

Escalon Subdivision Ordinance

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CHAPTER 16.01

GENERAL PROVISIONS

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16.01.010 Title and Reference.

This Title is adopted pursuant to Article XI, Section 7 of the California Constitution, and to supplement and implement the Subdivision Map Act, Government Code section 66410 et seq., and may be cited as the “Escalon Subdivision Ordinance.”

16.01.020 Purpose.

It is the purpose of this Title to regulate and control the division of land within the City and to supplement the provisions of the Subdivision Map Act concerning the design, improvement and survey data of subdivisions, the form and content of all required maps provided by the Subdivision Map Act, and the procedure to be followed in securing the official approval of the City regarding the maps. To accomplish this purpose, the regulations contained in this Title are determined to be necessary to preserve the public health, safety and general welfare; to promote orderly growth and development; to promote open space, conservation, protection and proper use of land; and to ensure provision for adequate traffic circulation, utilities and other services of the City.

16.01.030 Relationship to General Plan and Other City Land Use Regulations.

A. The regulations established by this Title are designed to assist in the systematic implementation of the General Plan, specific and community plans, the Zoning Ordinance and other land use regulations, and to provide for public needs, health and safety, convenience and general welfare.

B. A report as to conformity to the General Plan, when required pursuant to Section 65402 of the Government Code as the result of a proposed division of land, shall be included as part of and at the same time as the action taken by the Planning Commission on such division of land. Such report is not required for a proposed subdivision that involves:

1. The disposition of the remainder of a larger parcel that was acquired and used in part for street purposes;
2. Acquisitions, dispositions or abandonment for street widening; or
3. Alignment projects, provided that the Planning Commission expressly finds that any such disposition for street purposes, acquisitions, dispositions or abandonments for street widening or alignment projects is of a minor nature.

C. Neither the approval nor conditional approval of a tentative subdivision map or parcel map shall constitute or waive compliance with any other applicable provisions of the City Code or other applicable ordinances

or regulations adopted by the City, nor shall any such approval authorize or be deemed to authorize a violation or failure to comply with other applicable provisions of the City Code or other applicable ordinances or regulations adopted by the City. Nothing in these regulations shall be construed to permit the premature or haphazard subdivision of lands in violation of the applicable zoning and land use regulations.

16.01.040 Authority, Responsibility.

- A. City Council. The City Council shall be responsible for:
1. Final action on tentative subdivision maps and final subdivision maps, or modifications thereto;
 2. Final action on vesting tentative maps;
 3. Final action on reversions to acreage maps; and
 4. Action on appeals of Planning Commission actions as provided in this Title.
- B. Planning Commission. The Planning Commission shall be responsible for:
1. Recommending final action to the City Council on tentative subdivision maps, vesting tentative maps and subdivision modifications;
 2. Final action on parcel maps;
 3. Final action on lot line adjustments and mergers of contiguous parcels under common ownership without reversion where a lot line adjustment or a merger is sought as part of a development project requiring approval of one or more entitlements by the Planning Commission or City Council;
 4. Final action on requests for extensions of time for tentative subdivision maps, vesting tentative maps or parcel maps;
 5. Action on appeals of City Planner actions as provided in this Title; and
 6. Adoption and periodic review of standards, rules and regulations for implementation of this Title.
- C. City Planner. The City Planner shall be responsible for:
1. Making investigations and reports on the design and improvement of all proposed subdivisions and making recommendations thereon to the Planning Commission;
 2. Making recommendations for approval, conditional approval or disapproval of the design of proposed subdivisions and the kinds, nature and extent of on-site and off-site improvements required in connection therewith;
 3. Making recommendations for approval, conditional approval, or denial of tentative maps of all proposed subdivisions of land, and requests for extensions of time for such maps;
 4. Making recommendations for modifications of the requirements of these regulations in accordance with the provisions of this Title;
 5. Recommending disapproval of a tentative subdivision map or tentative parcel map for noncompliance with the requirements of these regulations, the Subdivision Map Act, or the standards, rules or regulations adopted by the Planning Commission pursuant to these regulations;
 6. Making recommendations concerning proposed subdivisions in the unincorporated territory of San Joaquin County in accordance with Section 66453 of the Government Code upon notification thereof;
 7. Final action on lot line adjustments and mergers of contiguous parcels under common ownership without reversion; provided that if the lot line adjustment or merger is sought as part of a development project requiring approval of one or more entitlements by the Planning Commission or City Council, the Planning Commission shall act upon said lot line adjustment or merger; and
 8. Final action on certificates of compliance.
- At the discretion of the City Planner, or upon the request of the applicant, any final action for which the City Planner is responsible may be scheduled for a public hearing before, and decided by, the Planning Commission. The City Planner shall notify the applicant in writing of the hearing date and time and any additional fees.
- D. City Engineer. The City Engineer shall be responsible for:
1. Accepting offers of dedication on final parcel maps;
 2. Final action on final parcel maps;
 3. Certifying final subdivision maps;
 4. Accepting improvement plans; and
 5. Other duties and responsibilities as provided in this Title.

16.01.050 Sale of Property; Compliance.

It shall be unlawful for any individual, firm, association, syndicate, co-partnership, corporation, trust or any other legal entity, as a principal, agent or otherwise to:

A. Divide real property in any manner that shall constitute a subdivision unless and until all the requirements of this Title have been complied with, or

B. Sell, lease or divide for purposes of financing or contract or offer to sell, lease or divide for purposes of financing, any division of land that shall constitute a subdivision, unless and until all the requirements of this Title have been complied with. This shall not be construed to prohibit the sale of any lot or parcel of land, which is of record as a lot or parcel of land as of the effective date of this Title.

16.01.060 Action by Interested Persons.

When any provision of the Subdivision Map Act or of this Title requires the execution of any certificate or affidavit or the performance of any act by a person in his or her official capacity who is also a subdivider or an agent or employee thereof, such certificate or affidavit shall be executed or such act shall be performed by some other person duly designated to so act by the City Council.

16.01.070 Inapplicable Cases.

This Title shall be inapplicable to:

- A. Mineral, oil or gas leases.
- B. Parcels created by short term leases terminable by either party on not more than thirty (30) 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 this Title.
- C. The financing or leasing of any parcel of land or any portion thereof, in conjunction with the construction of commercial or industrial buildings on a single parcel, unless the project is not subject to review under other City ordinances regulating design and improvement.
- D. The financing or leasing of existing separate commercial or industrial buildings on a single parcel.
- E. A lot line adjustment between four (4) or fewer existing adjoining parcels, where the land taken from one parcel is added to an adjoining parcel, and where a greater number of parcels than originally existed are not thereby created, provided the lot line adjustment is approved by the City pursuant to Chapter 16.07.
- F. Land dedicated for cemetery purposes under the Health and Safety Code.
- G. 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.
- H. Any separate assessment under Section 2188.7 of the Revenue and Taxation Code.
- I. Agricultural leases for agricultural purposes where additional buildings are not to be constructed or otherwise provided for separate use.
- J. The financing or leasing of apartments, offices, stores or similar space within apartment buildings, industrial buildings, commercial buildings, trailer parks or mobile home parks.
- K. Merged parcels or lots of record where such lots or parcels were legally created and conform in all respects with all requirements of the Subdivision Map Act and of this Title.
- L. The leasing of, or granting of an easement to, a parcel of land, or any portion thereof, in conjunction with the financing, erection and sale or lease of a wind-powered electrical generation device on the land, if the project is subject to discretionary action by the Planning Commission or City Council.
- M. The leasing or licensing of a portion of a parcel, or the granting of an easement, use permit or similar right on a portion of a parcel, to a telephone corporation as defined in Section 234 of the Public Utilities Code, exclusively for the placement and operation of cellular radio transmission facilities, including, but not limited to, antennae support structures, microwave dishes, structures to house cellular communication transmission equipment, power sources and other equipment incidental to the transmission of cellular communications, if the project is subject to discretionary action by the Planning Commission or City Council.
- N. The construction, financing or leasing of granny units pursuant to Section 65852.1 of the Government Code or second units pursuant to Section 65852.2 of the Government Code. This Title shall be applicable to the sale or transfer of such units.
- O. Land conveyed to or from a governmental agency, public entity, public utility, or for land conveyed to a subsidiary of a public utility for conveyance to that public utility for rights-of-way, unless a showing is made in individual cases, upon substantial evidence, that public policy necessitates a parcel map.

16.01.080 Effect.

Any application or request which has been denied wholly or in part by the Planning Commission or by the City Council shall not be resubmitted for a period of one (1) year from the date said order of denial became final, except

on grounds of new evidence or proof of changed conditions found to be valid by the Planning Commission or the City Council, whichever issued such order of denial.

16.01.090 Fees.

A. The filing of a tentative subdivision map, tentative parcel map and other applications required under this Title, and the submission of a final map or parcel map to the City Engineer shall be accompanied by the payment of administrative fees set and established from time to time by resolution of the City Council.

B. Storm drainage fees shall be due at the time of filing of the final map and execution of a subdivision improvement agreement. Any other required fees, including but not limited to sewer connection fees and water connection fees, shall be paid prior to the issuance of building permit(s).

C. All fees are nonrefundable, except in cases where the Planning Commission or the City Council do not have jurisdiction to act wherein one hundred percent (100%) of the application fee shall be refunded. In the event an application is withdrawn prior to noticing of the public hearing thereon, the amount of the refund shall be fifty percent (50%) of the application fee.

16.01.100 Severability.

If any section, subsection, paragraph, sentence, clause or phrase of this Title is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Title. The Escalon City Council hereby declares that it would have passed this Title, and each section, subsection, sentence, clause and phrase thereof, regardless of the fact that any or one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

16.01.110 Permit Streamlining Act.

It is the purpose of this Title that all actions taken by the decision-making body pursuant to this Title that are solely adjudicatory in nature are within a time frame consistent with the provisions of the Permit Streamlining Act, Government Code section 65920 et seq. Nothing in this Title shall be interpreted as imposing time limits on actions taken by the decision-making body pursuant to this Title that are legislative in nature or that require both adjudicatory and legislative judgments.

16.01.120 Conditions of Approval.

A. To protect the general health and welfare of all citizens, the decision-making body may impose reasonable requirements when necessary or appropriate to ensure a development or use compatible and harmonious with the particular neighborhood and the established uses therein.

B. To ensure that the provisions of this Title are maintained, the decision-making body may enforce requirements more stringent than the minimum zone requirements.

C. In granting approvals, time extension or modifications thereof, the decision-making body may include such conditions as are reasonable and necessary under the circumstances to carry out the purpose of this Title. Such conditions, without limiting the discretion and authority of the decision-making body in this regard, may include site planning conditions, architectural conditions, landscape conditions, street dedication, street and drainage improvements and off-street parking conditions.

16.01.130 Designated Remainder.

A. When a subdivision or a lot line adjustment is a portion of any unit or units of improved or unimproved land, the subdivider may designate as a remainder that portion which is not divided for the purpose of sale, lease or financing. The designated remainder shall not be counted as a parcel for the purpose of determining whether a final subdivision or parcel map is required. For such a designated remainder parcel, the fulfillment of construction requirements for improvements, including the payment of fees associated with any deferred improvements, shall not be required until such time as a permit or other grant of approval for development of the remainder parcel is issued by the City or until such time as the construction of the improvement is required pursuant to an agreement between the subdivider and the City. In the absence of such an agreement, the Planning Commission may require fulfillment of the construction requirements within a reasonable time following approval of the final subdivision or parcel map and prior to the issuance of a permit or other grant approval for the development of a remainder parcel upon a finding by the Planning Commission that fulfillment of the construction requirements is necessary for reasons of:

1. The public health and safety; or
2. The required construction is a necessary prerequisite to the orderly development of the surrounding area.

B. The provisions of Subsection A above providing for the deferral of payment of fees associated with any deferred improvements shall not apply if the designated remainder is included within the boundaries of a benefit assessment district or community facilities district.

C. In the event a designated remainder is subsequently sold, there is no further requirement for the filing of a parcel map or final map, however, a certificate of compliance issued pursuant to Chapter 16.12 shall be required.

16.01.140 Issuance of Building Permits.

No building permit shall be issued for the construction of any building, structure or other work on any parcel proposed to be created, until a final subdivision or parcel map has been approved in accordance with the provisions of this Title and the Subdivision Map Act, and recorded in the Office of the County Recorder.

16.01.150 Resubdivision of Existing Map.

In the event an existing subdivision is re-subdivided to change a street alignment, to change the design of five (5) or more lots, to create five (5) or more new lots, or to alter the drainage, it shall be deemed that a new subdivision is being created and the procedure for filing a tentative subdivision map and final subdivision map as outlined in this Title shall be applicable, except as otherwise allowed in Section 66426 of the Government Code. Resubdivision of four (4) or fewer lots, without any other alterations, shall require approval of a tentative parcel map as to area and lot design. All requirements for submittal of required applications and preparation of final maps or parcel maps shall be as described in this Title.

CHAPTER 16.02
DESIGN STANDARDS

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16.02.320	Licensing.
16.02.330	Park Land and Facilities Dedication.

16.02.010 Design Standards – General.

A. The size, design, character, grade, location, orientation and configuration of lots within a proposed subdivision and improvements required in connection therewith shall be consistent with the density and uses authorized for the area by the General Plan, any applicable specific plan, the Zoning Ordinance and other land use regulations.

B. The density, timing or sequence of development may be restricted by considerations of safety, traffic access or circulation, the slope of the natural terrain, the physical suitability of the site (including soil conditions), the nature or extent of existing development, the availability of public utilities, environmental habitat or wildlife preservation or protection, or other provisions of this Title.

C. All subdivisions shall result in lots which can be used or built upon for the purpose or use intended. No subdivision shall create lots which are impractical for improvement or use due to steepness of terrain, location of water courses, size, shape, inadequate frontage or access or building area or other physical condition.

16.02.020 General Access Requirements.

A. Each local street providing access to lots within a subdivision shall connect directly, or by way of one or more local streets, to a collector street or arterial street.

B. A tentative subdivision map that makes use of a local street that passes through a predominately residential neighborhood as a route of access for industrial, commercial or other subdivision generating traffic that would conflict with the residential character of the neighborhood may constitute grounds for denial.

C. Each route of access to collector streets or arterial streets and its point of connection therewith shall be adequate to safely accommodate the composition and volume of vehicular traffic generated by the land uses that it serves. However, residential subdivisions shall be designed to encourage vehicle speeds of less than twenty-five (25) mph and traffic volumes of less than four thousand (4000) average daily trips (ADT), or as otherwise provided for in the Circulation Element of the General Plan or in the City standards.

16.02.030 Street Design and Standards.

A. Street design shall conform in principle to the streets shown on the Circulation Element of the General Plan and in width and alignment to the streets shown on any precise plan and/or agreement adopted by the City Council relating to streets and shall conform to the requirements of this Title and/or City standards.

B. The subdivider shall be required to dedicate all land necessary for street purposes as shown on the General Plan or any precise plan or to conform to the provisions of this Title.

C. Location. The locations of a freeway, arterial street, or collector street shall be as shown on the General Plan, any applicable specific plan, or as otherwise designated by the City Council.

D. The street system in the proposed subdivision shall relate functionally to the existing streets in the area adjoining the subdivision.

E. Centerlines. The centerlines of all streets wherever practicable shall be the continuation of the centerline of existing streets.

F. Street Intersection. Intersections shall be required to be as near to a right angle as is practicable.

G. Cul-de-sac or Dead-end Streets. Dead-end streets, where necessary to give access to, or permit a satisfactory future subdivision of, adjoining land, shall extend to the boundary of the property and the resulting dead-end streets may be approved without a turnaround at the discretion of the Escalon Fire District. In all other cases, a turnaround having a minimum radius of forty-six (46) feet in an "R" district or sixty (60) feet in all other districts or a comparable area in another form shall be required, separated to the depth of one lot from the exterior boundary line or other topographical feature of the subdivision. No dead-end street shall be more than five hundred (500) feet in length.

H. Curve Radius. All curves shall have sufficient length to avoid the appearance of an angle point. Reverse curves shall be connected by tangents of length approved by the City Engineer. The centerline curve radius of all streets and highways shall conform to accepted engineering standards of design and shall be subject to the approval of the City Engineer but shall not be less than two hundred and fifty (250) feet.

I. Rounding of Intersection Corners. At all street intersections, the block corners shall be rounded at the property line with a curve having a radius of not less than twenty (20) feet. Where street intersections are not at right angles, greater curve radii may be required.

J. Grades. No streets or highways shall have a grade of more than six percent (6%), or less than twenty five-hundredths percent (0.25%) except when approved by the City Engineer.

K. Street Names. The Planning Commission shall approve all street names. Duplication of existing names within San Joaquin County will not be allowed unless the streets are obviously in alignment with existing streets and likely to sometime be a continuation of the other street.

L. Street Name Signs. Each subdivider shall pay to the City at the time of approval of the final subdivision map as condition of such approval an amount established by the City Engineer based on actual cost for each street name sign required in the subdivision; provided that when only a part of an intersection requiring a street name sign is within or contiguous to the subdivision, the charge for street name signs for such intersection shall be proportional to the number of corners of the intersection within or contiguous to the subdivision.

M. Part-width Streets. In the case of a part-width street, a minimum of forty (40) feet along and adjacent to a boundary of the subdivision shall be required except in cases in which proper deed or instrument of dedication to the City duly executed by the owner or owners of adjacent lands is filed with the map of the subdivision, granting

sufficient land to make a street of the required full width. Part-width streets shall be permitted only on the periphery of a subdivision and only when the street design approved by the Planning Commission requires the street to be so located such that a full dedication would require land not in the subdivider's ownership or control. In no case shall a "part-width street" be less than forty (40) feet in width, except as provided below. The phrase "part-width street" shall be lettered on the map following the name of such streets.

Exception: A part-width street less than forty (40) feet may be permitted upon the approval of the Planning Commission. The approval shall be based upon the following factors:

1. The extension of the street is along property lines that form a boundary of the subdivision.
2. The public interest in having a street without an off-set in the centerline thereof outweighs the general public policy, set forth above of having all part-width streets a minimum of forty (40) feet in width.

In all cases in which a part-width street less than forty (40) feet is permitted, on-street parking may be prohibited until such time as a minimum of forty (40) feet of the street is improved.

N. Streets and Highways. Streets and highways not shown on any other master street and highway plan or not affected by proceedings initiated by the City Council shall not be of less width than those set forth herein. Increased widths may be required when streets are to serve commercial property or when foreseeable traffic conditions warrant as such. The Planning Commission shall determine the required width in the absence of an approved master plan of streets and highways.

O. Street Widths.

1. Streets and highways shall have a right-of-way as described in the Circulation Element of the General Plan, and/or in accordance with City standards as determined by the City Engineer or, in the case of roadways controlled by another agency, as determined by that governmental agency.
2. Cul-de-sacs shall have a maximum length of five hundred (500) feet measured from the centerline of the intersecting street to the center of the turnaround. The radius of the turnaround at the property lines shall be in accordance with City standards as determined by the City Engineer.

16.02.040 Existing Streets and Unsubdivided Land.

A. Streets shall be laid out to conform to the alignment of existing streets in adjoining subdivisions and to the logical continuation of existing streets where the adjoining land is not subdivided.

B. The realignment of streets in contemplation of the development or use of adjoining property and the provision of streets or dead-end street extensions to facilitate the subdivision of adjoining property may be required.

C. Permanent dead-end streets (except cul-de-sacs as defined in this Title) are prohibited. When a street is temporarily dead-ended, a barricade or temporary turning area or temporary connection to another street may be required. Permanent turnarounds may be required at the end of dead-end streets where the future extension of the street is remote as determined by the City Engineer.

16.02.050 Provisions for Resubdivision.

Where property is subdivided into lots substantially larger than the minimum size required by these regulations or by the zoning district in which the subdivision is located, whichever is more restrictive, streets and lots shall be required to be laid out so as to permit future resubdivision in accordance with the provisions of these regulations.

16.02.060 Waiver of Access Rights.

A. A frontage road or other type of limited access layout may be required where a subdivision adjoins or contains an existing or proposed freeway or arterial street. To accomplish the purpose of this section, waivers of vehicular and pedestrian access rights to the freeway or arterial street may be required.

B. Waivers of vehicular and pedestrian access rights may also be required to prevent a local or collector street which passes through a predominantly residential neighborhood from being used as a route of access to industrial, commercial or other subdivisions generating traffic which would conflict with the residential character of the neighborhood.

16.02.070 Intersections.

All streets shall intersect or intercept each other so that for a distance of at least one hundred (100) feet the street is approximately at right angles to the street it intersects or intercepts. Street alignment shall provide for streets entering opposite each other to have their center lines directly opposite. Where this is not possible, street jogs shall have a minimum center line offset of one hundred twenty (120) feet. No jogs shall interrupt the continuity of an arterial or collector street.

16.02.080 Local Streets.

Local streets shall be laid out so that their use by through traffic shall be discouraged. Maps of proposed subdivisions containing excessively long, straight residential streets, conducive to high-speed traffic, shall be denied. Curvilinear streets shall be encouraged.

16.02.090 Right-of-Way Widths and Improvement Design.

All streets and alley rights-of-way and the location of improvements therein shall be designed to conform to adopted street standards, except where a modification is expressly permitted by Chapter 16.16. Exceptions to this Section may be granted by the City Engineer where a specific cross-section is required to conform to an adopted planned street line or an applicable specific plan. For any street for which a bikeway's master plan or similar plan indicates that an on-street bikeway shall be provided, and the width of such street was established prior to the adoption of said bikeway's master plan, such width shall be increased by at least ten (10) feet, as determined by the City Engineer, in order to provide the bikeways in accordance with the bikeway's master plan or other plan and to retain the design applicable to the previously adopted width of the street.

16.02.100 Alleys.

A. Alleys shall be prohibited in residential subdivisions except when approved or required by the Planning Commission for any one of the following reasons:

1. To widen an existing part-width alley that has been dedicated and approved in an adjacent subdivision.
2. To complete the continuity of existing alleys where the property to be subdivided is located adjacent to existing blocks containing alleys.
3. The special nature of the design or density of a residential subdivision where dwellings are to be grouped in such a manner as to require access from other than street frontage.
4. The relationship to existing or proposed adjacent commercial, industrial or high density residential development, or adjacent railroad, canal rights-of-way or other physical barrier.
5. The unusual size, shape or topographical character of the property to be subdivided.

B. Residential alleys permitted under Subsection A above shall be a minimum of twenty (20) feet in width.

C. Alleys shall be provided where needed to serve existing or proposed commercial or industrial areas, and shall have a minimum width of thirty (30) feet, with adequate provision for ingress and egress.

D. Where two (2) alleys intersect, ten-foot (10') corner cut-offs measured along the property lines from the point of intersection shall be required.

E. Alleys shall be so laid out and aligned as to provide reasonable access for utilities and other services.

16.02.110 Blocks.

A. Large Lot Subdivisions. Where a parcel is first subdivided into lots of such size that they can be further subdivided and conform to all requirements of this Chapter, the design shall be of such a form as to provide for the future opening of arterial and collector streets and for the ultimate extension and opening of local streets at such intervals as will permit a subsequent division of any parcel into smaller lots.

B. Block Lengths. Block lengths shall not exceed one thousand (1,000) feet unless existing conditions warrant an exception. Long blocks along arterial streets and highways may be required to reduce the number of intersections.

C. Block Widths. Blocks shall be of sufficient width to permit the platting to two (2) tiers of lots of normal depth, except where blocks are adjacent to arterial streets, freeways or expressways and lots are created which back up to such street and front onto a local or collector street and access rights to such arterial or freeway are waived by the subdivider. The Planning Commission may grant an exception to these provisions to permit through lots which are to be developed with uses facing both streets when it is determined that such exception is warranted by the circumstances of a particular subdivision and is in compliance with an existing zoning classification.

16.02.120 Lots.

A. Minimum frontage and depth requirements shall be as set forth in the Zoning Ordinance.

B. The sidelines of all lots shall be at right angles to the street on which they front, wherever possible.

C. The depth of lots shall not exceed the lot width by more than three (3) times unless specifically authorized by the Planning Commission.

D. All lots or parcels being created must front with access on a City street or state highway.

E. Lots proposed for single-family and two-family uses shall not have access to two parallel streets.

- F. No lot shall be divided by a City or County boundary line.

16.02.130 Lot Size Compatible with Nearby Lots.

When determined necessary to promote the general welfare, and assure the orderly development of the community, residential lots within a proposed subdivision may be required to be increased in size so as to more closely conform to the size of existing nearby lots fronting on the same street and adjoining to the rear.

16.02.140 Flag Lots.

Flag lots for any proposed usage may be approved if the following findings are made:

- A. Either the flag lot is required by topographic conditions, or there is no alternative design for the development of the interior portions of excessively deep parcels; and
B. The flag lot will not be detrimental to public health, safety or welfare.

16.02.150 Property Remnants.

Remnants of property which do not conform to lot requirements or are not required for public or private utility or other public use or approved access purpose shall not be created by or left in a subdivision.

16.02.160 Lot Drainage.

All lots shall be graded to provide adequate, positive drainage. Provision shall be made for proper erosion control, including the prevention of sedimentation or damage to off-site property.

16.02.170 Open Space Ownership and Maintenance.

All areas within a subdivision designated or planned as open space or for use for park or recreation purposes shall be either:

- A. Designated as a separate parcel or parcels and dedicated to the City for park and recreation purposes;
B. Designated as a separate parcel or parcels and maintained as common open space within an approved planned development, condominium or community apartment project; or
C. Contained within the various lots of the subdivision and maintained by the owners of such lots.

16.02.180 Easements.

- A. The subdivider shall grant easements for public utility use where necessary for the extension of any such utility and for the relocation of existing public utility facilities. This easement shall be at least ten (10) feet in width.
B. Dedication of easements, as may be required by the Planning Commission, shall be for the purpose of installing utilities, both privately and publicly owned, planting strips and other public purposes.
C. Protection of Easements. No person other than a public utility shall erect, construct or place any building or structure except fences or walls on any public utility easement. No person shall permit or allow vines or other climbing plant materials to become attached to public utility poles, street trees or other objects that may interfere with the maintenance of the easement and/or access to the utilities therein. It shall be the responsibility of the owner and/or occupant of real property to maintain any public utility easement area located thereon in such a manner that its condition will not interfere with the proper operation and maintenance of public utility facilities located thereon. Any public utility using such easement, its representatives, agents or employees shall have the right to trim or top such trees or shrubs growing within, on or overhanging the easement as may endanger or interfere with public utility facilities constructed therein and may have free access to said public utility facilities constructed therein and every part thereof at all times for the purpose of constructing, operating and maintaining said public utility facilities.
D. Design of Easements. Easements shall be located and designed in subdivisions to provide for reasonable, practical and useful placement, replacement, enlargement, repair and maintenance of public utility facilities.

16.02.190 Pedestrian Ways.

Improved pedestrian ways not less than twelve (12) feet in width may be required where needed for traffic safety or for access to schools, playgrounds, shopping facilities, other community facilities or scenic easements.

16.02.200 Equestrian, Hiking and Biking Trails and Paths.

Equestrian, hiking and biking trails and paths shall be provided in locations established by the General Plan or any applicable specific plans. Adequate access points for the public, maintenance and emergency vehicles and parking facilities shall be provided as necessary.

16.02.210 Underground Utilities.

A. All utility distribution facilities and lines including but not limited to gas, water, sewer, electrical communications, street lighting and cable television shall be installed underground, except that overhead utility lines may be permitted when it is determined by the Planning Commission that such facilities are designed to serve areas larger than that being subdivided and that it is impractical to locate such facilities underground. When overhead lines are approved by the Planning Commission, they shall extend along alleys, side lot, rear yard or privately-owned easements whenever possible. Overhead service to lots abutting existing overhead lines is permitted where no extension of overhead lines is required.

B. Street lighting standards, underground cables or conduit and conductors and all materials and appurtenances necessary shall be installed of a design and at a location approved by the City Engineer and as described by City standards.

C. It shall be the responsibility of the subdivider to insure that utilities are installed in compliance with the requirements of this Section. The subdivider shall make the necessary arrangements with the companies or other agencies for such installation, according to the specifications of the governing agency and the utility involved.

16.02.220 Service Roads.

When a subdivision is developed adjacent to a freeway or arterial street as shown on the General Plan, the Planning Commission may require the subdivider to dedicate and improve a frontage road to provide ingress and egress to adjacent lots or to create backup lots which front upon an interior residential street and back up to such freeway or arterial street. When backup lots are created, the subdivider shall waive direct access rights from the lots to the freeway or arterial street and shall construct a masonry wall, fence or other suitable barrier as required by the Planning Commission between the subdivision and the adjacent freeway or arterial street.

16.02.230 Water Courses.

The subdivider shall, subject to riparian rights, dedicate a right-of-way for storm drainage purposes conforming substantially with the lines of any natural water course or channel, stream or creek that traverses the subdivision, or at the option of the subdivider, provide by dedication, further and sufficient easements, construction or both, to dispose of such surface and storm water.

16.02.240 Sewage Disposal.

Provisions shall be made for adequate sewage disposal by:

A. Sewer available. Connection to sanitary sewer is required by installation of one or more main line(s) to the boundary of the subdivision and service laterals to the property line of each lot. The design and specifications of sewer connection shall be determined and approved by the City Engineer.

B. Sewer unavailable. When sanitary sewer service is unavailable to the property, it shall be the responsibility of the subdivider to provide necessary offsite improvements to make sewer service available to the property. Connection shall then be made as required in Subsection A above. The City may provide for means of reimbursement to the subdivider for the cost of making offsite improvements and, if alternative means of providing sanitary sewer service are available, the City may waive this requirement.

C. Drainage and Sanitary Sewer Facilities. Whenever the City, by ordinance, has adopted a sanitary sewer plan for a particular local sanitary sewer area, pursuant to Section 66483 of the Government Code, each subdivider filing a final parcel or subdivision map for the division of land, any part of which is located within the boundaries of such area and the tentative subdivision or parcel map is filed after the effective date of the ordinance, shall pay to the City at the time of the filing of the final parcel or subdivision map, as a condition of approval thereof, such fees as may be required by said ordinance. The City Council may enter into agreements that establish conditions under which such fees may be paid over a period of time.

D. Sewer Connection Fees. Prior to the issuance of building permits, the subdivider shall pay to the City such sewer connection fees and other sewer assessments as required by the City.

16.02.250 Domestic Water.

Provisions shall be made for adequate domestic water by:

A. Water available – Connection to domestic water by installation of a water main to the boundary of the subdivision and service laterals to the property line of each lot. The design and specifications of water connection shall be determined or approved by the City.

B. Water unavailable – When domestic water service is unavailable to the property, it shall be the responsibility of the subdivider to provide necessary offsite improvements to make water service available to the

property. Connection shall then be made as required in Subsection A above. The City may provide for means of reimbursement to the subdivider for the cost of making offsite improvements and, if alternative means of providing domestic water service are available, the City may waive this requirement.

C. **Water Connection Fees.** Prior to the issuance of building permits, the subdivider shall pay the City such water connection fees and other water assessments as required by the City.

16.02.260 Reservations.

A. **Requirements.** As a condition of approval of a map, the subdivider shall reserve sites, appropriate in area and location, for parks, recreational facilities, fire stations, libraries or other public uses according to the standards contained in this section.

B. **Standards and Formula for Reservation of Land.** Where a park, recreational facility, fire station, library or other public use is shown on the General Plan or an applicable specific plan containing a community facilities element, recreation and parks element and/or a public building element, the subdivider may be required by the City to reserve sites as so determined by the City in accordance with the definite principles and standards contained in the above specific plan or General Plan. The reserved area must be 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. The amount of land to be reserved shall not make development of the remaining land held by the subdivider economically infeasible. The reserved area shall conform to the adopted specific plan or General 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.

C. **Procedure.** The public agency for whose benefit an area has been reserved shall at the time of approval of the final parcel or subdivision map enter into a binding agreement to acquire such reserved area within two (2) years after the compliance and acceptance of all improvements, unless such period of time is extended by mutual agreement.

D. **Payment.** The purchase price shall be the market value thereof at the time of the filing of the tentative subdivision or parcel 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.

E. **Termination.** If the public agency for whose benefit an area has been reserved does not enter into such a binding agreement within one hundred and twenty (120) days of the time of approval of the map, the reservation of such area shall automatically terminate.

16.02.270 Drainage Facilities.

A. **Drainage facilities** shall be installed as deemed necessary by the City Engineer to provide for the removal of surface water. Such drainage facilities shall be of a character and design approved by the City engineer and in accordance with the requirements of the City in order to insure proper grading and erosion control, including but not limited to the prevention of sedimentation or damage to offsite property. Dry wells shall not be permitted as a drainage facility.

B. Whenever the City Council, by ordinance, has adopted a drainage plan for a particular drainage area, pursuant to Section 66483 of the Government Code, each subdivider filing a final parcel or subdivision map for the division of land, any part of which is located within the boundaries of such a drainage area and the tentative subdivision or parcel map is filed after the effective date of the ordinance, shall pay to the City at the time of the filing of the final parcel or subdivision map, as a condition of approval thereof, such fees as may be required by said ordinance.

C. The City Council may enter into agreements that establish conditions under which such fees may be spread over a period of time.

16.02.280 Railroad Crossings.

Provisions shall be made for any and all railroad crossings necessary to provide access to or circulation within the proposed subdivision, including the preparation of all documents necessary for application to the California Public Utilities Commission for the establishment and improvement of such crossing. The cost of such railroad crossing improvement shall be borne by the subdivider.

16.02.290 Monuments.

Monuments shall be set as required by City Standards or as required by Chapter 16.15.

16.02.300 Energy Conservation.

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

B. Passive or natural heating opportunities include, but are not limited to, the design of lot size and configuration to permit orientation of a structure:

1. In an east-west alignment for southern exposure and
2. To take advantage of shade or prevailing breezes.

16.02.310 Centralized Mail Delivery.

The subdivider shall confer with local postal authorities to determine whether cluster mailboxes will be required. If clustering is not required, the subdivider shall provide a letter from the Postmaster stating the exemption. If clustering is required, proposed easements or other provisions shall be included on the tentative subdivision or parcel map. The final subdivision or parcel map shall include these provisions as approved. The local postal service and the Public Works Department shall approve the location of such units.

16.02.320 Licensing.

All construction work performed herein shall be done by a person or firm licensed to perform such work in and by the State of California.

16.02.330 Park Land and Facilities Dedication.

A. As a condition of approval of any residential development upon any lot or lots, the developer of such lot or lots shall dedicate land to the City for parks and recreational purposes, pay to the City a fee in lieu thereof, or both at the option of the City, based on the number of dwelling units to be constructed. The City has determined, as a general standard, that five acres of property for each one thousand persons residing within the City shall be devoted to neighborhood and community park and recreational purposes.

B. Formula for dedication of land.

1. The amount of land to be dedicated is based on the estimated population of the proposed subdivision. This Section assumes that the average number of persons in a single-family household is 3 and that the average number of persons in all other types of households (duplex, multifamily and mobile homes) is

2.6. The amount of land to be dedicated shall be determined by application of the following formula:

Average number of persons per dwelling unit divided by 1000/5 = minimum acreage dedication

2. The following table shows the required park land dedication per type of dwelling unit based on the formula in subsection B.1:

PARKLAND DEDICATION TABLE		
Type of Dwelling	Average Number of Persons Per Dwelling Unit	Average Number of Persons per Dwelling Unit Divided by 1000/5
Single-family	3.0	.015
Other	2.6	.013

For example, the amount of parkland that would be dedicated for a one hundred fifty unit single-family project would be determined in the following way:

$$150 \times .015 = 2.25 \text{ acres}$$

2.25 acres would be required to be dedicated for a one hundred fifty single-family unit project.

3. The basis for determining the total number of dwelling units shall be the actual number of dwelling units to be permitted within the subdivision. A final calculation of the total number of dwelling units to be used for determining the amount of park land required shall be made by the City Engineer at the time the final map or parcel map is filed for approval. In conjunction with the dedication of the land, the developer shall also provide the following:

- a. Full street improvements and utility connections including, but not limited to, curbs, gutters, street paving, traffic control devices, and sidewalks contiguous to land which is dedicated pursuant to this section;
- b. Fencing along the property line of that portion of the subdivision contiguous to the dedicated land;
- c. Improved drainage through the site;
- d. Other minimal improvements which the City determined to be essential to the acceptance of land for recreational purposes.

C. Payment of fees in lieu of land dedication.

1. When a fee is to be paid in lieu of land dedication, the amount of such fee shall be based upon the fair market value of the amount of land which would otherwise be required for dedication. The fee shall be determined by the following formula:

$$\text{Number of Units} \times \text{DU Requirement} \times \text{FMV of BUA} = \text{Fee}$$

Where:

DU Requirement = Dedication requirement per dwelling unit as determined by subsection B.2

FMV = Fair market value

BUA = Buildable acre, a typical acre of subdivision and located in an area other than an area where building is not allowed because of flooding, easements or other restrictions

For example, the amount of in-lieu fee that would be paid for a one hundred fifty single-family unit project, where the land is valued at four hundred thousand dollars an acre, would be determined in the following way:

$$150 \times .015 [2.25] \times \$400,000.00 = \$900,000.00$$

2. Fair market value shall be determined by the City with a written appraisal report prepared and signed by an appraiser acceptable to the City and paid for by the developer. The appraisal shall be made immediately prior to the filing of the final map. If more than six months elapse prior to filing the final map, the City will prepare a new appraisal and bill the subdivider for the cost of reappraisal.

D. Determination of land or fee. If the proposed subdivision contains fifty (50) or fewer parcels, the subdivider shall pay an in-lieu fee in the amount specified by this Section, unless the subdivider proposes the dedication of land voluntarily and the land is acceptable to the City. If the proposed subdivision contains fifty-one parcels or more, the City has the discretion of accepting land dedication, an in-lieu fee or a combination of both. Whether the City accepts land dedication or the payment of an in-lieu fee, or a combination of both, shall be determined by the consideration of the following by the City:

1. The natural features, access and location of land in subdivision available for dedication;
2. The size and shape of the subdivision and land available for dedication;
3. The feasibility of dedication;
4. The compatibility of dedication with the park master plan;
5. The location of existing and proposed park sites and trailways.

E. Credit for private open space. No credit shall be given for private open space in the subdivision.

F. Disposition of fees. Fees collected pursuant to this section shall be deposited into the subdivision park trust fund. Collected fees shall be committed to the development of park or recreational facilities to serve residents of the subdivision within five years after the issuance of building permits on one-half of the lots created by the subdivision. If such fees are not so committed, these fees, less an administrative charge, shall be distributed and paid to the then record owners of the subdivision in the same proportion that the size of their lot bears to the total area of all lots in the subdivision.

CHAPTER 16.03

TENTATIVE AND FINAL PARCEL MAPS

Sections:

- 16.03.010** **General.**
- 16.03.020** **Parcel Maps Required.**
- 16.03.030** **Parcel Map Filing.**
- 16.03.040** **Form of Tentative Parcel Map.**
- 16.03.050** **Soils Investigation.**
- 16.03.060** **Incomplete or Incorrect Data.**
- 16.03.070** **Action on Tentative Parcel Map.**
- 16.03.080** **Filing of Final Parcel Map; Time Limit.**

16.03.010 **General.**

- A. The application process for tentative parcel maps shall be governed by the provisions of this Chapter.
- B. An application for approval of a tentative parcel map pursuant to this Chapter shall not be submitted nor accepted for filing unless the subdivider has previously obtained all other necessary discretionary City approvals for the development that are required by the Zoning Ordinance.
- C. Prior to the presentation of a formal tentative parcel map to the Planning Commission, a pre-application conference shall be held between the subdivider and City staff to discuss the layout of the subdivision.
- D. The tentative parcel map shall not be considered filed until the environmental documentation required by the California Environmental Quality Act has been completed.

16.03.020 **Parcel Maps Required.**

- A. A tentative and final parcel map shall be required for all subdivisions creating four (4) or fewer parcels. A final parcel map shall be prepared in accordance with the Subdivision Map Act and this Title unless exempt under Section 16.01.070.
- B. A tentative and final parcel map shall be required for all subdivisions that would require a tentative and final subdivision map, but where any one of the following occurs:
 - 1. The land before division contains less than five (5) acres, each parcel created by the division abuts upon a City-maintained street, road or highway and no dedications or improvements are required by the City;
 - 2. Each parcel created by the division has a gross area of twenty (20) acres or more and has an approved access to a City-maintained street, road or highway;
 - 3. The land consists of a parcel or parcels of land having approved access to a City-maintained street, road or highway, which comprises part of a tract of land zoned for industrial or commercial development, and which has the approval of the City Council as to street alignments and widths;
 - 4. Each parcel created by the division has a gross area of not less than forty (40) acres or is not less than a quarter of a quarter section; or
 - 5. The land being subdivided is solely for the creation of an environmental subdivision pursuant to Section 66418.2 of the Government Code.

16.03.030 **Parcel Map Filing.**

- A. Tentative parcel maps shall be filed with the City Planner for review by the Planning Commission.
- B. The following documents shall be completed and filed with the tentative parcel map:
 - 1. Completed application.
 - 2. Two (2) copies of a current preliminary title report or property report dated within thirty (30) days of the filing of the application package documenting at least the following information:
 - a. Property description.
 - b. Current ownership.
 - c. All easements.

3. Environmental questionnaire.
 4. Statement indicating whether the property is located on a site that is included on any of the local lists prepared by the California Integrated Waste Management Board of all solid waste disposal facilities from which there is a known migration of hazardous waste.
 5. At least ten (10) full size copies and twelve (12) reduced size (11x17) copies of the parcel map, prepared as to the requirements of Section 16.03.040.
 6. An electronic copy (such as CAD) compatible with the requirements of the City Engineer shall be submitted for maps prepared by registered engineers or land surveyors.
- C. The City Planner shall examine the map upon presentation and shall not accept such map unless the same is in full compliance with the law and the provisions of this Title as to form, data, information and other matters required to be shown thereon or furnished therewith. The map shall not be considered filed until stamped, signed and dated by the City Planner and until the environmental documentation required by CEQA has been completed.
- D. The City Planner shall transmit copies of such tentative parcel map to the City Engineer, health officer, Irrigation District, Chief of Police, Chief of the Fire District, utility companies serving the area, and any other agency, such as school districts, that may have an interest and, if along a state highway, to the office of the District Engineer and the California Department of Transportation. When adjacent to the corporate limits of the City, a copy shall be transmitted to the County Community Development Director.

16.03.040 Form of Tentative Parcel Map.

Tentative parcel maps shall be a maximum of eighteen (18) by twenty-six (26) inches in size and to scale. Any such map shall be clearly prepared and legibly reproduced and shall contain the following data:

- A. Key or location map, which shall clearly show the general area including adjacent property, subdivisions and roads, and with sufficient detail to locate the proposed subdivision and show its relation to the community.
- B. A title block containing the tract name or number, date of map preparation or any revisions, subdivision name, and type of subdivision. The title block shall be located along the right side of the map so that it can be read when the plan package is rolled up.
- C. A north arrow, scale and sufficient description to define the location and boundaries, including the acreage of the proposed tract to the nearest tenth of an acre.
- D. Name and address of record owner or owners, subdivider and name and business address of the person preparing the map.
- E. Names and numbers of adjacent subdivisions and names of the owners of land immediately adjacent to the subdivision.
- F. A statement of present General Plan designation and zoning of existing and proposed uses of the property as well as any proposed General Plan or zoning changes, whether immediate or future.
- G. Sufficient elevations or contours to determine the general slope of the land and information as to how the land will drain after being subdivided.
- H. The location, names, widths and grades of highways, streets and other rights-of-way within the subdivision or to be offered for dedication, and the location, name and widths of adjoining and contiguous highways, streets and other rights-of-way.
- I. Location and character of all existing and proposed utilities, including the location and size of existing sanitary sewers, fire hydrants, water mains and storm drains. The approximate slope of existing sewers and storm drains shall be indicated. The location of existing overhead utility lines on peripheral streets shall be indicated.
- J. The width, location and purpose of all existing and proposed easements together with all building and use restrictions applicable thereto.
- K. Lot arrangement, dimensions of all lots and lot numbers.
- L. The location and outline of all existing structures identified by type or use. Structures to be removed shall be so marked.
- M. Location of all public rights-of-way.
- N. Location of all areas subject to inundation of storm water overflow and the location, width and direction of flow of all watercourses.
- O. Locations and size of all pipelines and structures used in connection therewith.
- P. City limit lines occurring with the general vicinity of the subdivision.
- Q. Type, circumference and drip line of existing non-production trees with a trunk diameter of ten (10) inches or more, measured twenty-four (24) inches above existing grade. If the property includes more than forty (40) non-production trees, the City Planner may permit the submission of an aerial photograph instead. A production tree is one that produces fruit or nuts.

R. Location of proposed cluster mailboxes, together with the easements necessary for the placement of these units, or a letter of exemption from the Postmaster.

S. The City Planner or City Engineer may require other information as necessary to accomplish the purposes of the Subdivision Map Act and this Title. In addition, the City Planner or City Engineer may waive any of the above tentative parcel map requirements if the requirement is not appropriate to the type of subdivision, or if other circumstances justify a waiver.

16.03.050 Soils Investigation.

A. A preliminary soils report, prepared by a registered civil engineer and based upon adequate test borings, shall be required for every subdivision for which a tentative parcel map is required. The preliminary soils report shall be submitted to the City Engineer for review. Upon such review, the City Engineer may require additional information or reject the report if it is found to be incomplete, inaccurate or unsatisfactory.

B. The preliminary soils report requirement may be waived if the City Engineer determines that, due to the knowledge the City has as to the qualities of the soils of the subdivision, no preliminary analysis is necessary.

C. A soils investigation of each potentially affected lot in the subdivision may be required by the City Engineer as a condition precedent to consideration of the tentative parcel map by the Planning Commission if the preliminary soils report indicates:

1. The presence of critically expansive soils or other soils problems which, if not corrected, would lead to structural defects; or

2. The presence of rocks or liquids containing deleterious chemicals which, if not corrected, could cause construction materials such as concrete, steel and ductile or cast iron to corrode or deteriorate.

Any soils investigation required pursuant to this Subsection shall be done by a registered civil engineer who shall recommend the corrective action likely to prevent structural damage to each structure proposed to be constructed in the area where the soils problem exists. The Planning Commission may approve or conditionally approve a tentative parcel map, if it determines that the recommended corrective action is likely to prevent structural damage to each structure to be constructed. Such recommended corrective action shall be required to be incorporated in the construction of each structure as a condition to the issuance of any building permit.

16.03.060 Incomplete or Incorrect Data.

If at any time during the processing of the tentative parcel map, the map or accompanying data are found to be incomplete or incorrect with respect to pertinent required information, the subdivider shall be promptly advised of the changes or additions that must be made before further action may be taken on the application. Failure to provide the omitted or inaccurate information shall be grounds for denial of the map, unless an extension of time for acting upon said map is mutually agreed upon by the subdivider and the Planning Commission.

16.03.070 Action on Tentative Parcel Map.

A. Notice of Public Hearing. Notice shall be given of the public hearing on the tentative parcel map application before the Planning Commission not less than ten (10) days before the date of hearing in the following manner:

1. By publication in a newspaper of general circulation in the City of Escalon;

2. By mailing said notice to the owners of real property within three hundred (300) feet of the property that is the subject of the application;

3. By mailing or delivering said notice to the subdivider and property owner or the owner's duly authorized agent; and

4. By mailing or delivering said notice to each local agency expected to provide water, sewage, streets, roads, schools or other essential facilities or services to the proposed subdivision and whose ability to provide those facilities or services may be significantly affected.

B. The Planning Commission shall base its decision on the conformity of the tentative parcel map, together with the provisions for its design and improvements, with the requirements of this Title, the Zoning Ordinance, the General Plan, any applicable specific plans and any other applicable ordinances, resolutions or provisions of law. If the tentative parcel map complies with all of the requirements of this Title and the Subdivision Map Act, the Planning Commission may approve or conditionally approve the map, subject to the dedication of necessary right-of-way for streets and easements, the installation of all improvements along the frontages of the property so divided, as required by the Commission, and the installation of all necessary utilities and connections to each lot.

C. Energy Findings. A tentative parcel map shall not be approved or conditionally approved by the Planning Commission unless it finds that the proposed subdivision meets the requirements of Section 16.02.300.

D. Regional Housing Needs. Prior to approval of any tentative parcel map, the Planning Commission must find that it has considered the effect of the map on the housing needs of the region and that these needs have been balanced against the public service needs of the City's residents and available fiscal and environmental resources.

E. Findings Requiring Disapproval. A tentative parcel map shall not be approved or conditionally approved by the Planning Commission if it makes any of the following findings:

1. That the proposed map is not consistent with the General Plan and/or any applicable specific plans.
2. That the design or improvement of the proposed subdivision is not consistent with the General Plan and/or any applicable specific plans.
3. That the site is not physically suitable for the type of development.
4. That the site is not physically suitable for the proposed density of development.
5. That the designs of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
6. That the design of the subdivision or the type of improvements is likely to cause serious public health problems.
7. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the Planning Commission may approve or conditionally 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. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction.

F. The decision of the Planning Commission approving, conditionally approving or disapproving a tentative parcel map is final unless appealed as provided in Chapter 16.13.

16.03.080 Filing of Final Parcel Map; Time Limit.

A. The subdivider or his or her agent may file a final parcel map with the City Engineer for his or her examination, certification and recordation within twenty-four (24) months after the approval or conditional approval of the tentative parcel map. Requests for extensions shall be processed in accordance with Chapter 16.14. If a final parcel map has not been recorded within twenty-four (24) months of the date of its initial approval or such extended period of time as may be granted, approval of a new tentative parcel map shall be required.

B. Form of Final Parcel Map. A final parcel map shall be prepared by a registered civil engineer or licensed land surveyor and shall substantially conform to the tentative parcel map, the conditions thereto as approved by the Planning Commission, and the provisions of this Title. A tracing of the final parcel map shall be filed with the City Engineer. The map shall show the definite location of the parcel or parcels and particularly their relation to surrounding surveys. The location of any remainder of the original parcel shall be shown, but need not be shown as a matter of survey, but only by reference to the existing record boundaries if such remainder has a gross area of five (5) acres or more. The final parcel map may be compiled from record data when sufficient survey information exists on filed maps to locate and retrace the exterior boundary lines of the final parcel map and when the location of at least one of these boundary lines can be established from an existing monument line. In any case, the final parcel map may be based upon a field survey made in conformance with the Land Surveyor's Act.

C. Consent by Owner. The final parcel map shall contain a certificate which shall be signed and acknowledged by all parties having any record title interest in the real property being subdivided, consenting to the preparation and recording of the final parcel map. Such signatures shall be in accordance with the provisions of Section 16.06.030.

D. Dedications. If dedications of streets, alleys, walkways, easements, public utility easements or other public ways or access rights are required by the Planning Commission as conditions of approval of a final parcel map, such dedications shall either be shown on and offered by a certificate on the final parcel map, or made by separate instrument as determined by the City Engineer. Such certificate or instrument shall be signed by those parties having any record title interest in the real property being subdivided in accordance with the provisions of Section 16.06.030.

E. Certification by City Engineer. Upon receipt of the final parcel map, together with the recording fees, and any required improvement security, the City Engineer shall examine the map to determine whether said map is technically correct and substantially conforms with the tentative parcel map and to all changes and requirements imposed as conditions of approval by the Planning Commission. The City Engineer shall also refer the final parcel map to the City Planner for examination and determination if all the lots and parcels created by said map conform to

the requirements of the Zoning Ordinance. If the City Engineer determines that the final parcel map fully conforms to all of the requirements set forth herein, he or she shall so certify on said map.

F. Acceptance of Dedications. Offers of dedication, as set forth in Subsection D, shall be reviewed by the City Engineer for compliance with the conditions of approval imposed by the Planning Commission. If all offers of dedication are in accordance with the requirements of the Planning Commission, the City Engineer shall accept such offers of dedication.

G. Security. If the Planning Commission approved the tentative parcel map conditioned upon the installation of public improvements, it may grant the subdivider a period of time after the recording of the final parcel map in which to complete such installation. If such time period is granted, the subdivider shall post improvement security in one of the forms set forth in Section 16.16.140.

H. Division of Existing Buildings. Prior to the recordation of a final parcel map, which will result in the division of any existing building or buildings into separate units or parts, the subdivider shall secure certification by the chief building official that any building or buildings to be divided will, after division, meet current code standards for new construction. As used in this Section, the phrase "current Code standards" refers to all standards in the current adopted editions of the Building Code, Electrical Code, Plumbing Code and Mechanical Code.

I. Recordation of Final Parcel Map. Upon certification by the City Engineer, the final parcel map shall be transmitted to the City Clerk, who shall cause said map to be filed in the Office of the County Recorder.

J. Correction and Amendment of Final Parcel Map. A final parcel map may be corrected or amended as provided by Section 16.06.050.

CHAPTER 16.04

TENTATIVE SUBDIVISION MAPS

Sections:

16.04.010	General.
16.04.020	Tentative Subdivision Maps Required.
16.04.030	Tentative Subdivision Map Filing.
16.04.040	Form of Tentative Subdivision Map.
16.04.050	Soils Investigation.
16.04.060	Statement of Justification.
16.04.070	Incomplete or Incorrect Data.
16.04.080	Action on Tentative Subdivision Map.

16.04.010 General.

A. The application process for tentative subdivision maps shall be governed by the provisions of this Chapter.

B. An application for approval of a tentative subdivision map pursuant to this Chapter shall not be submitted nor accepted for filing unless the subdivider has previously obtained all other necessary discretionary City approvals for the development that are required by the Zoning Ordinance.

C. Prior to the presentation of a formal tentative subdivision map to the Planning Commission, a pre-application conference shall be held between the subdivider and City staff to discuss the layout of the subdivision.

D. The tentative subdivision map shall not be considered filed until the environmental documentation required by the California Environmental Quality Act has been completed.

16.04.020 Tentative Subdivision Maps Required.

A tentative and final subdivision map shall be required for all subdivisions creating five (5) or more parcels, five (5) or more condominiums as defined in Section 783 of the Civil Code, a community apartment project containing five (5) or more parcels, or for the conversion of a dwelling to a stock cooperative containing five (5) or more dwelling units, unless exempt under Section 16.01.070 or subject to a parcel map under Section 16.03.020(B).

~~A~~A tentative and final subdivision map shall be required for lot line adjustments involving five (5) or more adjoining parcels as required by Chapter 16.07.

16.04.030 Tentative Subdivision Map Filing.

A. Tentative subdivision maps shall be filed with the City Planner for review by the Planning Commission.

B. The following documents shall be completed and filed with the tentative subdivision map:

1. Completed application.
2. Two (2) copies of a current preliminary title report or property report dated within thirty (30) days of the filing of the application package documenting at least the following information:
 - a. Property description.
 - b. Current ownership.
 - c. All easements.
3. Environmental questionnaire.
4. Statement indicating whether the property is located on a site that is included on any of the local lists prepared by the California Integrated Waste Management Board of all solid waste disposal facilities from which there is a known migration of hazardous waste.
5. At least ten (10) full size copies and twelve (12) reduced size (11x17) copies of the tentative subdivision map, prepared as to the requirements of Section 16.04.040.
6. An electronic copy (such as CAD) compatible with the requirements of the City Engineer shall be submitted for maps prepared by registered engineers or land surveyors.

C. The City Planner shall examine the map upon presentation and shall not accept such map unless the same is in full compliance with the law and the provisions of this Title as to form, data, information and other matters required to be shown thereon or furnished therewith. The map shall not be considered filed until stamped, signed and dated by the City Planner and until the environmental documentation required by CEQA has been completed.

D. The City Planner shall transmit copies of such tentative subdivision map to the City Engineer, health officer, Irrigation District, Chief of Police, Chief of the Fire District, utility companies serving the area, and any other agency, such as school districts, that may have an interest and, if along a state highway, to the Office of the District Engineer and the California Department of Transportation. When adjacent to the corporate limits of the City, a copy shall be transmitted to the County Community Development Director.

16.04.040 Form of Tentative Subdivision Map.

Tentative subdivision maps shall be eighteen (18) by twenty-six (26) inches in size and to scale. Any such map shall be clearly prepared and legibly reproduced and shall contain the following data:

A. Key or location map, which shall clearly show the general area including adjacent property, subdivisions and roads, and with sufficient detail to locate the proposed subdivision and show its relation to the community.

B. A title block containing the tract name or number, date of map preparation and any revisions, subdivision name and type of subdivision. The title block shall be located along the right side of the map so that it can be read when the plan package is rolled up.

C. A north arrow, scale and sufficient description to define the location and boundaries, including the acreage of the proposed tract to the nearest tenth of an acre.

D. Name and address of record owner or owners, subdivider and name and business address of the person preparing the map.

E. A table of proposed land uses including categories of types of development, land dedications, public rights-of-way, parks, other open space such as trails and whether for public or private use, and other major categories of land use.

F. Names and numbers of adjacent subdivisions and names of the owners of land immediately adjacent to the subdivision.

G. A statement of present General Plan designation and zoning and of existing and proposed uses of the property as well as any proposed General Plan or zoning changes, whether immediate or future.

H. Sufficient elevations or contours to determine the general slope of the land and information as to how the land will drain after being subdivided.

I. The location, names, widths and grades of highways, streets and other rights-of-way within the subdivision or to be offered for dedication.

J. The location, names and widths of adjoining and contiguous highways, streets and other rights-of-way.

K. Location and character of all existing and proposed utilities, including the location and size of existing sanitary sewers, fire hydrants, water mains and storm drains. The approximate slope of existing sewers and storm drains shall be indicated. The location of existing overhead utility lines on peripheral streets shall be indicated.

L. The width, location and purpose of all existing and proposed easements together with all building and use restrictions applicable thereto.

M. Lot arrangement, dimensions of all lots and lot numbers.

N. The location and outline of all existing structures identified by type or use. Structures to be removed shall be so marked.

O. Location of all public rights-of-way.

P. Location of all areas subject to inundation or storm water overflow and the location, width and direction of flow of all watercourses.

Q. Locations and size of all pipelines and structures used in connection therewith.

R. City limit lines occurring with the general vicinity of the subdivision.

S. Boundaries of any units within the subdivision if the subdivision is to be recorded in stages.

T. Type, circumference and drip line of existing non-production trees with a trunk diameter of ten (10) inches or more, measured twenty-four (24) inches above existing grade. If the property includes more than forty (40) non-production trees, the City Planner may permit the submission of an aerial photograph instead. A production tree is one that produces fruit or nuts.

U. Location of proposed cluster mailboxes, together with the easements necessary for the placement of these units, or a letter of exemption from the Postmaster.

V. The City Planner or City Engineer may require other information as necessary to accomplish the purposes of the Subdivision Map Act and this Title. In addition, the City Planner or City Engineer may waive any

of the above tentative subdivision map requirements if the requirement is not appropriate to the type of subdivision, or if other circumstances justify a waiver.

16.04.050 Soils Investigation.

A. A preliminary soils report, prepared by a registered civil engineer and based upon adequate test borings, shall be required for every subdivision for which a tentative subdivision map is required. The preliminary soils report shall be submitted to the City Engineer for review. Upon such review, the City Engineer may require additional information or reject the report if it is found to be incomplete, inaccurate or unsatisfactory.

B. The preliminary soils report requirement may be waived if the City Engineer determines that, due to the knowledge the City has as to the qualities of the soils of the subdivision, no preliminary analysis is necessary.

C. A soils investigation of each potentially affected lot in the subdivision may be required by the City Engineer as a condition precedent to consideration of the tentative subdivision map by the Planning Commission if the preliminary soils report indicates:

1. The presence of critically expansive soils or other soils problems which, if not corrected, would lead to structural defects; or

2. The presence of rocks or liquids containing deleterious chemicals which, if not corrected, could cause construction materials such as concrete, steel and ductile or cast iron to corrode or deteriorate.

Any soils investigation required pursuant to this Subsection shall be done by a registered civil engineer who shall recommend the corrective action likely to prevent structural damage to each structure proposed to be constructed in the area where the soils problem exists. The Planning Commission may recommend approval or conditional approval for a tentative subdivision map if it determines that the recommended corrective action is likely to prevent structural damage to each structure to be constructed. Such recommended corrective action shall be required to be incorporated in the construction of each structure as a condition to the issuance of any building permit.

16.04.060 Statement of Justification.

The subdivider shall present a written statement of justification accompanying the map stating:

A. Proposed Use of Property. If more than one use, the area, lots or lot proposed for each type of use shall be shown on the tentative subdivision map.

B. Statement of the improvements and public utilities proposed to be installed and of the time when such improvements will be completed.

C. Proposed plan for drainage.

D. Proposed plan for sewerage and sewage disposal.

E. Provisions for water supply, both domestic and fire protection. Provisions for fire protection shall be approved by the Fire District.

F. Public areas proposed.

G. Tree planting proposed.

H. Type and location of street lighting proposed.

I. A copy of proposed covenants, conditions and restrictions.

J. Justification and reasons for any exceptions to provisions of this Title or for any amendments to the Zoning Ordinance, applicable specific plan and/or the General Plan, which may be requested in conjunction with the subdivision being proposed.

16.04.070 Incomplete or Incorrect Data.

If at any time during the processing of the tentative subdivision/parcel map, the map or accompanying data are found to be incomplete or incorrect with respect to pertinent required information, the subdivider shall be promptly advised of the changes or additions that must be made before further action may be taken on the application. Failure to provide the omitted or inaccurate information shall be grounds for denial of the map, unless an extension of time for acting upon said map is mutually agreed upon by the subdivider and the Planning Commission.

16.04.080 Action on Tentative Subdivision Map.

A. Notice of Public Hearing. Notice shall be given of each public hearing before the Planning Commission and City Council on the tentative subdivision map application not less than ten (10) days before the date of hearing in the following manner:

1. By publication in a newspaper of general circulation in the City of Escalon;

2. By mailing said notice to the owners of real property within three hundred (300) feet of the property that is the subject of the application;
3. By mailing or delivering said notice to the subdivider and property owner or the owner's duly authorized agent; and
4. By mailing or delivering said notice to each local agency expected to provide water, sewage, streets, roads, schools or other essential facilities or services to the proposed subdivision and whose ability to provide those facilities or services may be significantly affected.

B. **Time Limits for Public Hearing.** Within the time specified by Section 66452.1 of the Government Code, unless such time has been waived, or extended by mutual agreement between the subdivider and the City, the Planning Commission shall consider the tentative subdivision map at a public hearing and thereafter render its written report recommending to the City Council approval, conditional approval or disapproval of the application.

C. **Notices to Subdivider.** The City Planner shall forward any report or recommendation on the tentative subdivision map by the staff or the Planning Commission to the subdivider at least three (3) days prior to any hearing on such map. Delivery shall be deemed complete when such reports or recommendations are placed in the mail bearing proper postage, and directed to the subdivider at his or her address shown on the application.

D. The Planning Commission shall base its recommendation on the conformity of the tentative subdivision map, together with the provisions for its design and improvements, to the requirements of this Title, the Zoning Ordinance, the General Plan, any applicable specific plans and any other applicable ordinances, resolutions or provisions of law.

E. **Findings Requiring Disapproval.** A tentative subdivision map shall not be recommended for approval or conditional approval by the Planning Commission if it makes any of the following findings:

1. That the proposed map is not consistent with the General Plan and/or any applicable specific plans.
2. That the design or improvement of the proposed subdivision is not consistent with the General Plan and/or any applicable specific plans.
3. That the site is not physically suitable for the type of development.
4. That the site is not physically suitable for the proposed density of development.
5. That the designs of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
6. That the design of the subdivision or the type of improvements is likely to cause serious public health problems.
7. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. The Planning Commission may recommend approval or conditional approval of 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. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction.

F. **Energy Findings.** A tentative subdivision map shall not be recommended for approval or conditional approval by the Planning Commission unless the Commission finds that the proposed subdivision meets the requirements of Section 16.02.300.

G. **Regional Housing Needs.** Prior to a recommendation of approval or conditional approval for any tentative subdivision map, the Planning Commission must find that it has considered the effect of the map on the housing needs of the region and that these needs have been balanced against the public service needs of the City's residents and available fiscal and environmental resources.

H. After consideration by the Planning Commission, the map, along with the Planning Commission's written report, shall be forwarded to the City Council for final action.

I. **City Council Action.** Within the time specified by Section 66452.2 of the Government Code, unless such time has been waived, or extended by mutual agreement between the subdivider and the City, the City Council shall consider the tentative subdivision map at a public hearing and thereafter approve, conditionally approve or disapprove the application, subject to the above findings requirements.

CHAPTER 16.05
VESTING TENTATIVE MAPS

Sections:

- 16.05.010 Filing.**
- 16.05.020 Time Limits; Development Rights.**
- 16.05.030 Amendments.**
- 16.05.040 Zoning.**

16.05.010 Filing.

A. A vesting tentative map may be filed with the Planning Department instead of a tentative subdivision or parcel map otherwise required by this Title. The procedures and requirements for processing a vesting tentative map shall be the same as for a tentative subdivision map except as provided by this Chapter. The words “Vesting Tentative Map” shall be printed conspicuously on the face of the map.

B. In addition to submitting all information required for the tentative subdivision map, the following information may also be required with the submittal of a vesting tentative map:

1. Detailed grading plans for each site in the subdivision;
2. Height, size, approximate building footprint and conceptual elevations of buildings;
3. Sewer, water, storm drain and road details; and
4. Information on the use to which the buildings will be put.

16.05.020 Time Limits; Development Rights.

A. The time limits and extensions thereof for filing a final subdivision map based on an approved vesting tentative map shall be the same as for tentative subdivision maps.

B. City Council approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies, and standards in effect at the time the application for the vesting tentative map is deemed complete and accepted consistent with Government Code section 66474.2 as amended. The rights conferred by this Section shall expire if the City Council does not approve a final subdivision map prior to expiration of the vesting tentative map. The development rights conferred by a vesting tentative map shall remain in effect for two (2) years after the recording of a final subdivision map. When multiple final subdivision maps are recorded on various phases of a project covered by a single vesting tentative map, the two-year time period shall begin for each phase when the final map for that phase is recorded. At any time prior to the expiration of the two-year period provided by this subsection, the subdivider may apply for a one-year extension pursuant to Chapter 16.14.

C. If the subdivider submits a complete application for a building permit during the initial time period or any approved extension thereof, the rights conferred by a vesting tentative map shall continue until the expiration of that permit.

16.05.030 Amendments.

The City Planner may approve minor amendments to the vesting tentative map when it is determined that the proposed changes substantially conform to the approved vesting tentative map. Approval of any such amendment shall be reported to the City Manager within thirty (30) days of such approval. At any time prior to the expiration of the vesting tentative map, the subdivider may apply to the Planning Commission for an amendment to the map when such amendment does not substantially conform to the previously approved vesting tentative map. If the requested amendment is approved by the Planning Commission, the development rights conferred by the vesting tentative map shall allow development in substantial compliance with the ordinances, policies, and standards in effect at the time the application for an amendment to the vesting tentative map is complete and accepted consistent with Government

Code section 66474.2 as amended. The time limits for filing a final map or maps based on an amended vesting tentative map shall begin on the date such amendments are approved.

16.05.040 Zoning.

If a subdivider files a vesting tentative map for a subdivision whose intended development is inconsistent with the zoning of the property in effect at the time the vesting tentative map is filed, that inconsistency shall be noted on the map. The City Council may deny such vesting tentative map or approve it conditioned on the subdivider obtaining the necessary change in zoning to eliminate the inconsistency. If the change in zoning is obtained, the approved or conditionally approved vesting tentative map shall confer the vested right to proceed with the development in substantial compliance with the change in zoning and the map as approved.

CHAPTER 16.06

FINAL SUBDIVISION MAPS

Sections:

16.06.010	Filing a Final Subdivision Map.
16.06.020	Preparation and Form.
16.06.030	Certificates.
16.06.040	Action on Final Subdivision Map.
16.06.050	Correction and Amendment of Maps.

16.06.010 Filing a Final Subdivision Map.

A. Time for Filing. In accordance with the provisions of this Chapter and the Subdivision Map Act, final subdivision maps shall be filed with the City Engineer prior to the expiration of the approved or conditionally approved tentative subdivision map.

B. Final Subdivision Map Application. The following documents shall be completed and filed with the final subdivision map:

1. A completed application.
2. The final subdivision map prepared as to the requirements of Section 16.06.020.
3. Executed subdivision improvement agreement(s) and accompanying improvement security as required by Chapter 16.16.
4. Written evidence of any other agency approvals required as a condition of the tentative subdivision map.
5. A completed plan check as applicable to the specific project.
6. Traverse sheets showing traverse closures and the computation of all distances, angles and courses shown on the final subdivision map. The traverse of the boundaries of the tract and of lots and blocks shall close within a limit of error of one in ten thousand.
7. A title report prepared by a duly authorized title company naming the persons whose consent is necessary to the preparation and recordation of said map and to the dedication of the streets, alleys and other public places shown on the map and certifying that, as of the date of the preparation of the report, the persons therein named are all the persons necessary to give clear title to said subdivision. At the time of recording the approved map, there shall be filed with the County Recorder a guarantee executed by a duly authorized title company for the benefit and protection of the City showing that the named persons consenting to the preparation and recordation of said map and offering for dedication the streets, alleys and other public places shown thereon are all the persons necessary to pass clear title to said subdivision and to the dedications shown thereon.
8. Improvement Plans. The subdivider shall furnish the following information (to be provided by a licensed engineer) to the City Engineer and shall receive his or her authorization prior to construction of any of the improvements or recording of the final subdivision map.
 - a. Typical cross sections and proposed final finished grades of all roads, streets and highways in the proposed new subdivision, together with a profile showing the relation between finished grade and existing ground elevations.
 - b. Proposed lengths, size and type of any pipes, culverts or structures necessary for drainage, erosion control or the public safety with plans and specifications therefor.
 - c. Elevations shall be referenced to the U.S.G.S. Datum.

If construction does not commence in one hundred and twenty (120) days of approval, the improvement plans must be re-approved prior to construction. Chapter 16.16 contains requirements for improvement plans.

9. Division of Existing Buildings. For maps that will result in the division of any existing building or buildings into separate units or parts, the subdivider shall secure certification by the chief building official that any building or buildings to be divided will, after division, meet current Code standards for new construction. As used in this Subsection, the phrase “current Code standards” refers to all standards in the current adopted editions of the Building Code, Electrical Code, Plumbing Code and Mechanical Code.

16.06.020 Preparation and Form.

The final subdivision map shall be prepared by or under the direction of a registered civil engineer or licensed land surveyor in the manner required by the Subdivision Map Act and shall conform with all of the following provisions:

A. The general form and layout of the map, including size and type of lettering, drafting and location of acknowledgments, etc., shall be as approved by the City Engineer where different from the standards established by the San Joaquin County Surveyor’s Office Guide to the Preparation of Maps. The final subdivision map shall be legibly drawn in accordance with Section 66434 of the Government Code. The final subdivision map shall be clearly drawn, printed or reproduced by a process guaranteeing a permanent record, except that affidavits, certificates and acknowledgments may be legibly stamped or printed upon the map with black opaque ink. The map shall be so made and shall be in such condition when filed that good, legible prints and negatives can be made from the map. The size of each sheet shall be eighteen (18) by twenty-six (26) inches leaving an entirely blank margin of one (1) inch.

B. The scale of the map shall be not more than one (1”) inch equals one hundred (100’) feet, unless otherwise permitted by the City Engineer, but in any case, the map shall show clearly all details of the subdivision.

C. All dimensions shall be shown in feet and hundredths of a foot. No ditto marks shall be used.

D. If the final subdivision map consists of more than two (2) sheets, a key map showing the relation of the sheets shall be placed on sheet one. Every sheet comprising the map shall bear the title, scale, north point, legend, sheet number and number of sheets comprising the map. If more than three (3) sheets are necessary to show the entire subdivision, an index shall be included.

E. The City file number, if assigned, the scale and the north point shall be shown on the bottom left corner of each sheet.

F. A title sheet, designated as page number one of the final subdivision map, shall be provided; except that, where the size of the subdivision permits, in lieu of a separate title sheet, the information required to be shown thereon may be shown on the same sheet as the map of the subdivision. The title sheet shall contain the following information:

1. Title, followed by the words “City of Escalon”;

2. A title block consisting of the name of the tract and subtitle or general description of all the property being subdivided with reference to maps that have been previously recorded. In no case shall the title be the same, or so nearly the same as to cause confusion as a name of any existing city, town, tract or subdivision of land of which a map has been previously recorded. The subdivision name shown on the final subdivision map shall match the name shown on the approved or conditionally approved tentative subdivision map.

3. The subtitle of maps filed for the purpose of reverting subdivided land to acreage shall consist of the words “A reversion to acreage of...”(insert description as required herein);

4. Reference to tracts and subdivisions in the description must be worded identically with original records; and references to book and page of record must be complete;

5. Affidavits, certificates, acknowledgments, endorsements, acceptance, dedications and notary seals required by law and by this Title; and

6. The basis of bearings used in the field survey, making reference to some recorded subdivision map or other source acceptable to the City Engineer.

7. The certificates required by Section 16.06.030, the Subdivision Map Act, the San Joaquin County Surveyor’s Office Guide to the Preparation of Maps and the City Engineer, at his or her discretion. The form of the certificate shall be approved by the City Attorney.

G. Sufficient data must be shown to determine readily the bearing and length of every lot line, block line and boundary line. Lots containing one acre or more shall show total acreage to the nearest hundredth. Bearing and lengths of straight lines, and radii and arc length for all curves as may be necessary to determine the location of the centers of curves and tangent points shall be shown.

H. The final subdivision map shall show clearly any stakes, monuments or other evidence found on the ground to determine the boundaries of the tract. The corners of adjoining subdivisions or portions thereof shall be identified by lot and block numbers, subdivision name and properties shown.

1. Whenever the City Engineer has established the centerline of a street or alley, adjacent to or in the proposed subdivision, the data shall be shown in the final subdivision map indicating all monuments found and making reference to a field book or map. If the points were reset by ties, the course and detail or relocation data used shall be stated.

2. The map shall show the location and description of all monuments and benchmarks found or placed in making the survey of the subdivision with proper reference sufficient to relocation. Chapter 16.15 contains survey and monument requirements for subdivisions.

I. High Water Line. The line of high water shall be shown in any case where the subdivision is adjacent to a stream, channel or any body of water.

J. Flood Areas. The boundaries of any areas within the proposed subdivision that are subject to inundation by water shall be shown.

K. Boundary of Subdivision. The boundary shall not interfere with the legibility of figures or other data.

L. Right-of-way Dimensions. The centerlines and side lines of all streets, the total width of all streets, the widths of each side of the centerline, the widths of any portion of a street being dedicated, and the widths of existing dedications, and the widths of all railroad, irrigation or other rights-of-way shall be shown.

M. Building Lines. Building setback lines shall be indicated by dashed lines of the same width as the lines denoting street boundaries and shall be properly designated.

N. Easements. The map shall show the sidelines of all easements to which the lots are subject. Such easements must be clearly labeled and identified and if already of record, the record references given. If any easement is not definitely located of record, a statement of such easement must appear on the title sheet. Easements for storm drain, sewers and other purposes shall be denoted by fine broken lines. The width of the easement and the lengths and bearings of the lines thereof and sufficient ties thereto to definitely locate the easement with respect to the subdivision must be shown. If the map is dedicating the easement, it shall be properly referenced in the owner's certificate of dedication.

O. Acreage. The total acreage of the subdivision to the nearest one hundredth of an acre shall be shown on the face of the final subdivision map.

P. Block Numbers. The City Engineer shall assign block numbers. The numbers shall be solid and have sufficient size and thickness to stand out, and shall be so placed as not to obliterate any figure and shall not be enclosed in any design. Each block in its entirety shall be shown on one sheet. Where adjoining blocks appear on separate sheets, the street adjoining both blocks shall be shown on both sheets complete with centerline and property line data.

Q. Lot Numbers. Lot numbers shall begin with the number "1" in each block and shall be consecutive with no omissions or duplications.

R. Other Data. The map shall also show all other data that is or may be required by law.

S. Disposition of Lots. The final subdivision map shall particularly define, delineate and designate all lots intended for sale or reserved for private purposes, all parcels offered for dedication for any purpose, public or private with all dimensions, boundaries and courses clearly shown and defined in every case.

T. Any information required by the conditional approval of the City Council.

U. Reversion to Acreage. Maps filed for the purpose of reverting subdivided land to acreage shall meet the requirements of Chapter 16.17 and be conspicuously designated by the title: "The Purpose of This Map Is a Reversion to Acreage."

16.06.030 Certificates.

The following certificates and acknowledgments and others required by law shall appear on the final subdivision map; such certificates may be combined where appropriate:

A. Certificate by Parties Holding Title. A certificate signed and acknowledged by all parties having any title interest in the land subdivided, consenting to the preparation and recordation of said map. Provided however, that the signatures of parties owning the following types of interests may be omitted if their names and the nature of their interests are set forth on the map:

1. Rights-of-way, easements or other interest which cannot ripen into fee, except those owned by a public entity or public utility unless it is determined by the City Council that division and development of the property in the manner set forth on the final subdivision map will not unreasonably interfere with the free and complete exercise of the public entity or public utility right-of-way or easement; provided that such signatures

may be required by the City Council. If such signatures are not required, the subdivider shall send, by certified mail, a sketch of the proposed final subdivision map, together with a copy of this Section, to any public entity or public utility which has previously acquired a right-of-way or easement. If the public entity or public utility objects to recording the final subdivision map without signature pursuant to this Section, it shall so notify the subdivider within thirty (30) days after receipt thereof, otherwise the signature may be omitted. Failure of the public entity or public utility to object to recording the final subdivision map without its signature shall in no way affect its rights under a right-of-way easement.

2. Rights-of-way, easements or reversions, which by reason of changed conditions, long disuse or laches appear to be no longer of practical use or value and signature therefor is impossible or impractical to obtain. In this case, a statement of the circumstances preventing the reasonable procurement of the signature shall be set forth on the map.

3. Any final subdivision map including land originally patented by the United States or this State, under patent reserving interest to either or both of these entities, may be recorded under the provisions of this Title without the consent of the United States or of this State thereto, or to dedication made thereon.

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

a. The ownership of such interests or rights does not include a right of entry on the surface of the land; or

b. The use of the land, or the surface thereof, in connection with the ownership of such interests or rights, is prohibited by zoning or other local ordinances or regulations, provided that such signatures may be required by the City Council.

B. Dedication Certificate. A certificate, signed and acknowledged, offering for dedication all parcels of land shown on the final subdivision map and intended for any public use, except those parcels other than streets which are intended for the exclusive use of the lot owners in the subdivision, their licenses, visitors, tenants and servants.

C. Engineer's Certificate. A certificate of the civil engineer or licensed surveyor responsible for the survey and final subdivision map. The signature of such civil engineer or surveyor, unless accompanied by his or her seal, must be attested.

D. Certificates for Execution. A certificate for execution shall be provided for the City Clerk, the City Manager or his or her designated representative, the City Engineer and the County Recorder.

E. Certificates Regarding Tax Liens.

1. Prior to the filing of the final subdivision map with the City Council, the subdivider shall file with the Clerk of the Board of Supervisors of San Joaquin County, a certificate from the appropriate state or local official, computing redemptions in the County or any municipal corporation in which any part of the subdivision is located, showing that, according to the records of the office, there are no liens against the subdivision or any part thereof for unpaid State, County, Municipal or local taxes or special assessments collected as taxes, except taxes or special assessments not yet payable.

2. As to taxes or special assessments collected as taxes not yet payable, the subdivider shall file with the Clerk of the Board of Supervisors a certificate by each proper officer giving his or her estimate of the amount of taxes and assessments which are a lien but which are not yet payable.

3. Whenever any part of the subdivision is subject to lien for taxes or special assessments collected as taxes which are not yet payable, the final subdivision map shall not be recorded until the owner or subdivider executes and files with the Board of Supervisors, a good and sufficient bond to be approved by said Board and by its terms made to ensure to the benefit of the City and conditioned upon payment of all State, County, Municipal and local taxes and all special assessments collected as taxes which at the time the final subdivision map is recorded are a lien against the property, but which are not yet payable. In lieu of a bond, a deposit may be made of money or negotiable bonds in the same amount, and of the kind approved for securing deposits of public money.

16.06.040 Action on Final Subdivision Map.

A. Approval by City Engineer. Upon receipt of a complete final subdivision map application, the City Engineer shall examine and determine that the subdivision as shown is substantially the same as it appeared on the tentative subdivision map, and any approved alterations. The City Engineer shall verify that all provisions of the law and of this Title applicable at the time of approval of the tentative subdivision map have been complied with, and that he or she is satisfied that the map is technically correct. If the City Engineer determines that the map fully conforms, he or she shall so certify on the map. If it is determined that the final subdivision map does not conform,

the subdivider shall be advised of the changes or additions that must be made before the final subdivision map can be certified. If the subdivider is not satisfied with the determination made by the City Engineer, the subdivider may appeal in writing, within fifteen (15) days to the City Council.

In the event a subdivision is partly in the City and partly outside the City, the County Surveyor and the City Engineer shall enter into an agreement by and with the consent of their respective governing bodies, providing that the County Surveyor may perform the duties of the City Engineer or vice versa, or providing for an apportionment between them of said duties. The County Surveyor or the City Engineer, when by such agreement all such duties devolve upon either one, may after his or her performance thereof make the aforesaid certification upon said map, and when by such agreement said duties are apportioned between the County Surveyor and City Engineer, it shall be sufficient, if each shall, after the performance thereof make a certification on said map, touching the duties performed by each. When all certificates required on the final subdivision map have been signed, except the approval certificate of the City Council, the City Engineer shall transmit said map to the City Clerk.

B. Approval by City Council.

1. At its first regular meeting following the transmittal of the final subdivision map to the City Clerk, the City Council shall receive said map and shall consider the map, the plan of subdivision and the offers of dedication. The City Council may reject any or all offers of dedication. In the event that all improvements required or conditions imposed upon the terms of this Title or by law are not completed before the filing of the final subdivision map, the City Council may enter into a subdivision improvement agreement with the subdivider as provided in Chapter 16.16.

2. The City Council shall, at the meeting at which it receives the map, or at its next regular meeting thereafter, approve said map if it is determined to be in conformity with the provisions of law and of this Title. The City Council shall disapprove said map if it is determined to not be in conformity with the provisions of law and/or of this Title and shall advise the subdivider of its disapproval, and the reason or reasons therefor.

C. Action by City Clerk. The City Clerk, upon receipt of the necessary fees, after the signatures and seals have been affixed and upon the approval of the final subdivision map by the City Council, shall transmit the map to the County Recorder who shall record the same. No map shall have any force or effect until the City Council has approved the same, and no title to any property described in any offer of dedication shall pass until recordation of the final subdivision map.

16.06.050 Correction and Amendment of Maps.

After a final subdivision map or parcel map is filed in the Office of the County Recorder, it may be amended by a certificate of correction or an amending map for any of the following purposes:

- A. To correct an error in any course or distance shown.
- B. To show any course or distance that was omitted.
- C. To correct an error in the description of the real property shown on the map.
- D. To indicate monuments set after the death, disability, retirement from practice or replacement of the engineer or surveyor charged with responsibilities for setting monuments.
- E. To show the proper location or character of any monument which has been changed in location or character which originally was shown at the wrong location or incorrectly as to its character.
- F. To correct any other type of map error or omission as approved by the City Engineer, which does not affect any property right. Such errors and omissions may include, but are not limited to, lot numbers, acreage, street names and identification of adjacent record maps but not changes in courses or distances if not ascertainable from the data shown on the map.

The amending map must conform to the requirements of this Title and must be signed by a registered civil engineer or licensed land surveyor, current property owners and the City Engineer. Said map shall be filed in the Office of the County Recorder.

CHAPTER 16.07

LOT LINE ADJUSTMENTS

Sections:

- 16.07.010 Lot Line Adjustments.**
- 16.07.020 Lot Line Adjustments – Cumulative Effect.**
- 16.07.030 Action of Lot Line Adjustments.**

16.07.010 Lot Line Adjustments.

A. A lot line adjustment can only be between four (4) or fewer existing adjoining parcels, and where a greater number of parcels than originally existed are not thereby created.

B. Requests for lot line adjustments shall be submitted on a form prescribed by the City Planner and signed by all property owners of record. Such application shall be accompanied by a map that accurately illustrates all structures on the affected properties and both the existing and proposed property lines.

16.07.020 Lot Line Adjustments – Cumulative Effect.

Lot line adjustments between five (5) or more existing adjoining parcels shall be subject to the requirements of this Title for a tentative subdivision and final map. All previous lot line adjustments involving adjoining parcels by the same applicant, or agent thereof, shall be included when determining the number of parcels involved.

16.07.030 Action on Lot Line Adjustments.

A. City Planner Action. Upon making all of the following findings, the City Planner shall either approve or conditionally approve applications for lot line adjustments:

1. The proposed adjustment will not adversely affect the use of property in the vicinity or conflict with covenants, restrictions or improvements required by a subdivision of which the subject parcels may be a part.
2. All parcels of land affected thereby after the adjustment shall meet minimum zoning area requirements applicable to the parcels unless said affected parcels in their original condition did not meet said minimum area zoning requirements.
3. Parcels affected by the lot line adjustment will remain in such a size, shape and configuration as to be consistent with good land use practice in that they shall be consistent with Zoning Ordinance and Building Code requirements.
4. The lot line adjustment does not require a record of survey pursuant to Section 8762 of the Business and Professions Code.
5. The lot line adjustment conforms to the General Plan, any applicable specific plan, the Zoning Ordinance and the Building Code.

At the discretion of the City Planner, final action on a lot line adjustment application may be taken by the Planning Commission after a public hearing.

B. Notice Requirements. Notice shall be given of the public hearing on a lot line adjustment application before the Planning Commission not less than ten (10) days before the date of hearing in the following manner:

1. By publication in a newspaper of general circulation in the City of Escalon;
2. By mailing said notice to the owners of real property within three hundred (300) feet of the property that is the subject of the application;
3. By mailing or delivering said notice to the applicant and property owner or the owner's duly authorized agent; and
4. By mailing or delivering said notice to each local agency expected to provide water, sewage, streets, roads, schools or other essential facilities or services to the property and whose ability to provide those facilities or services may be significantly affected.

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C. Planning Commission Action. If the City Planner transfers the lot line adjustment application to the Planning Commission, the Commission shall hold a public hearing and, upon the conclusion thereof, approve, conditionally approve or disapprove the application based on the above findings.

D. Recording. Following approval or conditional approval, the lot line adjustment shall be reflected in a deed which shall be recorded. The applicant is required to provide the City Planner with a copy of the recorded deed. The provisions of Government Code section 66412(d) shall prevail in all cases.

CHAPTER 16.08

**CONDOMINIUMS, COMMUNITY APARTMENTS
AND STOCK COOPERATIVES**

Sections:

- 16.08.010 Map Requirements.**
- 16.08.020 Application Contents.**
- 16.08.030 Findings Required for Approval.**

16.08.010 Map Requirements.

For the purposes of this Chapter, subdivisions that include a condominium project, as defined in Civil Code sections 783 and 1351(f), a community apartment project, defined in Civil Code section 1351(d), or a stock cooperative project as defined in Civil Code section 1351(m), shall be subject to the requirements of this Title for tentative subdivision and final maps. Maps of such projects need not show the buildings or the manner in which the buildings or the airspace above the property shown on the map are to be divided, nor need individual parcels front on a dedicated and accepted County road, City street, or state highway as required by Section 16.02.120D; provided, however, that each unit has access over an area of common ownership to the required dedicated and accepted thoroughfare. Fees for condominium maps shall be computed on the basis of parcels or lots on the surface of the land shown thereon as included in the project.

16.08.020 Application Contents.

Applications for condominiums, community apartments and stock cooperatives shall be in accordance with the procedure established in Chapter 16.04. In addition, the subdivider shall:

A. Commencing at a date not less than sixty (60) days prior to the filing of a tentative subdivision map, the subdivider or his or her agent, shall give notice of such filing, in the form outlined below to each person applying after such date for rental of a unit of the subject property immediately prior to the acceptance of any rent or deposit from the prospective tenant by the subdivider.

1. The notice shall be as follows:

To the prospective occupant(s) of

(Address)

The owner(s) of this building, at (address), has filed or plans to file a tentative subdivision map with the City of Escalon to convert this building to a (condominium, community apartment or stock cooperative project). No units may be sold in this building unless the conversion is approved by the City of Escalon and until after a public report is issued by the Department of Real Estate. If you become a tenant of this building, you shall be given notice of each hearing for which notice is required pursuant to Sections 66451.3 and 66452.5 of the Government Code, and you have the right to appear and the right to be heard at any such hearing.

(Date)

(signature of owner or owner's agent)

I have received this notice on

(Date)

(Prospective Tenant's signature)

2. Failure by a subdivider or his or her agent to give the notice required herein shall not be grounds to deny the conversion. However, if the subdivider or his or her agent fails to give notice pursuant to this section, he or she shall pay to each prospective tenant who becomes a tenant and who was entitled to such notice, and who does not purchase his or her unit pursuant to Section 16.08.030D an amount equal to the sum of the following:

a. Actual moving expenses incurred when moving from the subject property, but not to exceed five hundred dollars (\$500).

b. The first month's rent on the tenant's new rental unit, if any, immediately after moving from the subject property, but not to exceed five hundred dollars (\$500).

B. Sixty (60) days prior to the filing of a tentative subdivision map, the subdivider shall give notice to each existing tenant of the subject property.

1. The notice shall be as follows:

To the occupant(s) of

(Address)

The owner(s) of this building, at (address), plans to file a tentative subdivision map with the City of Escalon to convert this building to a (condominium, community apartment or stock cooperative project). You shall be given notice of each hearing for which notice is required pursuant to Sections 66451.3 and 66452.5 of the Government Code, and you have the right to appear and the right to be heard at any such hearing.

(Signature of owner or owner's agent)

(Date)

2. The written notices to tenants required by this Subsection shall be deemed satisfied if such notices comply with the legal requirements for service by mail.

16.08.030 Findings Required for Approval.

The City Council shall not approve a final subdivision map for a subdivision to be created from the conversion of residential real property into a condominium project, a community apartment project, or a stock cooperative project unless it finds all of the following:

A. Each of the tenants of the proposed condominium, community apartment project, or stock cooperative project has received, pursuant to Section 16.08.020B, written notification of intention to convert at least sixty (60) days prior to the filing of a tentative subdivision map pursuant to Section 66452 of the Government Code. There shall be a further finding that each such tenant and each person applying for the rental of a unit in such residential real property has, or will have, received all applicable notices and rights now or hereafter required by this Chapter or the Subdivision Map Act. In addition, a finding shall be made that each tenant has received ten (10) days' written notification that an application for a public report will be, or has been, submitted to the Department of Real Estate, and that such report will be available on request. The written notices to tenants required by this Section shall be deemed satisfied if such notices comply with the legal requirements for service by mail.

B. Each of the tenants of the proposed condominium, community apartment project or stock cooperative project has been, or will be, given written notification within ten (10) days of approval of a final subdivision map for the proposed conversion.

C. Each of the tenants of the proposed condominium, community apartment project or stock cooperative project has been, or will be, given one hundred eighty (180) days' written notice of intention to convert prior to termination of tenancy due to the conversion or proposed conversion. The provisions of this subsection shall not alter or abridge the rights or obligations of the parties in performance of their covenants, including, but not limited to, the provision of services, payment of rent or obligations imposed by Sections 1941, 1941.1 and 1941.2 of the Civil Code.

D. Each of the tenants of the proposed condominium, community apartment project or stock cooperative project has been, or will be, given notice of an exclusive right to contract for the purchase of his or her respective unit upon the same terms and conditions that such unit will be initially offered to the general public or terms more favorable to the tenant. The right shall run for a period of not less than ninety (90) days from the date of issuance of

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the subdivision public report pursuant to Section 11018.2 of the Business and Professions Code, unless the tenant gives prior written notice of his or her intention not to exercise the right.

CHAPTER 16.09

MOBILE HOME PARK CONVERSION

Sections:

- 16.09.010 Mobile Home Park Conversion to Another Use.**
- 16.09.020 Mobile Home Park Conversion to Residential Ownership.**
- 16.09.030 Map Waiver Where Tenants Purchase Mobile Home Park.**

16.09.010 Mobile Home Park Conversion to Another Use.

A. Impact Report – Required. At the time of filing a tentative subdivision or parcel map for a subdivision to be created from the conversion of a mobile home park to another use, the subdivider shall also file a report with the City on the impact of the conversion upon the displaced residents of the mobile home park to be converted. In determining the impact of the conversion on displaced mobile home park residents, the report shall address the availability of adequate replacement space in mobile home parks.

B. Impact Report – Copies to Residents. The subdivider shall make a copy of the report available to each resident of the mobile home park at least fifteen (15) days prior to the hearing on the map by the Planning Commission.

C. Adverse Impact Mitigation. The Planning Commission may require the subdivider to take steps to mitigate any adverse impact of the conversion on the ability of displaced mobile home park residents to find adequate space in a mobile home park.

16.09.020 Mobile Home Park Conversion to Residential Ownership.

A. At the time of filing a tentative subdivision or parcel map for a subdivision to be created from the conversion of a rental mobile home park to resident ownership, the subdivider shall avoid economic displacement of all nonpurchasing residents in the following manner:

1. Offer each existing tenant the option to either purchase his or her subdivided unit or continue residency as a tenant.
2. File a report on the impact of the conversion upon the mobile home park residents.
3. Make a copy of the report available to each resident of the mobile home park at least fifteen (15) days prior to the hearing on the map by the Planning Commission.
4. Obtain a written ballot survey of support of mobile home park residents for the proposed conversion.

a. The survey shall be conducted in accordance with an agreement between the subdivider and the resident homeowners' association, if any, that is independent of the subdivider or mobile home park owner.

b. Each occupied mobile home space has one vote.

c. The results of the survey shall be submitted to the City for consideration upon the filing of the tentative subdivision or parcel map.

B. The Planning Commission shall hold a public hearing on the map, the scope of which shall be limited to the issue of compliance with these requirements.

C. In the event the conversion is approved, the rent charged to nonpurchasing residents shall be regulated in the following manner:

1. For nonpurchasing residents who are not lower income households, as defined in Section 50079.5 of the Health and Safety Code, the monthly rent, including any applicable fees or charges for use of any preconversion amenities, may increase from the preconversion rent to market levels, as defined in an appraisal conducted in accordance with nationally recognized professional appraisal standards, in equal annual increases over a four-year period.

2. For nonpurchasing residents who are lower income households, as defined in Section 50079.5 of the Health and Safety Code, the monthly rent, including any applicable fees or charges for use of any

preconversion amenities, may increase from the preconversion rent by an amount equal to the average monthly increase in rent in the four (4) years immediately preceding the conversion. The monthly rent may not be increased by an amount greater than the average monthly percentage increase in the Consumer Price Index for the most recently reported period. (Id.)

16.09.030 Map Waiver Where Tenants Purchase Mobile Home Park.

A. When at least two-thirds of the owners of mobile homes who are tenants in a rental park sign a petition indicating their intent to purchase the park for the purpose of converting it to resident ownership, and a field survey has been performed, the requirement for a parcel map or tentative and final map shall be waived unless any of the following conditions exist:

1. There are design or improvement requirements necessitated by significant health or safety concerns.
2. The City determines there is an exterior boundary discrepancy that requires recordation of a new parcel or tentative and final map.
3. The existing parcels which exist prior to the proposed conversion were not created by a recorded parcel or final map.
4. The conversion would result in the creation of more subdivided interests than the number of tenant lots or spaces that exist prior to conversion.

B. The City is required to determine whether the waiver application is complete within thirty (30) days and approve or deny the application within fifty (50) days thereafter.

C. If a tentative subdivision or parcel map is required, no offsite design or improvement requirements shall be imposed except where necessary to mitigate an existing health or safety condition. No other dedications, improvements or in-lieu fees shall be required. Any conditions imposed to mitigate a health or safety concern shall not have the effect of reducing the number, or changing the location, of existing mobile home spaces. For any imposed requirements, the applicant and the City shall enter into an unsecured improvement agreement. The applicant shall have a period of one (1) year from the date the agreement is executed to complete said improvements.

CHAPTER 16.10

MERGER OF PARCELS

Sections:

- 16.10.010 Purpose.**
- 16.10.020 Merger of Parcels Authorized.**
- 16.10.030 Application.**
- 16.10.040 Process for Reviewing Mergers.**
- 16.10.050 Findings.**
- 16.10.060 Notice of Merger Filing.**
- 16.10.070 Merger and Resubdivision Without Reversion.**

16.10.010 Purpose.

The purpose of this Chapter is to provide a simplified procedure to allow for the removal of previously approved parcel lines and the merger of contiguous parcels under common ownership at the request of the property owner, pursuant to Section 66499.20³/₄ of the Government Code. Nothing stated herein shall be construed to prevent an applicant from filing a tentative subdivision map, a final map or a parcel map for any merger.

16.10.020 Merger of Parcels Authorized.

Pursuant to Government Code section 66499.20³/₄, the City Planner is authorized to approve or conditionally approve a merger requested by the property owner of contiguous parcels under common ownership without reversion to acreage, upon making the findings and utilizing the procedures set forth in this Chapter. At the City Planner's discretion, the Planning Commission may take final action on a merger application after a public hearing.

16.10.030 Application.

A. An application for a merger pursuant to this Chapter shall be filed with the City Planner and shall include the following information, materials and documents:

1. Drawings specifying the location of the existing lots, the proposed merger and the boundaries and dimensions of the proposed new lot.
2. A legal description satisfactory to the City Planner.
3. Such additional information as the City Planner may require considering the magnitude of the adjustment; its relation to existing buildings, structures and landscaping; the present use and zoning of the property; location and extent of public improvements; its relation to adopted plans for the area; and compliance with the Subdivision Map Act or other titles and plans of the City.

B. The application shall be accompanied by a filing fee.

16.10.040 Process for Reviewing Mergers.

A. The procedures for reviewing lot line adjustments pursuant to Chapter 16.07 shall apply to applications pursuant to this Chapter to merge contiguous parcels under common ownership.

B. The notice and hearing requirements for lot line adjustments shall apply to merger applications under this Chapter.

16.10.050 Findings.

No application for merger of parcels pursuant to this Chapter shall be approved or conditionally approved unless all of the following findings can be made:

- A. That all existing streets and/or utility easements of record are reserved.
- B. That the resulting parcel conforms to the requirements of this Title, the General Plan, the Zoning Ordinance and the California Building Code.

16.10.060 Notice of Merger Filing.

Upon approval, a “notice of merger” shall be filed with the County Recorder. The form and content of the notice shall be as required by the City.

16.10.070 Merger and Resubdivision Without Reversion.

A. Subdivided lands may be merged and resubdivided without reverting to acreage by complying with the applicable requirements for the subdivision of land as provided by the Subdivision Map Act and this Title. A parcel map shall be required for resubdivisions creating four (4) or fewer parcels. A tentative subdivision and final map shall be required for resubdivisions creating five (5) or more parcels.

B. Any unused fees or deposits previously made pertaining to the property shall be credited pro rata towards any requirements for the same purposes which are applicable at the time of resubdivision.

C. The filing of the parcel map or final map shall constitute legal merging of the separate parcels into one parcel and the resubdivision of such parcel.

D. The filing of parcel map or final map shall constitute abandonment of all public streets and public easements not shown on the map. There shall be a written notation of such abandonment listed by reference to the recording data creating said public streets or public easements. The City Clerk, for final maps, or the City Engineer, for parcel maps, shall certify such abandonments on the map.

CHAPTER 16.11

ENFORCEMENT

Sections:

- 16.11.010** **Violation – Voiding Sale.**
- 16.11.020** **Violation – Notice.**
- 16.11.030** **Examination of Applications for Violations.**
- 16.11.040** **Legal Action Authorized.**

16.11.010 **Violation – Voiding Sale.**

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 the provisions of this Title or the Subdivision Map Act, is voidable at the sole option of the grantee, buyer or person contracting to purchase, his or her heirs, personal representative or trustee in insolvency or bankruptcy within one year after the date of discovery of the violation of the provisions of this Title or the Subdivision Map Act, 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 or her assignee, heir or devisee.

16.11.020 **Violation – Notice.**

A. Whenever a City official or employee has knowledge that real property may have been divided in violation of this Title or the Subdivision Map Act, such information shall be conveyed to the City Planner.

B. When the City Planner, upon investigation of information received or upon his or her own initiative, determines that real property has been divided in violation of this Title or the Subdivision Map Act, he or she shall mail, by certified mail, a notice of intention to record a notice of violation to the then current owner of record of the property. The notice shall:

1. Describe the real property in detail;
2. Name the owners thereof;
3. Describe the violation(s);
4. Explain why the subject parcel is not lawful under Section 66412.6(a) or (b) of the Government Code;
5. State that an opportunity will be given to the owner to present evidence; and
6. Specify a time, date and place at which the owner may present evidence to the Planning

Commission at a public hearing as to why the notice of violation should not be recorded. The hearing shall take place no sooner than thirty (30) days and no later than sixty (60) days from the date of mailing.

C. If, within fifteen (15) days of receipt of the notice, the owner of the real property fails to inform the City of his or her objection to recording the notice of violation, the City Planner shall record the notice of violation with the County Recorder.

D. Notice shall be given of the public hearing on the property before the Planning Commission not less than ten (10) days before the date of hearing in the following manner:

1. By publication in a newspaper of general circulation in the City of Escalon;
2. By mailing said notice to the owners of real property within three hundred (300) feet of the property that is the subject of the hearing;
3. By mailing or delivering said notice to the property owner or the owner's duly authorized agent; and
4. By mailing or delivering said notice to each local agency expected to provide water, sewage, streets, roads, schools or other essential facilities or services to the property and whose ability to provide those facilities or services may be significantly affected.

E. If the Planning Commission determines there has been no violation, the City Planner shall record a release of the notice of violation with the County Recorder and mail a clearance letter to the then current owner of record. If the Planning Commission determines that the property has in fact been illegally divided, the City Planner shall record the notice of violation with the County Recorder, if not already recorded pursuant to subsection C, above.

16.11.030 Examination of Applications for Violations.

A. All officers and employees of the City who are vested with the duty or authority to issue permits or licenses shall carefully scrutinize all applications filed for any permit or license to ascertain if there has been any violation of the provisions of this Title.

B. No permit or license for the construction of any building or for any other use or improvement of a lot or parcel of land shall be issued if it appears that there has been or will be a violation of the provisions of this Title. Any permit or license issued in conflict with the provisions of this Title shall be null and void.

16.11.040 Legal Action Authorized.

Nothing contained in this Chapter, however, shall be deemed to bar any legal, equitable or summary remedy to which the City or any other political subdivision, or any person, firm, corporation, partnership or co-partnership may otherwise be entitled. The City or any other political subdivision, or any person, firm, corporation, partnership or co-partnership may bring legal action to restrain or enjoin any attempted or proposed subdivision or sale in violation of this Title.

CHAPTER 16.12

CERTIFICATE OF COMPLIANCE

Sections:

- 16.12.010 Application.**
- 16.12.020 Review.**
- 16.12.030 Final Map Constitutes Certificate of Compliance.**

16.12.010 Application.

Requests for issuance of a certificate of compliance shall be submitted to the City Planner in a format as may be required by the City Planner, and accompanied by a plot plan and such supporting information as may be deemed necessary by the City Planner to determine compliance. Requests shall be accompanied by a filing fee.

16.12.020 Review.

A. The City Planner shall review the request and determine whether the property or the division thereof complies with the provision of the Subdivision Map Act and this Title.

B. If the City Planner determines the property or the division thereof complies with the provisions of the Subdivision Map Act and this Title, a certificate of compliance shall be issued and recorded.

C. If the City Planner determines the property or the division thereof does not comply with the provisions of the Subdivision Map Act and this Title, the City Planner shall forward the request to the Planning Commission. The Planning Commission, following a public hearing noticed in the same manner as provided by Section 16.11.020D, shall then direct the City Planner to issue and record either a certificate of compliance or a conditional certificate of compliance.

1. A conditional certificate of compliance may impose conditions that would normally have been required under titles in effect at the time the applicant acquired his or her interest in the parcel or parcels.

2. Notwithstanding Subsection C1, if the applicant was the owner of record at the time of the initial violation, the Planning Commission may impose any conditions that would be applicable to a current division of property.

3. Compliance with conditions imposed by the Planning Commission shall not be required until the time that a permit or other grant of approval for development of the property is issued.

D. After the Planning Commission makes a determination and establishes any conditions, the City Planner shall file the certificate of compliance or conditional certificate of compliance with the County Recorder.

16.12.030 Final Map Constitutes Certificate of Compliance.

A recorded final subdivision or parcel map shall constitute a certificate of compliance with respect to the parcel described therein.

CHAPTER 16.13

APPEALS

Sections:

- 16.13.010 Appeals.**
- 16.13.020 Appeals by City Council Members.**
- 16.13.030 Appeals Period.**
- 16.13.040 Appeals – Transmittal of Record.**
- 16.13.050 Appeals – Stays Proceedings.**
- 16.13.060 Appeals – Action by Planning Commission.**
- 16.13.070 Appeals – Action by City Council.**
- 16.13.080 Appeals – Failure to Act.**
- 16.13.090 Hearings.**
- 16.13.100 Hearings – Date.**
- 16.13.110 Hearings – Notice.**

16.13.010 Appeals.

Any person disagreeing with a decision made by the City Planner or Planning Commission involving the application of this Title may appeal the decision to the Planning Commission or City Council as appropriate. Whenever provision for an appeal is made in this Title, the appeal may be taken by any person aggrieved with the decision appealed from, and the following regulations shall apply.

16.13.020 Appeals by City Council Members.

A member of the City Council may appeal an action of either the City Planner or Planning Commission. If an appeal is made by a council member, there shall be a presumption applied that the reason for the appeal is because the appealed action has significant and material effects on the quality of life in the City of Escalon. The basis of the appeal need not be stated in the council member's written appeal. No inference of bias shall be raised by virtue of such an appeal, and the appealing council member may participate and vote on the appealed matter if not otherwise disqualified.

16.13.030 Appeals Period.

An appeal will be valid only if a notice of appeal is filed with the City Planner or City Clerk, as appropriate, within ten (10) days from the date of the action or decision that is being appealed.

16.13.040 Appeals – Transmittal of Record.

Upon receipt of a timely filed notice of appeal, the City Planner or City Clerk shall transmit a copy of all documents constituting the record upon which the appealed action or decision was taken to the Planning Commission or City Council, as appropriate.

16.13.050 Appeals – Stays Proceedings.

The filing of an appeal shall suspend the action or decision of the City Planner or Planning Commission as appropriate, and all proceedings shall be stayed.

16.13.060 Appeals – Action by Planning Commission.

The Planning Commission shall hear and decide appeals from any action of the City Planner and may affirm or reverse the action, in whole or in part. The Planning Commission shall not be limited in its review of that portion of the action complained of but may consider the entire matter and, in doing so, may add, modify or delete conditions as it deems necessary or proper. The Planning Commission's decision may be appealed to the City Council pursuant to this Chapter.

16.13.070 Appeals – Action by City Council.

The City Council shall hear and decide appeals from any action of the Planning Commission and may affirm or reverse the action, in whole or in part. The City Council shall not be limited in its review of that portion of the action complained of but may consider the entire matter and, in doing so, may add, modify or delete conditions as it deems necessary or proper.

16.13.080 Appeals – Failure to Act.

If the Planning Commission or City Council fails to act upon an appeal within thirty (30) days after the date that a notice of appeal is filed, the decision or action appealed shall be deemed affirmed. If no further administrative appeal is, or can be, taken, the decision or action appealed, insofar as it complies with applicable requirements of the Subdivision Map Act and this Title, shall be deemed approved or conditionally approved as last approved or conditionally approved. The City Clerk shall certify such approval or conditional approval.

16.13.090 Hearings.

Whenever an appeals hearing is held by the Planning Commission or the City Council in accordance with the provision of this Chapter, the regulations hereinafter set forth shall govern unless otherwise provided.

16.13.100 Hearings – Date.

The date for any public hearing required by this Chapter shall be held within a reasonable time but not to exceed thirty (30) days after receipt of the application and all necessary documents pertaining hereto. The appellant shall be notified, in writing, of the date, time and place of any such hearing.

16.13.110 Hearings – Notice.

Notice of the date, time, place and purpose of any hearing held in accordance with the provisions of this Chapter shall, unless otherwise provided, be given by publishing in a newspaper of general circulation in the City at least ten (10) days prior to such hearing. For hearings directly relating to an identifiable property or area, notice shall also be given by posting at least three (3) public notices thereof at least ten (10) days prior to such hearing on the property and within three hundred (300) feet along streets upon which the subject property abuts. In addition, mailed notice shall be sent at least ten (10) days prior to the date of hearing to the owners of property within three hundred (300) feet of the subject property, using for this purpose the names and addresses which appear on the last equalized assessment roll for taxes. No proceeding in connection with the hearing shall be invalidated by failure to send such notices where the address of the owner is not a matter of public record or to post public notices or by the failure of any of the aforesaid individuals to receive any notice.

CHAPTER 16.14

EXPIRATIONS AND TIME EXTENSIONS

Sections:

- 16.14.010 Expiration.**
- 16.14.020 Requirements for Application.**
- 16.14.030 Review Procedures.**
- 16.14.040 Time Extensions.**

16.14.010 Expiration.

The approval or conditional approval of a tentative subdivision map or tentative parcel map shall expire twenty-four (24) months from the date of its approval. If, however, the subdivider files multiple final maps in accordance with Government Code section 66456.1 and is required to construct, improve or finance the construction of public improvements of \$178,000, or such minimum amount as adjusted by Government Code section 66452.6(b), or more outside of the boundaries of the tentative subdivision map, excluding improvements of public rights-of-way, which abut the boundary of the property to be subdivided and which are reasonably related to the development of that property, or if the tentative subdivision map is on property subject to an approved development agreement, then the expiration date shall be extended in accordance with Government Code section 66452.6.

16.14.020 Requirements for Application.

A. Approval of a final subdivision map or parcel map can only be granted where the application for approval is filed with the City Engineer before the expiration of the tentative subdivision map or tentative parcel map. If the tentative subdivision map or tentative parcel map has expired, no final map can be filed without first processing a new tentative subdivision or tentative parcel map.

B. Applications for time extensions may be initiated by the property owner(s) or an authorized agent. The application shall include an application, a letter of justification for the time extension and other information as required by the City Planner. Time extension applications are submitted to the City Planner prior to the expiration date of the tentative subdivision map or tentative parcel map.

C. Once the application for extension is filed, the map is automatically extended for sixty (60) days or until the Planning Commission acts on the extension, as long as the aggregate five (5) year period is not exceeded.

16.14.030 Review Procedures.

Final action on time extension applications shall be taken by the Planning Commission after a noticed public hearing using the review procedures required for the original development application.

16.14.040 Time Extensions.

A. Extensions of Approved Tentative Subdivision or Parcel Maps. An extension of the expiration date of an approved tentative subdivision or parcel map may be granted by the Planning Commission for a period or periods not to exceed a total map life of five (5) years.

B. Extensions for Vested Rights. An extension of the expiration date of the vested rights in effect after the filing of a final map may be granted by the Planning Commission for a period or periods not exceeding one (1) year.

C. Extensions of time shall be subject to the original conditions of approval and any additional conditions imposed by the Planning Commission and concurred with by the subdivider.

CHAPTER 16.15

SURVEYS AND MONUMENTS

Sections:

- 16.15.010** **Survey – Procedure and Practice.**
- 16.15.020** **Traverse.**
- 16.15.030** **Survey Data.**
- 16.15.040** **Grid Monuments.**
- 16.15.050** **Monuments.**
- 16.15.060** **Boundary Monuments.**
- 16.15.070** **Interior Monuments.**
- 16.15.080** **Deferred Monuments.**
- 16.15.090** **Monument Type and Positioning.**
- 16.15.100** **Replacement of Destroyed Monuments.**
- 16.15.110** **Survey Data and Information to be Shown on Final Map or Parcel Map.**
- 16.15.120** **Notification Requirements.**
- 16.15.130** **Death, Disability or Retirement of Responsible Persons.**

16.15.010 **Survey – Procedure and Practice.**

The procedure and practice of all survey work done on any subdivision, whether for preparation of a final map or parcel map, shall conform to the standard practices and principles of land surveying, the Land Surveyor's Act, Business and Professions Code section 8700 et seq., and the provisions of this Chapter.

16.15.020 **Traverse.**

The traverse of the exterior boundaries of the tract computed from field measurements of the ground must close within a limit or error of one foot to twenty thousand (20,000) feet of perimeter before balancing survey.

16.15.030 **Survey Data.**

When required by the City Engineer, the engineer or surveyor making the survey shall show references, ties, locations, elevations and other necessary data relating to monuments set in accordance with the requirements of these regulations. If any exterior boundary monuments are to be set after recordation of the final map or parcel map, as provided by Section 16.15.060, the City Engineer shall require, prior to accepting such map for filing, the reference of said monuments to a sufficient number of adjacent reference points to accurately set each boundary monument after recordation of said map, the setting of only a portion of the boundary monuments, or the submission of complete field notes as evidence of a thorough survey.

16.15.040 **Grid Monuments.**

Whenever the City Engineer has established a system of coordinates which is within a reasonable distance of the subdivision boundary, the field survey shall be tied into such system.

16.15.050 **Monuments.**

At the time of making the survey for the final map or parcel map, the engineer or surveyor shall set sufficient permanent monuments to conform with the standards described in Section 8771 of the Business and Professions Code so that another engineer or surveyor may readily retrace the survey. At least one exterior boundary line shall be monumented prior to recording the final map or parcel map. Other monuments shall be set as required by the City Engineer.

16.15.060 Boundary Monuments.

A. Monuments shall be set on the exterior boundary of the subdivision at all corners, angle points, beginnings and ends of curves and at intermediate points approximately one thousand (1,000) feet apart. The locations of inaccessible points may be established by ties and shall be so noted on the final map or parcel map.

B. All exterior boundary monuments shall be set prior to recordation of the final map or parcel map unless extensive grading operations or improvement work makes it impractical to set such monuments. In the event any of the boundary monuments are to be set after recordation of the final map or parcel map, prior to the submission of such map to the City Engineer for filing, the engineer or surveyor making the survey shall, in addition to furnishing field notes showing the boundary survey as required by Section 16.15.030, furnish evidence acceptable to the City Engineer to substantiate the reasons for deferring the setting of such monuments until after recordation of such map.

C. All boundary monuments shall be permanently and visibly marked or tagged with the registration or license number of the engineer or surveyor who signs the engineer's or surveyor's certificate and under whose supervision the survey was made.

16.15.070 Interior Monuments.

Interior monuments shall be set along street and alley center lines at the beginnings and ends of curves, at points of intersection with lines of other existing and proposed streets and alleys, and at the points of intersection with the exterior boundary lines. Interior monuments may be set after the final map or parcel map is recorded. Interior monuments shall consist of Parker-Kalon nails as described in Section 16.15.090, except where concrete survey monuments are required by the City Engineer.

16.15.080 Deferred Monuments.

In the event any or all of the required monuments are to be set after recordation of the final map or parcel map, the engineer's or surveyor's certificate shall specify the date, established by the City Engineer, by which the monuments will be set, and the field notes thereon furnished, and the subdivider shall, prior to the submission of such map to the City Engineer for filing, furnish to the City Engineer a cash deposit in an amount established by resolution of the City Council for each boundary and interior monument to be deferred. After deferred monuments have been set, written notice shall be given to the City Engineer as per Section 66497 of the Government Code, and the cash deposit, if any, shall be returned to the subdivider. In the event the deferred monuments are not set within the period of time specified on the engineer's or surveyor's certificate, or within any approved extended period of time, and provided that all improvement work has been completed, the City Engineer shall, by written notice, direct the engineer or surveyor of record to, within sixty (60) days of the date of such directive, set such monuments and furnish such field notes as were agreed to be set and furnished on said certificate. If the engineer or surveyor fails to comply with said directive within the specified time, and if no request for an extension of time has been submitted in writing and granted within such time, the City Engineer shall, without further notice, submit a written complaint and request for disciplinary action against said engineer or surveyor to the State Board of Registration for Civil and Professional Engineers.

16.15.090 Monument Type and Positioning.

Boundary monuments shall consist of one inch diameter iron pipes, eighteen (18) inches long. Temporary interior monuments for construction purposes shall consist of two (2) inch by two (2) inch by eight (8) inch long wood hubs with sup tacks. Permanent interior monuments shall consist of one-quarter (¼) inch diameter Parker-Kalon nails, one and one-half (1½) inch long. All monuments shall be set securely to ground level. Concrete survey monuments shall be in accordance with the most recent design procedure manual of the City.

16.15.100 Replacement of Destroyed Monuments.

Any boundary monument set as required herein which is disturbed or destroyed before acceptance of all improvements by the City, and any interior monument which is disturbed or destroyed before being located and referenced by the City at the time of construction, shall be replaced by the subdivider's engineer or surveyor.

16.15.110 Survey Data and Information to be Shown on Final Map or Parcel Map.

The following survey data and information shall be shown on each final map or parcel map for which a field survey was made pursuant to the provisions of these regulations:

A. The basis of bearing used in the field survey, making reference to a recorded subdivision map or other record acceptable to the City Engineer;

- B. Stakes, monuments (together with their precise position) or other evidence found on the ground to determine the boundaries of the subdivision;
- C. Corners of all adjoining properties identified by lot and block numbers, subdivision names, numbers and page of record or by section, township and range or other proper designation;
- D. All information and data necessary to locate and retrace any point or line without unreasonable difficulty;
- E. The location and description of any required monuments to be set after recordation, and the statement that they are “to be set”;
- F. Bearing and length of each lot line, block line and boundary line and each required bearing and distance;
- G. Length, radius and bearings of terminal radii of each curve and the bearing of each radial line to each lot corner on each curve; and
- H. The center lines of any street or alley in or adjoining the subdivision, profiles, estimated costs and specifications.

The form, layout, scale and other particulars of the plans, and number of copies to be provided, shall be in accordance with the requirements of the City Engineer.

16.15.120 Notification Requirements.

Within five (5) days after the engineer or surveyor has completed the final setting of all monuments, he or she shall give written notice to the subdivider and to the City Engineer that the final monuments have been set. Upon payment to the engineer or surveyor for setting the final monuments, the subdivider shall present to the City Engineer evidence of such payment and receipt thereof by the engineer or surveyor. Upon receipt of such evidence the City Engineer is authorized to cause payment to be made to the engineer or surveyor for the setting of the final monuments from said cash deposit, if so requested by the depositor. If the subdivider does not present evidence to the City Engineer that the subdivider has paid the engineer or surveyor for the setting of the final monuments, and if the engineer or surveyor notifies the City Engineer that he or she has not been paid by the subdivider for the setting of the final monuments, the City Engineer may, within three (3) months from the date of said notification, authorize payment to the engineer or surveyor from the cash deposit the amount due.

16.15.130 Death, Disability or Retirement of Responsible Persons.

In the event of the death, disability or retirement from practice of the engineer or surveyor charged with the responsibility for setting monuments, or in the event of his or her refusal to set such monuments, the City Council may direct the City Engineer, or such engineer or surveyor as it may select, to set such monuments. If another replaces the original engineer or surveyor, the former may, by letter to the City Engineer, release his or her obligation to set the final monuments to the surveyor or engineer who replaced him or her. When the monuments are so set, the substitute engineer or surveyor shall amend any map filed pursuant to this Title in accordance with the provisions.

CHAPTER 16.16

IMPROVEMENTS

Sections:

16.16.010	Improvements Required.
16.16.020	Improvement Plan and Permits Required.
16.16.030	Preparation and Form of Improvement Plans.
16.16.040	Commencement of Improvement Work.
16.16.050	Construction and Installation Standards.
16.16.060	Utility Line Installation Standards.
16.16.070	Temporary Improvements.
16.16.080	Inspection of Improvement Work.
16.16.090	Coordination of Improvement Work.
16.16.100	Improvements Waived – Clarifying Records or Reversion to Acreage.
16.16.110	Improvement Requirements.
16.16.120	Oversizing Improvements-Reimbursement.
16.16.130	Subdivision Improvement Agreement.
16.16.140	Improvement Security Required.
16.16.150	Improvement Security.
16.16.160	Liability for Alterations or Changes.
16.16.170	Release of Improvement Security – Assessment District Proceedings.
16.16.180	Release of Improvement Security.

16.16.010 Improvements Required.

The subdivider shall construct or install all improvements in streets, alleys, pedestrian ways, bike paths, channels, easements and other rights-of-way as are necessary for the general use of residents of the subdivision and to meet local traffic and drainage needs in accordance with the provisions of this Title.

16.16.020 Improvement Plan and Permits Required.

Improvement plans shall be completed by the subdivider, and accepted by the City Engineer, prior to the acceptance of the final map or parcel map for filing by the City Engineer. Plans shall conform to improvement standards adopted by the City Council pursuant to Section 66462 of the Government Code. The final map or parcel map shall not be deemed to be submitted for approval until the preparation of said plans is completed and said plans have been accepted by the City Engineer.

16.16.030 Preparation and Form of Improvement Plans.

Improvement plans shall be prepared by, or under the direction of, a registered civil engineer and shall show full details of all improvements required to be installed by the provisions of these regulations, and of all other improvements proposed to be installed by the subdivider within any street, alley, pedestrian way, easement or other public area or right-of-way. Full details shall include cross sections, profiles, estimated costs, specifications and a detailed layout of all public utilities. The form, layout, scale and other particulars of the plans, and number of copies to be provided shall be in accordance with the requirements of the City Engineer.

16.16.040 Commencement of Improvement Work.

Prior to the commencement of grading, construction or installation of any improvements within any street, alley, pedestrian way, easement or other public area or right-of-way, improvement plans shall have been accepted by the City Engineer and any other affected departments or divisions.

16.16.050 Construction and Installation Standards.

Improvements shall be constructed and installed in accordance with the accepted plans and in accordance with the applicable standards, specifications and permit procedures established by these regulations, the Escalon Municipal Code and other codes or resolutions of the City Council. Improvements shall be constructed and installed to permanent line and grade satisfactory to the City Engineer.

16.16.060 Utility Line Installation Standards.

All portions of a subdivision utilities system, including but not limited to electrical, natural gas, telephone, cable television and street lighting service lines, shall be placed underground. However, incidental appurtenant equipment such as transformers, terminal boxes and meter cabinets may be placed above ground when, in the opinion of the City Engineer, it is impractical under the given circumstances to place same underground. The provisions of Chapter 13.16 govern, as applicable.

16.16.070 Temporary Improvements.

In addition to permanent improvements, temporary improvements may be required to be made prior to or concurrent with permanent improvements.

16.16.080 Inspection of Improvement Work.

All improvements shall be constructed under the inspection of the City Engineer, and the subdivider shall cause all such improvement work to be inspected at such times as are established and required by the City Engineer. Subdivider shall pay the City a fee to defray the City's costs in making such inspection, the rate of which shall be determined by resolution of the City Council.

16.16.090 Coordination of Improvement Work.

All work and improvements contemplated by and performed pursuant to these regulations shall be accomplished so as to minimize interference with and coordinate with other construction activities or developments of or on behalf of the City and nearby private development.

16.16.100 Improvements Waived – Clarifying Records or Reversion to Acreage.

If it is determined by the City Engineer that the subdivision has been submitted only for the purpose of clarifying records by consolidating existing lots and metes and bounds parcels, or for the purpose of absorbing vacated streets or alleys by reversion to acreage, or both, the City Council may, upon recommendation of the City Engineer, waive all or a portion of the improvements which otherwise would be required.

16.16.110 Improvement Requirements.

The improvements required by this Chapter as conditions of approval of the tentative subdivision or parcel map may include, but are not limited to, the following:

- A. Grade and fill to a grade acceptable to the City Engineer and construct all necessary grade crossings, culverts, bridges and other related works;
- B. Construct and install all drains, drainage facilities, channel improvements and other drainage works required to provide adequate drainage for the subdivision and to protect all lots and adjacent land from flood or overflow by storm or flood waters in accordance with the accepted plans for drains and drainage works;
- C. Construct and install concrete curbs gutters and sidewalks on both sides of every street and on the proximate side of each existing or dedicated street bordering the subdivision. If a street is an extension of a turnaround or temporary turnaround, the bulbed portion shall be removed and required improvements installed;
- D. Install or provide for the installation of water mains, sanitary sewer, storm drains, necessary appurtenances and all laterals required to serve each lot;
- E. Relocate or provide for the relocation of any underground or overhead utility, including irrigation lines and traffic signal lines, the relocation of which is necessitated by development of the subdivision;
- F. All underground utilities, sanitary sewers, storm drains and other facilities installed in streets or alleys shall be constructed prior to the paving of such street or alley. Service connections for all underground utilities and sanitary sewers shall be laid at such lengths to avoid disturbing the street or alley improvements when service connections thereto are made;
- G. Install street pavement to City standards and to the satisfaction of the City Engineer;
- H. Install sidewalks, alleys, pedestrian ways and bikeways to City standards to the satisfaction of the City Engineer;

- I. Provide for the planting of residential street trees of the species, condition, size and in the location prescribed by the City Engineer;
- J. Install or provide for the installation of street lighting facilities of approved design and illumination in the locations and manner approved by the City Engineer;
- K. At the discretion of the City Engineer, install, or, provide a deposit for the purpose of paying the City its actual costs incurred for installing, warning devices and traffic signal equipment where required by traffic conditions related to the subdivision. At the discretion of the City Engineer, provide a deposit for payment of the City for installation of, initial signs required for the subdivision by normal City signing practices;
- L. Construct and install street barricades in accordance with standard specifications, guardrails, retaining walls and safety devices where required by the City Engineer;
- M. Construct such acceleration and deceleration lanes and traffic channelization devices in streets as are deemed necessary by the City Engineer;
- N. Construct a six-foot woven wire fence or masonry wall along subdivision boundary line, where such boundary line is adjacent to or across a public street, alley or pedestrian way from an open and unfenced canal, storm channel, railroad, quarry, airport or other facility deemed possibly hazardous in the sole discretion of the City Engineer;
- O. Construct a sound reduction barrier where required by the General Plan, applicable specific plans or mitigation measures incorporated into the project during the CEQA process. The barrier shall be designed in accordance with standard specifications;
- P. Improve bike paths with adequate fencing designed in accordance with standard specifications; and
- Q. Construct improvements required and included as mitigation measures pursuant to CEQA.

16.16.120 Oversizing Improvements – Reimbursement.

As a condition of approval of a tentative subdivision or parcel map, it may be required that improvements installed by the subdivider for the benefit of the subdivision be of a supplemental size, capacity or number for the benefit of property not within the subdivision, and that said improvement be dedicated to the public. If such a condition is imposed, provision for reimbursement to the subdivider in the manner provided by Section 66486 of the Government Code shall be contained in the subdivision improvement agreement.

16.16.130 Subdivision Improvement Agreement.

- A. If the required improvements are not satisfactorily completed before a final map or parcel map is filed with the City Engineer, the subdivider shall execute and file an agreement between himself and the City, specifying the period within which the subdivider shall complete all improvement work to the satisfaction of the City Engineer, and providing that if the subdivider shall fail to complete such work within such period, the City may complete the same and recover the full cost and expense thereof from the subdivider. The requirements for such a subdivision improvement agreement shall not be waived under any circumstances.
- B. The subdivision improvement agreement shall be in writing, shall be approved as to form by the City Attorney and as to substance by the City Engineer, and shall be secured and conditioned as provided in this Chapter. An acknowledged abstract of said agreement shall be recorded simultaneously with the final map or parcel map.
- C. The subdivision improvement agreement, and acknowledged abstract thereof, shall be complete and on file with the City Engineer before the final map or parcel map is accepted for filing. The term of the agreement shall begin on the date of filing and end upon the date of completion or fulfillment of all terms and conditions contained therein to the satisfaction of the City Engineer.
- D. A subdivision improvement agreement shall include the following provisions:
 - 1. Mutually agreeable terms to complete all required improvements at the subdivider's expense;
 - 2. A provision that the subdivider shall comply with all requirements of these regulations, of the Municipal Code, and of other applicable laws, and with all terms and conditions of required improvement permits;
 - 3. A statement indicating a period of time, satisfactory to the City Engineer, within which the subdivider shall complete all improvement work;
 - 4. A provision that if the subdivider fails to complete the work within the specified period of time, or any extended period of time that may have lawfully been granted to the subdivider, the City may, at its option, complete the required improvement work and the subdivider and his or her surety shall be firmly bound under a continuing obligation for payment of the full cost and expense incurred or expended by the City in completing such work;

5. Provision for the inspection of all improvements of the subdivision by the City Engineer for a period of twelve (12) months after said improvement acceptance date;
 6. Provision for the repair and replacement of defective material and workmanship of said improvements by the subdivider for a period of twelve (12) months after the improvements have been accepted by the City Engineer;
 7. A provision guaranteeing payment to the City for all engineering and inspection costs and fees and all other incidental expenses incurred by the City; and
 8. A description of all lands within the exterior boundaries of the subdivision.
- E. A subdivision improvement agreement may include the following provisions and such other additional terms and conditions as are determined necessary by the City Engineer and City Attorney to carry out the intent and purposes of these regulations:
1. Provision for the repair, at the subdivider's expense, of any damage to public streets which may reasonably be expected to result from hauling operations necessary for subdivision improvements required by these regulations, including the importing or exporting of earth for grading purposes;
 2. Mutually agreeable terms to acquire public easements which are outside the boundaries of the subdivision at the subdivider's expense;
 3. Mutually agreeable terms to improve, at some undetermined future date, easements offered and reserved for future public use at the subdivider's expense; and providing that such improvements shall be secured by separate cash bond in the manner prescribed by this Chapter, and further providing that only the requirements of this provision shall not delay the release of any other improvement security provided pursuant to the aforementioned sections;
 4. Provision for reimbursement to be paid the subdivider under the provisions of Section 66486 of the Government Code;
 5. Provision for the setting of required monuments after the recordation of the final map or parcel map;
 6. Provision for the method of payment of any fees imposed by this Title.

16.16.140 Improvement Security Required.

- A. General. Except as provided otherwise in Subsection B below, a subdivider shall secure the improvement agreement entered into pursuant to Section 16.16.130 in the following amounts:
1. Performance Security. An amount determined by the City Engineer to be one hundred percent (100%) of the total estimated cost of the construction or installation of the improvements or of the acts to be performed, securing the faithful performance and completion of the improvement or acts to be performed;
 2. Labor and Material Security. An amount determined by the City Engineer to be not less than fifty (50) percent nor more than one hundred percent (100%) of the total estimated cost of the improvement or required act, securing payment to the contractor, to the subcontractors, and to persons furnishing labor, materials or equipment for the construction or installation of the improvements or the performance of the required acts;
 3. Warranty Security. An amount determined by the City Engineer to be necessary for the guarantee and warranty of the work for a period of one year following the completion and acceptance thereof against any defective work or labor done, or defective materials or equipment furnished; and
 4. Monument Security. An amount determined by the City Engineer to be necessary to cover the cost of setting any monuments deferred pursuant to Section 16.15.080.
- B. Exempt Entities. Entities that are California nonprofit corporations, funded by the United States of America or one of its agencies, or funded by the State of California or one of its agencies, are exempt from the requirements of Subsections A.1 and A.2, provided they meet and fulfill the alternative security requirements specified in Section 66499.3(c) of the Government Code.

16.16.150 Improvement Security.

- A. Form of Improvement Security. Improvement security shall be in one of the following forms:
1. A cash deposit or deposits.
 2. A bond or bonds issued by one or more duly authorized corporate sureties.
 3. A savings and loan certificate and share.
 4. An instrument or instruments of credit from one or more financial institutions subject to regulations by the state or federal government pledging that the funds necessary to carry out the agreement are

on deposit and guaranteed for payment and agreeing that the funds designated by the instrument shall become trust funds for the purposes set forth in the instrument.

5. A lien upon the property to be divided, created by contract between the owner and the City, if the City Council finds that it would not be in the public interest to require the installation of the required improvement sooner than two (2) years after the recordation of the map.

6. Any form of security, including security interests in real property, which is acceptable to the City.

7. Any other form of improvement security authorized by the Subdivision Map Act, including the deposit, with a responsible escrow agent or trust company approved by the City Council, of money or negotiable bonds of the kind approved for securing deposits of public money.

B. The required security shall be in an amount determined by the City Engineer as sufficient to cover the cost of said improvements, engineering, inspection, fees and incidental expenses. The required improvements security shall be approved by the City Engineer as to sufficiency and by the City Attorney as to form.

C. Forfeiture of Improvement Security. In the event the subdivider fails to complete all improvement work in accordance with the provisions of the subdivision improvement agreement and this Title and the City completes same, or if the subdivider fails to reimburse the City for the cost of inspection, engineering, fees and incidental expenses, the City shall call on the surety for reimbursement or shall appropriate from any cash deposits, savings and loan certificates and shares, or instruments of credit, funds for reimbursement. In any case, if the amount of the surety bond, savings and loan certificate and shares, instrument of credit, or cash deposit exceeds all cost and expenses incurred by the City, it shall release the remainder of such bond, savings and loan certificate or share of cash deposit. If the amount of the surety bond, savings and loan certificate and share, instrument of credit, or cash deposit is less than the cost and expense incurred by the City, the subdivider shall be liable to the City for such difference.

16.16.160 Liability for Alterations or Changes.

The liability upon the security given for the faithful performance of the subdivision improvement agreement shall include the performance of any changes or alterations in the work; provided that all such changes or alterations do not exceed ten percent (10%) of the original estimated cost of the improvements.

16.16.170 Release of Improvement Security – Assessment District Proceedings.

If the required subdivision improvements are financed and installed pursuant to special assessment proceedings, or upon the furnishing by the contractor of the faithful performance and payment bond required by the special assessment act being used, the improvement security of the subdivider may be reduced by the City Engineer by the amount corresponding to the amount of such bonds furnished by the contractor.

16.16.180 Release of Improvement Security.

A. Performance Security. The performance security shall be released only upon completion or fulfillment of all terms and conditions of the improvement agreement and acceptance by the City Engineer. Such acceptance shall occur when the certificate of completion is signed by the City Engineer. If a warranty security is not submitted, performance security shall be released twelve (12) months after acceptance of improvements and correction of all warranty deficiencies.

B. Labor and Material Security. Security given to secure payment to the contractor, subcontractors and to persons furnishing labor, materials or equipment may, six (6) months after the completion and acceptance of the improvement by the City Engineer, be reduced to an amount equal to the amount of all claims therefor filed and of which notice has been given to the City. The balance of the security shall be released upon the settlement of all claims and obligations for which the security was given.

C. Warranty Security. The warranty security shall be released upon satisfactory completion of the warranty period, provided that all warranty deficiencies have been corrected.

D. Monument Security. The monument security shall be released upon satisfactory installation of all deferred monuments pursuant to Section 16.15.080.

E. Pursuant to Government Code sections 66499.7 and 66499.9, the release of improvement security as set forth above shall not apply to any costs, reasonable expenses or fees, including reasonable attorneys' fees.

CHAPTER 16.17

REVERSION TO ACREAGE

Sections:

16.17.010	Initiation of Proceedings by Owners.
16.17.020	Initiation of Proceedings by City Council.
16.17.030	Fees.
16.17.040	Proceedings.
16.17.050	Return of Fees, Deposits; Release of Securities.
16.17.060	Recording of Final Subdivision/Parcel Map.

16.17.010 Initiation of Proceedings by Owners.

Proceedings to revert subdivided property to acreage may be initiated by petition of all of the owners of record of the property. The petition shall contain the following information and such other information as required by the City Planner:

- A. Evidence of title to the real property.
- B. Evidence of the consent of all the owners of an interest in the property.
- C. Evidence that none of the improvements required to be made have been made within two (2) years from the date the final subdivision or parcel map was filed for record, or within the time allowed by agreement for completion of the improvements, whichever is later.
- D. Evidence that no lots shown on the final subdivision map or final parcel map have been sold legally or equitably or encumbered for purposes of financing within five (5) years from the date such final subdivision or parcel map was filed for record and evidence that reversion shall not prejudice any person acquiring any interest (equitably or legally) in said lot or lots after said date.
- E. A tentative subdivision map in the form prescribed by Section 16.04.040.
- F. A final subdivision map in the form prescribed by Section 16.06.020, which delineates dedications that will not be vacated and dedications required as a condition to reversion.

16.17.020 Initiation of Proceedings by City Council.

The City Council at the request of any person or on its own motion may by resolution initiate proceedings to revert property to acreage. The City Council shall direct the City Planner to obtain the necessary information to initiate and conduct proceedings.

16.17.030 Fees.

Petitions to revert property to acreage shall be accompanied by a fee to cover the cost of processing and the public hearing(s). If the proceedings are initiated pursuant to Section 16.17.020, the person or persons who requested the City Council to initiate the proceedings shall pay the fee.

16.17.040 Proceedings.

- A. The City Council shall hold a public hearing on all petitions for, and City Council initiations for, reversions to acreage. Notice of the public hearing on the proposed reversion to acreage shall be given not less than ten (10) days before the date of hearing in the following manner:
 1. By publication in a newspaper of general circulation in the City of Escalon;
 2. By mailing said notice to the owners of real property within three hundred (300) feet of the property that is the subject of the application;
 3. By mailing or delivering said notice to the initiator and property owner or the owner's duly authorized agent; and

4. By mailing or delivering said notice to each local agency expected to provide water, sewage, streets, roads, schools or other essential facilities or services to the proposed reversion to acreage and whose ability to provide those facilities or services may be significantly affected.
 5. Such other notice as is deemed necessary or desirable may be given.
- B. The City Council may approve a reversion to acreage only if it finds and records in writing that:
1. Dedications or offers of dedication to be vacated or abandoned by the reversion to acreage are unnecessary for present or prospective public purpose; and
 2. Either:
 - a. All owners of an interest in the real property within the subdivision have consented to reversion; or
 - b. None of the required improvements have been made within two (2) years from the date the final subdivision or parcel map was filed for record, or within the time allowed by agreement for completion of the improvements, whichever is later; or
 - c. No lots shown on the final subdivision or parcel map have been sold within five (5) years from the date the map was filed for record.
- C. The City Council may require as conditions of reversion: (1) the owners dedicate or offer to dedicate streets or easements, and (2) the retention of all or a portion of previously paid subdivision fees, deposits or improvement securities, if the same are necessary to accomplish any of the provisions of this Title.

16.17.050 Return of Fees, Deposits; Release of Securities.

Except as provided in Section 16.17.040, upon filing of the final subdivision map for reversion to acreage with the County Recorder, all fees and deposits not expended or encumbered shall be returned to the current property owner and all improvement securities shall be released by the City Council.

16.17.060 Recording of Final Subdivision/Parcel Map.

After the hearing before the City Council and approval of the reversion, the final subdivision map or parcel map shall be delivered to the County Recorder. Any map so submitted shall be accompanied by evidence of title and nonuse or lack of necessity of any streets or easements to be left in effect after the reversion shall be adequately delineated on the map. The reversion to acreage shall be effective upon either map being filed for record by the County Recorder. The filing of the map shall constitute legal reversion to acreage of the land affected thereby, and shall also constitute abandonment of all streets and easements not shown on the map. The filing of the map also constitutes a merger of the separate parcels into one parcel for the purposes of this Title and shall thereafter be shown as such on the assessment roll subject to the provisions of Section 66445 of the Government Code. Except as otherwise provided in Section 66445(f) of the Government Code, on any final parcel map used for reverting acreage, a certificate shall appear signed and acknowledged by all parties having any record title interest in the land being reverted, consenting to the preparation and filing of the final parcel map.

CHAPTER 16.18

DEFINITIONS

Sections:

16.18.010 Generally.
16.18.020 Definitions.
Alley.
Approved Access.
Board of Supervisors.
CEQA.
Certificate of Compliance.
City Clerk.
City Code.
City Council.
City Engineer.
City Planner.
Control of Access.
County.
County Recorder.
Design.
Final Parcel Map or Parcel Map.
Final Subdivision Map or Final Map.
Fire Protection.
Flag Lot.
Flood Hazard.
Freeway.
Frontage Road.
General Plan.
Geological Hazard.
Improvement.
Lot.
Lot Line Adjustment.
Merger.
Pedestrian Way.
Planning Commission.
Planning Department.
Private Road Easement.
Public Way.
Public Works Department.
Revised Tentative Subdivision Map.
Roadway.
Shall, May.
Street, Arterial.
Street, Collector.
Street, Cul-de-sac.
Street, Local.
Subdivider.
Subdivision.
Subdivision Map Act.
Subdivision Modification.
Tentative Subdivision Map, Tentative Parcel Map.
Vehicular Access Rights.
Vesting Tentative Map.

Zoning Ordinance.

16.18.010 Generally.

Except as otherwise provided in this Chapter, all terms used in this Title which are defined in the Subdivision Map Act are used in this Title as so defined, unless from the context hereof it clearly appears that a different meaning is intended.

16.18.020 Definitions.

Alley.

“Alley” shall mean a public way, other than a street or highway, providing a secondary means of vehicular access to abutting property.

Approved Access.

“Approved access” shall mean access to a state highway, County road or City street of not less than forty (40) feet of right-of-way in width by a connecting access of not less than thirty (30) feet in width; said connecting access being owned by the owner of the parcel or parcels to which it furnishes access or irrevocable easement for the permanent use of such parcel or parcels.

Board of Supervisors.

“Board of Supervisors” or “Board” shall mean the San Joaquin County Board of Supervisors.

CEQA.

“CEQA” shall mean the California Environmental Quality Act, Public Resources Code section 21000 et seq.

Certificate of Compliance.

“Certificate of compliance” shall mean a document issued by the City Planner which certifies that real property has been divided or resulted from a division in compliance with all applicable City titles regulating the division of real property and the Subdivision Map Act regulations applicable at the time the parcel(s) of real property were divided or resulted from such division.

City Clerk.

“City Clerk” shall mean the City Clerk for the City of Escalon.

City Code.

“City Code” shall mean the Escalon Municipal Code.

City Council.

“City Council” or “Council” shall mean the Escalon City Council.

City Engineer.

“City Engineer” shall mean the City Engineer for the City of Escalon.

City Planner.

“City Planner” shall mean the City Planner for the City of Escalon.

Control of Access.

“Control of access” shall mean the condition whereby the right of owners or occupants of abutting land, or other persons, to access, light, air or view in connection with a street or highway is fully or partially controlled by public authority.

County.

“County” shall mean the County of San Joaquin.

County Recorder.

“County Recorder” shall mean the County Recorder of San Joaquin County.

Design.

“Design” shall mean the following:

- 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 (existing or future);
- D. Fire roads and firebreaks;
- E. Lot size and configuration;
- F. Traffic access;
- G. Grading;
- H. Land to be dedicated for park or recreational purposes;
- I. Land to be dedicated for schools; and
- J. Such other specific physical requirements in the plan and configuration of the entire subdivision as may be necessary to ensure consistency with, or implementation of, the General Plan or any applicable specific plan.

Final Parcel Map or Parcel Map.

“Final parcel map” or “parcel map” shall mean a map prepared by a registered civil engineer or licensed land surveyor showing a subdivision of four (4) or fewer parcels, required by, and prepared in accordance with, the provisions of the Subdivision Map Act and this Title and designed to be filed for recordation.

Final Subdivision Map or Final Map.

“Final subdivision map” or “final map” shall mean a map showing a subdivision of five (5) or more parcels for which tentative and final maps are required by, and prepared in accordance with, the provisions of the Subdivision Map Act and this Title, and conforming to an approved tentative subdivision map.

Fire Protection.

“Fire protection” shall mean such fire hydrants and other protective measures as may be reasonably required by the fire marshal of the Fire District for protection of property to be located within a subdivision.

Flag Lot.

“Flag lot” shall mean a parcel predominantly situated behind another parcel and having access to a street by means of a narrow portion of the parcel extending out to the street.

Flood Hazard.

“Flood hazard” shall mean a hazard to land or improvements due to seasonal inundation or to overflow water having sufficient velocity to transport or deposit debris, scour the surface soil, dislodge or damage buildings, or erode the banks of water courses.

Freeway.

“Freeway” shall mean a highway defined as a “freeway” in Section 23.5 of the Streets and Highways Code.

Frontage Road.

“Frontage road” or “service road” shall mean a street lying adjacent and approximately parallel to and separated from a freeway or other public street and which affords access to abutting property.

General Plan.

“General Plan” shall mean the General Plan of the City of Escalon.

Geological Hazard.

“Geological hazard” shall mean a hazard inherent in the crust of the earth, or artificially created, which is dangerous or potentially dangerous to life, property or improvements due to the movement, failure or shifting of earth.

Improvement.

“Improvement” shall mean any 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, rights-of-way 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 subdivision or parcel map thereof. “Improvement” shall also mean any 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 City or by a combination thereof, is necessary or convenient to ensure consistency with, or implementation of, the General Plan or any applicable specific plans.

Lot.

“Lot” shall mean a parcel or portion of land separated from other parcels or portions by description as on a final subdivision or parcel map or by metes and bounds for purpose of sale, lease, financing or separate use, or a parcel of land which is identified on a final map or parcel map recorded in the office of the County Recorder with a separate and distinct number or letter.

Lot Line Adjustment.

“Lot line adjustment” shall mean the relocation of an interior lot line between four (4) or fewer existing adjoining parcels, where the land taken from one parcel is added to an adjoining parcel, and where a greater number of parcels than originally existed are not thereby created.

Merger.

“Merger” shall mean the joining of two (2) or more contiguous parcels of land under common ownership into one parcel.

Pedestrian Way.

“Pedestrian way” shall mean a right-of-way designed for use by pedestrians and not intended for use by motor vehicles of any kind. A pedestrian way may be located within or without a street right-of-way, at grade, or grade separated from vehicular traffic.

Planning Commission.

“Planning Commission” or “Commission” shall mean the Escalon Planning Commission.

Planning Department.

“Planning Department” shall mean the Planning Department of the City of Escalon.

Private Road Easement.

“Private road easement” shall mean a parcel of land not dedicated as a public street, over which a private easement for road purposes is proposed to be or has been granted to the owners of property contiguous or adjacent thereto which intersects or connects with a public street, or a private street; in each instance the instrument creating such easement shall be or shall have been duly recorded or filed in the office of the County Recorder.

Public Way.

“Public way” shall mean any street, highway, alley, pedestrian way, equestrian or hiking trail, biking path, channel, viaduct, subway, tunnel, bridge, easement, right-of-way or other way in which the public has a right of use.

Public Works Department.

“Public Works Department” shall mean the Public Works Department of the City of Escalon.

Revised Tentative subdivision map.

“Revised tentative subdivision map” shall mean a tentative subdivision map filed for approval under this Title showing a revised arrangement of the streets, alleys, easements or lots or a modification of the boundary of property for which a tentative subdivision map has been previously approved.

Roadway.

“Roadway” shall mean that portion of a right-of-way for a street, highway or alley designed or used to accommodate the movement of motor vehicles.

Shall, May.

The word “shall” is mandatory. “May” is permissive.

Street, Arterial.

“Arterial Street” shall mean a street that carries the vehicular traffic of local and collector streets to and from freeways, the central business district and other arterial streets, with protected intersections at grade, and that generally provides direct access to abutting properties.

Street, Collector.

“Collector Street” shall mean a street that collects and distributes vehicular traffic moving between arterial streets and local streets and that generally provides direct access to abutting properties.

Street, Cul-de-sac.

“Cul-de-sac Street” shall mean a street which is designed to remain permanently closed at one end with the closed end terminated by a vehicular turnaround. For the purposes of these regulations, the length of a cul-de-sac street shall be measured from the center line of the intersecting street along the center line of the cul-de-sac to the center of the radius of the turnaround.

Street, Local.

“Local Street” shall mean any street other than a collector street, arterial street or freeway that provides direct access to abutting properties and serves local as distinguished from through traffic.

Subdivider.

“Subdivider” shall mean a person, firm, corporation, partnership or association who proposes to divide, divides or causes to be divided real property into a subdivision for itself or for others except that employees and consultants of such persons or entities acting in such capacity, are not “subdividers.”

Subdivision.

“Subdivision” shall mean the division, by any subdivider, of any unit or units of improved or unimproved land, or any portion thereof, shown on the latest equalized County assessment roll as a unit or as contiguous units, for the purpose of sale, lease or financing, whether immediate or future. Property shall be considered as contiguous units, even if it is separated by roads, streets, utility easements or railroad rights-of-way. “Subdivision” includes a condominium project, as defined in Section 1351(f) of the Civil Code, a community apartment project as defined in Section 1351(d) of the Civil Code, or the conversion of five (5) or more existing dwelling units to a stock cooperative, as defined in Section 1351(m) of the Civil Code.

Subdivision Map Act.

“Subdivision Map Act” shall mean the Subdivision Map Act, Government Code section 66410 et seq., inclusive, as that Act currently provides or is subsequently amended.

Subdivision Modification.

“Subdivision modification” shall mean a request by a subdivider for modifications to the requirements or standards imposed by these subdivision regulations filed prior to the approval of the tentative subdivision map.

Tentative Subdivision Map, Tentative Parcel Map.

“Tentative subdivision map” or “tentative parcel map” shall mean a map made for the purpose of showing for approval the design and improvement of a proposed land division which requires a final map or parcel map, when a tentative subdivision map is required by this Title.

Vehicular Access Rights.

“Vehicular access rights” shall mean the right or easement for vehicular access of owners or occupants of abutting lands to a public way.

Vesting Tentative Map.

“Vesting tentative map” shall mean a tentative map which shall have printed conspicuously on its face the words “vesting tentative map” at the time it is filed, in accordance with this Title, and Section 66452 of the Government Code and is thereafter processed in accordance with these provisions and the Subdivision Map Act.

Zoning Ordinance.

“Zoning Ordinance” shall mean the zoning regulations found in Title 17 (Zoning) for the Escalon Municipal Code and amendments thereto.