivider shall be promptly advised of the changes or additions that must be made before further action may be taken on the tentative map. Failure to provide the omitted or inaccurate information shall be cause for disapproval of the tentative map, unless an extension of time for acting upon said map is mutually agreed upon by the subdivider and the planning commission. (Ord. 90-12 § 9: Ord. 86-3 § 1 (part))

**Section 17.16.150 Withdrawal.**

A request for withdrawal of a tentative map shall be submitted to the planning director in writing in advance of the hearing unless the request is made at the public hearing on the tentative map. On the receipt of any such request, the planning director shall notify all concerned city departments and agencies of the withdrawal. No refund of the filing fee shall be made for any such withdrawn map unless such request is made prior to the distribution of copies of the tentative map to the city departments and other agencies listed in Section 17.16.060 of this chapter. (Ord. 86-3 § 1 (part))

**Section 17.16.160 Expiration.**

A. An approved or conditionally approved tentative map shall expire twenty-four months after its approval or conditional approval, unless an extension is approved as provided in subsection B of this section.

B. Upon written request of the subdivider filed prior to the expiration of the approved or conditionally approved tentative map, the time at which such map expires may be extended by the planning commission in its sole discretion for a period or periods not exceeding a total of three years. The fee for processing any such extension of time shall be required in an amount to be determined by resolution of the city council, and shall be submitted prior to the expiration date described herein.

C. The period of time specified in subsection A of this section, including any extension thereof granted pursuant to subsection B of this section, shall not include the period of time during which a lawsuit involving the approval or conditional approval of the tentative map is or was pending in a court of competent jurisdiction, if the stay of the time period is approved by the planning commission. After service of the initial petition or complaint in the lawsuit upon the

city, the subdivider may apply in writing to the planning commission for a stay of the time period pursuant to the subsection. Within forty days after receiving the application, the planning commission shall hold a public hearing to consider whether to stay the time period for up to five years or deny the requested stay.

D. No final subdivision map or parcel map of all or any portion of the property included within an expired tentative map shall be filed without first processing a new tentative map. (Ord. 90-12 § 10; Ord. 86-3 § 1 (part))

**Section 17.16.170 Amendments to approved tentative maps.**

An approved tentative map may be amended by filing an application in map form and in writing with the planning director. Such application shall be processed in the same manner as an original application for tentative map approval. (Ord. 86-3 § 1 (part))

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**Chapter 17.20**

**VESTING TENTATIVE MAPS**

**Sections:**

- 17.20.010 Consistency.**
- 17.20.020 Application.**
- 17.20.030 Filing and processing.**
- 17.20.040 Fees.**
- 17.20.050 Expiration.**
- 17.20.060 Vesting on approval of vesting tentative map.**
- 17.20.070 Development inconsistent with zoning--Conditional approval.**
- 17.20.080 Applications inconsistent with current policies.**
- 17.20.090 Other provisions apply.**
- 17.20.100 Amendment to approved vesting tentative map.**

**Section 17.20.010 Consistency.**

No land shall be subdivided and developed pursuant to a vesting tentative map for any purpose which is inconsistent with the General Plan and any applicable specific plan or not permitted by the zoning ordinance or other applicable provisions of this code. (Ord. 86-3 § 1 (part))

**Section 17.20.020 Application.**

A. Whenever a provision of the Subdivision Map Act, as implemented and supplemented by this title, requires the filing of a tentative subdivision map or tentative parcel map, a vesting tentative map may instead be filed, in accordance with the provisions of this chapter.

B. If a subdivider does not seek the rights conferred by Chapter 4.5 of the Subdivision Map Act (commencing with section 66498.1 of the California Government Code), the filing of a vesting tentative map shall not be a prerequisite to any approval for any proposed subdivision, permit for construction, or work preparatory to construction. (Ord. 90-17 § 3: Ord. 86-3 § 1 (part))

**Section 17.20.030 Filing and processing.**

A vesting tentative map shall be filed in the same form and have the same contents, accompanying data and reports and shall be processed in the same manner as set forth in this title for tentative maps, except as provided in this section:

A. At the time a vesting tentative map is filed it shall have printed conspicuously on its face the words "Vesting Tentative Map."

B. At the time a vesting tentative map is filed a subdivider shall also supply the following information:

1. Height, size, and location of buildings;
2. Plans for drainage and sanitary facilities and utilities, including alignments and grades thereof;
3. Location and size of all required easements and rights-of-way;
4. Lot size, configurations and area;
5. Traffic access and detailed street plans;
6. Detailed grading plans;
7. Land to be dedicated for park or recreational purposes;
8. Geological studies, including seismic zone designations;

9. Flood control information, including flood control zone designations;
10. Architectural plans;
11. Soil studies;
12. Any other required materials or information as determined by the planning director or city engineer. (Ord. 86-3 § 1 (part))

**Section 17.20.040 Fees.**

Upon filing a vesting tentative map, the subdivider shall pay the fees as determined by resolution of the city council for the filing and processing of a vesting tentative map. (Ord. 86-3 § 1 (part))

**Section 17.20.050 Expiration.**

The approval or conditional approval of a vesting tentative map shall expire at the end of the same time period, and shall be subject to the same extensions, established by this title for the expiration of the approval or conditional approval of a tentative map. (Ord. 86-3 § 1 (part))

**Section 17.20.060 Vesting on approval of vesting tentative map.**

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

B. Notwithstanding subdivision A of this section, a permit, approval, extension, or entitlement may be made conditional or denied if any of the following are determined:

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

C. The rights referred to in this section shall expire if a final map is not approved prior to the expiration of the vesting tentative map as provided in Section 17.20.050 of this chapter. If the final map is approved, these rights shall last for the following periods of time:

1. An initial time period of eighteen months. Where several final maps are recorded on various phases of a project covered by a single vesting tentative map, this initial time period shall begin for each phase when the final map for that phase is recorded;

2. The initial time period set forth in subdivision 1 of this subsection, shall be automatically extended by any time used for processing a complete application for a grading permit or for design or architectural review, if such processing exceeds thirty days, for the date a complete application is filed;

3. A subdivider may apply for a one-year extension at any time before the initial time period set forth in subdivision 1 of this subsection expires;

4. If the subdivider submits a complete application for a building permit during the periods of time specified in subdivisions 1 and 2 of this subsection, the rights referred to in this section shall continue until the expiration of that permit, or any extension of that permit. (Ord. 86-3 § 1 (part))

**Section 17.20.070 Development inconsistent with zoning--Conditional approval.**

A. Whenever a subdivider files a vesting tentative map for a subdivision whose intended development is inconsistent with the zoning ordinance in existence at that time, that inconsistency

shall be noted on the map. The city planning commission may deny such a vesting tentative map or approve it conditioned on the subdivider, or his or her designee, obtaining the necessary change in the zoning ordinance to eliminate the inconsistency. If the change in the zoning ordinance is obtained, the approved or conditionally approved vesting tentative map shall, notwithstanding Section 17.20.060A, confer the vested right to proceed with the development in substantial compliance with the change in the zoning ordinance and the map, as approved.

B. The rights conferred by this section shall be for the time periods set forth in Section 17.20.060C. (Ord. 90-12 § 11; Ord. 86-3 § 1 (part))

**Section 17.20.080 Applications inconsistent with current policies.**

Notwithstanding any provision of this chapter, a property owner or his or her designee may seek approvals or permits for development which depart from the ordinances, policies, and standards described in Sections 17.20.060 and 17.20.070 of this chapter, and local agencies may grant these approvals or issue these permits to the extent that the departures are authorized under applicable law. (Ord. 86-3 § 1 (part))

**Section 17.20.090 Other provisions apply.**

Except as otherwise set forth in this chapter, all other provisions of this title shall apply to vesting tentative maps. (Ord. 86-3 § 1 (part))

**Section 17.20.100 Amendment to approved vesting tentative map.**

Amendments to the approved or conditionally approved vesting tentative map shall be made in accordance with Section 17.16.170 or Section 17.24.110, as the case may be. (Ord. 86-3 § 1 (part))

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**Chapter 17.24**

**PARCEL MAPS**

**Sections:**

- 17.24.010 Required when.**
- 17.24.020 Exceptions.**
- 17.24.030 Application for approval.**
- 17.24.040 Form of tentative parcel map.**
- 17.24.050 Filing of tentative parcel map.**
- 17.24.060 Transmittal and review of tentative parcel map.**
- 17.24.070 Planning director action on tentative parcel map.**
- 17.24.080 Planning commission action.**
- 17.24.090 Interested person appeals to city council.**
- 17.24.100 Expiration of tentative parcel map.**
- 17.24.110 Amendments to tentative parcel map.**
- 17.24.120 Form of parcel map.**
- 17.24.130 Filing of parcel map.**
- 17.24.140 Review and transmittal by city engineer.**
- 17.24.142 Review by planning director--Requirement for revised maps.**
- 17.24.144 Filing of revised tentative parcel map.**
- 17.24.150 City engineer action on parcel map.**
- 17.24.160 Instrument of dedications and improvements.**
- 17.24.170 Examination by city engineer.**
- 17.24.180 Filing with county.**
- 17.24.190 Waiver of form and content requirements.**
- 17.24.200 Withdrawal.**

**Section 17.24.010 Required when.**

Except as provided in this chapter, a parcel map shall be filed and recorded for any subdivision for which a final subdivision map is not required by the Subdivision Map Act. (Ord. 86-3 § 1 (part))

**Section 17.24.020 Exceptions.**

A. The planning director may waive the requirement for a parcel map if he or she determines such map is not required because the proposed division of land complies with all provisions of the Subdivision Map Act and this title, and makes the finding set forth in Section 66428 of the Subdivision Map Act.

B. If the planning director determines that a parcel map is not required, he or she shall prepare written findings that the proposed division of land complies with the provisions of this title and record such findings with the county recorder.

C. Waiver of Parcel Map Requirements and Waiver of Tentative and Final Maps for Condominium Project on Single Parcel. The city engineer may, in his or her discretion, waive all or part of the requirements for a tentative and parcel map for the following:

1. Division of real property or interests therein created by probate, eminent domain procedures, partition or other civil judgments or decrees;
2. Division of real property resulting from the conveyance of land or any interest therein to or from the city, public entity or public utility for a public purpose, such as school sites, public building sites, or rights-of-way or easements for streets, sewers, utilities, drainage, etc.;
3. Division of real property which has been merged pursuant to this chapter, the



Subdivision Map Act or any prior ordinance of the city;

4. Construction of a condominium project on a single parcel. The city engineer may, in his or her discretion, waive the requirement for a tentative and final map for construction of a condominium project on a single parcel;

5. Any other division of real property which would otherwise require a parcel map.

The city engineer shall make a finding that the proposed division of land complies with requirements as to area, improvement and design, floodwater drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection, and other requirements of the Subdivision Map Act, this chapter, this code, the General Plan or applicable specific plan.

Upon the waiver of the parcel map requirement, or the tentative and final map requirement, pursuant to this section, the city engineer shall file with the county recorder a certificate of compliance for the land to be divided, in accordance with Section 17.44.010, and a plat map showing the division. The certificate shall include a certificate by the county tax collector in accordance with Section 17.28.070(M)(7).

A waiver by the city engineer may be conditioned to provide for, among other things, payment by the subdivider of parkland dedication, drainage, and other fees that are permitted by law. (Ord. 86-3 § 1 (part))

#### **Section 17.24.030 Application for approval.**

An application for approval of a tentative parcel map shall be filed with the planning director on forms provided by the city. The application shall be signed by all owners of the property to be subdivided or their representative pursuant to written authorization. An application shall also be accompanied by an environmental questionnaire unless the proposed division of land is exempt from the provisions of the California Environmental Quality Act (CEQA). A proposed tentative parcel map is exempt from CEQA when the proposed division of land is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels to local standards are available, the land was not involved in a division of a larger parcel within the previous two years, and the land does not have an average slope greater than twenty percent. The application shall be accompanied by:

A. A tentative parcel map, as described in Section 17.24.040 of this chapter;

B. A map drawn to scale showing the exterior property lines of all properties located within a three hundred foot radius of the exterior boundaries of the proposed subdivision with the assessor's parcel numbers of such properties noted thereon;

C. A list of the names and addresses of the owners of such properties as shown on the last equalized assessment roll;

D. A nonrefundable processing and filing fee, as established by council resolution. (Ord. 86-3 § 1 (part))

#### **Section 17.24.040 Form of tentative parcel map.**

Tentative parcel maps shall be prepared by or under the direction of a registered civil engineer or licensed land surveyor, unless otherwise approved by the planning director, and shall contain the following information:

A. A site sketch indicating the location of the proposed parcel map in relation to the surrounding area;

B. The title, date, north point, scale, and sufficient boundaries to define the proposed land division;

C. The names and telephone numbers of the property owner of record, subdivider, civil engineer or land surveyor;

D. The location, names, present width and grades of adjacent or abutting streets;

- E. Location, names, widths and approximate grades of all streets and rights-of-way in the proposed subdivision, or to be offered for dedication;
- F. The contour lines having the following intervals:
  - 1. One-foot contour interval for ground slope between zero and five percent,
  - 2. Five-foot contour interval for ground slope greater than five percent;
- G. The approximate location of all areas subject to flood hazards and the location, width and direction of flow of all watercourses;
- H. The approximate width and location of all easements for drainage, water supply, sewage and public utilities;
- I. The approximate dimensions of lots, radii and central angles of all curves;
- J. The location of all existing buildings and structures to remain on the property;
- K. Detailed information on the proposed sewage disposal system if connection to the city's sewage treatment plant is not proposed;
- L. All easements of record proposed to be abandoned. (Ord. 86-3 § 1 (part))

**Section 17.24.050 Filing of tentative parcel map.**

- A. The subdivider shall, at the time of making application for approval of the tentative parcel map, submit to the planning director twenty-five prints of the tentative parcel map and such other information which may be required by this chapter. Additional prints of the tentative parcel map may be required if the proposed subdivision abuts a state highway, railroad right-of-way or flood control project.
- B. The planning director shall examine the tentative parcel map upon presentation of the same and shall not accept such map filing as complete unless the same is in full compliance with the provisions of the law and of this chapter as to form and as to the data and information required to be shown thereon or furnished therewith.
- C. The filing of the tentative parcel map with the planning director shall not preclude the securing of additional information from the subdivider necessary for the proper consideration of the tentative parcel map nor shall it ensure that the map complies with the law and with this chapter. (Ord. 86-3 § 1 (part))

**Section 17.24.060 Transmittal and review of tentative parcel map.**

The planning department shall transmit copies of the tentative parcel map and other applicable data to other public or private agencies or city departments that may be affected by the proposed subdivision. Such agencies and departments shall be allowed to make a report and recommendation to the planning commission. (Ord. 90-12 § 12: Ord. 86-3 § 1 (part))

**Section 17.24.070 Planning director action on tentative parcel map.**

The planning director shall give notice of the public hearing as required by Section 66451.3 of the California Government Code at which the planning commission shall consider the tentative parcel map. In addition, mailed notice of the time and place of the hearing, and a general description of the location of the proposed subdivisions, shall be given to the owners of real property lying within three hundred feet of the exterior boundaries of the proposed subdivision, as their names appear on the last equalized assessment roll. (Ord. 86-3 § 1 (part))

**Section 17.24.080 Planning commission action.**

- A. The planning commission shall hold a public hearing to consider the tentative parcel map and reports, and within fifty days after the application has been filed, the planning department shall prepare a written report of its findings for approval, conditional approval or denial. At least three days prior to the public hearing, a copy of any city staff report on the tentative parcel map

shall be delivered to the subdivider. The time limits referred to the Section 21151.5 of the Public Resources Code shall be complied with the city. However, if an environmental impact report, negative declaration or a determination of exemption is prepared for a tentative parcel map, the fifty-day period specified in this section shall not be applicable and the planning commission shall render its report or decision within fifty days after certification of the environmental impact report, adoption of a negative declaration or a determination that the project is exempt from the requirements of Division 13 of the Public Resources Code.

B. Any decision to approve or conditionally approve a tentative parcel map shall include a description of the nature, type and extent of any improvements required to be constructed or installed by the subdivider.

C. The planning commission may impose conditions for approval of the tentative parcel map which bear a reasonable relationship to the public need created by the proposed subdivision and may, in its discretion, deny approval of the map, in its opinion, such conditions cannot be met.

D. Copies of the approved tentative parcel map shall remain on file in the office of the city clerk. (Ord. 90-12 § 13; Ord. 86-3 § 1 (part))

**Section 17.24.090 Interested person appeals to city council.**

A. The subdivider may appeal any action of the planning commission with respect to the tentative parcel map to the city council.

B. The appeal shall be filed in writing with the city clerk within ten days after the action of the city planning commission from which the appeal is taken or within fifteen days if the planning commission denied an extension.

C. The city council shall set the matter for a hearing date within thirty days of the appeal filing. Within ten days after the conclusion of the hearing, the city council shall render its decision on the appeal. Decisions on appeals issued by the city council must comply with the Subdivision Map Act.

D. If the city council fails to act on an appeal, the tentative parcel map insofar that it complies with the Subdivision Map Act and this municipal code, shall be deemed to be approved or conditionally approved as last approved or conditionally approved. It is the duty of the city clerk to certify that deemed approval.

E. The city council may establish reasonable fees which are necessary to process the appeal of the city planning commission's action on a tentative parcel map by resolution. (Ord. 90-12 § 14; Ord. 86-3 § 1 (part))

**Section 17.24.100 Expiration of tentative parcel map.**

A. An approved or conditionally approved tentative parcel map shall expire twenty-four months after its approval or conditional approval, unless an extension is approved as provided in subsection B of this section.

B. Upon written request of the subdivider filed prior to the expiration of the approved or conditionally approved tentative parcel map, the time at which such map expires may be extended by the city planning commission at its discretion for a period or periods not exceeding a total of three years. Prior to the expiration of an approved or conditionally approved tentative parcel map, and upon application and payment of applicable fees by the subdivider to extend the map, the map shall automatically be extended for sixty days or until the application is approved, conditionally approved or denied, whichever occurs first. If the planning commission denies a subdividers application for extension, the subdivider may appeal to the city council within fifteen days after the planning commission has denied the extension. A fee for processing any such extension of time shall be required in an amount to be determined by resolution of the city council.

C. The period of time specified in subsection A of this section, including any extension

thereof granted pursuant to subsection B of this section, shall not include the period of time during which a lawsuit involving the approval or conditional approval of the tentative parcel map is or was pending in a court of competent jurisdiction, if the stay of the time period is approved by the planning commission. After service of the initial petition or complaint in the lawsuit upon the city, the subdivider may apply in writing to the planning commission for a stay of the time period pursuant to this subsection. Within forty days after receiving the application, the city planning commission shall hold a public hearing to consider whether to stay the time period for up to five years or deny the requested stay.

D. No parcel map of all or any portion of the property included within an expired tentative parcel map shall be filed without first processing a new tentative parcel map. (Ord. 90-12 § 15; Ord. 86-3 § 1 (part))

**Section 17.24.110 Amendments to tentative parcel map.**

An approved tentative parcel map may be amended by filing an application in map form and in writing with the planning director. Such application shall be processed in the same manner as an original application for tentative parcel map approval. (Ord. 86-3 § 1 (part))

**Section 17.24.120 Form of parcel map.**

Parcel maps shall be prepared by or under the direction of a registered civil engineer or licensed land surveyor, shall show the location of streets and property lines bounding the property to be divided, and shall conform to all of the following provisions:

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

B. The size of each sheet shall be eighteen inches by twenty-six inches. A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of one inch. The face of the map shall be large enough to show all details clearly and enough sheets shall be used to accomplish this end. The particular number of the sheet and the total number of sheets comprising the map shall be stated on each of the sheets, and its relation to each adjoining sheet shall be clearly shown.

C. Each parcel shall be numbered or otherwise designated.

D. The exterior boundary of the land included within the subdivision shall be indicated by distinctive symbols and clearly so designated.

E. The map shall show the location of each parcel and its relation to surrounding surveys. The location of a designated remainder parcel shall be indicated but need not be indicated as a matter of survey but only by deed reference to the existing record boundaries of such remainder if such remainder has a gross area of five acres or more.

F. Subject to the provisions of Section 66436 of the Subdivision Map Act, a certificate, signed and acknowledged by all parties having any record title interest in the real property subdivided, consenting to the preparation and recordation of the parcel map is required. If dedications or offers of dedication are not required, the certificate shall be signed and acknowledged by the subdivider only.

G. A certificate in the form prescribed by Section 66449 of the Subdivision Map Act prepared by the engineer or surveyor preparing the map. If a field survey was performed, the parcel map shall also contain a certificate by the engineer or surveyor responsible for the preparation of the map that states that all monuments are of the character and occupy the positions indicated, or that they will be set in such positions on or before a specified date, and that the monuments are, or will be, sufficient to enable the survey to be retraced.

H. A city engineer's certificate in the form prescribed by Section 66450 of the Subdivision

Map Act stating that the map conforms with the requirements of the Subdivision Map Act and local ordinance.

I. In all cases where a parcel map is required, such map shall be based upon a field survey made in conformity with the Land Surveyors Act. (Ord. 86-3 § 1 (part))

**Section 17.24.130 Filing of parcel map.**

A. After approval or conditional approval of the tentative parcel map, the subdivider shall submit to the city engineer the following information and materials:

1. Two prints of the parcel map;
2. Traverse sheets of the boundary of the subdivision and the lots therein;
3. A guarantee of title issued by a reputable title insurance company showing the names of all persons having any right, title or interest in the lands proposed to be subdivided and whose consent is necessary to convey clear title to the lands;
4. Complete construction drawings for all of the required improvements if applicable;
5. A nonrefundable plan checking fee in an amount as established by resolution of the city council.

B. The city engineer shall examine the parcel map and construction drawings upon presentation of same to him or her and shall not accept such map filing as complete unless the same is in full compliance with the provisions of the Subdivision Map Act and of this chapter as to form and as to data and information required to be shown thereon or furnished therewith.

C. The filing of the parcel map with the city engineer shall not preclude the securing of additional information from the subdivider necessary for the proper consideration of the parcel map nor shall it ensure that the map complies with all laws and with this chapter. (Ord. 91-05 § 7: Ord. 86-3 § 1 (part))

**Section 17.24.140 Review and transmittal by city engineer.**

The city engineer shall review the final parcel map and accompanying documents for compliance with the provisions of the Subdivision Map Act and of this chapter as to form and as to data, certificates, acknowledgments and other information required to be shown thereon or furnished therewith. The subdivider shall make corrections and/or additions until acceptable to the city engineer. The city engineer shall not accept the parcel map for certification and transmittal prior to such compliance. After approval of the final map by the city engineer, he or she shall transmit it and all accompanying documents to the planning director for review. (Ord. 91-05 § 8: Ord. 86-3 § 1 (part))

**Section 17.24.142 Review by planning director--Requirement for revised maps.**

The planning director shall evaluate parcel map submissions and provide a written finding of substantial conformance or a written finding of nonconformance with the approved tentative parcel map for the subject project. If a finding of nonconformance is made, the planning director shall specify whether a new application for tentative parcel map approval is required or if the subdivider qualifies to submit an application for revised tentative parcel map approval.

A. A finding of nonconformance with the approved tentative parcel map will be based on the determination that there are any significant changes with regard to, but not limited to, the following criteria:

1. The number, size, configuration and/or orientation of proposed lots, and their relationship to surrounding land uses or the proposed circulation pattern;
2. The proposed circulation system and overall traffic pattern;
3. The effects of the revised project on surrounding land uses including, but not limited to, noise, air quality, public services and utilities, traffic and land use impacts;
4. Environmental impacts associated with the revised project that may not have been

adequately addressed with the approved tentative map;

B. If the planning director determines that the parcel map is in substantial conformance with the approved tentative parcel map for the project, he or she shall sign the certificate acknowledging such and return it to the city engineer for action in accordance with the provisions of this chapter.

C. If the planning director determines that the parcel map is not in substantial conformance with the approved tentative parcel map and will require significant reanalysis of the project and/or environmental impacts, the subdivider will be required to submit a new application for tentative parcel map approval. Such application shall be processed in the same manner as an original application for tentative parcel map approval.

D. If the planning director determines that the parcel map is not in substantial conformance with the approved tentative parcel map but is similar enough not to warrant a complete reevaluation of the project and its related environmental impacts, the subdivider shall submit an application for revised tentative parcel map approval.

E. The decision of the planning director is final unless an interested party files a written appeal and accompanying fee with the city clerk within ten days of receipt of the planning director's written finding of conformance or nonconformance. (Ord. 91-05 § 9)

**Section 17.24.144 Filing of revised tentative parcel map.**

The filing of a revised tentative parcel map shall be processed in the same manner as an original application for tentative parcel map approval except that the application fee may be reduced, by the planning director, to a minimum of sixty percent of the required tentative parcel map fee established in the city fee schedule. The fees required for environmental review and analysis shall be determined on an individual project basis and charged in accordance with the established fee schedule of the city. (Ord. 91-05 § 10)

**Section 17.24.150 City engineer action on parcel map.**

A. After approval by the planning director, the city engineer shall approve the parcel map if he or she finds that the parcel map and accompanying documents meet all of the applicable requirements and conditions imposed by the Subdivision Map Act, the city and by this chapter.

B. The city engineer shall disapprove the parcel map if he or she finds that the map does not meet all of the applicable requirements and conditions imposed by the Subdivision Map Act, the city and by this chapter. Any disapproval shall be accompanied by a finding identifying the requirements or conditions which have not been met or performed.

C. If, at the time of approval of the parcel map by the city engineer, any public improvements required by the city pursuant to the provisions of this chapter or the Subdivision Map Act have not been completed and accepted in accordance with city standards the city engineer, as a condition precedent to the approval of the parcel map, shall require the subdivider to enter into an agreement with the city to thereafter complete such improvements and to provide improvement security in accordance with Section 17.32.260 of this title.

D. At the time the city engineer approves the parcel map, the city engineer shall accept, subject to improvements, or reject any offer of dedication as provided for in Sections 66477.1, 66477.2 and 66477.3 of the Subdivision Map Act. (Ord. 91-05 § 11; Ord. 86-03 § 1 (part))

**Section 17.24.160 Instrument of dedications and improvements.**

When dedications, offers of dedication, or off-site and on-site improvements are required, they shall be made by a separate instrument which is recorded concurrently with, or prior to the parcel map being filed for record. (Ord. 86-3 § 1 (part))

**Section 17.24.170 Examination by city engineer.**

Within twenty days after receiving the parcel map, the city engineer and planning director shall examine it for the survey information shown thereon, and for compliance with other requirements of this code and the Subdivision Map Act, and if satisfied that it is technically correct, shall state that the map conformed to the requirements of the Subdivision Map Act and local ordinance by signing the certificate on the map that is required by Section 17.24.120(I). (Ord. 90-20 § 1; Ord. 86-3 § 1 (part))

**Section 17.24.180 Filing with county.**

A. Upon approval of the construction drawings and the parcel map and receipt of the improvement security, the city engineer shall forward the parcel map to the city clerk. The city clerk shall transmit the parcel map to either the county recorder or to an approved title company for final filing.

B. One set of duplicate mylar tracings and one set of blue-line prints of the subdivision shall be filed with the planning director prior to the filing of the final map with the county recorder.

C. Two sets of blue-line prints and two original mylars or permanent reproductions of the filed parcel map shall be submitted to the city engineer for permanent record retention subsequent to the filing of the map with the county recorder. (Ord. 86-3 § 1 (part))

**Section 17.24.190 Waiver of form and content requirements.**

The city engineer may waive any of this chapter's requirements which are supplemental to those set forth in the Subdivision Map Act as to form and content of a tentative parcel map or parcel map upon finding that the location or nature of the proposed subdivision is such as not to necessitate compliance with those requirements. (Ord. 86-3 § 1 (part))

**Section 17.24.200 Withdrawal.**

A request for withdrawal of a tentative parcel map shall be submitted to the planning director in writing in advance of the hearing unless the request is made at the public hearing on the tentative parcel map. On the receipt of any such request, the planning director shall notify all concerned city departments and agencies of the withdrawal. No refund of the filing fee shall be made for any such withdrawn map unless such request is made prior to the distribution of copies of the tentative parcel map to the city departments and other agencies listed in Section 17.24.060 of this chapter. (Ord. 86-3 § 1 (part))

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**Chapter 17.28**

**FINAL MAPS**

**Sections:**

- 17.28.010 Final map.**
- 17.28.020 Condominiums and community apartment projects.**
- 17.28.030 Deadline to file.**
- 17.28.040 Failure to file.**
- 17.28.050 Preparation--Specifications generally.**
- 17.28.060 Content of map--Tentative map conformance.**
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- 17.28.082 Review by city engineer and planning director.**
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- 17.28.086 Review by planning director--Requirement for revised map.**
- 17.28.088 Filing of revised tentative maps.**
- 17.28.100 Council action.**
- 17.28.110 Filing with county recorder.**

**Section 17.28.010 Final map.**

A final map shall be required for all subdivisions for which a tentative map has been filed except for those subdivisions for which a parcel map has been filed in accordance with Chapter 17.24 of this title. (Ord. 86-3 § 1 (part))

**Section 17.28.020 Condominiums and community apartment projects.**

Approval of a final map for a subdivision resulting from the conversion of residential real property into a condominium project, a community apartment project or a stock cooperative project, shall be subject to the provision of Section 66427.1 of the California Government Code. (Ord. 86-3 § 1 (part))

**Section 17.28.030 Deadline to file.**

Within twenty-four months of the date of approval or conditional approval of the tentative map, or within such additional time as may be granted by the city council, the subdivider may cause the proposed subdivision or any part thereof to be surveyed and a final map to be prepared and filed as provided in this chapter and Section 66546.1 of the Subdivision Map Act. (Ord. 86-3 § 1 (part))

**Section 17.28.040 Failure to file.**

Failure to file a final map within the time specified in Section 17.28.030 of this chapter shall terminate all proceedings. (Ord. 86-3 § 1 (part))

**Section 17.28.050 Preparation--Specifications generally.**

The final map shall be based upon a survey and shall be prepared by or under the direction of a registered civil engineer or licensed land surveyor in the manner required by the Subdivision Map Act and this chapter. (Ord. 86-3 § 1 (part))

**Section 17.28.060 Content of map--Tentative map conformance.**



The final map shall substantially conform to the tentative map approved or conditionally approved by the city council, including any approved modifications. (Ord. 86-3 § 1 (part))

**Section 17.28.070 Form of final map.**

A. Final subdivision maps shall be clearly and legible drawn, printed or reproduced by a process guaranteeing a permanent record in black on tracing cloth or polyester-base film. Certificates, affidavits and acknowledgments may be stamped or printed on the map with opaque ink if the ink surface is coated with a suitable substance to assure permanent legibility. The size of the sheet shall be eighteen inches by twenty-six inches. A marginal line shall be drawn completely around each sheet, leaving an entire blank margin of one inch on all sides.

B. The title sheet shall contain the title consisting of the subdivision number and the name of the tract and such name shall not be the same as the name of any existing tract or subdivision of land into lots, for which a map or plot has been previously recorded, or so nearly the same as to mislead the public or cause confusion as to the identity thereof, and a subtitle or general description of all the property being subdivided by reference to maps which have been previously recorded. In case the property included within the subdivision lies wholly within the corporate limits of the city, the following words shall appear before the title: "In the City of Galt"; if partly within the city limits, the following words shall be used: "Lying within and adjoining the City of Galt". Reference to tracts and subdivisions in the description must be worded identically with original records and reference to book and page or record must be complete. Every sheet comprising the map shall bear the number, name, scale, north point, legend, sheet number and number of sheets comprising the map. Below the title shall be clearly noted the basis of bearing for the survey.

C. When the final map consists of more than two sheets, a key map showing the relationship of the sheets to each other shall be placed on sheet 1.

D. The scale of the final map shall be one inch equals one hundred feet, unless otherwise approved by the city engineer.

E. The map shall show clearly what stakes, monuments or other evidences were found on the ground to determine the boundaries of the tract. The adjoining corners of all adjoining subdivisions shall be identified by lot and block numbers, tract name and place or record, or by section, township and range, or other proper designation.

F. Sufficient data must be shown to determine readily the bearing and length of every lot line, block line and boundary line. Dimensions of lots shall be given as to net dimensions to the boundaries of adjoining streets and shall be shown in feet and hundreds of feet. No ditto marks shall be used. Lots containing one acre or more shall show net acreage to the nearest hundredths. Bearings and distances of straight lines and such radii and arc lengths for all curves as may be necessary to determine the location of the centers of curves shall be shown.

G. The map shall show the line of highest high water in case the subdivision is adjacent to a stream or body of water of if areas therein are subject to periodic inundation by floodwaters.

H. The exterior boundary of the land included in the subdivision shall be designated by a colored border applied to the tracing. Such border shall not interfere with the legibility of figures or other data.

I. In any subdivision, all lots shall be numbered consecutively with no omission or duplication throughout the entire subdivision and for future units of any subdivision which has the same tract name but is designated by different units. No block division or numbering is required, but if desired by the subdivider, then each block shall be numbered consecutively. Circles or other geometric figures shall not be drawn around numbers. Each lot must be shown entirely on one sheet.

J. The map shall show the center and side lines of all streets appearing on the map and shall include the total width of all such streets, the width of any street portions being dedicated, the

width of existing street dedications, and the width of each street half, and the width of any railroad rights-of-way. All streets shall be named.

K. The map shall show the center and/or side lines of all easements to which the lots are subject. Each easement must be clearly labeled and identified and, if already of record, its recorded reference given. If any easement is not of record, a statement of such easement must appear on the title sheet. Easements for storm drains, sewers and other purposes shall be denoted by dotted lines that are of the same size and width as the lines used to denote street boundaries. Distances and bearing on the side lines of lots which are cut by an easement must be arrowed or so shown that the map will indicate clearly the actual lengths of the lot lines. The width of the easement and lengths and bearings of the lines thereof and sufficient ties thereto to definitely locate the easement with respect to the subdivision must be shown. If the easement is being dedicated by the map, it shall be properly set out in the owner's certificate of dedication. All notes or figures pertaining to easements shall be considerably smaller and lighter than those relating to the subdivision itself.

L. The final map shall particularly define, delineate and designate all lots intended for sale or reserved for private purposes and all parcels offered for dedication for any purpose, with all dimensions, boundaries and courses clearly shown and defined in every case. Any or all of the parcels of land intended for any public use, except those parcels, other than streets, intended for exclusive use of the lot owners, their licensees, visitors, tenants and servants, in the subdivision shall be offered for dedication for public use. Parcels offered for dedication but not accepted shall be clearly designated as such on the map. Remainder parcels shall be designated when required by Section 66434 of the Subdivision Map Act.

M. The following certificates and acknowledgments and all others now or hereafter required by law shall appear on the final map. Such certificates may be combined where appropriate:

1. A certificate signed and acknowledged by all parties having any record title interest in the real property being subdivided consenting to the preparation and recordation of said map; provided, however, that the signatures of parties owning the following types of interest may be omitted if their names and the nature of their respective interests are stated on the map.

a. Exception as provided in Section 66436(a)(1) of the Subdivision Map Act, rights-of-way, easements or other interests, none of which can ripen into a fee,

b. Rights-of-way, easements or reversions, which by reason of changed conditions, long disuse or laches appear to be no longer of practical use or value and a signature impossible or impractical to obtain. In such cases, statement of the circumstances preventing the procurement of the signatures shall be stated on the map,

c. Interest in or rights to minerals, including but not limited to oil, gas or other hydrocarbon substances, if:

i. The ownership of such interest or rights does not include the right of entry on the surface of the land

ii. The use of the land, or the surface thereof, in connection with the ownership of such interest or rights is prohibited by zoning or other governmental regulations;

2. A certificate signed and acknowledged by all parties having any record title interest in the land being subdivided, not including those parties excluded by Section 66436 of the Subdivision Map Act, offering to dedicate interests in real property for specified public purposes;

3. A certificate signed by the engineer or surveyor responsible for the survey and final map. The certificate shall include the date of the survey and shall state that the survey and final map were made by him or her or under his or her direction, that the survey is true and complete as shown, that all the monuments are of the character and occupy the positions indicated or that they will be set in such positions on or before a specified later date, and that the monuments are, or will be, sufficient to enable the survey to be retraced;

4. A certificate for execution by the city engineer which states that he or she has examined the map, that the subdivision as shown is substantially the same as it appeared on the tentative

map and any approved alterations thereof, that all provisions of Chapter 2 of the Subdivision Map Act and of this title applicable at the time of approval of the tentative map have been complied with, and that he or she is satisfied that the map is technically correct. The city engineer shall complete and file the certificate with the city council within twenty days from the time the final map is submitted to him or her by the subdivider for approval;

4.5 A certificate for execution by the planning director which states that he or she has examined the map, and that the subdivision as shown is substantially the same as it appeared on the tentative map and any approved alterations thereof. The planning director shall complete and file the certificate with the city council or issue a written determination to the subdivider that the final map is not in substantial compliance with the approved tentative map within twenty days from the time the final map is submitted to him or her by the subdivider for approval.

5. A certificate of acceptance for execution by the office of the county recorder;

6. Certificates for execution by the city and county auditors stating that there are no liens against the subdivision or any part thereof for unpaid state, county, municipal or local taxes or special assessments;

7. A certificate attesting that a tax bond, cash or other securities guaranteed in payment have been filed with the county clerk to cover taxes and assessments against the property which are a lien but are not yet payable;

8. A certificate for execution by the mayor and the city clerk stating that the city council approved the map and accepted, accepted subject to improvement, or rejected, on behalf of the public, any real property offered for dedication for public use in conformity with the terms of the offer of dedication;

9. When a soil report has been prepared, this fact shall be noted on the final map, together with the date of the report and the name of the engineer making the report. (Ord. 91-06 § 1; Ord. 86-3 § 1 (part))

#### **Section 17.28.080 Filing.**

A final map conforming to the approved or conditionally approved tentative map may be filed with the city council for approval by filing the final map with the city clerk for submission to the city council on the agenda for the next available regular meeting of the city council, after all required certificates including, but not limited to, those required by Sections 17.28.084 and 17.28.086 of this chapter on such map have been signed and, where necessary, acknowledged. The date the map shall be deemed filed with the city council is the date of the regular meeting at which the city council first receives the map. (Ord. 91-05 § 2)

#### **Section 17.28.082 Review by city engineer and planning director.**

Prior to filing the final map with the city clerk, the subdivider shall submit the map to the city engineer for review by the city engineer and planning director. The subdivider shall, at the time of making application for approval of the final map, submit the following information and materials:

- A. Two prints of the final map;
- B. Traverse sheets of the boundary of the subdivision and the lots within;
- C. A guarantee of title issued by a reputable title insurance company showing the names of all persons having any right, title or interest in the lands proposed to be subdivided and whose consent is necessary to convey clear title to the lands;
- D. Complete construction drawings for all of the required subdivision improvements;
- E. A nonrefundable application and processing fee in an amount as established by resolution of the city council; and
- F. Any additional data, reports or information as required by the city engineer. (Ord. 91-05 § 3)

**Section 17.28.084 Review and transmittal by city engineer.**

The city engineer shall review the final map and accompanying documents for compliance with the provisions of the Subdivision Map Act and of this chapter as to form and as to data, certificates, acknowledgments and other information required to be shown thereon or furnished therewith. The subdivider shall make corrections and/or additions until acceptable to the city engineer. The city engineer shall not accept the final map prior to such compliance. After approval of the final map by the city engineer, he or she shall transmit it and all accompanying documents to the planning director for review. (Ord. 91-05 § 4)

**Section 17.28.086 Review by planning director--Requirement for revised map.**

The planning director shall evaluate final map submissions and provide a written finding of substantial conformance or a written finding of nonconformance with the approved tentative map for the subject project within twenty days from receipt of the final map submittal. If the final map is found to be in substantial conformance, the planning director shall sign the certificate acknowledging such. If a finding of nonconformance is made, the planning director shall specify whether a new application for tentative map approval is required or if the subdivider qualifies to submit an application for revised tentative map approval.

A. A finding of nonconformance with the approved tentative map will be based on the determination that there are significant changes with regard to, but not limited to, the following criteria:

1. The number, size, configuration and/or orientation of proposed lots, and their relationship to surrounding land uses or the proposed circulation pattern;
2. The proposed circulation system and overall traffic pattern;
3. The effects of the revised project on surrounding land uses including, but not limited to, noise, air quality, public services and utilities, traffic and land use impacts;
4. Environmental impacts associated with the revised project that may not have been adequately addressed with the approved tentative map.

B. If the planning director determines that the final map is in substantial conformance with the approved tentative map for the project and the city engineer has approved the final map, the subdivider may file the final map submittal package with the city clerk in accordance with the provisions of this chapter.

C. If the planning director determines that the final map is not in substantial conformance with the approved tentative map and will require significant reanalysis of the project and/or environmental impacts, the subdivider will be required to submit a new application for tentative map approval. Such application shall be processed in the same manner as an original application for tentative map approval.

D. If the planning director determines that the final map is not in substantial conformance with the approved tentative map but is similar enough not to warrant a complete reevaluation of the project and its related environmental impacts, the subdivider shall submit an application for revised tentative map approval.

E. The decision of the planning director is final unless an interested party files a written appeal and accompanying fee with the city clerk within ten days of receipt of the planning director's written finding of conformance or nonconformance. The appeal will be considered by the city council at its next available regular meeting. (Ord. 91-05 § 5)

**Section 17.28.088 Filing of revised tentative maps.**

The filing of a revised tentative map shall be processed in the same manner as an original application for tentative map approval except that the application fee may be reduced, by the planning director, to a minimum of sixty percent of the required tentative map fee established in the city fee schedule. The fees required for environmental review and analysis shall be

determined on an individual project basis and charged in accordance with the established fee schedule of the city. (Ord. 91-05 § 6)

**Section 17.28.100 Council action.**

A. The city council shall, at the meeting at which it receives the map or, at its next regular meeting after the meeting at which it receives the map, approve the map if it conforms to all the requirements of Chapter 2 of the Subdivision Map Act and this title at the time of approval or conditional approval of the tentative map and any rulings made thereunder or, if it does not so conform, disapprove the map. Any disapproval shall be accompanied by a finding identifying the requirements or conditions which have not been met or performed. The city council may approve a nonconforming map if it determines that the nonconformity is the result of a technical and inadvertent error that does not materially affect the validity of the map, provided the city council and the subdivider agree that a conforming map shall be prepared by the subdivider before the certificate of approval described in Section 17.28.070(M)(8) of this chapter, is executed by the mayor and the city clerk.

B. At the time the city council approves the final map, the city council shall accept, accept subject to improvements, or reject any offers of dedication. Acceptance of offers of dedication on a final map shall not be effective until the final map is filed in the office of the county recorder. As permitted by Section 66477.2 of the Subdivision Map Act, the offers of dedication shall not be effective until the city council files a resolution of acceptance in the officer of the county recorder.

C. If, at the time of approval of the final map by the city council, any public improvements required by the city pursuant to the provisions of this title or the Subdivision Map Act have not been completed and accepted in accordance with city standards applicable at the time of approval or conditional approval of tentative map, the city council, as a condition precedent to the approval of the final map, shall require the subdivider to enter into an agreement as provided in Section 17.32.260 of this title. (Ord. 86-3 § 1 (part))

**Section 17.28.110 Filing with county recorder.**

A. Upon approval of the final map by the city council and receipt of the improvement security, the city engineer shall forward the final map to the city clerk for transmittal to either the county recorder or to an approved title company for final filing.

B. One set of duplicate mylar tracings and one set of blue-line prints of the subdivision shall be filed with the planning director prior to the filing of the final map with the county recorder.

C. Two sets of blue-line prints and two original mylars or permanent reproducibles of the filed parcel map shall be submitted to the city engineer for permanent record retention subsequent to the filing of the map with the county recorder. (Ord. 86-3 § 1 (part))

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Chapter 17.32

IMPROVEMENTS AND DEDICATIONS

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- 17.32.010 Intent.
- 17.32.020 Statutorily required ordinance--Provisions deemed.
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**Section 17.32.00A Article I. General Provisions**

**Section 17.32.010 Intent.**

It is the intent of this chapter to take advantage, to the fullest extent permitted by law, of those provisions of the Subdivision Map Act which permit local agencies to prescribe by ordinance the dedication of land for specified public purposes. (Ord. 86-3 § 1 (part))

**Section 17.32.020 Statutorily required ordinance--Provisions deemed.**

This chapter shall be deemed to be the requisite local ordinance required by the Subdivision Map Act for the imposition of the dedication of land for all purposes therein prescribed, including, but not limited to, the following: Streets, alleys, drainage, public utilities and other easements; bicycle paths; transit facilities; parks and recreation facilities; elementary schools and high schools; public access to rivers and streams. (Ord. 86-3 § 1 (part))

**Section 17.32.030 Legal conformity--Development restriction basis.**

A. The size, design, character, grade, location, orientation and configuration of lots within the proposed subdivision and all public improvements required in connection therewith shall be consistent with the density and uses authorized for the area by the General Plan and zoning ordinance of the city, and any applicable design and improvement standards.

B. The density, timing or sequence of development may be restricted by considerations of safety, traffic access or circulation, the slope of the terrain, the physical suitability of the site (including soil conditions), the nature and extent of existing development, the availability of public utilities, or other provisions of this chapter. (Ord. 86-3 § 1 (part))

**Section 17.32.040 Lots - zoning conformity.**

All subdivision shall result in lots which comply with the requirements set forth for the zoning districts in which the property is located as set forth in Title 18 of this code. (Ord. 86-3 § 1 (part))

**Section 17.32.050 Dedication of streets, alleys and other public rights-of-way or easements.**

As a condition of approval of a tentative map, the subdivider shall dedicate or make an irrevocable offer of dedication of all parcels of land within the subdivision that are needed for streets and alleys, including access rights and abutters' rights, drainage, public greenways, bicycle paths, trails, scenic easements, public utility easements and other public easements. In addition, the subdivider shall improve or agree to improve all streets and alleys, including access rights and

abutters' rights, drainage, public greenways, bicycle paths, trails, public utility easements and other public easements. (Ord. 86-3 § 1 (part))

**Section 17.32.060 Waiver of direct access rights.**

The city may require as a condition of approval of a tentative map that dedications or offers of dedication of streets include a waiver of direct access rights to any such streets from any property within or abutting the subdivision. Upon acceptance of the dedication, such waiver shall become effective in accordance with its provisions. (Ord. 86-3 § 1 (part))

**Section 17.32.070 Dedications.**

All dedications of property to the city for public purposes shall be made in fee title, except that, in the city's discretion, a grant of an easement may be taken for the following purposes: open space easements, scenic easements or public utility easements. All dedications in fee and grants of easement shall be free of liens and encumbrances except for those which the city, in its discretion, determines would not conflict with the intended ownership and use. The city may elect to accept an irrevocable offer of dedication in lieu of dedication of fee title. (Ord. 86-3 § 1 (part))

**Section 17.32.079A Article II. Parkland Dedication and In-Lieu Fees**

**Section 17.32.080 Purpose.**

This article is enacted pursuant to the authority granted by the Subdivision Map Act and the general police power of the city and is for the purpose of providing such additional park and recreational facilities and open space as appropriate pursuant to the General Plan of the city. The park and recreational facilities for which dedication of land and/or payment of a fee is required by this article are in accordance with the policies, principles and standards for park and recreational facilities contained in the General Plan.

For purposes of this article, "park and recreational purposes" shall include land and facilities for the activity of "recreational community gardening," which activity consists of the cultivation by persons other than, or in addition to, the owner of such land, of plant material not for sale. (Ord. 86-3 § 1 (part))

**Section 17.32.090 Requirements.**

As a condition of approval of a tentative map, the subdivider shall dedicate land, pay a fee in lieu thereof, or both, at the option of the city, for park or recreational purposes at the time and according to the standards and formula contained in this article. The land dedicated or the fees paid, or both, shall be used for community and neighborhood parks and facilities in such a manner that the locations of such parks and facilities bear a reasonable relationship to the use of the park and recreational facilities by the future inhabitants of the subdivision generating such dedication or fees, or both. (Ord. 86-3 § 1 (part))

**Section 17.32.100 Park acreage standard--Population per type of dwelling unit.**

It is found and determined as follows:

A. As of September 1984, as provided in the General Plan of the city, the total amount of neighborhood and community parks in the city was sixty-four and eight-tenths acres; and as of January 1, 1986, the population of the city, based on the California State Department of Finance estimates, was six thousand, nine hundred thirty-two persons. These factors establish that the amount of existing neighborhood and community park area within the city totals nine and three-tenths acres per one thousand persons. In accordance with Government Code Section 66477, the public interest, convenience, health, safety and welfare therefore require that five acres of



property for each one thousand persons residing within the city be devoted to local park and recreation purposes.

B. The 1980 Federal Census for the city found the average population per type of dwelling unit within the city to be as follows:

**Average Persons  
Types of Dwellings per Dwelling Unit**

Single-family detached 3.3  
Single-family (condominium) 2.15  
Duplex 1.55  
Multiplex 1.90  
Apartments 2.35  
Mobilehomes 1.91

(Ord. 86-3 § 1 (part))

**Section 17.32.110 Formula for dedication of land.**

A. Where a park or recreation facility has been designated in the General Plan and is to be located in whole or in part within the proposed subdivision and is reasonably related to serving the present and future need of the residents of the subdivision, the subdivider shall dedicate land for park and recreation facilities sufficient in size and topography to meet that purpose. The amount of land to be provided shall be determined pursuant to the following formula:

$$\frac{\text{minimum Average No. of Persons/Unit - } \frac{1,000 \text{ population}}{\text{park acreage std. dedicated}}}{\text{dedicated}} = \text{acreage}$$

The following table of population density has been established pursuant to Section 66477(b) of the Government Code:

**Parkland Dedication Formula Table**

**Average Acreage/DU  
Types of Dwellings Density/DU (5 acre std.)**

Single-family detached 3.3 .0165  
Single-family (condominium) 2.15 .0108  
Duplex 1.55 .0078  
Multiplex 1.90 .0095  
Apartments 2.35 .0118  
Mobilehomes 1.91 .0095

B. Dedication of land pursuant to this section shall be made in accordance with the procedures contained in Section 17.32.180.

C. For the purposes of this section, the number of new dwelling units shall be determined as follows:

1. In areas of the subdivision zoned for one dwelling unit per parcel, the number of new dwellings units in the area so zoned shall equal the number of parcels indicated on the tentative

map;

2. In areas of the subdivision zoned for multiple dwelling units per parcel, the number of new dwelling units in the area so zoned shall equal the maximum number of dwelling units allowed under that zone;

3. For residential condominium units, the number of dwelling units shall equal the number of condominium units indicated on the tentative map; and

4. For planned development projects, the number of new dwelling units shall equal the number of dwelling units indicated on the approved final development plan. The term "new dwelling unit" shall not include dwelling units lawfully in place prior to the date on which the tentative map is approved.

D. The subdivider shall, without credit:

1. Provide full street improvements and utility connections including, but not limited to, curbs, gutters, street paving, traffic-control devices, street trees and sidewalks to land which is dedicated pursuant to this section;

2. Provide for fencing along the property line of that portion of the subdivision contiguous to the dedicated land;

3. Provide improved drainage through the site; and

4. Provide other minimal improvements which the city council determines to be essential to the acceptance of the land for recreational purposes.

E. Lands to be dedicated or reserved for park and/or recreational purposes shall be suitable in the opinion of the planning director and the city engineer in location, topography, environmental characteristics and development potential as related to the intended use. The primary intent of this section shall be construed to provide the land for functional recreation units of local or neighborhood service, including but not limited to: tot lots, play lots, playgrounds, neighborhood parks, playfields, community or district parks and other specialized recreational facilities that may serve the family group and also senior citizen activities. Principal consideration shall be given therefore to lands that offer:

1. A variety of recreational potential for all age groups;

2. Recreational opportunities within walking distance from residents' homes;

3. Possibility for expansion or connection with school grounds;

4. Integration with hiking, riding and bicycle trails, natural stream reserves and other open space;

5. Coordination with all other park systems; and

6. Access to at least one existing or proposed public street. (Ord. 86-3 § 1 (part))

#### **Section 17.32.120 Formulas for fees in lieu of land dedication.**

A. General Formula. If there is no park or recreation facility designated in the General Plan to be located in whole or in part within the proposed subdivision to serve the immediate and future needs of the residents of the subdivision, the subdivider shall, in the city's discretion, either dedicate land in the amount provided in Section 17.32.110 or pay a fee in lieu of dedication equal to the land value, plus twenty percent toward costs of off-site improvements, prescribed for dedication in Section 17.32.110 and in an amount determined in accordance with the provisions of Section 17.32.140.

For the purposes of this article, "off-site improvements" are defined as those improvements which would have been required if land had been dedicated using the provisions of Section 17.32.110.

B. Fees in Lieu of Land--Fifty Parcels or Less: If the proposed subdivision contains fifty parcels or less, the subdivider shall pay a fee equal to the land value, plus twenty percent toward costs of off-site improvements, of the portion of the park or recreational facilities required to serve the needs of residents of the proposed subdivision as prescribed in Section 17.32.110 and in

an amount determined in accordance with the provisions of Section 17.32.140.

However, nothing in this section shall prohibit the dedication and acceptance of land for park and recreation purposes in subdivisions of fifty parcels or less, where the subdivider proposes such dedication voluntarily and the land is acceptable to the city.

C. Use of Money. The money collected hereunder shall be used, in accordance with the schedule developed pursuant to Section 17.32.200, solely for the purpose of developing new or rehabilitating existing neighborhood or community park or recreational facilities reasonably related to serving the subdivision, including the purchase of necessary land and/or improvement of such land for park or recreational purposes. (Ord. 86-3 § 1 (part))

**Section 17.32.130 Criteria for requiring both dedication and fee.**

In subdivisions of more than fifty parcels, the subdivider shall both dedicate land and pay a fee in lieu in accordance with the following:

A. When only a portion of the land to be subdivided is proposed in the General Plan as the site for a local park or recreational facility, such portion shall be dedicated for local park or recreation purposes and a fee computed pursuant to the provision of Section 17.32.140 shall be paid for the value of any additional land, plus twenty percent toward costs of off-site improvements, that would have been required to be dedicated pursuant to Section 17.32.110.

B. When a major part of the local park or recreation site has already been acquired by the city and only a small portion of land is needed from the subdivision to complete the site, such portion shall be dedicated and a fee computed pursuant to Section 17.32.140 shall be paid in an amount equal to the value, plus twenty percent toward costs of off-site improvements, which would otherwise have been required to be dedicated pursuant to Section 17.32.110. Such fees shall be used for the improvement of the existing park or recreation facility or for the improvement of other neighborhood or community parks and recreation facilities reasonably related to serving the subdivision. (Ord. 86-3 § 1 (part))

**Section 17.32.140 Amount of fee in lieu of land dedication.**

When a fee is to be paid in lieu of land dedication, the amount of such fee shall be based upon the estimated fair market value at the time of final map approval of the land which would otherwise be required for dedication pursuant to Section 17.32.100, plus twenty percent toward costs of off-site improvements, such as, but not limited to, the extension of utility lines. Fees to be collected pursuant to this section shall be approved by the planning director based upon a current appraisal prepared by a qualified firm. All costs associated with the appraisal shall be the responsibility of the applicant. (Ord. 90-12 § 16: Ord. 86-3 § 1 (part))

**Section 17.32.150 Determination of fair market value.**

The fair market value shall be determined by the city with a written appraisal prepared and signed by a qualified real estate appraiser acceptable to the city. The appraisal shall be made immediately prior to the filing of the final map. The subdivider shall notify the city of the expected filing date at least six weeks prior to the filing, except that of the final map. If more than one year elapses between the preparation of the appraisal and the filing of the final map, the city shall cause a new appraisal to be prepared. All costs associated with obtaining the appraisal and the reappraisal, if necessary, shall be borne by the subdivider. For the purposes of determining fair market value pursuant to this article, the appraiser shall consider but not be limited to the following:

- A. Conditions of approval of the tentative map;
- B. The General Plan and zoning requirements for the area;
- C. The location and site characteristics of the property;
- D. Off-site and on-site improvements facilitating use of the property;

If the subdivider objects to the determined fair market value, he or she may appeal to the city council who shall hear the appeal under the same rules and obligations current for local board of equalization hearingst the burden of proof shall lie with the subdivider. (Ord. 86-3 § 1 (part))

**Section 17.32.160 Determination of land or fee.**

Whether the city accepts land dedication or elects to require the payment of a fee in lieu thereof, or a combination of both, shall be determined by consideration of the following:

- A. Policies, standards and principles for park and recreation facilities in the General Plan;
- B. Topography, geology, access and location of land in the subdivision available for dedication;
- C. Size and shape of the subdivision and land available for dedication;
- D. Feasibility of dedication;
- E. Compatibility of dedication with the General Plan;
- F. Availability of previously acquired park property.

The determination of the city as to whether land shall be dedicated, or whether a fee shall be charged, or a combination thereof, shall be final and conclusive. (Ord. 86-3 § 1 (part))

**Section 17.32.170 Credit for improvements and private open space.**

If the subdivider provides park and recreational improvements to the dedicated land, the value of the improvements together with any equipment located thereon shall be a credit against the payment of fees or dedication of land required by this subchapter.

No credit shall be given for private open space in any subdivision, except as hereinafter provided. Where private open space useable for active recreational purposes is provided for within any proposed planned development, real estate development, stock cooperative, or community apartment project, as defined in Sections 11003, 11003.1, 11003.2, 11003.4 and 11004 respectively, of the Business and Professions Code, or within any proposed condominium project, as defined in Section 783 of the Civil Code, partial credit, not to exceed fifty percent, shall be given for the value of such private open space against the amount of land required to be dedicated, or the amount of the fees imposed in lieu thereof, if the city finds and determines that it is in the public interest to do so and that all of the following standards are met:

- A. Yards, court areas, setbacks and other open areas required by the zoning and building ordinances and regulations shall not be included in the computation of such private open space; and,
- B. Private park and recreation facilities shall be owned by a homeowners association composed of all property owners in the subdivision and being an incorporated nonprofit organization capable of dissolution only by a hundred percent affirmative vote of the membership, operated under recorded land agreements through which each lot owner in the neighborhood is automatically a member, and each lot is subject to a charge for a proportionate share of expenses for maintaining the facilities.
- C. Use of the private open space is restricted for park and recreation purposes by recorded covenant which runs with the land in favor of the future owners of the property and which cannot be defeated or eliminated without the consent of the city or its successor; and,
- D. The proposed private open space is reasonably adaptable for use for park and recreation purposes, taking into consideration such factors as size, shape, topography, geology, access and location; and,
- E. Facilities proposed for the open space are in substantial accordance with the provisions of the General Plan; and
- F. The open space for which credit is given is generally a minimum of three acres and provides all of the local park basic elements listed in this section, or a combination of such and other recreation improvements that will meet the specific recreation needs of future residents of

the area:

1. Recreational open spaces, which are generally defined as parks areas for active recreation pursuits such as soccer, golf, baseball, softball and football and have at least one acre of maintained turf with less than five percent slope;
2. Court areas, which are generally defined as tennis courts, badminton courts, shuffleboard courts, or similar hard-surfaced areas especially designed and exclusively used for court games;
3. Recreational swimming areas, which are defined generally as fenced areas devoted primarily to swimming, diving or both. They must also include decks, lawned area, bathhouses or other facilities developed and used exclusively for swimming and diving and consisting of no less than fifteen square feet of water surface area for each three percent of the population of the subdivision with a minimum of eight hundred square feet of water surface area per pool together with an adjacent deck and/or lawn area twice that of the pool;
4. Recreation buildings and facilities designed and primarily used for the recreational need of residents of the development.

The determination of the city as to whether credit shall be given and the amount of credit shall be final and conclusive. (Ord. 86-3 § 1 (part))

**Section 17.32.180 Procedure.**

A. At the time of approval or conditional approval of the tentative subdivision map or parcel map, the planning commission shall determine whether land, in-lieu fees, a combination of land and fees, shall be dedicated and/or paid by the subdivider. If the city planning commission requires the payment of in-lieu fee payment by the subdivider, the city planning commission shall set the amount of land upon which the in-lieu fee shall be based at the time of final map approval.

B. At the time of the recording of the final subdivision map or parcel map, the subdivider shall dedicate the land and/or pay fees as set in Section 17.32.120. At the direction of the city, fees shall be paid prior to issuance of any building permit for any structure in the subdivision.

C. Open space covenants, conditions and restrictions for private park or recreation facilities shall be recorded concurrently with the final subdivision map or final parcel map. (Ord. 90-12 § 17: Ord. 86-3 § 1 (part))

**Section 17.32.190 Disposition of fees.**

A. Fees determined pursuant to Section 17.32.140 shall be paid to the city treasurer and shall be deposited into the subdivision park trust fund, or its successor. Money in said fund, including accrued interest, shall be expended solely for the acquisition or development of park land or improvements related thereto in accordance with this article.

B. Collected fees shall be committed within five years after payment thereof or the issuance of building permits on one-half of the lots created by the subdivision, whichever occurs later. If such fees are not committed, they, without any deductions, shall be distributed and paid to the then record owners of the subdivision in the same proportion that the size of their lot bears to the total area of all lots in the subdivision.

C. The city treasurer shall report to the city council at least once annually on the income, expenditures and status of the subdivision park trust fund. (Ord. 86-3 § 1 (part))

**Section 17.32.200 Schedule of use.**

At the time of the approval of the final map or parcel map, the city shall develop a schedule specifying how, when and where it will use the land or fees, or both, to develop or rehabilitate park or recreational facilities to serve the residents of the subdivision. (Ord. 86-3 § 1 (part))

**Section 17.32.210 Exemptions.**

The provisions of this article shall not apply to any of the following:

- A. Subdivisions containing less than five parcels and not used for residential purposes. However, a condition shall be placed on the approval of any such parcel map that if a building permit is requested for construction of a residential structure or structures on one or more of the parcels within four years, the fee otherwise due pursuant to this article shall be required to be paid by the owner of such parcel as a condition to the issuance of such permit;
- B. Commercial or industrial subdivisions;
- C. Condominium projects or stock cooperatives which consist of the subdivision of airspace in an existing department building which is more than five years old when no new dwelling units are added. (Ord. 86-3 § 1 (part))

**Section 17.32.220 Access.**

All land offered for dedication to local park or recreational purposes shall have access to at least one existing or proposed public street. This requirement may be waived by the planning commission if the planning commission determines that public street access is unnecessary for the maintenance of the park area or use thereof by residents. (Ord. 90-12 § 18: Ord. 86-3 § 1 (part))

**Section 17.32.230 Sale of dedicated land.**

If during the time period between the dedication of land for park purposes and the commencement of first-stage development, circumstances arise which indicate that another site would be more suitable for local park or recreational purposes serving the subdivision and the neighborhood (such as receipt of a gift of additional park land or a change in school location), the land may be sold upon the approval of the city council with the resultant funds being used for the purchase of a more suitable site. (Ord. 86-3 § 1 (part))

**Section 17.32.239A Article III. Bridge and Thoroughfare Fees**

**Section 17.32.240 Intent.**

It is the intent of the city council in enacting this article to take advantage, to the fullest extent permitted by law, of those provisions of the Subdivision Map Act which permit the collection of a fee for the construction of bridges and major thoroughfares. (Ord. 86-3 § 1 (part))

**Section 17.32.250 Statutorily required ordinance--Considerations in lieu of fees.**

- A. There are adopted by reference, as though set out in full, the provisions of subsections (a)(1) through (a)(6) of Section 66484 of the Subdivision Map Act, and the provisions so adopted shall constitute the local ordinance required for the imposition of fees for bridges and major thoroughfares.
- B. As required by subsection (a) of Section 66484, reference is made to the circulation element of the General Plan and the appropriate provisions thereof;
- C. As permitted by subsection (f) of Section 66484, considerations, as determined appropriate by the city council, may be accepted in lieu of the payment of fees under this title. (Ord. 86-3 § 1 (part))

**Section 17.32.259A Article IV. Reimbursement for Work Outside Subdivision**

**Section 17.32.260 Intent.**

It is the intent of the city council in enacting this article to take advantage, to the fullest extent permitted by law, of those provisions of the Subdivision Map Act which permit the city to require a subdivider to install and dedicate to the public improvements with supplemental size, capacity, number or length for the benefit of property not within the subdivision. (Ord. 86-3 § 1 (part))

**Section 17.32.270 Statutorily required ordinance.**

This article shall be deemed to be the requisite local ordinance required by Section 66485 of the Subdivision Map Act for the imposition on a subdivider of the requirement to install and dedicate to the public improvements with supplemental size, capacity, number or length for the benefit of property not within the subdivision. (Ord. 86-3 § 1 (part))

**Section 17.32.280 Governing provisions.**

Reimbursement to the subdivider for the installation of supplemental improvements shall be governed by the provisions of Sections 66486, 66487, 66488 and 66489 of the Subdivision Map Act. (Ord. 86-3 § 1 (part))

**Section 17.32.289A Article V. Reservations**

**Section 17.32.290 Intent.**

It is the intent of the city council in enacting this subchapter to take advantage, to the fullest extent permitted by law, of those provisions of the Subdivision Map Act which permit the city to require the subdivider to reserve real property for parks, recreational facilities, fire stations, libraries or other public uses. (Ord. 86-3 § 1 (part))

**Section 17.32.300 Statutorily required ordinance.**

This article shall be deemed to be the requisite local ordinance required by Section 66479 of the Subdivision Map Act for the imposition on a subdivider of the requirement to reserve certain real property for public uses. (Ord. 86-3 § 1 (part))

**Section 17.32.310 Principles and standards.**

Where a facility or use specified in Section 66479 of the Subdivision Map Act is shown in an adopted element of the General Plan, the subdivider may be required by the city council to reserve sites as so determined by the city in accordance with the principles and standards contained in the General Plan, subject to the limitations set forth in Section 66479 of the Subdivision Map Act. (Ord. 86-3 § 1 (part))

**Section 17.32.320 Agreement.**

If the city requires a developer to reserve real property pursuant to this article, the city shall at the time of approval of the final map or parcel map enter into a binding agreement to acquire such reserved area within two years after the completion and acceptance of all improvements, unless such period of time is extended by mutual agreement. The purchase price shall be determined in accordance with the provisions of Section 66480 of the Subdivision Map Act. (Ord. 86-3 § 1 (part))

**Section 17.32.330 Required--Conformity.**

The subdivider shall construct or install all public improvements as may be required within the subdivision in accordance with the provisions of Article I of this chapter. (Ord. 86-3 § 1 (part))

**Section 17.32.340 Plan - preparation - fees.**

A. Improvement plans shall be prepared by or under the supervision of a registered civil engineer and shall conform to Article I of this chapter and any other applicable improvement standards adopted by the city council. The form, layout, scale and other particulars of the plans and the number of copies to be provided, shall be in accordance with the requirements of the city engineer.

B. The final map shall not be deemed to be submitted for approval until the preparation of the plans is completed and the plans have been accepted by the city engineer.

C. Standard engineering fees to be charged by the city for the checking of plans by the city engineer shall be determined by resolution of the city council. (Ord. 86-3 § 1 (part))

**Section 17.32.350 Plans--Approval--Work Beginning.**

The improvement plan shall have been approved by the city engineer prior to the commencement of any construction work or improvement. (Ord. 86-3 § 1 (part))

**Section 17.32.360 Utility line undergrounding.**

Utility lines, including but not limited to electrical, natural gas, telephone, cable television, and street lighting service lines, shall be placed underground. Pertinent equipment such as transformers, terminal boxes and meter cabinets may be placed aboveground when in the opinion of the city engineer it is impractical under the circumstances to place the same underground. (Ord. 86-3 § 1 (part))

**Section 17.32.370 Temporary improvements.**

In addition to permanent improvements, temporary improvements may be required to be made prior to or concurrent with permanent improvements. (Ord. 86-3 § 1 (part))

**Section 17.32.380 Inspections.**

All improvements shall be subject to inspection by the city engineer. The subdivider shall pay the city a fee to defray the cost of making such inspections. The applicable inspection fees shall be determined by resolution of the city council. (Ord. 86-3 § 1 (part))

**Section 17.32.390 Improvement agreement.**

A. If the required improvements are not completed to the satisfaction of the city engineer before a final map or parcel map is filed, the subdivider shall enter into one of the following agreements with the city:

1. An agreement with the city upon mutually agreeable terms to thereafter complete such improvements at the subdivider's expense;

2. An agreement with the city to thereafter:

a. Initiate and consummate proceedings under an appropriate special assessment act for the financing and completion of all such improvements, or

b. If not completed under such special assessment act, to complete such improvements at the subdivider's expense;

3. Any agreement entered into pursuant to Section 17.32.260 shall be secured by an improvement security in accordance with Section 66499 of the Subdivision Map Act in writing and shall be approved as to form by the city attorney. The agreement shall also be secured in a manner approved by the city attorney, subject to the provisions of Section 66499 of the Subdivision Map Act. The improvement agreement to be executed by the subdivider shall be in writing, and shall be approved as to form by the city attorney. The same shall be secured in a



manner approved by the city attorney, subject to the provisions of Section 66499 of the Subdivision Map Act.

B. This section shall be deemed the local ordinance regarding an agreement to install improvements pursuant to Section 66411.1 of the Subdivision Map Act for subdivisions of five or less parcels and the agreement executed pursuant hereto shall be the applicable agreement. (Ord. 86-3 § 1 (part))

**Section 17.32.400 Security - amount.**

The improvement security shall be provided in the amount of:

A. One hundred percent of the total estimated cost of the improvement or act to be performed conditioned upon the faithful performance of the act or agreement;

B. One hundred percent of the total estimated cost of the improvement or act to be performed, securing payment to the contractor, the subcontractors, and to persons furnishing labor, materials or equipment to them for the improvement or the performance of the required act;

C. The amount determined by the city council to be necessary to guarantee and warrant the work for a period of one year following completion and acceptance thereof against any defective work or labor done, or defective materials furnished. (Ord. 86-3 § 1 (part))

**Section 17.32.410 Security--Release.**

The security furnished by the subdivider shall be released in whole or in part in the manner prescribed in Section 66499.7 of the Subdivision Map Act. (Ord. 86-3 § 1 (part))

**Section 17.32.419A Article VII. Local Transit Facilities**

**Section 17.32.420 Required conformity.**

As a condition of approval of a tentative map, the subdivider shall dedicate, or make an irrevocable offer of dedication, of land within the subdivision for local transit facilities such as shelters, benches, bus turnouts, landing pads, park-and-ride facilities and similar items which directly benefit the residents of the subdivision, if:

A. The subdivision as shown on the tentative map has the potential for two hundred dwelling units or more if developed to the maximum density shown on the General Plan or contains one hundred acres or more; and

B. If the city finds that transit services are, or will, within a reasonable time period, be made available to the subdivision. (Ord. 86-3 § 1 (part))

**Section 17.32.429A Article VIII. Solar Access Easements**

**Section 17.32.430 Purpose.**

As a condition of approval of a tentative map, there may be imposed, in accordance with the provisions of Section 66475.3 of the Subdivision Map Act, a requirement that the subdivider dedicate easements for the purpose of assuring that each parcel or unit in the subdivision shall have the right to receive sunlight across adjacent parcels or units in the subdivision for any solar energy system, as defined in Section 801.5 of the State Civil Code. In establishing such easements, consideration shall be given to feasibility, contour, configuration of the parcel to be divided and cost. Required easements shall not result in reducing allowable densities or the percentage of a lot which may be occupied by the building or a structure under applicable planning and zoning in force at the time such tentative map is filed. (Ord. 86-3 § 1 (part))

**Section 17.32.439A Article IX. School Site Dedication**

**Section 17.32.440 General.**

As a condition of approval of a tentative map, a subdivider who develops or completes the development of one or more subdivisions within the Galt Joint Union Elementary or High School Districts shall dedicate to the school districts such lands as the city shall deem to be necessary for the purpose of constructing thereon schools necessary to assure the residents of the subdivision adequate public school service. (Ord. 88-07 § 1 (part))

**Section 17.32.450 Procedure.**

The requirements of dedication shall be imposed at the time of approval of the tentative map. If within thirty days after the requirement of dedication is imposed by the city, a school district does not offer to enter into a binding commitment with the subdivider to accept the dedication, the requirement shall be automatically terminated. The required dedication may be made any time before, concurrently with, or up to sixty days after the filing of the final map or parcel map on any portion of the subdivision. (Ord. 88-07 § 1 (part))

**Section 17.32.460 Payments to subdivider for school site dedication.**

The school district shall, if it accepts the dedication, repay to the subdivider or his or her successors the original cost to the subdivider of the dedicated land, plus a sum equal to the total of the following amounts:

- A. The cost of any improvements to the dedicated land since acquisition by the subdivider;
- B. The taxes assessed against the dedicated land from the date of the school district's offer to enter into the binding commitment to accept the dedication;
- C. Any other costs incurred by the subdivider in maintenance of such dedicated land, including interest costs incurred on any loan covering such land. (Ord. 88-07 § 1 (part))

**Section 17.32.470 School district failure to use land.**

Should land not be used by a school district, as a school site, within ten years after dedication, the subdivision shall have the option to repurchase the property from the district for the amount paid. (Ord. 88-07 § 1 (part))

**Section 17.32.480 Exemptions.**

The provisions of this article shall not be applicable to a subdivider who has owned the land being subdivided for more than ten years prior to the filing of the tentative map. (Ord. 88-07 § 1 (part))

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**Chapter 17.36**

**MONUMENTS**

**Sections:**

**17.36.010 Requirement generally.**

**17.36.020 Boundary monuments.**

**17.36.030 Interior monuments.**

**17.36.040 Deferral--Agreement--City installation.**

**17.36.050 Type--Setting--Marking.**

**17.36.060 Survey data on maps.**

**Section 17.36.010 Requirement generally.**

At the time of making the survey for the final map or parcel map, the engineer or surveyor shall set sufficient durable monuments to conform with the standards prescribed by Section 66495 of the Subdivision Map Act. (Ord. 86-3 § 1 (part))

**Section 17.36.020 Boundary monuments.**

Monuments shall be set on the exterior boundary of the subdivision at all corners, angle points, beginnings and endings of curves, and at intermediate points as determined by the city engineer to be reasonably necessary to establish the exterior boundaries. The locations of inaccessible points may be established by ties and shall be so noted on the final or parcel map. At least one extension boundary line shall be adequately monumented or referenced prior to recordation of the final map or parcel map. (Ord. 86-3 § 1 (part))

**Section 17.36.030 Interior monuments.**

Interior monuments shall be set at all block and lot corners and angle points and at the beginnings and ends of curves, and along street and alley centerlines at the beginnings and ends of curves, at points of intersection with centerlines of other existing and proposed streets and alleys, and at the points of intersection with the exterior boundary lines. Interior property line and centerline monuments and ties may be set after the final map is recorded. (Ord. 86-3 § 1 (part))

**Section 17.36.040 Deferral--Agreement--City installation.**

A. In the event any or all of the required monuments are to be set after recordation of the final map or parcel map, the engineer or surveyor certificate shall specify the date established by the city engineer by which the monuments will be set. The subdivider shall, prior to the time the final or parcel map is approved by the city, furnish to the city an agreement to install the monuments together with security approved by the city attorney in an amount equal to the estimated cost of setting such deferred monuments.

B. In the event the deferred monuments are not set within the period of time specified, or within the approved extended period of time, and provided that all improvement work has been completed, the city engineer shall give written notice directing the engineer or surveyor of record to set such monuments within sixty days.

C. If the engineer or surveyor of record fails to set the monuments within the time specified, the city engineer shall take action to have a substitute engineer or surveyor set the monuments required. The city engineer shall pay the substitute engineer or surveyor from the security provided by the subdivider. (Ord. 86-3 § 1 (part))

**Section 17.36.050 Type--Setting--Marking.**

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All monuments set in the course of the survey as required by this title shall be of the type specified by the city engineer and shall be set to the depth and in the manner prescribed therefor. Further, all monuments shall be visibly marked or agreed as required by the city engineer. (Ord. 86-3 § 1 (part))

**Section 17.36.060 Survey data on maps.**

The city engineer shall specify the survey data and information to be shown on each final map or parcel map. (Ord. 86-3 § 1 (part))

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**Chapter 17.40**

**MODIFICATIONS**

**Sections:**

**17.40.010 Authority limit--Minor change.**

**17.40.020 Filing time.**

**17.40.030 Application--Action delay agreement.**

**17.40.040 Affected agencies.**

**17.40.050 Planning commission consideration--Action alternatives.**

**17.40.060 Findings required.**

**17.40.070 Council action.**

**Section 17.40.010 Authority limit--Minor change.**

The planning commission may grant, conditionally grant or deny requests by a subdivider for modifications to the requirements or standards imposed by this title; provided, however, that no modifications may be made to any requirements expressly imposed by the Subdivision Map Act; and further provided, that nothing in this title shall be construed as altering or conflicting with the powers and duties of the city council and the planning commission to authorize variances from the regulations and requirements of Title 18 of this code. A minor change in the design of a subdivision which is not violative of the requirements or standards imposed in this title shall not be deemed to be a modification, as the term is used in this title. (Ord. 90-12 § 19: Ord. 86-3 § 1 (part))

**Section 17.40.020 Filing time.**

Requests for modification shall be filed with the tentative subdivision or parcel map. (Ord. 86-3 § 1 (part))

**Section 17.40.030 Application--Action delay agreement.**

A. Requests for modifications shall be filed in writing by the subdivider with the planning director upon a form and in a number of copies required for that purpose as specified by the city engineer. In addition to any other information or material required, the request for modifications shall be accompanied by a written statement of the subdivider agreeing to an extension of time for action on the tentative subdivision or parcel map by the planning commission. The purpose for the extension of time is to permit staff time to examine the merits of the application for modification and to report on the same to the planning commission.

B. Each application shall state fully the nature and extent of the desired modifications, the reasons therefor, and the facts relied upon. A nonrefundable fee to be determined by the city council by resolution shall accompany each request for a modification. The fee shall be in addition to any fee required for processing the tentative subdivision or parcel map. (Ord. 86-3 § 1 (part))

**Section 17.40.040 Affected agencies.**

The planning director shall transmit copies of the modification request to the public works department and to the city engineer for review and comment. The planning director may transmit copies to other public or private agencies or departments affected by the proposed request as he or she deems appropriate. (Ord. 86-3 § 1 (part))

**Section 17.40.050 Planning commission consideration--Action alternatives.**

A. The planning commission shall consider the request for modification at the time it considers the tentative map. At that time the planning commission shall proceed to hear testimony of the subdivider or the subdivider's designated representative and any witnesses on the subdivider's behalf, and the testimony of any other interested person.

B. On conclusion of the hearing, the planning commission shall, at the time it takes action on the tentative subdivision or parcel map, determine, on the basis of the evidence and testimony received, whether such modification be granted, conditionally granted or denied. (Ord. 90-12 § 20: Ord. 86-3 § 1 (part))

**Section 17.40.060 Findings required.**

Before approving any request for modification, the planning commission must be able to make all of the following findings:

A. That the property to be divided is of such size or shape, or is affected by such topographical conditions, or that there are special circumstances or conditions affecting the property that it is impossible, impractical or undesirable in the particular case to conform to the strict application of this title;

B. That the modification will not be detrimental to the public health, safety and welfare or be injurious to other properties in the vicinity of the property to be divided;

C. That the modification is in accord with the intent and purposes of this title and is consistent with the General Plan. (Ord. 90-12 § 21: Ord. 86-3 § 1 (part))

**Section 17.40.070 Council action.**

When the city council hears on appeal upon a tentative subdivision or parcel map, it may also act upon the appeal of any proposed modification, taking into consideration the action of the planning commission thereon. Any approved amendment shall not alter the expiration date of the tentative subdivision or parcel map. (Ord. 90-12 § 23: Ord. 86-3 § 1 (part))

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**Chapter 17.44**

**REVERSION, MERGER AND LOT CERTIFICATION**

**Sections:**

**17.44.00A Article I. Certificate of Compliance**

**17.44.010 Application - fee.**

**17.44.020 Planning commission consideration--Appeal to city council.**

**17.44.029A Article II. Reversion to Acreage**

**17.44.030 Petition filing--Planning commission report--City council action.**

**17.44.040 Fee.**

**17.44.049A Article III merger.**

**17.44.050 Conditions.**

**17.44.060 Notice - hearing.**

**17.44.069A Article IV. Correction and Amendment**

**17.44.070 Correction certificate--Amending map.**

**17.44.080 Modification of recorded final map.**

**Section 17.44.00A Article I. Certificate of Compliance**

**Section 17.44.010 Application - fee.**

Any person owning real property within the city may apply for the issuance of a certificate of compliance as set forth in Section 66499.35 of the Subdivision Map Act. The application shall be accompanied by a fee as determined by resolution of the city council. (Ord. 86-3 § 1 (part))

**Section 17.44.020 Planning commission consideration--Appeal to city council.**

The planning commission shall consider the application for issuance of a certificate of compliance. An appeal to the city council from a decision of the planning commission may be filed with the city clerk by any interested person, in writing, within ten days after a decision by the planning commission. (Ord. 86-3 § 1 (part))

**Section 17.44.029A Article II. Reversion to Acreage**

**Section 17.44.030 Petition filing--Planning commission report--City council action.**

Petitions for reversions to acreage shall be submitted to the planning department upon a form provided by the city and shall be considered by the planning commission. The planning commission shall act thereon in the manner prescribed by Sections 66499.15 through 66499.17 of the Subdivision Map Act. (Ord. 86-3 § 1 (part))

**Section 17.44.040 Fee.**

The petition for reversion to acreage shall be accompanied by a fee to be determined by resolution of the city council. (Ord. 86-3 § 1 (part))

**Section 17.44.049A Article III merger.**

**Section 17.44.050 Conditions.**

Notwithstanding Section 66424 of the Subdivision Map Act and any other provision of this

title, two or more contiguous parcels or lots which have been subdivided under the provisions of the Subdivision Map Act, or any prior law regulating the division of land, and applicable local ordinances enacted pursuant thereto or which were not subject to such provisions at the time of their creation, shall not merge by virtue of the fact that such lots or parcels are held by the same owner, unless any one of such lots or parcels does not conform to standards for minimum lot size and only if the requirements set forth in Section 66451.11 of the Subdivision Map Act have been met. (Ord. 86-3 § 1 (part))

**Section 17.44.060 Notice - hearing.**

Prior to recording a notice of merger, the planning department shall mail by certified mail to the then-current record owner or owners of the parcels or lots to be merged a notice of intention to determine status, notifying the owner or owners that the parcels or lots may be merged pursuant to the standards set forth or incorporated by reference into this article, and advising the owner or owners of the opportunity to request within thirty days after the notice of intention has been recorded, a hearing on determination of status and to present evidence at the hearing that the parcels or lots do not meet the criteria for merger. The notice of intention to determine status shall be filed for record with the county recorder on the date the notice is mailed to the parcel or lot owner or owners. The hearing shall be conducted by the planning commission pursuant to the provisions of Section 66451.15 and 66451.16 of the Subdivision Map Act. (Ord. 90-12 § 24: Ord. 86-3 § 1 (part))

**Section 17.44.069A Article IV. Correction and Amendment**

**Section 17.44.070 Correction certificate--Amending map.**

After a final map or parcel map is filed for record with the county recorder, a certificate of correction or an amending map for the purposes set forth in Section 66469 of the California Government Code may be approved by the city engineer. A copy of the amending map or certificate of correction shall be filed with the planning director. (Ord. 86-3 § 1 (part))

**Section 17.44.080 Modification of recorded final map.**

A recorded final map or parcel map may be modified by a certificate of correction or an amending map, upon approval of the city council. Applications for modification of a recorded final map or parcel map shall be filed, processed and considered at a noticed public hearing in the same manner as tentative subdivision maps or tentative parcel maps. The city council shall not approve the requested modification unless the city council finds that there are changes in circumstances which make any or all of the conditions of the recorded map no longer appropriate or necessary; that the modifications do not impose any additional burden on the present fee owner of the property; that the modifications do not alter any right, title, or interest in the real property reflected on the recorded map; and that the map as modified conforms to the provisions of Section 66474 of the California Government Code. In considering a request to modify a recorded final map or parcel map, the city council shall confine the hearing to consideration of and action on the proposed modification only. (Ord. 86-3 § 1 (part))

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**Chapter 17.48**

**ADMINISTRATION**

**Sections:**

**17.48.010 Disapproval of maps--Restrictions.**

**17.48.020 Disapproval of maps--Waiver for minor error.**

**17.48.030 Environmental documentation.**

**Section 17.48.010 Disapproval of maps--Restrictions.**

Neither the city council, or the planning commission, shall approve a map if it fails to meet any of the requirements of the Subdivision Map Act or this title, or conditions imposed pursuant thereto. A final map shall be disapproved only for failure to meet or perform requirements or conditions which were applicable to the subdivision at the time of approval of the tentative subdivision map. The planning commission, or city council, when disapproving a map, shall make a finding identifying the requirements or conditions which have not been met or performed. (Ord. 86-3 § 1 (part))

**Section 17.48.020 Disapproval of maps--Waiver for minor error.**

The provisions of Section 17.48.010 may be waived when the failure of the map is the result of a technical and inadvertent error, which does not materially affect the validity of the map. The subdivider may request such a determination by written request filed with the planning director. Such request shall be acted upon by the planning director. (Ord. 86-3 § 1 (part))

**Section 17.48.030 Environmental documentation.**

For all documents or approvals for which the planning commission is the approving body, the planning commission shall also be the body finally approving or certifying any environmental documentation which may be required; for all documents or approvals for which the planning commission is the recommending body, and the city council is the approving body, the planning commission shall make recommendations as to approval or certification of any environmental documentation which may be required, and the city council shall be the body finally approving or certifying such environmental documentation. (Ord. 90-12 § 25)

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**Chapter 17.52**

**ENFORCEMENT**

**Sections:**

**17.52.010 Responsible officers--Suit to restrain or enjoin.**

**17.52.020 Violation - procedure.**

**Section 17.52.010 Responsible officers--Suit to restrain or enjoin.**

A. Except as otherwise provided in this title, the city engineer and the planning director shall enforce these regulations and the Subdivision Map Act within the city.

B. The city attorney is authorized on behalf of the city to file a suit in the superior court or other court of competent jurisdiction to restrain or enjoin any attempted or proposed subdivision or sale, lease or financing in violation of the Subdivision Map Act, this title, or the conditions and terms of approval granted pursuant to this title. (Ord. 86-3 § 1 (part))

**Section 17.52.020 Violation - procedure.**

Any officer or employee of the city who has knowledge that real property has been divided in violation of the Subdivision Map Act or this title shall immediately notify the city engineer or planning director. Upon receipt of said information, the city engineer or planning director shall, if satisfied a violation exists, proceed as set forth in Section 66499.36 of the Subdivision Map Act. The hearing prescribed by such section shall be held before the city council. (Ord. 86-3 § 1 (part))

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**Chapter 17.54**

**COVENANTS FOR EASEMENTS**

**Sections:**

**17.54.010 Imposition of covenant.**

**17.54.020 Purposes of covenant of easement.**

**17.54.030 Requirements for covenant of easement.**

**17.54.040 Release of covenant.**

**Section 17.54.010 Imposition of covenant.**

When any dedication or grant of easement may be required in connection with any approval, permit or designation granted by the city council or planning commission, the body granting such approval, permit or designation may require in lieu of such dedication or grant of easement, the creation and recordation of a covenant of easement pursuant to Government Code Sections 65870 and following, and this chapter. (Ord. 90-24 § 1 (part))

**Section 17.54.020 Purposes of covenant of easement.**

Any covenant of easement recorded pursuant to this chapter may be for the purposes of parking, ingress, egress, emergency access, light and air access, or open-space purposes. (Ord. 90-24 § 1 (part))

**Section 17.54.030 Requirements for covenant of easement.**

At the time of recording of the covenant of easement, all the real property benefited or burdened by the covenant shall be in common ownership. The covenant shall be recorded in the county where all or a portion of the restricted property is located, and shall contain a legal description of the real property to be subject to the easement and the real property to be benefited thereby, and shall identify the approval, permit or designation granted which relied upon or required the covenant, and shall be executed by the owner of the real property. (Ord. 90-24 § 1 (part))

**Section 17.54.040 Release of covenant.**

Any person, whether or not such person has title to the real property, may request release of the covenant, by submitting a written request for such release to the clerk of the body which granted the approval, permit or description, together with the fee imposed by resolution of the city council, from time to time, to cover the reasonable costs of processing such release. Within ninety days of the receipt of such written request, the clerk of the body receiving the request shall schedule a public hearing concerning such request. Notice of such public hearing shall be given in the manner specified in Government Code Section 6061. At such public hearing, if the body conducting the hearing determines that restriction of the property is no longer necessary to achieve the land use goals of the city, a release of the covenant shall be recorded by the city in the county where the restricted property is located. (Ord. 90-24 § 1 (part))