

Title 17

SUBDIVISIONS

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Chapter 01

GENERAL PROVISIONS

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17.01.010 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, California Government Code section 66410 et seq., and may be cited as the “Subdivision Code of the City of Ceres.”

17.01.020 Purpose.

A. The purpose of this Title to regulate and control the division of land within the City of Ceres, to the extent authorized by 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 procedures to be followed in securing the official approval of the City regarding the maps. 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 of the City and to promote controlled residential growth, the provision of open space, the conservation, protection, and proper use of land; and to ensure that provision is made in the approval of land divisions for adequate traffic circulation, drainage, sanitary sewers, parks, open spaces, utilities, and other public facilities and services.

B. In the event that the provisions of the Subdivision Map Act are inconsistent with the provisions of this Title, the provisions of the Subdivision Map Act shall prevail over the inconsistent provisions of this Title.

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

The regulations established by this Title are designed to assist in the systematic implementation of the General Plan, each applicable specific plan, the zoning ordinance, and other applicable City, State, or Federal land use regulations, and to provide for public needs, health and safety, convenience, and general welfare of the residents of Ceres.

Neither the approval nor conditional approval of any lot line adjustment, tentative map, parcel map or final map shall constitute or waive compliance with any other applicable provisions of this 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 this Title shall be construed to permit the premature or haphazard

subdivision of lands in violation of the General Plan, any applicable specific plans, and all applicable zoning and land use regulations.

17.01.040 Advisory Agency.

The Ceres of City Planning Commission is designated as the advisory agency with respect to subdivisions as provided in the Subdivision Map Act and shall have all the powers and duties with respect to tentative, parcel, and final maps, and the procedure relating thereto, which are specified by law and by this Title.

17.01.050 Restrictions on Sale.

It is unlawful for any individual, firm, association, syndicate, co-partnership, or corporation as a principal, agent, or otherwise, to offer to sell or lease, to contract to sell or lease, or sell or lease any subdivision until all the requirements provided for in this Title have been complied with..

Chapter 02

DEFINITIONS

Sections:

17.02.010 Generally.

17.02.010 Generally.

As a supplement to the definition of terms contained in Article 2 of Chapter 1 of the Subdivision Map Act, which definitions are hereby incorporated in this Title by reference, the following terms as used in this Title shall have the meanings ascribed to them herein:

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

“Approving authority” means the public body of the City which has final approval authority under this Title for a specific action regulated by this Title. A public body or official has final approval authority under this Title even though its actions may be subject to appeal to the Commission or Council under the provisions of Chapter 17.07, Appeals.

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

“Building site” means the same as “lot,” as defined herein.

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

“Certificate of compliance” means a certificate issued by the Director under the provisions of Section 66499.35 of the Subdivision Map Act and Section 17.18.040 which states that a particular division of land complies with either the requirements of the Subdivision Map Act or the applicable ordinances of the City which governed that division of land, or both, and which is recorded with the County Recorder of Stanislaus County.

“Commission” means the City Planning Commission.

“Community apartment project” means a type of common interest development which is defined in California Civil Code section 4105.

“City Engineer” means the City Engineer of the City of Ceres or the duly authorized representative of said the City Engineer.

“Clerk” means the City Clerk of the City of Ceres or his or her designated representative.

“Director” means the Director of Community Development of the City of Ceres, or the duly authorized representative of said Director.

“Conditional certificate of compliance” means a certificate of compliance that states that a division of land affecting a parcel or lot does not comply with either the requirements of the Subdivision Map Act or the applicable ordinances of the City, or both, which governed that division and lists the conditions which must occur in order for the division to comply with such requirements.

“Conditional use permit” means a permit issued by the City under the provisions of the City zoning ordinance which authorizes specific uses of land subject to certain conditions stated in that permit.

“Condominium project” means a type of common interest development which is defined in California Civil Code section 4125.

“Covenant for easement” means a covenant created for the benefit of the City and others which is created, enforced and released as provided in Chapter 17.18, Covenants for Easement.

“Director” means the Director of Community Development of the City of Ceres, or the duly authorized representative of said Director.

“Dwelling unit” means a group of rooms or a single room with kitchen facilities occupied or intended for occupancy as separate living quarters by a family or other group of persons living together, or by a person living alone, irrespective of the age of the occupant or occupants.

“EIR” means an environmental impact report prepared pursuant to the requirements of CEQA.

“Final map” means a map showing a subdivision of five (5) or more parcels for which a tentative map and final map are required by the Subdivision Map Act and this Title, prepared in accordance with the provisions of the Subdivision Map Act and this Title, and designed to be filed for recordation in the office of the Stanislaus County Recorder.

“Fire Marshal” means the City Fire Chief, or designee, who oversees fire prevention activities in the City.

“Finance Director” means the Finance Director of the City of Ceres, or the duly authorized representative of said Director.

“Fire protection” means such fire hydrants and other protective measures as may be reasonably required by the Fire Marshal of the Fire Department for protection of life and property to be located within a subdivision.

“Flag lot” means a lot with narrow street frontage and a long driveway or strip of land connecting the street frontage portion of the lot with the buildable portion of the lot which is situated to the rear of another adjacent lot or lots.

“Flood hazard” means a hazard to land or improvements, in areas designated as having a flood hazard on the most current Flood Insurance Rate Map (FIRM) of the Federal Management Agency, due to seasonal inundation or to overflow water having sufficient velocity to transport or deposit debris, scour the surface soil, dislodge or damage buildings, or erode the banks of watercourses.

“Freeway” means a highway defined as a “freeway” in California Streets & Highway Code section 23.5.

“Frontage road” or “service road” means 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” means the General Plan of the City of Ceres, as the same may exist from time to time, including all updates and revisions thereto which are enacted after the enactment of this Title by the Council.

“Geological hazard” means 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.

“Inundation” means ponded water or water in motion of sufficient depth to damage property due to the presence of the water or to deposits of alluvium.

“Lot” means a parcel or portion of land separated from another parcel or portion of land or a parcel of land which is identified on a final map or a parcel map recorded in the office of the Stanislaus County Recorder with a separate and distinct number or letter.

“Lot line adjustment” means a division of land in conformance with the requirements of this Title consisting of the elimination or relocation of an interior lot line between as few as two (2) but not more than four (4) adjacent parcels, where the land taken from one (1) parcel is added to an adjacent parcel, and where a greater number of parcels than originally existed is not thereby created.

“Manufactured home” means a factory-built or manufactured home including mobile homes, as defined and permitted as such by the laws of the State of California.

“Merger” means the joining of two (2) or more contiguous parcels of land under one (1) ownership into one (1) parcel.

“Mobile home” means the same as “manufactured home,” but subject to the National Manufactured Housing Construction and Safety Act of 1974.

“Mobile home lot” means any area designated, designed or used for the occupancy of one (1) mobile home on a temporary, semi-permanent or permanent basis.

“Mobile home park” means a parcel of land under one (1) ownership which has been planned and improved; or on which two (2) or more mobile home spaces are rented, leased or used, to accommodate mobile homes for human habitation. The rental paid for any such mobile home shall be deemed to include rental for the space it occupies. The term “mobile home park” includes those accessory uses such as recreation rooms, storage facilities or other permanent structures commonly associated with mobile home parks.

“Multiple-family dwelling unit” means a building or portion thereof designed to be used in accordance with the laws of the State of California and the ordinances of the City for three (3) or more attached dwelling units located in one (1) or more structures on a single lot or parcel.

“Negative declaration” means a negative declaration prepared pursuant to the requirements of CEQA.

“Owner” means the individual, firm, association, syndicate, co-partnership or corporation having sufficient proprietary interest in the land sought to be subdivided commence and maintain proceedings to subdivide the same.

“Parcel map” means a map showing a subdivision of four (4) or fewer parcels, as required by the Subdivision Map Act and this Title, prepared in accordance with the provisions of the Subdivision Map Act and this Title and designed to be filed for recordation in the office of the Stanislaus County Recorder.

“Pedestrian-way” means a public 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. A pedestrian-way may consist of a public easement over a parcel of land in private ownership or may consist of a separate parcel in public ownership.

“Planned development” means a subdivision consisting of one (1) or more planned developments as said term is defined in California Business & Professions Code section 11003.

“Post-approval subdivision modification” means a request by a subdivider for modifications to or variances from the requirements or standards imposed by these subdivision regulations or for modifications to the conditions of approval imposed upon a subdivision, or both, which request is filed after the approval of the subdivision.

“Preapproval subdivision modification” means a request by a subdivider for modifications to or variance from the requirements or standards imposed by these subdivision regulations filed prior to the approval of the subdivision.

“Private road easement” means a parcel of land not dedicated as a public street, over which a private easement for road purposes is proposed to be or has been granted to the owners of property 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 Stanislaus County Recorder.

“Public way” means 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.

“Revised tentative map” means a tentative map filed for approval under Section 17.05150 showing a revised arrangement of the streets, alleys, easements or lots or a modification of the boundary of property for which a tentative map has been previously approved.

“Right-of-way” means any public or private right-of-way and includes any area required for public use pursuant to any general plan or specific plan.

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

“Specific plan” shall have the meaning as it is defined and described in Chapter 3 of the Planning and Zoning Law of the State of California.

“Standard Plans and Specifications” means the Standard Plans and Standard Specifications, as adopted by the City Council. Where the Standard Plans and Standard Specifications, as adopted by the City Council, does not govern, Standard Plans and Specifications shall mean the latest edition of the Standard Plans and Specifications, State of California, Department of Public Works, Division of Highways.

“Stock cooperative apartment” means a type of common interest development which is defined in California Civil Code section 4190.

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

“Subdivision” means the division, by any subdivider, of any unit or units of improved or unimproved land, or any portion thereof, shown on the latest equalized county assessment roll as a unit or as contiguous units, for the purpose of sale, lease, or financing, whether immediate or future. Property shall be considered as contiguous units, even if it is separated by roads, streets,

utility easement, or railroad rights-of-way. "Subdivision" includes a condominium project, as defined in Section 4125 of the Civil Code, a community apartment project, as defined in Section 4105 of the Civil Code, or the conversion of five or more existing dwelling units to a stock cooperative, as defined in of Section 4190 of the Civil Code..

"Shall" is mandatory; "may" is permissive.

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

“Tentative map” means a map made for the purpose of showing the design improvements of the proposed subdivision and the existing conditions in or around it. “Tentative map” shall include a tentative map for a subdivision of four (4) or fewer parcels prepared in connection with a parcel map pursuant to the provisions of Chapter 17.06, Parcel Maps.

“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 Section 17.04.050, and is thereafter processed in accordance with these provisions.

“Zoning ordinance” means the zoning ordinance found in Title 18 and all revisions thereto.

Chapter 03

SUBDIVISION DESIGN STANDARDS AND REQUIREMENTS

Sections:

17.03.010	General Design Standards.
17.03.020	General Access Requirements.
17.03.030	Existing Streets and Unsubdivided Land.
17.03.040	Provisions for Resubdivision.
17.03.050	Waiver of Access Rights.
17.03.060	Intersections.
17.03.070	Local Streets.
17.03.080	Cul-De-Sac or Dead-End Streets.
17.03.090	Right of Way Widths and Improvement Design Conformance.
17.03.100	Grades.
17.03.110	Curve Radii.
17.03.120	Center Lines.
17.03.130	Street Names.
17.03.140	Part-Width Streets.
17.03.150	Street Classification; Right of Way.
17.03.160	Alleys.
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17.03.180	Walking and Biking Paths.
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17.03.330	Storm Drain Facilities.
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17.03.360	Provision for Future Passive or Natural Heating or Cooling Opportunities.
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17.03.380	Building Lines.
17.03.390	Dedications.

17.03.400 Sewage Disposal.

17.03.410 Unlawful Construction.

17.03.010 General Design Standards.

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, the 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, wildlife preservation or protection, or other provisions of this Title.

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

D. Whenever 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 form as to provide for the future opening of additional streets, and appropriate restrictions shall be placed on the subdivision to prevent construction of further divisions which would prevent development according to this plan.

17.03.020 General Access Requirements.

A. Each local street providing access to lots within a subdivision shall connect directly or through one (1) or more minor streets to a collector street or major street.

B. Each route of access to collector streets or major 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 which it serves.

C. In determining the adequacy of a route of access, the deployment of fire equipment or other services under emergency conditions shall be considered by the approving authority.

D. A tentative map which makes use of a local street which passes through a predominantly residential neighborhood as a route of access to industrial, commercial or other subdivisions generating traffic which would conflict with the residential character of the neighborhood may be denied by the approving authority.

E. The terms used to describe streets in this Title shall have the meanings ascribed to those terms as are found in the Standard Specifications.

17.03.030 Existing Streets and Unsubdivided Land.

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.

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 by the approving authority.

17.03.040 Provisions for Resubdivision.

Where property is subdivided into lots substantially larger than the minimum size required by this Title or by the zoning districts in which the subdivision is located, whichever is most restrictive, streets and lots shall be required by the approving authority to be laid out so as to permit future re-subdivision in accordance with the provisions of this Title.

17.03.050 Waiver of Access Rights.

A frontage road, or through or side-on lots, or other types of limited access layout may be required by the approving authority where a subdivision adjoins or contains an existing or proposed freeway or major street. To accomplish the purpose of this section, waivers of vehicular and pedestrian access rights to the freeway or major street may be required by the approving authority.

17.03.060 Intersections.

All streets shall intersect or intercept each other according to the Standard Plans and Specifications. Street alignment shall provide for streets entering opposite each other to have their center lines directly opposite. Intersections shall be at right angles wherever possible and block corners shall be rounded at the property line with a curve having a radius of not less than fifteen feet (15').

17.03.070 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 normally be denied by the approving authority. Curvilinear streets, or traffic calming measures, shall be encouraged to the extent feasible given the parameters of Section 17.03.360.

17.03.080 Cul-De-Sac or Dead-End Streets.

A cul-de-sac street created by the proposed subdivision shall conform to the Standard Plans and Specifications. A proposed cul-de-sac street may be reduced in length or may be eliminated by the approving authority in order to provide for the efficient circulation of traffic, the future development of the neighborhood street system or the deployment of emergency services.

Cul-de-sac or dead-end streets shall not be more than five hundred feet (500') in length, measured from the center line of the intersecting street. Where necessary to give access to or permit a satisfactory future subdivision of adjoining land, streets shall extend to the boundary of the property and the resulting dead-end streets may be approved without a turnaround. In all other cases, a turnaround shall be required, separated to the depth of a building site from the

exterior boundary line or other topographical feature of the subdivision. Such turnaround shall have a minimum radius of fifty feet (50'), measured to the property line in "R" and "R-A" Districts, and a minimum radius of sixty feet (60'), measured to the property line in all other districts, or a comparable area in another form.

17.03.090 Right of Way Widths and Improvement Design Conformance.

A. The street and highway design shall conform in width, section, and alignment to the general plan, the select system of roads and specific plans adopted by the City Council. Rights of way shall be dedicated, where required, to conform to these plans. Streets not shown on the general plan, the select system of roads and adopted specific plans, which will serve more than fifty (50) dwelling units when the neighborhood is fully developed shall be considered as collector streets. Streets serving fifty (50) or fewer dwelling units when the neighborhood is fully developed shall be considered as minor streets.

B. The street and highway design shall conform to any proceedings affecting the subdivision which may have been initiated by other legally constituted bodies of the County, cities, or State.

17.03.100 Grades.

Grades of all streets shall be consistent with adequate surface drainage requirements and the approved grading plan of the proposed subdivision.

17.03.110 Curve Radii.

All curves shall have sufficient length to avoid the appearance of an angle point. Center line radii and reverse curves shall be consistent with the Standard Plans and Specifications.

17.03.120 Center Lines.

Center lines of all streets, wherever practicable, shall be the continuation of the center lines of existing streets or shall be offset by at least one hundred feet (100') at intersections.

17.03.130 Street Names.

Street names shall be as approved by the Director and the tentative map, as approved, shall not show a name which is the same or so similar as to be confused with any other street name in the City. Where the Commission determines, however, that two (2) disconnecting roads shall ultimately connect as one, the same name shall be used for individual sections.

17.03.140 Part-Width Streets.

Part-width streets along and adjacent to the boundary of a subdivision shall be a minimum of forty feet (40') in width, except where there has been duly executed by the owner or owners of the adjacent lands a proper deed or instrument of dedication which shall be filed with the final map granting sufficient land to make the street its full or required width. The words "Part-Width Street" shall be shown on all streets whenever they are less than full width.

17.03.150 Street Classification; Right of Way.

Streets shall be classified as follows and shall require the following minimum rights of way:

Street Classification	Minimum Right of Way
Primary arterial (major)	100 feet
Collector	60 feet
Minor, frontage, dead-end	50 feet

17.03.160 Alleys.

Alleys may be required in residential districts where overhead utilities are to be installed, in all subdivisions, alleys shall meet the following requirements:

A. Alleys between "R," "C," and "M" districts, when required, or alleys in "C" or "M" districts shall be thirty feet (30') in width.

B. Alleys in "R" districts shall be at least twenty feet (20') wide; however, when an alley is adjacent to a subdivision boundary and the adjacent land is undeveloped or unsubdivided, the Commission may permit a part-width alley of not less than fourteen feet (14') in width. Alleys of less than full width shall be labeled "Part-Width Alley."

C. Alley intersections shall be provided with a minimum ten-foot (10') corner cutoff, measured along the lot lines from the point of intersection.

17.03.170 Pedestrian-Ways.

Improved pedestrian-ways not less than fifteen (15) feet in width may be required by the approving authority where needed for traffic safety or for access to schools, playgrounds, shopping facilities, other community facilities or scenic easements.

17.03.180 Walking and Biking Paths.

Walking and biking paths shall be provided in locations established by the general or specific plans. Adequate access points for the public, maintenance, and emergency vehicles and parking facilities shall be provided as necessary.

17.03.190 Block Size.

A. Block lengths shall not exceed one thousand feet (1,000') unless the Commission finds exceptional conditions to justify such design. Block width shall be sufficient to permit the platting of lots to a normal depth and double frontage lots shall not be permitted unless the Commission finds exceptional conditions to justify such design.

B. Blocks shall be designed to allow for adequate building sites for the type of use proposed; to allow for convenient pedestrian and vehicular circulation, access, traffic control and safety; and with regard to limitations created by topography.

17.03.200 Block Corners.

At intersections, all block corners shall have face of curb. Right-of-way radii shall be as established in the Standard Plans and Specifications.

17.03.210 Lots – Interior Residential.

Minimum lot width for interior residential lots shall be sixty feet (60') and corner lots seventy-five feet (75'), unless a greater width is required by the zone district. The minimum depth shall be one hundred feet (100') and the sidelines of all lots shall be at right angles to the street on which they front, wherever possible.

17.03.220 Lots – Rectangular Lots.

The depth of rectangular lots shall not exceed the road frontage by more than three (3) times where the total frontage is less than three hundred feet (300'), nor more than four (4) times where the total frontage is three hundred feet (300') or more. Where lots are not rectangular, and any parcel being created is of sufficient area to be further subdivided, the subdivider may be required to provide such reservations or dedications for future roads of not less than fifty feet (50') in width, running to the benefit of the subsequent purchasers of any portion of such lots or lot or to the benefit to the general public, and such other requirements as may be considered reasonable and appropriate to safeguard the orderly development of the property.

17.03.230 Flag Lots.

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

- A. Either the flag lot is required by existing 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.

17.03.240 Lots – Access to Two (2) Parallel Streets Discouraged.

Lots proposed for single-family and two (2) family uses with access to two (2) parallel streets shall be discouraged.

17.03.250 Lots Adjoining City Limits.

No lot shall be divided by a City (limit) boundary line.

17.03.260 Utility Easements.

Utility easements shall be reviewed and approved on a case-by-case basis by the approving authority and shall be consistent with the Standard Plans and Specifications. The subdivider shall grant easements for public utility use along lot lines or such other places as may be necessary for extension of sewer, drainage, or utility lines.

Planting: Where streets are less than sixty feet (60') in width, additional easements for street tree planting shall be required.

17.03.270 Utility Easements Inside Front Property Line.

Public Utility Easements inside the front property line shall be provided and typically shall be ten (10) feet in width for utilities, streetlights, signage, sewer, drainage, and similar such uses.

17.03.280 Centralized Mail Services Easements.

To promote the public health, safety, or welfare, centralized postal service facilities with any required easements shall be provided in all subdivisions at locations determined by the approving authority after consultation with the U.S. Postal Service.

17.03.290 Other Easements.

The width and location of easements for storm drains or flood control channels, slope rights and other public uses shall be determined by the approving authority at the time of tentative map approval or parcel map approval where no tentative map is required by this Title; provided, however, when the Council has previously determined such matters, that decision shall be binding upon the Commission acting as the approving authority. The decision of the approving authority on such matters should take into consideration the recommendations of the Director as to such matters whenever possible.

Open space, public access, public waterway recreational and scenic easements shall be provided at such locations and to configurations as are deemed necessary by the approving authority to accomplish the objectives, policies, and programs of the General Plan and in accordance with the purposes and policies of this Title, any other applicable specific plan of the City, and the requirements of the Subdivision Map Act.

Reciprocal driveway and cross-access easements shall be required by the approving authority when determined necessary.

17.03.300 Property Remnants.

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

17.03.310 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.

17.03.320 Open Space Ownership and Maintenance.

Areas within a subdivision designated or planned as open space or for use for park and recreation purposes shall be shown as part of the General Plan and any applicable specific plan and shall be at a location within the subdivision acceptable to the approving authority. Areas shall be either:

- A. Designated as a separate parcel(s) and offered for dedication to the City for park and recreation purposes.
- B. Designated as a separate parcel(s) and maintained as common open space.
- C. Contained within the various lots of the subdivision and maintained by the owners of such lots.

17.03.330 Storm Drain Facilities.

Storm drains shall be designed in conformance with the Standard Plans and Specifications and any adopted Master Plan.

17.03.340 Private Streets in Planned Developments, Condominiums, or Community Apartment Projects.

Where access to lots or structures within a planned development, condominium or community apartment project is to be provided by a system of private streets, the width, design, and configuration of said street system shall be adequate to permit the safe deployment of fire equipment or other services under emergency conditions as determined by the approving authority pursuant to Section 4290 of the Public Resources Code.

17.03.350 Protection of Natural Resources.

The configuration of lots and the design of improvements shall, to the extent deemed reasonable by the approving authority, preserve indigenous natural resources such as, but not limited to, trees, shrubs, wildlife, and their habitat.

17.03.360 Provision for Future Passive or Natural Heating or Cooling Opportunities.

The design of a subdivision for which a tentative map is required shall provide, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision in compliance with California Government Code section 66473.1, or as that section may be amended in the future. Factors to be considered include, but are not limited to, both street and parcel orientation. For residential subdivisions, the east-west length of each block should be at least as long, or longer, as the north-south length of each block. To the extent feasible, seventy percent (70%) or more of the parcels should be oriented to allow both the parcel's and the building's longest axes to be within thirty (30) degrees of geographic east west.

17.03.370 Exclusion to Avoid Dedication or Improvement.

No portion of any parcel shall be excluded from within the boundaries of a subdivision for the purpose of avoiding the dedication or improvement of any street or for avoiding the improvement of any street drainage, flood control, water or sanitary system.

17.03.380 Building Lines.

Building lines shall be indicated by a dashed line on the tentative and final map and shall conform to the requirements of Title 18 of this Code.

17.03.390 Dedications.

Dedications shall be required pursuant to this Title as follows:

A. The subdivider shall grant rights of way for road widening to conform to the general plan, the select system of roadways, and specific plans adopted by the Council.

B. Easements for roads or streets, paths, storm water drainage, sanitary sewers, utilities or other public use shall be dedicated to the public for future acceptance and use.

C. The subdivider shall, subject to riparian rights, dedicate right of way for storm drainage conforming substantially to the lines of natural watercourses that may traverse the subdivision or, at the option of the subdivider, provide by dedication further and sufficient easement or construction, or both, an alternate alignment to dispose of surface and storm water.

D. Dedication of easements shall be required for the purpose of installing and maintaining utilities, planting strips and for other public purposes as may be ordered or directed by the City Council.

E. Dedication of additional land as may be necessary and feasible to provide bicycle or pedestrian paths for the use and safety of the residents of the subdivision.

17.03.400 Sewage Disposal.

A. Provision shall be made for adequate sewerage to be installed in accordance with the provisions of the applicable laws of the City.

B. Septic tanks are not permitted within City limits except in the limited circumstances set forth in this Section. Septic tanks may only be authorized for the period anticipated before sanitary sewers will be available to the subdivision and when the soil conditions, percolation qualities, storm water conditions, topography and water table are determined by the County Health Officer to be suitable for sewage disposal by this method. When septic tanks are to be used, the minimum parcel area permitted for the land uses proposed and groundwater depths, and location with respect to wells, lot lines, and streams or lakes, shall be as established by the City Council.

17.03.410 Unlawful Construction.

It is unlawful to construct any improvement which requires a building permit, which fronts on the unimproved side of a part-width street or within the required setback from a projection thereof, until the required widening, improvement or extension has been completed and accepted by the Council.

Chapter 04

VESTING TENTATIVE MAPS

Sections:

- 17.04.010 Citation and Authority.**
- 17.04.020 Purpose and Intent.**
- 17.04.030 Consistency.**
- 17.04.040 Application.**
- 17.04.050 Filing and Processing.**
- 17.04.060 Development Rights upon Approval.**
- 17.04.070 Administration of Vested Rights.**

17.04.010 Citation and Authority.

This Chapter is enacted under the authority granted by Government Code Title 7, Division 2, Chapter 4.5, commencing with Government Code section 66498.1, hereinafter referred to as the “Vesting Tentative Map Statute.” This Chapter may be referred to and cited as the “Vesting Tentative Map Ordinance for the City of Ceres.”.

17.04.020 Purpose and Intent.

It is the purpose of this Chapter to establish procedures necessary for the implementation of the Vesting Tentative Map Statute, and to supplement the provisions of the Subdivision Map Act (California Government Code sections 66410 through 66499.58) and this Title.

17.04.030 Consistency.

No land shall be subdivided and developed under a vesting tentative map for any purpose which is inconsistent with the Subdivision Map Act or with the City’s General Plan.

17.04.040 Application.

A. Whenever a provision of the Subdivision Map Act, as implemented and supplemented by this Title, requires the filing of a tentative map, a vesting tentative map may instead be filed, in accordance with the provisions under this Chapter.

B. The filing of a vesting tentative map shall not be a prerequisite to any approval for any proposed subdivision, permit for construction or work preparatory to construction.

17.04.050 Filing and Processing.

A. A vesting tentative map shall be filed in the same form and have the same contents as set forth in this Title for a tentative map. The vesting tentative map shall be subject to the additional minimum requirements set forth in this Section. The subdivider shall be provided written notice at the time the proposed vesting tentative map is determined to be complete by the Director. The vesting tentative map, accompanying data and reports shall be processed in the same manner as set forth in this Title for a tentative map, except as hereinafter provided:

B. At the time a vesting tentative map is filed, it shall have printed conspicuously on its face the words “Vesting Tentative Map.”

C. A vesting tentative map shall abide by the filing, form, and content requirements set forth under Chapter 17.05, Tentative Maps. At the time a vesting tentative map is filed, the subdivider shall also supply the following information:

1. Plans for all public works improvements to be constructed as a condition of the subdivision, prepared by a registered civil engineer in accordance with City standards and approved by the Director.
2. Plans for all site development, including, but not limited to, grading, drainage facilities and miscellaneous structures, prepared by a registered civil engineer in accordance with City standards and approved by the Director.
3. Geological studies in such form as acceptable to the Director and the Building Official, which shall include detailed soils reports, seismic analysis, bank stabilization, and other factors pertinent to the particular site location.
4. Specific information about the uses of the existing or proposed buildings.
5. The height, size, and location of all buildings, building setbacks, number of stories, and driveway locations.
6. Architectural plans satisfactory for review by the Director, including site plans, floor plans, exterior elevations and necessary structural calculations, energy calculations, and information necessary for building permit plan checks.
7. Landscape plans, including planting and irrigation details and drawings and specifications as prepared by a licensed landscape architect or contractor satisfactory for staff review.
8. Traffic reports and analysis, in a form approved by the Director.
9. Acoustical report, prepared by a licensed engineer in a form acceptable to the Director following the guidelines of the noise element of the General Plan.
10. Sewer, water, storm drainage, road and other studies required to complete the plans.
11. Flood control information and statements showing compliance with flood hazard regulations.
12. Existing and proposed overhead and underground utility improvement details.
13. A tree preservation plan. If there are no trees on the site, a statement to that effect should appear on the vesting tentative map. The tree preservation plan shall accurately identify all

existing trees as to species, trunk size and drip line. Trees that are proposed for removal shall be marked "TO BE REMOVED." Any provisions for tree preservation, transplanting, or new planting shall be identified.

14. In those circumstances where a development plan review is required by ordinance, development agreement, conditional use permit, or by a condition of previous approval, such review application and all exhibits necessary for the review shall be submitted concurrently with the application for a vesting tentative map.

15. In those circumstances where the project requires concurrent discretionary approval as set forth in the City of Ceres zoning ordinance of the Ceres Municipal Code, all exhibits necessary for such application shall be submitted concurrently with the application for a vesting tentative map.

16. Such other exhibits that fully depict features of the development which the developer desires reviewed for the purpose of approval concurrently with the vesting tentative map.

17. The Director may request, and the applicant shall promptly furnish, information as may reasonably be necessary to enable the Director to evaluate the vesting effect which would follow from approval of the map.

C. In the case of a vesting tentative map, the application shall be filed concurrently with any plan amendments, rezoning, planned development designations, conditional use permits, or other entitlements necessary to make the vesting tentative map comply with all applicable plans and ordinances. Vesting tentative maps may not be approved with the condition that the necessary entitlement(s) be subsequently approved.

17.04.060 Development Rights upon Approval.

The approval of a vesting tentative map by the Director shall confer a vested right to apply for permits needed to proceed with development and have the City exercise its discretion to approve, disapprove, or approve such permits with conditions, on the basis of ordinances, policies, and standards in effect at the time the application was determined to be complete pursuant to Government Code section 65943 or such later date as is provided for in the Subdivision Map Act.

A. This Chapter does not enlarge, diminish, or alter the power of the Council to deny approval of the requested project or any part thereof, or to impose conditions on the approval of a project.

B. Nothing in this Chapter removes, diminishes, or affects the obligation of any subdivider or local agency to comply with the conditions and requirements of any State or Federal laws, regulations, or policies.

C. In the event that Government Code section 66474.2 is repealed, any subsequent approvals of vested maps shall confer a vested right to proceed with development in substantial compliance

with ordinances, policies, and standards in effect at the time the vesting map is approved or conditionally approved, rather than at the time the application was determined to be complete.

D. Notwithstanding this Chapter, the Council may condition or deny a permit, extension or entitlement, including, but not limited to, final maps and building permits, if it determines any of the following:

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

17.04.070 Administration of Vested Rights.

In administering an approved vesting tentative map, the following shall be applicable:

A. Approval of a vesting tentative map applies only to actions considered and approved by the Commission or City Council. If the vesting tentative map was approved with conditions, the approval is subject to those conditions. If related applications for discretionary permits were approved in conjunction with the vesting tentative map, the approvals are subject to applicable ordinances, policies, and standards granting those entitlements, including any conditions thereof.

B. The vested rights conferred by approval of a vesting tentative map shall last twenty-four (24) months from recordation of the final map.

C. When several final maps are recorded on various phases of a project covered by a single vesting tentative map, the initial “vesting period” shall begin for each phase on the date the final map for that phase is recorded.

D. Vesting rights shall automatically be extended by any time used by a City department for processing a complete application for a grading permit or for design or architectural review, if the time used by the City exceeds thirty (30) days from the date a complete application is filed.

E. At any time prior to the expiration of the initial time period provided by this section, the subdivider may apply to the Commission for a one (1) year extension. If the extension is denied by the Commission, the subdivider may appeal that denial to the legislative body within fifteen (15) days.

Chapter 05

TENTATIVE MAPS

Sections:

17.05.010	Purpose.
17.05.020	Tentative Map Required.
17.05.030	Informal Staff Review.
17.05.040	Submission of Tentative Map Application.
17.05.050	Filing.
17.05.060	Action by Planning Commission.
17.05.070	Size and Scale.
17.05.080	Information Required on Tentative Map.
17.05.090	Distribution of Map to Departments and Agencies.
17.05.100	Action by Departments or Agencies.
17.05.110	Tentative Map Process.
17.05.120	Copy to Real Estate Commissioner.
17.05.130	Subdivider Presence Required.
17.05.140	Withdrawal of Tentative Map.
17.05.150	Tentative Map Revision.
17.05.160	Expiration of Approval.
17.05.170	Time Extensions for Tentative Maps.

17.05.010 Purpose.

The purpose of this Chapter is to establish the City regulations, standards and procedures for consideration of tentative subdivision map applications for subdivisions.

17.05.020 Tentative Map Required.

A tentative map shall be required for all subdivisions creating five (5) or more parcels, five (5) or more condominiums as defined in Civil Code section 783, 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, except where any of the following occurs:

1. The land before division contains less than five acres, each parcel created by the division abuts upon a maintained public street or highway, and no dedications or improvements are required by the legislative body.
2. Each parcel created by the division has a gross area of 20 acres or more and has an approved access to a maintained public street or highway.
3. The land consists of a parcel or parcels of land having approved access to a public street or highway, which comprises part of a tract of land zoned for industrial or commercial development, and which has the approval of the governing body as to street alignments and widths.

4. Each parcel created by the division has a gross area of not less than 40 acres or is not less than a quarter of a quarter section.

5. The land being subdivided is solely for the creation of an environmental subdivision pursuant to Section 66418.2 of the Subdivision Map Act.

17.05.030 Informal Staff Review.

Preliminary Design Plan. In the preparation and submission of a tentative map, a subdivider may present preliminary plans and sketches of proposed subdivision to the Community Development Department, for informal staff review. The determination(s) made in staff review pursuant to this section are preliminary in nature, and are neither binding nor appealable.

A. In order to provide the most valuable feedback to the applicant, the preliminary design plan should include the following information:

1. Street layout indicating location and type;
2. Basic lot design and size;
3. Land use;
4. Existing natural and manmade features on and adjacent to the site;
5. Existing and proposed topography on and adjacent to the site;
6. Existing and proposed utilities and easements.

B. Within thirty (30) days of the filing of the preliminary design plan for informal staff review, the staff review of the plan shall be undertaken in an effort to determine if the preliminary design plan complies with the following:

1. The City General Plan;
2. Any applicable specific plans;
3. Ceres zoning ordinance;
4. Adopted public improvement standards;
5. Other applicable standards and regulations
6. Estimate of applicable Public Facility and building permit fees.

C. A subdivider may not request informal staff review of a preliminary design and seek to process a tentative map application for the same subdivision at the same time. A subdivider may withdraw a request for informal staff review of a preliminary design at any time and thereafter file an application for a tentative map.

17.05.040 Submission of Tentative Map Application.

A subdivider seeking approval of a tentative map for a subdivision for a future final map shall file an application for tentative map approval consistent with the requirements of this Title. The application shall consist of the following elements:

A. A tentative map, consistent with the requirements of Sections 17.05.070 and 17.05.080.

B. A completed City application packet, including an environmental checklist.

C. A fee, as prescribed by Council resolution, shall be required for consideration of all tentative map applications.

D. Additional Reports, Plans and Data. The following drawings, statements and other data, and as many additional copies thereof as may be required, shall be filed on or with the tentative map:

1. A vicinity or key map of appropriate scale and covering sufficient adjoining territory so as to clearly indicate nearby street patterns, major access streets, property lines, other adjacent properties in the subdivider's ownership, and other significant features which will have a bearing upon the proposed subdivision and its location and relationship to surrounding areas.

2. A statement of existing and proposed zoning and existing and proposed uses of the property with the approximate areas of the proposed uses by type and the total area of the subdivision. Improvements proposed which are not a requirement;

3. Proposed method of storm water drainage;

4. Proposed method of sewage disposal;

5. Proposed method of providing domestic water, location and type of fire hydrants and existing or proposed wells to be used;

6. Areas proposed for public use;

7. Street markers proposed;

8. Justification for any exceptions proposed;

9. Preliminary soil report of the subdivision, prepared by a registered civil engineer, shall be submitted with the tentative map and shall be based on adequate test borings or excavations.

The Commission may waive the preliminary soil report requirements on recommendation of the Subdivision Committee when it finds that, due to the knowledge of the Committee of soil conditions within the proposed subdivision and land use, no preliminary analysis is necessary. When the soil report has been prepared, this fact shall be noted on the final map, together with the date of the report and name of the engineer preparing it.

10. If the preliminary soils report indicates the presence of critically expansive soils or other soil problems, including seepage which, if not corrected, would lead to structural defects, a soils investigation of each lot in the subdivision may be required by the Director as a condition precedent to consideration of the tentative map by the approving authority. The soils investigation shall be done in the manner provided in Section 66491 of the Subdivision Map Act.

11. A preliminary grading plan. Submission of the preliminary plan may be waived by the Director when he or she determines that the submission of said plan is not required for proper grading, flood hazard mitigation and erosion control of the proposed subdivision.

12. Applications for any modification that may be proposed, together with supporting drawings and statements and such other data as may be required by the provisions of Chapter 17.11, Modifications.

13. A current preliminary report issued by a title company within thirty (30) days of the application date for the lands proposed to be subdivided, together with copies of the recorded documents shown as exceptions in the report.

14. A statement and all approved documentation reflecting the status of any “Williamson Act” restrictions upon all or any part of the land to be subdivided.

15. A description of the manner in which the land to be subdivided will be provided with water supply, sanitary disposal facilities and storm drainage facilities, including but not limited to proposals for assisting the City in financing temporary or permanent improvements needed for water supply, sanitary disposal facilities and storm drainage facilities needed to serve the land to be subdivided.

16. All other data required as a prerequisite to approval of the tentative map, including plans, reports, fees or other requirements.

17. One (1) set of mailing labels for the parcels receiving mailed notice as required by Section 17.05.110(F) which is prepared by a title company utilizing parcel ownership information obtained by it from the latest equalized tax roll from the Stanislaus County Assessor.

18. With respect to tentative maps for residential condominium conversion projects, a conditional use permit for such conversion project approved pursuant to the zoning ordinance of the City of Ceres. The Director may waive this requirement if at the time of the

filing of the tentative map the subdivider, in writing, irrevocably offers to the Commission and Council to extend the time limits specified in the Subdivision Map Act for reporting and acting upon the tentative map by said bodies. The extension shall be for such periods of time as are reasonably necessary to permit the processing, review, and final action on the conditional use permit concurrently with the tentative map.

19. Statements disclosing whether the proposed subdivision will be required to comply with State statutes relating to hazardous materials and other substances, as required by Government Code sections 65850.2, 65962.5, subdivision (d), and 65962.5, subdivision (f).

20. If conversion of a mobile home park is involved, submit a report as required under Government Code section 66427.4.

17.05.050 Filing.

Fifteen (15) copies of tentative maps of five (5) or more parcels shall be filed with the Community Development Department at least fifteen (15) days prior to the Commission meeting at which consideration is desired and shall be accompanied by a filing fee in such amount as may be fixed from time to time by order or resolution of the City Council.

17.05.060 Action by Planning Commission.

The Commission shall determine if the tentative map is in conformance with the provisions of law and this Chapter, within fifty (50) days after the filing of the map, and upon that basis shall approve, conditionally approve, or deny the map and report such action to the subdivider's engineer and Director. The fifty (50) day time limitation may be waived, provided that the subdivider agrees to such waiver in written form as approved by the Community Development Department. The fifty (50) day period shall not commence until the Community Development Department has received a certification of an environmental impact report, has adopted a negative declaration, or the Community Development Department has determined that the project is exempt from CEQA, or it has determined that the filing of the tentative map application has been deemed complete.

17.05.070 Size and Scale.

The tentative map shall be clearly and legibly drawn and shall be drawn to scale by or under the direction of a registered civil engineer or licensed land surveyor. The scale of the map shall be large enough to show all details clearly and enough sheets shall be used to accomplish this end. No single sheet shall exceed eighteen (18) inches in length and twenty-six (26) inches in width.

17.05.080 Information Required on Tentative Map.

Tentative maps shall be clearly prepared and legibly reproduced and shall contain the following data in addition to such information as is required by the Subdivision Map Act:

A. A key or location map showing the general area;

B. The subdivision name, date, north arrow, scale, boundaries and sufficient description to define the location;

C. Name, telephone number, and address of record owner or owners;

D. Name, telephone number, and address of subdivider;

E. Name, address and telephone number of the person, firm or organization that prepared the map, and the applicable registration or license number;

F. Acreage to nearest tenth of an acre;

G. Existing and proposed contour lines at intervals of not more than one (1) foot unless waived prior to submission by the Director. Topographic information shall be sufficient to fully show the configuration of the land and any and all depressions that present drainage problems, and shall extend beyond the tract boundaries where necessary to show drainage or other conditions on surrounding property which may affect the subdivision. The topographic survey shall not be waived in areas within the one hundred (100) year flood hazard boundary as shown on the most current Flood Insurance Rate Map (FIRM) of the Federal Emergency Management Agency.

H. The locations, widths, and names or designations of all existing or proposed streets, alleys, pedestrian-ways, and other rights-of-way, whether public or private, within and adjacent to the subdivision; the radius of each center line curve; and any planned line for street widening or for any other public project in and adjacent to the subdivision.

I. Location and size of all pipelines, existing or proposed wells, sewer lines and structures used in connection therewith;

J. Location and character of existing and proposed utilities;

K. Width, location, and purpose of existing or proposed easements;

L. Lot layout with approximate dimensions of each lot, and each lot and block shall be numbered;

M. The location of all structures on the site or on adjacent properties; the distances between structures to be retained and existing or proposed street and lot lines; and notations concerning all structures which are to be removed;

N. Building lines shall be indicated by a dashed line on the tentative and final map, and shall conform to the requirements of Title 18 of this Code;

O. The approximate location and general description of any trees and shrubs, and their drip lines if known, with notations as to their retention or destruction; and any vernal pools or wetlands located on the property to be subdivided. The general description of trees and shrubs should include an indication as to their size (diameter) and type, if known;

P. The location of all potentially dangerous areas, including geologically hazardous areas and areas subject to inundation or flood hazard; the location, width and directions of flow of all watercourses and flood control channels within and adjacent to the property involved; and the proposed method of providing storm water, drainage and erosion control. In areas subject to one hundred (100) year flood hazard, base flood elevation and floodway boundary shall be indicated. Typical street sections when different from adopted standards;

Q. The locations, widths and description by recorder's book and page number (or document number) of all existing private or public easements of record;

R. The boundaries of existing and proposed public areas in and adjacent to the subdivision, with the nature of each indicated thereon with the acreage thereof. If land is to be offered for dedication for park or recreation purposes, it shall be so designated;

S. Any modification being requested in accordance with the requirements of Chapter 17.11, Modifications, which is shown on the tentative map shall be clearly labeled and identified as to nature and purpose;

T. If separate final maps are to be filed on portions of the property shown on the tentative map, the subdivider shall give notice of its intent to do so and shall suggest terms and conditions, for inclusion in an agreement with the City, to ensure that the phased filing of maps provides for the logical and orderly development of improvements required to serve all possible phases of the subdivision. In providing such notice, the subdivider shall not be required to define the number or configuration of the proposed multiple final maps;

U. Access to publicly owned lake or reservoir where required under Section 66478.12 of the Subdivision Map Act;

V. Easements along a public waterway provided by the subdivider under Section 66478.5 of the Subdivision Map Act must be shown.

17.05.090 Distribution of Map to Departments and Agencies.

The Community Development Department shall transmit copies of the tentative map to the Fire Department, Police Department, Public Works Departments, Engineering Services Department, all utility companies serving the area where the subdivision is located, and to the nearest city when within one (1) mile of the corporate limits of a city. When the proposed subdivision fronts on a State highway or may affect a proposed State highway, a copy shall be sent to the District Engineer, State Division of Highways. The Community Development Department may send a copy to such other agencies as it believes can furnish pertinent information to the Commission.

17.05.100 Action by Departments or Agencies.

Departments or agencies receiving a copy of the map shall notify the Community Development Department within ten (10) days of receipt thereof of particulars which do not conform to requirements coming within their authorized scope. If a reply is not received prior to the meeting of the Commission, it is assumed that the map does conform to requirements of those concerned.

17.05.110 Tentative Map Process.

The process to be followed for all tentative maps for future final maps is as follows:

A. Within thirty (30) days of receiving a tentative map application, the Community Development Department shall in writing inform the applicant whether the application is complete and accepted for filing with the clerk of the Commission. If incomplete, the Community Development Department shall advise the applicant as to the deficiencies in the application.

B. Within ten (10) days after an application has been found to be complete and accepted for filing with the clerk of the Commission, the Director shall submit the application to staff review and shall transmit copies of the tentative map and, where applicable, copies of drawings, statements and other data required to accompany the tentative map or required subsequent to the filing of the tentative map to such other public agencies or private parties as the Director determines may be affected by the proposed subdivision for report and recommendation to the Commission.

C. Upon completion of staff review, the Director shall prepare a written report to the Commission on the proposed tentative map. The report shall include the determinations and recommendations, if any, made in staff review concerning the conformance of the tentative map to the standards, rules and regulations of this Title, and to the requirements of all applicable specific plans and ordinances of the City. The Director, based upon staff review, shall also advise the Commission in said report of the requirements and recommendations, if any, of other public agencies and private parties affected by the proposed subdivision.

D. Once a tentative map has been filed with the clerk of the Commission, it shall be set for hearing by the Commission. The hearing shall be set for a date which will permit the Commission to deliver its written report on the tentative map to the Council within the later of either: (1) fifty (50) days from the date that the tentative map has been filed with the clerk of the Commission, or (2) fifty (50) days from the date of: (a) certification by the Council of the EIR for the project which includes the proposed subdivision, or (b) the adoption of a negative declaration by the Council for said project, or (c) a determination by the Council that the project is exempt from the requirements of CEQA.

E. A copy of the Director's written report shall be provided to the Commission and shall also be provided to the subdivider at least three (3) calendar days prior to date of the public hearing.

F. Notice of Commission hearing shall be given by the clerk of the Commission as required by California Government Code sections 65090 and 65091.

G. In addition, the Director shall give notice of the Commission hearing by mail or delivery to the subdivider and, in the event that the proposed application has been submitted by a person other than the property owner shown on the last equalized assessment roll, the Director shall also give notice by mail or delivery to the owner of the property as shown on the last equalized assessment roll.

H. Notice of the Commission hearing shall be given by the clerk of the Commission by mail or personal delivery to any person who has filed a written request with the City Clerk to receive such notice. The request may be submitted at any time during the calendar year and shall apply for the balance of the calendar year.

I. The clerk of the Commission shall also give notice of the hearing by mail or delivery to each private or public agency expected to provide water, sewage, streets, roads, schools, or other essential facilities or services to the subdivision, whose ability to provide those facilities and services may be significantly affected. A proposed conversion of residential real property to a condominium, community apartment, or stock cooperative project shall be noticed in accordance with Section 66451.3 of the Subdivision Map Act and any applicable requirements of the zoning ordinance.

J. The Director may give such other notice that he or she deems necessary or advisable. All notices authorized or required to be given by mail shall be given by depositing the notice with postage prepaid with the U.S. Postal Service in Ceres, California, not less than ten (10) calendar days before the date of the hearing for which the notice is being given.

K. Substantial compliance with these provisions for notice shall be sufficient, and a technical failure to comply shall not affect the validity of any action taken according to the procedures in this Chapter.

L. At the conclusion of the public hearing, the Commission shall render approval, conditional approval or denial of the tentative map, and shall make its findings to the Council within fifty (50) days of the later of the date when the tentative map was filed with the clerk of the Commission or such later date as is provided in subsection D of this section.

M. Each tentative map shall conform with the requirements of the General Plan, any applicable specific plan, any applicable development agreement, and zoning designation of the property; provided, that where an amendment to the General Plan or the applicable specific plan or a change in zoning is also being requested as part of the development project for which the tentative map is sought, and the tentative map will be consistent with the General Plan, specific plan or zoning if the Council approves such amendment or change, the tentative map may be recommended for approval, subject to inclusion of a condition on the tentative map requiring approval of the General Plan or specific or community plan amendment or zone change prior to recordation of the final map.

The Commission shall disapprove of the map if it finds any of the following:

1. That the proposed map is inconsistent with the General Plan or any applicable specific plan, or other applicable provisions of this code;
2. That the site is not physically suitable for the type of development;

3. That the site is not physically suitable for the proposed density of development;
4. That the design of the subdivision or the proposed improvements is likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat;
5. That the design of the subdivision or the type of improvements is likely to cause serious public health problems;
6. 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 Commission may recommend 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, and no authority is hereby granted to the Commission to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision; or
7. Subject to Section 66474.4 of the Subdivision Map Act, that the land is subject to a contract entered into pursuant to the California Land Conservation Act of 1965 (commencing with California Government Code section 51200) and that the resulting parcels following a subdivision of the land would be too small to sustain their agricultural use (California Government Code section 66474).

N. The subdivider or any interested person adversely affected may appeal any action approving, conditionally approving or denying a tentative map in accordance with the procedures provided in Section 17.07.020.

17.05.130 Subdivider Presence Required.

The subdivider or his responsible representative shall be present at the time set for the consideration of the tentative map.

17.05.140 Withdrawal of Tentative Map.

Requests for withdrawal of any tentative map shall be submitted to the Director in writing unless made at a public hearing on the tentative map.

17.05.150 Tentative Map Revision.

Any revised tentative map shall be deemed a new tentative map and shall be processed in conformance with the requirements of this Title in effect at the time such revised map is filed, including any changes in street or other standards which have become effective since the original tentative map was filed. The approval or conditional approval of any revised tentative map shall void all prior approved tentative maps.

17.05.160 Expiration of Approval.

The approval or conditional approval of a tentative map shall expire twenty-four (24) months from its approval, unless the expiration date is extended in accordance with the provisions of Section 17.05.170. However, if the filing of multiple final maps is authorized pursuant to Section 17.08.250 and the subdivider is required to spend two-hundred thirty-six thousand six hundred ninety dollars (\$236,790.00) (as periodically adjusted in accordance with Section 66452.6(a) of the Subdivision Map Act) or more to construct, improve or finance the construction or improvement of public improvements outside the boundaries of the tentative map (excluding improvements of public rights-of-way which abut the boundaries and are reasonably related to the development of the property), or if the tentative map is on property subject to a development agreement authorized by California Government Code section 65864 et seq., then each filing of a final map shall, without further action of the City, extend the expiration date in accordance with provisions of Section 66452.6(a) of the Subdivision Map Act.

17.05.170 Time Extensions for Tentative Maps.

A. Request by Subdivider. For any tentative map which expires in twenty-four (24) months and which expiration date is not automatically extended under the provisions of the Subdivision Map Act, a subdivider may request an extension of the expiration date of the approved or conditionally approved tentative map by written application to the Community Development Department. The application shall be filed prior to the expiration date of the approved or conditionally approved tentative map, and shall state the reasons for requesting the extension. The number of extensions and granted and the duration of each extension shall be subject to the applicable provisions of the Subdivision Map Act.

B. Approving Authority Hearing and Action.

1. Notice. The Director shall prepare a report with the recommendation on the application for an extension, and shall set the matter for hearing before the approving authority at a regularly scheduled meeting. The matter shall be noticed in the same manner as a tentative map application, as specified in Section 17.08.110.

2. Action by the Planning Commission. The Commission may approve, conditionally approve, or deny the application for an extension of the expiration date, and shall make findings supporting the decision.

C. Time Limit of Extension. The time at which the tentative map expires may be extended for a period not exceeding the maximum allowed per the Subdivision Map Act or for such lesser periods as may be determined to be appropriate by the approving authority.

D. Appeal of Extension. The subdivider or any interested person adversely affected may appeal any action of the Commission approving, conditionally approving or disapproving a requested extension in accordance with the procedures provided in Section 17.07.020 within fifteen (15) days from the approving, conditionally approving or disapproving of the requested extension.

Chapter 06

PARCEL MAPS

Sections:

- 17.06.010** **Applicability.**
- 17.06.020** **Preparation Required.**
- 17.06.030** **Filing.**
- 17.06.040** **Waiver of Parcel Map.**
- 17.06.050** **Presentation to Planning Commission.**
- 17.06.060** **Requirements Before Recording.**
- 17.06.070** **Expiration of Approval; Extensions.**
- 17.06.080** **Title Sheet of Parcel Map.**
- 17.06.090** **Preparation and Form of Parcel Map.**
- 17.06.100** **Information on Parcel Map.**
- 17.06.110** **Statements, Fees, Documents, and Other Data to Accompany Parcel Map.**
- 17.06.120** **Survey of Parcel Map.**
- 17.06.130** **Processing of Parcel Map – Filing.**
- 17.06.140** **Separate Dedications.**
- 17.06.150** **Action by the Director.**

17.06.010 **Applicability.**

The regulations contained in this Chapter shall apply to the subdivisions described in Sections 66426, subdivisions (a), (b), (c), (d) and (e) of the Subdivision Map Act.

17.06.020 **Preparation Required.**

Except as provided by the Subdivision Map Act or by this Title, a tentative map shall be submitted for each proposed parcel map.

The Commission shall be the approving authority for a parcel map. Such tentative maps shall be processed as provided in this Chapter. The subdivider or any interested person adversely affected may appeal any action approving, conditionally approving or denying a parcel map in accordance with the procedures provided in Section 17.07.020.

17.06.030 **Filing.**

Six (6) copies of parcel maps shall be submitted to the Director of Community Development and shall be accompanied with a fee in such amount as may be fixed from time to time by resolution of the City Council.

17.06.040 **Waiver of Parcel Map.**

An application for waiver of the parcel map shall be filed at the time of filing of the tentative map.

The parcel map may be waived only if the Commission determines that all of the following conditions are satisfied:

A. *Findings*. The parcel map may be waived only if the Commission makes the following findings:

1. The subdivision conforms to all requirements of this Title, other provisions of the City Code, provisions of the Subdivision Map Act, and other applicable laws, regulations and standards, including, but not limited to, those with respect to area, improved public roads, sanitary disposal facilities, water supply availability and environmental protection.
2. The subdivision conforms to the General Plan and any applicable specific plan.
3. The parcel map is not necessary to ensure the accuracy of the description of property, location of property lines, or monumenting of property lines.

B. *Conditions*. In addition to the foregoing requirements of this section, the following conditions must be satisfied before a certificate of compliance for the property may be recorded:

1. The subdivider must comply with Section 17.06.060 and the requirements of the Subdivision Map Act.
2. Property descriptions, drawings showing bearings and distances, and closure calculations must be submitted.
3. A preliminary title report or letter from a title company showing that the subdivider is the owner of the subject property must be submitted.
4. A filing fee established by resolution by the Council must be paid.

17.06.050 Presentation to Planning Commission.

A parcel map which the Director concludes may propose a division of land which is not in conflict with the provisions of this Chapter shall be presented by him to the Planning Commission for consideration and approval with conditions or denial in accordance with Section 17.05.110.

17.06.060 Requirements Before Recording. The Director shall not present the parcel map to the County Recorder for recording until:

A. The map is found technically correct;

B. The subdivider has dedicated or offered to dedicate such property as may be required for road widening or other purposes as determined pursuant to this Chapter. The City Clerk, with the approval of the Director, may accept or reject dedications and offers of dedication that are made by certificate on any parcel map filed pursuant to this Chapter;

C. The subdivider has deposited the recording fee required by law;

D. The subdivider has completed required improvements or has executed an agreement with the Director, joined in by all persons having an interest in the property, agreeing to perform all required improvements, and has provided security to guarantee completion of the improvement. Security to guarantee the performance of any act or agreement shall be in a form as approved by the Director and in the following amounts:

1. An amount determined by the City Council, not less than fifty percent (50%) nor more than one hundred percent (100%) of the total estimated cost of the improvement or of the act to be performed, conditioned upon the faithful performance of the act or agreement;
2. An additional amount determined by the City Council, not less than fifty percent (50%) nor more than one hundred percent (100%) of the total estimated cost of the improvement or the performance of the required act, securing payment to the contractor, his subcontractors and to persons furnishing labor, materials or equipment to them for the improvement or the performance of the required act;
3. An amount determined by City Council necessary for the guarantee and warranty of the work for a period of one year following the completion and acceptance hereof against any defective work or labor done or defective materials furnished.

17.06.070 Expiration of Approval; Extensions.

Failure to file a parcel map for checking and recording within twelve (12) months after approval or conditional approval shall nullify the approval granted. Upon application of the subdivider filed prior to the expiration of the approved or conditionally approved tentative map, the time at which such map expires may be extended by the Planning Commission for a period or periods not exceeding two (2) years. If the Commission denies a subdivider's application for extension, the subdivider may appeal to the City Council within fifteen (15) days after the denial, pursuant to Section 17.07.020.

17.06.080 Title Sheet of Parcel Map.

The title sheet shall contain the following information:

A. Title, consisting of the words "Parcel Map" and followed by the parcel map name, if any, conspicuously placed at the top of the sheet.

B. Below the title shall be a subtitle consisting of a description of all property being subdivided by reference to such map or maps of the property shown thereon as shall have been last previously recorded or filed in the Stanislaus County Recorder's office, or shall have been last previously filed with the Stanislaus County Clerk pursuant to a final judgment in any action in partition, or shall have been previously filed in the office of the Stanislaus County Recorder under authority of the Subdivision Map Act or by reference to the plat of any United States survey. The description shall also include reference to any vacated area with the number of the

ordinance vacating said area, followed by the words “City of Ceres, California,” followed by the month and year of recording.

References 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.

C. Following the description shall be the name of the engineer or surveyor preparing the map and the sheet numbering.

D. Affidavits, certificates, acknowledgments, endorsements, acceptances, and notarial seals required or authorized by the Subdivision Map Act and by this Title. The surveyor’s statement, Director’s statement, City Clerk’s statement, Recorder’s statement, and the any statement from public agencies required or authorized by the Subdivision Map Act and by this Title shall be shown on Sheet 1.

E. Where a field survey is required, the basis of bearings used in the survey, making reference to some recorded subdivision map or other record acceptable to the Director.

17.06.090 Preparation and Form of Parcel Map.

The parcel map shall be prepared by or under the direction of a registered civil engineer or licensed land surveyor and shall conform to the requirements of the Subdivision Map Act and to all of the following provisions:

A. The general form and layout of the map, including but not limited to the size and type of lettering, drafting and location of acknowledgments, shall be determined by the Director.

B. The scale of the map shall be one (1) inch equals forty (40) feet or as otherwise permitted by the Director, 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 more than three (3) sheets are necessary to show the entire subdivision, an index map shall be included on the first sheet. Sheet size shall not exceed eighteen (18) inches by twenty-six (26) inches.

E. The parcel map number, scale and north arrow shall be shown on each appropriate sheet.

F. A title sheet, designated as page number one (1) of the parcel 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.

G. The parcel map shall be so made and shall be in such condition when filed that legible prints and negatives can be made therefrom.

17.06.100 Information on Parcel Map.

The parcel map shall contain in addition to the requirements set forth under the Subdivision Map Act, all of the following information:

A. The boundary line of the subdivision shall be designated by a bold border inside the boundary line. Such border shall be of such density to appear on a blue line print of the map without obliterating any figures, lines or other data.

B. Where a field survey is required, all survey data and information required by Section 17.06.120, Survey data and information to be shown on final map or parcel map.

C. All lots or parcels intended for sale or reserved for private purposes with all dimensions, boundaries and courses clearly shown and defined in each case.

D. Each parcel shall be identified by a number.

E. The location and width of streets, alleys, pedestrian-ways, and other easements and the portions thereof dedicated or offered for dedication to the City, including their recording references; the names of streets.

F. The lines of public easements to which the lots are subject shown in fine, dashed lines; the lines, bearings and dimensions of easements deeded to the City.

G. All limitations on rights of access to and from streets and lots and other parcels of land.

17.06.110 Statements, Fees, Documents, and Other Data to Accompany Parcel Map.

The following statements, filing fees, documents and other data, and as many additional copies thereof as may be required, shall be filed with the parcel map:

A. The names, addresses and telephone numbers of the record owner(s), subdivider, and persons preparing the parcel map.

B. A filing fee as established by resolution of the Council.

C. An irrevocable offer of dedication of property for streets, alleys, pedestrian-ways, equestrian or hiking trails, biking paths, drainage channels, sewers, other easements or for any public purpose or future public purpose when the dedication is not made by certificate on the parcel map. The offer shall be on a form approved by the City Attorney and the Director for recordation in the office of the Stanislaus County Recorder, and shall be in such terms as to be binding on the owner, his/her heirs, assigns or successors in interest, and shall continue until the Commission accepts or rejects such offer.

D. A guarantee of title or letter from a title company doing business in the City, approved by the Director certifying that the signatures of all persons signing offers of dedication and the

certificate required by Section 66445, subdivision (f) of the Subdivision Map Act and signing all acknowledgments thereto appear and are correctly shown.

E. Where a field survey has been made, the engineer or surveyor under whose supervision the survey was made shall furnish the Director with a traverse sheet in a form approved by the Director giving latitudes, departures and coordinates and showing the mathematical closure.

F. The plans, profiles, cross sections, specifications, and applicable permits for the construction and installation of improvements as required by Chapter 17.10, Subdivision Improvements.

G. A final grading plan. Submission of a final grading plan may be waived by the Director when he or she determines that the submission of said plan is not required for proper grading, flood hazard mitigation and erosion control of the subdivision.

H. The agreement to make improvements and the security for such improvements as required by Chapter 17.10, Subdivision Improvements.

I. All protective covenants, conditions, restrictions or affirmative obligations in the form in which the same are to be recorded when the approval thereof by the City has been made a condition of approval of the tentative map.

J. All other data required by law or as a condition of approval of the tentative map, including plans, reports, agreements, permits, fees, security or other requirement.

17.06.120 Survey of Parcel Map.

Where the subdivision creates four (4) parcels or fewer, the parcel map may be compiled from available record data when the Director determines that sufficient survey information exists on filed maps and when the location of any boundary of the parcel map, either by monuments or possessory lines, is certain.

All other parcel maps shall be based upon a field survey made in accordance with the provisions of Chapter 17.16, Survey and Monuments.

17.06.130 Processing of Parcel Map – Filing.

The subdivider shall cause the surveyor's statement to be executed and shall file with the Director as many prints of the original tracing of the parcel map as may be required. A parcel map shall not be considered as having been filed unless and until it complies with all provisions of this Chapter and the statements, filing fees, documents and other data required to accompany the parcel map have been submitted in a form acceptable to the Director.

Where offers of dedications of land are to be made in conjunction with the parcel map and are not made by statement on the parcel map, the subdivider shall transmit the instrument of dedication and the accompanying title report to the Director. Said instrument shall include a plat showing the area being dedicated. In such cases, the parcel map shall not be considered as having been filed unless and until the offer of dedication has been approved for recordation as provided

in Section 17.06.140. In most cases, offers of dedications of land will be shown on the map and the instrument document number labeled on the map

17.06.140 Separate Dedications.

Dedications may be required to be made by separate instrument. After receiving the instrument of dedication and accompanying title report, the Director shall approve or disapprove the instrument of dedication as to its suitability for recordation. After approving an offer to dedicate, the Director shall record the offer in the office of the Stanislaus County Recorder.

If said offer of dedication is subsequently rejected by the Commission, the Director shall issue a release from such offer, which shall be recorded in the office of the Stanislaus County Recorder.

17.06.150 Action by the Director.

Upon acceptance of the parcel map and accompanying documents, fees and materials for filing, the Director shall cause the same to be examined, and if found to be in substantial conformity with the approved tentative map and all amendments, conditions, modifications and provisions made or required by the Commission, and if found to be complete, technically correct, in conformity with the improvement plans and specifications, and in compliance with the requirements of this Title, planned street lines, other applicable specific plans and ordinances, shall execute the Director's certificate on the map and shall submit it to the Commission for approval and acceptance of dedications. No parcel map shall be certified until the required improvements have been installed or agreed to be installed in accordance with Chapter 17.10, Subdivision Improvements. Should the map or other accompanying documents, fees or materials be found to be incomplete or incorrect in any respect, the subdivider shall be advised in writing, by mail, of the changes or additions that must be made before the map may be certified.

Chapter 07

APPEALS

Sections:

17.07.010 Right to Appeal.

17.07.020 Procedure.

17.07.010 Right to Appeal.

Actions of a final nature which are taken by the Commission, City Engineer, and Director which are made subject to appeal under the provisions of this Title or under provisions of the Subdivision Map Act shall be subject to appeal as hereinafter provided in this Section.

The subdivider, a tenant of the subject property, or any interested person may file an appeal if an appeal is authorized by the provisions of this Title or by the provisions of the Subdivision Map Act. The amount of fees for any such appeal shall be fixed by resolution of the Council, which fees shall not exceed the reasonable costs to the City of conducting such an appeal. All appeals shall be filed with the City Clerk. The City Clerk shall prescribe and provide the appellant the form which shall be used by the appellant in filing any such appeal.

17.07.020 Procedure.

Authorized appeals shall be heard as follows:

A. All appeals from an appealable action of the Commission shall be heard by the Council. The appeal must be filed within ten (10) calendar days after the final action is taken by the Commission from which the appeal is taken unless a different time period for filing said appeal is provided for by this Title or the Subdivision Map Act.

B. All appeals from an action of the Director shall be heard by the Commission as an appeal board unless the provisions of this Title expressly provide that the appeals of such action are to be heard by the Council. The appeal must be filed within ten (10) calendar days after the final action is taken by the Director or the Director from which the appeal is taken unless a different time period for filing said appeal is provided for by this Title or the Subdivision Map Act.

C. All appeals from decisions of the Commission acting as an appeal board under this section shall be heard by the Council. The appeal must be filed within ten (10) calendar days after the final action is taken by the Commission from which the appeal is taken unless a different time period for filing said appeal is provided for by this Title or the Subdivision Map Act.

D. Any appeal hearing by the Commission acting as an appeal board or by the Council in its capacity as the legislative body shall be held within thirty (30) days of the date of the filing of a request for an appeal, or within such shorter periods as may be required by the Subdivision Map Act. Within ten (10) days following the conclusion of the hearing, the appeal body shall declare its findings. The findings shall be based upon the testimony and documents produced before it or

before the appeal body or before the City officer from whom the appeal is taken. The decision of the appeal body may sustain, modify, reject or overrule any action which is the subject of the appeal. The decision may include any findings which are not inconsistent with the provisions of this Title, the ordinances of the City, or the provisions of the Subdivision Map Act.

E. Notice of any appeal hearing held under this Title shall be given by the City Clerk as provided in California Government Code sections 65090 and 65091. If the appeal involves the conversion of residential real property to a condominium project, community apartment project or stock cooperative, additional notice shall be given by the City Clerk as provided in the Subdivision Map Act.

Chapter 08

FINAL MAPS

Sections:

- 17.08.010 Filing for Recording.**
- 17.08.020 Filing and Fee.**
- 17.08.030 Preparation and Form on Final Map.**
- 17.08.040 Closure of Courses.**
- 17.08.050 Statements, Documents and Other Data to Accompany Final Map.**
- 17.08.060 Survey of Final Map.**
- 17.08.070 Preliminary Soil Report Required.**
- 17.08.080 Waived.**
- 17.08.090 Soils Investigation.**
- 17.08.100 Building Permits.**
- 17.08.110 Report and Certificate of Title Company.**
- 17.08.120 Title Sheet of Final Map.**
- 17.08.130 Maps in Excess of Two Sheets.**
- 17.08.140 Identification of Adjoining Subdivisions.**
- 17.08.150 Data and Information Required on Final Map.**
- 17.08.160 Certificates and Acknowledgements.**
- 17.08.170 Certificate of No Tax Liens.**
- 17.08.180 Estimate of Tax Lien.**
- 17.08.190 Bond or Security for Tax Liens.**
- 17.08.200 Action by the Director.**
- 17.08.210 Council Action.**
- 17.08.220 Revocation of Final Map.**
- 17.08.230 Resubdividing.**
- 17.08.240 Subdivisions Containing Condominiums.**
- 17.08.250 Multiple Final Maps.**

17.08.010 Filing for Recording.

Final maps of subdivisions of five (5) or more parcels shall be filed for recording. Prior to the expiration of the tentative map or within any further time period for which an extension has been granted under this Title or the Subdivision Map Act, the subdivider may cause the proposed subdivision or any part thereof to be surveyed and a final map to be prepared and recorded in accordance with the provisions of this Chapter and the Subdivision Map Act.

17.08.020 Filing and Fee.

The final map may be filed with the Director after all the provisions of this Chapter have been complied with. The fees for the checking of subdivision final maps and parcel maps shall be set by resolution. The fee will be for the checking of the map and a fee for checking improvement plans required by the development.

The subdivider shall cause all certificates to be executed except those to be executed by the Director, the City Clerk and the Stanislaus County Recorder, and shall file with the Director the original tracing of the final map and as many prints thereof as may be required.

17.08.030 Preparation and Form on Final Map.

The final 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 to all of the following provisions:

A. The general form and layout of the map, including but not limited to the size and type of lettering, and the drafting and location of acknowledgments, shall be as determined by the Director.

B. The scale of the map shall be one (1) inch equals one hundred (100) feet, unless otherwise permitted by the Director, 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 more than three (3) sheets are necessary to show the entire subdivision, an index map shall be included on the first sheet. Sheet size shall not exceed eighteen (18) inches by twenty-six (26) inches.

E. The subdivision designation, scale and north arrow shall be shown on each sheet except the endorsement sheet.

F. A title sheet, designated as page number one (1) of the final 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.

G. The final map shall be so made and shall be in such condition when filed that legible prints and negatives can be made from it.

17.08.040 Closure of Courses.

With the final map, the subdivider shall file computations and traverse data showing closures of all courses, which shall close within a limit of error of one in ten thousand (10,000).

17.08.050 Statements, Documents and Other Data to Accompany Final Map.

The following statements, documents and other data, and as many additional copies thereof as may be required, shall be filed with the final map:

A. The names, addresses and telephone numbers of the record owners and subdivider and persons preparing the final map.

B. A guarantee of title or letter from a title company certifying that the signatures of all persons whose consent is necessary to pass a clear title to the land being subdivided and all acknowledgments thereto appear and are correctly shown on the proper certificates and are correctly shown on the final map, both as to consents for the making thereof and the affidavit of dedication.

C. A traverse sheet in a form approved by the Director giving lot areas, latitudes, departures and coordinates and showing the mathematical closures.

D. The engineer or surveyor under whose supervision the survey has been made shall furnish the Director field notes as required by Chapter 17.16, Survey and Monuments.

E. The complete plans, profiles, cross sections, specifications and applicable permits for the construction and installation of improvements as required by Chapter 17.10, Subdivision Improvements.

F. A final grading plan. Submission of a final grading plan may be waived by the Director when he or she determines that the submission of said plan is not required for proper grading, flood hazard mitigation and erosion control of the subdivision.

G. The agreement to make improvements and the security for such improvements as required by Chapter 17.10, Subdivision Improvements.

H. All protective covenants, conditions, restrictions or affirmative obligations in the form in which the same are to be recorded when approval thereof by an officer of the City has been required as a condition of approval of the tentative map.

I. Any irrevocable offer of dedication by separate instrument and accompanying title report as may be provided or required as a condition of approval of the tentative map. The dedication instrument and title report shall conform to the requirements of this Title and shall be processed in accordance with the provisions of Section 17.06.130.

Whenever an irrevocable offer of dedication by separate instrument accompanies a final map, the final map shall not be accepted for filing by the Director unless and until he or she determines that said offer of dedication has been approved for recordation as provided in Section 17.06.140.

J. A current preliminary report issued by a title company for the lands proposed to be subdivided, together with copies of the recorded documents shown as exceptions in the report.

K. All other data required by law or as a condition of approval of the tentative map, including plans, reports, agreements, permits, fees, security or other requirements.

17.08.060 Survey of Final Map.

A complete and accurate survey of the land to be subdivided shall be made by a registered civil engineer or licensed land surveyor in accordance with the provisions of Chapter 17.16, Survey and Monuments.

17.08.070 Preliminary Soil Report Required.

A preliminary soils report prepared by a civil engineer registered in this State and based on adequate test borings shall be required for every subdivision for which a final map is required by this Title.

17.08.080 Waived.

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

17.08.090 Soils Investigation.

If a required preliminary soil report indicates the presence of critically expansive soils or other soil problems which, if not corrected, would lead to structural defects, the subdivider shall provide for and submit the findings of a soil investigation of each lot in the subdivision. This investigation shall be prepared by a registered civil engineer and shall include a recommendation for corrective action to prevent structural damage to buildings proposed to be constructed on the expansive or otherwise problem soils. This shall be noted on the final map.

17.08.100 Building Permits.

As a condition to the granting of building permits where expansive soils are found, the Building Official shall require the corrective measures recommended by the registered civil engineer making the soil report.

17.08.110 Report and Certificate of Title Company.

The title sheet of the final map shall contain those certificates required by the Subdivision Map Act. The form of the certificate shall be approved by the City Attorney.

The final map shall be accompanied by a report prepared by a duly authorized title company naming the persons whose consent is necessary to the preparation and recording of the map and to the dedications of streets, alleys and other public places shown on the map and certifying that, as of the date of preparation of the report, the persons therein named are all the persons necessary to give clear title to the subdivision. At the time of recording of the final map, there shall be presented to the County Recorder a written certificate of assurance, executed by a duly authorized title company for the benefit and protection of the City that all such persons have joined in or consented to the preparation and recordation of the map and the offers of dedication shown thereon.

17.08.120 Title Sheet of Final Map.

The title sheet shall contain the following information:

A. Title followed by the words "City of Ceres."

B. Below the title shall be a subtitle consisting of a description of all property being subdivided by such map or maps or property shown thereon as shall have been last previously recorded or filed in the Stanislaus County Recorder's office, or shall have been last previously filed with the Clerk pursuant to a final judgment in any action in partition, or shall have been previously filed in the office of the Stanislaus County Recorder under authority of the Subdivision Map Act or by reference to the plat of any United States survey. The description shall also include reference to any vacated area with the number of the ordinance vacating said area.

C. The subtitle of maps filed for the purpose of reverting subdivided land to acreage shall consist of the words "A reversion to acreage of _____." The blank shall contain the assessor parcel numbers of the parcels to be reverted.

D. References 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.

E. Affidavits, certificates, acknowledgments, endorsements, acceptances, dedications and notarial seals required by law and by this Title.

F. The basis of bearings used in the field survey, making reference to some recorded subdivision map or other record acceptable to the Director.

17.08.130 Maps in Excess of Two Sheets.

When a final map consists of more than two (2) sheets, a key map showing the relation of the streets shall be placed on sheet one. Every sheet comprising the map shall bear the scale, north point, legend, sheet number and number of sheets comprising the map.

17.08.140 Identification of Adjoining Subdivisions.

The corners of adjoining subdivisions or portions thereof shall be certified by lot and block number, subdivision name and properties shown.

17.08.150 Data and Information Required on Final Map.

The final map shall (including all approved modifications) contain the following data and information:

A. Sufficient data must be shown to determine readily the bearing and length of every lot, block or boundary line. Dimensions of lots shall be given as total dimensions, corner to corner, and shall be shown in feet and hundredths of a foot. Lots containing one acre or more shall have total acreage to the nearest hundredth. Bearing and length of straight lines and radius and arc length for all curves as may be necessary to determine the location of the centers of curves and tangent portions shall be shown.

B. Whenever the Director has established the center line of a street or alley adjacent to or in a proposed subdivision, the data shall be shown on the final map indicating all monuments found

and making reference to a field book or map. If the points were reset by ties, the courses and detail of relocation data shall be shown.

C. The final map shall show the location and description of all stakes, monuments or other markers found on the ground or placed in making the survey of the subdivision and in determining the boundaries thereof, with references sufficient for relocation. High waterline adjacent to streams, creeks, rivers, channels, lakes or reservoirs, but not irrigation canals;

D. Subdivision boundary shall be designated by a blue border, one-eighth inch (1/8") wide, applied to the reverse side of the tracing. The border shall not interfere with the legibility of figures or data;

E. All areas shown on the map which do not constitute a part of the subdivision shall be labeled "Not a part of this subdivision," or "N.A.P.O.T.S." All lines delineating such areas shall be dashed.

F. Center lines and sidelines of streets, the total width of all streets, canals and easements, the width of portions of streets being dedicated, the width of existing dedications, the width each side of center lines, the width of alleys and railroad or canal rights of way;

G. The location and widths of any other rights-of-way within the subdivision.

H. All survey data and information required by Section 17.16.120, Survey Data and Information to be shown on final map or parcel map.

I. Building lines on all lots, shown by a dashed line of the same width as lines denoting lot lines and appropriately labeled;

J. Sidelines of all easements to which any lot is subject. The easement shall be clearly labeled and identified and, if already of record, its record reference given. If any easement is not definitely located by record, a statement of such easement shall appear on the title sheet. Easements for storm drains, sewers and other purposes shall be denoted by fine broken lines with the width, length and bearing so they can be relocated. Easements being dedicated shall be properly referenced in the owner's certificate of dedication;

K. City limits which cross or border the subdivision;

L. Block numbers, beginning with the number one and continuing consecutively without omission or duplication throughout the subdivision, except in the case where block numbering has been established by a neighboring City. The number should be of such size and weight as not to be confused with other data. 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 center line and property line data;

M. Lot numbers shall begin with the number one in each block, unless the block is an addition to an existing numbered block, and lots shall be numbered consecutively with no omissions or duplications;

N. Reserved lots for private purposes and offered for dedication for any purpose, public or private, shall be defined, delineated and designated.

O. In areas subject to one hundred (100) year flood hazard, base flood elevation or depth of flow and floodway boundaries shall be indicated, or a separate document shall be recorded with the final map indicating floodway boundary and base flood elevation or depth of flow.

17.08.160 Certificates and Acknowledgements.

Prior to approval and recording, the following certificates and acknowledgements shall be given and may be combined where appropriate:

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

1. Rights of way, easements or other interests, none of which can ripen into a fee,
2. In the case of rights of way, easements or reversions, which by reason of changed conditions or long disuse appear to be no longer of practical use or value and as to which signature is impossible or impractical to obtain, a reasonable statement of the circumstances preventing the procurement of the signature shall be set forth on the map,
3. Any subdivision map including land originally patented by the United States or the State, under patent reserving interest to either or both of these entities, may be recorded under the provisions of this Chapter without the consent of the United States or the State thereto, or to dedications made thereon;

B. A certificate, signed and acknowledged, offering for dedication all parcels of land shown as intended for public use, except those parcels other than streets and alleys which are intended for the exclusive use of the lot owners in the subdivision, their licensees, visitors, tenants and servants;

C. A certificate for execution by the Commission secretary;

D. A certificate for execution by the Director;

E. A certificate for execution by the County Clerk;

F. A certificate by the registered civil engineer or licensed land surveyor responsible for the survey and final map, which shall be accompanied by his seal;

G. A certificate for execution by the County Recorder.

17.08.170 Certificate of No Tax Liens.

Prior to the filing of the final map with the Council, the subdivider shall file with the City Clerk a certificate from the Tax Collector showing that according to the records of his 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, or special assessments not yet payable.

17.08.180 Estimate of Tax Lien.

As to taxes or special assessments collected as taxes not yet payable, the subdivider shall file with the City Clerk a certificate by the Tax Collector giving his estimate of the amount which is a lien but not yet payable.

17.08.190 Bond or Security for Tax Liens.

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

17.08.200 Action by the Director.

Upon acceptance of the final map and accompanying documents, fees and materials for filing, the Director shall cause the same to be examined, and if found to be in substantial conformity with the approved tentative map and all amendments, conditions, modifications and provisions made or required by the Council, and if found to be complete, technically correct, in conformity with improvement plans and specifications, and in compliance with the requirements of this Title, planned street lines and other applicable specific plans and ordinances, shall execute the Director's certificate on the map and shall file the map and accompanying materials with the City Clerk. No final map shall be certified until the required improvements have been installed or agreed to be installed in accordance with Chapter 17.10, Subdivision Improvements.

Should the map or other accompanying documents, fees or materials be found to be incomplete or incorrect in any respect, the subdivider shall be advised in writing, by mail, of the changes or additions that must be made before the map may be certified. If the defect is the result of a technical and inadvertent error which, in the opinion of the Director, does not materially affect the validity of the map, the Director may waive the defect and execute his certificate of approval. The Director may refuse to approve the recording of a final map governing only a portion of a tentative map when in the process of checking the final map he or she determines that said portion does not by itself provide adequate or satisfactory access, design or improvements and therefore does not conform to the design and improvement of the subdivision as indicated by the approved tentative map.

The Director must act on the final map within the time period prescribed by the Subdivision Map Act.

17.08.210 Council Action.

The Council shall act upon the final map in the manner authorized and prescribed by the Subdivision Map Act. The Council shall, at the meeting at which it receives the map or at its next regular meeting after the meeting at which it receives the map, approve the map if it conforms to all the requirements of the Subdivision Map Act and this Title which were applicable at the time of approval or conditional approval of the tentative map and any rulings made thereunder. If the map does not conform, the Council shall disapprove the map. The Council shall not deny approval of a final map with a previously approved tentative map for the proposed subdivision if it finds that the final map is in substantial compliance with the previously approved tentative map.

As provided in Section 66458 of the Subdivision Map Act, the date on which the City Clerk receives the map from the clerk of the Commission shall be deemed to be the date of the “meeting” at which the City Council initially receives the map for purposes of this section.

17.08.220 Revocation of Final Map.

If no lots in a subdivision for which a final map has been recorded under this Chapter if none of the improvements required to be made have been made within two (2) years from the date of recordation, the City Council on its own motion may hold a public hearing, after notice, to determine whether the approval of such final map should be revoked. If it is determined that such approval should be revoked, the City Council may by resolution revoke such approval, without prejudice, to be effective upon recordation of a certified copy of such resolution. Thereupon, all dedication or offer of dedication of all streets, ways and other easements by such map shall be of no further force or effect. There shall be a fee in the amount of set by resolution of the City Council, payable to the City by the owner of the subdivision for the cost incurred in processing such revocation if the request for revocation is from other than a public agency.

17.08.230 Resubdividing

In the event an existing subdivision is resubdivided to change a street alignment, to change the design of more than four (4) lots, to create more than four (4) 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 and final map as outlined in this Chapter shall be applicable, except as otherwise allowed in California Government Code section 66426. Changing of four (4) or less number of lots, without any other alterations, shall require the submission of a tentative map to the Planning Commission for approval as to area and lot design and all requirements of this Code. After such approval, a parcel map showing the new parcels shall be submitted to the Director for checking and recording.

17.08.240 Subdivisions Containing Condominiums.

For the purpose of this Chapter, subdivisions that include a condominium project, as defined in California Civil Code section 4125, or a community apartment project, defined in California

Business and Professions Code section 4105, shall be regarded as containing more than five (5) or more existing dwelling units. Maps of such projects need not show buildings or the manner in which the buildings or the air space 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 17.03.090; provided, however, that each condominium unit has access over an area of common ownership to the required dedicated and accepted thoroughfare. Fees for condominium maps shall be computed as each condominium unit being considered a lot.

17.08.250 Multiple Final Maps.

Multiple final maps relating to an approved or conditionally approved tentative map may be filed prior to the expiration of the tentative map if either:

A. The subdivider, at the time the tentative map application is filed, informs the approving authority of the subdivider's intention to file multiple final maps on such tentative map. In providing such notice, the subdivider shall not be required to define the number or configuration of the proposed multiple final maps, but the Council may refuse to approve a phased final map until the subdivider and City can reach agreement, which may be reflected in the subdivision improvement agreement, for the construction of improvements for the subdivision in a manner which provides for a logical and orderly development of all of the possible phases of the subdivision.

B. After filing of the tentative map application, the subdivider and approving authority concur in the filing of phased multiple final maps and the subdivider and the City reach agreement, which may be reflected in the subdivision improvement agreement or a separate written agreement approved by the Council such as a development agreement, for the construction of improvements for the subdivision in a manner which provides for a logical and orderly development of all of the possible phases of the subdivision.

The filing of a final map on a portion of an approved or conditionally approved tentative map shall not invalidate any part of such tentative map. Each final map which constitutes a part, or unit, of the approved or conditionally approved tentative map shall have a separate subdivision number. Any subdivision improvement agreement executed by the subdivider and City shall either initially provide for the construction of improvements in the phases which have been agreed upon by subdivider and City or shall be amended to include such requirements before phased final maps are approved by the Council.

Chapter 09

IMPROVEMENT AGREEMENTS

Sections:

- 17.09.010 Subdivision Improvement Agreement.**
- 17.09.020 Form, Filing, and Term of Improvement Agreement.**
- 17.09.030 Minimum Agreement Provisions.**
- 17.09.040 Additional Agreement Provisions.**
- 17.09.050 Improvement Security Required.**
- 17.09.060 Form, Filing and Term of Improvement Security.**
- 17.09.070 Liability for Alterations or Changes.**
- 17.09.080 Release of Improvement Security – Assessment District Proceedings.**
- 17.09.090 Release of Improvement Security.**

17.09.010 Subdivision Improvement Agreement.

If the required improvements are not satisfactorily completed before a final map or parcel map is filed with the Director, the subdivider shall enter into an agreement with the City to make all improvements as may be required upon approval of such map. The requirements of such improvement agreement shall not be waived under any circumstances.

The purpose of the subdivision improvement agreement includes, among other considerations, eliminating and avoiding the harmful effects of premature subdivision which leaves property undeveloped and unproductive. Therefore, commencement of construction of the improvements under the agreement shall not be a condition precedent to the enforcement and requirement of specific performance under said agreement.

The benefit of the subdivision improvement agreement inures solely to the City and shall not be construed to benefit any third parties not signatory to said agreement, including but not limited to the following: lot purchasers; subcontractors; laborers; and suppliers.

17.09.020 Form, Filing, and Term of Improvement Agreement.

The improvement agreement shall be in writing, shall be approved as to form by the City Attorney, and shall be secured and conditioned as provided in this Chapter. The Director may require an acknowledged abstract of said agreement to be recorded simultaneously with the final map or the parcel map.

The improvement agreement, and any required acknowledged abstract thereof, shall be complete, subject to Council approval, and on file with the Director before the final map or parcel map is accepted for filing. The term of each improvement agreement filed pursuant to the provisions of this section 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 Director.

17.09.030 Minimum Agreement Provisions.

Said agreement shall include at least the following provisions:

- A. Mutually agreeable terms to complete all required improvements at the subdivider's expense.
- B. A provision that the subdivider shall comply with all requirements of this Title, of the City Code, and of other applicable laws, and with all terms and conditions of required improvement permits.
- C. A statement indicating a period of one (1) year within which the subdivider shall complete all improvement work.
- D. 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 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.
- E. 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 Council.
- F. Provision for the inspection of all improvements of the subdivision by the Director for a period of twelve (12) months after said improvement acceptance date.
- G. A provision guaranteeing payment to the City for all engineering and inspection costs and fees and all other incidental expenses incurred by the City.
- H. A description of all lands within the exterior boundaries of the subdivision.

17.09.040 Additional Agreement Provisions.

The improvement agreement may also include the following provisions and such other additional terms and conditions as may be required upon approval of the tentative map or as are determined necessary by the Council to carry out the intent and purposes of this Title:

- A. 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 this Title, including the importing or exporting of earth for grading purposes.
- B. Mutually agreeable terms to acquire public easements which are outside the boundaries of the subdivision at the subdivider's expense.
- C. 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 Section 17.09.050 and 17.09.060; 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.

D. Provision for any reimbursement to be paid the subdivider under the provisions of Section 66486 of the Subdivision Map Act.

E. Provision for the setting of required monuments after the recordation of the final map or parcel map.

F. Provision for the method of payment of any fees imposed by this Chapter.

G. Provision for guarantee and warranty of the work, for a period of one (1) year following completion and acceptance thereof, against any defective work or labor done or defective materials furnished, in the performance of the agreement with the City or the performance of the act.

17.09.050 Improvement Security Required.

A. General. Except as otherwise provided in subsection B of this section, a subdivider shall secure the improvement agreement entered into pursuant to Section 17.09.040 in the following amounts:

1. Performance Security. An amount determined by the Director 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 improvements or acts to be performed; and

2. Payment Security. An amount determined by the Director to be not less 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; and

3. Warranty Security. An amount of ten percent (10%) of the estimated cost of improvements shall be required for the guarantee and warranty of the work for a period of one (1) year following the completion and acceptance thereof against any defective work or labor done, or defective materials or equipment furnished.

B. Nonprofit California Corporations. Pursuant to Section 66499.3 of the Subdivision Map Act, entities that are California nonprofit corporations, funded by the United States of America or one (1) of its agencies, or funded by the State of California or one (1) of its agencies, are exempt from the requirements of subsections (A)(1) and (2) of this section, provided they meet and fulfill the alternative security requirements specified in Section 66499.3, subdivision (c), of the Subdivision Map Act.

17.09.060 Form, Filing and Term of Improvement Security.

The improvement security shall be conditioned upon the faithful performance of the improvement agreement and shall be in one (1) of the forms provided in Section 66499 of the Subdivision Map Act. The specific form of the improvement security required for each agreement and the terms thereof shall be recommended by the Director and shall be subject to the approval of the City.

A surety bond to secure the faithful performance of the agreement shall substantially conform to the form set forth in Section 66499.1 of the Subdivision Map Act. A surety bond to secure payment to the contractor, subcontractor, and persons furnishing labor, materials or equipment shall substantially conform to the form set forth in Section 66499.2 of said Act.

Improvement security shall be filed with the City, together with an executed subdivision improvement agreement, before the City accepts the final map or parcel map for filing.

17.09.070 Liability for Alterations or Changes.

The liability upon the security given for the faithful performance of the 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 improvement.

17.09.080 Release of Improvement Security – Assessment District Proceedings.

If the required subdivision improvements are financed and installed pursuant to special assessment proceedings, 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 by the amount corresponding to the amount of such bonds furnished by the contractor.

17.09.090 Release of Improvement Security.

In addition to the requirements set forth under Government Code section 66499.7, the release of improvement security shall be in accordance with the following:

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 Council according to the procedures and schedule stipulated in the Subdivision Map Act. Such acceptance shall occur when the certificate of completion is verified by the Director. If a warranty security is not submitted, performance security shall be released one (1) year after acceptance of improvements and correction of all warranty deficiencies.

B. Payment Security. Security given to secure payment to the contractor, subcontractors and persons furnishing labor, materials or equipment may, six (6) months after the completion and acceptance of the improvements by the Council, 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 one (1) year warranty period; provided, that all warranty deficiencies have been corrected as determined by an inspection by the Director.

Pursuant to California 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 attorney's fees.

Chapter 10

SUBDIVISION IMPROVEMENTS

Sections:

- 17.10.010 Conformance.**
- 17.10.020 Improvement Plans and Permits Required.**
- 17.10.030 Preparation and Form of Improvement Plans.**
- 17.10.040 Commencement of Improvement Work.**
- 17.10.050 Construction and Installation Standards.**
- 17.10.060 Utility Line Installation Standards.**
- 17.10.070 Temporary Improvements.**
- 17.10.080 Inspection of Improvement Work.**
- 17.10.090 Improvement Requirements.**
- 17.10.100 Signs.**
- 17.10.110 Dust Control.**
- 17.10.120 Rubbish.**
- 17.10.130 Street Lights.**
- 17.10.140 Storm Drains.**
- 17.10.150 Railroad Crossings.**
- 17.10.160 Canal and Pipeline Crossings.**
- 17.10.170 Street Trees.**

17.10.010 Conformance.

The subdivider shall construct or install all improvements in streets, alleys, water mains, sanitary sewers, storm drain systems, sidewalks, bike paths, easements and other rights-of-way as are deemed necessary by the approving authority for the general use of residents of the subdivision and to meet requirements of the Standard Plans and Specifications. Subdivision improvements shall conform to the minimum requirements set out in this Chapter and to any special standards adopted by the City Council.

17.10.020 Improvement Plans and Permits Required.

Improvement plans shall be completed by the subdivider, and approved by the Director, prior to the acceptance of the final map or parcel map for processing by the Director and approval by the approving authority.

Improvement plans shall conform to the City's Standard Plans and Specifications. The final map shall not be deemed to be submitted for approval until the approval of said plans by the Director.

17.10.030 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 this Title, 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 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 Standard Plans Specifications.

A. Subdividers shall have their contractors for subdivision improvements consult with the Director before any construction is started to arrive at an understanding as to requirements and the schedule of inspections required.

B. Plans and profiles shall be on a twenty-four inch by thirty-six inch (24" × 36") velum paper or other material approved by the Director. Two (2) prints of each sheet shall be submitted with the original tracing.

C. Cross sections and/or profiles beyond the boundary of the subdivision may be required to clarify drainage or road design.

D. Existing utilities and utilities proposed to be installed within and adjacent to the subdivision shall be shown.

17.10.040 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 approved by the Director and other affected agencies.

17.10.050 Construction and Installation Standards.

Improvements shall be constructed and installed in accordance with the approved plans and in accordance with the applicable Standard Plans and Specifications

A. Subdividers shall have their contractors for subdivision improvements consult with the Director before any construction is started to arrive at an understanding as to requirements and the schedule of inspections required.

B. Plans and profiles for proposed improvements shall be submitted to and approval obtained from the Director prior to the commencement of construction. A plan of the entire subdivision shall be on the first sheet of improvement plans.

C. Plans and profiles shall be on a twenty-four inch by thirty-six inch (24" × 36") velum paper or other material approved by the Director. Two (2) prints of each sheet shall be submitted with the original tracing.

1. Cross sections and/or profiles beyond the boundary of the subdivision may be required to clarify drainage or road design.

2. Existing utilities and utilities proposed to be installed within and adjacent to the subdivision shall be shown.

D. Rejected work shall be remedied or removed by the subdivider. Any work beyond the lines and grades shown on the plans and not approved by the Director may be ordered removed at the subdivider's expense.

E. The subdivider shall direct his engineer to furnish the City one complete set of improvement plans on a reproducible paper after completion of improvements. These plans shall show any corrections as to location or grade of improvements or "No Corrections," whichever is applicable. Said plans shall be marked "AS BUILT," and submitted to the Director prior to acceptance of improvements by the City Council.

17.10.060 Utility Line Installation Standards.

In all portions of a subdivision, utility lines, including but not limited to electrical, natural gas, telephone, cable television, and street lighting service lines, shall be placed underground; provided, however, that incidental, appurtenant equipment such as transformers, terminal boxes and meter cabinets may be placed above ground when, with approval of the Director, it is impractical under the circumstance of a given case to place same underground.

Underground utilities installed in streets or alleys shall be installed prior to surfacing of said streets or alleys. Service connections shall be laid to such length as will obviate the necessity for disturbing the street or alley improvements when service connections are completed.

17.10.070 Temporary Improvements.

In addition to permanent improvements, temporary improvements, such as but not limited to turnaround areas or access walkways, may be required to be made prior to or concurrent with permanent improvements.

17.14.090 Inspection of Improvement Work.

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

Inspections shall be requested at least twenty-four (24) hours in advance of the actual inspection. Inspection fees shall be based on the actual expenses incurred, plus a reasonable sum for overhead and supervision.

Subdividers will be notified monthly of the amount of charges for inspections made when requested by the

17.10.090 Improvement Requirements.

The improvements required by this Chapter as conditions of approval of the final map or parcel map shall be consistent with the Standard Plans and Specifications and may include, but are not limited to, the following:

A. Grade and fill to a grade of site and construct all necessary grade crossings, culverts, bridges and other related works.

1. Grading and paving of all streets and highways shall be to a cross section, grade approved by the Director, and according to the standards and specifications set forth in this Chapter. Existing streets bordering the subdivision shall be improved as follows:

a. If existing street pavement is at proper grade and the structural section conforms to the type specified in this Chapter, the street shall be improved to the edge of the existing pavement.

b. If the existing pavement is at proper grade and the structural section is substandard, the existing surfacing shall be removed to the center line of the street and the entire half street bordering the subdivision shall be reconstructed to the standards required in this Chapter.

c. If the existing street is not at proper grade, the subdivider shall deposit with the Department of Engineering Services an amount to be determined by the City Engineer, equal to the cost of constructing the one-half (1/2) street to the proper grade and structural standard set forth in this Chapter. Money so deposited will be used by the City to reconstruct the street. When reconstruction cannot be scheduled within a reasonable time, the City will oil the unimproved area as an interim improvement.

B. Construct all drains, drainage facilities, channel improvements and other drainage works required to provide proper drainage for the subdivision.

1. Grades of streets shall be established so storm water can be collected at intersections designated by the Director, and the minimum grade of all streets shall be one fourth of one percent (0.25%).

C. Construct and install concrete curbs, gutters and sidewalks on both sides of every street and on each side of an existing or dedicated street bordering the subdivision.

1. Curb and gutter, sidewalk and matching pavement shall be required in all districts; except PC, which will be reviewed individually upon submittal of plans.

2. Where a parcel map is being filed and the Director determines that it would be undesirable to install curbs and gutters because of the grade of the existing street or because of the length of time before street reconstruction or improvement is contemplated, construction of improvements may be postponed, but the Director shall require the

subdivider or developer to deposit with the City a sum of money equal to the proposed cost of improvements to be used by the City at such time as full street improvements are warranted.

D. Install 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. Underground all utilities, sanitary sewers, storm drains and other facilities installed in streets or alleys prior to the paving of such street. Service connections for all underground utilities and sanitary sewers shall be laid at such lengths to avoid disturbing the street, alley, or other improvements when service connections thereto are made.

G. Install asphalt concrete pavement and base material in all existing or dedicated streets or portions thereof. Install or provide for the future installation of a seal coat.

H. Install concrete sidewalks and concrete pavement in all existing or dedicated alleys, pedestrian-ways and bikeways; provided, however, pedestrian-ways and bikeways may be improved with asphaltic concrete pavement with the consent of the Director.

I. Install or provide for the installation of street lighting facilities.

J. Provide funds to cover the cost of warning devices or traffic signal equipment, or both, where required by traffic conditions related to the subdivision but not installed as part of the project and not covered by development fees.

K. Construct and install street barricades and other safety devices in accordance with Standard Plans and Specifications.

L. Construct such acceleration and deceleration lanes and traffic channelization devices in streets as are deemed necessary by the Director.

M. Construct walls or fencing, or both, along the subdivision boundary lines per City requirements.

N. Construct improvements required and included as mitigation measures pursuant to CEQA.

O. Improvements shall conform to the specifications and standards adopted by the City Council.

P. The design of the structural section for all streets shall be based on:

1. The resistance value, R;

2. The expansion properties of the soil;

3. The traffic index, TI. The traffic index will be determined by the Director.

17.10.100 Signs.

A. Warning signs shall conform to the California Manual on Uniform Traffic Control Devices as adopted the California Department of Transportation. and shall be installed by the subdivider at all locations specified by the Director.

B. Street barricades, when required by the Director, shall conform to City standards.

C. Street name signs shall be installed at all intersections and shall conform to the standards of the City. The location of all signs shall be first approved by the Director.

D. Construction warning signs, lights and devices shall be erected and maintained whenever the operations of installing improvements create an inconvenience or hazardous condition to traffic or pedestrians.

17.10.110 Dust Control.

Dust control shall be maintained as directed by the Director and the San Joaquin Valley Air Pollution Control District's regulations while street improvements and/or site grading is being undertaken by the subdivider.

17.10.120 Rubbish.

Rubbish and excess material shall be removed from all public rights of way and easements and all parts of the work and adjacent area shall be left in a presentable condition.

17.10.130 Street Lights.

Street lights shall be to the Standard Plans and Specifications. All light standards shall be placed at locations first approved by the Director.

17.10.140 Storm Drains.

Storm drains shall be provided by the subdivider for the disposal of storm water according to the Standard Plans and Specifications.

17.10.150 Railroad Crossings.

Provision shall be made for any and all proposed railroad crossings necessary to provide access to or circulation within the proposed subdivisions, 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 application and improvement shall be borne by the subdivider.

17.10.160 Canal and Pipeline Crossings.

Canal and pipeline crossings and pipelines shall be constructed, or pipelines relocated as ordered by the Commission to provide access to or circulation within proposed subdivisions. The preparation of all documents necessary for the application to the owner of the canal or pipeline shall be made by the subdivider and the entire cost of such crossing or relocation shall be borne by him.

17.10.170 Street Trees.

The subdivider shall install street trees in in all locations specified by the Director. The Director may allow the subdivider to pay to the City Clerk a fee set by resolution for the installation of street trees in lieu of planting street trees.

Chapter 11

MODIFICATIONS

Sections:

- 17.11.010 Application and Authority.**
- 17.11.020 Required Findings and Conditions.**
- 17.11.030 Filing Applications – Form and Content.**
- 17.11.040 Referrals.**
- 17.11.050 Consideration and Approval of Modifications.**

17.11.010 Application and Authority.

The approving authority may, in accordance with the provisions of this Chapter, grant, conditionally grant, or deny requests by a subdivider for modifications to the requirements or standards imposed by the approving authority, by this Title or by Standard Plans and Specifications; provided, however, that no modifications may be made to any requirement imposed by the Subdivision Map Act; and further provided, that nothing herein shall be construed as altering or conflicting with the powers and duties of the Director, Commission or Council to authorize variances from the regulations and requirements of the zoning ordinance. All request for modifications shall be in writing. If modifications are not specifically requested in writing, they shall not be deemed approved even if shown on the tentative subdivision maps. Modifications may be recommended to the Council by the Commission when the Council is the approving authority. A minor change in the design of a subdivision which does not violate the requirements or standards imposed by this Title shall not be deemed to be a “modification” as the term is used herein.

Where a modification is sought from the requirements or standards imposed by this Title, and the same requirements or standards are imposed by the City zoning ordinance, a separate variance under the zoning ordinance shall not be required if public notice of hearing that has been given for the hearing on the modification makes reference to the provisions of the City zoning ordinance which also will be affected by the modification.
this Title

17.11.020 Required Findings and Conditions.

Before granting any modification, the approving authority shall make all the following findings:

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

B. That the cost to the subdivider of strict or literal compliance with the regulation is not the sole reason for granting the modification.

C. That the modification will not be detrimental to the public health, safety or welfare or be injurious to other properties in the vicinity.

D. That granting the modification is in accord with the intent and purposes of this Title and is consistent with the General Plan and with all other applicable specific plans of the City.

E. That the modification is necessary for the preservation and enjoyment of a substantial property right of the owner.

In granting a modification, the Commission or Council may impose such conditions as are necessary to protect the public health, safety or welfare, and assure compliance with the General Plan, with all applicable specific plans, and with the intent and purposes of this Title.

17.11.030 Filing Applications – Form and Content.

Applications for any modifications shall be filed, in writing, by the subdivider with the Commission a form and in the number of copies required by him or her for that purpose.

Each application shall state fully the nature and extent of the modification required, the specific reasons therefor, and the facts relied upon. Such application shall be filed with the tentative map of the subdivision. The application shall clearly show that the modification is necessary and is consistent with each of the findings required by Section 17.11.020. A fee shall be established by resolution of the Council and shall accompany each application for a modification. Once the application is determined by the Director to be complete, it shall be filed with the clerk of the Commission. The request for modification shall be acted upon by the approving authority within the time periods provided in the Permit Streamlining Act.

17.11.040 Referrals.

The Director shall submit the application to staff for review and shall transmit copies of the modification application for review and comment to such other public agencies or private parties affected by the proposed modification as the Director deems appropriate.

17.11.050 Consideration and Approval of Modifications.

A. Review of Application for Modification. Any application for modification shall be subject to staff review. Upon conclusion of the review, the City Council shall within thirty (30) days make a recommendation based upon the information provided together with the results of his or her investigation. If the modification is recommended, a statement of any conditions attached thereto shall be forwarded to the subdivider. If disapproval is recommended, the subdivider shall be furnished with the statement of reasons for such recommendation.

B. Notice and Hearing. A preapproval subdivision modification shall be noticed and approved in the same manner as the tentative map application, and shall be considered by the approving authority at the same meeting at which it considers the tentative map application. A post-approval subdivision modification shall be noticed and approved by the approving authority in the same manner as a tentative map. A copy of the written findings made with respect to a requested modification and a complete statement of any conditions of approval attached to an approved modification shall be placed on file with the secretary of the approving authority and copies thereof furnished to the subdivider.

C. Appeal. A subdivider or interested person may appeal any action of the approving authority on a subdivision modification in accordance with the procedure set forth in Section 17.07.020.

Chapter 12

ENFORCEMENT

Sections:

- 17.12.010 Enforcement–Generally.**
- 17.12.020 Remedies.**
- 17.12.030 Sales Voidable.**
- 17.12.040 Duty of Officers And Employees.**
- 17.12.050 Illegal Subdivisions–Notices.**
- 17.12.060 Illegal Subdivisions–Subsequent Permits and Approvals.**
- 17.12.070 Certificate of Compliance.**
- 17.12.080 Appeals of Actions of Director or Director.**

17.12.010 Enforcement–Generally.

Except as otherwise provided herein, the Director is authorized and directed to enforce this Title and the Subdivision Map Act for subdivisions within the City. The City Attorney is authorized on behalf of the City of Ceres to file a suit in a superior court of competent jurisdiction to restrain or enjoin any attempted or proposed subdivision or sale, lease or financing in violation of the Subdivision Map Act, this Title, or the conditions and term of approvals granted thereunder.

17.12.020 Remedies.

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 copartnership may otherwise be entitled. The City or any other political subdivision or person, firm, corporation, partnership or copartnership may bring legal action to restrain or enjoin any attempted or proposed subdivision or sale in violation of this Chapter.

17.12.030 Sales Voidable.

Any deed of conveyance, sale, or contract to sell made contrary to the provisions of this Title is voidable at the sole option of the grantee, buyer or person contracting to purchase, his heirs, personal representative, or trustee in insolvency or bankruptcy within one year after the date of execution of the deed of conveyance, sale or contract to sell, but the deed of conveyance, sale or contract to sell is binding upon any assignee or transferee of the grantee, buyer or person contracting to purchase, other than those above enumerated, and upon the grantor, vendor or person contracting to sell, or his assignee, heir or devisee.

17.12.040 Duty of Officers And Employees.

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. 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 this Title. Any permit or license issued in conflict with the provisions of this Title shall be null and void.

17.12.050 Illegal Subdivisions–Notices.

Whenever the City has knowledge that real property has been divided in violation of the Subdivision Map Act or this Title, the Director shall, upon receipt of information of such violation, file the notices required by Section 66499.36 of the Subdivision Map Act and thereafter follow the procedures set forth in that section. The hearing required by that section shall be held before the Commission.

17.12.060 Illegal Subdivisions–Subsequent Permits and Approvals.

No officer or employee of the City shall issue a permit or grant any approval necessary to develop any real property which has been divided or which has resulted from a subdivision, in violation of the provisions of the Subdivision Map Act or this Title, if either the Director finds and determines that development of such real property is contrary to the public health or the public safety. The authority to deny or approve such a permit shall apply whether the applicant therefore was the owner of record at the time of such violation or whether the applicant therefor is either the current owner of record or a vendee thereof with, or without, actual or constructive knowledge of the violation at the time of the acquisition of an interest in such real property.

If the officer or employee of the City issues a permit or grants approval for the development of any real property illegally subdivided, the officer or employee shall impose those additional conditions which would have been applicable to the division of the property at the time the current owner of record acquired the property as determined by the Director. If the property has the same owner of record as at the time of the initial violation, the Director or Director, or both, may impose conditions applicable to a current division of the property. If a conditional certificate of compliance has been filed for record in accordance with the provisions of Section 17.12.070, only those conditions stipulated in that certificate shall be applicable.

17.12.070 Certificate of Compliance.

The City shall issue certificates of compliance or conditional certificates of compliance as authorized in Section 66499.35 of the Subdivision Map Act as follows:

A. Any person owning real property or a vendee of such person pursuant to a contract of sale of such real property may request the Director to determine whether the real property complies with the provisions of the Subdivision Map Act and this Title. A written application for a certificate of compliance shall be accompanied by a preliminary title report not more than six (6) months old that shows the legal owners of the property.

B. If the Director determines that the real property complies with the provisions of the Subdivision Map Act and this Title, the Department shall file a certificate of compliance for record with the Stanislaus County Recorder. The certificate of compliance shall identify the real property and shall state that the division thereof complies with the provisions of the Subdivision Map Act and this Title.

C. If the Director determines that the real property does not comply with the provisions of the Subdivision Map Act or this Title, the Director may, as a condition to granting a certificate of compliance, impose conditions in accordance with 17.12.060. Upon the Director's making such a determination and establishing such conditions, the Department shall file a conditional certificate of compliance of record with the Stanislaus County Recorder. Such certificate shall serve as notice to the property owner or vendee who has applied for the certificate, a grantee of the property owner, or any subsequent transferee or assignee of the property that the fulfillment and implementation of such conditions shall be required prior to subsequent issuance of a permit or other grant of approval for development of the property.

Compliance with such conditions shall not be required until such time as a permit or other grant of approval for development of such property is issued by the City.

D. A recorded final map or parcel map shall constitute a certificate of compliance with respect to the parcels of real property described therein.

E. Subject to the provisions of Section 66499.35, subdivision (e), of the Subdivision Map Act, an official map prepared pursuant to Section 66499.52, subdivision (b), of the Subdivision Map Act shall constitute a certificate of compliance with respect to the parcels of real property described therein.

F. A fee shall be charged to the applicant for making the determination and processing the certificate of compliance in the amount provided for by resolution of the Council.

17.12.080 Appeals of Actions of Director or Director.

The actions of the Director and Commission under this Chapter shall be subject to appeal to the Council as provided in Section 17.07.020.

Chapter 13

PARK AND RECREATION LAND

Sections:

- 17.13.010 Purpose.**
- 17.13.020 Dedication/In Lieu Fee Required.**
- 17.13.030 General Standard.**
- 17.13.040 Standards and Formula for Dedication of Land.**
- 17.13.050 Formula for Fees in Lieu of Land Dedication.**
- 17.13.060 Calculation of In-Lieu Fees—Appraisal.**
- 17.13.070 Purchase of Land In Excess of Code Requirements.**
- 17.13.080 Use of Fees.**
- 17.13.090 Time Schedule For Use of Land/Fees.**
- 17.13.100 Determination of Land or Fee.**
- 17.13.110 Credit for Private Open Space.**
- 17.13.120 Computation of Credit.**
- 17.13.130 Exemptions.**
- 17.13.140 Access Requirements.**
- 17.13.150 Sale of Dedicated Land.**
- 17.13.160 Phased Maps.**

17.13.010 Purpose.

This Chapter is enacted pursuant to the authority granted by the Subdivision Map Act and California Government Code section 66000 et seq. The park and recreational facilities for which dedication of land or payment of a fee is required by this Chapter are in accordance with the General Plan of the City.

17.13.020 Dedication/In Lieu Fee Required.

As a condition of approval of a tentative subdivision map or parcel map, including vesting map, the subdivider shall be required to dedicate land, pay a fee in lieu thereof, or both, at the option of the City, and pay a fee for improving the land for parks or recreational purposes according to the standards and formula contained in this Chapter and the City of Ceres Public Facility Fees Program as adopted by the City Council. The provisions of this Chapter do not apply to commercial or industrial subdivisions; nor do they apply to condominium projects or stock cooperatives which consist of the subdivision of air space in an existing apartment building which is more than five (5) years old when no new dwelling units are added.

17.13.030 General Standard.

It is hereby found and determined that the public interest, convenience, health, welfare and safety require that four (4) net acres of property for each one thousand (1,000) persons residing within the City be devoted to local recreation and park purposes. There shall be a rebuttable presumption that the average number of persons per household by units in a structure is the same as that disclosed by the most recent available federal census or a census taken pursuant to

Chapter 17 (commencing with Section 40200) of Part 2 of Division 3 of Title 4 of the California Government Code.

17.13.040 Standards and Formula for Dedication of Land.

Where a community or neighborhood recreational or park facility, or both, has been designated in the General Plan or in an applicable specific plan, and is to be located in whole or in part within the proposed subdivision to serve the immediate and future needs of the residents of the subdivision, the subdivider shall dedicate land for a community or neighborhood recreation or park facility, or both, sufficient in size and topography to serve the residents of the subdivision. The amount of land to be provided shall be determined pursuant to the following standards and formula. Where the City requires the dedication of land, the subdivider or owner shall dedicate land for local recreational or park facilities according to the formula:

$$D \times F = A$$

in which:

D = the number of dwelling units

F = a “factor” herein described

A = the buildable acres to be dedicated.

A buildable acre is a typical acre of the subdivision, with a slope less than ten percent (10%), and located in other than an area on which building is excluded because of flooding, public rights-of-way, easements, or other restrictions.

The factors for various residential dwelling types are constants which, when multiplied by the number of dwelling units permitted in the subject area, will produce four (4) acres per one thousand (1,000) population. Unless the subdivider enters into an agreement with the City for a lower density, the number of dwelling units shall be calculated as follows:

A. When a rezoning application accompanies the tentative map, density shall be calculated according to the highest density of the zoning designation applied for;

B. When the tentative map is not accompanied by a rezoning application, density shall be calculated according to the highest density of the existing zoning designation or existing specific plan density designation, whichever allows the highest density; provided, however, that upon completion of build-out, if the actual number of dwelling units built is less than the highest density permitted in the applicable zone, then the subdivider may, within five (5) years after payment of the fee, apply for a refund, without interest, of the difference between the fee actually paid and a fee calculated on the basis of the actual density.

The factors referred to above are as follows:

F1 = .0151 relating to one (1) family dwelling units

F2 = .0120 relating to two (2) family dwelling structures

F3 = .0169 relating to three (3) to ten (10) family dwelling structures

F11 = .0129 relating to eleven (11) plus family dwelling structures

FM = .0160 relating to mobile homes or other dwellings

The subdivider shall: (1) provide full street improvements, including but not limited to curbs, gutters, street paving, traffic control devices, street lights, and sidewalks, to land which is dedicated pursuant to this section; (2) provide for fencing meeting City requirements along the property line of that portion of the subdivision contiguous to the dedicated land; (3) provide improved surface drainage from/through the site; and (4) provide other improvements which the Council determines to be essential to the acceptance of the land for recreational purposes.

17.13.050 Formula for Fees in Lieu of Land Dedication.

A. If no community or neighborhood park or recreational facility is designated in the City General Plan or in an applicable specific plan to be located in whole or in part within the proposed subdivision to serve the needs of the residents of the subdivision, or where the Council requires the payment of in-lieu fees, the subdivider shall, in lieu of dedication of land, pay a fee equal to the value of the land prescribed for dedication in Section 17.13.040 and in an amount determined in accordance with the provisions of Section 17.13.060, such fee to be used for recreational and park facilities which will serve the residents of the area being subdivided.

B. If the proposed subdivision contains fifty (50) parcels or less, the subdivider shall pay a fee equal to the land value of the portion of the local park required to serve the needs of the residents of the proposed subdivision as prescribed in Section 17.13.040, and in an amount determined in accordance with the provisions of Section 17.13.060.

17.13.060 Calculation of In-Lieu Fees–Appraisal.

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 as described below, plus twenty percent (20%) for off-site improvements such as utility line extensions, curb, gutter and pavement and street lights.

A. The amount to be paid shall be a sum calculated pursuant to the following formula:

$$A \times V = M$$

A = The amount of land required for dedication as determined in Section 17.13.040.

V = Fair market value (per acre) of the property to be subdivided, as established by an appraisal.

M = The number of dollars to be paid in lieu of dedication of land, which includes 20% for off-site improvements.

B. For purposes of calculating the in-lieu fee under this section, the subdivider shall cause an appraisal of the property to be subdivided to be made. The appraisal shall be made at the subdivider's expense by an active MAI, SREA or SRPA member in good standing of the Appraisal Institute, or an active ASA (Urban Real Property) member in good standing of the American Society of Appraisers, and shall meet the standards observed by a competent member of the professional organization. The appraiser shall appraise the land at its unencumbered (free and clear) value, as if at the approved tentative map stage of development and as if any assessments or other encumbrances to which the property is subject had been paid off in full prior to the date of appraisal. The fair market value shall be for the gross tentative map area. Factors to be considered during the evaluation shall include the following:

1. Approval of and conditions of the tentative subdivision map;
2. The General Plan;
3. Zoning and density;
4. Property location;
5. Off-site improvements facilitating use of the property;
6. Site characteristics of the property;
7. Existing encumbrances (e.g., existing streets, canals) which have the effect of reducing usable gross tentative map area.

The appraisal shall value the property as of a date no earlier than ninety (90) days prior to the recording of the final map, or the payment of the fee, whichever occurs later. The appraisal shall clearly state the fair market value (V) of the property in dollars per gross acre. Three (3) copies of the appraisal shall be delivered to the Director for distribution. In lieu of an appraisal, the applicant may provide documentation of the actual cost to purchase said land if said purchase occurred within one (1) year of the approval of the tentative map.

17.13.070 Purchase of Land in Excess of Code Requirements.

The City may offer to purchase any property needed to complete a park from a subdivider when the land made available for park and recreation purposes through dedication is less than that required to provide a complete park. The value of improvements required to develop the subdivision and entitlements shall be excluded when determining the cost of the land for purchase by the City.

17.13.080 Use of Fees.

Fees collected pursuant to this Chapter shall be used and expended solely for the acquisition, improvement, and expansion of the public parks, playgrounds and recreational facilities reasonably related to serve the needs of the residents of the proposed subdivision. Said fees may also be used for the development of recreational areas and facilities on public school grounds or

other public lands which provide a desirable recreational site and access to the public.

17.13.090 Time Schedule For Use of Land/Fees.

The City shall develop a schedule specifying how, when and where it will use the land dedicated or fees collected under this Chapter, within five (5) years after the payment of such fee or the issuance of building permits on one-half of the lots created by the subdivision, whichever occurs later. Any fee not committed to use in accordance with the schedule within (5) years shall be distributed and paid to the then record owners of the subdivision in the same proportion that the size of their lot bears to the total area of all lots within the subdivision.

17.13.100 Determination of Land or Fee.

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

- A. City General Plan, including any identified/designated neighborhood and community parks in any master plan or specific plan;
- B. Topography, geology, access and location of land in the subdivision available for dedication;
- C. Size and shape of the subdivision and land available for dedication;
- D. The feasibility of dedication;
- E. Compatibility of dedication with the Ceres General Plan;
- F. Availability of previously acquired park property.

17.13.110 Credit for Private Open Space.

A. The City may grant credits for privately owned and maintained open space or local recreation facilities, or both, in planned developments as defined in California Business & Professions Code section 11003, condominiums as defined in California Civil Code section 783, and other common interest developments. Such credit, if granted in acres, or comparable in-lieu fees, shall not exceed twenty-five percent (25%) of the dedication or fees, or both, otherwise required under this Chapter, and shall be subtracted from the dedication or fees, or both, otherwise required under this Chapter, provided:

- 1. Yards, court areas, setbacks, and other open space areas required to be maintained by this Title and other regulations shall not be included in private open space and local recreation credit;
- 2. Provision is made by written agreement, recorded covenants running with the land, or other contractual instrument that the areas shall be adequately maintained;
- 3. The use of private open space or recreation facilities is limited to park and local

recreation purposes and shall not be changed to another use without the express written consent of the Council;

4. That the proposed private open space is reasonably adaptable for use for park and recreational purposes, taking into consideration such factors as size, shape, topography, geology, access, and location; and

5. That facilities proposed for the open space are in substantial accordance with the provisions of the General Plan, including any master plan or specific plan, and are approved by the Planning Commission; and

6. That the open space for which credit is given is a minimum of one acre and provides the local park basic elements and other recreational improvements that will meet the specific recreation and/or park needs of the future residents of the area. Before credit is given, the Planning Commission shall make written findings that the above standards are met.

B. Land or facilities, or both, which may qualify for credit towards the land dedication or in-lieu fee, or both, will generally include the following types of open space or local recreational facilities; provided, however, that credit for each of the following categories shall not exceed five percent (5%) of the dedication or fees, or both, otherwise required under this Chapter:

1. Open spaces, which are generally defined as parks, extensive areas with tree coverage, low land along streams or areas of rough terrain when such areas are extensive and have natural features worthy of scenic preservation, golf courses, or open areas on the site in excess of twenty thousand (20,000) square feet.

2. Court areas, which are generally defined as tennis courts, badminton courts, shuffleboard courts or similar hard-surfaced areas especially designed and exclusively used for court games.

3. Recreational swimming areas, which are defined generally as fenced areas devoted primarily to swimming, diving, or both, including decks, lawn area, bathhouse, or other facilities developed and used exclusively for swimming and diving.

4. Recreation buildings, designed and primarily used for the recreational needs of the residents of the development.

5. Special areas, which are generally defined as areas of scenic or natural beauty, historic sites, hiking, riding or motorcycle/bicycle trails, including pedestrian walkways separated from public roads, improved access or right-of-way in excess of requirements, and similar type open space or recreational facilities which, in the sole judgment of the City of Ceres, qualify for a credit.

C. The Council shall grant credit for land dedicated or fees paid pursuant to this Chapter, or both, under a previously approved final subdivision map or parcel map in the event a new map is submitted for approval. Such credit shall be subtracted from the dedication or fees required under this Chapter, or both, for the new map; provided, that in no event shall the City be required to return any fees paid or any land dedicated as a condition of a previously approved final map pursuant to this section.

17.13.120 Computation of Credit.

The categories for credit for private open space and facilities described in Section 17.13.110 shall be given equal weight, each category not to exceed twenty percent (20%) of the total which may be granted by the City. The Council may, however, upon petition of the subdivider, grant additional credit for each of the above categories if there is substantial evidence that:

- A. The open space or recreational facility is above average in aesthetic quality, arrangement or design;
- B. The open space or recreational facility is clearly proportionately greater in amount or size than required by this Title or usually provided in other similar types of development; or
- C. The open space or recreational facility is situated so as to complement open space or local recreational facilities in other private or public developments.

17.13.130 Procedure.

A. At the time of the hearing on the tentative subdivision map, the Commission shall recommend to the Council, after reviewing the report and recommendation from the Director, that land be dedicated or fees be paid, or both, by the subdivider for park or recreational purposes as a condition of approval of the subdivision map. The recommendation by the Director shall include the following where applicable:

1. The amount of land to be dedicated;
2. That a fee be charged in lieu of dedication;
3. That both dedication and a fee be required;
4. That a credit be given for private recreation facilities, unique natural and special features, or for any other reason provided in Section 17.13.110.
5. The location of the park land to be dedicated;
6. The approximate time when development of the park or recreation facility shall be commenced.

B. At the time of its hearing on the tentative subdivision map, the Commission or Council shall determine the amount of land required to be dedicated under this Chapter and Section 17.13.040,

whether or not a fee is to be charged in lieu of any or all of the required dedication, whether a credit is to be given for private recreation facilities, unique natural and special features, or for any other reason provided in Section 17.13.110, and the location of the park land to be dedicated, if any. In making its determination, the Council shall be guided by the standards contained in this Chapter where applicable.

C. At the time of the filing of a final subdivision or parcel map including the same amount of land as included in the applicable tentative map, the subdivider shall dedicate the land or pay the fees, as previously determined by the Commission or the Council. Open space covenants for private park or recreational facilities shall be submitted to the Council prior to approval of the final subdivision map or parcel map and shall be recorded contemporaneously with the final subdivision map.

17.13.130 Exemptions.

The provisions of this Chapter shall not apply to subdivisions:

A. Not used for residential purposes; provided, however, that a condition shall be placed on the approval of such subdivision that if a building permit is requested for construction of a residential structure or structures on one (1) or more of the parcels within four (4) years of the filing of the map, the owner of each such parcel shall be required to pay an in-lieu fee pursuant to this Chapter, calculated as of the date the building permit is issued, as a condition to the issuance of a building permit; a note to this effect shall be placed on the final map.

B. To permit separate ownership of two (2) or more existing residential dwelling units when all such units are more than five (5) years old and no new units are added.

17.13.140 Access Requirements.

All land offered for dedication to local park or recreational purposes shall have access to at least one (1) existing or proposed public street. This requirement may be waived by the Commission or the Council if the Commission or the Council determines that public street access is unnecessary for the maintenance of the park area or use thereof by the residents.

17.13.150 Sale of Dedicated Land.

If, during the ensuing time between dedication of land for park purposes and the commencement of development, circumstances arise which indicate that another site would be more suitable for park or recreational purposes serving the subdivision and the neighborhood (such as a gift of park land or change in school location) by mutual agreement of the subdivider or owner and the Council, the land may be sold upon the approval of the Council with the resultant funds being used for the purchase of a more suitable site.

17.13.160 Phased Maps.

A. At the time of the filing of a final subdivision or parcel map including less land than was included in the tentative map, the Director shall recalculate the amount of land required to be dedicated in accordance with this Chapter, based on the land included in the proposed final subdivision or parcel map.

B. If the approving authority determined at the hearing on the tentative map that the requirements of this Chapter would be satisfied by the payment of a fee, or that land located within the proposed final subdivision or parcel map be dedicated, or both, and the amount of such land is equal to or smaller than the amount of land required to be dedicated pursuant to subsection A of this section, the subdivider shall dedicate the land or pay the fees, or both, at the time of filing the final subdivision or parcel map.

C. If the Council determined at the hearing on the tentative map that the requirements of this Chapter would be satisfied by the dedication of land located outside the proposed final subdivision or parcel map or the amount of land required to be dedicated at the time of approving the tentative map exceeds the amount required to be dedicated pursuant to subsection A of this section, the Director shall recommend that the subdivider:

1. Dedicate full title to part of the park site; or
2. Dedicate as specified in subsection (C)(1) of this section and enter into an agreement with the City to reserve the undedicated portion; or
3. Solely pay in-lieu fees; and/or
4. Be granted credit(s) in accordance with Section 17.13.110 and 17.13.120.

If the subdivider concurs with the recommendation of the Director, the subdivider shall dedicate the land, or pay the fees, or both, in accordance with the recommendation prior to filing the final subdivision or parcel map. Open space covenants for private park or recreational facilities shall be submitted to the Council prior to the approval of the final subdivision map or parcel map and shall be recorded at the same time as the final map.

If the subdivider objects to the recommendation of the Director, the Council shall determine at a public hearing the land to be dedicated, whether a fee is to be charged, and whether any credits shall be granted. Prior to filing the final subdivision or parcel map, the subdivider shall dedicate the land, or pay the fees, or both, as determined by the Council. Open space covenants for private park or recreational facilities shall be submitted to the Council prior to the approval of the final subdivision map or parcel map and shall be recorded at the same time as the final map.

D. Nothing in subsection C of this section shall be construed to:

1. Require the dedication of land located outside the proposed final subdivision or parcel map; or
2. Prohibit a subdivider from dedicating land in excess of the amount required to be dedicated pursuant to subsection A of this section.

Chapter 14

LOT LINE ADJUSTMENTS

Sections:

- 17.14.010 Definition.**
- 17.14.020 Application.**
- 17.14.030 Approval.**
- 17.14.040 Process for Revising Lot Line Adjustment.**
- 17.14.050 Findings.**
- 17.14.060 Limitations Upon Review and Approval.**
- 17.14.070 Recording.**
- 17.14.080 Conditions.**

17.14.010 Definition.

For the purposes of this Chapter, a lot line adjustment is any division of land not requiring a map as specified by the Subdivision Map Act, in which no more parcels are created by the division than existed prior to it.

17.14.020 Application.

An application for a lot line adjustment shall be filed with the Community Development Department and shall include the following information, materials and documents:

1. Drawings to scale, prepared by a civil engineer or registered land surveyor, specifying the location of the existing lots, the proposed lot line adjustment, and the boundaries and dimensions of the proposed new lots;
2. A legal description of the revised lots satisfactory to the Director and a current preliminary report issued by a title company for each of the affected lots;
3. Such additional information as the Director may require pursuant to Section 17.14.050, subsection (C), and 17.40.070, 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 ordinances and plans of the City.

B. The application shall be accompanied by a filing fee established by resolution of the Council.

17.14.030 Approval.

A. The Commission may approve the lot line adjustment when it finds that:

1. The lot line adjustment does not violate existing codes and policies;
2. The lot line adjustment will not create difficult or unreasonable access to parcels;

3. The lot line adjustment would not require variances to permit standard development;

4. Utilities and public services can be provided to the revised parcels.

B. If the Commission approves the lot line adjustment, a resolution shall be passed approving said adjustment and authorizing the execution and recordation of the lot line agreement.

17.14.040 Process for Revising Lot Line Adjustment.

A. Within thirty (30) days of receiving an application for a lot line adjustment, the Community Development Department shall inform the applicant, in writing, whether the application is complete and accepted for filing. If incomplete, the Community Development Department shall advise the applicant as to the deficiencies in the application.

B. Within ten (10) days after an application has been found to be complete and accepted for filing, the Director shall submit the application for staff review and shall transmit copies of the application and, where applicable, copies of drawings, statements and other data required to accompany the application or required subsequent to the filing of the application to such other public agencies and private parties as the Director determines may be affected by the proposed lot line adjustment.

C. Commission Review and Approval.

1. The Commission may approve, conditionally approve or disapprove the proposed lot line adjustment for which he or she is the approving authority within the time periods provided by the Permit Streamlining Act.

2. Upon taking such action, the Commission shall give written notice thereof to the applicant as soon as practicable, but in no event later than ten (10) days thereafter.

17.14.050 Findings.

The Commission shall approve a lot line adjustment sought pursuant to this Chapter if the Commission finds:

A. That the lot line adjustment will not result in the abandonment of any street or utility easement of record, and that, if the lot line adjustment will result in the transfer of property from one (1) owner to another owner, the deed to the subsequent owner expressly reserves any street or utility easement of record;

B. That the lot line adjustment will not result in the elimination or reduction in size of the access way to any resulting parcel, or that the application is accompanied by new easements to provide access which meets all the City requirements regarding access to parcels in the location and of the size as those proposed to be created; and

C. That the resulting parcels conform to the requirements of the City General Plan, any

applicable specific plan, the Building Code and the City zoning ordinance.

17.14.060 Limitations Upon Review and Approval.

The Commission shall limit his or her review and approval to a determination of whether or not the parcels resulting from the lot line adjustment will conform to Section 17.14.050, subdivision (C). The Commission shall not impose conditions or exactions on its approval of a lot line adjustment except to conform to Section 17.14.050, subsection (C), to require the prepayment of real property taxes prior to the approval of the lot line adjustment, or to facilitate the relocation of existing utilities, infrastructure, or easements. No record of survey shall be required for a lot line adjustment unless required by California Business & Professions Code section 8762.

17.14.070 Recording.

Pursuant to California Government Code section 66412, subdivision (d), the lot line adjustment shall be reflected in a deed, which shall be recorded in the manner required by the Director. The deed shall be signed or approved by all parties having an interest in the lots which are affected by the conveyance. If, for any reason, a recorded deed would not give constructive notice of the lot line adjustment under the real property laws of the State of California, the Director may require the applicant to prepare for recordation a certificate of compliance for each of the affected lots concurrent with the recordation of the deed and may require that such certificate or certificates be recorded.

17.14.080 Conditions.

Pursuant to California Government Code section 66412, subdivision (d), the Commission may not impose conditions or exactions on its approval of a lot line adjustment except to conform to the local general plan, any applicable coastal plan, and zoning and building ordinances, to require the prepayment of real property taxes prior to the approval of the lot line adjustment, or to facilitate the relocation of existing utilities, infrastructure, or easements. No tentative map, parcel map, or final map shall be required as a condition to the approval of a lot line adjustment. No record of survey shall be required for a lot line adjustment unless required by Section 8762 of the Business and Professions Code.

Chapter 15

MAPS REQUIRED

Sections:

17.15.010 General.

17.15.020 Division of Land—Five (5) or More Parcels.

17.15.030 Division of Land—Four (4) or Less Parcels.

17.15.010 General.

For the purposes of this Title, the specific requirements for tentative, final, and parcel maps shall be governed by the provisions of this Chapter.

17.15.020 Division of Land—Five (5) or More Parcels.

A tentative map and a final map shall be required for all divisions of land where the land will be divided into five (5) or more parcels, five (5) or more condominiums, 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, except where any one (1) of the following occurs:

A. The land before division contains less than five (5) acres, each parcel created by the division abuts upon an existing maintained public street or highway and no dedications or improvements are required by the Council;

B. Each parcel created by the division has a gross area of twenty (20) acres or more and has an approved access to an existing maintained public street or highway;

C. The land consists of a parcel or parcels of land having access to a public street or highway approved by the Council which comprises part of a tract of land zoned for industrial or commercial development, and which has the approval of the Council as to street alignments and widths;

D. 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

E. The land being subdivided is solely for creation of an environmental subdivision pursuant to Section 66418.2 of the Subdivision Map Act.

F. A tentative map and parcel map shall be required for those subdivisions described in subsections A through E of this section, unless waived by the Commission in accordance with the provisions of Section 17.06.040 A parcel or parcels are deemed to have the approval of the Commission as to street alignment and widths when: (1) the Commission has specifically approved the street alignment and widths; (2) when the Commission determines that the proposed street alignment and widths are substantially the same as those contained in the General

Plan or any applicable adopted specific plan in substantially the same manner as proposed by the subdivider; or (3) when the Commission determines that the proposed street alignment and width substantially conform with both connecting street alignments and widths in adjacent subdivisions that have been previously approved by the City Council and the City's engineering design standards.

17.15.030 Division of Land—Four (4) or Less Parcels.

A tentative map and a parcel map shall be required for all divisions of land into four (4) or fewer parcels, except that parcel maps shall not be required for:

A. Subdivision of a portion of the operating right-of-way of a railroad corporation, defined by California Public Utilities Code section 230, which is created by short-term leases terminable by either party on not more than thirty (30) days' notice in writing.

B. Land conveyed to or from a governmental agency, public entity or public utility, or for land conveyed to a subsidiary of a public utility for conveyance to such public utility for rights-of-way, unless a showing is made by the Director to the Commission in individual cases, upon substantial evidence, that public policy necessitates a parcel map; provided, however, for land conveyed to or from the City or the Ceres Redevelopment Agency, no map shall be required unless such showing is made by the Director to the Council. For purposes of this Title, land conveyed to or from a governmental agency shall include a fee interest, an easement or a license.

C. Parcel maps may be waived in accordance with the provisions of Section 17.06.040.

Chapter 16

SURVEYS AND MONUMENTS

Sections:

- 17.16.010 Survey Procedure and Practice.**
- 17.16.020 Traverse**
- 17.16.030 Survey Data.**
- 17.16.040 Grid Monuments.**
- 17.16.050 Monuments.**
- 17.16.060 Boundary Monuments.**
- 17.16.070 Interior Monuments.**
- 17.16.080 Deferred Monuments.**
- 17.16.090 Monument Type and Positioning.**
- 17.16.100 Monument Identification Marks.**
- 17.16.110 Replacement of Destroyed Monuments.**
- 17.16.120 Survey Data and Information to be Shown on Final Map or Parcel Map.**

17.16.010 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 of the State of California, and the provisions of this Chapter.

17.16.020 Traverse.

The traverse of the exterior boundaries of the tract computed from field measurements of the ground must close within a limit of error of one (1) foot to twenty thousand (20,000) feet of perimeter before balancing survey.

17.16.030 Survey Data.

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 this Title. If exterior boundary monuments are to be set after recordation of the final map or parcel map, as provided by Section 17.16.060, Boundary Monuments, the Director 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.

17.16.040 Grid Monuments.

Wherever the Director has established a system of coordinates which is within a reasonable distance of the subdivision boundary, as determined by the Director, the field survey shall be tied into such system.

17.16.050 Monuments.

In making the survey of the subdivision, the engineer or surveyor shall set sufficient permanent monuments so that the survey, or any part thereof, may be readily retraced.

At the time of making the survey for the final map, the engineer or surveyor shall set sufficient durable monuments to conform with the standards described in California Business & Professions Code section 8771 so that another engineer or surveyor may readily retrace the survey. At least one (1) exterior boundary line shall be monumented prior to recording the final map. Other monuments shall be set as required by the Director.

17.16.060 Boundary Monuments.

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.

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 or all 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 Director for filing, the engineer or surveyor making the survey shall, in addition to furnishing field notes showing the boundary survey as required by Section 17.16.030, Survey data, furnish evidence acceptable to the Director to substantiate his or her reasons for deferring the setting of such monuments until after recordation of such map.

17.16.070 Interior Monuments.

Interior monuments shall be set along streets as provided in Standard Plans and Specifications. Interior monuments may be set after the final map or parcel map is recorded.

17.16.080 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 or surveyor shall follow procedures per Sections 66496 and 66497 of the Subdivision Map Act.

17.16.090 Monument Type and Positioning.

Boundary monuments shall consist of one (1) inch diameter iron pipes, eighteen (18) inches long or as approved by the Director. Temporary interior monuments for construction purposes shall consist of two (2) inch by two (2) inch by eight (8) inch long wood hubs with cup tacks. Permanent interior monuments shall be in accordance with Standard Plans and Specifications.

17.16.100 Monument Identification Marks.

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.

17.16.110 Replacement of Destroyed Monuments.

Any boundary monument set as required herein which is disturbed or destroyed before acceptance of all improvements by the City shall be replaced by the subdivider's engineer or surveyor.

17.16.120 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 this Title:

- A. The basis of bearing used in the field survey, making reference to a recorded subdivision map or other record acceptable to the Director.
- 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 of the final map, 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.
- H. The center line of any street or alley in or adjoining the subdivisions, 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 Standard Plans and Specifications.

Chapter 17

REVERSIONS

Sections:

- 17.17.010 General.**
- 17.17.020 Initiation of Reversion Proceedings.**
- 17.17.030 Review of Petition.**
- 17.17.040 Findings for Reversion.**
- 17.17.050 Conditions for Reversion.**
- 17.17.060 Filing with Stanislaus County Recorder.**
- 17.17.070 Merging and Resubdividing without Reversion.**
- 17.17.080 Requirements for Parcel Mergers and Unmergers.**

17.17.010 General.

Subdivided property may be reverted to acreage, and merged and unmerged, pursuant to the provisions of the Subdivision Map Act and this Chapter.

17.17.020 Initiation of Reversion Proceedings.

Proceedings to revert subdivided property to acreage may be initiated by petition of all owners of record of the property or by the Council.

A. By Owners. In the case of initiation by the owners, the petition shall be submitted to the Community Development Department and shall contain the following information:

1. Evidence of title to the real property.
2. Sufficient data to allow the Council to make the findings required in Section 17.14.040.
3. A final or parcel map consistent with the requirements of Chapter 17.08, Final Maps, or Chapter 17.06, Parcel Maps, and which delineates dedications which will not be vacated and dedications required as a condition to reversion. Final or parcel maps shall be conspicuously designated with the title "The Purpose of this Map is a Reversion to Acreage."
4. Such other additional data as required by the Director or the Director.
Each petition for reversion to acreage shall be accompanied by a nonrefundable filing fee as established by resolution of the Council.

B. By Council. The Council may, by resolution and after review by the Planning Commission, initiate proceedings to revert property to acreage. The Council shall direct the Community Development Department to obtain the necessary information to initiate and conduct the proceedings.

17.17.030 Review of Petition.

The notice, hearing, and procedural requirements for review of a tentative map requiring Council approval shall be followed in connection with the review of a proposed reversion to acreage; provided, that upon the conclusion of the hearing before the Council, the Council may approve the reversion to acreage and take final action on the proposed final map.

17.17.040 Findings for Reversion.

Subdivided property may be reverted to acreage only if the Council finds that:

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

B. Either:

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

17.17.050 Conditions for Reversion.

The Council may require as conditions of the reversion:

A. The owners dedicate or offer to dedicate streets, public rights-of-way or easements;

B. 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 purposes or provisions of the Subdivision Map Act or this Title;

C. Such other conditions of reversion as are necessary to accomplish the purposes or provisions of the Subdivision Map Act or this Title or necessary to protect the public health, safety or welfare.

17.17.060 Filing with Stanislaus County Recorder.

Upon approval of the reversion to acreage, the City Clerk shall transmit the final or parcel map, together with the Council resolution approving the reversion, to the Stanislaus County Recorder for recordation. Reversion shall be effective upon the final or parcel map being filed for record by the Stanislaus County Recorder.

17.17.070 Merging and Resubdividing without Reversion.

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 this Title and the

Subdivision Map Act.

In the event an existing subdivision is resubdivided to change a street alignment, to change the design of more than four (4) lots, to create more than four (4) 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 and final map as outlined in this Chapter shall be applicable, except as otherwise allowed in section 66426 of the Government Code. Changing of four (4) or less number of lots, without any other alterations, shall require the submission of a tentative map to the Planning Commission for approval as to area and lot design and all requirements of this Code. After such approval, a parcel map showing the new parcels shall be submitted to the Director for checking and recording.

17.17.080 Requirements for Parcel Mergers and Unmergers.

Except as provided otherwise in this Chapter, the requirements for the merger and unmerger of parcels shall be as set forth in the Subdivision Map Act (California Government Code section 66499.11 et seq.).

Chapter 18

COVENANTS FOR EASEMENTS

Sections:

- 17.18.010** **Creation of Covenant for Easements–Purposes.**
- 17.18.020** **Requirements for Creation.**
- 17.18.030** **Enforcement.**
- 17.18.040** **Recording–Contents–Effect.**
- 17.18.050** **Release of Covenant–Procedure and Hearing.**
- 17.18.060** **Recordation of Release.**
- 17.18.070** **Fees for Processing Covenant for Easement and Release From Covenant for Easement.**
- 17.18.080** **Limitation Upon Enforcement of Covenant.**

17.18.010 **Creation of Covenant for Easements–Purposes.**

In addition to any other method for the creation of an easement, an easement may be created pursuant to this Title and California Government Code sections 65871 to 65875 by a recorded covenant of easement made by an owner of real property to the City. An easement created pursuant to this Chapter may be for parking, ingress, egress, emergency access, light and air access, landscaping, or open space purposes. The covenant of easement may be required by the approving authority as a condition of approval of any tentative subdivision map, parcel map, zoning, rezoning, conditional use permit, variance or other land use entitlement, permit or similar approval granted to the owner of real property within the City by a public body of the City or by a public officer of the City.

17.18.020 **Requirements for Creation.**

At the time of recording of the covenant of easement, all the real property benefitted or burdened by the covenant shall be in common ownership. The covenant shall be effective when recorded and shall act as an easement pursuant to California Civil Code Division 2, Part 2, Title 2, Chapter 3 (commencing with California Civil Code section 801), except that it shall not merge into any other interest in the real property. California Civil Code section 1104 shall be applicable to conveyance of the affected real property. A covenant of easement recorded pursuant to this Chapter shall describe the real property to be subject to the easement and the real property to be benefitted thereby. The covenant of easement shall also identify the approval, permit, or designation granted by the City and relied upon or required by the covenant.

17.18.030 **Enforcement.**

A covenant executed pursuant to this Chapter shall be enforceable by the owner or owners of the real property benefitted by the covenant and their successors in title. In addition, the City may enforce such covenant through any manner provided for by law for the enforcement of the covenant by a person who is a third-party beneficiary of such a covenant.

17.18.040 Recording–Contents–Effect.

The covenant of easement shall be executed by all persons having an interest in the property, as determined by the City Attorney, and delivered to the City Clerk for recordation by the City Clerk in the office of the Recorder of Stanislaus County. The covenant shall contain a legal description of the real property. From and after the time of its recordation, the covenant shall impart notice thereof to all persons to the extent afforded by the recording laws of the State. Upon recordation, the burdens of the covenant shall be binding upon, and the benefits of the covenant shall inure to, all successors in interest to the real property.

17.18.050 Release of Covenant–Procedure and Hearing.

Once a covenant for easement has been created, it shall only be released by resolution adopted by the Council following a noticed public hearing. The resolution adopted by the Council shall specifically release the property burdened with such easement from the effect of such covenant. The hearing shall be held upon the request of any person whether or not that person has title to the real property. Notice of the public hearing shall be given as provided in California Government Code section 65090 and shall include any notice required by California Government Code section 65092. If the application is not filed by all persons having an interest in the real property either benefitted or burdened by the covenant, then notice of said hearing, as defined by California Government Code section 65094, shall be given by the applicant to each such person who has an interest in the property and has not joined in the application not later than ten (10) days prior to the date of such hearing. Proof of the giving of such notice shall be provided by the applicant to the City Clerk not later than five (5) days prior to the date of said hearing. Any person seeking release of the covenant shall provide the City, at the time of filing of an application for such release, a title guarantee naming the City as the insured, listing all persons having a record interest in the property benefitted by and burdened by the covenant as of the date of the filing of said application.

17.18.060 Recordation of Release.

Upon a determination by the Council that the restriction of the property is no longer necessary to achieve the land use goals of the City, a release shall be executed by the Mayor and City Clerk and recorded by the City Clerk in the office of the Recorder of Stanislaus together with a certified copy of the resolution authorizing such release.

17.18.070 Fees for Processing Covenant for Easement and Release From Covenant for Easement.

The Council may adopt a resolution providing for the imposition of fees to recover the reasonable costs to the City of processing both the covenant for the easement and the release for the covenant for an easement. Said fees shall be in addition to any other fee imposed by ordinance or resolution of the City in connection with the processing of the approvals or entitlements listed in Section 17.18.010.

17.18.080 Limitation Upon Enforcement of Covenant.

Nothing in this Chapter shall create in any person other than the City and the owner of the real property burdened or benefitted by the covenant standing to enforce or to challenge the covenant or any amendment thereto or release therefrom.