Ordinance No. 242

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AMENDING TITLE 9, YUCCA VALLEY DEVELOPMENT CODE, BY ADOPTING ARTICLE 6, CHAPTERS 9.90 THROUGH 9.97, SUBIDIVISIONS, AND REPEALING ARTICLES 1 THROUGH 13 OF CHAPTER 4 OF DIVISION 3, TITLE 8, DIVISION OF LAND PROCEDURES, SAN BERNARDINO COUNTY DEVELOPMENT CODE, AS ADOPTED AND AMENDED BY THE TOWN OF YUCCA VALLEY

The Yucca Valley Town Council ordains as follows.

Section 1:

Article 6:
Subdivisions

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Chapter 9.90 General Provisions

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9.90.020 – Purpose

This Article constitutes the Yucca Valley Subdivision Ordinance. These provisions are intended to supplement, implement, and work with the Subdivision Map Act, California Government Code Section 66410 et seq. (hereafter referred to as the "Map Act"). This Article is not intended to replace the Map Act, and must be used in conjunction with the Map Act in the preparation of subdivision applications, and the review, approval, and improvement of proposed subdivisions.

9.90.030 – Authority

This Article is adopted in compliance with the Map Act as a "local ordinance," as the term is used in the Map Act. All provisions of the Map Act and future amendments to the Map Act not incorporated into this Article shall, nevertheless, apply to all subdivision maps and proceedings under this Article.

9.90.040 – Applicability

A. **Subdivision approval required.** Each subdivision of land within the Town shall be authorized through the approval of a map or other entitlement in compliance with this Article.

B. **Conflicts with Map Act.** In the event of any conflicts between the provisions of this Article and the Map Act, the Map Act shall control.

C. **Compliance with other regulations required.** The approval or conditional approval of a subdivision map shall not authorize an exception or deviation from any zoning regulation in this Development Code, or as an approval to proceed with any development in violation of other applicable provisions of the Yucca Valley Municipal Code or other applicable ordinances or regulations of the Town.

9.90.050 – Responsibility for Administration

The Director and Town Engineer are authorized and directed to administer and enforce the provisions of this Article and applicable provisions of the Map Act for subdivisions within the Town, except as otherwise provided by this Article.

9.90.060 – Advisory Agency

A. **Advisory agency established.** The advisory agency for subdivision review as used in the Map Act shall be the Department.

B. **Authority and duties.** The advisory agency shall perform the following duties, and as further detailed in Section 9.90.070 *Authority for Subdivision Decisions*:

1. Approve, conditionally approve, or disapprove Tentative Maps;

2. Recommend to the Commission for review and action on those projects being referred to the Commission;

3. Recommend to the Council the approval, conditional approval, or disapproval of requests for exceptions to the Town's design and improvement standards, in compliance with Section 9.90.100 *Exceptions to Subdivision Standards*;

4. Recommend modifications of the requirements of this Article;

5. Review and make recommendations concerning proposed subdivisions within the incorporated boundaries in compliance with the Map Act when the advisory agency has elected to do so; and

6. Perform additional duties and exercise additional authorities as specified by law and by this Article.

9.90.070 – Authority for Subdivision Decisions

Table 6-1 *Subdivision Review Authority* identifies the Town official or authority responsible for reviewing and making decisions on each type of subdivision application and other decisions required by this Article.

TABLE 6-1: SUBDIVISION REVIEW AUTHORITY					
Type of Decision	Applicable Development Code Section	Town Engineer	Director	Planning Commission	Town Council
Tentative or Vesting Tract or Parcel Map	9.91.040		Recommend	Decision	Appeal
Parcel Map	9.92	Recommend	Recommend		Decision
Final Map	9.92	Recommend	Recommend		Decision
Certificate of Subdivision Compliance	9.93.020	Recommend	Decision	Appeal	Appeal
Composite Development Plan	9.92.070	Recommend	Decision	Appeal	Appeal
Official Maps	9.93.070		Recommend	Recommend	Decision
Lot Line Adjustment	9.93.030	Recommend	Decision	Appeal	Appeal
Lot Mergers	9.93.040	Recommend	Decision	Appeal	Appeal
Reversion to Acreage	9.93.050		Recommend	Recommend	Decision

9.90.080 – Type of Subdivision Approval Required

Any subdivision of an existing parcel into two or more parcels shall require approval by the Town in compliance with this Article. In general, the procedure for subdivision first requires the approval of a Tentative Map, and then the approval of a Parcel Map (for a subdivision that results in four or fewer parcels) or a Final Map (for a subdivision that results in five or more parcels) to complete the subdivision process. The Town's review of a Tentative Map evaluates the compliance of the proposed subdivision with Town standards, and the appropriateness of the proposed subdivision design. Parcel and Final Maps are precise surveying documents that detail the location and dimensions of all parcel boundaries in an approved subdivision and, after approval, are recorded in the office of the County Recorder.

A. **Tentative Map requirements.** The filing and approval of a Tentative Map is required for:

1. A subdivision or re-subdivision of four or fewer parcels, as authorized by Map Act Section 66426; and

2. A subdivision or re-subdivision or of five or more parcels, and all other types of subdivisions required to have Tentative Map approval by Map Act Section 66426.

B. **Parcel and Final Map requirements.** A Parcel or Final Map (see Chapter 9.92) shall be required as follows:

1. Parcel Map. The filing and approval of a Parcel Map pursuant to Chapter 9.91, *Tentative Map Filing and Procedures* shall be required for a subdivision creating four or fewer parcels, with or without a designated remainder in compliance with Map Act Article 2, Chapter 1, except for the following subdivisions:

a. Public agency or utility conveyances. Any conveyance of land, including a fee interest, an easement, or a license, to a governmental agency, public entity, public utility or a subsidiary of a public utility for rights-of-way, unless the Director determines based on substantial evidence that public policy necessitates a Parcel Map, in an individual case, in compliance with Map Act Section 66428;

b. Rail right-of-way leases. Subdivisions of a portion of the operating right-of-way of a railroad corporation as defined by Section 230 of the California Public Utilities Code, which are created by short-term leases (terminable by either party on not more than 30 days' notice in writing); or

c. Waived Parcel Map. A subdivision that has been granted a waiver of Parcel Map requirements in compliance with Section 9.92.020 *Waiver of Parcel Map.*

2. Final Map. The filing and approval of a Final Map pursuant to Chapter 9.91, *Tentative Map Filing and Procedures*, shall be required for a subdivision of five or more parcels, except a subdivision that is otherwise required to have a Parcel Map by Map Act Section 66426.

C. Exemptions from Subdivision Approval Requirements. The types of subdivisions identified by Map Act Sections 66411, 66412, 66412.1, 66412.2, and 66426.5, or other applicable Map Act provision as not being subject to the requirements of the Map Act, and/or not being considered to be divisions of land for the purposes of the Map Act, shall be exempt from the subdivision approval requirements of this Article.

9.90.090 – Applications Deemed Approved

A subdivision application deemed approved in compliance with Government Code Sections 65956 or 66452.1, 66452.2 or 66452.4, shall be subject to all applicable provisions of this Development Code, and any conditions imposed by the review authority, which shall be satisfied by the subdivider before a Building Permit is issued. A Parcel or Final Map filed for recordation after its Tentative Map is deemed approved shall remain subject to all the mandatory requirements of this Article and the Map Act, including Map Act Sections 66473, 66473.5, and 66474.

9.90.100 – Exceptions to Subdivision Standards

An exception to a provision of Chapter 9.95 *Subdivision Design and Improvement Requirements* may be requested by a subdivider in compliance with this Section. An exception shall not be used to waive or modify a provision of the Map Act, or a provision of this Article that is duplicated or paraphrased from the Map Act.

A. Application. An application for an exception shall be submitted on forms provided by the Department together with the required filing fee. The application shall include a description of each standard and requirement for which an exception is requested, together with the reasons why the subdivider believes the exception is justified.

B. Filing and processing. A request for an exception shall be filed and processed as follows.

1. An exception shall be processed and acted upon in the same manner as the Tentative Map, concurrently with the Tentative Map if the exception request was filed at the same time.

2. The approval of an exception shall not constitute approval of the Tentative Map and the approval or disapproval of an exception shall not extend the time limits for the expiration of the map established by Section 9.91.110 *Tentative Map Expiration and Extensions*.

3. An exception request may be filed after the approval of a Tentative Map, but shall be considered by the Tentative Map review authority using the same procedures as the original Tentative Map.

C. **Approval of exception requests.** The Commission shall have the authority to approve or disapprove exception requests in compliance with this Section. The Commission shall not grant relief from a specified requirement or standard unless all of the following findings are first made:

1. Due to special circumstances or conditions affecting this property, the strict application of Article 6, *Subdivisions* would create an unnecessary hardship;

2. The exception is consistent with the intent of the requirements of Article 6, *Subdivisions* and does not constitute a grant of special privilege;

3. The exception would not result in significant increased adverse environmental impacts compared to the strict application of the requirements of Article 6, *Subdivisions* and

4. The granting of the exception will not be detrimental to the public health, safety, convenience, and general welfare or injurious to other property in the territory in which the property is situated.

5. The exception will not affect the consistency of the proposed subdivision with the General Plan, any applicable community plan, or any applicable specific plan.

D. **Conditions of approval.** In granting an exception, the Commission shall secure substantially the same objectives of the regulations for which the exception is requested and shall impose whatever conditions it deems necessary to protect the public health, safety, convenience, and general welfare, and to mitigate any environmental impacts in compliance with California Environmental Quality Act (CEQA).

9.90.110 – Appeals

A decision of the Director or Commission made in compliance with this Article may be appealed in compliance with Chapter 9.81, *Appeals* and Map Act Section 66452.5.

9.90.120 – Enforcement of Subdivision Standards

A. **Violations.** A person who violates any provision of this Article shall be subject to the penalties specified by Map Act Chapter 7, Article 1 and Article 2 and/or, where applicable, shall be guilty of a misdemeanor or infraction as specified in Chapter 9.82 *Enforcement*.

B. Prohibitions

1. Prohibition on transfers

   a. No person shall sell, lease, or finance any parcel or portion of a parcel of real property, or commence construction of any building for sale, lease, or financing on a parcel, except for model homes, or allow occupancy, for which a Parcel or Final Map is required by this Article and the Map Act, until a map in full compliance with this Article has been filed for record by the County Recorder.

   b. Conveyance of any portion of a parcel of real property for which a Final or Parcel Map is required by this Article shall not be made by parcel or block number, initial or other designation, until the map has been filed for record by the County Recorder.

2. Prohibition on issuance of permits

   a. No officer, council, commission, or department of the Town shall issue any permit or grant any approval necessary to develop any real property that has been divided, or that has resulted from a division, in violation of the provisions of this Article if it finds or is informed by the Director that development of the real property is contrary to the public health and safety. Before making a finding that the development of the real property is contrary to the public health and safety, the Director shall conduct a review.

   b. At the review, the Director shall consider all information and evidence submitted. The decision of the Director may be appealed in compliance with Map Act Section 66452.5 to the Commission by any aggrieved person, or by a Town officer, council, or department. The authority to disapprove the permit or requested approval shall apply whether the applicant was the owner of the real property at the time of the violation, or whether the applicant, if the current owner of the real property, was with or without actual or constructive knowledge of the violation at the time of the violation, at the time of the acquisition of their interest in the real property. If any Town officer, council, commission, agency, or department issues any permit or grants approval for the development of real property, it may request a report from the Director and impose any additional conditions as would have been applicable to the development of the property at the time the current owner of record acquired the property.

   c. For parcels created before March 4, 1972, notice of the review shall be given by registered mail to the owner of the real property as shown on the latest equalized assessment roll book. The review shall be held not less than 14 days nor more than 30 days after receipt by the owner of the notice of review.

3. Statement of limitations. This Section does not apply to any parcel of a subdivision offered for sale or lease, contract for sale or lease, or sold or leased in compliance with or exempt from any law regulating the design and improvement of subdivisions in effect at the time the subdivision was established.

C. **Remedies.** If construction activity on property subject to a Parcel or Final Map is occurring contrary to the Map Act, a requirement of the Map, or any other Federal, State, or local law, rule, or ordinance, the Director may order the activity stopped by written notice served on any person responsible for the activity, in addition to the remedies outlined in Map Act Chapter 7, Article 2. The responsible person shall immediately stop the activity until authorized by the Director to proceed. For the purposes of this Section, construction activities include, but are not limited to, grading, earth moving, and/or tree removal.

Chapter 9.91 Tentative Map Filing and Procedures

Sections:

9.91.010 – Purpose
9.91.020 – Tentative Map Preparation, Application Contents
9.91.030 – Tentative Map Filing
9.91.040 – Staff Report and Recommendation
9.91.050 – Tentative Map Public Hearing and Action
9.91.060 – Tentative Map Approval or Denial
9.91.070 – Conditions of Approval
9.91.080 – Effective Date of Tentative Map Approval
9.91.090 – Completion of Subdivision Process
9.91.100 – Vesting on Approval of Vesting Tentative Map
9.91.110 – Tentative Map Expiration and Extensions
9.91.120 – Amendments to Approved Tentative Maps and Conditions

9.91.010 – Purpose

This Chapter establishes requirements for the preparation, filing, approval or disapproval of Tentative Maps, consistent with the requirements of the Map Act.

9.91.020 – Tentative Map Preparation, Application Contents

A. **Submittal Requirements.** When a Tentative Map is required by Section 9.90.080 *Type of Subdivision Approval Required*, Tentative Map submittal shall include the application forms, all information and other materials prepared as required by the Director, and a Tentative Map prepared in the format required by Director.

B. **Filing of Phased Projects.** If the subdivider wishes to file multiple Parcel or Final Maps for a development project that will be phased, then one of the following shall first be completed:

1. The subdivider, at the time the Tentative Map is filed, shall inform the Director of the subdivider's intention to file multiple Parcel or Final Maps on the Tentative Map; or

2. After the filing of the Tentative Map, the Department and the subdivider concur in the filing of multiple Final Maps.

3. A subdivider filing multiple Parcel or Final Maps shall show the boundary limits of each phase and designate the sequence of filing for recordation of each phase to the satisfaction of the Director.

9.91.030 – Tentative Map Filing

A. **General Filing and Processing Requirements.** A Tentative Map application shall be submitted to the Department for processing, and shall be:

1. Reviewed for completeness and accuracy;

2. Referred to affected agencies;

3. Reviewed in compliance with the California Environmental Quality Act (CEQA) where applicable; and

4. Evaluated in compliance with Section 9.91.040 *Staff Report and Recommendation* below.

B. Referral to Affected Agencies. The procedure provided by this Subsection is in addition to the procedures in Chapter 9.61 *Application Processing Procedures*.

1. Required Referrals. The Director shall refer a Tentative Map application for review and comment to agencies that will be expected to provide service to the proposed subdivision, including, as appropriate, San Bernardino County agencies and departments, cities, special districts, and local agencies, public utilities, and State agencies.

2. Anticipated Type of Response. The agencies that receive a Tentative Map application are expected to respond to the Director with an evaluation of the proposal, a list of items (e.g., hydrology study, title report, traffic study, etc.) that may need to be filed and considered during the evaluation phase, and a list of proposed conditions of Tentative Map approval.

3. Time Limits for Referral and Response. As required by Map Act Sections 66453 through 66455.7, referral shall occur within five days of the Tentative Map application being determined to be complete. An agency wishing to respond to a referral shall provide the Director with its recommendations within 15 days after receiving the Tentative Map application.

C. Environmental Review

1. The Director, upon receipt of a tentative map application, shall conduct an environmental analysis, in compliance the California Environmental Quality Act.

2. If an environmental determination is required, the application for tentative map approval shall not be considered complete until certification of an Environmental Impact Report, adoption of a Negative Declaration, or determination by the Local agency that the project is an exempt project under the California Environmental Quality Act.

9.91.040 – Staff Report and Recommendation

1. Director Shall Prepare Evaluation

The Director shall prepare an evaluation in compliance with Government Code Section 66452.3 describing the conclusions of the tentative map application review.

2. Mailing of Copies of Evaluation

Copies of the evaluation shall be mailed to the subdivider (and each tenant of the subject property, in the case of a residential condominium conversion) at least three days before any hearing or action on the tentative map by the review authority in compliance with Chapter 9.86 *Public Notices and Hearings*.

a. Town Department Evaluations and Recommendations

Wherever possible, the evaluations and recommendations of the Town departments shall be presented to the Director.

b. Required Action in the Case of Waste Discharge Violations

The Town Engineer shall advise the Director as to whether the discharge of waste from the proposed subdivision into an existing community sewer system will result in the violation of existing requirements prescribed by the California Regional Water Quality Control Board in compliance with Water Code Section 13000 et seq.

9.91.050 – Tentative Map Public Hearing and Action

A. **Applicable Review Authority.** The applicable review authority is set forth in Table 6-1.

B. **Scheduling of Review Authority's Action.** The review authority shall approve, conditionally approve, or deny a tentative parcel or tract map application within 50 days from the date of adoption by the lead agency of a Negative Declaration, Mitigated Negative Declaration, determination that the project is exempt from CEQA, or certification of the Final Environmental Impact Report.

C. **Notice and Public Hearing Required**

1. The review authority shall hold a noticed public hearing on a tentative parcel or tract map.

2. Notice of the public hearing shall be given and the hearing shall be conducted in compliance with Government Code Sections 66410 et seq. and Chapter 9.86 *Public Notices and Hearings*.

D. **Review Authority's Action is Conclusive.** In the absence of a timely filed written appeal in compliance with Chapter 9.81 *Appeals*, the decision of the review authority shall be final and conclusive.

9.91.060 – Tentative Map Approval or Denial

In order to approve or recommend the approval of a Tentative Map and conditions of approval, or to disapprove a Tentative Map, the review authority shall first make the findings required by this Section. In determining whether to approve a Tentative Map, the Town shall apply only the ordinances, policies, and standards in effect on the date the Director determined that the application was complete in compliance with Section 9.91.030 *Tentative Map Filing*, except where the Town has initiated General Plan, specific plan, area plan or Development Code changes, and provided public notice as required by Map Act Section 66474.2.

A. Required Findings for Approval

1. Mandatory Findings. The review authority shall approve a tentative parcel or tract map only after first making all of the following findings, as required by Government Code Sections 66474 and 66474.6. The findings shall apply to each proposed parcel as well as the entire subdivision, including any parcel specified as a designated remainder in compliance with Government Code Section 66424.6.

   a. The proposed map, subdivision design, and improvements are consistent with the General Plan, any applicable specific plan, and this Article;

   b. The site is physically suitable for the type and proposed density of development;

   c. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat;

   d. The design of the subdivision or type of improvements is not likely to cause serious public health or safety problems;

   e. The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of, property within the proposed subdivision.

      (1) This finding may also be made if the review authority finds that alternate easements for access or use will be provided, and that they will be substantially equivalent to ones previously acquired by the public.

      (2) This finding shall apply only to easements of record, or to easements established by judgment of a court of competent jurisdiction, and no authority is hereby granted to the review authority to determine that the public at large has acquired easements of access through or use of property within the proposed subdivision.

   f. The design of the subdivision provides, to the extent feasible, passive or natural heating and cooling opportunities; and

   g. The proposed subdivision, its design, density, and type of development and improvements conforms to the regulations of this Development Code and the regulations of any public agency having jurisdiction by law.

   h. The discharge of waste from the proposed subdivision into an existing community sewer system will not result in the violation of existing requirements prescribed by the California Regional Water Quality Control Board in compliance with Water Code Section 13000 et seq.

2. Additional Specific Findings. Additional specific findings shall be made by the review authority before approval or conditional approval of a tentative parcel or tract map, as applicable to the application, such as if the proposed subdivision is a conversion of residential real property into a condominium, a community apartment project, or a stock cooperative, the review authority shall first make the additional finding that the proposed subdivision complies with the requirements of Government Code Sections 66427.1(a) and 66452 before approving the proposed subdivision.

3. Findings under an EIR. Notwithstanding the finding required by subparagraph A.1.c., above, the review authority may approve a tentative map, or a parcel map for which a tentative map was not required, if an Environmental Impact Report (EIR) was prepared for the project and a finding is made in compliance with Public Resources Code Section 21081 Subdivision (a) Paragraph (3), that specific economic, social, or other considerations make the mitigation measures or project alternatives specified in the EIR infeasible.

B. **Supplemental Findings.** In addition to the findings specified in subsection A., above, the review authority shall not approve a tentative parcel or tract map unless it can also make the following findings, when they are applicable to the specific subdivision proposal.

1. Construction of Improvements. In the case of a tentative map for a subdivision that will require a subsequent parcel map, the construction of improvements for the subdivision within a specified time after the recordation of the parcel map is in the interest of the public health and safety, and it is necessary as a prerequisite to the orderly development of the surrounding area.

2. Waiver of Parcel Map. The findings required by Section 9.92.020, *Waiver of Parcel Map*, if waiver of a parcel map has been requested with the tentative map application.

C. **Time Limits.** The time limits for acting and reporting on tentative parcel or tract maps and appeals, as specified in this Article and by the Act, may be extended by mutual consent of the subdivider and the review authority.

D. **Appeals.** The subdivider or any interested person adversely affected by a decision of the review authority with respect to a tentative parcel or tract map may appeal, in compliance with the applicable appeals procedures specified in Government Code Section 66452.5, Chapter 9.81 *Appeals*, and as follows:

1. If the Commission is the review authority, then the appeal shall be to the Council which is established as the appeals board;

2. If the review authority is not the Commission, then the first appeal shall be to the Commission. The Commission's decision may be appealed to the Council.

9.91.070 – Conditions of Approval

Along with the approval of a Tentative Map, the review authority may adopt any conditions of approval deemed necessary to carry out the purposes of this Development Code, including conditions regarding the matters described in Subsection (a), below; provided, that all conditions shall be consistent with the requirements of the Map Act.

A. Dedications and Improvements

1. As a condition of approval of a map of five or more parcels, the Town may require dedications and improvements as necessary to ensure that the parcels to be created:

   a. Are provided with adequate public services and utilities, including any appropriate cable television services, to meet the needs of future residents or users;

   b. Are of adequate design in all respects in compliance with this Development Code;

   c. Act to mitigate any potential environmental impacts specified in the Environmental Impact Report (EIR) or by other means; and

   d. Provide for proper grading and erosion control, including the prevention of sedimentation or damage to off-site property.

2. All improvements shall comply with adopted Town standards.

B. Access

1. Except as provided below, parcels created by a subdivision of land shall abut upon a recorded dedicated public right-of-way of a width as established by the Town's Circulation Element, or shall be ensured of access to the Town road system by an approved access which connects a parcel(s) to a maintained public street or State highway.

2. Private road easements may be approved for access to each parcel if it is determined that public street access cannot be provided due to certain title limitations or topographical conditions.

3. Road easements of record established before the effective date of this Article shall be recognized as legal access to each parcel of the proposed subdivision.

4. Existing traveled roads for which a court has determined that a prescriptive right by users exists for public use shall be recognized as legal access to each parcel of the proposed subdivision.

C. Conditions Modifying Subdivision Design - Time for Compliance. When modifications in design require a change in the conditions of approval of a tentative parcel map or tentative tract map, the subdivider shall, at least 30 days before the submission of a final map, submit the appropriate number of copies of the tentative map as modified to the Director for review for confirmation by the Town Engineer.

9.91.080 – Effective Date of Tentative Map Approval

The approval of a tentative map shall become effective for the purposes of filing a final tract or parcel map, in accordance with Chapter 9.88, *Time Limitations and Time Extensions*.

9.91.090 – Completion of Subdivision Process

A. Effect of Approval on Prior Approvals. The approval or conditional approval by the review authority of any revised or new parcel map or tentative map shall annul all previous subdivision designs and approvals for the same site.

B. **Compliance with Conditions, Improvement Plans.** After approval of a tentative parcel map or tentative tract map in compliance with this Article, the subdivider shall proceed to fulfill the conditions of approval within any time limits specified by the conditions and the expiration of the map and, where applicable, shall prepare, file, and receive approval of improvement plans in compliance with Chapter 9.95, *Subdivision Design and Improvement Requirements*, before constructing any required improvements.

C. **Parcel or Final Map Preparation, Filing, and Recordation**

1. A parcel map for a subdivision of four or fewer parcels shall be prepared, filed, processed, and recorded in compliance with Chapter 9.92, *Parcel Maps and Final Maps*, to complete the subdivision, unless a parcel map has been waived in compliance with Section 9.92.020, *Waiver of Parcel Map*.

2. A final map for a subdivision of five or more parcels shall be prepared, filed, processed, and recorded in compliance with Chapter 9.92, *Parcel Maps and Final Maps*, to complete the subdivision.

3. Project phasing and the filing of multiple parcel or final maps shall be in compliance with this Chapter.

9.91.100 – Vesting on Approval of Vesting Tentative Map

A. **Purpose.** The purpose of this Section is to establish procedures necessary for the implementation of the provisions of Government Code Section 66452 relating to vesting tentative maps, vested parcel maps, or tentative tract maps.

B. **Application Filing**

1. Whenever a provision of the Act or this Chapter requires the filing of a tentative parcel or tract map, a vesting tentative map may instead be filed.

2. 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 is required of tentative maps in compliance with this Chapter, except as otherwise provided in this Section.

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

4. At the time a vesting tentative map is filed a subdivider shall also supply all of the following information.

   a. The height, location, and size of all existing and proposed structures.

   b. Detailed information on the use(s) of the existing and proposed structures.

   c. Architectural plans for tract development or design guidelines for custom subdivisions.

d. Detailed circulation information (existing and proposed). This information may include area wide traffic data sufficient for the Town to determine future circulation needs.

e. Detailed grading plans.

f. Flood control information.

g. Hazardous materials - Level 1 Study.

h. Road, sewer, storm water, and water details.

i. Soils report.

j. Any other studies the Director and/or Town Engineer may require to thoroughly evaluate the project.

k. The Director may require the filing and concurrent review of other related development applications where it is necessary for the review and implementation of the vesting tentative map.

C. 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 the Act and/or this Chapter for the expiration of approved or conditionally approved tentative maps.

D. Vesting on Approval of Vesting Tentative Map

1. The approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in compliance with Government Code Section 66474.2.

2. However, if Government Code Section 66474.2 is repealed, the approval or conditional approval of a vesting tentative map shall be deemed to have conferred 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 was approved or conditionally approved.

3. Notwithstanding Subparagraph 1 above, the review authority may condition or deny a permit, approval, extension, entitlement, or require an amendment to the map if it first determines any of the following:

   a. 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; or

   b. The condition or denial is required in order to comply with State or Federal law.

4. The review authority may alter any condition(s) of a vesting tentative map through an amendment in compliance with Section 9.91.120, *Amendments to Approved Tentative Maps* in order to protect against conditions dangerous to public health and safety or to comply with State or Federal law.

E. Expiration of Vested Rights

1. The vested rights referred to in this Section shall expire if a final map is not approved before the expiration of the vesting tentative map, as provided in the Act.

2. If the final map is approved, the vested rights shall last for the following periods of time:

   a. An initial time period of 24 months.

   b. A subdivider may apply for a 12-month extension 30 days before expiration in compliance with Subsection C, *Expiration*, above.

   c. If the extension is denied, the subdivider may appeal that denial within 10 calendar days after the denial, in compliance with Chapter 9.81, *Appeals* .

9.91.110 – Tentative Map Expiration and Extensions

A. Valid Timeframe. An approved tentative parcel or tract map is valid for 24 months after its effective date, except as otherwise provided by Government Code Section 66452.6, which, under specified circumstances, allows for a tentative map to be deemed valid for 36 months unless otherwise extended in accordance with the provisions of this Article and the Act.

B. Expiration of an Approved Map

1. Expiration of an approved tentative parcel or tract map or vesting tentative map shall terminate all proceedings.

2. The application shall not be reactivated unless a new tentative parcel or tract map application is filed in compliance with this Article.

C. Filing of Extension Request

1. The time limits for acting on maps and associated appeals, as specified in this Article and Government Code Sections 66410 et seq., may be extended by mutual consent of the subdivider and the applicable review authority.

2. An extension request shall be in writing and shall be filed with the Director not less than 30 days before the date of expiration of the approval or previous extension, together with the required filing fee in compliance with the Planning Fee Schedule.

D. Approval of First Extension — Director. The Director may grant one 12-month extension to the initial time limit, only after first finding all of the following:

1. There have been no changes to the provisions of the General Plan, any applicable specific plan, or this Development Code applicable to the project since the approval of the tentative parcel or tract map;

2. There have been no changes in the character of the site or its surroundings that affect how the policies of the General Plan, any applicable specific plan, or other standards of this Development Code apply to the project; and

3. There have been no changes to the capacities of community resources, including but not limited to roads, sewage treatment or disposal facilities, schools, or water supply so that there is no longer sufficient remaining capacity to serve the project.

E. Additional Extensions — Commission

1. The Commission may grant additional extensions to the initial time limit, only after first making all of the findings specified in Subsection D, above.

2. The aggregate period of time for all extensions shall not exceed the maximum limits specified in Government Code Sections 66452.6 and 66463.5.

F. Appeal of Decision. If the tentative map extension request is denied, the subdivider may appeal the denial within 10 calendar days after the effective date of the denial of the extension in compliance with Chapter 9.81 *Appeals*.

G. Filing of a Lawsuit

1. If a lawsuit has been filed and is pending in a court of competent jurisdiction affecting the validity of the approval or conditional approval of a tentative parcel or tract map, the subdivider may apply to the Town within 10 days of the service of the initial petition or complaint upon the Town for a stay of the time in which a tentative parcel or tract map will expire.

2. Within 40 days after receiving the request, the Director shall stay the map's expiration date until final conclusion of the action, if the Director determines that the action affects the validity of the tentative parcel or tract map approval.

9.91.120 – Amendments to Approved Tentative Maps and Conditions

A. Minor Amendments to Approved Tentative Maps — Director. A subdivider may request amendments to an approved tentative parcel or tract map or its conditions of approval before recordation of a final map in compliance with this Section. Amendments to a parcel or final map after recordation are subject to 9.91.120, *Amendments to Approved Tentative Maps and Conditions*.

B. Minor Amendments Defined. Minor amendments to a tentative parcel or tract map that may be requested by a subdivider in compliance with this Section include minor adjustments to the location of proposed parcel lines and improvements, and reductions in the number of approved parcels (but no increase in the number of approved parcels), and any changes to the conditions of approval, consistent with the findings required by Subsection G *Required Findings for Approval*, below.

C. Amendments Other Than Minor Amendments. All proposed amendments not covered by this Section shall require the filing and processing of a new tentative parcel or tract map in compliance with this Chapter.

D. Application for Amendments. The subdivider shall file an application and filing fee, in compliance with the planning fee schedule, with the Department, using the forms furnished by the Director, together with the following additional information:

1. A statement identifying the tentative parcel or tract map number, the features of the map or particular conditions to be changed and the changes requested, the reasons why the changes are requested, and any facts that justify the changes; and

2. Any additional information deemed appropriate by the Director.

E. **Processing of Application.** Proposed amendments to a tentative parcel or tract map or conditions of approval shall be processed using the same procedures as the original tentative parcel or tract map, except as otherwise provided by this Section.

F. **Review Authority.** The Director shall be the review authority for reviewing and either approving or denying minor amendments to approved tentative maps.

G. **Required Findings for Approval.** The Director may approve amendments to an approved tentative parcel or tract map or its conditions of approval if the Director first finds all of the following findings to be true, and that all of the applicable findings for approval required by Subsections 9.91.060 A. and B., above, can still be made:

1. No parcels are added, or substantially altered;

2. No proposed structure locations are substantially altered;

3. The amendments are consistent with the intent and spirit of the original tentative parcel or tract map approval; and

4. There are no resulting violations of this Article, the Act, or other applicable laws.

H. **Effect of Amendments on Time Limits.** Approved amendments to a tentative parcel or tract map or conditions of approval shall not be considered as approval of a new tentative map, and shall not extend the time limits provided by Section 9.91.110 *Tentative Map Expiration and Extensions*, above, nor extend any right(s) in compliance with a vesting tentative map.

I. **Recording of Amendments.** Minor amendments shall be indicated on the approved map and certified by the Director.

Chapter 9.92 Parcel Maps and Final Maps

Sections:

9.92.010 – Purpose
9.92.020 – Waiver of Parcel Map
9.92.030 – Final Tract and Parcel Map Form and Content
9.92.040 – Filing and Processing of Final Tract and Parcel Maps
9.92.050 – Final Tract or Parcel Map Approval and Recordation
9.92.060 – Supplemental Information Sheets
9.92.070 – Composite Development Plans
9.92.080 – Correction and Amendment of Recorded Maps

9.92.010 – Purpose

This Chapter establishes requirements for the preparation, filing, processing, approval, conditional approval, or denial, and recordation of final tract and parcel maps, consistent with the requirements of the Act.

9.92.020 – Waiver of Parcel Map

Notwithstanding the provisions of this Chapter, the Town Engineer may elect to waive the requirement for a parcel map subject to the preparation of written findings and as provided for in the Act.

9.92.030 – Final Tract and Parcel Map Form and Content

A. **Form and Content.** The form and content of final tract and parcel maps shall be as required by the Act and this Chapter. The map shall be considered submitted when it is complete and complies with all applicable provisions of the Act, this Chapter, and this Code.

B. **Authorized Preparers**

1. The final tract or parcel map shall be prepared by, or under the direction of, a registered civil engineer authorized to practice land surveying or licensed land surveyor.

2. A final tract or parcel map shall be based upon a field survey made in compliance with the Professional Land Surveyors Act and as required by this Chapter.

C. **Certificates and Acknowledgments**

1. Before filing, the certificates and acknowledgements required by the Act and this Chapter shall appear on the map and may be combined where appropriate.

2. The certificates and acknowledgments shall appear on the face of the map unless the Town Engineer advises the subdivider that the certificates and acknowledgments are to be made by separate instrument.

3. If a certificate or acknowledgment is made by separate instrument, there shall appear on the map a reference to the separately recorded documents.

D. **Monuments.** The location, number, and type of monuments shall be as specified in the Act and this Chapter and shall be in compliance with the standards prescribed in the California Business & Professions Code Section 8771.

E. **Documentation Required for Town Review and Approval**

1. The subdivider shall submit prints of the map to the Department for checking, who will distribute the map to other Town departments and agencies for review.

2. The preliminary prints shall be accompanied by documents, plans, and reports in a form approved by the Director, including but not limited to all of the following.

   a. Improvement Plans. Improvement construction plans as required by the Town Engineer.

   b. Soils Report

      (1) A preliminary soils report, based upon test borings and prepared in compliance with the requirements of the Building Code, as it may be amended and as referenced in Municipal Code Title 8 *Buildings and Construction*, shall be required for all tract maps and for those parcel maps which involve commercial or industrial development.

         (a) The soils report shall be prepared by a State-registered civil or soils engineer.

         (b) The requirement of a preliminary soils report may be waived or reduced in scope by the Town Engineer if, in the Town Engineer's opinion, the soil characteristics in the vicinity of the proposed subdivision have been established by previous analyses.

      (2) Parcel maps which propose the construction of single-family dwellings shall require the preparation of a report which includes the subsurface soil classification, as well as the results of an expansive index test.

   c. Title Report. A title report prepared by a title insurer, with the title report required to be dated no older than within 90 days of the filing of the final map.

   d. Improvement Cost Estimate. An improvement cost estimate, which shall include all improvements located within public or private rights-of-way, common areas, or easements, on-site and off-site drainage improvements, and utility trench backfill as provided by the subdivider, except for those utility facilities to be installed by a utility company under the jurisdiction of the Public Utilities Commission.

   e. Grant of Easements and Rights-of-way

(1) Grant of easements or rights-of-way required which are not proposed to be dedicated on the final map.

(2) The subdivider shall provide written evidence acceptable to the Town in the form of rights of entry or permanent easements across private property outside of the subdivision granting access to perform necessary construction work and allowing the maintenance of facilities, if required.

f. Traverse Closure Calculations. Traverse closure calculations for the boundary blocks, easements, monument lines, parcels, and street centerlines.

g. Hydrology and Hydraulic Calculations. Complete hydrology and hydraulic calculations, if required by the project's conditions of approval.

h. Organization Documents

(1) Any proposed declaration of covenants, conditions, and restrictions and all other organization documents for the subdivision in a form prescribed by the Civil Code Section 1355.

(2) All documents shall be subject to review and approval by the Director and the Town Attorney.

i. Letter of Certification from Water Agencies. The subdivider shall submit written certification from the affected water provider that adequate domestic water facilities are or will be available to serve the proposed project and that all necessary financial arrangements have been made to ensure construction of the facilities.

j. Other Reports. Any additional calculations, data, reports, or information required by the Town Engineer.

9.92.040 – Filing and Processing of Final Tract and Parcel Maps

A. Official and Timely Filing of Map

1. The subdivider shall cause the map to be officially filed with the Town Engineer at least 20 days before the expiration of the approved or conditionally approved tentative map or any approved extension of time granted in compliance with Section 9.91.110 *Tentative Map Expiration and Extensions*.

2. The map shall not be considered officially filed until the engineer or surveyor has received notification from the Town Engineer that all provisions of the tentative map approval, the Act, the Municipal Code, this Development Code, and applicable Town standards have been complied with.

3. The filing of the official copy of the map with the Town Engineer shall constitute the timely filing of the map.

B. Review of Map

1. Upon filing of the application, the Town Engineer shall examine it as to sufficiency of affidavits and acknowledgements, correctness of surveying data, mathematical data and computations, and other matters which may require checking to ensure compliance with the provisions of the Act, this Chapter, and applicable Town standards.

2. If the map is found to be in substantial compliance with the tentative map and is in correct form, the matters shown on the map are sufficient, and the Town Engineer is satisfied that all of the conditions of approval have been met, the Town Engineer shall endorse approval of the map.

3. The Town Engineer shall combine with the map the agreements, easements, and securities as required by this Chapter.

4. The material shall be transmitted to the Council for its consideration of the map.

C. Time Limit for Filing Map. If the subdivider fails to file the map with the Town Engineer and the required accompanying data with the appropriate Town departments within 24 months, or other period of time specified in Government Code Section 66452.6 and Section 9.91.110 (Tentative Map Expiration and Extensions), following the effective date of tentative map approval by the review authority, or within any authorized extension of time, the tentative map approval or conditional approval shall become void. In this case, a new filing fee shall be paid, in compliance with the planning fee schedule, and an application for a new tentative map shall be filed.

1. If 120 days before the submittal of a map, the subdivider has failed to comply with the tentative map conditions which require the subdivider to construct or install off-site improvements on land in which neither the subdivider nor the Town has sufficient title or interest, including an easement or license, then at the time the map is filed with the local agency, to allow the improvements to be made, the subdivider shall enter into an agreement with the Town to pay all costs of the Town in acquiring the property.

2. The Town shall have 120 days from the filing of the map, in compliance with Government Code Section 66457, to obtain interest in the land to allow the improvement(s) to be made by negotiation or proceedings in compliance with Code of Civil Procedure Title 7 (commencing with Section 1230.010) of Part 3, including proceedings for immediate possession of the property under Code of Civil Procedure Title 7 Article 3 (commencing with Section 1255.410).

3. In the event the Town fails to meet the 120-day time limitation, the condition for construction of off-site improvements shall be conclusively deemed to be waived.

4. Before approval of the map, the Town may require the subdivider to enter into an agreement to complete the improvements, in compliance with Subsection 9.95.040. *Site Preparation and Grading for Subdivision Construction*, below, at the time the Town acquires an interest in the land which will allow the improvements to be made.

5. "Off-site improvements," as used in this subsection, do not include improvements which are necessary to ensure replacement or construction of housing for persons and families of low or moderate income, as defined in Health and Safety Code Section 50093.

9.92.050 – Final Tract or Parcel Map Approval and Recordation

After determining that the map is in compliance with Section 9.92.030 *Final Tract Map and Parcel Map Form and Content*, above, and is technically correct, the Town Engineer shall execute the Town Engineer's certificate on the map in compliance with Government Code Section 66442, and forward the map to the Town Clerk for Council action in the following manner.

A. Applicable Review Authority. The applicable review authority is set forth in Table 6-1.

B. Review and Approval by the Review Authority

1. Timing of Review Authority's Review. The Review Authority shall approve or deny the map after it receives the map from the Town Engineer or, in the case of the Council, at its regular meeting after the meeting at which it receives the map, unless that time limit is extended with the mutual consent of the Director and the subdivider.

2. Criteria for Approval

   a. The Review Authority shall approve the map if it conforms to all of the requirements of the Act, all provisions of this Development Code that were applicable at the time that the tentative map was approved, and is in substantial compliance with the approved tentative map.

   b. If the map does not conform, the Review Authority shall not approve the map.

   c. Where a map does not include any offers for dedication or improvement, the Director shall review the map(s) and shall approve each map if the map conforms to the applicable requirements of the Act and this Chapter. If the map(s) does not conform, it shall not be approved.

3. Applicable Ordinances, Policies, and Standards. In determining whether to approve or deny a map, the Review Authority shall apply only those ordinances, policies, and standards in effect on the date the proposal for the subdivision was accepted as complete, in compliance with Government Code Section 66474.2.

4. Action Not to Approve a Final Tract or Parcel Map

   a. If a map is not approved due to its failure to meet any of the requirements imposed by the Act or this Chapter, the denial shall be accompanied by findings identifying the requirements which have not been met or performed.

   b. Approval of a map shall not be withheld when the failure of the map to comply is the result of a technical and inadvertent error which, in the determination of the Council or, in the case of a map not involving any offers of dedication or improvement, the Director, does not materially affect the validity of the map.

C. Map with Dedications

1. If a dedication or offer of dedication is required on the map, the Council may accept, subject to improvement or accept for dedication but not into Town maintained roadways and any other offers of dedications and maintained systems, or reject, on behalf of the public, of any real property offered for dedication to the public in compliance with the terms of the offer of dedication, at the same time as it takes action to approve the map.

2. If the Council rejects the offer of dedication, the offer shall remain open and may be accepted by the Council at a later date in compliance with Government Code Section 66477.2.

3. Any termination of an offer of dedication shall be processed in compliance with Government Code Section 66477.2 using the same procedures as specified by Streets and Highway Code Part 3 of Article 9.

D. Map with Incomplete Improvements. If improvements required by this Development Code, conditions of approval, or other applicable laws have not been completed at the time of approval of the map, the review authority shall require the subdivider to enter into an agreement with the Town as specified in Government Code Section 66462, and Section 9.96.040 *Improvement Agreements, Lien Agreements, and Securities*, as a condition precedent to the approval of the map.

E. Recording of Final Tract and Parcel Maps

1. After action by the Review Authority, as applicable, to approve the map, and after the required signatures and seals have been affixed, the Town Clerk shall transmit the map to the Title Company.

2. The Title Company shall obtain signatures at the County Tax collector and deliver to County Recorder for recordation.

9.92.060 – Supplemental Information Sheets

In addition to the information required by this Chapter to be included in all final tract and parcel maps, additional information may be required to be submitted and recorded simultaneously with a final or parcel map as required by this Section.

A. Preparation and Form

1. The additional information required by this Section shall be presented in the form of an additional map sheet(s), unless the Director determines that the type of information required would be more clearly and understandably presented in the form of a report or other document(s).

2. The additional map sheet(s) shall be prepared in the same manner and in substantially the same form as required for final tract and parcel maps by Section 9.92.030 *Final Tract and Parcel Map Form and Content.*

B. Content of Information Sheets. Supplemental information sheets shall contain the following statements and information:

1. Title. A title, including the number assigned to the accompanying final or parcel map by the Director, the words "Supplemental Information Sheet;"

2. Explanatory Statement. A statement following the title that the supplemental information sheet is recorded along with the subject final or parcel map, and that the additional information being recorded with the final or parcel map is for informational purposes, describing conditions as of the date of filing, and is not intended to affect record title interest;

3. Location Map. A location map, at a scale not to exceed one inch equals 1,200 feet. The map shall indicate the location of the subdivision within the Town;

4. Areas Subject to Flooding. Identification of all lands within the subdivision subject to periodic inundation by water;

5. Soils or Geologic Hazards Reports. When a soils report or geological hazard report has been prepared, the existence of the report shall be noted on the information sheet, together with the date of the report and the name of the engineer making the report; and

6. Information Required by Conditions of Approval. Any information required by the review authority (e.g., areas subject to earthquakes and other similar environmental constraints) to be included on the supplemental information sheet(s) because of its importance to potential successor(s)-in-interest to the property, including any other easements or dedications.

9.92.070 – Composite Development Plans

In addition to the information required to be included in a Parcel or Final Map (Sections 9.91.030 (E) Tentative Map Filing), a Composite Development Plan may be required to be submitted and recorded as follows, as provided by Map Act Section 66434.2 to provide additional and more detailed information.

A. **Applicability.** The Director may require the filing of a Composite Development Plan at the time a Parcel or Final Map is accepted for recordation. The Composite Development Plan shall be filed with the Department concurrent with the recordation of the Final or Parcel Map.

B. **Content.** A Composite Development Plan shall be prepared and shall include the information required by the Department handout on Composite Development Plans, as required by the Composite Development Plan Standards established by the Town Engineer and adopted by the Council, and as required by the conditions of approval.

C. **Filing and Review.** A Composite Development Plan shall be filed as follows.

1. Filing Advance Copy. At least three weeks before the recordation of the Parcel or Final Map, the Composite Development Plan shall be submitted for coordination of review to the Town Engineer.

2. Filing Official Copy of Composite Development Plan. Concurrent with the filing for recordation of the Parcel or Final Map the Composite Development Plan, as approved by the Director and Town Engineer in compliance with this Section, shall be filed with the Building and Safety Division.

D. Amendments to Plan

1. Should an error be made on the Parcel or Final Map which affects the Composite Development Plan approved in compliance with this Section, the Parcel or Final Map and the Composite Development Plan may be amended as approved by the Director. A Revision to an Approved Action application is required for all other changes to a Composite Development Plan.

2. The Director is authorized to approve amended Composite Development Plans when they do not adversely impact the conditions of other departments and the amendment is in substantial compliance with the conditions of approval of the Tentative or Parcel Map.

3. Any request to modify or deviate from the standards that are shown on a Composite Development Plan shall be made in compliance with the provisions for Variances, except as otherwise provided by this Section.

9.92.080 – Correction and Amendment of Recorded Maps

A recorded final tract or parcel map (referred to as a map) may be amended by the Town Engineer to correct errors in the recorded map or to change characteristics of the approved subdivision in compliance with Map Act Chapter 3, Article 7.

A. Type of Corrections Allowed in Compliance with Government Code Section 66469

1. Filing of a Certificate of Correction or an Amending Map. In the event that errors in a map are discovered after recordation, or that other corrections are necessary, the corrections may be accomplished by either the filing of a certificate of correction or an amending map, in compliance with Government Code Chapter 3, Article 7.

2. Error Defined. For the purposes of this Section, "errors" include errors in course or distance (but not changes in courses or distances from which an error is not ascertainable from the map), omission of any course or distance, errors in legal descriptions, or any other map error or omission as approved by the Town Engineer that does not affect any property right, including but not limited to acreage, parcel numbers, street names, and identification of adjacent record maps.

3. Other Corrections. Other corrections may include indicating monuments set by engineers or surveyors other than the one that was responsible for setting monuments, or showing the proper character or location of any monument that was incorrectly shown, or that has been changed.

4. Review Authority. The Town Engineer shall be the review authority for reviewing and either approving or denying corrections to and amendments of recorded maps in compliance with Government Code Section 66469.

5. Application and Town Engineer's Review Process:

    a. An application to amend a recorded map in compliance with Government Code Section 66469 shall be filed with the Town Engineer.

b. The Town Engineer shall determine if the changes requested may be approved with a certificate of correction or an amending map.

c. The Town Engineer may request additional information based upon that determination and shall approve the certificate of correction or the amending map if all of the required findings specified in Subparagraph 6, *Required Findings*, below can be made.

6. Required Findings. A map may be amended only if the Town Engineer first finds all of the following to be true:

a. The change(s) requested only involves a minor map annotation correction(s);

b. The amendment(s) does not impose any additional burden on the fee owner(s) of the real property;

c. The amendment(s) does not alter any interest, right, or title in the real property reflected on the map; and

d. The map, as amended, does not conflict with Government Code Section 66474.

B. Type of Corrections Allowed in Compliance with Government Code Section 66472.1. In the event that there are changes in circumstances which make any or all of the conditions of a recorded map no longer appropriate or necessary, the following procedures shall be followed to amend the map:

1. Application and Town's Review Process:

a. An application to amend a recorded map in compliance with Government Code Section 66472.1 shall be filed with the Town Engineer.

b. Once approved by the Town Engineer, the application shall be sent to the Council for approval of either a certificate of correction or an amending map.

c. The Council shall approve the application if all of the required findings specified in Subparagraph 3, *Required Findings*, below can be made.

2. Review Authority. The Council shall be the review authority for reviewing and either approving or denying corrections to and amendments of recorded maps in compliance with Government Code Section 66472.1.

3. Required Findings. A map may be amended only if the Council first finds all of the following to be true:

a. There is a change(s) in circumstances that make any or all of the conditions of the map no longer appropriate or necessary;

b. The amendment(s) does not impose any additional burden on the fee owner(s) of the real property;

c. The amendment(s) does not alter any interest, right, or title in the real property reflected on the map; and

d. The map, as amended, does not conflict with Government Code Section 66474.

C. **Recordation.** After approval, the certificate of correction or amending map shall be submitted to the County Recorder for recordation.

D. **Amendment of an Approved Subdivision.** In the event that a subdivider wishes to amend (e.g., change or modify) the characteristics of an approved subdivision (e.g., a recorded final tract or parcel map), including but not limited to the number or configuration of parcels, location of streets or easements, or the nature of required improvements, the construction of which has been deferred through the approval of an agreement in compliance with Section 9.96.040 *Improvement Agreement, Lien Agreements, and Securities*, the subdivider shall file a new tentative, final, or parcel map in compliance with this Article or comply with the requirements of Government Code Sections 66469 through 66472.1.

Chapter 9.93 Additional Subdivision Procedures

Sections:

9.93.010 – Purpose
9.93.020 – Certificates of Subdivision Compliance
9.93.030 – Lot Line Adjustments
9.93.040 – Lot Mergers
9.93.050 – Reversions to Acreage
9.93.060 Resident Initiated Mobile Home Park Conversion
9.93.070 Official Maps

9.93.010 – Purpose

This Chapter establishes requirements consistent with the Act for certificates of compliance, lot line adjustments, lot mergers, and reversions to acreage.

9.93.020 – Certificates of Subdivision Compliance

A. General Provisions

1. The Town shall process and approve or conditionally approve applications for Certificate of Subdivision Compliance in compliance with Government Code Sections 66499.34 and 66499.35, and this Section.

2. Filing Criteria and Applicability – When Required.

   a. A recorded certificate of compliance may be requested by any person owning real property to have the Director determine whether the property complies with the provisions of this Development Code.

   b. A certificate of compliance may be required by the Director with the recordation of a notice of merger.

   c. A recorded certificate of compliance shall be required for all lot line adjustments.

   d. When contiguous deeds or surveys have ambiguities in which the property boundary cannot be ascertained as determined by the Director and an agreement is reached to establish the line by all parties, a boundary line agreement and a certificate of compliance shall be recorded.

   e. When determined by the Director, a certificate of compliance may be required for the remainder parcel(s) on final or parcel maps.

B. **Application.** An application for the approval of a certificate of compliance or conditional certificate of compliance shall be filed with the Director and include the information required by the Director, together with the processing fee specified by the planning fee schedule.

C. **Review Authority.** The Director shall be the review authority for reviewing and either approving or denying Certificates of Compliance.

D. **Review and Action**

1. The Director shall review the completed application in light of public records and applicable law.

2. If the Director is able to determine from this review that the parcel is clearly in compliance with the provisions of this Article and the Act, a certificate of compliance shall be issued by the Director and delivered to the County Recorder for recordation.

3. If the Director is unable to determine from this review that the parcel is in compliance with the provisions of this Article and the Act, but can do so with appropriate conditions, a conditional certificate of compliance shall be issued by the Director and delivered to the County Recorder for recordation.

4. If the Director is unable to determine from this review that the parcel is clearly in compliance, the procedures specified in Government Code Section 66499.35 shall apply.

E. **Conditions of Approval**

1. When granting a Certificate of Subdivision Compliance for the purpose of determining whether real property is in compliance with the Code, the following shall apply:

   a. The requirement or conditions for granting of a Certificate of Subdivision Compliance shall be limited to dedication of flood control and road or street right-of-way easement for lots created before March 4, 1972.

   b. When a Certificate of Subdivision is requested for a parcel of land created after March 4, 1972, the following shall apply:

      (1) If the parcel is less than five acres in size, access, improvement, and map requirements consistent with land division requirements at the time of the parcel was created shall be required.

      (2) If the parcel is five acres or greater in size, no Parcel or Record of Survey Map shall be required, unless the Director finds that, due to topographical, geologic, or drainage concerns, delineation of such areas is necessary to assure adequate building sites. Access shall be provided pursuant to subsection (a) above.

      (3) Access requirements across lands not in the ownership of the applicant may be deferred until development is requested on the applicant's property. A statement of disclosure relating to such lack of access shall be placed on the conditional Certificate of Subdivision Compliance advising of this requirement to future buyers of the parcel.

c. If the Director determines that such real property does not comply with the provision of this Article, the Director shall impose all the access requirements of this Article before issuing a conditional Certificate of Subdivision Compliance, impose those additional improvement requirements and Tentative or Parcel Map requirements provided in this Article. Such conditions may be fulfilled and implemented by the property owner who has applied for a Certificate of Subdivision Compliance pursuant to this section, or by a grantee of such property owner. If such conditions are not fulfilled or implemented by the applicant, property owner, or grantee, the Certificate of Subdivision Compliance shall have no force or effect upon any subsequent transfer of the property and any subsequent transferee or assignee shall make a new applicant for a Certificate of Subdivision Compliance pursuant to this Article, and the Director may impose such conditions as would have been applicable at the time such assignee or transferee acquired the property.

2. All Certificates of Subdivision Compliance shall be reviewed and approved by the Town Engineer prior to recordation. A record of survey may be required by the Town Engineer in order to facilitate the preparation of new legal descriptions or to ensure the elimination of any encroachment.

3. A Certificate of Subdivision Compliance shall be issued for any real property which has been approved for development.

4. A recorded final subdivision map, or Parcel Map, or recorded lot merger shall constitute a Certificate of Subdivision Compliance with respect to the parcels of real property described herein.

5. An official map prepared pursuant to subdivision (b) of Section 66499.52 of the Government Code shall constitute a Certificate of Subdivision Compliance or a conditional Certificate of Subdivision Compliance with respect to the parcels of real property described therein and may be filed for the record, whether or not the parcels are contiguous, so long as the parcels are within the same section or, with the approval of the Town Engineer, within contiguous sections of land.

9.93.030 – Lot Line Adjustments

A. Conditions for Allowing Lot Line Adjustments

1. Compliance with Government Code Section 66412(d). Lot line adjustments shall be allowed in compliance with Government Code Section 66412(d); provided, all of the following provisions are complied with.

2. Four or Fewer Parcels. A lot line adjustment is between four or fewer existing adjoining parcels, where the land taken from one parcel is added to an adjoining parcel, and where a greater number of parcels than originally existed are not created.

3. Who Shall Prepare Application. An application for a lot line adjustment shall be prepared by a licensed land surveyor or civil engineer authorized to practice land surveying by the State.

4. Application Requirements

a. An application for a lot line adjustment shall be filed and processed in compliance with Chapter 9.61 *Application Processing Procedures*.

b. The application shall include the information and materials specified in the Department handout for lot line adjustment applications, together with the required fee in compliance with the planning fee schedule.

c. It is the responsibility of the applicant to provide evidence in support of the findings required by Subsection C, *Processing of Lot Line Adjustment Application - Findings Required for Approval*, below.

d. All lien holders, record owners, and trust deed holders consent in writing to the lot line adjustment; and

e. A title report prepared by a title insurer, with the title report required to be dated no older than within 90 days of the filing date of the lot line adjustment application, is submitted.

5. Survey May Be Required. The Director may, at the Director's sole discretion, require a survey of the properties involved, if the Director finds the survey necessary in order to provide an adequate description of the subject properties.

B. Review Authority. The Director shall be the review authority for reviewing and either approving or denying lot line adjustments.

C. Processing of Lot Line Adjustment Application - Findings Required for Approval

1. The Director may approve a lot line adjustment only after first making all of the following findings:

a. No street dedication or improvements are necessary to properly service the properties involved in the proposed lot line adjustment;

b. The parcels, as proposed by the lot line adjustment, will conform, in all respects, to the provisions of this Article and those of this Development Code;

c. A greater number of parcels than originally existed are not created;

2. Where the Director finds all of the above facts to be present, the Director shall approve the lot line adjustment; and thereafter, the owner(s) of the parcels involved shall cause a map, in a form approved by the Director, to be recorded.

3. If the Director finds any of the foregoing facts specified in Subparagraph 1. above, not present, the lot line adjustment shall be denied.

a. The applicant shall be advised of the Director's action.

b. In case of denial, the applicant shall have the option of:

(1) Appealing the decision to the Commission in compliance with Chapter 9.81 *Appeals*; or

(2) Filing a parcel or tract map in compliance with this Article.

(3) Modify the application to comply with the requirements and resubmit.

9.93.040 – Lot Mergers

A. Purpose

1. This Section is provided in compliance with Government Code Chapter 3, Article 1.5 (Merger of Parcels) for the purpose of establishing the authority of the Town to merge two or more parcels or units of land held by the same owner.

2. Lot mergers may be voluntary mergers initiated by the property owner(s) or mandatory mergers initiated by the Town.

3. Parcels may also be merged in compliance with Government Code Sections 66499.20.2, or 66499.20.3 pertaining to the reversion to acreage.

B. Voluntary Merger of Contiguous Parcels

1. Description and Purpose. It is the purpose of this Subsection to allow property owners to request a voluntary merger of contiguous parcels that are under the same ownership.

2. Review Authority. The Director shall be the review authority for reviewing and either approving or denying lot mergers.

3. Process

a. The property owner shall file an application for a Lot merger.

b. The merger of the subject parcels become effective when the Director causes a notice of merger specifying the names of the record owners and a description of the real property to be filed for recordation with the County Recorder.

4. Requirements. A parcel may be voluntarily merged with one or more contiguous parcels held by the same owner: if any one of the contiguous parcels held by the same owner does not conform to standards for minimum parcel size or dimension specified by the applicable zone; if the property owner wishes to construct a structure across the property line(s) of two or more contiguous parcels; or, if at least one of the parcels meet one or more of the requirements specified in the Government Code Section 66451.11(b).

C. Where These Provision Do Not Apply

1. This Subsection shall not apply to the sale, lease, or financing of one or more contiguous parcels or units of land which have been created under the provisions of Town ordinances regulating the subdivision of real property and Government Code Sections 66410 et seq., applicable at the time of their creation, or to parcels or units which were not subject to the provisions at the time of their creation, even though the contiguous parcels or units are held by the same owner.

2. However, if any one of the contiguous parcels or units held by the same owner does not conform to standards for minimum parcel size to allow use or development in compliance with this Development Code and the standards established by Subsection D *Unmerged Parcels Prior to January 1, 1984*, below, then those parcels or units shall be merged.

D. Unmerged Parcels Prior to January 1, 1984. Any parcels or units which were deemed unmerged, before January 1, 1984, under the Act and which have not been merged subsequently shall be considered separate parcels or units for purposes of this Subsection.

E. Mandatory Merger of Nonconforming Contiguous Parcels under Single Ownership. Contiguous parcels or units of land held by the same owner on the date that notice of intention to determine status is filed shall be involuntarily merged if one of the parcels or units does not conform to the minimum parcel size to allow use or development in compliance with this Development Code, and if all of the following requirements are satisfied in compliance with Government Code Section 66451.11(b):

1. At least one of the affected parcels is not developed with any structure for which a Building Permit was issued or for which a Building Permit was not required at the time of construction, or is developed only with an accessory structure(s), or is developed with a single structure, other than an accessory structure, that is also partially sited on a contiguous parcel or unit.

2. With respect to any affected parcel, one or more of the following conditions exists:

   a. Comprises less than 5,000 square feet in area at the time of the determination of merger.

   b. Was not created in compliance with applicable laws and ordinances in effect at the time of its creation.

   c. Does not meet current standards for sewage disposal and domestic water supply.

   d. Does not meet slope stability standards.

   e. Has no legal access which is adequate for vehicular and safety equipment access and maneuverability.

   g. Its development would create health or safety hazards.

   h. Is not consistent with the applicable General Plan and any applicable specific plan, other than minimum parcel size or density standards.

3. Subparagraph E. 2. above, shall not apply if any of the conditions specified in Government Code Sections 66451.11(A), (B), (C), (D) or (E) exist.

F. Proceedings for Notice of Intention to Determine Status

1. Whenever the Director has knowledge that real property has merged in compliance with this Section, the Director shall mail, by certified mail, to the current record owner(s) of the property a notice of intention to determine status.

   a. The notice of intention shall state that the affected parcels may be merged in compliance with this Subsection; that the owner may request, within 30 days from the date the notice of intention was recorded, a hearing before the Commission to present evidence that the property does not meet the standards for merger; and that the notice of intention was recorded with the County Recorder on the date the notice of intention was mailed to the property owner(s).

   b. Upon receipt of a request for a hearing, the Director shall set the hearing for a date not less than 30 days but not more than 60 days from the date of receipt of the request.

   c. The property owner shall be notified of the hearing by certified mail.

   d. After the hearing, the Commission shall determine whether the affected property has merged in compliance with this Section.

   e. A determination of non-merger may be made whether or not the affected property meets the standards for merger specified in Subsection E., above.

   f. The determination shall be made and notification of the determination shall be mailed to the property owner(s) within five working days following the date of the hearing.

2. If the parcels have merged, the Director shall file a notice of merger with the County Recorder within 30 days following the date of the hearing, unless the determination has been appealed in compliance with Subparagraph 3. below and Chapter 9.81 *Appeals*.

   a. The notice of merger shall specify the name(s) of the record owner(s) and shall particularly describe the real property.

   b. If the parcels have not merged, the Director shall record a release of the notice of intention within 30 days following the date of the determination, and shall mail a copy of the release to the owner(s).

   c. If no hearing is requested, the determination shall be made not later than 90 days after the mailing of the notice of the opportunity for a hearing.

3. If the owner(s) requested a hearing, the determination of the Commission may be appealed to the Council within 10 days following the date of mailing the notice of determination by filing a written appeal with the Town Clerk, in compliance with Chapter 9.81 (Appeals).

a. A fee in compliance with the planning fee schedule shall be paid at the time of filing the appeal.

b. Upon receipt of an appeal and payment of the fee, the Town Clerk shall place the matter on the Council agenda not less than 30, but not more than 60, days following the date the appeal was filed.

c. If, after a hearing, the Council grants the appeal, the Town Clerk shall, within 30 days, record a release of the notice of intention with the County Recorder.

d. If the appeal is denied, the Town Clerk shall, within 30 days, record a notice of merger with the County Recorder.

e. A copy of either the release or the notice of merger shall be sent to the property owner(s).

G. Unmerger

1. Deemed Unmerged. Any parcel or unit of land which merged in compliance with the provisions of any law before January 1, 1984, but for which a notice of merger was not recorded on or before that date are deemed unmerged, if on January 1, 1984, all of the criteria established by Government Code Section 66451.30(a) are met, and if none of the conditions specified in Government Code Section 66451.30(b) exist.

2. Filing of a Certificate of Compliance. Upon request of an owner, the Director shall file a certificate of compliance whenever the Director determines that a parcel is unmerged in compliance with this Subsection.

H. Request for Determination of Merger

1. Director's Determination of Merged or Unmerged

   a. A property owner may request that the Director determine whether property has merged in compliance with Subsection E, *Mandatory Merger of Nonconforming Contiguous Parcels under Single Ownership*, above, or is deemed unmerged in compliance with Subsection G, *Unmerger*, above.

   b. A request for determination shall be made in writing and shall be accompanied by a fee in compliance with the Planning Fee Schedule.

2. Determination of Merged. Upon determination that property has merged, the Director shall issue to the owner(s) and record with the County Recorder a notice of merger.

3. Determination of Unmerged. Upon determination that property is deemed unmerged, the Director shall issue to the owner(s) and record with the County Recorder a certificate of compliance showing each parcel as a separate parcel.

9.93.050 – Reversions to Acreage

A. Filing Provisions

1. A reversion to acreage shall be initiated, processed, reviewed, and approved or denied in compliance with Government Code Chapter 6, Article 1.

2. An application for reversion submitted by a property owner(s) shall include all information required by the Director, and shall include the fee required by the Planning Fee Schedule.

3. A parcel map may be filed to revert to acreage land previously subdivided that consists of four or less contiguous parcels, in compliance with Government Code Section 66499.20.2.

4. A tract map may be filed to revert to acreage land previously subdivided that consists of five or more contiguous parcels, in compliance with Government Code Section 66499.20.2.

B. Review Authority. The Council shall be the review authority for reviewing and either approving or denying reversions to acreage.

C. Procedures

1. Public Hearing Required

   a. The Commission shall hold a public hearing on all petitions for, and Council initiations of, reversions to acreage.

   b. The notice of the hearing shall be provided and the hearing shall be conducted in compliance with Chapter 9.86, *Public Notices and Hearings*.

   c. The Commission shall render its decision in the form of a written recommendation to the Council.

   d. The recommendation shall include the reasons for the recommendation and shall be transmitted to the Council.

   e. Upon receipt of the recommendation of the Commission, the Council shall hold a public hearing.

   f. The notice of the hearing shall be provided and the hearing shall be conducted in compliance with Chapter 9.86, *Public Notices and Hearings*.

   g. The Council may approve a reversion to acreage only if it first makes all of the findings required by Subsection D, *Required Findings*, below.

D. Required Findings. The review authority shall approve a reversion to acreage only after first making all of the following findings, as required by Government Code Sections 66499.16:

1. Dedications or offers of dedication to be abandoned or vacated by the reversion to acreage are unnecessary for present or prospective public purposes; and

2. Either:

   a. All owners of an interest in the real property within the subdivision have consented to the reversion;

   b. None of the improvements required to be made have been made within two years from the date the final or parcel map was filed for record, or within the time allowed by agreement for completion of the improvements, whichever is the later; or

   c. No parcels shown on the final or parcel map have been sold within five years from the date the map was filed for record.

E. Recordation Procedures

1. After the hearings before the Commission and the Council and approval of the reversion to acreage, the final or parcel map, as applicable, shall be delivered to the Town Engineer.

2. The reversion to acreage shall be effective upon the final or parcel map being filed for recordation by the County Recorder.

3. Upon filing, all dedications and offers of dedication not shown on the final or parcel map for reversion shall be of no further force or effect.

F. Effect of Reversion. The filing of a final or parcel map, as applicable, to complete a reversion to acreage shall also constitute the merger of the separate parcels into one parcel, in compliance with Government Code Section 66499.20.2.

G. Conditions for Reversion to Acreage by Final Map. The Council may require as conditions for the Reversion of Acreage the following:

1. The owners dedicate or offer to dedicate streets or easements.

2. The retention of all or portion of previously paid subdivision fees, deposits, or improvement security, if the same are necessary to accomplish any of the provision of this Article.

3. The retention of drainage easements for drainage and flood control.

H. Conditions for Reversion to Acreage by Parcel Map. After approval of the petition, a Parcel Map shall be prepared in accordance with this Article provided, however, that said Parcel Map may be compiled from recorded data if all the following conditions exist:

1. New division lines are not created.

2. The complete parcel boundary has been monumented and shown on a recorded subdivision map or Parcel Map.

3. When at least one of these boundary lines can be established from an existing monumented line.

I. **Return of Deposits and Release of Securities.** Except as provided in this Article, upon filing of the Final Map for Reversion to Acreage with the County Recorder, deposits shall be returned to the subdivider and all improvement securities shall be released by the Council.

9.93.060 – Resident Initiated Mobile Home Park Conversion

A. **Purpose.** The purpose of this Section is to facilitate resident purchase of mobile home parks. This Section allows the waiver of certain subdivision requirements and expedites local government processing for mobile home park conversions to condominiums or stock cooperatives. These conversions will preserve an important source of affordable housing.

B. **Applicability.** For the purposes of this Section, an application for subdivision shall be considered "resident initiated" when signed by a resident organization formed by the tenants of the subject mobile home park for the purpose of purchasing the mobile home park. The proposed conversion shall be supported by a minimum of two-thirds of the current residents of the park. The resident organization shall have a legally binding contract, which, if the conditions of the contract are met, would result in the acquisition of an interest in the mobile home park. A pre-application conference may be requested by the applicant(s) before formation of the resident organization or before entering into a legally binding contract; provided the Director determines in writing that it is reasonable to believe that the contract may be entered into within a 12-month period.

C. **Exclusions.** The provisions of this Section shall not apply to:

1. The purchase of a mobile home park by a non-profit corporation which is subject to the provisions of Business and Professions Code Section 11010.8; or

2. Special Occupancy Parks (e.g. Recreation Vehicle Parks) as defined in Mobile Home Parks Act Section 2008, of the California Code of Regulations Title 25.

D. **Waiver of Tentative and Final Map Requirements.** Notwithstanding other provisions of this Article, the requirement for the filing of a Tentative Map and the preparation, filing, and recordation of a Final Map for a mobile home park conversion to a condominium or stock cooperative on a single parcel, may be waived by the Director in compliance with Map Act Section 66428.1; provided the following procedures are followed by a resident organization desiring to convert their park and the necessary findings are made by the Director.

1. Pre-application conference. Before filing an application for mobile home park conversion, the resident association shall have a pre-application conference with the Development Review Committee. The purpose of this conference is to determine that the proposal qualifies under the provisions of this Section. The following information shall be submitted with the application for the conference.

   a. Previously approved plot plan for the mobile home park. If none exists, a plot plan shall be filed in compliance with the requirements established by and available at the Department.

   b. A supplemental report to include the following information:

      1) Name of consultants, if any.

      2) Disclosure of all known fees and costs for the conversion process.

3) Documentation demonstrating that a minimum of two-thirds of the residents of the mobile home park support the proposed conversion.

4) Declarations from those residents supporting the conversion that their principal place of residence is within the subject mobile home park.

5) The location of the park and results of a field inspection done by the applicant(s) or consultant regarding the status of the compliance of the park with the County health and safety standards in effect at the time the park was created. Any on-site dedications or public improvements to be required shall be identified by the committee.

6) Proposed tentative schedules to expedite meeting and coordinating any requirements of the Community Development Department, including but not limited to the public report. The schedule shall include an outline of the permits and noticing required to allow this conversion and the estimated time at which the permits are obtained.

7) Evidence showing that the 60-day Notice of Intent to file the conversion application [as required by Map Act Section 66427.1(a)] has been met.

8) Initial report on the impact of the conversion on the residents of the mobile home park. This report is needed to determine whether an impact report as required in Map Act Section 66427.4 is needed. The report shall specify whether any residents of the park are to be involuntarily displaced and any proposed measures to mitigate the displacement. A resident, who is offered an opportunity to remain in the park after the conversion through continuation of the tenancy at generally the same terms as existed before proposed conversion, shall not be considered involuntarily displaced. At the pre-application conference the Development Review Committee shall indicate whether an impact report needs to be filed with the formal application for the conversion. If it is required, the Development Review Committee shall identify in detail any additional items to be required as mitigation measures to assist any displaced residents. No current resident shall be involuntarily displaced without proper notice, assistance, or compensation, to be worked out on a case-by-case basis. The noticing, assistance, or compensation may include the following:

   a) The project shall comply with the Mobile Home Residency Law, Civil Code Section 798 et seq.

   b) The project applicants may be required to provide relocation assistance in compliance with Federal, State, or local laws.

c. The Planning representative of the Development Review Committee shall field check the park before the scheduled meeting. The Development Review Committee shall establish if the proposed mobile home park conversion meets the intent and is capable of meeting the provisions of this Section. The Director shall attempt to inform the applicant(s) at the earliest opportunity if a public hearing is to be required. If the proposed mobile home park conversion is acceptable, the Development Review Committee shall identify the information the applicant needs to file to proceed with the proposal. The information shall include the following:

1) Development Review Committee pre-application conference minutes. These minutes shall include the proposed tentative schedules required by Subsection (D) (1) (b) (6), above.

2) If the parcel upon which the park lies was created before January 1, 1960, a Parcel Map application shall be required. The application shall be processed concurrently with any other information filed in compliance with the pre-application conference.

3) Mobile Home Park Conversion Impact Report, if required at the pre-application conference to meet the requirements of Map Act Section 66427.4. The report shall be given to each resident within the mobile home park.

4) Mobile home park plot plan if no plot plan was previously approved.

5) Any special information which was identified by the Development Review Committee. Among the information may be information to assist in the environmental review of the proposal.

6) Certificate of Compliance application.

d. The review and processing of any application in compliance with this Section shall be subject to the same review and time requirements and appeal procedures as are provided in this Division for Tentative Maps. In any case where waiver of the Tentative and Final Map is granted, the Director shall cause to be filed for record with the County Recorder a Certificate of Compliance in compliance with this Division. The Director may require a public hearing in compliance with Chapter 9.86, *Public Notices and Hearings*. Should a public hearing be required the noticing provisions of Map Act Section 66451.3 shall be met.

2. Findings for approval. A mobile home park conversion shall be approved or conditionally approved only if all of the following are first found to be true:

a. The mobile home park complies with the requirements established by State law and Town Municipal Code for these uses at the time the mobile home park was constructed. The regulations shall include those regarding area, improvement and design, flood water drainage control, public roads, sanitary disposal facilities, water supply and distribution systems, environmental protection, and other requirements of the Map Act and this Division;

b. Any measures necessary to mitigate the impact of the conversion on current residents of the park have been required as conditions of approval; and

c. Applicable noticing requirements of the Map Act have been, or will be met.

3. Conditions of approval. The following conditions may be required by the Director as conditions of approval for the proposed conversion:

a. Subdivisions allowed by this Section may include conditions requiring a Compliance Survey inspection to the satisfaction of the Director. However, the survey shall be limited to require improvements relating only to items of a health and safety nature.

b. The mobile home condominiums or stock cooperatives shall be subject to California Code of Regulations Title 25.

c. Only additional on-site improvements or development standards which were applicable at the time the mobile home park was originally developed may be required.

d. Off-site public improvements for qualifying mobile home parks shall be waived, except as follows:

1) Any off-site improvements shall be financed with appropriate assessment bonds.

2) The Certificate of Compliance shall not be delayed or contingent upon completion of the off-site improvements.

e. Any requirements and/or documents required by the State Common Interest Development Act, Title 6 (commencing with Section 1350), Part 4, Division 2 of the California Civil Code.

f. Conditions of approval necessary to ensure any noticing requirements that are required by Map Act Section 66427.1 are met.

g. Any plan or document required to be submitted to the Department of Real Estate shall be reviewed for consistency with the approved project and plot plan. The plan shall reference the "waiver" notice requirement in Subsection (h), below, to the satisfaction of the Director.

h. Notice shall be placed on the Certificate of Subdivision Compliance that standard subdivision requirements for the creation of condominiums/stock cooperatives have been waived by the Town and only conditions applicable to the original development of the mobile home park have been required.

i. The applicants shall comply with the indemnification requirements of Section 9.02.040, *Legal Defense Fee Responsibility*.

j. The Director may impose any conditions of approval to ensure any appropriate measures for relocation assistance are implemented.

k. No mobile home shall be required to be placed on a permanent foundation as a result of the conditional approval.

l. Any condition of approval required in compliance with this Section shall be drafted to expedite the conversion process.

9.93.070 – Official Maps

A. **Purpose.** The purpose of this Section is to provide procedures for Official Maps.

B. **Applicability.** Official Maps shall be required as described in Government Code Section 66499.52.

C. **Procedures.** Official Maps shall be reviewed and processed using the procedures outlined in Chapter 9.91, *Tentative Map Filing and Processing*, the procedures pertaining to the processing and approval of Parcel Maps or Final Maps in Chapter 9.92, *Parcel Maps and Final Maps*, and the provisions of Map Act Division 3.

Chapter 9.94 Dedication and Exactions

Sections:

9.94.010 – Purpose and Applicability
9.94.020 – Applicability
9.94.030 – Dedications
9.94.040 – Acceptance of Dedications

9.94.010 – Purpose and Applicability

This Chapter establishes standards for subdivider dedications of land or payment of fees, in conjunction with subdivision approval.

9.94.020 – Applicability

Each proposed subdivision shall comply with the requirements of this Chapter for dedications, reservations, or the payment of fees.

9.94.030 – Dedications

A. Streets, Highways, and Flood Control Rights-of-Way

1. As a condition of approval of a map, the subdivider shall dedicate or make an irrevocable offer of dedication of all parcels of land within the subdivision that are needed for:

    a. Access rights and abutters' rights;

    b. Alleys;

    c. Drainage easements;

    d. Public utility easements;

    e. Streets;

    f. Trails;

    g. Avigation; and

    h. Other public easements.

2. In addition, the subdivider shall improve or agree to improve all streets, alleys, including access rights and abutters' rights, drainage, public utility easements and other public easements. The subdivider may also be required to dedicate the additional land as may be necessary and feasible to provide bicycle paths for the use and safety of residents of the subdivision.

B. **Drainage rights-of-way.** When the Director determines that drainage rights-of-way are necessary, the subdivider shall offer to dedicate upon the Final Map of the subdivision the necessary rights-of-way for drainage facilities.

C. **Flood control dedication.** Where dedication is offered for flood control rights-of-way, the rights-of-way shall be shown as parcels lettered alphabetically on the Final Map. The offer of dedication shall be made by an appropriate certificate on the title sheet of the Final Map, and, in addition, an executed deed conveying fee title to the right-of-way to the Town shall be delivered to the Town.

9.94.040 – Acceptance of Dedications

A. **Certification of Town Council action.** At the time the Council approves a Final Map, it shall also accept, subject to improvement, or reject any offer of dedication. The Town Clerk shall certify on the map the action of the Council.

B. **Resolution of acceptance.** The Town Clerk shall cause a resolution of acceptance of dedications by the Council to be filed with the County Recorder.

C. **Deferred acceptance.** If, at the time the Final Map is approved, any streets, alleys, paths, public utility easements, rights-of-way for local transit facilities including bus turnouts, benches, shelters, landing pads, and similar items that directly benefit the residents of a subdivision, or storm drainage easements are rejected subject to Code of Civil Procedure Section 771.010, the offer of dedication shall remain open and the Council may by resolution at any later date, and without further action by the subdivider, rescind its action and accept and open the streets, alleys, paths, rights-of-way for local transit facilities including bus turnouts, benches, shelters, landing pads, and similar items that directly benefit the residents of a subdivision, or storm drainage easements for public use. The acceptance shall be recorded in the office of the County Recorder.

Chapter 9.95 Subdivision Design and Improvement Requirements

Sections:

9.95.010 – Purpose
9.95.020 – Applicability
9.95.030 – Subdivision Design Standards
9.95.040 – Site Preparation and Grading for Subdivision Construction
9.95.050 – Subdivision Improvement Requirements

9.95.010 – Purpose

This Chapter establishes standards for the design and layout of subdivisions, and the design, construction, or installation of public improvements within subdivisions. The purpose of these standards is to ensure, through careful site evaluation and design, the creation of new usable parcels that are consistent with the General Plan, any applicable community plan, and any applicable specific plan.

9.95.020 – Applicability

The requirements of this Chapter apply as follows:

A. **Extent of Required Improvements.** Each subdivision of four or fewer parcels, and each subdivision of five or more parcels, shall provide the improvements required by this Chapter, and any additional improvements required by conditions of approval.

B. **Applicable Design Standards, Timing of Installation.** The subdivider shall construct all on- and off-site improvements according to standards approved by the Town Engineer. No Parcel or Final Map shall be presented to the Town Council for approval and no Parcel Map shall be presented to the Town Engineer for approval until the subdivider either completes the required improvements, or enters into a subdivision improvement agreement with the Town for the work in compliance with Section 9.95.050, *Subdivision Improvement Requirements*.

C. **Subdivision Improvement Standards Conditions of Approval.** The applicable subdivision improvement and dedication requirements of this Chapter and any other improvements and dedications required by the review authority in compliance with Section 9.91.060, *Tentative Map Approval or Denial*, shall be described in conditions of approval adopted for each approved Tentative Map (Section 9.91.070). The design, construction, or installation of all subdivision improvements shall comply with the requirements of the Director.

D. **Oversizing of Improvements**

1. At the discretion of the review authority, improvements required to be installed by the subdivider for the benefit of the subdivision may also be required to provide supplemental size, capacity, number, or length for the benefit of property not within the subdivision, and may be required to be dedicated to the Town, in compliance with Map Act Chapter 4, Article 6.

2. In the event that oversizing is required, the Town shall comply with all applicable provisions of Map Act Sections 66485 et seq., including the reimbursement provisions of Map Act Section 66486.

3. If a parcel proposed for subdivision is subject to an existing reimbursement agreement, the subdivider shall pay the required reimbursement before the recordation of the Parcel or Final Map, or the issuance of a Building Permit for construction on the parcel, whichever occurs first.

E. **Exceptions.** Exceptions to the requirements of this Chapter may be requested and considered in compliance with Section 9.90.100, *Exceptions to Subdivision Standards*.

9.95.030 – Subdivision Design Standards

A. **Purpose.** This Section establishes standards for the design and layout of subdivisions, and the design, construction, or installation of public improvements within subdivisions. The purpose of these standards is to ensure, through careful site evaluation and design, the creation of new usable parcels that are consistent with the General Plan, any applicable community plan, and any applicable specific plan.

B. **Applicability.** Each subdivision shall be designed in compliance with the standards of this Section, except where an exception is granted in compliance with Section 9.90.100, *Exceptions to Subdivision Standards*.

C. **Roads and Streets.** The layout, design, and construction of proposed roads and streets shall comply with the General Plan, and adopted street standards.

1. Circulation Standards.

a. General Plan Consistency. The circulation design of all subdivisions shall be compatible and coordinate with the General Plan (and any applicable community or specific plan) and the existing street and land use pattern in the surrounding area.

b. Part-Width Highways and Alignments. Any part-width highway lying along and adjacent to any boundary of a subdivision shall have a part-width and alignment as will conform to the route lines shown in the Circulation Element covering the same portion of the subdivision.

c. Cul-de-Sacs. Cul-de-sac streets shall not exceed 600 feet in length, except as provided below, and shall terminate with a turn-around as specified in the adopted Town road standards. The Director may approve a cul-de-sac that exceeds 600 feet if the Director first finds that the cul-de-sac will not be injurious to the public health, safety, and general welfare. Cul-de-sac lengths shall also be approved by the Fire Department.

d. Road Grades. Road grades shall not exceed 12 percent unless it can be demonstrated that a road grade in excess of 12 percent is necessary to accomplish the objectives of the General Plan (and any applicable community or specific plan). In these circumstances, the Director may approve a road grade not to exceed 14 percent grade for a distance not to exceed 500 feet if a finding is first made, based

upon the recommendations of the Town Engineer and the San Bernardino County Fire Department Division Chief that the roadway will not create an unacceptable hazardous risk to the public health, safety, or general welfare.

e. Subdivision Access. The subdivision and each of its phases shall have a minimum of two points of vehicular ingress and egress from existing and surrounding streets, one of which may be for emergency use only. Where providing this access is physically impossible or a cul-de-sac is proposed, this requirement may be waived or modified.

f. Projects shall comply with all applicable Fire Department requirements

2. Infrastructure Improvements. Infrastructure improvements shall be dedicated and constructed consistent with the requirements of Chapter 9.30, *Dedication and Improvements.*

D. Public Access to Public Resources. Each proposed subdivision shall be designed and constructed to provide public access to public trails, parks and other public resources in compliance with Map Act Chapter 4, Article 3.5 *Public Access to Public Resources.*

E. Parcel Design. The size, shape, and arrangement of proposed parcels shall comply with this Section and with any General Plan (and any applicable community or specific plan) policy, requirement, or other Municipal Code provision that applies to proposed subdivisions.

1. General Parcel Design Standards.

a. Each proposed parcel shall be determined by the review authority to be "buildable" because it contains at least one building site that can accommodate a structure in compliance with all applicable provisions of this Development Code.

b. No subdivision shall be designed to leave unsubdivided islands, strips or parcels, or property unsuitable for subdividing, which is not either accepted by the Town or other appropriate entity for public use, or maintained, as common area within the development.

2. Parcel Area. Each proposed parcel shall comply with the minimum area requirements of the applicable land use zoning district established by Article 2 *Zoning Districts and Development Standards*, except as otherwise provided by this Section.

a. Calculation of Area. When calculating the area of a parcel to determine compliance with this Section, this Article or the General Plan (and any applicable community or specific plan), the following shall be deducted from the gross area of any parcel:

1) A vehicular access easement through the parcel, unless there is alternative legal and physical access to the parcel for which the easement is granted;

2) Any easement completely restricting or prohibiting any use of the property, for ingress, egress, landscaping, recreation, storage, etc.; or;

3) The "flag pole" (access strip) of a flag lot.

b. Minimum parcel area requirements for common interest projects. The minimum parcel area requirements of this Development Code or the minimum "buildable" parcel size shall not apply to condominiums, condominium conversions, and townhouses, but shall apply to the creation of the original parcel(s) that are the location of the condominium or townhouse.

3. Dimensions and Configuration. The dimensions of each new parcel shall comply with the requirements of the applicable land use zoning district established by Division 2 (Land Use Zoning Districts and Allowable Land Uses), or as otherwise required by the review authority.

a. Side parcel lines shall be approximately normal to street lines.

b. Each parcel on a dead-end street where the side lines converge from front to the rear of the parcel shall have an average width of not less than 60 feet, or the width required by this Development Code, whichever is greater, measured along the front building setback line. Minimum lot width at the right-of-way line shall be 30 feet for lots with average widths up to 100 feet. Lots with average widths of 100 feet or greater shall have minimum lot width at the right-of-way line of 60 feet.

c. Each parcel on a curved street where the side lines converge from the front to the rear of the parcel shall have an average width of not less than 60 feet, or the width required by this Development Code, whichever is greater.

d. Double frontage parcels shall be discouraged except where essential to separate residential developments from major or secondary highways or due to topographical conditions. When double frontage parcels are allowed, vehicular access rights shall be relinquished to the Town along the street designated by the Director.

e. The Director may require parcels larger than the above minimum sizes specified in multi-family residential, commercial, and industrial subdivisions. When parcels twice or more the required area or width are shown as part of a subdivision, the Director may require the parcel(s) to be so established as to make practical a further division into allowable building sites, without injury to adjoining property.

f. In desert, hilly, or mountainous areas, the Director may require parcels larger than required minimums. Larger parcels shall be required when it is deemed to be necessary in order to conform to the General Plan or any applicable community or specific plan.

g. Flag lots shall be discouraged.

h. Modification of these parcel design standards may be allowed in compliance with:

1) The Parcel Area Regulations of Article 2 of this Development Code.

2) The Planned Development standards and regulations of Article 4 of this Development Code.

i. This Subsection does not apply to any parcel which the subdivider offers to dedicate to the Town or any public agency or district.

j. When a land use zoning district classification line divides a parcel(s), the area and frontage requirements for the parcel(s) shall be those of the land use zoning district that requires the greater or most restrictive standards between the two districts involved.

F. Energy Conservation. Each proposed subdivision shall be designed to provide maximum opportunities for energy conservation, including opportunities for passive or natural heating or cooling opportunities, in compliance with Map Act Section 66473.1, as follows.

1. Street Layout. The streets proposed in a subdivision shall be planned in a primarily east-west orientation where feasible.

2. Parcel and Building Site Design. Proposed parcels shall be designed, where feasible, to provide building sites that allow the orientation of structures in east-west alignment for southern exposure.

G. Environmental Health. Lands to be subdivided for residential, park, playground, or land recreation purposes may be subject to environmental quality standards as established by ordinances and regulations of the different departments and agencies within the Town.

H. Fire Protection

1. Subdivision design shall provide for safe and ready access for fire and other emergency equipment and for routes of escape to safely handle evacuations.

2. The subdivision shall be served by water supplies for community fire protection in compliance with the standards established by the appropriate fire authority.

9.95.040 – Site Preparation and Grading for Subdivision Construction

A. Grading. Before the issuance of a Building Permit, a grading plan prepared and signed by a registered civil engineer shall be submitted to and approved by the Engineering Division. Grading plans shall, at a minimum, show the elevations of the natural ground at all lot corners, the finished grade at corners, the finished pad elevation, finished floor elevations, rates and directions of all drainage swales, elevation height of all retaining or perimeter walls and finished sidewalk elevations at all front lot lines, and existing topographic elevations and drainage direction 100 feet outside the boundary of proposed project area and/or map.

1. Minimum Slopes. The minimum grade of all drainage swales on parcels shall be 0.5 percent, unless approved differently by the Town Engineer.

2. Pad Elevation, Residential. The building pad elevation of residential parcels shall be established at a minimum of 10 inches above the design sidewalk elevation at the lowest point of the parcel. The finished floor elevation of slab floor houses shall be a minimum of 16 inches above the sidewalk elevation. The pad elevation of all residential parcels shall be established at least one foot above the maximum water surface in an adjacent storm drain channel or the ponded surface in an adjacent sump for collection of storm drain waters. An exception may be allowed in the case of a proposed subdivision served by a storm drain

pump station. The standards of this Subsection shall apply to any building pad elevation, except where the requirements of the California Building Code (CBC) exceed these standards, in which case the requirements of the CBC shall apply. However, the Town Engineer may approve a waiver of these elevations where the pad elevation is protected from flooding or run-off from the public right-of-way.

3. Drainage Plan. No inter-parcel or "cross drainage" shall be allowed, except as authorized by the Town Engineer. Each parcel shall drain its own water to a public street, approved public or private drainage facility, or natural drainage course without passing through or across an adjacent parcel, except where a legal right exists (e.g., a drainage easement), and is authorized by the Town Engineer. No parcel shall drain water over the bank of a flood control channel.

4. Grading Practices. All grading within the Town shall employ the best available management practices, as determined by the Town Engineer, to minimize erosion, sedimentation, and unnecessary grading.

5. Grading Exceptions. Specific exceptions to the above requirements may be authorized at the discretion of the Town Engineer.

6. Bonding. The Town may require as a condition of approval that a bond be secured before any grading when the grading is proposed before recordation of the Parcel or Final Map. This bond would be used to install landscaping and appropriate erosion control measures as needed if the subdivider abandons the project after grading occurs. All bonding shall be in compliance with Section 9.96.040, *Improvement Agreement, Lien Agreement and Security*.

7. Hillside Grading. If the subject property is within an area having a natural slope gradient of 15 percent or greater, refer to Chapter 9.32, Grading and Hillsides for applicable procedures and standards.

B. **Erosion and Sediment Control.** A proposed subdivision shall be designed so that all grading incorporates appropriate erosion and sediment control measures.

9.95.050 – Subdivision Improvement Requirements

A. **Bicycle/Walking Paths and Hiking/Equestrian Trails.** Depending on the circumstances surrounding a specific project, the Town may require, as a condition of approval, the subdivider to construct bicycle/walking paths and/or hiking/equestrian trails within an approved subdivision as determined by the review authority. In the event the review authority determines that path or trail construction within a subdivision would be infeasible or constitute unsound engineering, the review authority may grant the subdivider the option to pay into a fund, dedicated for these uses, the amount per foot, as determined by the review authority.

B. **Fire Hydrants.** The subdivider shall install fire hydrants, with their associated underground water pipes, of sizes and locations as required and approved by the Fire Department.

C. **Monuments.** The subdivider shall install monuments in compliance with the requirements of the Section 66495 of the Map Act.

D. **Private Facilities Maintenance.** A subdivision with common area or private streets shall have conditions, covenants, and restrictions (CC&Rs) approved by the Town to provide for the maintenance of the common areas and/or private streets, and establish standards for maintenance. Private streets shall be constructed in accordance with public street standards.

E. **Public Utilities.** Each approved parcel shall be provided connections to public utilities, including electricity, gas, water, septic tanks or sewer as applicable, and telecommunications services, which shall be installed as part of the subdivision improvements as provided by this Section.

1. Underground utilities required. Utility lines, including electric, telephone, communications, and street lighting, within or directly serving each subdivision, shall be placed underground. The subdivider is responsible for complying with the requirements of this Subsection without expense to the Town, and shall make necessary arrangements with the utility company for the installation of the facilities. Appurtenances and associated equipment (e.g., boxes and meter cabinets) and concealed ducts in an underground system may be placed above ground. Waiver of the requirements for underground utilities shall be made through the Public Utilities Commission. This Subsection shall not apply to existing utility or common carrier routes in use at the time the subdivision is completed which do not provide service to the area subdivided.

2. Cable Television Systems. If a local cable television system is available to serve the project, any subdivision for which a Tentative Map is required, or a Parcel Map for which a Tentative Map was not required, shall be designed to provide the appropriate cable television system an opportunity to construct, install, and maintain on land as reserved for cable television service or by separate instrument, any equipment necessary to extend cable television services to each residential parcel in the subdivision.

   a. "Appropriate cable television system," as used in this Subsection, means those franchised or licensed to serve the geographical area in which the subdivision is located.

   b. This Subsection shall not apply to the conversion of existing dwelling units to condominiums, community apartments, or stock cooperatives.

3. Reimbursement for Relocation or Replacement. Whenever the Town imposes as a condition of its approval of a Tentative Map or a Parcel Map a requirement that necessitates replacing, undergrounding, or permanently or temporarily relocating existing facilities of a telephone corporation or cable television system, common carrier, or other public utility, the developer or subdivider shall reimburse the appropriate facility provider for all costs for the replacement, undergrounding, or relocation. All of these costs shall be billed after they are incurred, and shall include a credit for any required advance payments and for the salvage value of any facilities replaced. Under no circumstances shall the telephone corporation or cable television system be reimbursed for costs incurred in excess of the cost to replace the facilities with substantially similar facilities.

4. Water Supply. Each approved parcel shall be served by an approved well or community water system, and shall be designed and constructed to accommodate both domestic and fire flows, together with necessary fire hydrants to serve each parcel proposed to be created.

F. **Street Lighting.** Each proposed subdivision shall provide street lighting facilities designed and constructed in compliance with the Town's infrastructure standards and specifications.

G. **Street Signs and Street Names.**

1. Street names. All public and private street names within a proposed subdivision shall be approved by the Planning Commission. The duplication of an existing street name within the same area shall not be allowed in a new subdivision unless the street is an obvious extension of an existing street.

2. Street signs. The subdivider shall provide a minimum of two street name signs at each street intersection; with the signs located on the diagonally opposite sides of the intersection. The subdivider shall provide one street name sign at each "T" intersection. All street signs shall be made in compliance with the Town of Yucca Valley Standards and Specification.

H. **On-Site Retention**: Storm water runoff from a subdivision shall be attenuated such that the volume of runoff shall be 10% less under developed conditions than undeveloped conditions. Basins shall be sized such that the incremental 100-year storm, worst case, shall be retained in the basin plus a minimum of 10%, and be retained on-site. Basins shall be designed to drain/infiltrate within 72 hours.

I. **Storm Drainage**. Storm water runoff from the subdivision shall be collected and conveyed by an approved storm drain system.

1. A subdivision that lies in the path of existing watercourses or overflows from existing watercourses, or natural drainage from upstream properties, shall not be approved unless adequate dedicated rights-of-way or improvements are provided as deemed satisfactory by the Director.

2. When the Director determines that a subdivision may cause an unnatural increase or concentration of surface waters onto downstream property, the subdivision shall not be approved unless drainage outlets are provided that will be adequate to render the Town and the San Bernardino County Flood Control District harmless from any damages caused by the increase or concentration of water.

3. The location, type, and size of watercourses or drainage works, and all drainage of streets and other drainage works between streets, shall comply with the Public Works Standards and Specifications Manual or as required by the Director.

4. When the Director determines that drainage rights-of-way are necessary, the subdivider shall offer to dedicate upon the Tentative, Parcel, or Final Map of the subdivision the necessary rights-of-way for the drainage facilities.

5. Where dedication is offered or granted for Flood Control District rights-of-way, the rights-of-way shall be shown as parcels lettered alphabetically on the Tentative, Parcel, or Final Map. The offer of dedication or grant shall be made by an appropriate statement on the title sheet of the Final Map.

Chapter 9.96 Improvement Plans, Installation, and Security

Sections:

9.96.010 – Purpose
9.96.020 – Improvement Plans
9.96.030 – Installation of Improvements
9.96.040 – Improvement Agreement, Lien Agreements, and Securities

9.96.010 – Purpose

This Chapter provides standards for the preparation and review of improvement plans, the installation of improvements, and for security to guarantee improvement installation.

9.96.020 – Improvement Plans

After the approval of a Tentative Map and before the construction of any improvements, the subdivider shall submit plans to the Town as follows:

A. **Preparation and Content.** Improvement plans shall be prepared by a California registered professional engineer. Improvement plan submittals shall include all of the following information:

1. Any drawings, specifications, calculations, design reports, and other information required by the Director;

2. Grading, drainage, Water Quality Management Plan, erosion and sediment control, and a storm water pollution prevention plan (SWPPP) , if and when required by the State of California, for the entire subdivision; and

3. The improvement plan/specification checking and construction inspection fees required by the Town fee schedule.

B. **Submittal of Plans.** Improvement plans shall be submitted to the Director and other appropriate reviewing agencies for review and approval. Upon the approval of improvement plans in compliance with Subsection (c) *Review and approva*), below, the subdivider shall also submit to the Director a detailed cost estimate of all improvements, based on guidelines provided by the Town.

1. Street and drainage plans and profiles. Plans, profiles, and specifications of proposed street and drainage improvements shall be submitted to the Town Engineer, checked and approved before presentation of the Final Map to the Council for acceptance. These plans and profiles shall show full details of the proposed improvements in compliance with Town standards.

2. Water Systems Plans. Plans, specifications, and all necessary details of the proposed water system shall be submitted to the Director for review; provided that the supplier has certified that it is willing and able to supply water upon request. Approval of the water system plans shall be by High Desert Water District (HDWD).

C. **Review and Approval.** Improvement plans shall be reviewed and approved by the applicable agency within the time limits provided by Map Act Section 66456.2.

D. **Effect of Approval.** The final approval of improvement plans shall generally be required before approval of a Parcel or Final Map. The approval of improvement plans shall not bind the Town to accept the improvements nor waive any defects in the improvements as installed.

9.96.030 – Installation of Improvements

Subdivision improvements required as conditions of approval of a Tentative Map in compliance with this Chapter (see Section 9.91.070 shall be installed as provided by this Section.

A. **Timing of Improvements.** Required improvements shall be constructed or otherwise installed only after the approval of improvement plans in compliance with Section 9.95.050 *Subdivision Improvement Requirements*, and before the approval of a Parcel or Final Map.

1. Improvements are deferred in compliance with Section 9.96.040 *Improvement Agreement, Lien Agreements and Security*; or

2. Improvements are required as conditions on the approval of a subdivision of four or fewer parcels, in which case construction of the improvements shall be required:

   a. When a Building Permit is issued for development of an affected parcel; or

   b. A the time the construction of the improvements is required in compliance with an agreement between the subdivider and the Town, as identified in Section 9.96.040 *Improvement Agreement, Lien Agreements and Security*; or

   c. The time identified in a condition of approval, when the review authority finds that fulfillment of the construction requirements by that time is necessary for public health and safety, or because the required construction is a necessary prerequisite to the orderly development of the surrounding area.

3. To avoid breaking up street paving, underground utility or service lines required to be installed as part of a subdivision and which are planned to run across or underneath a street or alley right-of-way shall be installed before the preparation of subgrade and before the surfacing of any streets or alleys. In the event that the development of the subdivision requires the utility company to perform utility construction work, the developer shall pay a deposit satisfactory to the utility company within sufficient time to allow construction work to be performed before subgrade preparation. In no event shall subgrade preparation commence before installation of all necessary utilities and laterals.

B. **Inspection of Improvements.** The inspection of the construction and installation of required subdivision improvements shall occur as follows.

1. Supervision. Before starting any work, the contractor engaged by the subdivider shall designate in writing an authorized representative who shall have the authority to represent and act for the contractor in contacts with the Town. The designated representative shall be present at the work site at all times while work is in progress. At times when work is suspended, arrangements acceptable to the Director shall be made for any emergency work that may be required.

2. Inspection procedures.

   a. Inspections Required. The agency that has required a specific action shall make any inspections as it deems necessary to ensure that all construction complies with the approved improvement plans. Where required by the agency, the developer shall enter into an agreement with the Town to pay the full cost of any contract inspection services determined to be necessary by that agency.

   b. Access to Site and Materials. The agency that has required a specific action shall have access to the work site at all times during construction, and shall be furnished with every reasonable facility for verifying that the materials and workmanship are in compliance with the approved improvement plans.

   c. Authority for Approval. The work done and all materials furnished shall be subject to the inspection and approval of the agency that has required a specific action. The inspection of the work or materials shall not relieve the contractor of any obligations to fulfill the work as prescribed.

   d. Improper Work or Materials. Work or materials not meeting the requirements of the approved plans and specifications may be rejected, regardless of whether the work or materials were previously inspected by the agency that has required a specific action. In the event that the agency determines that subdivision improvements are not being constructed as required by the approved plans and specifications, it shall order the work stopped and shall inform the contractor of the reasons for stopping work and the corrective measures necessary to resume the work. Any work done after issuance of a stop work order shall be a violation of this Chapter.

3. Notification. The subdivider shall notify the Director as part of condition compliance upon the completion of each stage of construction before recordation as outlined in this Chapter. Further construction may only be completed if all required actions included in the conditions of approval have been accomplished and signed off by the agency that has required the action(s).

9.96.040 – Improvement Agreement, Lien Agreements, and Securities

A. **Improvement Agreements.** If all required improvements, and inspections are not satisfactorily completed before a Parcel or Final Map is approvedTC, the owner(s) of the subdivision shall, before the approval of the Parcel or Final Map, enter as contractor into an Improvement Agreement with the Council whereby in consideration of the acceptance by the Council of the streets, easements, and any other land offered for dedication, the contractor agrees to furnish the equipment, labor, and material necessary to complete the work within the time specified in the agreement. In order to work within the public right-of-way, one must be a licensed contractor in the State of California.

B. **Amount of security required.** To ensure that the work will be completed, improvement security shall be furnished to guarantee the performance of any act or Improvement Agreement in the following amounts and for the following purposes:

1. An amount, not less than 100 percent of the total estimated cost of the improvement or of the act to be performed, conditioned upon the faithful performance of the required act or Improvement Agreement.

2. An additional amount, not less than 50 percent nor more than 100 percent of the total estimated cost of the improvement or the performance of the required act, securing payment to the contractor, to the subcontractors, and to persons furnishing labor, materials, or equipment to them for the improvement or the performance of the required act.

3. Whenever an entity required to furnish security in compliance with this Section is a California nonprofit corporation, funded by the United States of America or one of its agencies, or funded by this State or one of its agencies, the entity shall not be required to comply with Subsections (a)(1) and (a)(2), above, if the following conditions are met:

   a. The contractor installing the improvements has bonded to the nonprofit corporation and the Town as co-obligee the amount of 100 percent of the contract for the faithful performance of the work, and has further bonded to the nonprofit corporation and the Town as co-obligee an amount of not less than 50 percent of the contract for the payment of labor and materials, and those bonds comply with the provisions of this Section.

   b. All monies payable to the contractor by the nonprofit corporation are deposited in a depository complying with the provisions of the Subdivision Map Act (Government Code Sections 66473 et seq.) and out of which progress payments are conditioned upon:

      1) The contractor's certification to the nonprofit corporation that all labor performed in the work and all materials furnished to and installed in the work, have been paid for in full to the date of the certification.

      2) The written approval of the nonprofit corporation.

      3) The review and approval of progress payment billings by Director. The term "progress payment" as used in this Section shall mean payment made in compliance with the schedule of partial payments agreed upon in the contract for the work. No less than ten percent of the total contract price shall be retained for the 60 days following the filing of the Notice of Completion.

      4) Final payment to the contractor not being made until 60 days shall have expired after the filing and recording of the Notice of Completion of the work and written acceptance of the work by the Town.

   c. All certifications as to progress payments shall be delivered through the U.S. mail to the nonprofit corporation.

4. An amount as determined by the Director, but not more than 25 percent of the total estimated cost of improvements or performance of the required act necessary for the guarantee and warranty of the improvement for 12 months following the completion and acceptance, against any defective work or labor done, or defective materials furnished.

5. As part of the obligation guaranteed by the security and in addition to the face amount of the security, there shall be included costs and reasonable expenses and fees, including reasonable attorney's fees incurred by the Town in successfully enforcing the obligation secured.

C. Type of Security Required

1. The furnishing of security in connection with the performance of any act or Improvement Agreement shall be one of the following, at the option of and subject to the approval of the Town Council:

   a. Bond or bonds by one or more duly authorized corporate sureties;

   b. A deposit, either with the Town, responsible bank or trust company, at the option of the Town, of money or negotiable bonds of the kind approved for securing deposits of public monies; and

   c. A letter or other instrument of credit from one or more financial institutions subject to regulation by the State or Federal government, and pledging that the funds necessary to carry out the act or Improvement Agreement are on deposit and guaranteed for payment.

2. Bonds to secure faithful performance and for the benefit of laborers and material of any agreement, shall be in substantially the forms as shown in the Subdivision Map Act (Government Code Sections 66473 et seq.). The money, negotiable bond, or instrument of credit shall be a trust fund to guarantee performance and shall not be subject to enforcement of a money judgment by any creditors of the depositor until the obligation secured thereby is performed to the satisfaction of the Town.

Chapter 9.97 Soils Report

Sections:

9.97.010 – Purpose
9.97.020 – Preliminary Soils Report
9.97.030 – Final Soils Report
9.97.040 – Geologic Investigation and Report

9.97.010 – Purpose

This Chapter provides standards for the preparation and review of soils reports, in compliance with the Map Act Chapter 4, Article 7.

9.97.020 – Preliminary Soils Report

A preliminary soils report based upon adequate test borings and prepared by a registered civil or soils engineer shall be required for every subdivision for which a Final Map is required or when required as a condition of development when soils conditions warrant the investigation and report. The preliminary soils report shall be submitted with the Tentative Map application.

A. **Form of Report.** A preliminary soils report may be divided into two parts:

1. Soils Reconnaissance. The soil reconnaissance shall include a complete description of the site based on a field investigation of soils matters. The soils matters reviewed shall include stability, erosion, settlement, feasibility of construction of the proposed improvements, description of soils related hazards and problems, and proposed methods of eliminating or reducing these hazards and problems; and

2. Soils Investigation and Report. This investigation and report shall include field investigation and laboratory tests with detailed information and recommendations relative to all aspects of grading, filling, and other earthwork, foundation design, pavement design and subsurface drainage.

    a. The report shall also recommend any required corrective action for the purpose of preventing structural damage to subdivision improvements and the structures to be constructed on the parcels. The report shall also recommend any special precautions required for erosion control, and the prevention of sedimentation or damage to off-site property.

    b. 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 or environmental impacts, a subsequent soils investigation of each parcel in the subdivision may be required and shall be submitted to and approved by the Town Engineer before approval of a Parcel or Final Map.

B. **Preliminary Soils Report Waiver.** The preliminary soils report may be waived if the Town Engineer determines that existing available information on the qualities of the soils of the subdivision makes no preliminary analysis necessary.

9.97.030 – Final Soils Report

A final soils report prepared by a registered civil or soils engineer shall be required where a preliminary soils report was required, unless the final report is waived by the Town Engineer.

A. **Filing of Report.** The final soils investigation and report shall be filed with the improvement plans.

B. **Content of Report**

1. The report shall contain sufficient information to ensure compliance with all recommendations of the preliminary soils report and the specifications for the project.

2. The report shall also contain information relative to soils conditions encountered which differed from that described in the preliminary soils reports, along with any corrections, additions, or modifications not shown on the approved plans.

9.97.040 – Geologic Investigation and Report

If the Town Engineer determines that conditions warrant, a geologic investigation and report may also be required.

Section 2: Repeal of County Code as Adopted and Amended by the Town: The Town Council hereby repeals Articles 1 through 13 of Chapter 4 of Division 3, Title 8, Division of Land Procedures, San Bernardino County Development Code, as adopted and amended by the Town of Yucca Valley.

Section 3. Severability: If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. The Town Council hereby declares that it would have adopted this Ordinance irrespective of the invalidity of any particular portion thereof.

Section 4. Certification; Publication: The Town Clerk shall certify to the adoption of this Ordinance and cause it, or a summary of it, to be published once within 15 days of adoption in a newspaper of general circulation printed and published within the Town of Yucca Valley, and shall post a certified copy of this Ordinance, including the vote for and against the same, in the Office of the Town Clerk in accordance with Government Code § 36933.

Section 5. Effective Date: This Ordinance shall become effective thirty (30) days from its adoption.

APPROVED AND ADOPTED this 3rd day of September, 2013.

(signature page follows)

MAYOR

ATTEST:

TOWN CLERK

STATE OF CALIFORNIA

COUNTY OF SAN BERNARDINO

TOWN OF YUCCA VALLEY

I, Lesley R. Copeland, Town Clerk of the Town of Yucca Valley, California hereby certify that the foregoing Ordinance No. 242 as duly and regularly introduced at a meeting of the Town Council on the 6th day of August, 2013, and that thereafter the said ordinance was duly and regularly adopted at a meeting of the Town Council on the 3rd day of September, 2013, by the following vote, to wit:

Ayes:	Council Members Huntington, Leone, Lombardo, Rowe and Mayor Abel
Noes:	None
Abstain:	None
Absent:	None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Town of Yucca Valley, California, this 4th day of September, 2013.

LCopeland

Town Clerk of the Town of
Yucca Valley