

Subdivision Ordinance

City of Chowchilla

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Chapter 17.02

GENERAL PROVISIONS

Sections:

- 17.02.010 Title and purpose.**
- 17.02.020 Statutory authority.**
- 17.02.030 Governing provisions.**
- 17.02.040 Applicability.**
- 17.02.050 General and specific plans.**
- 17.02.060 Environmental impact.**
- 17.02.070 Zoning requirements.**

17.02.010 Title and purpose.

This title shall be known as and may be cited as the Subdivision Ordinance of the City of Chowchilla, and is deemed necessary to achieve the following objectives:

- A. To protect the public health, safety, and general welfare;
- B. To promote the orderly growth and development of the City of Chowchilla, the beneficial use of land in the public interest, and the conservation, stabilization and protection of property values;
- C. To assure provision for necessary utilities, public roads, and other public conveniences in subdivided areas.

17.02.020 Statutory authority.

Pursuant to the authority conferred by Title 7, Division 2 of the California Government Code, cited as the Subdivision Map Act, and in addition to any other regulations provided by law, the regulations contained in this title are hereby established.

17.02.030 Governing provisions.

The design, improvement and survey data subdivisions, the form and content of tentative, final and parcel maps, and the procedure to be followed in securing official approval shall be governed by the provisions of the Subdivision Map Act and by the additional provisions of this title.

17.02.040 Applicability.

- A. The provisions of this title shall apply to all subdivisions or parts of subdivisions wholly or partly within the city, and to the preparation, filing and approval of maps.
- B. The provisions of this title shall not apply to any lot or lots forming a part of a subdivision created and recorded prior to the effective date of the ordinance codified in this title, unless those lots are hereafter proposed for further subdivision. It is not intended by this title to repeal,

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abrogate, annul, or in any way impair or interfere with existing provisions of other laws or ordinances, except those specifically repealed by the ordinance codified in this title or with private restrictions placed upon the property by deed, covenant, or other private agreements, or with restrictive covenants running with the land. Only those improvement standards, applicable at the time a tentative subdivision or parcel map is approved, shall be imposed.

C. The provisions of this title shall not be applicable to:

1. The financing or leasing of apartments, offices, stores or similar space within apartment buildings, industrial buildings, commercial buildings, mobilehome parks or trailer parks;
2. Mineral, oil or gas leases;
3. Land dedicated for cemetery purposes under the Health and Safety Code of the state;
4. A lot line adjustment between two or more existing adjacent parcels, where the land taken from one parcel is added to an adjacent parcel, and where a greater number of parcels than originally existed is not thereby created, provided the lot line adjustment is approved by the Planning Commission following the filing by the divider of an application therefor furnished by the city and the payment of an application processing fee in a sum as may be established by Council resolution;
5. Boundary line or exchange agreements to which the State Lands Commission or a local agency holding a trust grant of tide and submerged lands is a party;
6. Short-term leases (terminable by either party on not more than thirty days' notice in writing) of a portion of the operating right-of-way of a railroad corporation defined as such by Section 230 of the Public Utilities Code, unless a showing is made in individual cases, under substantial evidence, that public policy necessitates the application of such regulations to such short-term leases in such individual cases.

17.02.050 General and specific plans.

No subdivision shall be approved unless the Planning Commission and Council find that the proposed subdivision, together with the provisions for its design and improvement, is consistent with the General Plan or any adopted specific plan. A proposed subdivision shall be consistent with the General Plan or a specific plan only if such plan is adopted and the proposed subdivision or land use is compatible with the objectives, policies, general land uses, and programs specified in such a plan.

17.02.060 Environmental impact.

No tentative map or tentative parcel map submitted to the City pursuant to the provisions of this chapter shall either be considered as filed or reviewed and acted upon by the Planning Commission or Council until the requirements of the City's California Environmental Quality Act Guidelines have been met.

17.02.070 Zoning requirements.

Subdivision maps shall conform to Title 18 of this code with respect to uses of land, lot sizes and dimensions, and other applicable regulations; provided, however, that where this title imposes higher standards, the requirements of this title shall prevail. When a proposed use or development of land requires a zoning reclassification, conditional use permit or variance, the

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application therefore shall be considered prior to or concurrently with the tentative map or the tentative parcel map.

Chapter 17.12

MAPS GENERALLY

Sections:

- 17.12.010 Examination and field check.**
- 17.12.020 Rejection.**
- 17.12.030 Filing - Requirements fulfilled.**
- 17.12.040 Separate maps - When required.**

17.12.010 Examination and field check.

Pursuant to the provisions of the Subdivision Map Act, the City Engineer shall make such detailed examination of tentative and final maps and tentative parcel maps and parcel maps and such field check, if any, as may be necessary to enable him to make the required certifications.

17.12.020 Rejection.

The Council may deny a tentative or final map or a tentative parcel map if the proposed use is prohibited by any ordinance, statute, law or other regulation, and shall deny a map if it makes any of the following findings:

- A. That the proposed subdivision is not consistent with the General Plan or applicable specific plans;
- B. That the design or improvement of the proposed subdivision is not consistent with the General Plan or applicable specific plans;
- C. That the site is not physically suitable for the type of development;
- D. That the site is not physically suitable for the proposed density of development;
- E. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat;
- F. That the design of the subdivision or the type of improvements is likely to cause serious public health problems;
- G. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public-at-large, for access through or use of, property within the proposed subdivision. In this connection, the Council may approve a map if it finds that alternate easements for access or for use will be provided and that these will be substantially equivalent to ones previously acquired by the public.

17.12.030 Filing - Requirements fulfilled.

- A. No map shall be considered as filed with the City until all the fees and charges required by the City as pertains to the subdivision of land have been paid, the applicant's requirements of the City's California Environmental Quality Act Guidelines have been completed; and all applicable

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requirements of this title have been fulfilled or an application for an exception or for appropriate zoning has been filed for concurrent consideration.

B. A final map or parcel map shall not be considered as filed until all fees, bonds and deposits then due have been made, all corrections have been made as required by the City Engineer to the maps and improvement plans, if any, and the property has been annexed to the city and to any service areas or districts other than the city which are to provide necessary services.

17.12.040 Separate maps - When required.

A separate map shall be prepared for each subdivision where land is separated from other land in a parcel or holding by division other than a street, highway, approved private road, alley, railroad right-of-way, flood control right-of-way, canal, or public utility right-of-way.

Chapter 17.16

PRELIMINARY MAPS

Sections:

17.16.010 **Generally.**

17.16.010 **Generally.**

- A. Prior to the filing of a tentative map or tentative parcel map, a subdivider may submit preliminary maps, plans, and other information concerning a proposed or contemplated development to the Director of Community and Economic Development (Director). Within thirty days, the Director in consultation with the City Engineer, shall hold a conference with the subdivider and make recommendations as shall seem proper. The Director shall recommend consultation by the subdivider with the appropriate public or private agencies.
- B. All such recommendations are preliminary only and shall not be binding upon the City in any manner.
- C. This is a recommended procedure that may be elected by the subdivider and is not required by this title.

Chapter 17.20 TENTATIVE MAPS

Sections:

- 17.20.010 Filing.**
- 17.20.020 Checking.**
- 17.20.030 Tract number.**
- 17.20.040 Revised and alternate maps.**
- 17.20.050 Scale.**
- 17.20.060 Contents.**
- 17.20.070 Subdivider's statement.**
- 17.20.080 Distribution of copies.**
- 17.20.090 Agency review.**
- 17.20.100 Review committee.**
- 17.20.110 Planning Commission hearing and recommendation.**
- 17.20.120 Council hearing - Decision and report.**
- 17.20.130 Extension of time limit.**
- 17.20.140 Automatic approval - Planning commission.**
- 17.20.150 Automatic approval - Council.**
- 17.20.160 Termination or extension of proceedings.**

17.20.010 Filing.

A. Any person desiring to subdivide land in the city shall first submit to the Director copies of the tentative map and the subdivider's statement in a form and application determined by the Director.

B. Optional alternative tentative maps may be filed at the same time. Each filing or each alternative tentative map shall constitute a separate application. A filing fee as set forth in Section 19.40.030 shall be required for each tentative map filed.

C. If a new tentative map is filed, or an approved tentative map is revised and subsequently approved by the City, the most recently approved tentative map shall constitute the only recognized tentative map in the consideration of the final map.

D. A preliminary title report describing the status of all interests in the parcel to be divided shall be included with each application.

17.20.020 Checking.

Prior to the filing of a tentative map, the subdivider shall submit the tentative map and the subdivider's statement, and any other information that the subdivider deems necessary to sufficiently describe the proposed development to the Director for examination as to conformity

with the provisions of this title. Where discrepancies exist, the Director may return the map to the subdivider for correction, revision, or submission of a petition for exception.

17.20.030 Tract number.

A. Before filing a tentative map, the subdivider or his/her authorized agent shall obtain from the County Recorder the assignment of a number for the tract to be subdivided. These numbers shall be assigned in consecutive order.

B. When a tract number has been assigned, the subdivider shall place the same upon each street of the tentative and final map of the subdivision; and the number shall not thereafter be changed or altered in any manner upon the tentative and final map of the subdivision unless and until a new number has been assigned in the manner provided in subsection A of this section.

17.20.040 Revised and alternate maps.

Revised and alternate tentative maps shall contain thereon the word "Revised" or "Alternate" after the tentative tract number.

17.20.050 Scale.

A. Tentative maps shall be to a scale of no greater than one (1) inch equals 100 feet, except that subdivisions with lots of two and one-half (2.5) acres may use a scale of one (1) inch equals 200 feet.

B. The City Engineer may require a smaller scale if complexity of detail so warrants. The maps shall be clearly and legibly reproduced.

17.20.060 Contents.

Maps shall be clearly and legibly drawn, printed, or reproduced and shall contain the information specified by the City Engineer and Director. At a minimum, the tentative map shall show and contain the following information:

- A. The tract number (and tract name, if any);
- B. Date of preparation, north point and scale;
- C. Name, address and telephone number of the subdivider; the record owner, and the person or persons preparing the map;
- D. A sufficient legal description of the land to define the boundaries of the proposed tract;
- E. A site location map where necessary to locate the tract;
- F. Approximate ties to section corner or other known point;
- G. The boundary lines of the subdivision to be shown as required on the final map;
- H. The approximate layout, dimensions and numbers of lots;
- I. The approximate acreage of the subdivision;
- J. Ownership division lines of abutting properties as shown on the latest assessor's parcel map and tract number and name, if any, of adjoining subdivisions;

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- K. Identification of lots in the proposed subdivision as to the existing and proposed use. If property is to be used for more than one purpose, the area, lot, or lots proposed for each type of use shall be shown. Identification of proposed public uses, if any;
- L. The approximate location of trees and the location and outline to scale of buildings and structures (wooded areas and orchards may be indicated as such without locating each individual tree) and a description of their proposed disposition.
- M. The locations, names and existing right-of-way widths of all adjoining highways, roads and alleys. The centerline and flowline elevations of the adjoining streets shall be shown at every change in grade;
- N. The location, widths and approximate gradients of all highways, roads and alleys proposed within the tract;
- O. Each road shown by its actual name or by a temporary name or letter for purposes of identification until the proper name of such road is determined;
- P. The approximate radii of all curves;
- Q. Location of marginal or dividing strips, if any;
- R. The widths and approximate locations of all existing or proposed easements or rights-of-way within the subdivision or along its boundaries, whether public or private, for roads, railroads, drainage, stormwater, irrigation canals, sewers, or public utility purposes;
- S. Accurate contours shall be shown, drawn to intervals prescribed in the City standards adopted by the Council. The contours shall be extended into adjacent property a sufficient distance to establish proper topographical relationships;
- T. Approximate location of all areas subject to inundation or stormwater overflow, and the locations, widths and direction of flow of all watercourses;
- U. The proposed surface water drainage flow;
- V. Elevation of existing sewer lines at points of proposed connection;
- W. The source of water supply, points of connection, and the lot to be used for the community water supply, if any;
- X. Proposed phasing of development;
- Y. Storm drainage system points of connection and/or temporary basin locations;
- Z. Approximate locations, depths, and sizes of all existing utilities within or adjacent to proposed subdivision.
- AA. Any other information, studies, analyses, or reports required by the City Engineer, necessary for review to protect public health, safety, and welfare and ensure orderly development of the City.

17.20.070 Subdivider's statement.

A subdivider's statement shall accompany the tentative map on a form provided by the Director, and shall contain the following:

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- A. The total acreage of the tract, the total number of lots in the tract, and the minimum lot size (in square feet when less than an acre);
- B. The existing and proposed use of the property;
- C. The existing and proposed zoning on the property;
- D. Existing structures on the property;
- E. Existing easements on the property;
- F. Statement regarding improvements with reasons for any modifications or exceptions to the provisions of this title;
- G. Statement regarding type of street trees to be planted, with intervals of spacing;
- H. Proposed drainage, flood-control measures, and method stormwater disposal;
- I. Provisions for proposed fire hydrants, the proposed source of water supply, and the location and nature of sewerage disposal facilities;
- J. Statement regarding other public utilities and services;
- K. Statement regarding restrictive covenants;
- L. Statement regarding whether the subdivider intends to file multiple final maps on the tentative map;
- M. Name, address, phone number, and signature of the subdivider, owner, agent and engineer;
- N. Certification by the owner that he is the owner of the property on the map as proposed for subdivision, has examined the map, and consents to its submission;

17.20.080 Distribution of copies.

Copies of the tentative map shall be submitted by the Director to all review agencies for their review and report.

17.20.090 Agency review.

Upon receipt of a filed copy of such tentative map, each review agency shall examine the map to ascertain if the subdivision proposed thereon conforms to the requirements coming within the authority scope of that agency and within 21 days after receipt thereof make a written report to the Director.

17.20.100 Review committee.

The City Administrator, Director, Public Works Director, Building Official, City Engineer, Fire Chief, and Chief of Police shall be deemed to be and are empowered to act as the subdivision review committee. The committee shall meet and shall formulate recommendations and requirements on the design and improvement of subdivisions. The subdivision review committee shall report its recommendation in writing to the Planning Commission and Council and to the subdivider at least three days prior to any hearing or action on a tentative map by the Planning Commission or Council.

17.20.110 Planning Commission hearing and recommendation.

A. In accordance with timelines set by the Permit Streamlining Act (Government Code Section 65920 et seq.) and the Subdivision Mat Ace (Government Code Section 66410 et seq.), the Planning Commission shall hold a public hearing on the tentative map and, following the public hearing, take action by written resolution to recommend to the Council to approve, conditionally approve, or disapprove the tentative map.

B. Notice of the time and place of any public hearing on a tentative map, including a general explanation of the tentative map and the area affected by it, shall be given by the Director at least ten calendar days before the hearing in the following manner:

1. The notice shall be published at least once in a newspaper of general circulation, published and circulated in the city.

2. The notice shall be given by mail or delivery to all persons, including businesses, corporations, or other public or private entities, shown on the latest equalized assessment roll as owning real property within 300 feet of the property, which is the subject of the tentative map.

3. The notice shall be given by mail or delivery to all persons, including businesses, corporations, or other public or private entities, who have in writing, requested the notice from the Director, or whose property rights, in the judgment of the Director, may be substantially affected, deprived, or interfered with, as a result of a decision on a tentative map.

C. The following rules shall govern the conduct of public hearings held pursuant to this section.

1. Public hearings provided for in this section shall be held at the time and place for which such hearings were set, and notices thereof given.

2. Any such hearing may be continued by the majority of the members present at any hearing who may fix the time and place to which such hearing may be continued, even in the absence of a quorum, in which case the presiding officer at such hearing shall publicly announce prior to the conclusion of the hearing, the time and place to which the hearing is to be continued, and no further notice shall be required. In the absence of all the members of the commission, at the time and place which such hearing was set, it shall be deemed continued to the next regular meeting of the commission, and no further notice shall be required.

3. A majority in number of the total voting membership of the commission shall constitute a legal quorum for the purposes of conducting a hearing;

4. The recommendation of the Planning Commission on a tentative map shall be by resolution, carried by the affirmative votes of not less than a majority of its members present. A tie vote shall be considered a technical denial.

5. The Planning Commission shall have the authority to establish any reasonable rules of procedure for the conduct of such hearings.

6. The Planning Commission shall cause a written or recorded summary of all pertinent testimony heard at such public hearing, together with a record of the names and addresses of all persons testifying, to be prepared and filed with the papers relating to such matter.

17.20.120 Council hearing - Decision and report.

A. The Council, at its next regular meeting following receipt of the Planning Commission's report on a tentative map, shall fix the meeting date at which it will hold a public hearing on the tentative map. The public hearing shall be held, and a decision of the Council to approve, conditionally approve, or disapprove the tentative map shall be made within thirty days of receipt of the report of the Planning Commission.

B. Notice of the time and place of the Council hearing shall be given in same manner as set forth in Section 17.20.110.

C. The decision of the Council on a tentative map shall be by written resolution, a copy of which shall be transmitted to subdivider not later than ten days following such decision.

17.20.130 Extension of time limit.

The time limit for acting and reporting on tentative maps as specified in Sections 17.20.110 and 17.20.120 may be extended by mutual consent of the subdivider and the Planning Commission or Council.

17.20.140 Automatic approval - Planning commission.

If no action is taken by the Planning Commission to approve, conditionally approve, or disapprove a tentative map within the time limits specified in the Permit Streamlining Act, the tentative map as filed shall be deemed to be recommended for approval insofar as it complies with the Subdivision Map Act and all City ordinances, and it shall be the duty of the Director to certify the recommendation of approval and to transmit the tentative map to the Council.

17.20.150 Automatic approval - Council.

If no action is taken by the Council to approve, conditionally approve, or disapprove the tentative map within the time limits specified in the Permit Streamlining Act, the tentative map as filed shall be deemed to be approved, insofar as it complies with the Subdivision Map Act and all City ordinances, and it shall be the duty of the City Clerk to certify such approval.

17.20.160 Termination or extension of proceedings.

A. Failure to file a final map within the time frames identified in the Subdivision Map Act, or within any extension of time thereof granted by the Council or Planning Commission, shall terminate all proceedings. Before a final map may thereafter be recorded, a new tentative map shall be submitted.

B. Upon application by the subdivider, filed with the City Clerk prior to the expiration date of the tentative map approval, an extension of time may be granted by the Council or the Planning Commission, in accordance with the Subdivision Map Act.

Chapter 17.22

VESTING TENTATIVE MAPS

Sections:

- 17.22.010** **Applicability,**
- 17.22.020** **Identification.**
- 17.22.030** **Filing.**
- 17.22.040** **Requirements.**
- 17.22.050** **Additional filing requirements.**
- 17.22.060** **Environmental requirements.**

17.22.010 Applicability,

Any person desiring to subdivide land in the city may, in place of a tentative map as set forth in Chapter 17.20, file a "vesting tentative map," with the Director. Such a map shall be a vesting tentative map if and only if it complies with the provisions of this section.

17.22.020 Identification.

At the time the map is filed it shall have printed conspicuously on its face the words "vesting tentative map."

17.22.030 Filing.

A vesting tentative map shall be filed and processed in the same manner as a tentative map except as otherwise provided by the Subdivision Map Act, as set forth in Division 2 of Title 7 of the Government Code, Sections 66410 to 66498, and this title.

17.22.040 Requirements.

The vesting tentative map shall comply with all of requirements applicable to a tentative map, which are set forth above in this chapter.

17.22.050 Additional filing requirements.

At the time of filing a vesting tentative map, the applicant shall also file the following:

- A. Evidence of the title, acceptable to the county recorder, secured from a title company and which indicates that, as shown by the public records, the parties whose signatures appear on the map and consent to the recordation of the map are all parties having a record title interest in the land being subdivided and whose signatures are required by the Subdivision Map Act;
- B. The vesting tentative map shall show and contain the following information:
 - 1. All information required in Section 17.20.060 and 17.20.070 of this code for a tentative map,
 - 2. The total area in roads and the total lineal length of each road,
 - 3. The total area in each of the following: parks, school sites, or other lands offered for dedication or reserved for future public or quasi-public uses,

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4. The height, size, and location of each proposed building,
5. Information on the uses to which the proposed buildings will be used, including architectural plans;
- C. Two copies of the covenants, conditions and restrictions, if any, that are to be recorded;
- D. Improvement plans as defined in Section 17.08.310 of this code, showing all the improvements required by this title and all other improvements proposed to be installed by the subdivider, in, on, over or under any road way, right-of-way, easement, or parcel of land dedicated by the map;
- E. All notes, sheets and drawings showing traverse closure and the computation of all distances, angles and courses shown on the final map and ties to existing and proposed monuments, and adjacent subdivisions, pursuant to Section 17.24.020(6) of this code;
- F. Preliminary soil and geologic reports as set forth in Section 17.24.030.

17.22.060 Environmental requirements.

The City may require additional information in order to permit the City to make the determination required by Section 20180.1 of the Public Resources Code, as provided by Section 65941 of the Government Code, and in order to comply with federal or state requirements.

Chapter 17.24

FINAL MAPS

Sections:

- 17.24.010 Filing - Time limit.**
- 17.24.020 Filing - Procedure.**
- 17.24.030 Preliminary soil report and geologic reports.**
- 17.24.040 Review by City Engineer.**
- 17.24.050 City Council - Decision.**
- 17.24.060 Preparation by licensed personnel.**
- 17.24.070 Preparation - Specifications.**
- 17.24.080 Title.**
- 17.24.090 Property description.**
- 17.24.100 Subdivision boundary.**
- 17.24.110 Certificates and acknowledgments.**
- 17.24.120 Designation of lots and parcels.**
- 17.24.130 Bearings, length of lines and curve data.**
- 17.24.140 Highways, roads and public use areas.**
- 17.24.150 Easements.**
- 17.24.160 County or city boundary lines.**
- 17.24.170 Survey monuments.**
- 17.24.180 Land subject to inundation.**
- 17.24.190 Adjacent subdivisions.**
- 17.24.200 Subdivision recorded in multiple units.**
- 17.24.210 Passage of title.**
- 17.24.220 Offers of dedication - Rejection.**
- 17.24.230 Offers of dedication - Termination and abandonment.**
- 17.24.240 Survey procedures.**

17.24.010 Filing - Time limit.

A. Unless the tentative map has expired, the subdivider may cause the subdivision or any part thereof to be accurately surveyed and a final map to be prepared and filed. The final map shall conform to the tentative map, as approved, and shall comply with all provisions of this title.

B. The final map shall be submitted with the City Clerk not less than sixty days prior to the date by which the map must be recorded in order to permit the actions by the City Engineer, the Council, and the county recorder as required by this title and the Subdivision Map Act.

C. See Section 17.24.140 for failure to record a final map within the specified time limits.

17.24.020 Filing - Procedure.

A. A final map may be filed if the approved tentative map has not expired. The City Engineer shall determine that a timely filing has been made when he/she finds that the final map and all required supporting documentation has been submitted to the City.

B. The filing shall be with the City Engineer.

C. The following documents shall be filed:

1. The original final map and seven copies shall be filed.
2. Evidence of title, acceptable to the County Recorder, shall be secured from a title company indicating that, as shown by the public records, the parties whose signatures appear on the map and consent to the recordation of the map are all the parties having a record title interest in the land being subdivided and whose signatures are required by the Subdivision Map Act.
3. Memorandum for the City Engineer containing the following data shall accompany the map:
 - a. The total area of the tract submitted;
 - b. The total area in roads and the total lineal length of roads;
 - c. The total area in lots;
 - d. The total number of lots;
 - e. The area in parks, school sites, or other lands offered for dedication or reserved for future public or quasi-public uses;
 - f. The proposed use of the lots;
 - g. Total areas for each of the proposed uses;
4. Two copies of the protective covenants, if any, that are to be recorded shall accompany the map.
5. Improvement plans shall be submitted showing all the improvements required in this title, and all others proposed to be installed by the subdivider, in, on, over or under any road, way, right-of-way, easement, or parcel of land dedicated by the map.
6. All notes, sheets and drawings showing traverse closure and the computation of all distances, angles and courses shown on the final map and ties to existing and proposed monuments, and adjacent subdivisions shall accompany the map, when required by the City Engineer.
7. All fees as specified in this title shall be paid.
8. A statement from the County Tax Collector shall be secured showing that there are no liens against the subdivision or any part thereof for unpaid taxes or special assessments collected as taxes, except taxes or special assessments not yet payable.
9. A statement shall be secured from the county auditor-controller giving his estimate of the amount of taxes and assessments which are a lien, but which are not payable.
10. All necessary agreements or contracts, bonds, and deposits as required by this title shall accompany the final map.

17.24.030 Preliminary soil report and geologic reports.

A. A preliminary soil report shall be prepared by a civil engineer who is registered by the state, based upon test borings or excavations unless waived as provided in this title. The borings or excavations shall be taken at specific locations determined by the City Engineer or at random locations if no specific locations are established. Not less than one test shall be made for every forty lots or ten acres, whichever represents the lesser area, and in no case shall there be less than two borings for each subdivision. The City Engineer may require additional tests when he determines the soil conditions within the subdivision are so varied that additional tests will be needed. If the City Engineer has knowledge of the soil qualities of the subdivision, he may waive some or all of the borings. The borings shall be at least ten feet in depth. The depth of borings shall be adjusted to represent soil profiles after any proposed lot grading and shall take into consideration the soil composition after excavations, fills and embankments have been completed. The preliminary soil report shall contain the following information:

1. The maximum amount of excavation and fill to be expected;
2. The location of foundations in relation to excavations and fills;
3. The expansive qualities of the soils encountered where foundations are to be placed thereon and shall state the percentage of swell of a soil section taken from a representative undisturbed core sample under a load of 625 per square foot, laterally restrained, saturated and allowed to swell. If footings are to be placed in fills, the expansive tests shall be performed under a load of 625 pounds per square foot, laterally restrained and compacted to 90 percent of maximum density with the moisture content below the shrinkage limit. The percentage of expansion shall be recorded after 24 hours. If the swell of the sample exceeds three (3) percent, it shall be presumed that the soil involved is critically expansive and a soil investigation as required in subsection B of this section will be required;
4. Recommended bearing values for the soils;
5. Whether other soil problems exist which, if not corrected, could lead to structural defects;
6. Copies of the test boring analysis. Water well drilling logs shall not be substituted.
7. R-values for pavement design.

B. If the preliminary soil report indicates the presence of critically expansive soils, or other soils or fills would be of such depth that foundations will not rest on original ground, a soil investigation shall be prepared for each lot in the subdivision by a civil engineer who is registered by the state. The soil investigation report shall include the following:

1. The physical properties of subsurface formations;
2. The composition of subsurface soil and rock and groundwater conditions;
3. The stability of anticipated cut or fill slopes;
4. The general type of site grading;
5. Recommendations on corrective actions which are likely to prevent structural damage to each dwelling to be constructed. These recommendations may include the requirement that the corrective work must be under the supervision of a registered civil engineer.

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The soil investigation shall be reviewed by the City Engineer who shall approve the investigation if he determines that the recommended action is likely to prevent structural damage to each dwelling to be constructed.

C. Waiver of Soil Report. The City Engineer may waive the preliminary soil report if he has knowledge of the soil qualities within the subdivision.

D. Approval Where Soils Problem Exists. The Council may approve the subdivision or portion thereof where soils problems exist if it determines that the recommended action is likely to prevent structural damage to each structure to be constructed, and as a condition to the issuance of any building permit, may require that the approved recommended action be incorporated in the construction of each structure.

E. Notice of Soil or Geologic Report. When a soil report, a geologic report, or soil and geologic report have been prepared specifically for the subdivision, such fact shall be noted on the final map, together with the date of such report or reports, the name of the engineer making the soil report and geologist making the geologic report and a statement indicating that the reports are on file for public inspection with the City Clerk.

17.24.040 Review by City Engineer.

A. Upon receipt of the final map, the City Clerk shall refer five copies of the map, accompanied by the memorandum for the City Engineer and one copy of the protective covenants, to the City Engineer for review and report.

B. The City Engineer shall refer all easements for public utilities, including anchorage easements, to the proper public utility for review and recommendation.

C. The City Engineer shall check and determine the correctness of surveying data, plans, profiles and specifications of improvements, certificates of dedication, acceptances of dedication and acknowledgements, and such other matters as require checking to insure compliance with this title.

D. If the final map and all accompanying materials are in the correct form prescribed by this title, and the matters shown thereon are sufficient, their correctness shall be certified on the map by the City Engineer by his signature within 20 days of receipt.

E. The City Engineer shall thereupon transmit the map together with the other materials to the City Clerk for presentation to the Council.

17.24.050 City Council - Decision.

A. Approval of Map.

1. The Council shall consider the map to determine if it is in conformity with all the requirements of this title and the Subdivision Map Act applicable at the time of approval or conditional approval of the tentative map and any rulings made thereunder, or if it does not so conform, disapprove the map.

2. Approval by the Council shall at that time include, but shall not be limited to, the acceptance or rejection of any or all offers of dedication and shall, as a condition precedent to the acceptance of any roads or easements, require that the subdivider agree to improve the roads and easements. If at the time the final map is approved any streets, paths, alleys, or storm drainage easements are rejected, 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, paths, alleys, or storm drainage easements for public use, which acceptance shall be recorded in the office of the county recorder.

3. Upon approval of the map by the Council by resolution, the City Clerk shall deliver the map duly certified to the County Recorder for recordation.

B. Disapproval of Map.

1. If the Council determines either that the map is not in conformity with the requirements of this title or the approved tentative map, or that the proposed improvements do not meet City improvement standards, the Council shall by resolution disapprove such final map, specifying its reason or reasons therefor; and the City Clerk shall, in writing, advise the subdivider of such disapproval and said reason or reasons.

2. The subdivider may file a new final map with the City Clerk, altered to conform to all the requirements of this title.

17.24.060 Preparation by licensed personnel.

The final map shall be prepared by or under the direction of a registered civil engineer or licensed land surveyor. All data, profiles and other engineering drawings submitted with the final map shall be prepared and signed by a registered civil engineer.

17.24.070 Preparation - Specifications.

A. The final map shall be legibly drawn, printed, or reproduced by a process guaranteeing a permanent record in black on tracing cloth or polyester base film, including affidavits, certificates and acknowledgements, except that such affidavits, certificates and acknowledgements may be legibly stamped or printed upon the map with opaque black ink. Signatures shall be in opaque black ink. If ink is used on polyester base film, the ink surface shall be coated with a suitable substance to assure permanent legibility.

B. The size of each sheet of the map shall be 18 by 26 inches. A line shall be drawn around each sheet leaving an entirely blank margin of one (1) inch.

C. The scale of the map shall be no greater than one (1) inch equals 100 feet; except that subdivisions with lots of two and one-half (2.5) acres or greater may use a scale of one inch equals 200 feet. The City Engineer may require a smaller scale if complexity of detail so warrants.

D. When the final map consists of more than two sheets, a key map drawn to scale shall be placed on sheet number one (1) indicating the relationship among all sheets.

E. The particular number of each sheet and the total number of sheets comprising the map shall be stated on each of the sheets and its relation to each adjoining sheet shall be clearly shown.

17.24.080 Title.

The title of each final map shall consist of a tract number conspicuously placed at the top of the sheet followed by the words "consisting of... sheets" (showing the number thereof) followed by the words "In the City of Chowchilla."

17.24.090 Property description.

A. Below the title shall appear a description of all the property being subdivided, by reference to such map or maps of the property shown thereon as previously recorded or filed in the county recorder's office or previously filed with the county recorder pursuant to a final judgment in any action in partition, or previously filed in the office of the county recorder under authority of Chapter 3, Part 2 of Division 4 of the Business and Professions Code, or by reference to the plat of any United States Survey.

B. Each reference, in such description, to any tract or subdivision shall be spelled out and worded identically with the original records and must show a complete reference to the book and page of records of the county recorder. The description shall also include reference to any abandonment with the date, book, and page of records of the County Recorder.

17.24.100 Subdivision boundary.

A. The boundary line of a subdivision shall be indicated on the final map by approximately one-sixteenth-inch wide border outside such boundary line and shall not obliterate any line, figure, or other data appearing on the map.

B. All lines shown on the map which do not constitute a part of the subdivision itself shall be clearly distinguishable from those lines which are a part of the subdivision.

17.24.110 Certificates and acknowledgments.

A. Certificates and acknowledgments as are required by this title and the Subdivision Map Act shall appear on the title sheet of the final map, unless their omission is permitted in the manner provided by the Subdivision Map Act.

B. When a soil report has been prepared, this fact shall be noted on the final map as specified in Section 66434 (f) of the Subdivision Map Act.

17.24.120 Designation of lots and parcels.

A lot shall be shown in its entirety on one sheet:

A. Designation. The final map shall particularly define, delineate and designate all lots intended to be reserved for private purposes, all parcels offered for dedication for any purpose, and any private roads, with all dimensions, boundaries and courses clearly shown and defined in every case. Parcels offered for dedication other than for roads, alleys, pedestrian walkways, water lots, or easements shall be designated by number.

B. Lot Numbers. The lots shall be numbered consecutively beginning with the numeral "1," and shall continue without omission or duplication throughout the entire tract, except that the City Engineer may require that lot numbering for adjoining tracts having similar names begin with the number following the number of the last lot of the previously recorded adjoining subdivision.

C. Area Designation. Each lot containing an area of one (1) acre or more shall have designated thereon the net acreage of such lot shown not less accurately than to the nearest one-hundredth of an acre.

17.24.130 Bearings, length of lines and curve data.

A. The bearing and length of each lot line, block and boundary line shall be shown on the final map; provided, that when bearings or lengths of lot lines in any series of lots are the same, such

bearings or lengths may be omitted from each interior parallel lot line of such series. Each required bearing and length shall be shown in full and no ditto mark or other designation of repetition shall be used.

B. The length, radius, total central angle of each curve, and the central angle and length of each segment within each lot shall be shown thereon.

C. The distances and bearings on the side lines of lots which are cut by easements shall be so arrowed or shown as to indicate clearly the actual length of each lot line.

17.24.140 Highways, roads and public use areas.

A. For each highway and road, the following shall be shown:

1. Width of existing right-of-way;
2. Width of portion to be dedicated, if any;
3. Centerline with right-of-way width on each side;
4. Centerline data, as follows:
 - a. Distance between centerlines of streets and points of tangency,
 - b. Length of each tangent,
 - c. Radius,
 - d. Central angle,
 - e. Length of each curve.

B. For each alley and pedestrian walkway, the following shall be shown:

1. Total right-of-way width;
2. Bearings and distances as needed.

C. For each water lot and other parcel offered for public or private use, the following shall be shown:

1. The intended use;
2. Dimensions of parcel, with bearings and distances as needed.

D. Non-access Line. Non-access lines shall be shown on the final map. The certificate shall indicate therein where direct access rights are being relinquished.

E. Road Names. Each road shown on the final map shall have a name. The road name shall be subject to approval by the Council. Where a road within the subdivision coincides with an alignment for which the Council has previously designated a street name, the same street name shall be shown on the final map. Each road which is to be dedicated, which is a continuation of, or approximately the continuation of any existing dedicated road or way, shall be given the same name as such existing road. The words "avenue," "boulevard," "place," or other designation of any such road or way shall be spelled out in full on the final map, and have a proper indication of north, south, east, or west as a prefix thereto.

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F. Dedication. If a highway, road, alley, pedestrian walkway, water lot, or other parcel intended for public use is being dedicated by a final map, it shall be properly designated on the map and set out in the owner's certificate of dedication on the map.

G. Private Roads. The same data shall be shown for private roads to define their boundaries as is required for public roads. Sufficient mathematical data shall show clearly the portion of each lot within such road. Private roads shall be designated by name, shall have inserted within the limits thereof the words "Not a Public Road," and shall be shown on the map by heavy dashed lines.

H. Private Roads - Dedication. If a road is approved by the Council as a private road, it shall be dedicated for the private use of the lot owners which it is intended to serve. Where the approved private road shall be intended to serve a lot or lots, each consisting of less than 20 acres, that road shall be irrevocably offered for dedication for public use, and shall be rejected at the time of the approval of the final map.

17.24.150 Easements.

A. Location, Width and Ties. The final map shall show the width, the sidelines or centerlines, and sufficient ties to definitely locate each easement to which the lots in the subdivision are subject. If the location of such easement cannot be definitely determined, a statement shall be placed on the map acknowledging the existence of such easement.

B. Designation, Notes, and Figures. Each easement shown for any canal, ditch, storm drain, sewer, or utility shall be designated by a fine dashed line and clearly labeled and identified with all notes and figures pertaining thereto subordinate in form and appearance to those relating to the subdivision itself. If the easement is of record, the record reference shall be shown.

C. Dedication. If an easement is being dedicated by a final map, it shall be properly set out in the owner's certificate of dedication on the map.

17.24.160 County or city boundary lines.

Each county or city boundary line crossing or adjoining the subdivision shall be shown upon the final map and such line shall be clearly designated and tied in. No lot shall be divided by a county, city, school, or special district boundary line.

17.24.170 Survey monuments.

The final map shall show the location and type of all monuments placed in accordance with Section 17.24.230.

17.24.180 Land subject to inundation.

A. Flood Water. If any portion of the land within the subdivision shown on any final map is subject to inundation or flood hazard by stormwater, such fact and portion shall be clearly shown by a prominent note on each sheet of such final map.

B. Overflow or Ponding. If any portion of such land is or will be subject to periodic sheet overflow, or ponding of local or foreign stormwater, the City Engineer, after consulting with the design engineers, shall so inform the State Real Estate Commissioner.

C. Natural Watercourse. The location of any watercourse, channel, stream, or creek which functions as a drainageway shall be shown on the final map. In the event the watercourse,

channel, stream or creek is to be relocated, only the new location need be shown on the final map.

17.24.190 Adjacent subdivisions.

The final map shall show the tract number, record information, and name, if any, of abutting subdivisions.

17.24.200 Subdivision recorded in multiple units.

The recordation of the final map and the construction of subdivision improvements may be performed in two (2) or more units; provided, that each unit must have a separate tract number and further provided, that the subdivider, at the time the tentative map was filed with the secretary of the Planning Commission, indicated on the subdivider's statement that is required pursuant to Section 17.20.070 his or her intention to file multiple final maps. No bonds, deposits, payments, or other security need be furnished for the deferred unit or units until the final map for the deferred unit or units is submitted to the Council for approval. Final maps for all units shall be filed with the Council within the time limits set forth in this title for the filing of a final map.

17.24.210 Passage of title.

Title to dedicated property shall pass upon its acceptance by the Council and recordation of the final map. The responsibility for maintenance of improvements shall not pass to the City until the improvements have been accepted by the Council pursuant to Section 941 of the Streets and Highway Code of the state.

17.24.220 Offers of dedication - Rejection.

If at the time the final map is approved, any streets, paths, alleys, right-of-way for local transit facilities such as bus turnouts, benches, shelters, landing pads and similar items, which directly benefit the residents of a subdivision, or storm drainage easements are rejected, 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, paths, alleys, right-of-way for local transit facilities such as bus turnouts, benches, shelters, landing pads and similar items, which directly benefit the residents of a subdivision, or storm drainage easements for public use, which acceptance shall be recorded in the office of the County Recorder.

17.24.230 Offers of dedication - Termination and abandonment.

A. Offers of dedication that are covered by Section 17.24.210 may be terminated and abandoned in the same manner as prescribed for the abandonment or vacation of streets by Part 3 (commencing with Section 8300) of Division 9 or, by Chapter 2 (commencing with Section 940) of Division 2, of the Streets and Highways Code, whichever is applicable.

B. Except as provided in Sections 66499.16, 66499.17 and 66499.18 of the Subdivision Map Act, if a resubdivision or reversion to acreage of the tract is subsequently filed for approval, any offer of dedication previously rejected shall be deemed to be terminated upon the approval of the map by the Council.

17.24.240 Survey procedures.

A. Accuracy. The procedure and practice of all survey work done on any subdivision, in the preparation of a final map, shall conform to the accepted standards of the engineering profession.

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The accuracy of all boundary surveys done in connection with any subdivision shall have a precision of one in ten thousand.

B. Existing Centerlines. In the event the City Engineer, the State Highway Engineer, or the county director of public works has established the centerline of any street or alley in or adjoining a subdivision, the final map shall show such centerline together with reference to a field book or map showing such centerline and the monuments which determine its position. If determined by ties, that fact shall be stated upon the final map.

C. Existing Monuments. Each final map shall fully and clearly show and identify such monuments or other evidence determining the boundaries of the subdivision as were found on the ground, together with sufficient corners of adjoining subdivisions, by lot and block number, tract name and place of record, or by section, township, and range, or other proper designation as may be necessary to locate precisely the limits of the subdivision and to permit the survey to be retraced.

D. New Monuments.

1. The location, size and depth of all monuments placed in making the survey shall be shown and, if any were reset by ties, that fact shall be shown. All monuments on the exterior boundary of the subdivision, except those within construction zones, shall be placed prior to the approval of the final map. All interior monuments shall be set after the completion of the subdivision improvements, and security shall be presented by the subdivider as provided for in Section 66496 of the Subdivision Map Act.

2. Notice of setting final monuments shall be given and payment to the engineer or surveyor for setting of final monuments shall be made as provided by Section 66497 of the Subdivision Map Act.

3. Monuments shall be placed and shall be of the type specified by the City's improvement standards.

4. The City Engineer may allow the use of off-set monuments, properly tied to reference monuments, when necessary due to terrain, waterways, or other monuments other than those specified in subdivisions 1 and 2 of this subsection.

E. Monuments - Replacement. Before street improvements are accepted, all existing monuments disturbed by the placement of any improvements shall be reset.

F. Bench Marks. Bench marks shall be set at locations required by the City Engineer. The datum for the area within the city shall be based upon datum established by the City Engineer

G. Standard Plaque - Numbering and Location Information. Identification of monuments and bench marks shall be through the use of a standard plaque. Descriptions of all monuments and bench marks shall be furnished to the City Engineer for inclusion in his records.

H. California Coordinate System. All surveys required by this title or necessary to the subdivision of land, shall conform to the California Coordinate System when required by the City Engineer. When required, each final map shall show the California coordinate of every monument, and all California coordinates shall be used and shown on all traverse closure sheets, and other notes and ties which are required by Section 17.24 .020.

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I. **Mathematical Accuracy.** The blocks and lots of each final map or approved map of record shall have a mathematical accuracy of closure to one in ten thousand.

Chapter 17.28 PARCEL MAPS

Sections:

- 17.28.010** General provisions.
- 17.28.020** Applicability.
- 17.28.025** Exemption - Lot line adjustment.
- 17.28.030** Tentative parcel maps.
- 17.28.040** Validity and compliance.
- 17.28.050** Termination of proceedings.
- 17.28.060** Termination of application.
- 17.28.070** Form and content.
- 17.28.080** Survey data requirements.
- 17.28.100** Examination by City Engineer.
- 17.28.110** Verification of improvements.
- 17.28.120** Completion of improvements or agreement.
- 17.28.130** Final certification.
- 17.28.140** Acceptance of dedications.
- 17.28.150** Recordation.
- 17.28.160** Waiver - Application.
- 17.28.170** Waiver - Findings required.
- 17.28.180** Waiver certificate - Designated.
- 17.28.190** Waiver certificate - Filing.
- 17.28.200** Waiver - Payment of fees.
- 17.28.210** Design and improvements.
- 17.28.220** Fees.

17.28.010 General provisions.

The design, improvement, and survey data for divisions of land requiring parcel maps and/or tentative parcel maps, and the procedure to be followed in securing official approval for said maps, shall be governed by the provisions of the Subdivision Map Act and by the provisions of this title.

17.28.020 Applicability.

A parcel map shall be filed and recorded for any subdivision for which a tentative and final map is not required by the Subdivision Map Act, except where the requirement for a parcel map is waived as provided by Sections 17.28.160 through 17.28.200 and except for subdivisions created by short term leases (terminable by either party on not more than 30 days' notice in writing) of a

portion of an operating right-of-way of a railroad corporation defined as such by Section 230 of the Public Utilities Code or for land conveyed to or from a governmental agency, public entity or public utility, or to a subsidiary of a public utility for conveyance to such public utility for rights-of-way; provided, however, that upon a showing made to the Planning Commission based upon substantial evidence that public policy necessitates such a map, this exception shall not apply.

17.28.025 Exemption - Lot line adjustment.

A lot line adjustment between two (2) to four (4) parcels shall be exempt from the requirements of this chapter, where the land taken from one parcel is added to an adjacent parcel and where the adjusted parcels comply with the requirements of the zoning ordinance as to area and dimensions and where a greater number of parcels than originally existed is not thereby created; provided the lot line adjustment is approved by the Director following the filing by the applicant of an application therefor and the payment of an application processing fee in the amount designated by resolution of the Council.

17.28.030 Tentative parcel maps.

A. Filing. The provisions of Chapter 17.20 shall govern the filing of tentative parcel maps.

B. Application Form. Application for the approval of a tentative parcel map shall be made upon the form provided by the secretary of the Planning Commission. The application shall contain the following information:

1. A legal description of the whole parcel proposed to be divided;
2. Existing use of the parcel to be divided;
- D. Existing structures on the property;
3. The proposed use of the parcels to be created;
4. Total areas for each of the proposed uses;
4. The existing and proposed zoning on the parcel to be divided;
5. The source of domestic water supply and the proposed method of sewage disposal;
6. Name, address, telephone number, and signature of the applicant and owners;
7. Certification by the owner that he is the owner of the property on the map as proposed for subdivision, has examined the map and consents to its submission;
8. A preliminary title report describing the status of all interests in the parcel to be divided shall be attached thereto.

C. Form of Tentative Parcel Map. A tentative parcel map shall be legibly drawn on reproducible material, to a scale and in a manner prescribed by the City Engineer to best illustrate the proposed division of land.

D. Contents of Tentative Parcel Map. The following information shall be shown on the map:

1. Date of preparation, north point and scale;
2. The boundary lines of the entire parcel including the area to be divided, with dimensions, based on existing survey data or property description;
3. The proposed division lines with dimensions;

4. Identification of each parcel with a number;
5. All existing buildings and structures located within one hundred feet of all proposed boundary lines, together with their major exterior dimensions and the distance from the boundary lines, except when located on the opposite side of public rights-of-way;
6. The location of all existing wells, septic tanks and leaching fields located within one hundred feet of all proposed boundary lines, with the distance from the boundary lines, except when located on the opposite side of public rights-of-way;
7. The location widths, and names of all abutting roads;
8. The location, widths and names of any roads proposed by the divider;
9. Source of data from which the map was drawn;
10. Name, address and telephone number of the person preparing the map;
11. The width and location of all existing or proposed easements or rights-of-way within the land being divided or on its boundaries;
12. Land subject to flooding;
13. Watercourses, streams and drainage channels;
14. Such additional information as the City deems necessary due to unusual topography or drainage conditions.

E. Review and Approval of Tentative Parcel Maps.

1. The procedure for reviewing and approving tentative parcel maps shall be as set forth in Sections 17.20.080 through 17.20.150 for tentative maps.

17.28.040 Validity and compliance.

No subdivision that is governed by the provisions of this article shall be deemed valid until and unless it conforms to the applicable provisions of this title and has been so certified by the City Clerk and referred to and filed with the County Recorder.

17.28.050 Termination of proceedings.

Failure to file a parcel map within 24 months after the date on which the tentative parcel map is approved or conditionally approved by the Council, or any extension thereof, shall terminate all proceedings. Before a parcel map may thereafter be filed, a new tentative parcel map shall be submitted and approved. Upon written application by the subdivider filed prior to the expiration date of the tentative parcel map, an extension of not more than 12 months may be granted by the Council.

17.28.060 Termination of application.

A. In the event the applicant wishes to terminate his application prior to the recordation of the parcel map, he shall submit his request in writing to the secretary of the Planning Commission. Where an agreement to construct improvements has been executed, the Council may release the applicant from his agreement to improve and release to him any surety bond or cash deposit which he may have posted upon completion of necessary abandonment proceedings.

B. In the event the parcel map has been recorded with the county recorder, a revised parcel map may be prepared in the manner prescribed in this chapter for an original parcel map, and the revised parcel map shall supersede any previous parcel map.

17.28.070 Form and content.

The subdivider shall file five copies of the parcel map with the City Clerk not less than sixty days prior to the date on which the map must be recorded. The format and content of the final map shall be as prescribed in the following provisions and the Subdivision Map Act:

A. The parcel map shall be prepared by or under direction of a registered civil engineer or licensed surveyor.

B. It shall be a map legibly drawn, printed, or reproduced by a process guaranteeing a permanent record in black on tracing cloth or polyester base film including certificates, except that such certificates may be legibly stamped or printed upon the map with opaque ink. If ink is used on polyester base film, the ink surface shall be coated with a suitable substance to assure permanent legibility;

C. The size of each sheet shall be 18 by 26 inches. A marginal line shall be drawn completely around each sheet leaving an entirely blank margin of one (1) inch.

D. The scale of the map shall be no greater than one (1) inch equals 100 feet; except that subdivisions with lots of two and one-half (2.5) acres or greater may use a scale of one (1) inch equals 200 feet. The City Engineer may require one (1) inch equals 50 feet if complexity of detail so warrants.

E. When the parcel map consists of more than two (2) sheets, a key map drawn to a scale shall be placed on sheet number one (1) indicating the relationship among all sheets. The particular number of each sheet and the total number of sheets comprising the map shall be stated on each of the sheets, and its relation to each adjoining sheet shall be clearly shown.

F. The title of each parcel map shall consist of a parcel map number conspicuously placed on the sheet followed by the words "consisting of. . .sheets" (showing the number thereof) followed by the words "In the City of Chowchilla." There shall appear a description of all the property being subdivided, by reference to such map or maps of the property shown thereon as previously recorded or filed in the county recorder's office or previously recorded or filed with the county recorder pursuant to a final judgment in any action in partition, or previously filed in the office of the county recorder under authority of Chapter 3, Part 2 of Division 4 of the Business and Professions Code, or by reference to the plat of any United States Survey. Each reference, in such description, to any tract or subdivision shall be spelled out and worded identically with the original records thereof and must show a complete reference to the book and page of records of the county recorder. The description shall also include reference to any abandonment with the date, book, and page of records of the county recorder.

G. The exterior boundary of the land included within the subdivision shall be indicated by distinctive line and clearly so designated. The map shall show the location of each parcel and its relation to surrounding surveys. The location of any remainder of the original parcel shall be shown. If such remainder has a gross area of five acres or more, it need not be shown as a matter of survey, but only by reference to the existing record boundaries of such remainder.

H. A lot shall be shown in its entirety on one (1) sheet. The parcel map shall particularly define, delineate and designate all parcels intended to be reserved for private purposes, all parcels offered for dedication for any purpose, and any private roads, with all dimensions, boundaries and courses clearly shown and defined in every case. Parcels offered for dedication other than for roads, alleys, pedestrian walkways, water lots, or easements shall be designated. The parcels shall be numbered consecutively and shall continue without omission or duplication throughout the entire subdivision. Each parcel containing an area of one (1) acre or more, excluding public easements of record, shall have designated thereon the net acreage of such lot shown not less accurately than to the nearest one-hundredth (1/100th.) of an acre.

I. Certificates and acknowledgments as are required by the Subdivision Map Act shall appear on the title sheet of the parcel map, unless their omission is permitted in the manner provided by the Subdivision Map Act.

J. A certificate, either as a separate document or a certificate on the parcel map, signed and acknowledged by all parties having any record title interest in the real property subdivided, as specified in Section 66445 of the Subdivision Map Act, consenting to the preparation and recordation of the parcel map is required. However, with respect to a division of land into four (4) or fewer parcels, where dedications or offers of dedications are not required, the certificate shall be signed and acknowledged by the subdivider only; provided, however, where a subdivider does not have a record title ownership interest in the property to be divided, the subdivider shall provide the City Clerk with satisfactory evidence that the persons with record title ownership have consented to the proposed division. For purposes of this section, "record title ownership" means fee title of record unless a leasehold interest is to be divided, in which case record title ownership means ownership of record of such leasehold interest; record title ownership does not include ownership of mineral rights or other subsurface interests which have been severed from ownership of the surface.

K. A certificate for the City Clerk shall be required where dedications are offered and shall certify the action of the Council to accept or reject the proposed dedications.

L. Evidence of title, acceptable to the county recorder, shall be secured from a title company indicating that, as shown by public records, the parties whose signatures appear on the map and consent to the recordation of the map are all the parties having a record title interest in the land being subdivided whose signatures are required by the Subdivision Map Act.

17.28.080 Survey data requirements.

A. The survey data requirements for parcel maps shall be the same as the requirements prescribed for final subdivision maps in Sections 17.24.130 through 17.24.230.

B. A parcel map may be compiled from available records or filed data when sufficient survey information exists on filed maps and when the location of any boundary of the parcel map either by monuments or possessory lines is certain. If there is not sufficient survey information on filed maps and when the location of the boundary of the parcel map is uncertain, a field survey shall be made.

17.28.100 Examination by City Engineer.

The City Engineer shall examine the parcel map, and it shall be certified by him if he finds that such map is substantially in the form required by this chapter, is in conformity with the conditions imposed by the Council, is the same as the approved tentative parcel map, and that the

map is technically correct and in proper form as required by this chapter and the Subdivision Map Act. Review of the parcel map shall be completed by the City Engineer within twenty days after receiving the map or within such additional time as may be reasonably necessary.

17.28.110 Verification of improvements.

If the subdivider states that the required improvements, if there be any, or any part of them have been completed, they shall be inspected by the City Engineer, or any other City officer designated for such purpose by the council, and if the same have been completed in conformity with the requirements of the Council and applicable provisions of this title, he shall certify such fact on the parcel map or attach a certificate thereto so showing. If any of the improvements have not been properly completed, he shall attach his report thereof to the map.

17.28.120 Completion of improvements or agreement.

A. Requirements for the construction of offsite and onsite improvements shall be noticed by certificate on the parcel map, or by separate instrument and shall be recorded on, concurrently with, or prior to the parcel map being filed for record.

B. Fulfillment of such construction requirements shall not be required until such time as a permit or other grant of approval for development of the parcel is issued by the City or until such time as the construction of such improvements is required pursuant to an agreement between the subdivider and the City, except that in the absence of such an agreement, the City may require fulfillment of such construction requirements within a reasonable time following approval of the parcel map and prior to the issuance of a permit or other grant of approval for the development of a parcel upon a finding by the Council that fulfillment of the construction requirements is necessary for reasons of the public health and safety; or the required construction is a necessary prerequisite to the orderly development of the surrounding area. The findings and requirement shall be made at the time of approval of the tentative parcel map, and the requirement shall be made a condition of approval thereof.

C. The City and the subdivider may enter into a mutual agreement regarding the timing of the construction of required improvements. Such agreement shall be approved by the Council at the time of approval of the tentative parcel map.

D. Conditions of approval requiring improvements by a time specific and agreements as to the time for the construction of required improvements shall be accompanied by security to guarantee performance as provided in Chapter 17.40.

17.28.130 Final certification.

When the City Clerk finds that the parcel map is substantially in the form required by this chapter, in conformity with the conditions imposed by the Council in connection with the approval of the tentative parcel map, that, where required, the agreement and security respecting improvements have been approved and filed, and that all certificates of approval herein required have been made, he shall endorse on such map the final certification thereof.

17.28.140 Acceptance of dedications.

If dedications are offered or required, the City Clerk shall transmit the parcel map or deeds of dedication to the Council, which may accept or reject any or all offers of dedication by resolution. If the offer of dedication is shown on the parcel map, any acceptance and the date thereof shall be certified on such map by the City Clerk. Dedications shall be completed prior to

filing of the parcel map with the county recorder. If, at the time the final map is approved, any streets, paths, alleys, or storm drainage easements are rejected, 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, paths, alleys, or storm drainage easements for public use, which acceptance shall be recorded in the office of the county recorder.

17.28.150 Recordation.

Upon final certification and acceptance or rejection of dedications, the City Clerk shall deliver the map to the County Recorder for recordation.

17.28.160 Waiver - Application.

A subdivider may, at the time of filing of a tentative parcel map, file a request for waiver of the requirement for a parcel map. Such a request shall be filed with the secretary of the Planning Commission in the form of an application therefor furnished by the City.

17.28.170 Waiver - Findings required.

The Council shall waive the requirement for the filing of a parcel map if, after consideration of the tentative parcel map, information submitted therewith, the report of the Planning Commission, and any such investigation as it may determine necessary for the purposes of making its decision, it finds that all the following conditions have been met:

- A. That the subdivider has complied with the provisions of Section 17.28.030;
- B. That adequate monuments exist in the field which appear of record in the office of the county recorder to permit the retracement of boundaries for each parcel to be created;
- C. That no dedications of rights-of-way or easements are offered or required;
- D. That all onsite and offsite improvements as required for parcel maps by Section 17.28.210 have been completed;
- E. That the proposed division of land complies with requirements as to area, design, floodwater drainage control, sanitary disposal facilities, water supply availability, environmental protection and other requirements of the Subdivision Map Act and this chapter.

17.28.180 Waiver certificate - Designated.

The instrument evidencing the Council's waiving the requirement for a parcel map shall be known as a waiver certificate, which shall be prepared by the subdivider and shall consist of the following form, matters and attachments:

- A. A description of the boundary of the property proposed to be subdivided;
- B. A property plat map prepared by or under the direction of a registered civil engineer or licensed land surveyor and legibly drawn, printed, or reproduced by a process guaranteeing a permanent record in black;
- C. The location of all division lines and the exterior boundary of the land included within the subdivision shall be indicated by distinctive lines and clearly so designated;
- D. The map shall be signed and sealed by the registered civil engineer or licensed land surveyor;

E. A certificate shall be signed and acknowledged by the parties having record title interest, consenting to the preparation and recordation of the waiver certificate;

F. The size of each sheet shall be eight and one-half by eleven or thirteen inches. An entirely blank margin of two inches shall be left at the top of each sheet.

17.28.190 Waiver certificate - Filing.

A. The waiver certificate shall be submitted to the City Clerk for his examination prior to filing, together with all necessary fees for the recordation of waiver certificate and evidence that all fees as hereinafter required have been paid. The City Clerk shall examine the certificate of waiver, and if he finds the same to be substantially in the form required by this chapter, and in conformity with the conditions imposed by the Council in connection with the approval of the tentative parcel map, he shall accept the same for filing and shall then transmit the same to the City Engineer.

B. Within 20 days after receiving the waiver certificate or within such additional time as may be reasonably necessary, the City Engineer shall determine whether the waiver certificate is technically correct and conforms with the approved tentative parcel map. If approved, he shall so certify upon the waiver certificate.

C. After affixing his signature upon the waiver certificate, the City Engineer shall deliver the certificate to the City Clerk who shall present the certificate to the county recorder for filing. When the certificate is presented to the county recorder and is accepted by him, he shall file and index the same in the official records of-the county.

17.28.200 Waiver - Payment of fees.

Waiver of the parcel map shall not preclude the payment of fees as provided by Chapter 17.40. The fees shall be calculated in the same manner as though a parcel map had been required and shall be paid prior to the filing of the waiver certificate with the City Clerk.

17.28.210 Design and improvements.

All divisions of land shall be designed, improvements constructed, and dedications required in conformance with Chapter 17.32.

17.28.220 Fees.

Fees required for the filing, or as a condition of the recordation of a final parcel map, are governed by the provisions of Chapter 17.40.

Chapter 17.32

DESIGN AND IMPROVEMENT STANDARDS

Sections:

- 17.32.010** **Compliance.**
- 17.32.020** **Block design - Length.**
- 17.32.030** **Dedications.**
- 17.32.040** **Easements - Locations.**
- 17.32.050** **Easements - Width.**
- 17.32.060** **Grading plan.**
- 17.32.070** **Improvements - Required.**
- 17.32.080** **Improvements - Abandoned wells and pipelines.**
- 17.32.090** **Improvements - Bikeways.**
- 17.32.100** **Improvements - Drainage.**
- 17.32.110** **Improvements - Fire hydrants.**
- 17.32.120** **Improvements - Outside of tract.**
- 17.32.130** **Improvements - Sewerage.**
- 17.32.140** **Improvements - Sidewalks.**
- 17.32.150** **Improvements - Streets.**
- 17.32.160** **Improvements - Street lights.**
- 17.32.170** **Improvements - Traffic and road signs.**
- 17.32.180** **Improvements - Utilities.**
- 17.32.190** **Improvements - Walls.**
- 17.32.200** **Improvements - Water.**
- 17.32.210** **Improvement procedures - Agreements.**
- 17.32.220** **Improvement procedures - Inspections and acceptance.**
- 17.32.230** **Improvement procedures - Installations.**
- 17.32.240** **Improvement procedures - Plan submittal.**
- 17.32.250** **Private improvements - Maintenance of private roads.**
- 17.32.260** **Land subject to inundation.**
- 17.32.270** **Lot design - Area and frontage.**
- 17.32.280** **Lot design - Boundary lines.**
- 17.32.290** **Lot design - Double frontage lots.**
- 17.32.300** **Lot design - Side line.**
- 17.32.310** **Road design - Access roads.**

- 17.32.320 Road design - Alleys.**
- 17.32.330 Road design - Cul-de-sac.**
- 17.32.340 Road design - Frontage roads.**
- 17.32.350 Road design - Grade separation.**
- 17.32.360 Road design - Intersections.**
- 17.32.370 Road design - Layout.**
- 17.32.380 Road design - Partial width.**
- 17.32.390 Road design - Restricted access strips.**
- 17.32.400 Road design - Stub roads.**
- 17.32.410 Future roads - Dedication.**
- 17.32.420 Future roads - State Highway.**
- 17.32.430 Watercourses.**
- 17.32.440 Heating or cooling opportunities.**

17.32.010 Compliance.

Design and improvements shall conform to this title and the City improvement standards. Design shall also provide for adequate traffic circulation and should promote the extension of aesthetic values.

17.32.020 Block Design - Length.

Blocks shall not exceed 1,320 feet in length between road centerlines, except where topographical or other conditions require longer blocks.

17.32.030 Dedications.

All land shown and designated on the final map for any public use shall be offered for dedication.

17.32.040 Easements - Locations.

A. Sewer, Gas and Water. Sewer, gas and water mains shall not be located on rear or side lot easements unless street location is found to be impracticable or uneconomical and unless specifically approved by the City Engineer.

B. Storm Drains and Flood Control. Easements for storm drains and flood control shall be provided within the subdivision when deemed necessary by the City Engineer.

C. Public Utilities. Easements for underground electrical and telephone facilities shall be provided as requested by the affected utility.

17.32.050 Easements - Width.

All easements for access within a subdivision shall be not less than 20 feet in width, being not less than ten (10) feet on each side of abutting properties, unless specifically approved by the City Engineer .

17.32.060 Grading plan.

A grading plan, prepared by a registered Civil Engineer shall be prepared prior to the acceptance and approval of the final subdivision map. The grading plan shall depict the depth and extent of all excavations and embankments which constitute changes in original grade from that shown on the approved tentative subdivision map. All grades shall conform to the datum used in the City's benchmark system.

17.32.070 Improvements - Required.

Prior to acceptance and approval of the final map or parcel map, the subdivider shall make, or agree to make, the minimum improvements as set out in Sections 17.32.150 and 17.32.180 in accordance with the standard specifications. Additional improvements may be required if deemed by the City Engineer to be necessary for the general use of the lot owners in the subdivision and local neighborhood traffic and drainage needs. Such improvements shall conform to the standard specifications.

17.32.080 Improvements - Abandoned wells and pipelines.

Any abandoned well, existing well, or any irrigation pipelines which are abandoned, or to be abandoned shall be removed, destroyed, or completely filled by the subdivider, within the tract, in a manner approved by the City Engineer as part of the subdivision improvements.

17.32.090 Improvements - Bikeways.

All bikeways dedicated for public use or approved private use shall be improved in accordance with City standard specifications.

17.32.100 Improvements - Drainage.

The subdivider shall install drainage facilities to adequately remove surface and storm waters from the subdivision. When so required, installation shall conform to City standard specifications.

17.32.110 Improvements - Fire hydrants.

Fire hydrants shall be installed in accordance with City standard specifications.

17.32.120 Improvements - Outside of tract.

All improvements lying outside of the tract, and necessary for the general use of the lot owners in the subdivision and local neighborhood traffic and drainage needs, shall conform to City improvement standards.

17.32.130 Improvements - Sewerage.

Sanitary sewer lines and appurtenances shall be installed and connections made to the existing system in accordance with requirements established by the City Engineer.

17.32.140 Improvements - Sidewalks.

Sidewalks shall be installed in accordance with City standard specifications.

17.32.150 Improvements - Streets.

A. Public Roads or Private Roads. All roads dedicated for public use or approved private roads shall be improved in accordance with City standard specifications.

B. Previously Dedicated Rights-of-Way. The Council may require the subdivider to improve previously dedicated roads, public ways, or easements to the degree required by subsection A of this section. When so required by the Council, improvements shall conform to the standard specifications.

17.32.160 Improvements - Street lights.

Street lights shall be installed in accordance with City standard specifications.

17.32.170 Improvements - Traffic and road signs.

Necessary street name signs, warning signs, regulatory signs, markers, barricades and other safety and public convenience facilities shall be installed in accordance with the improvement standards and specifications established therefor by the City.

17.32.180 Improvements - Utilities.

All utilities shall be placed underground, in accordance with the requirements of the utility concerned, in either city street easements or appropriate utility easements. When utilities are installed in city street easements, they shall be laid subject to the standard specifications.

17.32.190 Improvements - Walls.

When the rear or side of any lot abuts an expressway, arterial or collector street shown on the General Plan, and access to such highway has been relinquished, a wall may be required to be erected along the abutting lot line in accordance with City standard specifications.

17.32.200 Improvements - Water.

A. All lots within an approved subdivision shall be served by connection to the city water system. The method of connection with the water system, and the design of the water system within the subdivision shall be subject to the approval of the City Engineer.

B. Whenever a well and tank site is to be located within a subdivision in conjunction with the city water system, the well site and its access right-of-way shall be shown on the tentative and final maps and be designated for such use. When the well site or other system facilities are to be located outside the subdivision boundaries, easements shall be conveyed to the City prior to the recordation of the final map.

17.32.210 Improvement procedures - Agreements.

A. Where the required improvements are not completed before a final map is approved or where the installation of improvements has been mutually agreed upon or required to be installed by a time specific as a condition precedent to the approval of a parcel map, the subdivider shall enter into an agreement with the Council prior to the approval of the final map or parcel map to either complete the work or initiate and consummate proceedings under an appropriate special assessment act for the financing and improvement thereof. Such agreement shall provide for the following:

1. Time limit for completion of required improvements;
2. Procedures for making changes or alterations that become necessary during the performance of the work;
3. A requirement for maintenance for a period of one year after the completion and acceptance thereof against any defective work or labor done, or defective materials furnished;

4. A requirement for maintenance for a period of one year after the completion and acceptance thereof against any defective work or labor done, or defective materials furnished in the performance of the agreement with the Council or the performance of the act.
- B. At the request of the subdivider, the Council may renew this agreement at the expiration of this time. Such agreement shall provide for the release of the required improvement security when the conditions of the agreement are completed.
- C. To assure the City that this work will be completed, improvement security shall be provided subject to Section 17.40.050.
- D. Where a special assessment district is formed for the purpose of financing and constructing the designated improvements, the original improvement security may be reduced in an amount not to exceed 90 percent of the contract amount at such time as the contract for the work is executed.

17.32.220 Improvement procedures - Inspections and acceptance.

All required improvements shall be constructed under the inspection of the City Engineer and shall be subject to approval and acceptance by resolution of the Council. The cost of all inspections shall be paid by the subdivider as provided in Section 17.40.020.

17.32.230 Improvement procedures - Installations.

All underground utilities required by the final map approval to be installed below the surface improvement in public roads, alleys, or easements shall be constructed prior to the installation of any surface improvements.

17.32.240 Improvement procedures - Plan submittal.

- A. Where improvements are proposed or are required by the provisions of this title, improvement plans shall be submitted to the City Engineer for his review and approval. The improvement plans shall show full details of the improvements as required by the improvement standards. The improvement plans shall be prepared and signed by a registered civil engineer.
- B. During construction of the improvements, the civil engineer shall be available for consultation on the general supervision of the various phases of the construction operation. He/she shall also be responsible for providing construction engineering and surveying to enable the work covered by the improvement plans to be completed.

17.32.250 Private improvements - Maintenance of private roads.

Prior to the recordation of the final map of a subdivision containing any improved private roads, the subdivider shall have provided for their maintenance the formation of a permanent road district formed in the manner set forth by Section 1020 of the Streets and Highways Code. The Council may waive this requirement when it finds such permanent road district would not be in the public interest, in which event the Council may impose such other provisions for maintenance which it deems appropriate.

17.32.260 Land subject to inundation.

- A. Land subject to flooding and land deemed by the City Engineer to be uninhabitable shall not be platted for residential occupancy, nor for such other uses as may endanger health, life, or

property, or aggravate the flood hazard; and shall be shown on the map as subject to inundation or otherwise uninhabitable.

B. Such land may be filled or otherwise improved in a manner and to a degree approved by the City Engineer so it is no longer subject the restrictions of this subsection. The required improvements shall be completed or agreed to be completed by secured agreement pursuant to Section 17.32.240 prior to the approval of the final map.

C. Lands included within areas designated by the Federal Flood Insurance Administration as flood-prone areas or shown on maps supplied by the U.S. Department of Agriculture, Soil Conservation Service, or the U.S. Corps of Engineers as being within flood-prone areas, shall not be divided until a plan provided by the subdivider is approved by the City Engineer showing how all development within the subdivision will be floodproofed in a manner which will not adversely affect surrounding properties.

17.32.270 Lot design - Area and frontage.

A. The area and dimensions of lots shall be in conformity with the zoning regulations for the zoning district in which the proposed subdivision is located. A larger minimum lot area may be required when necessitated by topographical and geological consideration.

B. All lots shall have frontage on at least one public street or approved private road as required by the appropriate zoning district. The width of such frontage shall not be less than that prescribed by the zoning regulations for the zoning district in which the proposed subdivision is located.

C. Lots where the rear or side lot line abuts an arterial or a collector street shall show a relinquishment of access rights on the final map.

17.32.280 Lot design - Boundary lines.

No lot shall be divided by the boundary line of a county, school district, or special district.

17.32.290 Lot design - Double frontage lots.

Double frontage lots, other than corner lots, which abut two roads and have a depth less than 240 feet will not be approved, except where necessitated by topographical or other physical conditions, or where ingress and egress to and from one of the roads is prohibited by law, or where direct access rights have been or will be waived.

17.32.300 Lot design - Side line.

The side line of all lots, so far as possible, shall be roughly at right angles to the road which the lot faces, or radial or approximately radial if the road is curved.

17.32.310 Road design - Access roads.

When a subdivision does not abut upon a public road, an access road may be required by the Council to connect the subdivision with a public road. When required, the access road shall meet all requirements of this title.

17.32.320 Road design - Alleys.

A. Where Required. An alley, with adequate ingress and egress provided for truck traffic, may be required at the rear or side of lots where the property is to be used for multiple residential, commercial, or industrial use.

- B. Intersections. Intersecting alleys shall not be permitted.
- C. Width. Alleys, when required, shall be a minimum of 20 feet in width.

17.32.330 Road design - Cul-de-sac.

Cul-de-sac roads shall be terminated by a permanent turnaround in accordance with the City improvement standards. Cul-de-sac roads shall not exceed 300 feet in length, measured from the centerline of the intersecting road to the end of the turnaround, unless an additional fire hydrant is located at the end of the turnaround, in which case the maximum length may be 500 feet.

17.32.340 Road design - Frontage roads.

- A. Where lots in a subdivision front on any highway shown on the circulation element of the General Plan, the Council may require the dedication and improvement of a frontage road for access to those lots.
- B. Frontage road intersections which open onto any highway shown on the General Plan, shall be through the bulb-type intersection as provided in the City standard specifications.

17.32.350 Road design - Grade separation.

Whenever it is proposed to subdivide property abutting an approach to an existing or specific plan-lined grade separation, the subdivision shall be so arranged that any lot abutting such approach shall have suitable access elsewhere, and that the street lay out adequately provides for and conforms to such approach.

17.32.360 Road design - Intersections.

The centerlines of streets shall intersect one another as nearly at right angles as practicable, shall not be excessively curved, and shall conform to the requirements for sign distance provided in the standard specifications.

17.32.370 Road design - Layout.

Road layout shall conform as follows:

- A. Street rights-of-way widths shall be in accordance with the City's standard specifications.
- B. Streets which are extensions of existing streets shall continue the centerline of the existing street, as far as practicable, either in the same direction or by adjustment curves.
- C. All opposing streets entering upon any given street shall have their centerlines directly opposite each other or separated by at least one hundred twenty-five feet.

17.32.380 Road design - Partial width.

The design of the subdivision shall be so that full-width local roads will be provided unless the requirement is waived in accordance with the provisions of Chapter 17.56. In no case shall a local street that provides for less than one (1) parking lane and two (2) travel lanes be provided.

17.32.390 Road design - Restricted access strips.

Access from abutting land, not part of a subdivision, shall not be permitted to a dedicated part-width or dead-end road over a restricted access strip.

- A. Restricted access strips shall be provided along and at the end of part-width and dead-end roads to separate them from abutting land not part of the subdivision.

B. The restricted access strip shall be not less than one (1) foot in width and shall be offered for dedication to the City for road purposes.

C. The restricted access strip shall be shown on the map and identified as a "Restricted Access Strip ___" (Insert, in alphabetical order, the appropriate letter designation.)

17.32.400 Road design - Stub roads.

A. Stub roads shall be provided where necessary to give access to or permit a satisfactory future development of adjoining land. The road shall extend to the boundary line of the property, or within one foot thereof where a restricted access strip is dedicated.

B. Stub roads which are abutted by more than one lot on either side shall be terminated by a temporary turnaround. The turnaround shall conform to the City standard specifications. A stub road may be approved by the Council without a temporary turnaround when the road is less than one hundred fifty feet in length, or its length equals the dimensions of the corner lot along the road, whichever is greater.

17.32.410 Future roads - Dedication.

Whenever the Planning Commission or the Council has determined that a particular local road is not at this time warranted, but is anticipated to be necessary in the future to serve local neighborhood traffic needs, the Council may require that the location, width and extent of such road be shown on the final map and offered for dedication for road purposes.

17.32.420 Future roads - State Highway.

If a parcel of land to be subdivided includes a portion of the right-of-way for a State Highway, the right-of-way of which has been certified by the California State Highway Commission, the subdivider shall either dedicate or withhold from subdivision all the area included in the right-of-way.

17.32.430 Watercourses.

Where a subdivision or any part thereof is traversed by any watercourse, channel, stream, creek or canal, the subdivider shall, subject to riparian rights, indicate the physical limits thereof.

17.32.440 Heating or cooling opportunities.

A. The design of a subdivision for which a tentative map is required pursuant to this title, shall provide, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision.

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

C. Examples of passive or natural cooling opportunities in a subdivision design include design of lot size and configuration to permit orientation of a structure to take advantage of shade or prevailing breezes.

D. In providing for future passive or natural heating or cooling opportunities in the design of a subdivision, consideration shall be given to local climate, to contour, to configuration of the parcel to be divided, and to other design and improvement requirements; and such provision shall not result in reducing allowable densities or the percentage of a lot which may be occupied

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by a building or structure under applicable planning and zoning in force at the time the tentative map is filed.

E. The requirements of this section do not apply to condominium projects which consist of the subdivision of airspace in an existing building when no new structures are added.

F. For the purposes of this section, "feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors.

Chapter 17.36

MISCELLANEOUS PROVISIONS

Sections:

- 17.36.010 Pedestrian walkways and bikeways.**
- 17.36.020 Bridge crossings and major thoroughfares.**
- 17.36.030 Reservations.**
- 17.36.040 School site dedication.**
- 17.36.050 Supplemental improvements.**
- 17.36.060 Modification of a recorded final map.**

17.36.010 Pedestrian walkways and bikeways.

- A. Pedestrian walkways or bikeways may be required where needed for:
1. Access to schools, playgrounds or parks, shopping centers, or other public areas;
 2. Traffic safety;
 3. Access through unusually long blocks;
 4. Access to public areas shown on the approved General Plan.

17.36.020 Bridge crossings and major thoroughfares.

The Council may require the payment of a fee as a condition of approval of a final map or as a condition of issuing a building permit for purposes of defraying the actual or estimated cost of constructing bridges over waterways, railways, freeways, or constructing major thoroughfares subject to the following requirements:

- A. Fees may be required for facilities as provided by Section 66484 (a) of the Subdivision Map Act when they are identified by the circulation element, transportation or flood-control provisions of the General Plan.
- B. A public hearing shall be held, and notice shall be given as provided in Section 66484 (b) of the Subdivision Map Act.
- C. The boundaries of the area of benefit, the costs, and a fair method of allocation of costs to the area of benefit and fee apportionment shall be determined at a public hearing as provided by Section 66484 (c) of the Subdivision Map Act.
- D. Fees shall not be required unless the requirements of Sections 66484 (d) and (e) have been met.
- E. Protest may be filed, and proceedings shall be abandoned, as provided in Section 66484 (f) of the Subdivision Map Act.
- F. All procedures for imposing and handling fees shall be as provided by Section 66484 of the Subdivision Map Act.

17.36.030 Reservations.

A. The City may require that areas of real property within a subdivision be reserved for parks, recreational facilities, fire stations, libraries, or other public uses, subject to the following conditions:

1. The requirement is based upon an adopted specific plan or an adopted General Plan containing a community facilities element, a recreation and parks element, or a public building element, and the required reservations are in accordance with definite principles and standards contained therein;

2. The reserved area is of such size and shape as to permit the balance of the property within which the reservation is located to develop in an orderly and efficient manner;

3. The amount of land reserved will not make development of the remaining land held by the subdivider economically unfeasible.

B. The reserved area shall conform to the General Plan or applicable specific plan and shall be in such multiples of streets and parcels as to permit an efficient division of the reserved area in the event that it is not acquired within the prescribed period. In such event, the subdivider shall make those changes as are necessary to permit the reserved area to be developed for the intended purpose consistent with good subdividing practices.

C. The public agency for whose benefit an area has been reserved shall at the time of approval of the final map or parcel map enter into a binding agreement to acquire such reserved area within two years after the completion and acceptance of all improvements, unless such period of time is extended by mutual agreement. The purchase price shall be the market value thereof at the time of the filing of the tentative map plus the taxes against such reserved area from the date of the reservation and any other costs incurred by the subdivider in the maintenance of such reserved area, including interest costs incurred on any loan covering such reserved area.

D. If the public agency for whose benefit an area has been reserved does not enter into such a binding agreement, the reservation of such area shall automatically terminate.

17.36.040 School site dedication.

A. A subdivider who develops or completes the development of one or more subdivisions in one or more school districts maintaining an elementary school may be required to dedicate to the school district or districts within which such subdivisions are to be located, such land as the Council deems to be necessary for the purpose of constructing thereon such elementary schools as are necessary to assure the residents of the subdivision adequate public school service; except that the Council shall not require the dedication of an amount of land which would make the development of the remaining land held by the subdivider economically unfeasible or which would exceed the amount of land ordinarily allowed under the procedures of the State Allocation Board.

B. This section shall not be applicable to a subdivider who has owned the land being subdivided for more than ten years prior to the filing of the tentative subdivision map.

C. The requirement of dedication shall be imposed at the time of approval of the tentative subdivision map by the Council. If, within thirty days after the requirement of dedication is imposed by the Council, the school district does not offer to enter into a binding commitment with the subdivider to accept the dedication, this requirement shall be automatically terminated.

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D. The required dedication shall be made any time before, concurrently with, or up to sixty days after the filing of the final map for any portion of the subdivision.

E. In the event the school district accepts the dedication, it shall repay the subdivider or his successors the original cost to the subdivider of the dedicated land, plus such other additional cost and expenses of the subdivider as are more particularly provided in Section 66478 of the Government Code.

F. In the event the land is not used by the school district as a school site within ten years after the dedication, the subdivider shall have the option to repurchase the property from the district for the amount paid therefor, together with interest at the rate of seven percent per year from the date of payment by the district to the date the option is exercised.

G. The school district to which the property is dedicated shall record a certificate with the county recorder, containing therein all information required by the Section 66478.

17.36.050 Supplemental improvements.

A. Supplemental Improvements - Requirement. The subdivider may be required to install improvements for the benefit of the subdivision which may contain supplemental size, capacity, or number for the benefit of property not within the subdivision as a condition precedent to the approval of a subdivision or parcel map and thereafter to dedicate such improvements to the public. However, the subdivider shall be reimbursed for that portion of the cost of such improvements equal to the difference between the amount it would have cost the subdivider to install such improvements to serve the subdivision only and the actual cost of such improvements, pursuant to the provisions of Sections 66485 et seq. of the Subdivision Map Act.

B. Supplemental Improvements - Reimbursement Agreement - Funding Procedures. No charge, areas of benefit, or local benefit district shall be established unless and until a public hearing in accordance with the provisions of Section 17.36-.020 is held thereon by the Council, and the Council finds that the fee or charge and the area of benefit or local benefit district is reasonably related to the cost of such supplemental improvements and the actual ultimate beneficiaries thereof. The notice required by Section 17.36.020 shall be given to the subdivider and to those who own property within the proposed area of benefit as shown on the latest equalized assessment role, and the potential users of the supplemental improvements insofar as they can be ascertained at the time. Such notices shall be mailed by the City Clerk at least 10 days prior to the date established for hearing.

C. Supplemental Improvements - Drainage, Sewerage, Water, Bridges and Major Thoroughfares. If the City has adopted a local drainage, water or sanitary sewer plan or map as required for the imposition of fees, or has established an area of benefit for bridges or major thoroughfares as provided in this title, the City may impose a reasonable charge on property within the area benefited and may provide for the collection of the charge as set forth in this title. The City may enter into reimbursement agreements with a subdivider who constructs the facilities, bridges or thoroughfares, and the charges collected by the City therefor may be utilized to reimburse the subdivider as set forth herein.

17.36.060 Modification of a recorded final map.

In addition to amendments authorized by Section 66469 of the Government Code, and pursuant to the provisions of Section 66472.1 of the Government Code, a final map or a parcel map already filed with the county recorder may be amended or modified by a certificate of correction

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or an amending map, by following the procedures set forth in this Section 17.36.060 of the Municipal Code.

A. The application for modification shall have attached to it a copy of the proposed amending map, if the application is to modify by amending the map, or shall have attached a copy of the documents necessary to certify a correction of the existing map. At the time of the filing of the application for modification, the procedures set forth in Section 17.24.020 shall be followed exactly as if the application and the amending map were a final map, including payment of application fees.

1. An application for modification shall not be considered as filed until the City Engineer has reviewed and certified the amending map and application in accordance with the procedure specified in Section 17.24.040, insofar as the City Engineer determines that the modification necessitates any or all those procedures.

2. In all other regards, the application and its attachments shall conform to the requirements set forth in Sections 17.24.050 through 17.24.240 of this code, insofar as the City Engineer shall determine such steps are necessary based on the specific modification or modifications requested.

B. The Council shall, within a period of 10 days after the filing of the complete application, or at the Council's next regular meeting after the completion of the application, whichever is later, consider the application to determine if it is in conformity with all the requirements of this title and the Subdivision Map Act applicable at the time of the application. In all other regards, the action of the Council on the application shall follow the procedure set forth in Section 17.24.050 of this code, exactly as if the application were a final map.

C. The Council may approve the application if the Council finds all the following:

1. There are changes in circumstance which make any or all the conditions of the existing map no longer appropriate or necessary; and

2. That the modifications proposed do not impose any additional burden on the present fee owner of the property; and

3. The modifications do not alter any right, title or interest in the real property reflected on the recorded map; and

4. The Council finds that the map as modified conforms to the provisions of Section 66474 of the Government Code.

D. To make a determination as to whether the elements set forth in subsection B of this section are met in a particular circumstance, the Council shall set the matter for a public hearing as provided for in Section 66451.3 of the Government Code. The Council shall confine the hearing to consideration of and action on the proposed modification to the existing map of record.

E. The fee for the City's processing of the application for modification of a recorded map, over and above what is charged for an initial processing of the map shall be \$ _____ , payable at the time of the initiation of the request by the requesting party to the City. The amount of this fee shall be reexamined from time to time by the Council and may be changed by subsequent resolution of the Council.

Chapter 17.38

CREATION OF EASEMENT BY COVENANT FOR EASEMENT

Sections:

- 17.38.010 Purpose and authority.**
- 17.38.020 Creation.**
- 17.38.030 Common ownership.**
- 17.38.040 Recording - Contents.**
- 17.38.050 Enforcement.**
- 17.38.060 Execution.**
- 17.38.070 Release of covenant - Procedure.**
- 17.38.080 Fees.**

17.38.010 Purpose and authority.

A. Purpose. The purpose of this chapter is to allow for the creation of easements through the imposition of covenants.

B. Authority. This Ordinance is adopted pursuant to Government Code [Section] 65870 allowing for the imposition of covenants pursuant to Article 2.7 of Title 7 of Division 1 of Chapter 4 of the Government Code.

17.38.020 Creation.

In addition to any other method for creation of an easement, an easement may be created by a recorded covenant of easement made by an owner of real property to the City. An easement created pursuant to this section may be created for parking, ingress, egress, emergency access, light and air spaces, landscaping, or open space purposes, or any other purpose permitted by Article 2.7 of Title 7 of Division 1 of Chapter 4 of the Government Code.

17.38.030 Common ownership.

At the time of recording of the covenant of easement, all the real property benefitted or burdened by the covenant shall be in common ownership. The covenant shall be effective when recorded and shall act as an easement pursuant to Chapter 3 (commencing with Section 801) of Title 2 of Part 2 of Division 2 of the Civil Code, except that it shall not merge into any other interest in the real property. Section 1104 of the Civil Code shall be applicable to the conveyance of the affected real property.

17.38.040 Recording - Contents.

A covenant of easement recorded pursuant to this chapter shall be recorded in the county where all or a portion of the restricted property is located and shall contain the following:

A. Legal descriptions of the real property subject to the easement and the real property benefitted by the easement; and

- B. An identification of the approval, permit, or designation granted which relied upon or required the covenant; and
- C. A provision describing how the easement shall be maintained; and
- D. A provision that the burdens of the covenant shall be binding upon, and the benefits of the covenant shall inure to, all successors in interest to the real property.

17.38.050 Enforcement.

A covenant executed pursuant to this chapter shall be enforced by the successors in interest to the real property benefitted by the covenant.

17.38.060 Execution.

The covenant of easement shall be executed and acknowledged by the owner of the real property.

17.38.070 Release of covenant - Procedure.

- A. Release of covenant. A covenant for easement under this chapter may be released pursuant to the procedures set forth in this chapter.
- B. Procedure. In accordance with Government Code '65874, the procedure for release of covenant for easement shall be as follows:
 - 1. Public hearing. A request for a release of covenant under this chapter shall require a public hearing by the Council.
 - 2. Any person may file a written request for a public hearing for the release of a covenant of easement with the City Clerk. Said request shall contain the following:
 - a. A conformed copy of the recorded easement; and
 - b. Legal descriptions of the real property benefitted and the real property burdened by the easement; and
 - c. The fee required pursuant to this chapter.
- C. Upon receipt of a completed request for hearing and payment of the fee, the City Clerk shall notify the Council of the request for hearing.
- D. Upon notification and receipt of the request for a hearing for the release of covenant, the Council shall set a date and time for a public hearing regarding the release of a covenant of easement recorded pursuant to this chapter.
- E. At the conclusion of the public hearing, the Council shall determine and make a finding by resolution whether or not the restriction of the property is necessary to achieve the land use goals of the City. If the Council determines that the restriction of the property is no longer necessary to achieve the land use goals of the City, a release of the covenant shall be recorded by the City in the county where the restricted property is located.

17.38.080 Fees.

The Council may impose a fee to recover the reasonable costs of processing a release of covenant from those persons requesting the release pursuant to Section 17.38.070.

Chapter 17.40

FEES AND SECURITY

Sections:

- 17.40.010** **Park and recreation fees.**
- 17.40.020** **Drainage fees.**
- 17.40.030** **Filing fees.**
- 17.40.040** **Checking and inspection fees.**
- 17.40.050** **Recordation fees.**
- 17.40.060** **Security.**
- 17.40.070** **Forms of security.**
- 17.40.080** **Use of security - Failure to complete improvements.**
- 17.40.090** **Exoneration of security.**
- 17.40.100** **Release of security.**

17.40.010 Park and recreation fees.

A. Authority. This section is enacted pursuant to the authority granted by Section 66477 of the Government Code of the state. The park and recreational facilities for which dedication of land and/or payment of a fee is required by this section are in accordance with the recreation element of the General Plan.

B. Condition of Approval. As a condition of approval of a final map, parcel map or parcel map waiver certificate, the subdivider shall dedicate land, pay a fee in lieu thereof, or both, at the option of the City, for park or recreational purposes at the time and according to the standards and formula contained in this section.

C. General Standard. It is found and determined that the public interest, convenience, health, welfare and safety require that four acres of property for each one thousand persons residing within this city be devoted to local public park and recreational purposes.

D. Standards and Formula for Dedication of Land.

1. Where a park or recreational facility has been designated in the open space, recreation and conservation plan, an element of the General Plan of the City, and is to be located in whole or in part within the proposed subdivision, the subdivider shall dedicate land for a local park sufficient in size and topography to serve the residents of the subdivision.

2. The amount of land to be provided shall be determined pursuant to the following standards and formula:

DENSITY FORMULA

Net density per dwelling unit	Percentage of the gross area of the subdivision required when park land is dedicated
1 D.U. per acre or more	0.60%
1 D.U. per 1/2 to 1 acre	1.20%
1 D.U. per 10,000 sq. ft. to 1/2 acre	1.73%
1 D.U. per 9,000 to 9,999 sq. ft.	2.70%
1 D.U. per 8,000 to 8,999 sq. ft.	3.01%
1 D.U. per 7,000 to 7,999 sq. ft.	3.40%
1 D.U. per 6,000 to 6,999 sq. ft.	3.90%
1 D.U. per 5,999 sq.ft. to 19 D.U.'s per acre	5.79%
20 to 29 D.U.'s per acre	9.30%
30 to 39 D.U.'s per acre	12.56%
40 or more D.U.'s per acre	15.58%

E. Formula for Fees in Lieu of Land Dedication.

1. General Formula. If there is no park or recreational facility designated in the city open space, recreation and conservation plan to be located in whole or in part within the proposed subdivision to serve the immediate and future needs of the residents of the subdivision, the subdivider shall, in lieu of dedicating land, pay a fee equal to the value of the land prescribed for dedication in subsection D of this section and in an amount determined in accordance with the provisions of subsection F of this section, such fee to be used for a local park which will serve the residents of the area being subdivided.

2. Fees in Lieu of Land - Fifty Parcels or Less. If the proposed subdivision contains fifty parcels or less, the subdivider shall pay a fee equal to the land value of the portion of the local park required to serve the needs of the residents of the proposed subdivision as prescribed in subsection D of this section and in an amount determined in accordance with the provisions of subsection F of this section.

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F. Amount of Fee in Lieu of Land Dedication. Where a fee is required to be paid in lieu of land dedication, the amount of such fee shall be determined in the following manner:

1. The subdivider shall request that an appraisal be prepared pursuant to the procedures set forth below and shall pay the in-lieu fee based upon the fair market value established in that appraisal.
2. Upon request of the subdivider, the city shall cause an appraisal to be made. The appraisal shall be made at the subdivider's expense, payable to the city in advance, by a person on the city's list of approved appraisers, who will be qualified as a certified general real estate appraiser by the California office of real estate appraisers and shall meet the standards specified in the uniform standards of professional appraisal practice. The appraiser shall appraise the property at its unencumbered (free and clear) value, as if at the approved tentative map stage of development and as if any assessments or other encumbrances to which the property is subject had been paid off in full prior to the date of appraisal. Factors to be considered during the evaluation shall include the following:
 - a. Conditions of the tentative map;
 - b. The General Plan;
 - c. Zoning and density;
 - d. Property location;
 - e. Off-site improvements facilitating use of the property;
 - f. Site characteristics of the property;
 - g. Existing public improvements.
3. The appraisal shall value the property as of a date no earlier than ninety (90) days prior to the recording of the final map, or the payment of the fee, whichever occurs later. The appraisal shall clearly state the fair market value of the property.
4. Alternatively, the subdivider may disclose to the City the market price paid for the land if the land has been purchased in the past one (1) year, and the City has the option of accepting that price as the basis for an in-lieu fee.

G. Subdivisions Not Within the General Plan. Where the proposed subdivision lies within an area not then but to be included within the General Plan, the subdivider shall dedicate land, pay a fee in lieu thereof, or both, in accordance with the adopted park and recreational principles and standards of the General Plan and in accordance with the provisions of this chapter.

H. Determination of Land or Fee. Whether the Council accepts land dedication or elects to require payment of a fee in lieu thereof, or a combination of both, shall be determined by consideration of the following:

1. Recreational element of the General Plan;
2. Topography, geology, access and location of land in the subdivision available for dedication;
3. Size and shape of the subdivision and land available for dedication;
4. The feasibility of dedication;

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5. Compatibility of dedication with the city park, recreation and conservation plan; and
6. Availability of previously acquired park property. The determination of the Council as to whether land shall be dedicated, or whether a fee shall be charged, or a combination thereof shall be final and conclusive.

I. Credit for Private Open Space. Where private open space for park and recreational purposes is provided in a proposed subdivision and such space is to be privately owned and maintained by the future residents of the subdivision, partial credit, not to exceed fifty percent, may be given against the requirements of land dedication or payment of fees in lieu thereof if the Council finds that it is in the public interest to do so and that all the following standards are met:

1. That yards, court areas, setbacks and other areas required to be maintained by the zoning and building ordinances and regulations shall not be included in the computation of such private open space; and
2. That the private ownership and maintenance of the open space is adequately provided for by recorded written agreement, conveyance, or restrictions; and
3. That the use of the private open space is restricted for park and recreational purposes by recorded covenant, which runs with the land in favor of the future owners of the property and which cannot be defeated or eliminated without the consent of the City or its successor; and
4. That the proposed private open space is reasonably adaptable for use for park and recreational purposes, taking into consideration such factors as size, shape, topography, geology, access and location; and
5. That facilities proposed for the open space are in substantial accordance with the provisions of the recreational element of the General Plan.

J. Procedure. At the time of approval of the tentative subdivision map, the Council shall determine, pursuant to subsection H of this section, the land to be dedicated and/or fees to be paid by the subdivider. At the time of the filing of the final subdivision map, the subdivider shall dedicate the land or pay the fees as previously determined by the Council. Open space covenants for private park or recreational facilities shall be submitted to the City prior to approval of the final subdivision map and shall be recorded contemporaneously with the final subdivision map.

K. Commencement of Development. At the time of approval of the final subdivision map, the Council shall specify how and when it will use the land or fees or both to develop park or recreational facilities. Any fees collected under this title shall be committed within five years after the payment of such fees or the issuance of building permits on one-half of the lots created by the subdivision, whichever occurs later. If such fees are not committed, they shall be distributed and paid to the then record owners of the subdivision in the same proportion that the size of their lot bears to the total area of all lots within the subdivision.

L. Exemptions. The provisions of this section shall not apply to subdivisions containing less than five parcels and not used for residential purposes; provided, however, that a condition may be placed on the approval of such parcel map that if a building permit is requested for construction of a residential structure or structures on one or more of the parcels within four years, the fee may be required to be paid by the owner of each such parcel as a condition to the issuance of such permit. The provisions of this section shall not apply to industrial subdivisions; nor to condominium projects which consist of the subdivision of airspace in an existing

apartment building which is more than five years old when no new dwelling units are added; nor to parcel maps for a subdivision containing less than five parcels for a shopping center containing more than three hundred thousand square feet of gross leasable area and no residential development or uses.

17.40.020 Drainage fees.

Prior to filing of any final map or parcel map, the subdivider shall pay or cause to be paid any fees for defraying the actual or estimated costs of constructing planned drainage facilities for the removal of surface waters and stormwater from local or neighborhood drainage areas or sanitary sewer facilities for local sanitary sewer areas established pursuant to Section 66483 of the Government Code.

17.40.030 Filing fees.

Filing fees as established by resolution of the Council shall be paid at the time of filing of subdivision maps and parcel map waiver certificates. No refund of filing fee shall be made for any map or portion thereof deleted, withdrawn, or abandoned.

17.40.040 Checking and inspection fees.

- A. The subdivider shall pay a fee as established by Council resolution for checking the improvement plans and inspecting all proposed improvements controlled by the City prior to the submission of the final map to the Council.
- B. The fees established by this section shall be based on reasonable improvement cost estimates made by the City Engineer. No adjustment in or refund of such fees shall be made once the fees have been paid; except when a final map is withdrawn, or a reversion to acreage map is recorded, the unexpended portion of the required fee may be refunded upon written request made by the subdivider to the Council.
- C. The Council may retain qualified consulting engineers for the performance of any part of the inspection services.
- D. In the event the Council permits the required improvements to be financed by proceedings under an appropriate special assessment act as provided for in Section 66462 (a)(2) of the Subdivision Map Act, the fees required by this section may be included as an incidental expense of such proceedings. The subdivider shall be refunded the amount of the fees required by this section to the extent that moneys for the inspection of improvement construction are available in the moneys provided by the special assessment act proceedings.

17.40.050 Recordation fees.

Fees, as provided by Sections 27361 and 27372 of the Governmental Code, shall be paid to the City Clerk to defray the costs of recording of any final map, parcel map, or certificate of waiver.

17.40.060 Security.

Agreements and requirements referred to in Sections 17.28.120 and 17.32.210 shall be accompanied by security to guarantee performance as follows:

- A. Improvement security in the amount of 100 percent of the total estimated cost of all required work as indicated in the agreement or requirements for the purpose of securing the performance of the work;

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- B. Improvement security in the amount of 100 percent of the estimated cost of all required work to secure payment to the contractor, his subcontractors, and to persons renting equipment or furnishing labor or materials for such improvements;
- C. Improvement security to secure the maintenance for a period of one year after the completion and acceptance thereof against any defective work or labor done, or defective materials furnished, in the performance of the agreement with the Council or the performance of the act. The security shall not exceed an amount equal to 25 percent of the estimated cost of furnishing and installing the facilities. This security shall be in addition to any warranty required of the manufacturer;
- D. Improvement security to secure the maintenance of a private road for a period of one (1) year after the acceptance thereof against any defective work or labor done or defective material furnished in the construction of the private work which security shall be in an amount equal to the construction cost thereof;
- E. Security in the amount equal to the estimated cost of placing all monuments and lot corners not set at the time the final map is filed as specified in Section 17.24.230 C and D;
- F. Security in the estimated amount of taxes, and special assessments collected as taxes which are a lien but which are not yet payable as referred to in Section 66493 of the Subdivision Map Act;
- G. As a 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 local agency in successfully enforcing the obligation secured.

17.40.070 Forms of security.

The form of security shall be one (1) or any combination of the following at the option and subject to the approval of the Council:

- A. Bond or bonds by one (1) or more duly authorized corporate sureties. The form of the bond or bonds shall be in accordance with Sections 66499.1, 66499.2, 66499.3 and 66499.4 of the Subdivision Map Act;
- B. A deposit, either with the City or a responsible escrow agent or trust company, at the option of the City, of money or negotiable bonds of the kind approved for securing deposits of public moneys;
- C. An instrument of credit or letter of credit from one (1) 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 agreement are on deposit and guaranteed for payment;
- D. A lien upon the property to be divided, created by contract between the owner and the local agency, if the local agency finds that it would not be in the public interest to require the installation of the required improvement sooner than two years after the recordation of the map;
- E. Any other form of security as provided in Section 66499 of the Subdivision Map Act, including, but not limited to, security interests in real property, which are acceptable to the Council.

17.40.080 Use of security - Failure to complete improvements.

If the subdivider fails to complete the improvements in the time specified or an extension thereof, the Council may take appropriate legal action against the subdivider and his security, with or without first causing such improvements to be completed. In the event the security is insufficient to pay the full cost of the improvements, the subdivider shall be liable for any balance.

17.40.090 Exoneration of security.

It shall be the duty of the City Engineer to inspect all improvements installed and monuments set as to their compliance with this title and City standards. No security given for faithful performance of such work shall be exonerated from the agreement referred to herein until and unless the City Engineer certifies compliance thereto.

17.40.100 Release of security.

A. Security given for faithful performance of any act or agreement shall be released upon the final completion of the act or the work encompassed by the agreement and the acceptance of the act or work by resolution of the Council.

B. Security securing payment to the contractor, his subcontractors, and to persons furnishing labor, materials or equipment shall, six months after the performance of the act or completion of the work and its acceptance by resolution of the Council, be reduced to an amount not less than the total of all claims on which an action has been filed and notice thereof given in writing to the Council; and if no such actions have been filed, the security shall be released in full.

C. Such release shall not apply to any required guarantee and warrantee period, nor to the amount of the security deemed necessary by the Council for such guarantee and warrantee period, nor to cost and reasonable expenses and fees, including reasonable attorney's fees.

D. In all cases where the performance of the obligation for which the security is required is subject to the approval of another agency, the Council shall not release the security until the obligation is performed to the satisfaction of such other agency. Such agency shall have two months after completion of the performance of the obligation to register its satisfaction or dissatisfaction. If at the end of that period it has not registered its satisfaction or dissatisfaction, it shall be conclusively deemed that the performance of the obligation was done to its satisfaction.

Chapter 17.44

MERGER OF CONTIGUOUS PARCELS

Sections:

- 17.44.010** **Generally.**
- 17.44.020** **Former mergers.**
- 17.44.030** **Notice - Recording.**

17.44.010 **Generally.**

Two or more contiguous parcels or units of land that have been created under the provisions of the Subdivision Map Act or City ordinance enacted pursuant thereto, or which were not subject to such provisions at the time of their creation shall not merge by virtue of the fact that such contiguous parcels or units are held by the same owner; and no further proceeding under the Subdivision Map Act or this title shall be required for the purpose of sale, lease or financing of such contiguous parcels or units, or any of them; except that if any one of such contiguous parcels or units held by the same owner does not conform to standards for minimum parcel size to permit use or development under the provisions of Title 18 or other City ordinance and at least one of such contiguous parcels or units is not developed with a building for which a permit has been issued by the Building Official or which was built prior to the time such permits were required by the City, then such parcels shall be merged only to the extent necessary to form one or more units which conform to lot area, width and depth requirements set by the Title 18, for the purposes of the Subdivision Map Act and this title.

17.44.020 **Former mergers.**

Any parcels or units of land merged prior to July 7, 1977, shall be deemed unmerged and separate parcels except where merger is necessary to form one or more units which conform to the area, width and depth requirements set by Title 18.

17.44.030 **Notice - Recording.**

Whenever it has been determined that real property has merged pursuant to the Subdivision Map Act or this title, the secretary of the Planning Commission shall cause to be filed for record with the county recorder a notice of such merger specifying the names of record owners and particularly describing the real property; provided, that at least thirty days prior to the recording of the notice, the owner of the parcels or units to be affected by the merger shall be advised in writing of the intention to record the notice and specifying a time, date and place at which the owner may present evidence to the Planning Commission why such notice should not be recorded.

Chapter 17.48

REVERSION TO ACREAGE

Sections:

- 17.48.010** Map Act provisions apply.
- 17.48.020** Tentative map - Requirements apply.
- 17.48.030** Tentative map - Review and report.
- 17.48.040** Planning commission consideration.
- 17.48.050** Council - Action - Report.
- 17.48.060** Title.
- 17.48.070** Dedications terminated.
- 17.48.080** Tax bond.
- 17.48.090** City Engineer - Report and certification.
- 17.48.100** Council - Decision.
- 17.48.110** Merger and resubdivision.

17.48.010 Map Act provisions apply.

Subdivided real property may be reverted to acreage pursuant to Chapter 6 of the Map Act. The provisions of Sections 66499.11 through 66499.20.3 shall apply.

17.48.020 Tentative map - Requirements apply.

When making a reversion to acreage map, the applicable requirements of Chapter 17.20 as to filing, map form, tract number, and committee review shall be complied with, including payment of application fees, unless waived by the City Council.

17.48.030 Tentative map - Review and report.

Copies of the tentative map, of a reversion to acreage map, shall be distributed to the City Engineer, Director, and Public Works Director. The City Engineer, Community Development Director, and Public Works Director shall review and report upon the map in the manner provided in Section 17.20.100.

17.48.040 Planning commission consideration.

The Planning Commission shall consider the tentative map at a regular or special meeting after giving notice of its intent to consider the map, in a newspaper of general circulation, within the area affected, at least ten days preceding the meeting at which the tentative map is to be heard. In making a recommendation to the Council concerning a reversion to acreage map, the Planning Commission shall determine that the reversion will have no adverse effect on abutting property or the proper development thereof, and that there exists nonuse of streets and easements within the area included in the reversion to acreage.

17.48.050 Council - Action - Report.

A. The Council shall act upon the Planning Commission's recommendation at a regular or adjourned regular meeting not less than fifteen nor more than forty days after the filing of the Planning Commission's recommendation with the Council. The Council shall give public notice of its intent to consider the tentative map in a newspaper of general circulation within the area affected at least ten days immediately preceding the meeting at which the map is to be heard. In approving or conditionally approving a reversion to acreage map, the Council shall find that dedications or offers of dedication to be vacated or abandoned by the reversion to acreage are unnecessary for present or prospective public purposes; and either:

1. All owners of an interest in the real property within the subdivision have consented to the reversion; or
2. None of the improvements required to be made have been made within two (2) 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
3. No lots shown on the final or parcel map have been sold within five (5) years from the date such map was filed for record.

B. The Council shall report its action in writing to the subdivider and the Planning Commission and the City Engineer not later than ten (10) days following such action.

17.48.060 Title.

Upon the title sheet of each map filed for the purpose of reverting subdivided land to acreage, the subtitle shall consist of the words "A REVERSION TO ACREAGE OF ____" (Insert the legal description of the land being reverted.)

17.48.070 Dedications terminated.

Any previous offer of dedication not retained on the reversion to acreage map shall be deemed to be terminated upon approval of the final map or by the Council and the recordation of the final map.

17.48.080 Tax bond.

A tax bond shall not be required in any cases covered by this chapter.

17.48.090 City Engineer - Report and certification.

A. The City Engineer shall review each map and assure himself that it complies with the requirements of the approved tentative map, with previously recorded property description data and with the provisions of law and this title. The City Engineer shall consult with the Director in making these determinations.

B. If the final map is in the correct form prescribed by the Subdivision Map Act and this title, and the matters shown thereon are sufficient, their correctness shall be certified on the map by the City Engineer.

C. The City Engineer shall within 20 days after the receipt of the map, transmit the map together with the other materials to the City Clerk for presentation to the Council.

17.48.100 Council - Decision.

A. Approval of Map.

1. At its next regular or adjourned meeting after the filing of a final map with the City Clerk, the Council shall consider the map to determine if it is in conformity with all the requirements of the Subdivision Map Act and this title applicable at the time of approval of the tentative map, or any ruling made thereunder.
2. Upon approval of the map by the Council, the City Clerk shall deliver the map to the county recorder for recordation.

B. Disapproval of Map.

1. If the Council determines that the map is not in conformity with either the requirements of this title or the tentative approval of the reversion to acreage, the Council shall disapprove such final map, specifying its reason or reasons therefor, and the City Clerk shall, in writing, advise the subdivider of such disapproval and the reason or reasons therefor.
2. After the Council has disapproved any map, the proponent may file a new final map with the City Clerk, altered to conform to all the requirements imposed upon him by this title.

17.48.110 Merger and resubdivision.

Subdivided lands may be merged and resubdivided without reverting to acreage by complying with the requirements of Section 66499.20 1/2 of the Government Code, the requirements of this Section 17.48.110 and the requirements for the subdivision of land set forth in the balance of Chapter 17.48 of this Title 17 of this code in regard to the procedure for subdivision. The filing of the final map at the end of this procedure shall constitute legal merging of the separate parcels into one parcel and the resubdivision of such parcel, and the real property shall thereafter be shown with the new lot or parcel boundaries on the assessment roll.

A. Any streets or easements to be left in effect after the resubdivision shall be adequately delineated on the map.

B. Any unused fees or deposits previously made pursuant this Title 17 of this code pertaining to the property shall be credited pro rata toward any requirements for the same purposes which are applicable at the time of resubdivision. The additional fee for the City's processing of the application for merger and resubdivision, over and above what is charged for an initial subdivision, shall be \$ _____, payable at the time of the initiation of the request by the requesting party to the City. The amount of this fee shall be reexamined from time to time by the Council and may be changed by subsequent resolution of the Council.

C. After consideration of the merger and resubdivision by the Council, if the Council approves the merger and resubdivision, the map shall be delivered to the county recorder by the applicant for recordation. The recordation of the map shall constitute legal merger and resubdivision of the land affected thereby and shall also constitute abandonment of all streets and easements not shown on the map.

Chapter 17.52 EXCEPTIONS

Sections:

- 17.52.010** **Grounds.**
- 17.52.020** **Application.**
- 17.52.030** **Required conditions.**
- 17.52.040** **Planning commission review.**
- 17.52.050** **Council decision.**

17.52.010 **Grounds.**

The Council may, upon the petition of a subdivider or upon their own motion, authorize modifications of requirements and improvement standards as set forth in this title, whenever the land involved in a subdivision is:

- A. Of such size or shape; or
- B. Subject to such title limitations of record; or
- C. Affected by such topographical location or conditions; or
- D. To be devoted so such usage that full conformity to the provisions of this title is impossible or impractical.

17.52.020 **Application.**

The application for any exception shall be by petition filed with the secretary of the Planning Commission at the time the tentative map or tentative parcel map is presented to the Planning Commission.

17.52.030 **Required conditions.**

To approve an exception within the provisions of this section, the Planning Commission and the Council shall find that all the following conditions exist:

- A. That there are exceptional circumstances or conditions that affect the property or the reasonable use thereof;
- B. That the exception is necessary to preserve a substantial property right and permit the enjoyment thereof;
- C. That the granting of the exception will not be detrimental to the public safety, health and welfare;
- D. That the granting of the exception will not be injurious to or prevent the logical development of other property in the immediate area.

17.52.040 Planning commission review.

The commission, in recommending the granting of an exception for a tentative map or a tentative parcel map, may recommend such conditions as may be necessary to secure substantial compliance with the objectives of this title, protecting the public health, safety and welfare.

17.52.050 Council decision.

The Council shall consider and render its decision on the exception concurrently with its review of and decision on the tentative map or tentative parcel map. The Council, in granting an exception, may establish such conditions as may be necessary to secure substantial compliance with the objectives of this title, protecting the public health, safety and welfare.

Chapter 17.56 ADMINISTRATION

Sections:

17.56.010 Control of design and improvement.

17.56.020 Map approval generally.

17.56.030 Advisory agency.

17.56.040 Delegation of powers and duties.

17.56.010 Control of design and improvement.

Control of design and improvement of subdivisions is vested in the Council.

17.56.020 Map approval generally.

Jurisdiction to approve tentative and final subdivision maps and tentative parcel maps within the City is vested in the Council. Authority to approve parcel maps conforming to approved tentative parcel maps is delegated to the City Clerk.

17.56.030 Advisory agency.

The Planning Commission is designated as the advisory agency to the Council on all matters related to the subdivision of land.

17.56.040 Delegation of powers and duties.

Whenever, by the provisions of this title, a power or authority is given to, or where a duty is imposed upon any public officer, it may be exercised or performed by any deputy or departmental employee authorized by him pursuant to law unless it is expressly provided that it shall be exercised in person.

Chapter 17.60

PROHIBITIONS AND PENALTIES

Sections:

- 17.60.010 Prohibited transactions.**
- 17.60.020 Voidability of sale.**
- 17.60.030 Applicability to remedies.**
- 17.60.040 Permit refusal.**
- 17.60.050 Notice of violation.**
- 17.60.060 Violation - Penalty.**

17.60.010 Prohibited transactions.

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

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

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

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

17.60.020 Voidability of sale.

A. Any deed of conveyance, sale or contract to sell real property which has been divided or which has resulted from a division, in violation of this title, is voidable at the sole option of the grantee, buyer or person contracting to purchase, his heirs, personal representative, or trustee in insolvency or bankruptcy within one (1) year after the date of discovery of the violation of the provisions of this title; but the deed of conveyance, sale or contract to sell is binding upon any successor in interest of the grantee, buyer or person contracting to purchase, other than those above enumerated, and upon the grantor, vendor or person contracting to sell, or his assignee, heir, or devisee.

B. Any grantee, or his successor in interest, of real property which has been divided or which has resulted from a division, in violation of the provisions of this title, may, within one (1) year of the date of discovery of such violation, bring an action in the superior court to recover any damages he has suffered by reason of such division of property. The action may be brought against the person who divided the property in violation of this title and against any successors in interest who have actual or constructive knowledge of such division of property. The provisions of this section shall not apply to the conveyance of real property identified in a certificate of compliance filed pursuant to Section 66499.35 of the Subdivision Map Act or identified in a recorded final map or parcel map, from and after the date of recording. The provisions of this section shall not limit or affect in any way the rights of a grantee or his successor in interest under any other provision of law.

17.60.030 Applicability to remedies.

Nothing contained in this title shall bar any legal, equitable, or summary remedy to which the City or other political subdivision, or any person, firm or corporation may otherwise be entitled. The City or other political subdivision or person may file suit in the Superior Court of the county to restrain or enjoin any attempted or proposed subdivision or sale in violation of the Subdivision Map Act or this title.

17.60.040 Permit refusal.

Subject to the authority and requirements of Section 66499.34 of the Subdivision Map Act, the City shall refuse to grant building and other permits in relation to the property involved until such time as all the requirements of this title have been complied with.

17.60.050 Notice of violation.

Whenever the City has knowledge that real property has been subdivided in violation of this title or the Subdivision Map Act, it shall cause to be filed notice of violation pursuant to Section 66499.36 of the Subdivision Map Act.

17.60.060 Violation - Penalty.

Any offer to sell, contract to sell, sale, or deed of conveyance made contrary to the provisions of this title is a misdemeanor, and any person, firm, or corporation, upon conviction thereof, shall be punishable by a fine of not less than 25 dollars and not more than 500 dollars, or imprisonment for a period of not more than six (6) months, or by both such fine and imprisonment.

Chapter 17.64

DEVELOPMENT AGREEMENTS

Sections:

- 17.64.010** **Generally.**
- 17.64.020** **Filing.**
- 17.64.030** **Contents - Mandatory.**
- 17.64.040** **Contents - Optional.**
- 17.64.050** **Rules, regulations and official policies.**
- 17.64.060** **City department review.**
- 17.64.070** **Review committee.**
- 17.64.080** **Planning commission - Public hearings.**
- 17.64.090** **Council - Public hearing.**
- 17.64.100** **Approval by ordinance - Findings of general plan consistency.**
- 17.64.110** **Amendments or cancellation - Notices of intent.**
- 17.64.120** **Recording - Effect.**
- 17.64.130** **Compliance with state and federal laws.**
- 17.64.140** **Periodic reviews.**
- 17.64.150** **Enforcement.**

17.64.010 **Generally.**

The chapter is enacted pursuant to the authority contained in Sections 65865, et seq., of the Government Code of the state, and, in enacting this article, the Council makes the same legislative findings that are made in the Government Code of the state.

17.64.020 **Filing.**

All development agreements shall be processed as provided in this chapter.

A. Any person desiring to enter into a development agreement with the City shall first submit to the Director ten copies of the proposed development agreement.

B. The Director shall determine in writing whether such agreement is complete and accepted for processing, and shall immediately transmit such determination to the applicant. In the event the agreement is determined not to be complete, the Director's determination shall specify those parts of the agreement which are incomplete and shall indicate the manner in which such application may be made complete. The City may in the course of processing and considering the agreement, require the applicant to clarify, amplify, correct, or otherwise supplement the information provided .

17.64.030 **Contents - Mandatory.**

The proposed development agreement shall specify:

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- A. A sufficient legal description of the land to locate the property which is the subject of this proposed agreement;
- B. Name, address and telephone number of the developer, the record owner, and the person or persons proposing the agreement;
- C. The duration of the agreement;
- D. The permitted uses of the property;
- E. The density or intensity of the uses;
- F. The maximum height and size of the proposed buildings; and
- G. Shall make provisions for the reservation or dedication of land for public purposes.

17.64.040 Contents - Optional.

Development agreements may include, in the discretion of the City, the following:

- A. Conditions, terms, restrictions, and requirements for subsequent discretionary actions provided such conditions, terms, restrictions, and requirements for subsequent discretionary actions shall not prevent the development of the land for the uses and to the density or intensity of development as set forth in the agreement;
- B. That construction shall be commenced within a specified time and that the project, or any phase thereof, be completed within a specified time; and
- C. Terms and conditions relating to applicant financing of necessary public facilities and subsequent reimbursement over time.

17.64.050 Rules, regulations and official policies.

Unless otherwise provided in the development agreement, the rules, regulations and official policies governing permitted uses of the land, governing density, and governing the design, improvements, and construction standards and specifications applicable to the development of the property subject to the development agreement, shall be those rules, regulations, and official policies in force at the time of the execution of the agreement. A development agreement does not prevent the City, in subsequent actions applicable to the property, from applying new rules, regulations, and policies which do not conflict with those rules, regulations, and policies applicable to the property as set out therein, nor does a development agreement prevent the City from denying or conditionally approving any subsequent development project application on the basis of such existing or new rules, regulations, or policies.

17.64.060 City department review.

Upon receipt of a filed copy of such development agreement, each City department shall review and examine the agreement to ascertain if the agreement proposed thereon conforms to the requirements coming within the scope of authority of that City department and, within 21 calendar days after receipt thereof make a written report to the Director.

17.64.070 Review committee.

The City Administrator, Director, Public Works Director, Building Official, City Engineer, Fire Chief, and Chief of Police shall be deemed to be, and are empowered to act, as the development agreement review committee. The committee shall meet and shall formulate recommendations

and requirements on the development agreement. The development agreement review committee shall report its recommendations in writing to the Planning Commission and Council and the applicant at least three (3) days prior to any hearing or action on the development agreement by the Planning Commission or Council.

17.64.080 Planning commission - Public hearings.

A. The Planning Commission shall hold a public hearing on the development agreement and following the public hearing, make a finding as to whether the proposed development agreement is consistent with the General Plan and shall take action by written resolution to recommend to the Council to approve, conditionally approve, or disapprove the development agreement.

B. Notice of the time and place of any public hearing on a development agreement shall be given as provided in Sections 65090 and 65091 of the Government Code of the state and Section 17.20.110 of this code, in addition to any other notice which is required by law for actions to be considered concurrently with the development agreement, if any.

C. The Planning Commission shall conduct the public hearings pursuant to Section 17.20.110.

17.64.090 Council - Public hearing.

A. The Council, within 30 days following receipt of the Planning Commission's report on a development agreement, shall fix the meeting date at which it will hold a public hearing on the development agreement. The public hearing shall be held, and a decision of the council to approve, conditionally approve, or disapprove the development agreement shall be made within a reasonable period of time of receipt of the report of the Planning Commission.

B. Notice of the time and place of any public hearing on a development agreement shall be given as provided in Sections 65090 and 65091 of the Government Code of the state and Section 17.20.110 of this code, in addition to any other notice which is required by law for actions to be considered concurrently with the development agreement, if any.

17.64.100 Approval by ordinance - Findings of general plan consistency.

If the Council approves the development agreement, the Council must approve the agreement by the ordinance. In order to approve the agreement, the Council must further find that the provisions of the agreement are consistent with the General Plan and any applicable specific plan.

17.64.110 Amendments or cancellation - Notices of intent.

The development agreement may be amended, or cancelled in whole or in part, by the mutual consent of the parties to the agreement or their successors in interest. A notice of intention to adopt major amendments or to cancel any portion of the agreement shall be given on the manner set forth in Section 17.64.090(B.) of this chapter. Any major amendment to an agreement shall be approved by ordinance, subject to referendum, following findings of consistency with the General Plan and applicable specific plan, if any, as set forth in Section 17.64.100 of this chapter.

17.64.120 Recording - Effect.

The City's representative shall not sign a development agreement and bind the City thereby until the ordinance adopting the agreement has become effective. No later than ten calendar days after

the City enters into a development agreement, the City Clerk shall file for and record with the county recorder a copy of the agreement which shall describe the land subject thereto.

17.64.130 Compliance with state and federal laws.

In the event that state or federal laws or regulations, enacted after a development agreement has been entered into, prevent or preclude compliance with one or more provisions of the development agreement, such provisions of the agreement shall be modified or suspended as may be necessary to comply with such state or federal laws or regulations.

17.64.140 Periodic reviews.

Any development agreement enacted pursuant to this chapter shall contain a provision that periodic reviews of the agreement occur at least every 12 months after its execution. The applicant, or successor in interest thereto, shall be required to demonstrate good faith compliance with the terms of the agreement. If, as a result of such periodic review, the City Administrator finds and determines, on the basis of substantial evidence, that the applicant or successor in interest thereto has not complied in good faith with the terms or conditions of the agreement, the City may terminate or modify the agreement. The applicant may appeal any adverse decision of the City Administrator to the Council by written notice presented to the City Clerk within 10 calendar days after the issuance of the Administrator's decision. The decision of the Council shall be final.

17.64.150 Enforcement.

Unless amended or canceled pursuant to this chapter, a development agreement shall be enforceable by any party thereto, notwithstanding any subsequent change in any applicable general or specific plan, zoning, subdivision or building regulation adopted by the City which is in conflict with the terms of the development agreement.

Chapter 17.68

DEVELOPMENT FEES FOR THE REALIGNMENT OF CHOWCHILLA BOULEVARD AND ROBERTSON BOULEVARD

Sections:

- 17.68.010** **Applicability of chapter.**
- 17.68.020** **Findings.**
- 17.68.030** **Payment of fees a requirement for any site plan, tentative subdivision map or building permit approval.**
- 17.68.040** **Amount of fees.**
- 17.68.050** **Disposition of development fees.**
- 17.68.060** **Annual review.**
- 17.68.070** **Repeal of inconsistent prior actions.**
- 17.68.080** **Limited duration.**
- 17.68.090** **Right of appeal to Council.**

17.68.010 **Applicability of chapter.**

The fees established by this chapter shall apply to an applicant for approval of a site plan or a tentative subdivision map or a building permit for any development project which is constructed on the benefitted properties. The Council has determined that certain properties which are within the city limits are benefitted by the improvements described in this chapter and, when those properties develop, the owners of those benefitted properties would normally be required to construct the improvements described herein. These benefitted properties, on the effective date of the ordinance codified in this chapter bear the following assessor's parcel numbers: 02-060-03(W), 02-060-03(E), 02-060-04(W), 02-060-04(E), 02-060-05 and 02-120-01. It is recognized that the last property mentioned parcel is benefitted only as to the storm drainage improvements and should share in only the cost of the storm drainage improvements. The fees established by this chapter shall apply to any approval of any development project on the benefitted properties, whether or not the owners at the time of the application for a building permit are the current owners of the property.

17.68.020 **Findings.**

A. The purpose of the fees set forth in this chapter is to reimburse the City for the costs of constructing certain public improvements, including but not limited to streets (including but not necessarily limited to street paving, sidewalks, and street lights), sewer mains, water mains, storm water drainage and other related improvements, in the realignment of the southern intersection of Chowchilla Boulevard and Robertson Boulevard. A fair and just cost distribution between the benefitted properties for each of these improvements would be to base the distribution upon net acreage of each of the properties.

B. Such fees shall be used to reimburse the City's enterprise funds' capital accounts for the cost incurred by the City in constructing the public improvements and shall be used by the City in conformity with the limitations placed upon those accounts.

C. There is a reasonable relationship between the purpose of these fees and the benefitted properties because the benefitted properties will benefit from the public improvements and the development of the benefitted properties would necessitate the construction of these public improvements at that time.

D. The size of the fees shall be determined by the Council by resolution. No such fee shall be set unless it is determined by the Council to bear a reasonable relationship to the cost of the public facilities attributable to the development on which the fee is imposed. Each such resolution which sets the amount of the fees shall identify the public improvement for which the fee is charged and the method of determining the amount of the fee.

17.68.030 Payment of fees a requirement for any site plan, tentative subdivision map or building permit approval.

No site plan shall be approved for any of the benefitted properties, no tentative subdivision map shall be approved for any of the benefitted properties and no building permit shall be issued for any construction on any of the benefitted properties without the payment of all sums required by this chapter. Each of the benefitted properties shall be assessed for a proportional share of the costs to the City of constructing the public improvements. The proportion shall be determined by the Council by resolution but shall be based on the level of benefit which the Council determines is applicable to that parcel of benefitted property compared to the level of benefit received by the other benefitted properties. The Council may determine that each of the parcels are benefitted equally from the public improvements, in which case the fraction shall be one divided by the total number of properties which are determined to be benefitted properties.

17.68.040 Amount of fees.

A. The fees set forth herein shall be adjusted from time to time, but at least annually, after a public hearing, subject to Council review and approval, to reflect changes in the project costs of construction. Once determined, the actual cost of construction of these improvements, adjusted for inflation, shall be used.

B. The formula for the determination of the amount of these fees for each parcel, based upon net acreage, would be to apply the percentage set forth in the following tables to the cost of the improvements identified:

1. For sewer, water and street improvements, this calculation would lead to a distribution of costs as follows (the benefitted properties are identified by assessor's parcel numbers, (APNs)):

APN	Net Acreage	Percent
02-060-03(W)	1.07	26.68
02-060-03(E)	1.32	32.92
02-060-04(W)	0.16	3.99
02-060-04(E)	0.18	4.49

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02-060-05	<u>1.28</u>	<u>31.92</u>
	4.01	100.00

2. For storm drainage improvements this calculation would lead to a distribution of costs as follows:

APN	Net Acreage	Percent
02-060-03(W)	1.07	20.94
02-060-03(E)	1.32	25.83
02-060-04(W)	0.16	3.13
02-060-04(E)	0.18	3.52
02-060-05	1.28	25.05
02.120.01	<u>1.10</u>	<u>21.53</u>
	5.11	100.00

C. Once the actual cost of construction has been determined, the annual adjustment thereafter shall be based on both the increase in the actual cost of construction but also upon the interest which these funds would have earned had they been held in the City's enterprise funds instead of used to fund the cost of this construction project.

17.68.050 Disposition of development fees.

A. Pursuant to Government Code Section 66006, there is established a separate reserve account, within the street and roads fund, and a separate reserve account within the water enterprise fund and a separate reserve account within the sewer enterprise fund. Any fee paid pursuant to the provisions of this chapter shall be placed into the respective reserve accounts established for such fees and used solely for the purpose of implementation of the applicable public purpose for which the reserve account was established. All moneys in the reserve accounts established by this chapter shall be held separate and apart from other City funds. All interest or other earnings of each such reserve account shall be credited to that account.

B. All moneys and interest in the reserve accounts established by this chapter shall be expended on the implementation of the applicable public purpose for which the fee was established:

1. The reimbursement for all direct and indirect costs incurred by the City for such implementation pursuant to this chapter, including but not limited to, the costs of land acquisition, planning, legal advice, engineering, design, construction and equipment, as well as the actual cost of construction.

2. The reimbursement for all costs incurred by the City and associated with the administration of each account.

17.68.060 Annual review.

A. Each year, during the budget review process, the Council shall review the status of compliance with this chapter, and the degree to which fees collected pursuant to this chapter are mitigating the impacts of new commercial and residential development projects and new development entitlement.

B. For each of the reserve accounts established by this chapter, the City shall, within 60 days after the close of each fiscal year, make available to the public all the following information:

1. The beginning and ending balance for the fiscal year in that reserve account;
2. The fee, interest, and other income to that reserve account for the fiscal year;
3. The amount of expenditure by public facility from that reserve account during the fiscal year;
4. The amount of refunds made pursuant to Section 6601(e) of the Government Code out of that reserve account during the fiscal year.

C. The Council shall review the information described in subsection B of this section, at the next regularly scheduled public meeting not less than 15 days after the information required by that subsection is made available to the public.

D. Five (5) years after the effective date of the ordinance codified in this chapter, the Council shall consider a report by the City Administrator reviewing the fee formulae established to implement the provisions of this chapter, and their bases to determine whether any adjustments in the fee formulae are warranted.

E. Once all the benefitted properties have developed and paid the fees associated with them have been paid, the Council shall determine whether there is any further need for this chapter. If there is none, the Council may rescind the ordinance codified in this chapter and provide a final accounting of the reserve accounts created pursuant to the ordinance codified in this chapter.

17.68.070 Repeal of inconsistent prior actions.

Any provision of previously adopted ordinances or resolutions of the City inconsistent with the provisions of this chapter, to the extent of such inconsistency and no further, is hereby repealed or modified to the extent necessary to effect the provisions of this chapter.

17.68.080 Limited duration.

Any building permit issued by the City to a benefitted property, shall be valid for an established period of time which can be ascertained by inquiring at the City Clerk's office, unless either the connections to the City's utility systems are actually made during that time period or the approval is renewed by the Council. Any such renewal request may subject the applicant to the fees or other exactions which the Council requires at the time of the application for a renewal of the approval. If an approval or a renewal expires due to the passage of time and the original applicant does not choose to apply to renew the approval, then, upon request for a refund, the applicant's capacity fees shall be refunded to the applicant, in which case, upon the application for a building permit for that same benefitted property in the future, the development fees applicable at that time shall be paid by the applicant.

17.68.090 Right of appeal to Council.

Any person subject to a fee required by this chapter may apply to the Council for a reduction, adjustment or waiver of that fee based upon the absence of a reasonable relationship between the impact of that person's development project and the amount of the fee charged or the type of facilities to be provided.

Chapter 17.72

DEVELOPMENT FEES FOR NEWLY ANNEXED PARCELS

Sections:

- 17.72.010** **Definitions and applicability of chapter.**
- 17.72.020** **Findings.**
- 17.72.030** **Payment of and determination of amount of fees.**
- 17.72.040** **Amount of fees.**
- 17.72.050** **Disposition of development fees.**
- 17.72.060** **Annual review.**
- 17.72.070** **Repeal of inconsistent prior actions.**
- 17.72.080** **Right of appeal to Council.**

17.72.010 Definitions and applicability of chapter.

A. Whenever used in this chapter, the following terms shall have the meaning indicated:

1. "Tax sharing agreement" means the agreement between the City and the County of Madera dated on or about August 14, 1990.
2. "Benefitted properties" means all properties which are annexed to the city during the term of the tax sharing agreement.
3. "Affordable housing" means residential property which is to be developed as housing for persons and/or families of very low, low or moderate income, as those terms are defined in Section 65915 (b) of the Government Code.

B. The fees established by this chapter shall apply to an applicant for the annexation of any benefitted property.

17.72.020 Findings.

A. The City is allowed by law to impose a sales tax of up to one percent of the gross sales which occur within the city and, if the City imposes less than the one percent allowed by law, the county of Madera receives whatever portion of the one (1) percent of gross sales which the City does not receive. The City had, up until the time of the tax sharing agreement, imposed and collected the full one percent sales tax allowed by law and so the county of Madera had received none of this one percent. The Local Agency Formation Commission (LAFCO) determined that no annexation of land to the City could proceed without a tax sharing agreement between the City and the County. The County would not enter into a tax sharing agreement with the City unless such agreement included a provision requiring the City to impose less than the one percent sales tax over the ten-year term of the tax sharing agreement.

B. All properties which are annexed to the city from and after the effective date of the ordinance codified in this chapter are benefitted by the tax sharing agreement, when those

properties annex to the city, and the owners of those benefitted properties should be required to participate in the reimbursement to the City of the costs incurred by the City described herein.

C. The purpose of the fees set forth in this chapter is to reimburse the City for the costs of obtaining a tax sharing agreement with the county of Madera. A fair and just cost distribution between the benefitted properties for these costs is to base the distribution upon net acreage of each of the properties.

D. Such fees shall be used to reimburse the City's general fund for the cost incurred by the City in entering into said tax sharing agreement, and shall be used by the City in conformity with the limitations placed upon that account.

E. There is a reasonable relationship between the purpose of these fees and the benefitted properties because the benefitted properties will benefit from annexation to the City which could not have occurred, but for the tax sharing agreement and the development of the benefitted properties within the City could not occur without such a tax sharing agreement.

F. The size of the fees shall be determined by the Council by resolution. No such fee shall be set unless it is determined by the Council to bear a reasonable relationship to the cost of the tax sharing agreement. Each such resolution which sets the amount of the fees shall identify the improvement for which the fee is charged and the method of determining the amount of the fee.

17.72.030 Payment of and determination of amount of fees.

Such fee shall be payable at the time of and as a condition of the City processing an application for annexation to the city. Each of the benefitted properties shall be assessed for a proportional share of the costs to the City of the tax sharing agreement. The Council hereby determines that the following formula shall be applied for this purpose:

A. For all property, other than property which is annexed for the purpose of being developed as affordable housing, the amount of the fee shall be determined by determining the level of benefit to the property from the tax sharing agreement. The level of benefit shall be expressed as a fraction which shall be the acreage of that particular benefitted property divided by the total acreage of all the benefitted properties which had annexed to the city between the effective date of the ordinance codified in this chapter, including the benefitted property, plus one thousand fifteen acres (which is all the property located in the Greenhills annexation)

B. In order to determine the amount of the fees to be paid by this particular benefitted property, that fraction shall then be multiplied by the projected loss in sales tax revenue to the City for the remaining term of the tax sharing agreement.

C. Residential property which is to be developed as affordable housing shall count as having no acreage.

1. If a portion of the land to be annexed is to be used for an affordable housing project and a portion is to be used for some other purpose, then only that land which is to be used for the other purpose shall be counted in determining that benefitted property's fee.

2. If, after land is annexed into the city as property to be developed as affordable housing, the property owner then applies for any development entitlements which are inconsistent with the affordable housing use indicated, the property owner shall be required as a condition of the issuance of that development entitlement to pay all annexation fees which would have had to pay, but for the waiver based on the affordable housing use designation.

3. For the purpose of interpreting this section, the term "development entitlements" shall include each of the following: tentative or final parcel map; tentative or final subdivision map; site plan; building permit; certificate of occupancy.

4. Once a property has been annexed into the city under the terms of this clause, if it is then developed as and used as affordable housing for a period of ten years, then any future development entitlements for that property would not require the payment of the waived annexation fees.

17.72.040 Amount of fees.

The fees set forth herein shall be adjusted from time to time, but at least annually, after a public hearing, subject to Council review and approval, to reflect changes in the cost of the tax sharing agreement based upon the actual sales tax revenue received during the immediately preceding year. The formula for the determination of the amount of these fees for each parcel, based upon the fraction determined under the previous code section, would be to multiply the fraction against the total amount of the cost of the tax sharing agreement projected for the balance of the life of the tax sharing agreement, based on the actual sales tax revenue for the preceding year, as determined by the Council.

17.72.050 Disposition of development fees.

A. Pursuant to Government Code Section 66006, there is hereby established a separate reserve account, within the general fund. Any fee paid pursuant to the provisions of this chapter shall be placed into the reserve account established for such fees and used solely for the purpose of replacing the sales tax revenue not received by the City by virtue of the tax sharing agreement. All moneys in the reserve account established by this chapter shall be held separate and apart from other City funds until the Council determines otherwise for that year. All interest or other earnings of each such reserve account shall be credited to that account.

B. All moneys and interest in the reserve accounts established by this chapter shall be expended on the implementation of the applicable public purpose for which the fee was established:

1. The reimbursement for all direct and indirect costs incurred by the City for such implementation pursuant to this chapter, including but not limited to, the actual revenue lost due to the setting of the prior year's sales tax at a rate lower than one (1) percent;

2. The reimbursement for all costs incurred by the City and associated with the administration of each account.

17.72.060 Annual review.

A. Each year, during the budget review process, the Council shall review the status of compliance with this chapter, and the degree to which fees collected pursuant to this chapter are mitigating the impacts of new commercial and residential development projects and new development entitlement.

B. For the reserve account established by this chapter, the City shall, within sixty days after the close of each fiscal year, make available to the public all the following information:

1. The beginning and ending balance for the fiscal year in that reserve account;

2. The fee, interest, and other income to that reserve account for the fiscal year;

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3. The amount of expenditure by line item category from that reserve account during the fiscal year;
 4. The amount of refunds made pursuant to Section 66001(e) of the Government Code out of that reserve account during the fiscal year.
- C. The Council shall review the information described in subsection B of this section, at the next regularly scheduled public meeting not less than fifteen days after the information required by that subsection is made available to the public.
- D. Five years after the effective date of the ordinance codified in this chapter, the Council shall consider a report by the City Administrator reviewing the fee formulae established to implement the provisions of this chapter, and their bases to determine whether any adjustments in the fee formulae are warranted.
- E. Once the current tax sharing agreement has been terminated, either by the passage of time or by other means, the Council shall determine whether there is any further need for this chapter. If there is none, the council may rescind the ordinance codified in this chapter and provide a final accounting of the reserve accounts created pursuant to this chapter.

17.72.070 Repeal of inconsistent prior actions.

Any provision of previously adopted ordinances or resolutions of the City inconsistent with the provisions of this chapter, to the extent of such inconsistency and no further, is repealed or modified to the extent necessary to effect the provisions of this chapter.

17.72.080 Right of appeal to Council.

Any person subject to a fee required by this chapter may apply to the Council for a reduction, adjustment or waiver of that fee based upon the absence of a reasonable relationship between the impact of that person's development project and the amount of the fee charged or the type of facilities to be provided.

Chapter 17.76

DEVELOPMENT IMPACT FEES

Sections:

- 17.76.010** **Establishment, purpose and use of development impact fees.**
- 17.76.020** **Definitions.**
- 17.76.030** **Relationship between the need for the additional public facilities and the type of development.**
- 17.76.040** **Adjustment of fee.**
- 17.76.050** **Relationship between the amount of the fee and the cost of facilities attributable to the development upon which the fee is imposed.**
- 17.76.060** **Relationship between the use of the fee and the type of development upon which the fee is imposed.**
- 17.76.070** **Payment of fee.**
- 17.76.080** **Exempted activities.**
- 17.76.085** **Multi-family in-fill.**
- 17.76.090** **Accounting for funds.**
- 17.76.100** **Annual findings.**

17.76.010 Establishment, purpose and use of development impact fees.

A. The Council creates and establishes a separate development impact fee for the City which shall be used to mitigate unfavorable impacts attributed to new development for public facilities in each of the following categories: fire facilities, equipment and training; general facilities and equipment necessary for the administration of the City which are not listed in any one of the other categories of essential infrastructure; law enforcement facilities, equipment and training; public works facilities and equipment; recreation facilities; sewage collection facilities; sewage treatment facilities; streets and thoroughfares; storm drainage facilities; traffic control facilities; water distribution facilities; or water supply well facilities. The Council has already established and affirms its development facility fees for each of the following:

1. Water production facilities and water delivery facilities, which are more fully set forth in Section 13.04.065 of this code;
2. Sewage treatment facilities and sewage collection facilities, which are more fully set forth in Section 13.12.050 of this code;
3. Recreation and park facilities, which is more fully set forth in Section 17.40.010 of this code;
4. Storm drainage facilities, which is more fully set forth in Section 17.40.020 of this code.

For convenience, all the development fees so established or affirmed shall be referred to in this chapter in the singular, as "the fee." Specifically, the fee shall be used by the City to pay a portion of the costs of designated public facilities and, insofar as is legally permissible, for

operations and cost increases due to development. The fee shall be based on a method designed to ensure that developers pay their fair share of the cost of such public facilities required to serve the city's growing population.

B. Such public facilities are currently identified in the most recent Capital Improvement Program, Master Plans, Development Impact Fee Studies, and/or any other document adopted by the City specifying public facilities to be constructed, (all of which are referred to collectively hereinafter as the CIP Studies) prepared for the City by the Director, the City Engineer and the City attorney's offices. The CIP facilities may be added to or deleted from the plan, but the Council directs that the fee shall be used only for public facilities in any one of the categories of "essential infrastructure," (as that term is defined in this chapter) for which that fee was collected.

17.76.020 Definitions.

For purposes of this chapter, the following words shall have the meanings indicated in this section:

"Build out of the city" means the probable addition to the city's population and location of that population in accordance with the General Plan.

"Costs of public facilities" means any costs related to the acquisition, construction and/or financing of public facilities and/or equipment funded through the City's CIP and/or the subject of the CIP studies, including but not limited to the costs associated with the preparation of those studies, this chapter and the rate resolution necessary to implement this chapter, and, to the extent permitted by law, for the increased costs of police department operations and/or fire department operations resulting from the impact of new development of these services.

"Essential infrastructure" means each of the following, including any related facilities:

1. Fire facilities, equipment and training;
2. General facilities and equipment necessary for the administration of the city which are not listed in any one of the other categories of essential infrastructure;
3. Law enforcement facilities, equipment and training;
4. Public works facilities and equipment;
5. Recreation facilities, (which does not include park lands subject to the Quimby Act, which are more fully set forth in Section 17.40.010 of this code);
6. Sewage collection facilities;
7. Sewage treatment facilities, which are more fully set forth in Section 13.12.050, of this code;
8. Streets and thoroughfares;
9. Storm drainage facilities, which is more fully set forth in Section 17.40.020 of this code;
10. Traffic control facilities;
11. Water distribution facilities; and
12. Water supply well facilities, which are more fully set forth in Section 13.04.065 of this code.

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"Fire facilities, equipment and training" means any capital improvements or capital equipment related to the City fire department, along with the cost of recruiting, training and equipping such additional fire department personnel as will be required, based on the CIP studies, or any of them, to provide fire protection services to the new development which is projected to come into the city between the effective date of the ordinance codified in this chapter and build out of the city.

"General facilities and equipment" means the additional space at City Hall, the City corporation yard, City offices located elsewhere, City parking areas, and similar facilities, along with necessary equipment in or through which the City conducts general City operations, necessary in order to accommodate the growth in City government which will be necessary in order to maintain the present level of government services and still accommodate the anticipated new development in the city until build out of the city.

"Law enforcement facilities, equipment and training" means any capital improvements or capital equipment related to the City police department, along with the cost of recruiting, training and equipping such additional police department personnel as will be required, based on the CIP studies, or any of them, to provide police protection services to the new development which is projected to come into the city between the effective date of the ordinance codified in this chapter and build out of the city.

"New development" means any residential, commercial, or industrial development which occurs in the city after the effective date of said ordinance and/or any amendment to this chapter, including but not limited development on any so-called in-fill lots created prior to January 1, 1985 to the extent the resolution implementing this chapter determines that such fees are applicable to in-fill lots.

"Public works facilities and equipment" means any capital improvement or capital equipment related to the work of the City's department of public works which is not included in either sewage collection facilities, sewage treatment facilities, streets and thoroughfares, storm drainage facilities, traffic control facilities, water distribution facilities or water supply well facilities, which will be required either to improve and/or expand existing facilities or to construct new facilities, based on the CIP studies, or any of them, to provide public works services to the new development which is projected to come into the city between the effective date of said ordinance and build out of the city at a level which is comparable to the level currently provided to the existing residents of the city.

"Recreation facilities" means any capital improvement or capital equipment related to the City park and recreational facilities, which will be required either to improve and/or expand existing facilities or to construct new facilities, based on the CIP studies, or any of them, to provide park and recreational services to the new development which is projected to come into the city between the effective date of the ordinance codified in this chapter and build out of the city at a level which is comparable to the level currently provided to the existing residents of the city. This fee does not include the actual acquisition of the land for new parks or the expansion of existing parks, since that is in fact subject to the Quimby Act and Section 17.40.010 of this code and may require new development to provide land (or a fee in lieu of land) at a level of service which is higher than is currently provided by the City.

"Related facilities" means any major landscaping, fountains, monuments, signs or similar facilities, activities and operations of a general benefit to the City which will be necessary to

construct adequate facilities to meet the needs of new development within the city, as described in the CIP studies, or any of them.

"Sewage collection facilities" means all of the sewage facilities, including sewer mains, sewer laterals, pumps, pump stations and related facilities which are necessary for the purpose of collecting domestic sewage and transporting it to the appropriate sewage treatment plant as will be required, based on the CIP studies, or any of them, to provide sewage collection services to the new development which is projected to come into the city between the effective date of the ordinance codified in this chapter and build out of the city. This sum does not include any such facilities which the developer is required to provide himself but is calculated using data based upon the capacity of shared facilities.

"Sewage treatment facilities" means all of the sewage treatment facilities, including sewage treatment plants, basins for de-watering treated or partially treated sewage, sludge drying beds, sludge storage and transportation facilities, any farm land acquired by the City for the purpose of disposing of water which is the byproduct of the treatment of sewage, and related facilities which are necessary for the purpose of treating domestic sewage as will be required by the City, based on the CIP studies, or any of them, to provide sewage treatment services to the new development which is projected to come into the city between the effective date of said ordinance and build out of the city. The provisions of Section 13.12.050 of this code set forth the method by which the amount of this fee is calculated.

"Streets and thoroughfares" means the cost of widening, construction of additional lanes of travel as well as other work which will be required due to new development generating additional motor vehicle trips on the City's existing network or arterial, collector and local streets, as is defined in detail in the CIP studies. These costs include but are not limited to the costs of the acquisition of additional right of way, the cost of clearing, grading and paving as well as the costs of necessary traffic studies to determine the timing of the construction of these facilities so that the City's traffic congestion level remains at no worse than at the time of the adoption of the ordinance codified in this chapter.

"Storm drainage facilities" means all of the stormwater collection, retention and disposal facilities, including stormwater mains, ditches, canals, pumps, pump stations, retention basin, detention basins and related facilities which are necessary for the purpose of collecting stormwater run-off and transporting it to the appropriate stormwater basin as will be required, based on the CIP studies, or any of them, to provide sewage collection services to the new development which is projected to come into the city between the effective date of said ordinance and build out of the city. This sum does not include any such facilities which the developer is required to provide himself but is calculated using data based upon the capacity of shared facilities. The provisions of Section 17.40.020 of this code set forth the method by which the amount of this fee is calculated.

"Traffic control facilities" means the cost of acquiring, installing, wiring and regulating traffic signals, traffic signs and any other traffic control devices which will be required to regulate the flow of motor vehicle traffic due to new development generating additional motor vehicle trips on the City's existing network of arterial, collector and local streets, as is defined in detail in the CIP studies.

"Water distribution facilities" means all of the domestic water facilities, including water mains, water laterals, pumps and pump stations and related facilities which are necessary for the

purpose of transporting domestic water from the water well to any water storage facility, if necessary, and then transporting and delivering domestic water to the ultimate user of that water as will be required, based on the CIP studies, or any of them, to provide water delivery services to the new development which is projected to come into the city between the effective date of the ordinance codified in this chapter and build out of the city. This sum does not include any such facilities which the developer is required to provide himself but is calculated using data based upon the capacity of shared facilities. The provisions of Section 13.04.065(B) of this code set forth the method by which the amount of this fee is calculated.

"Water supply well facilities" means all of the domestic water production facilities, including water wells, water well pumps and pump stations and related facilities which are necessary for the purpose of bringing domestic water to the surface from the water well, any water storage facility required, and related facilities for the production of domestic water as will be required, based on the CIP studies, or any of them, to provide water delivery services to the new development which is projected to come into the city between the effective date of the ordinance codified in this chapter and build out of the city. This sum does not include any such facilities which the developer is required to provide himself but is calculated using data based upon the capacity of shared facilities. The provisions of Section 13.04.005(C) of this code set forth the method by which the amount of this fee is calculated.

17.76.030 Relationship between the need for the additional public facilities and the type of development.

For all the essential infrastructure the Council is committed to maintaining the same level of public facilities and services and the same facilities-to-population relationship which existed on the date of the most recent amendment of this chapter in order to ensure that, to the extent that growth of the city occurs in the future, there will be an adequate level of public facilities and services. For park land, the Council determines, pursuant to Section 66477 of the Government Code, to require new development to either dedicate land or pay fees in lieu thereof based on a minimum ratio of at least three acres of land per one thousand new residents of the city, even though that ratio exceeds the actual ratio in existence at the time of the adoption of the ordinance establishing this new standard. The Council finds that a reasonable relationship exists between the need for additional public facilities, equipment and operations which the fee is designed to pay, and the type of development project for which the fee is imposed for the following reasons:

- A. The Council has determined that commercial and industrial developments result in a need for additional public services which, in turn, ultimately result in a need for additional government and public facilities for essential infrastructure and related facilities. Based on the level of public services and public facilities-to-population relationship which existed on the date of the adoption and amendment of this chapter, and the extent to which commercial and industrial developments contribute to growth, the Council determines that commercial and industrial development should be assessed at rates to be established by resolution of the Council as the fair share of contribution for the costs of these required facilities and services.
- B. The Council has determined that residential development, including new mobilehome park development, results in significant increases in city population and that such residential development adversely affects the public facilities-to-population relationship which existed on the date of the adoption and amendment of this chapter. The Council has further determined that because residential development results in significant increases in population, such development

results in the need for essential infrastructure and related facilities (including but not limited to parks and recreation facilities) based on the public facilities-to-population relationship which existed on said date, residential development shall be assessed at the rate established by resolution of the Council for the costs for these required public facilities and services.

17.76.040 Adjustment of fee.

The fee set forth herein shall be adjusted from time to time but not less than annually, subject to Council review and approval, after a noticed public hearing, to reflect changes in costs as determined by the City Administrator and department head level staff.

17.76.050 Relationship between the amount of the fee and the cost of facilities attributable to the development upon which the fee is imposed.

The Council finds that there is a reasonable relationship between the amount of the fee set by resolution of the Council and the cost of the public facilities or portions thereof attributable to the development on which the fee is imposed. The basis for such determination is set out in reports to the Council from the City Administrator, the Director and the City Engineer and such consultants as the Council determines are necessary, if any, to develop accurate costs and fees to cover such costs.

17.76.060 Relationship between the use of the fee and the type of development upon which the fee is imposed.

The Council finds that there is a reasonable relationship between the use of the fee for specified categories of public facilities and the type of development project for which the fee is imposed for the following reasons:

A. The Council finds that the use of fees generated from commercial and industrial development for parks and recreation facilities is not reasonable because the Council determines that there is no substantial demand placed on such facilities as a result of commercial and industrial development. The Council finds further that the use of fees generated from commercial and industrial development for stormwater facilities is reasonable in instances where regional collection systems and drainage basins are planned. However, the use of fees generated from commercial and industrial development for stormwater facilities is not reasonable where no regional collection systems and basins are planned, and the City has required such commercial and industrial development to provide for its own on-site disposal of site generated stormwater thereby substantially diverting its demand on the city's stormwater facilities as a result of such commercial and industrial development. Because commercial and industrial developments do increase demand on all other essential infrastructure and related facilities, the Council finds that the use of fees generated from commercial and industrial development for such facilities is reasonable and is supported by the City Engineer's applicable stormwater calculations and estimates based on site use.

B. The Council finds that the use of fees generated from residential development for all essential infrastructure and related facilities, including but not limited to parks and recreations facilities and stormwater fees, is reasonable because growth in residential population places demand on all such facilities as outlined and provided under the General Plan and its associated environmental documents.

C. The Council further finds that funding of the costs of essential infrastructure, including capital equipment set forth in the current CIP studies of the City Engineer on file with the Public

Works Department and/or the office of the City Engineer accomplishes the goals and purposes set forth in subsections A and B of this section and that the use of revenues generated by the specified development impact fees for projects and outlays set forth in the CIP studies is warranted and justified.

17.76.070 Payment of fee.

Any owner or developer applying for a building permit for commercial or industrial development shall be assessed and shall pay the fee in conjunction with payment for the building permit subject to the provisions of Government Code Section 66007. Any owner or developer of a residential development shall pay the fee on the date of final inspection or the date the certificate of occupancy is issued, whichever occurs first. In the case of subdivision, the fees shall be paid on a lump sum basis, as follows:

- A. When the first dwelling in the development receives its final inspection or certificate of occupancy, whichever occurs first, that portion of the fee shall be paid which represents payment for each of the following: fire facilities, equipment and training; general facilities and equipment; law enforcement facilities, equipment and training; public works facilities and equipment.
- B. As a condition of filing the final subdivision map, that portion of the fee shall be paid which represents payment for each of the following: recreation facilities; sewage collection facilities; sewage treatment facilities; streets and thoroughfares; storm drainage facilities; traffic control facilities; water distribution facilities; or water supply well facilities.

17.76.080 Exempted activities.

Any owner or developer engaging in development activities which satisfy the following criteria shall not be required to pay the fee:

- A. An alteration which does not increase the floor area of a structure; or
- B. An addition to a single-family residential dwelling unit which does not constitute the addition of a dwelling unit as defined by the Uniform Building Code;
- C. Construction of a single-family dwelling on a legal lot that was created prior to January 1, 1985 (in-fill development).

17.76.085 Multi-family in-fill.

Any owner or developer engaging in development activities which satisfy the following criteria shall not be required to pay the fee:

Any owner or developer engaging in the development activities for multiple units constructed on legal in-fill lots created prior to January 1, 1985 shall pay the following facility and development fees based on the following number of units:

- A. The construction of a duplex unit shall pay facility and development fees for one unit.
- B. The construction of a triplex unit shall pay facility and development fees for two units.
- C. The construction of a quadplex unit shall pay facility and development fees for three units.
- D. All multiple developments in excess of four (4) units constructed on legal in-fill lots created prior to January 1, 1985 shall receive a credit for one (1) unit only.

E. All development shall be required to pay the water/sewer connection for all units constructed, as well as, all plan check and permit fees, building inspection and other incidental fees as required by the City.

17.76.090 Accounting for funds.

A. Pursuant to Government Code Section 66006, the Council directs that each of the fees collected hereunder shall be maintained in a fund separate from the City's general fund and separate from each other in the following special accounts:

1. Fire facilities, equipment and training;
2. General facilities and equipment necessary for the administration of the City;
3. Law enforcement facilities, equipment and training;
4. Public works facilities and equipment;
5. Recreation facilities;
6. Sewage collection facilities;
7. Sewage treatment facilities;
8. Streets and thoroughfares;
9. Storm drainage facilities;
10. Traffic control facilities;
11. Water distribution facilities; and
12. Water supply well facilities.

B. The City shall use the funds so deposited into these special accounts (along with interest earnings thereon) for the costs of public facilities as specified herein and only for the category of improvements for which the funds were deposited in that particular account.

C. If a fee paid by an owner or developer for a particular development has been retained by the City for five or more years, and City has not committed that fee to costs for public facilities, then the Council shall make findings describing the continuing need to retain the fee each fiscal year thereafter. The Council does not make such findings, then the City shall refund the collected fees as appropriate, along with the interest, if any, which those funds have generated since they were collected.

17.76.100 Annual findings.

A. Each year, during the budget review process, the Council shall review the status of compliance with this chapter and the degree to which fees collected pursuant to this chapter are mitigating the impacts of new industrial, commercial and residential development projects and new development entitlements.

B. For each of the accounts established by this chapter, the City shall, within sixty days after the close of each fiscal year, make available to the public all the following information:

1. The beginning and ending balance for the fiscal year in that account;
2. The fee, interest and other income to that account for the fiscal year;

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3. The amount of expenditure by line item category from that account during the fiscal year;
 4. The amount of refunds made pursuant to Section 66001(e) of the Government Code out of that account during the fiscal year.
- C. The Council shall review the information described in subsection B of this section, at the next regularly scheduled public meeting of the Council, not less than fifteen days after the information required by that subsection is made available to the public.
- D. Five years after the effective date of the ordinance which adopted this chapter, the Council shall consider a report by the City Administrator reviewing the fee formulae established to implement the provisions of this chapter and their bases to determine whether any adjustments in the fee formulae are warranted.

Chapter 17.98

DEFINITION OF TERMS

Sections:

17.98.010 **Generally.**

17.98.020 **Definitions.**

17.98.010 **Generally.**

The definitions and meanings of the words and phrases, which are defined in the Subdivision Map Act, are used in this title as defined in this chapter, unless from the context hereof it clearly appears that a different meaning is intended. "May" indicates an action which is permissive and "shall" indicates an action which is mandatory. All words in the singular shall include the plural, the plural, the singular. Each gender shall include the other. Each tense shall include the other tenses.

17.98.020 **Definitions.**

"Abut" means to be contiguous to and in actual contact along a common line.

"Access road" means a road which connects a subdivision to a public road.

"Alley" means a public thoroughfare for the use of pedestrians and/or vehicles, producing only a secondary means of access to the abutting property.

"Applicant" means the property owner or his/her authorized agent or contractor who is requesting approval of a project.

"Approved" means approved by the Council or by the department having jurisdiction on such matters, unless otherwise specified.

"Approved private road" means a strip of land approved by the Council for road purposes, which has not been dedicated or accepted as a public road and which connects a parcel of land with a public road.

"Arterial," "collector," "local collector" and "local" mean a road designated as such in the circulation element of the General Plan of the City, adopted by the Council.

"Building Official" means the Building Official of the City of Chowchilla, or his/her designee.

"Building setback area, front" means an area extending across the full width of the lot between the front lot line or the existing or future street right-of-way and a structural setback line parallel thereto. On corner lots, the shortest street frontage shall be the front building setback area.

"Building setback area, rear" means an area extending across the full width of the lot between the rear lot line and a setback line parallel thereto.

"City" means the City of Chowchilla, California.

"City Engineer" means the City Engineer of the City of Chowchilla, or his/her designee.

"Clerk" means the City Clerk for the City of Chowchilla, or his/her designee.

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"Commission" means the city Planning Commission

"Community apartment" means an undivided interest in common in the land coupled with the right of exclusive occupancy of an apartment unit which is part of a community apartment project.

"Condominium" means an estate in real property consisting of an undivided interest in common in a portion of a parcel of real property, together with a separate interest in space in a residential, industrial, or commercial building on such real property, such as an apartment, office, or store.

"Council" mean the City Council of the City of Chowchilla.

"County Recorder" means the County Recorder of the County of Madera.

"Cul-de-sac" means a road which terminates in a permanent turnaround and which by design is not intended to continue beyond its terminal point.

"Dead-end road" (stub road) means a road which is terminated at the boundary line of the subdivision, but which will be required to be extended at a later date to provide access to abutting land.

"Dedicated road" means a right-of-way dedicated to the City for road purposes, and legally accepted as such by the City.

"Design" means:

- A. Street alignments, grades and widths;
- B. Drainage and sanitary facilities and utilities including alignments and grades thereof;
- C. Location and size of all required easements and rights-of-way;
- D. Fire roads and firebreaks;
- E. Lot size and configuration;
- F. Traffic access;
- G. Grading;
- H. Land to be dedicated for park or recreation purposes;
- I. Such other specific requirements in the plan and configuration of the entire subdivision as may be necessary or convenient to insure conformity to or implementation of the General Plan or adopted specific plans.

"Director" means the Community and Economic Development Director of the City of Chowchilla, or his/her designee.

"Dividing strip" means a separation between opposite directional flows of traffic. It may also serve to separate a road or highway from the parallel frontage road which provides access to property.

"Double frontage lot" (or through lot) means a lot having frontage on two roads and having the right of access to both of those roads, but excluding corner lots.

"Easement for public road" means a right-of-way offered to the City for road purposes by a division of land. Upon acceptance by the City, it is deemed a City road.

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"Existing lot or building site" means a designated lot or contiguous lots on a lawfully established subdivision map or record of survey so existing upon the effective date of the ordinance codified in this title, or a whole parcel of land under separate ownership so existing upon the effective date of the ordinance codified in this title, or such a lot or separate parcel of land thereafter lawfully created.

"Expressway" means a highway for through traffic with full or partial control of access and generally with intersections at grade.

"Final map" is the official map which is recorded by the county recorder indicating the divisions of land within the subdivision. It shall conform with the requirements of Chapter 17.36.

"Freeway" means a highway for through traffic with full control of access and generally with grade separation at intersections.

"Frontage" means that portion of a parcel of property which abuts on a public or approved private road.

"Frontage road" (service road or outer highway) means those roads which parallel freeways, expressways, highways or other major streets, providing for access to abutting property or for circulation, and which are separated from the highway or street by a dividing strip.

"General Plan" means a document adopted by the City Council containing statement of policies, including text and diagrams, setting forth objectives, principles, standards, and plan proposals, for the future physical development of the City of Chowchilla.

A. "Improvement" refers to such street work and utilities to be installed, or agreed to be installed, by the subdivider on the land to be used for public or private streets, highways, ways and easements as are necessary for the general use of the lot owners in the subdivision and local neighborhood traffic and drainage needs as a condition precedent to the approval and acceptance of the final map or parcel map.

B. Improvement also refers to such other specific improvements or types of improvements, the installation of which, either by the subdivider, by public agencies, by private utilities, by any other entity approved by the Council, or by a combination thereof, is necessary or convenient to insure conformity to or implementation of the General Plan, or any approved specific plan.

"Improvement plans" means the plans, profiles, cross sections, and specifications of all proposed improvements, including the information required by Section 17.32.230.

"Improvement standards" means the same as standard specifications, as set forth in Section 17.08.500.

"Local road" means any public road that is used or is intended to be used for the principal purpose of serving as access to abutting property.

"Lot" means:

A. A parcel of real property with a separate and distinct number or other designation shown on a subdivision map recorded in the office of the County Recorder; or

B. A parcel of real property delineated on an approved record of survey map or parcel map as filed in the office of the county recorder and, if required by Title 18 of this code, abutting at least one public road or approved private road.

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"Lot line" means any line bounding a lot as herein defined.

"Map act" means the Subdivision Map Act as set forth in Title 7, Division 2, Government Code of the State of California.

"Master plan" means the same as General Plan, as set forth in Section 17.08.290.

"Nonaccess line" means a line delineated on a subdivision map, or described in a deed, which is for the purpose of prohibiting access.

"Outlot" means a lot designated alphabetically on the subdivision map for specific use or nonuse.

"Parcel map" means a map prepared for acceptance by the City and the county recorder in accordance with an approved tentative parcel map as provided for in Chapter 17.28 and state laws.

"Person" means person, firm, corporation, or organization.

"Plan line" means a precise location for a future street right-of-way as shown on a specific plan.

"Planning Commission" means the Planning Commission of the City of Chowchilla, duly appointed in accordance with Section 2.24.020 of the Chowchilla Municipal Code.

"Private road" means the same as approved private road.

"Public road" means any state highway, county or City street, avenue, highway, or road system of the public agency having jurisdiction thereof or to be included within the maintained road system by agreement between the agencies and the subdivider.

"Restricted access strip" means a strip of land not less than one foot in width for the purpose of regulating access to part-width and dead-end roads until such time as such roads may be completed or extended.

"Secretary of the Planning Commission" means the secretary of the Planning Commission of the City, duly appointed by the Council, and includes staff designated or assigned to the review of subdivision maps.

"Specific plan" (precise plan) means a plan for a specific area designated by the Council, including all detailed regulations, conditions, programs, and proposed legislation which shall be necessary or convenient for the systematic implementation of each element of the General Plan.

"Standard specifications" means the design and improvement requirements established by the Council applicable at the time of approval of a tentative subdivision map or tentative parcel map and as set forth in the City standard specifications manual or any amendments thereto.

"Stub road" (dead-end road) means a road which is terminated at the boundary line of the subdivision, but which will be required to be extended at a later date to provide access to abutting land.

"Subdivider" means a person, firm, corporation, partnership, or association who proposed to divide, divides, or causes to be divided, real property into a subdivision for himself or for others, except that employees and consultants of such persons or entities, acting in such capacity are not subdividers.

"Subdivision," for the purposes of this chapter, means a division by any subdivider of any unit or units of improved or unimproved land, or any portion thereof, shown on the latest equalized

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county assessment role as a unit or as contiguous units for the purpose of sale, lease, or financing whether immediate or future, except for leases of agricultural land for agricultural purposes. Property shall be considered as contiguous units even if parcels are separated by roads, streets, utility easements, or railroad right-of-way. Subdivision includes a condominium project as defined in Section 1350 of the Civil Code of the state or community apartment project as defined in Section 11004 of the State Business and Professions Code. Any conveyance of land to a governmental agency, public entity, or public utility shall not be considered a division of land for purposes of computing the number of parcels. As used in this section, "agricultural purposes" means the cultivation of food or fiber or the grazing or pasturing of livestock.

"Temporary turnaround" means paved area for turning vehicles at the end of a dead-end road, which is constructed either within the dedicated right-of-way or upon a temporary easement, to be obliterated when the road is extended.

"Tentative map" refers to a map made for the purpose of showing the design and improvement of a proposed subdivision and the existing conditions in and around it and need not be based upon an accurate or detailed final survey of the property. It is the map which is required to be presented to the secretary of the Planning Commission in order to officially commence the process of dividing land according to the requirements of this code. It shall conform with the requirements of Chapter 17.20.

"Tentative parcel map" means the tentative map for a division of land defined in Section 17.28.020, which is required to be presented to the secretary of the Planning Commission in order to officially commence the process of dividing land according to the requirements of this code. It shall conform with the requirements of Chapter 17.28.

"Vesting tentative map" means a map which meets the requirements of a tentative map as described in Section 17.08.560 of this Code and Government Code Section 66498.1. and has conspicuously printed on its face the words "vesting tentative map."

"Watercourse" means a strip of land over which water flows, having a definite bed, bank and channel wherein the water need not flow continually but usually flows in a particular direction.

"Zone district" means one or more of the zone districts established by Title 18 of this Municipal Code.