

SUBDIVISION ORDINANCE

CITY OF FOWLER

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COUNCIL OF FRESNO COUNTY GOVERNMENTS

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CITY OF FOWLER

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TITLE 1 GENERAL PROVISIONS

SECTION 101 PURPOSE

Titles 1 through 15 shall be known as and may be cited as the Subdivision Ordinance of the City of Fowler deemed necessary in order to protect the public health, safety, and general welfare, including the public interest; the conservation, stabilization, and protection of property values, and to assure provision for necessary utilities, public roads, and other public conveniences in subdivided areas.

SECTION 102 AUTHORITY TO REGULATE

Pursuant to the authority conferred by Title 7, Division 2 of the California Government Code cited as the Subdivision Map Act and in addition to any other regulations provided by law, the regulations contained in Titles 1 through 15 are established herewith and shall apply to all subdivisions or parts of subdivisions wholly or partly within the City, and to the preparation, filing and approval of maps.

SECTION 103 GOVERNING PROVISIONS

The design, improvement, and survey data for subdivisions, the form and content of tentative, final and parcel maps, and the procedure to be following in securing official approval shall be governed by the provisions of the Subdivision Map Act and by the additional provisions of Titles 1 through 15.

SECTION 104 RELATION TO GENERAL PLAN

1. A subdivision map or map of other division of land shall conform to the principles and standards of the General Plan, and the elements thereof, with respect to population densities and distribution, locations and sizes of public areas, and rights-of-way and improvement of streets and ways.

2. A subdivision map shall conform with other specific plans for streets, public areas and projects, and the future development thereof.

SECTION 105 ENVIRONMENTAL IMPACT

No tentative map or tentative parcel map submitted to the City pursuant to the provisions of Titles 1 through 15 shall either be considered as filed or reviewed and acted upon by the Planning Commission or City Council until the requirements of the City's California Environmental Quality Act Guidelines have been met.

SECTION 106 ZONING ORDINANCE

Subdivision maps shall conform to the Zoning Ordinance of the City with respect to uses of land, lot sizes and dimensions, and other applicable regulations, provided however, that where Titles 1 through 15 impose higher standards, the requirements of Titles 1 through 15 shall prevail. When a proposed use or development of land requires a zoning reclassification, conditional use permit, or variance, the application shall be considered prior to, or concurrently with, the tentative map or the tentative parcel map.

SECTION 107 APPLICABILITY

1. The provisions of Titles 1 through 15 shall not apply to any lot or lots forming a part of a subdivision created and recorded prior to the effective date of this Ordinance unless those lots are hereafter proposed for further subdivision. It is not intended by Titles 1 through 15 to repeal, abrogate, annul, or in any way impair or interfere with existing provisions of other laws or ordinances or with private restrictions placed upon the property be it by deed, covenant, or other private agreements, or with restrictive covenants running with the land. Only those improvement standards, applicable at the time a tentative subdivision or parcel map is approved, shall be imposed.

2. The provisions of Titles 1 through 15 shall not be applicable to:

A. The financing or leasing of apartments, offices, stores or similar space within apartment buildings, industrial buildings, commercial buildings, mobile home parks or trailer parks;

B. The financing or leasing of any parcel of land, or any portion thereof, in conjunction with the construction of commercial or industrial buildings on a single parcel, unless the project is not subject to review under other local agency ordinances regulating design and improvement;

C. The financing or leasing of existing separate commercial or industrial buildings on a single parcel;

D. Mineral, oil or gas leases;

E. Land dedication for cemetery purposes under the Health and Safety Code of the State of California;

F. Activities of the State Energy Resources Development and Conservation Commission established pursuant to Division 15 (commencing with Section 25000) of the Public Resources Code.

G. Any separate assessment under Section 2188.7 of the Revenue and Taxation Code.

H. A lot line adjustment between two or more existing adjacent parcels, where the land taken from one parcel is added to an adjacent parcel, and where a greater number of parcels than originally existed is not thereby created, provided the lot line adjustment is approved by the Planning Commission following the filing by the divider of an application therefore furnished by the City and the payment of an application processing fee in a sum as may be established by Council Resolution;

I. Boundary line or exchange agreements to which the State Lands Commission or a local agency holding a trust grant of tide and submerged lands is party;

J. Short-term leases (terminable by either party on not more than 30 days notice in writing) of a portion of the operating right-of-way of a railroad corporation defined as such by Section 230 of the Public Utilities Code unless a showing is made in individual cases, under substantial evidences, that public policy necessitates the application of such regulations to such short-term leases in such individual cases.

K. The leasing of, or the granting of an easement to, a parcel of land, or any portion or portions thereof, in conjunction with the financing, erection, and sale or lease of a windpowered electrical generation device on the land, if the project is subject to discretionary action by the Planning Commission or City Council.

This section shall not apply to the construction, financing, or leasing of dwelling units pursuant to Section 65852.1 or second units pursuant to Section 65852.2 of the Government Code, but this division shall be applicable to the sale or transfer, but not leasing, of those units.

SECTION 108 MERGER OF CONTIGUOUS PARCELS

1. Two or more contiguous parcels or units of land which have been created under the provisions of the Subdivision Map Act or City ordinance enacted pursuant thereto or were not subject to such provisions at the time of their creation shall not merge by virtue of the fact that such contiguous parcels or units are held by the same owner, and no further proceedings under the Subdivision Map Act or this Ordinance shall be required for the

purpose of sale, lease or financing of such contiguous parcels or units, or any one of the contiguous parcels or units held by the same owner does not conform to standards for minimum parcel size, under the City's Zoning Ordinance applicable to the parcels or units of land if all of the following requirements are satisfied:

A. At least one of the affected parcels is undeveloped by any structure for which a building permit was issued or for which a building permit was not required at the time of construction, or is developed only with an accessory structure or accessory structures, or is developed with a single structure, other than an accessory structure, that is also partially sited on a contiguous parcel or unit.

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

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

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

(3) Does not meet current standards for sewage disposal and domestic water supply.

(4) Does not meet slope stability standards.

(5) Has no legal access which is adequate for vehicular and safety equipment access and maneuverability.

(6) Its development would create health or safety hazards.

(7) Is inconsistent with the applicable General Plan and any applicable specific plan, other than minimum lot size or density standards.

C. For purposes of determining whether contiguous parcels are held by the same owner, ownership shall be determined as of the date that notice of intention to determine status is recorded. This subdivision shall not apply if one of the following conditions exist:

(1) On July 1, 1981, one or more of the contiguous parcels or units of land is located within 2,000 feet of the site on which an existing commercial mineral resource extraction use is being made, whether or not the extraction is being made pursuant to a use permit issued by the City.

(2) On July 1, 1981, one or more of the contiguous parcels or units of land is located within 2,000 feet of a future commercial mineral extraction site as shown on a plan for which a use permit or other permit authorizing commercial mineral resource extraction has been issued by the City.

(3) For purposes of paragraphs (1) and (2) of this subdivision, "mineral resource extraction" means gas, oil, hydrocarbon, gravel, or sand extraction, geothermal wells, or other similar commercial mining activity.

2. A merger of parcels shall become effective when the City causes to be filed for record with the County Recorder, a Notice of Merger specifying the names of the record owners and particularly describing the real property.

3. Prior to recording a Notice of Merger, the City shall mail by certified mail to the then current record owner of property a Notice of Intention to Determine Status, notifying the owner that the affected parcels may be merged pursuant to standards specified in the Merger Ordinance, and advising the owner of the opportunity to request a hearing on Determination of Status and to present evidence at the hearing that the property does not meet the criteria for merger. The Notice of Intention to Determine Status shall be filed for record with the County Recorder on the date that notice is mailed to the property owner.

4. At any time within thirty (30) days after recording of the Notice of Intention to Determine Status, the owner of the affected property may file with the City a request for a hearing on Determination of Status.

5. Upon receiving a request for a hearing on Determination of Status, the City shall fix a time, date, and place for a hearing to be conducted by the Planning Commission and shall so notify the property owner by certified mail. The hearing shall be conducted not less than thirty (30) days following the City's receipt of the property owner's request therefor, but may be postponed or continued with the mutual consent of the City and the property owner.

6. At the hearing, the property owner shall be given the opportunity to present any evidence that the affected property does not meet the standards for merger specified in the Merger Ordinance. At the conclusion of the hearing, the Planning Commission by Resolution, shall make a determination that the affected parcels are to be merged or are not to be merged and shall so notify the owner of its determination. A determination of NonMerger may be made whether or not the affected property meets the standards for merger specified in Title 1, Section 108.1. A Determination of Merger shall be recorded within thirty (30) days after conclusion of the hearing.

7. If, within the thirty (30) day period specified, the owner does not file a request for a hearing, the Planning Commission may, at any time thereafter, make a determination that the affected parcels are to be merged or are not to be merged. A Determination of Merger shall be recorded no later than ninety (90) days following the mailing of notice.

8. If the Planning Commission determines that the subject property shall not be merged, it shall cause to be recorded a

release of the Notice of Intention to Determine Status, recorded with the County Recorder, and shall mail a clearance letter to the then current owner of record.

9. The City shall no later than January 1, 1986, record a Notice of Merger for any parcel merged prior to January 1, 1984. After January 1, 1986, no parcel merged prior to January 1, 1984, shall be considered merged unless such Notice of Merger has been recorded prior to January 1, 1986. At least thirty (30) days prior to recording the Notice of Merger the City shall advise the owner of the affected parcels, in writing, of the intention to record the notice and specify a time, date, and place at which the owner may present evidence to the Planning Commission as to why such notice should be recorded.

SECTION 109 SEPARATE MAPS - WHEN REQUIRED

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

SECTION 110 CONTROL OF DESIGN AND IMPROVEMENT

Control of design and improvements of subdivisions by parcel map is vested with the Planning Commission.

SECTION 111 MAP APPROVAL - GENERALLY

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

2. Where a development project consists of a subdivision pursuant to the Subdivision Map Act, the time limits established shall apply to the approval or disapproval of the tentative map, or the tentative parcel map.

SECTION 112 ADVISORY AGENCY

The Planning Commission is designated as the advisory agency to the City Council on matters related to tentative and final maps.

SECTION 113 DELEGATION OF POWERS AND DUTIES

Whenever, by the provisions of Titles 1 through 15, a power of authority is given to, or where duty is imposed upon any public officer, it may be exercised or performed by any deputy or

departmental employee authorized by him/her pursuant to law unless it is expressly provided that it shall be exercised in person.

SECTION 114 AVOIDING PREEMPTION

This Ordinance is intended to comply with all the mandatory requirements of the Subdivision Map Act. Accordingly, this Ordinance shall be interpreted and applied to meet said mandatory requirements as presently adopted or hereafter amended to avoid invalidating any of its provisions due to preemption.

TITLE 2. DEFINITIONS

SECTION 201 GENERALLY

The definitions and meanings of words and phrases, which are defined in the Subdivision Map Act, are used in Titles 1 through 15 as defined in this Title, unless from the context hereof it clearly appears that a different meaning is intended. The word "may" indicates an action which is permissive. The word "shall" indicates an action which is mandatory. All words in the singular shall include the plural, and plural, the singular. Each gender shall include the other. Each tense shall include the other tenses.

1. **"A"**

- A. **ABUT** "Abut" means to be contiguous to and in actual contact along a common line.
- B. **ACCESS ROAD** "Access road" means a road which connects a subdivision to a public road.
- C. **ADVISORY AGENCY** "Advisory agency" means a designated official or an official body charged with the duty of making investigations and reports on the design and improvement of proposed divisions of real property, the imposing of requirements or conditions thereon, or having the authority by local ordinance to approve, conditionally approve or disapprove maps.
- D. **ALLEY** "Alley" means any dedicated way intended for vehicular service to the rear or the side of property served by a public road.
- E. **APPROVED** "Approved" means approved by the City Council or by the department having jurisdiction on such matters, unless otherwise specified.
- F. **APPROVED PRIVATE ROAD** "Approved private road" means a strip of land approved by the City Council for road purposes, which has not been dedicated or accepted as a public road and which connects a parcel of land with a public road.
- G. **ARTERIAL, COLLECTOR, LOCAL COLLECTOR, AND LOCAL STREETS** "Arterial", "local collector", "collector", and "local streets" mean roads designated as such in the Circulation Element of the General Plan of the City, adopted by the City Council.

2. "B"

- A. **BUILDING OFFICIAL** "Building Official" means the Building Official for the City, duly appointed by the City Council.
- B. **BUILDING PERMIT** "Building Permit" means a permit granted for the construction, alteration, etc., of buildings pursuant to the Building Code of the City of Fowler.

3. "C"

- A. **CITY** "City" shall mean the City of Fowler.
- B. **CITY ENGINEER** "City Engineer" means the City Engineer for the City, duly appointed by the City Council.
- C. **CITY PLANNER** "City Planner" means City Planner of the City, duly appointed by the City Council.
- D. **CLERK** "Clerk" means the City Clerk for the City, duly appointed by the City Council.
- E. **COMMISSION** "Commission" means the City Planning Commission.
- F. **COMMUNITY APARTMENT** "Community apartment" means an undivided interest in common in the land coupled with the right of exclusive occupancy of an apartment unit which is part of a community apartment project.
- G. **CONDITIONAL USE PERMIT** "Conditional Use Permit" shall mean a permit for the use of land or buildings, issued pursuant to the Zoning Ordinance of the City.
- H. **CONDOMINIUM** "Condominium" means an estate in real property consisting of an undivided interest in common in a portion of a parcel of real property together with a separate interest in space in a residential, industrial, or commercial building on such real property, such as an apartment, office or store.
- I. **CORNER LOT** "Corner lot" means a lot situated at the intersection of two or more streets, having an angle of intersection of not more than one hundred and thirty-five (135) degrees.

- J. **COUNCIL** "Council" means the City Council.
- K. **COUNTY RECORDER** "County Recorder" shall mean the County Recorder of the County of Fresno.
- L. **CUL-DE-SAC** "Cul-de-sac" means a road which terminates in a permanent turn-around and which by design is not intended to continue beyond its terminal point.

4. "D"

- A. **DEAD END ROAD** "Dead end road" (stub road) means a road which is terminated at the boundary line of the subdivision but which will be required to be extended at a later date to provide access to abutting land.
- B. **DEDICATED ROAD** "Dedicated road" means a right-of-way dedicated to the City for road purposes, and legally accepted as such by the City.
- C. **DEDICATION** "Dedication" means a transfer by a subdivider to the City, County, or City and County of title to real property or any interest therein, or of an easement or right in real property, the transfer of facilities, or the installation of improvements, or any combination thereof.
- D. **DESIGN** "Design" means
 - (1) Street alignments, grades, and widths;
 - (2) Drainage and sanitary facilities and utilities including alignments and grades thereof;
 - (3) Location and size of all required easements and rights-of-way;
 - (4) Fire roads and firebreaks;
 - (5) Lot size and configuration;
 - (6) Traffic access;
 - (7) Grading;
 - (8) Land to be dedicated for park or recreation purposes; and

(9) Such other specific physical requirements in the plan and configuration of the entire subdivision as may be necessary to ensure consistency with, or implementation of, the General Plan or any applicable specific plan.

E. **DEVELOPMENT** "Development" means the uses to which the land which is the subject of a map shall be put, the buildings to be constructed on it, and all alterations of the land and construction incident thereto.

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

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

5. **"E"**

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

B. **EXISTING LOT OR BUILDING SITE** "Existing lot or building site" means a designated lot or contiguous lots on a lawfully established subdivision map or record of survey so existing upon the effective date of this Ordinance or a whole parcel of land under separate ownership so existing upon the effective date of this Ordinance or such a lot or separate parcel of land thereafter lawfully created.

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

6. **"F"**

A. **FINAL MAP** "Final map" is the official map which is recorded by the County Recorder indicating the divisions of land within the subdivision. It shall conform with the requirements of Titles 6 and 7.

- B. **FREEWAY** "Freeway" means a highway for through traffic with full control of access and generally with grade separation at intersections.
- C. **FRONTAGE** "Frontage" means that portion of a parcel of property which abuts on a public or approved private road.
- D. **FRONTAGE ROAD** "Frontage road" (service road or outer highway) means those roads which parallel freeways, expressways, highways or other major streets, providing for access to abutting property or for circulation, and which are separated from the highway or street by a dividing strip.

7. "G"

- A. **GENERAL PLAN** "General Plan" means the General Plan of the City, adopted by the Planning Commission and the City Council, which may include any of the elements listed in the Government Code of the State.

8. "I"

- A. **IMPROVEMENT PLANS** "Improvement plans" means the plans, profiles, cross sections, and specifications of all proposed improvements, including the information required by Title 8 of this Ordinance.

- B. **IMPROVEMENT**

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

(2) "Improvement" also refers to such other specific improvements or types of improvements, the installation of which either by the subdivider, by public agencies, by private utilities, by any other entity approved by the City Council, or by a combination thereof, is necessary to ensure consistency with, or implementation of, the General Plan or any applicable specific plan.

C. **IMPROVEMENT STANDARDS** "Improvement Standards" means the same as Standard Specifications.

9. "L"

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

B. **LOT** "Lot" means:

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

(2) A parcel of real property delineated on an approved record of survey map or parcel map as filed in the office of the County Recorder and, if required by the Zoning Ordinance, abutting at least one public road or approved private road.

C. **LOT, REVERSED CORNER** "Lot, reversed corner" means a corner lot, the street side line of which is substantially a continuation of the front lot line of the lot upon which it rears.

10. "M"

A. **MAJOR STREET** "Major street" means a street which, because of its design or location with respect to other streets and other sources of traffic, is used or is planned to be used, to carry heavy volumes of traffic through an urban area or between urban areas, which normally would require a street with four (4) or more lanes.

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

C. **MASTER PLAN** "Master Plan" means the same as General Plan.

11. "N"

A. **NON-ACCESS LINE** "Non-access line" means a line delineated on a subdivision map, or described in a deed, which is for the purpose of prohibiting access.

12. "O"

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

13. "P"

- A. **PARCEL MAP** "Parcel map" means a map prepared for acceptance by the City and the County Recorder in accordance with an approved tentative parcel map as provided for in Title 7 and State laws.
- B. **PERSON** "Person" means and includes any individual, firm, co-partnership, joint venture, association, corporation, estate, receiver, syndicate, or any group or combination acting as a unit, and plural as well as the singular number.
- C. **PLAN LINE** "Plan line" means a precise location for a future street right-of-way as shown on a specific plan.
- D. **PRIVATE ROAD** "Private Road" means the same as approved private road.
- E. **PUBLIC ROAD** "Public road" means any State highway, County or City street, avenue, highway, or road which is within the maintained road system of the public agency having jurisdiction thereof or to be included within the maintained road system by agreement between said agencies and the subdivider.

14. "R"

- A. **REMAINDER PARCELS** "Remainder parcels" shall mean that portion of a subdivision designated by the subdivider on the tentative map or tentative parcel map, which is not being subdivided for the purpose of sale, lease, or financing.
- B. **RESTRICTED ACCESS STRIP** "Restricted access strip" means a strip of land not less than one (1') foot in width for the purpose of regulating access to part width and dead-end roads until such time as such roads may be completed or extended.

15. "S"

- A. **SECRETARY OF THE PLANNING COMMISSION** "Secretary of the Planning Commission" means the Secretary of the

Planning Commission of the City, duly appointed by the City Council, and includes staff designated or assigned to the view of subdivision maps.

- B. **SETBACK LINE, FRONT YARD** "Front yard setback line" means the line which defines the depth of the required front yard. Said setback line shall parallel with the right-of-way line or highway setback line when one has been established.
- C. **SETBACK LINE, REAR YARD OR SIDE YARD** "Rear yard or side yard setback line" means the line which defines the width or depth of the required rear or side yard. Said setback line shall be parallel with the property line, removed therefrom by the perpendicular distance prescribed for the yard in the zoning district.
- D. **SPECIFIC PLAN** "Specific plan" (precise plan) means a plan for a specific area designated by the Council, including all detailed regulations, conditions, programs, and proposed legislation which shall be necessary or convenient for the systematic implementation of each element of the General Plan.
- E. **STANDARD SPECIFICATIONS** "Standard Specifications" means the design and improvement requirements established by the City Council applicable at the time of approval of a tentative subdivision map or tentative parcel map and as set forth in the City "Standard Specifications" manual or any amendments thereto.
- F. **STUB ROAD** "Stub road" (dead-end road) means a road which is terminated at the boundary line of the subdivision but which will be required to be extended at a later date to provide access to abutting land.
- G. **SUBDIVIDER** "Subdivider" means a person, firm, corporation, partnership, or association who proposes to divide, divides, or causes to be divided, real property into a subdivision for himself/herself or for others, except that employees and consultants of such persons or entities, acting in such capacity are not "subdividers".
- H. **SUBDIVISION** "Subdivision" means the division, by any subdivider, of any unit or units of improved or unimproved land, or any portion thereof, shown on the latest equalized county assessment roll as a

unit or as contiguous units, for the purpose of sale, lease or financing, whether immediate or future except for leases of agricultural land for agricultural purposes. Property shall be considered as contiguous units, even if it is separated by roads, streets, utility easements or railroad rights-of-way. "Subdivision" includes a condominium project, as defined in Section 1350 of the Civil Code, a community apartment project, as defined in Section 11004 of the Business and Professions Code, or the conversion of five (5) or more existing dwelling units to a stock cooperative, as defined in Section 11003.2 of the Business and Professions Code. As used in this section, "agricultural purposes" means the cultivation of food or fiber or the grazing or pasturing of livestock.

Any conveyance of land to a governmental agency, public entity, public utility or subsidiary of a public utility for conveyance to such public utility for rights-of-way shall not be considered a division of land for purposes of computing the number of parcels.

16. "T"

- A. **TEMPORARY TURN AROUND** "Temporary turn around" means a paved area for turning vehicles at the end of a dead-end road, which is constructed either within the dedication right-of-way or upon a temporary easement, to be obliterated when said road is extended.
- B. **TENTATIVE MAP** "Tentative map" refers to a map made for the purpose of showing the design and improvement of a proposed subdivision and the existing conditions in and around it and need not be based upon an accurate or detailed final survey of the property. It is the map which is required to be presented to the Secretary of the Planning Commission in order to officially commence the process of dividing land according to the requirements of this Ordinance. It shall conform with the requirements of Title 5.
- C. **TENTATIVE PARCEL MAP** "Tentative parcel map" means the tentative map for a division of land defined in Title 7 which is required to be presented to the Secretary of the Planning Commission in order to officially commence the process of dividing land according to the requirements of this Ordinance and

shall conform with the requirements of Title 5.

- D. **THROUGH LOT** "Through lot" shall mean a lot having frontage on two parallel, or nearly parallel streets.

17. **"V"**

- A. **VESTING TENTATIVE MAP** "Vesting tentative map" refers to a map which meets the requirements for a tentative map as specified in Subsection 201.16 B and C and Section 66452 of the Subdivision Map Act.

18. **"W"**

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

19. **"Z"**

- A. **ZONING DISTRICT** "Zoning district" means a district established by the Zoning Ordinance.

Wherever a word or phrase used in the Subdivision Ordinance is not defined in the Map Act or in this Title, and unless it appears otherwise from the context in which such word or phrase is used, it shall be construed harmonious with the definition or construction of such word or phrase as it may be used in the Zoning Ordinance in effect at the time.

TITLE 3.

MAPS - GENERALLY

SECTION 301 EXAMINATION AND FIELD CHECK

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

SECTION 302 REJECTION

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

1. That the proposed subdivision is not consistent with applicable General and specific plans.
2. That the design or improvement of the proposed subdivision is not consistent with applicable General and specific plans.
3. That the site is not physically suitable for the type of development.
4. That the site is not physically suitable for the proposed density of development.
5. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
6. That the design of the subdivision or the type of improvements is likely to cause serious public health problems.
7. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public-at-large, for access through or use of, property within the proposed subdivision. In this connection, the City may approve a map if it finds that alternate easements for access or for use will be provided and that these will be substantially equivalent to ones previously acquired by the public.
8. The City shall deny approval of a tentative map, or a tentative parcel map if it finds that the land is subject to a contract entered into pursuant to the California Land Conservation Act of 1965 (Chapter 7 (commencing with Section 51200) of Division 1 of Title 5) and that the resulting parcels

following a subdivision of that land would be too small to sustain their agricultural use. For purposes of this section, land shall be presumed to be in parcels too small to sustain their agricultural use if the land is (1) less than ten (10) acres in size in the case of prime agricultural land, or (2) less than forty (40) acres in size in the case of land which is not prime agricultural land. The City may approve a subdivision with parcels smaller than those specified in this section if it finds that the parcels can nevertheless sustain their agricultural use, or are subject to a written agreement for joint management pursuant to Section 51230.1 of the Government Code provided that the parcels which are jointly managed total at least ten (10) acres in size in the case of prime agricultural land or forty (40) acres in size in the case of land which is not prime agricultural land. This subsection shall not apply to land which is subject to a contract when any of the following has occurred:

A. The Local Agency Formation Commission has approved the annexation of the land to the City and the City will not succeed to the contract as provided in Sections 51243 and 52343.5 of the Subdivision Map Act.

B. Written notice of non-renewal of the contract has been served as provided in Section 51245 of the Government Code.

C. The Council has granted tentative approval for cancellation of the contract as provided in Section 51282 of the Government Code.

This subsection shall not be construed as limiting the power of the City to establish minimum parcel sizes larger than those specified in this subsection.

SECTION 303 FILING-REQUIREMENTS FULFILLED

No map shall be considered as filed with the City until all of the fees and charges required by the City as pertains to the subdivision of land have been paid, the requirements of the City's California Environmental Quality Act Guidelines have been completed, and all applicable requirements of Titles 1 through 15 have been fulfilled or an application for an exception or for appropriate zoning has been filed for concurrent consideration.

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

TITLE 4.

PRELIMINARY MAPS

SECTION 401 FILING - OPTIONAL

1. Prior to the filing of a tentative map or tentative parcel map, a subdivider may submit preliminary maps, plans and other information concerning a proposed or contemplated development to the Secretary of the Planning Commission. Within thirty (30) days, the Secretary of the Planning Commission shall hold a conference with the subdivider and make recommendations as shall seem proper. The Secretary of the Planning Commission shall recommend consultation by the subdivider with the appropriate public or private agencies.

2. All such recommendations are preliminary only and shall not be binding upon the City in any manner.

3. This is an optional procedure which may be elected by the subdivider and is not required by the Ordinance codified herein.

TITLE 5. TENTATIVE MAPS

SECTION 501 FILING

1. Any person desiring to subdivide land in the City shall first submit to the Secretary of the Planning Commission ten (10) copies of the tentative map and the Subdivider's Statement.

2. Optional alternative tentative maps may be filed at the same time. Each filing or each alternative tentative map shall constitute a separate action. A filing fee as set forth in Title 9 shall be required for each tentative map filed. In the event that a new tentative map is filed or an approved tentative map is revised and subsequently approved by the City, the most recently approved tentative map shall constitute the only recognized tentative map in the consideration of the final map.

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

SECTION 502 CHECKING

Prior to the filing of a tentative map, the subdivider shall submit the tentative map and the Subdivider's Statement, and any other information that the subdivider deems necessary to sufficiently describe the proposed development to the Secretary of the Planning Commission for examination as to conformity with the provisions of Titles 1 through 15. Where discrepancies exist, the Secretary of the Planning Commission may return the map to the subdivider for correction, revision, or submission of a petition for exception. The tentative map shall be accepted for filing when it is in full compliance with the provisions of Titles 1 through 15.

SECTION 503 REVISED - ALTERNATE TENTATIVE MAP

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

SECTION 504 FORM

The tentative map shall be clear and legible. The size of the sheet shall be eighteen (18") inches by twenty-six (26") inches.

SECTION 505 SCALE

1. Tentative maps shall be to a scale of one (1") inch equals one hundred (100') feet; except that subdivisions with lots of two and one-half (2 1/2) acres or greater may use a scale

one (1") inch equals two hundred (200') feet.

2. The City Engineer may require a scale of one (1") inch equals fifty (50) feet if complexity of detail so warrants. The maps shall be clearly and legibly reproduced.

SECTION 506 CONTENTS

The tentative map shall show and contain the following information.

1. The tract number (and tract name, if any);
2. Date of preparation, north point, and scale;
3. Name, address, and telephone number of the subdivider; the record owner, and the person or persons preparing the map;
4. A sufficient legal description of the land to define the boundaries of the proposed tract;
5. A site location map where necessary to locate the tract;
6. Approximate ties to section corner or other known point;
7. The boundary lines of the subdivision to be shown as required on the final map;
8. The approximate layout, dimensions, and numbers of lots;
9. The approximate acreage of the subdivision;
10. Ownership division lines of abutting properties as shown on the latest assessor's parcel map and tract number (and name, if any) of adjoining subdivision;
11. Identification of lots in the proposed subdivision as to the existing or proposed use. If property is to be used for more than one purpose, the area, lot or lots proposed for each type of use shall be shown. Identification of proposed public uses, if any;
12. The approximate location of trees and the location and outline to scale of buildings and structures (wooded areas and orchards may be indicated as such without locating each individual tree) and a description of their proposed disposition;

13. The locations, names, and existing right-of-way widths of all adjoining highways, roads, and alleys. The centerline and gutterline elevations of the adjoining streets shall be shown at every change in grade;

14. The location, widths, and approximate gradients of all highways, roads, and alleys proposed within the tract;

15. Each road shown by its actual name or by a temporary name or letter for purposes of identification until the proper name of such road is determined;

16. The approximate radii of all curves;

17. Location of marginal or dividing strips, if any;

18. The widths and approximate locations of all existing or proposed easements or rights-of-way within the subdivision or along its boundaries, whether public or private, for roads, railroads, drainage, storm water, irrigation canals, sewers, or public utility purposes;

19. Accurate contours shall be shown, drawn to intervals prescribed in the City standards adopted by the City Council. Said contours shall be extended into adjacent property a sufficient distance to establish proper topographical relationships;

20. Approximate location of all areas subject to inundation or storm water, overflow, and the locations, widths, and direction of flow of all watercourses;

21. The proposed surface water drainage flow;

22. Elevation of existing sewer lines at points of proposed connection;

23. The source of water supply and the lot to be used for the community water supply, if any; and

24. Proposed phasing of development.

SECTION 507 SUBDIVIDER'S STATEMENT

A Subdivider's Statement shall accompany the tentative map on a form provided by the Secretary of the Planning Commission, and shall contain the following:

1. The total acreage of the tract, the total number of lots in the tract, and the minimum lot size (in square feet when less than an acre);

2. The existing and proposed use of the property;
3. The existing and proposed zoning on the property;
4. Existing structures on the property;
5. Existing easements on the property;
6. Statement regarding improvements with reasons for any modifications or exceptions to the provisions of Title 1 through 15;
7. Statement regarding type of street trees to be planted, with intervals of spacing;
8. Proposed drainage, flood control measures, and method of storm water disposal;
9. Provisions for proposed fire hydrants, the proposed source of water supply, and the location and nature of sewerage disposal facilities;
10. Statement regarding other public utilities and services;
11. Statement regarding restrictive covenants;
12. Statement regarding whether the subdivider intends to file multiple final maps on the tentative map;
13. Name, address, phone number, and signature of the subdivider, owner, agent, and engineer;
14. Certification by the owner that he or she is the owner of the property on the map as proposed for subdivision, has examined the map, and consents to its submission;
15. Deed restrictions, covenants or conditions, if any, which it may be proposed to impose on the property; and
16. A soil report, as required by Title 6, Section 603.

SECTION 508 TRACT NUMBER

1. Before filing a tentative map, the subdivider or his or her authorized agent shall obtain from the Fresno County Recorder the assignment of a number for the tract to be subdivided. These numbers shall be assigned in consecutive order.
2. When a tract number has been assigned, the subdivider shall plat the same upon each sheet of the tentative and final

map of the subdivision, and the number shall not thereafter be changed or altered in any manner upon the tentative and final map of the subdivision unless and until a new number has been assigned in the manner provided above.

SECTION 509 DISTRIBUTION OF COPIES

Copies of the map shall be transmitted by the Secretary of the Planning Commission to the following:

1. Planning Commission - two (2) copies;
2. City Council;
3. Affected regulatory agencies; and
4. Affected school districts.

SECTION 510 SCHOOL DISTRICT REVIEW

1. Within ten (10) days of the filing of a tentative map, the Secretary of the Planning Commission shall send a notice of the filing of the tentative map to the governing board of any elementary, high school, or unified school district within the boundaries of which the subdivision is proposed to be located.

2. Such notice shall contain information about the location of the proposed subdivision, the number of units, density, and any other information which would be relevant to the affected school district.

3. The governing board of the school district may review the notice and may send a written report thereon to the City. If a written report is made by the governing board of the school district, the report shall indicate the impact of the proposed subdivision on the affected school district and shall make such recommendations as the governing board of the school district deems appropriate. If a written report is made by the governing board of the school district, such report shall be returned within twenty (20) working days of the date on which the notice was mailed to the school district for comment.

4. In the event that the governing board of a school district fails to respond within the twenty (20) day period, such failure to respond shall be deemed its approval of the proposed subdivision.

SECTION 511 AGENCY REVIEW

Upon receipt of a filed copy of such tentative map, each review agency shall examine the map to ascertain if the subdivision

proposed thereon conforms to the requirements coming within the authority scope of that agency and within fourteen (14) days after receipt thereof make a written report to the Secretary of the Planning Commission.

SECTION 512 COMMITTEE REVIEW

The City Administrator, Planning Director, Superintendent of Public Works, City Building Official, City Engineer, and Chief of Police, shall be deemed to and are empowered to act as the Subdivision Review Committee. The Committee shall meet and shall formulate recommendations and requirements on the design and improvements of subdivisions. The Subdivision Review Committee shall report its recommendation in writing to the Planning Commission and City Council and to the subdivider at least three (3) days prior to any hearing or action on a tentative map by the Planning Commission or City Council.

SECTION 513 PLANNING COMMISSION HEARING AND RECOMMENDATION

1. Within fifty (50) days of the filing of a tentative map, or forty-five (45) days after the certification of an Environmental Impact Report (EIR) on a tentative map, with the Secretary of the Planning Commission, the Planning Commission shall hold a public hearing on said tentative map and, following the public hearing, take action by written resolution to recommend to the City Council to approve, conditionally approve, or disapprove the tentative map. The time limit for acting and reporting on a tentative map may be extended by mutual consent of the subdivider and the Planning Commission.

2. Notice of the time and place of any public hearing on a tentative map, including a general explanation of the tentative map and the area affected by it, shall be given by the Planning Commission or its Secretary at least ten (10) calendar days before the hearing in the following manner:

A. The notice shall be published in a newspaper of general circulation in the City of Fowler.

B. Notice of the hearing shall be mailed or delivered at least ten (10) days prior to the hearing to the owner of the subject real property or the owner's duly authorized agent, and to the project applicant.

C. Notice of the hearing shall be mailed or delivered at least ten (10) days prior to the hearing to each public or private entity expected to provide water, sewage, streets, roads, schools, or other essential facilities or services to the project, whose ability to provide those facilities and services may be significantly affected.

D. Notice of the hearing shall be mailed or delivered at least ten (10) days prior to the hearing to all owners of real property as shown on the latest equalized assessment roll within three hundred (300) feet of the real property that is the subject of the hearing.

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

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

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

C. A majority in number of the total voting membership of the Commission shall constitute a legal quorum for the purposes of conducting a hearing.

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

E. The Commission shall have the authority to establish any reasonable rules of procedure for the conduct of such hearings. The Commission may require any person who is to testify before it to be placed under oath, in which case the member presiding at such hearing shall be empowered to administer such oath.

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

SECTION 514 SCOPE OF CONSIDERATION AND REPORT BY COMMISSION

The Commission, in its report to the City Council, shall review the subdivision design and the map, and shall recommend the kind, nature and extent of the improvements and dedications to be

required, and easements to be furnished by the subdivider.

SECTION 515 CITY COUNCIL HEARING, DECISION AND REPORT

1. The City Council, at its regular meeting following receipt of the Planning Commission's report on a tentative map, shall fix the meeting date at which it will hold a public hearing on the tentative map. The public hearing shall be held, and a decision of the Council to approve, conditionally approve, or disapprove the tentative map shall be made within thirty (30) days of receipt of the report of the Planning Commission.

2. Notice of the time and place of the City Council hearing shall be given in the same manner as set forth in Section 513.

3. The decision of the City Council on a tentative map shall be by written resolution, a copy of which shall be transmitted to the subdivider and the Planning Commission not later than ten (10) days following such decisions.

SECTION 516 HEARING BY COUNCIL WHERE NO ACTION TAKEN BY COMMISSION

If no action is taken by the Commission within the maximum time allowed for the filing of its report, or any extension thereof, the Council may upon its own motion, consider said map at a hearing within ten (10) days, or at its next succeeding regular meeting.

SECTION 517 AUTOMATIC APPROVAL - CITY COUNCIL

If no action is taken by the City Council to approve, conditionally approve, or disapprove the tentative map within the time limits specified in Title 6, Section 601, or any authorized extension thereof, the tentative map as filed shall be deemed approved insofar as it complies with the Subdivision Map Act and all City ordinances. It shall be the duty of the City Clerk to certify such approval.

SECTION 518 DATE OF APPROVAL - TENTATIVE MAP

The date of approval of the tentative map shall be deemed to be the date of adoption of the resolution of the Council declaring approval or conditional approval of the tentative map, provided that if the Council shall fail to act on the tentative map and the approval thereof is certified by the Clerk, the date of such approval shall be deemed to be upon the last day of the maximum period of time as would be allowed for action by the Council as provided in this Ordinance. The date of such approval of the tentative map shall be certified by the Clerk on the face of the tentative map.

SECTION 519 PROCEEDINGS TERMINATION

1. An approved or conditionally approved tentative map shall expire twenty-four (24) months after its approval or conditional approval; or any extension thereof.

2. The period of time specified in subsection 1. shall not include any period of time during which a development moratorium, imposed after approval of the tentative map is in existence, provided however, that the length of the moratorium does not exceed five (5) years. Once a moratorium is terminated, the map shall be valid for the same period of time as was left to run on the map at the time the moratorium was imposed. However, if the remaining time is less than one hundred twenty (120) days, the map shall be valid for one hundred twenty (120) days following the termination of the moratorium.

3. The period of time specified in subsection 1. including any extension thereof granted pursuant to subsection 5. shall not include the period of time during which a lawsuit involving the approval or conditional approval of the tentative map is or was pending in a court of competent jurisdiction if the stay of the time period is approved by the City Council pursuant to this section. Within ten (10) days of the service of the initial petition or complaint in the lawsuit upon the City, the subdivider may apply to the City for a stay pursuant to City adopted procedures. Within forty (40) days after receiving the application, the City may either stay the time period for up to five (5) years or deny the requested stay.

4. The expiration of the approved or conditionally approved tentative map shall terminate all proceedings and no final map of all or any portion of the real property included within the tentative map shall be filed with the City Council pursuant to this title without first processing a new tentative map.

5. Upon application of the subdivider filed prior to the expiration of the approved or conditionally approved tentative map, the time at which the map expires may be extended by the City Council for a period or periods not exceeding a total of three (3) years.

6. For purposes of this section, a development moratorium shall include a water or sewer moratorium, as well as other actions of public agencies which regulate land use, development, or the provision of services to the land, other than the public agency with the authority to approve or conditionally approve the tentative map, which thereafter prevents, prohibits, or delays the approval of a final or parcel map.

7. The rights conferred by a vesting tentative map as provided by Title 5, Section 520 shall last for an initial time period one (1) year beyond the recording of the final map. Where several final maps are recorded on various phases of a project covered by a single vesting tentative map, the one (1) year initial time period shall begin for each phase when the final map for that phase is recorded.

The initial time period shall be automatically extended by any time used by the City for processing a complete application for a grading permit or for design or architectural review, if the time used by the City to process the application exceeds thirty (30) days, from the date that a complete application is filed. Any time period to the expiration of the initial time period provided by this section, the subdivider may apply for a one (1) year extension. If the extension is denied by the Planning Commission, the subdivider may appeal that denial to the City Council within fifteen (15) days.

8. If the subdivider submits a complete application for a building permit during the periods of time specified in subsection 7, the rights conferred by subsection 9. shall continue until the expiration of that permit, or any extension of that permit granted by the City Council.

520 VESTING TENTATIVE MAPS

Whenever a provision of this section requires that a tentative map be filed, a vesting tentative map may instead be filed.

1. When the City approves or conditionally approves a vesting tentative map, that approval shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies, and standards described in Section 66474.2 of the Subdivision Map Act. However, if Section 66474.2 is repealed, that approval shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies, and standards in effect at the time the vesting tentative map is approved or conditionally approved.

2. Notwithstanding subsection 9, the City may condition or deny a permit, approval, extension, or entitlement if it determines any of the following:

A. A failure to do so would place the residents of the subdivision or the immediate community, or both, in a condition dangerous to their health or safety, or both.

B. The condition or denial is required, in order to comply with state or federal law.

C. The rights conferred by this paragraph shall expire if a final map is approved, the rights conferred by this section shall be subject to the periods of time set forth in subsection 7.

3. Any time prior to the expiration of the vesting tentative map pursuant to Sections 519.1 and 519.7, the subdivider or his or her assignee, may apply for an amendment to the vesting tentative map.

4. Whenever a subdivider files a vesting tentative map for a subdivision whose intended development is inconsistent with the Zoning Ordinance that inconsistency shall be noted on the map. The City may deny such a vesting tentative map or approve it conditioned on the subdivider, or his or her designee obtaining the necessary change in the Zoning Ordinance to eliminate the inconsistency. If the change in the Zoning Ordinance is obtained, the approved or conditionally approved vesting tentative map shall, notwithstanding Section 66498.1 of the Subdivision Map Act, confer the vested right to proceed with the development in substantial compliance with the change in the Zoning Ordinance and the map, as approved. The rights conferred by this section shall be for the time periods set forth in Section 519.7.

5. Notwithstanding any provision of this subsection, a property owner or his or her designee may seek approvals or permits for development which depart from the ordinances, policies, and standards described in subdivision (a) of Section 66498.1 and Section 66498.3 of the Subdivision Map Act and the City may grant these approvals or issue these permits to the extent that the departures are authorized under applicable law.

6. If a subdivider does not seek the rights conferred by this subsection, 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.

7. This subsection does not enlarge, diminish, or alter the types of conditions which may be imposed by the City on a development, nor in any way diminish or alter the power of the City to protect against a condition dangerous to the public health or safety. The rights conferred by this subsection shall relate only to the imposition by the City, of conditions or requirements created and imposed by ordinances. Nothing in this subsection removes, diminishes, or affects the obligation of any subdivider to comply with the conditions and requirements of any state or federal laws, regulations, or policies and does not grant the City the option to disregard any state or federal laws, regulations, or policies.

8. This subsection applies only to residential developments.

SECTION 521 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: (1) the subdivider, at the time the tentative map is filed, informs the Planning Commission of the subdivider's intention to file multiple final maps on such tentative map, or (2) after filing of the tentative map, the City and the subdivider concur in the filing of multiple final maps. In providing such notice, the subdivider shall not be required to define the number or configuration of the proposed multiple final maps. 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. The right of the subdivider to file multiple final maps shall not limit the authority of the City to impose reasonable conditions relating to the filing of multiple final maps.

TITLE 6.

FINAL MAPS

SECTION 601 FILING - TIME LIMIT

1. Within twenty-four (24) months after the date of approval, or conditional approval, of the tentative map by the City Council, or any extension thereof, the subdivider may cause the subdivision or any part thereof to be accurately surveyed and a final map to be prepared and filed. The final map shall substantially conform to the tentative map, as approved, and shall comply with all provisions of Titles 1 through 15.

2. The final map shall be submitted with the City Clerk not less than sixty (60) days prior to the date by which the map must be recorded in order to permit the actions by the City Engineer, the City Council, and the County Recorder as required.

SECTION 602 FILING - PROCEDURE

1. The final map may be filed when it is completed and all required improvement plans and certificates, except the Approval Certificate of the City Council, have been signed and acknowledged where necessary (a final map shall not be considered as filed until the City Engineer has reviewed and certified the map in accordance with procedures specified in Title 6, Section 623). The date the map shall be deemed filed with the City Council is the date of the meeting at which the City Council receives the map.

2. The filing shall be with the City Council.

3. Documents shall be filed to include the following:

A. The original final map and seven (7) copies;

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

C. A memorandum to the City Engineer containing the following data:

(1) The total area of the tract submitted;

(2) The total area in roads and the total lineal length of roads;

(3) The total area in lots;

(4) The total number of lots;

(5) The area in parks, school sites, or other lands offered for dedication or reserved for future public or quasi-public uses;

(6) The proposed use of the lots; and

(7) Total areas for each of the proposed uses.

D. Two copies of the protective covenants, if any, that are to be recorded;

E. Improvement plans showing all of the improvements required herein, and all others proposed to be installed by the subdivider, in, on, over or under any road, way, right-of-way, easement or parcel of land dedicated by the map;

F. All notes, sheets, and drawings showing traverse closure and the computation of all distances, angles, and courses shown on the final map and ties to existing and proposed monuments, and adjacent subdivisions shall accompany the map when required by the City Engineer;

G. All fees as hereinafter specified shall be paid;

H. A statement from the County Tax Collector showing that there are no liens against the subdivision or any part thereof for unpaid taxes or special assessments collected as taxes, except taxes or special assessments not yet payable;

I. A statement from the County Auditor-Controller giving his or her estimate of the amount of taxes and assessments which are a lien but which are not payable; and

J. All necessary agreements or contracts, bonds, and deposits as required by this Ordinance.

SECTION 603 PRELIMINARY SOIL REPORT & GEOLOGIC REPORTS

1. A preliminary soil report shall be prepared by a civil engineer who is registered by the State, based upon test borings or excavations unless waived as hereinafter provided. Said borings or excavations shall be taken at specific locations determined by the City Engineer or at random locations if no specific locations are established. Not less than one (1) test shall be made for every forty (40) lots or ten (10) acres whichever represents the lesser area, and in no case shall there be less than two (2) borings for each subdivision. The City Engineer may require additional tests when he or she determines the soil conditions within the subdivision are so varied that additional tests will be needed. If the City Engineer has knowledge of the soil qualities of the subdivision, he or she may waive some or all of the borings. The borings shall be at least ten (10') feet in depth. The depth of borings shall be adjusted to represent soil profiles after any proposed lot grading and shall take into consideration the soil composition after excavations, fills and embankments have been completed. The preliminary soil report shall contain the following information:

A. The maximum amount of excavation and fill to be expected;

B. The location of foundations in relation to excavations and fills;

C. The expansive qualities of the soils encountered where foundations are to be placed thereon and shall state the percentage of swell of a soil section taken from a representative undisturbed core sample under a load of six hundred twenty-five (625) pounds per square foot, laterally restrained and compacted to ninety percent (90%) of maximum density with moisture content below the shrinkage limit. The percentage of expansion shall be recorded after twenty-four (24) hours. If the swell of the sample exceeds three percent (3%), it shall be presumed that the soil involved is critically expansive and a soil investigation as required in subsection 2. below will be required;

D. Recommended bearing values for the soils;

E. Whether other soil problems exist which, if not corrected, could lead to structural defects; and

F. Copies of the test boring analysis (water well drilling logs shall not be substituted).

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

A. The physical properties of subsurface formations;

B. The composition of subsurface soil and rock and groundwater conditions;

C. The stability of anticipated cut or fill slopes;

D. The general type of site grading; and

E. Recommendations on corrective actions which are likely to prevent structural damage to each dwelling to be constructed. These recommendations may include the requirement that the corrective work must be under the supervision of a registered civil engineer.

The soil investigation shall be reviewed by the City Engineer who shall approve the investigation if he or she determines that the recommended action is likely to present structural

damage to each dwelling to be constructed.

3. The City Engineer may waive the preliminary soil report if he or she has knowledge of the soil qualities within the subdivision.

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

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

SECTION 604 PREPARATION - LICENSED PERSONNEL

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

SECTION 605 TITLE

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

SECTION 606 PROPERTY DESCRIPTION

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

Each reference, in such description, to any tract or subdivision shall be spelled out and worded identically with the original records and must show a complete reference to the book

and page of records of the County Recorder. The description shall also include reference to any abandonment with the date, book, and page of records of the County Recorder.

SECTION 607 FORM OF THE FINAL MAP

The final map shall conform to all of the following provisions:

1. It shall be clearly and legibly drawn, printed or reproduced by process guaranteeing permanent record in black on tracing cloth or polyester base film (provided that if ink is used on polyester base film, ink surface shall be coated with a substance to assure permanent legibility), including certificates and acknowledgements which may also be legibly stamped upon the map with opaque ink.

2. The size of each sheet shall be eighteen (18") by twenty-six (26") inches. A marginal line shall be drawn completely around each sheet, leaving an entire blank margin of one (1") inch.

SECTION 608 PREPARATION - SCALE - NUMBERING

1. The scale of the map shall be one (1") inch equals one hundred (100') feet or a decimal fraction or a multiple of one hundred (100') feet.

2. Each sheet shall be numbered, the relation of one sheet to another clearly shown, and the total number of sheets used shall be set forth on each sheet.

3. The exterior boundary of the land included within the subdivision shall be indicated by a one-sixteenth inch (1/16") bold line.

4. The tract number, scale and north point shall be shown on each sheet.

5. The map shall show the definite location of the original parcel, or parcels, and particularly its relation to surrounding surveys.

SECTION 609 CERTIFICATES AND ACKNOWLEDGEMENTS

Certificates and acknowledgements as are required by Titles 1 through 15 and the Subdivision Map Act shall appear on the title sheet of the final map, unless their omission is permitted in the manner provided by the Subdivision Map Act.

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

Subdivision Map Act.

2. In the event that an owner's development lien has been created pursuant to the provisions of Article 2.5 (commencing with Section 39327) of Chapter 3 of Part 23 of the Education Code on the real property or portion thereof subject to the final map, a notice shall be placed on the face of the final map specifically referencing the book and page in the County Recorder's office in which the resolution creating the owner's development lien was recorded. The notice shall state that the property subdivided is subject to an owner's development lien and that each parcel created by the recordation of the final map shall be subject to a prorated amount of the owner's development lien on a per acre or portion thereof basis.

SECTION 610 LOTS AND PARCELS DESIGNATED

A lot shall be shown in its entirety on one (1) sheet:

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

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

3. Each lot containing an area of one (1) acre or more shall have designated thereon the net acreage of such lot shown not less accurately than to the nearest one-hundredth (1/100) of an acre.

4. The location of a designated "remainder parcel" shall be indicated, but need not be indicated as a matter of survey but only by deed reference to the existing boundaries of such remainder if such remainder has a gross area of five (5) acres or more.

SECTION 611 BEARINGS - LENGTH OF LINES - CURVE DATA

1. The bearing and length of each lot line, block, and boundary line shall be shown on the final map, provided that, when bearings or lengths of lot lines in any series of lots are the same, such bearings or lengths may be omitted from each interior parallel lot line of such series. Each required bearing

and length shall be shown in full and no ditto mark or other designation of repetition shall be used.

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

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

SECTION 612 HIGHWAYS, ROADS, AND PUBLIC USE AREAS

1. Data Required:

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

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

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

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

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

- (1) The intended use; and

(2) Dimensions of parcel (with bearings and distances as needed).

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

3. Each road shown on the final map shall have a name. The road name shall be subject to approval by the City Council.

A. Where a road within the subdivision coincides with an alignment for which the City Council has previously designated a street name, the same street name shall be shown on the final map.

B. Each road which is to be dedicated, which is a continuation of, or approximately the continuation of any existing dedicated road or way, shall be given the same name as such existing road.

C. The words "Avenue", "Boulevard", "Place", or other designation of any road or way shall be spelled out in full on the final map, and have a proper indication of North, South, East, or West as a prefix thereto.

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

5. The same data shall be shown for private roads to define their boundaries as is required for public roads in subsection 1. of this section, and also sufficient mathematical data to show clearly the portion of each lot within such road. Private roads shall be designated by name and shall have inserted within the limits thereof the words "Not a Public Road", and shall be shown on the map by heavy dashed lines.

6. If a road is approved by the City Council as a private road, it shall be dedicated for the private use of the lot owners which it is intended to serve a lot or lots, each consisting of less than twenty (20) acres, that road shall be offered for dedication for public use but rejected at the time of the approval of the final map.

SECTION 613 EASEMENTS

1. The final map shall show the width, the sidelines or centerlines, and sufficient ties to definitely locate each easement to which the lots in the subdivision are subject. If the location of such easement cannot be definitely determined, a

statement shall be placed on the map acknowledging the existence of such easement.

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

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

SECTION 614 COUNTY OR CITY BOUNDARY LINES

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

SECTION 615 SURVEY MONUMENTS

The final map shall show the location and type of all monuments placed in accordance with Section 622.

SECTION 616 LAND SUBJECT TO INUNDATION

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

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

3. The location of any watercourse, channel, stream or creek which functions as a drainage facility shall be shown on the final map. In the event said watercourse, channel, stream, or creek is to be relocated, only the new location need be shown on the final map.

SECTION 617 ADJACENT SUBDIVISIONS

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

SECTION 618 SUBDIVISION SHOWN IN PHASES

The recordation of the final map and the construction of subdivision improvements may be performed in two (2) or more phases, provided that each phase must have a separate tract number and further provided that the subdivider, at the time the tentative map was filed with the Secretary of the Planning Commission, indicated on the Subdivider's Statement that is required pursuant to Title 5, Section 507, his or her intention to file multiple final maps or after the filing of the tentative maps, the City and the subdivider concur in the filing of multiple final maps. No bonds, deposits, payments, or other security need be furnished for the deferred phase or phases until the final map for the deferred phase or phases is submitted to the City Council for approval. Final maps for all phases shall be filed with the Council within the time limits set forth in this title for the filing of a final map.

SECTION 619 PASSAGE OF TITLE

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

SECTION 620 OFFERS OF DEDICATION - REJECTION

If at the time the final map is approved, any streets, paths, alleys, right-of-way for local transit facilities such as bus turnouts, benches, shelters, landing pads and similar items, which directly benefit the residents of a subdivision, or storm drainage easements are rejected, the offer of dedication shall remain open and the Council may by Resolution at any later date, and without further action by the subdivider, rescind its action and accept any open streets, paths, alleys, rights-of-ways for local transit facilities such as bus turnouts, benches, shelters, landing pads and similar items, which directly benefit the residents of a subdivision, or storm drainage easements for public use, which acceptance shall be recorded in the office of the County Recorder.

SECTION 621 OFFERS OF DEDICATION - TERMINATION AND ABANDONMENT

1. Offers of dedication may be terminated and abandoned in the same manner as prescribed for the abandonment or vacation of streets by Part 3 (commencing with Section 8300) of Division 9 of the Streets and Highways Code.

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

SECTION 622 SURVEY PROCEDURES

1. The procedure and practice of all survey work done on any subdivision in the preparation of a final map, shall conform to the accepted standards of the engineering profession. The accuracy of all boundary surveys done in connection with any subdivision shall have a precision of one (1) in ten thousand (10,000).

2. In the event the City Engineer, the State Highway Engineer, or the County Director of Public Works has established the centerline of any street or alley in or adjoining a subdivision, the final map shall show the centerline and the monuments which determine its position. If determined by ties, that fact shall be stated upon the final map.

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

4. New Monuments.

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

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

C. Monuments shall be placed and shall be of the type specified by the City's Standard Specifications.

D. The City Engineer may allow the use of off-set monuments, properly tied to reference monuments, when necessary due to terrain, waterways, or other monuments other than those specified in "A" and "B" above.

5. Before street improvements are accepted, all existing monuments disturbed by the placement of any improvements shall be reset.

6. Bench Marks shall be set at locations required by the City Engineer. The datum for the area within the City shall be based upon datum established by the United States Coast and Geodetic Survey Sea Level Datum 1929, as amended.

7. Identification of monuments and bench marks shall be through the use of standard plaque. Descriptions of all monuments and bench marks shall be furnished to the City Engineer for inclusion in his or her records.

8. All surveys required by Title 6, or necessary to the subdivision of land, shall conform to the California Coordinate System when required. Each final map shall show the California coordinate of every monument, and all California coordinates shall be used and shown on all traverse closure sheets, and other notes and ties which are required by Title 6, Section 602.

9. The blocks and lots of each final map or approved map of record shall have a mathematical accuracy of closure to one (1) in ten thousand (10,000).

SECTION 623 REVIEW BY CITY ENGINEER

1. Upon receipt of the final map, the City Clerk shall refer five (5) copies of the map, accompanied by the memorandum for the City Engineer and one (1) copy of the protective covenants, to the City Engineer for review and report.

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

3. The City Engineer shall check and determine the correctness of surveying data, plans, profiles, and specifications of improvements, certificates of dedication, acceptances of dedication and acknowledgements, and such other matters as require checking to insure compliance with Titles 1 through 15.

4. If the final map and all accompanying materials are in the correct form prescribed by Titles 1 through 15, and the matters shown thereon are sufficient, their correctness shall be

certified on the map by the City Engineer by his or her signature within twenty (20) days of receipt.

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

SECTION 624 CITY COUNCIL - DECISION

1. Approval of Map.

A. The City Council shall, at the meeting at which it receives the map, or at its next regular meeting after the meeting at which it receives the map, approve said map by Resolution if it is in conformity with all the requirements of Titles 1 through 15 and the Subdivision Map Act applicable at the time of approval or conditional approval of the tentative map and any rulings made thereunder, or if it does not so conform, disapprove the map.

B. The Council shall, at the time it approves a final map, accept or reject any or all offers of dedication and shall, as a condition precedent to the acceptance of any roads or easements, require that the subdivider agree to improve the roads and easements. If at the time the final map is approved, any streets, paths, alleys or storm drainage easements are rejected, the offer of dedication shall remain open, and the City Council may by Resolution at any later date, and without further action by the subdivider, rescind its action and accept and open the streets, paths, alleys, or storm drainage easements for public use, which acceptance shall be recorded in the office of the County Recorder.

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

2. Disapproval of Map.

A. If the City Council determines either that the map is not in conformity with the requirements of Titles 1 through 15, or the approved tentative map, or the proposed improvements do not meet City Standard Specifications, the City Council shall by Resolution disapprove such final map, specifying its reason or reasons therefore, and the City Clerk shall, in writing, advise the subdivider of such disapproval and said reason or reasons.

B. The subdivider may file a new final map with the City Clerk, altered to conform to all the requirements of Titles 1 through 15.

TITLE 7

PARCEL MAPS

SECTION 701 GENERAL PROVISIONS AND APPLICABILITY

1. The design, improvement, and survey data for divisions of land requiring parcel maps and/or tentative parcel maps, and the procedure to be followed in securing official approval for said maps, shall be governed by the provisions of the Subdivision Map Act and by the provisions of Titles 1 through 15.

2. A parcel map shall be filed and recorded for any subdivision for which a tentative and final map is not required by the Subdivision Map Act, except where the requirement for a parcel map is waived as provided by Title 7, Section 705 and except for subdivisions created by short term leases (terminable by either party by not more than thirty (30) days notice in writing) of a portion of an operating right-of-way of a railroad corporation defined as such by Section 230 of the Public Utilities Code or for land conveyed to or from a governmental agency, public entity or public utility, or to a subsidiary of a public utility for conveyance to such public utility for rights-of-way; provided, however, that upon a showing made to the Planning Commission based upon substantial evidence that public policy necessitates such a map, this exception shall not apply.

SECTION 702 TENTATIVE PARCEL MAPS

1. The provisions of Title 5, Section 501 shall govern the filing of tentative parcel maps.

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

A. A legal description of the whole parcel proposed to be divided;

B. Existing use of the parcel to be divided;

C. The proposed use of the parcels to be created;

D. The existing and proposed zoning on the parcel to be divided;

E. The source of domestic water supply and the proposed method of sewage disposal;

F. Name, address and telephone number of the applicant and owners;

G. Certification by the owner that he or she is the owner of the property on the map as proposed for subdivision, has examined the map and consents to its submission; and

H. A preliminary title report describing the status of all interests in the parcel to be divided shall be attached thereto.

SECTION 703 TENTATIVE PARCEL MAPS: ACTION OF THE COMMISSION

1. Within fifty (50) days of the filing of a tentative parcel map with the Secretary of the Planning Commission, the Commission shall hold a public hearing on said tentative parcel map and, following the public hearing, shall take action by Resolution to approve, conditionally approve, or disapprove the tentative parcel map.

2. Notice of time and place of any public hearing on a tentative parcel map shall be as set forth in Title 5, Section 513.2 of this Ordinance.

3. Public hearings on tentative parcel maps shall be conducted in accordance with Title 5, Section 513.3 of this Ordinance.

4. The Commission may make such investigations as it may determine necessary for the purposes of making its decision. The Commission shall consider the proposed division of land and such tentative parcel map, thereof, and shall determine whether they comply with the provisions of this title. In approving, conditionally approving, or denying a tentative parcel map, the Commission shall make the findings set forth in Title 3, Section 302 of this Ordinance.

5. If a tentative parcel map shows, or if the Commission determines, that any dedication for public use shall be required, such map shall be referred to the Council which may approve or tentatively approve such dedication.

6. The decision of the Commission shall be final unless appealed to the Council in accordance with the procedure specified in Section 704 of this Title. The Commission shall make a report of its decision directly to the subdivider within ten (10) days of the decision.

SECTION 704 TENTATIVE PARCEL MAPS: APPEAL

The subdivider or any party may appeal the decision of the Commission on a tentative parcel map to the Council by setting forth in writing the reasons for such appeal. Such appeal shall be filed with the City Clerk within ten (10) days after the

decision of the Commission. After the filing with the City Clerk of an appeal, a public hearing shall be held thereon by the Council, which hearing shall be set and notice thereof given, and decided substantially in the same manner as set forth in Title 5, Section 515 of this Ordinance.

SECTION 705 WAIVER OF PARCEL MAP

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

2. The Planning Commission shall waive the requirement for the filing of a parcel map if, after consideration of the tentative parcel map, information submitted therewith, it finds that all of the following conditions have been met:

A. That the subdivider has complied with the provisions of Section 702.2;

B. That adequate monuments exist in the field which appear of record in the office of the County Recorder to permit the retracement of boundaries for each parcel to be created;

C. That no dedications of right-of-way or easements are offered or required;

D. That all onsite and offsite improvements as required for parcel maps by Section 706 have been completed; and

E. That the proposed division of land complies with requirements as to area, design, floodwater drainage control, sanitary disposal facilities, water supply availability, environmental protection and other requirements of the Subdivision Map Act and this title.

3. The instrument evidencing the Planning Commission's waiving the requirement for a parcel map shall be known as a "Waiver Certificate" which shall be prepared by the subdivider and shall consist of the following form, matters and attachments:

A. A description of the boundary of the property proposed to be subdivided;

B. A property plat map prepared by or under the direction of a registered civil engineer or licensed land surveyor and legibly drawn, printed or reproduced by a process guaranteeing a permanent record in black ink;

C. The location of all division lines and the exterior boundary of the land included within the subdivision shall be indicated by distinctive lines and clearly so designated;

D. The map shall be signed and sealed by the registered civil engineer or licensed land surveyor;

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

F. The size of each sheet shall be eight and one-half (8 1/2") by eleven (11") or thirteen (13") inches. An entirely blank margin of two (2) inches shall be left at the top of each sheet.

4. Filing of Waiver Certificate.

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

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

C. After affixing his or her signature upon the Waiver Certificate, the City Engineer shall deliver the certificate to the City Clerk who shall present the certificate to the County Recorder for filing. When the certificate is presented to the County Recorder and is accepted by him or her, he or she shall file and index the same in the official records of the County.

5. Waiver of the parcel map shall not preclude the payment of fees as provided by Title 10, Section 1001. Said fees shall be calculated in the same manner as though a parcel map had been required and shall be paid prior to the filing of the Waiver Certificate with the City Clerk.

SECTION 706 TERMINATION

The provisions of Title 5, Section 519 shall govern the proceedings for the termination of a tentative parcel map with the exception that the Planning Commission shall have the right to approve a subdivider's application for extension. In the event that the Planning Commission denies a subdivider's application for extension, the subdivider may appeal to the City Council within fifteen (15) days after the Planning Commission has denied the extension.

SECTION 707 PARCEL MAP WITHDRAWAL

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

2. In the event the parcel map has been recorded with the County Recorder, a revised parcel map may be prepared in the manner prescribed in this title for an original parcel map, and the revised parcel map shall supersede any previous parcel map.

SECTION 708 FORM AND CONTENT

The subdivider shall file five (5) copies of the parcel map with the City Clerk not less than sixty (60) days prior to the date on which the map must be recorded. The format and content of the final map shall be as prescribed in the following provisions and the Subdivision Map Act:

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

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

3. The size of each sheet shall be eighteen (18") by twenty-six (26") inches. A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of one inch (1");

4. The scale of the map shall be one (1") inch equals one hundred (100') feet; except that subdivisions with lots of two and one-half (2 1/2) acres or greater may use a scale of one (1") inch equals two hundred (200') feet, or the City Engineer may require one (1") inch equals fifty (50') feet if complexity of detail so warrants;

5. When the parcel map consists of more than two (2) sheets, a key map drawn to a scale of one (1") inch equals one thousand (1,000') feet shall be placed on sheet number one (1) indicating the relationship among all sheets. The particular number of each sheet and the total number of sheets comprising the map shall be stated on each of the sheets, and its relation to each adjoining sheet shall be clearly shown;

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

7. All survey and mathematical information and data necessary to locate all monuments and to locate and retrace any and all interior and exterior boundary lines appearing thereon shall be shown, including bearings and distances of straight lines, and radii and arc length or chord bearings and length of all curves, and such information as may be necessary to determine the location of the centers of curves and ties to existing monuments used to establish the subdivision boundaries.

8. Each street shall be named;

9. The exterior boundary of the land included within the subdivision shall be indicated by distinctive symbols and clearly so designated. The map shall show the definite location of the subdivision, and particularly its relation to surrounding surveys. The location of a designated "remainder" parcel shall be indicated, but need not be indicated as a matter of survey but only by deed reference to the existing boundaries of such

remainder if such remainder has a gross area of five (5) acres or more;

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

11. The map shall conform to any additional survey and map requirements of local ordinances;

12. When a soils report, geologic report, or soils and geologic report has been prepared specifically for the subdivision, each report shall be kept on file for public inspection by the City;

13. Whenever a certificate or acknowledgment is made by separate instrument, there shall appear on the final map a reference to the separately recorded document. This reference shall be completely by the County Recorder;

14. A certificate, signed and acknowledged by all parties having any record title interest in the real property subdivided, consenting to the preparation and recordation of the final map is required, except as provided in Section 66436 of the Subdivision Map Act;

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

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

SECTION 709 SURVEY DATA REQUIREMENTS FOR PARCEL MAPS

1. The survey data requirements for parcel maps shall be the same as the requirements prescribed for final subdivision maps in Titles 1 through 15.

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

SECTION 710 CITY CLERK - REVIEW

The City Clerk shall examine the parcel map, and if he or she finds the same to be substantially in the form required by this title, and in conformity with conditions imposed by the Planning Commission in connection with the approval of the tentative parcel map, he or she shall accept the same for filing and shall then transmit the same to the City Engineer.

SECTION 711 CITY ENGINEER - REVIEW

The City Engineer shall examine the parcel map and it shall be certified by him or her if he or she finds that such map is substantially the same as the approved tentative parcel map and that the map is technically correct and in proper form as required by this title and the Subdivision Map Act. Review of the parcel map shall be completed by the City Engineer within twenty (20) days after receiving the map or within such additional time as may be reasonably necessary.

SECTION 712 IMPROVEMENTS - CERTIFICATION

1. If the subdivider states that the required improvements, if there be any, or any part of them have been completed, they shall be inspected by the City Engineer, or any other City officer designated for such purposes by the Council, and if the same have been completed in conformity with the requirements of the Planning Commission and applicable provisions of Titles 1 through 15, he or she shall certify such fact on the parcel map or attach a certificate thereto so showing. If any of the improvements have not been properly completed, he or she shall attach his or her report thereof to the map.

2. Completion of Improvements or Agreement shall be as provided in Title 10, Section 1004.

SECTION 713 PARCEL MAP - SUBSTANTIAL COMPLIANCE

The City will not deny approval of a parcel map if it has previously approved a tentative parcel map for the proposed subdivision and if it finds that the parcel map is in substantial compliance with the previously approved tentative parcel map.

SECTION 714 CITY CLERK - CERTIFICATION

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

SECTION 715 ACCEPTANCE OF DEDICATIONS

1. If dedications are offered or required, the Secretary of the Commission shall transmit the parcel map or deeds of dedication to the Council, which may accept or reject any or all offers of dedication by Resolution. If the offer of dedication is shown on the parcel map, any acceptance and the date thereof shall be certified on such map by the City Clerk. Dedications shall be completed prior to the filing of the parcel map with the County Clerk or Recorder. If at the time the final map is approved, any streets, paths, alleys, public utility easements, rights-of-way for local transit facilities such as bus turnouts, benches, shelters, landing pads, and similar items, which directly benefit the residents of a subdivision, or storm drainage easements are rejected, subject to Section 771.010 of the Code of Civil Procedure, the offer of dedication shall remain open and the City Council may by Resolution at any later date, and without further action by the subdivider, rescind its action and accept and open the streets, paths, alleys, rights-of-way for local transit facilities such as bus turnouts, benches, shelters, landing pads, and similar items, which directly benefit the residents of a subdivision, or storm drainage easements for public use, which acceptance shall be recorded in the office of the County Recorder.

2. In the case of any subdivision fronting upon any public waterway, river, or stream, the offer of dedication of public access route or routes from public highways to the bank of the waterway, river, or stream and the public easement along a portion of the bank of the waterway, river, or stream shall be accepted within three (3) years after the approval of the final map.

3. Offers of dedication which are covered by paragraph "A" may be terminated and abandoned in the same manner as prescribed for the summary vacation of streets by Part 3 (commencing with Section 8300) of Division 9 of the Streets and Highways Code.

4. Offers of dedication which are not accepted within the time limits specified in subsection 11.B shall be deemed abandoned.

5. If a resubdivision or reversion to acreage of the tract is subsequently filed for approval, any offer of dedication previously rejected shall be deemed to be terminated upon the approval of the map by the Planning Commission.

SECTION 716 RECORDATION

Upon final certification and acceptance or rejection of dedications, the City Clerk shall deliver the map to the County Recorder for recordation. Whenever separate documents are to be recorded concurrently with the final parcel map pursuant to Section 66435.1 or 66445 of the Subdivision Map Act, the County Recorder shall complete the cross-reference to such concurrently recorded separate documents.

SECTION 717 DESIGN AND IMPROVEMENTS

All divisions of land shall be designed and improvements thereon constructed and dedications therefrom required as in the case of subdivisions as provided in Title 1.

SECTION 718 FEES

Fees required for the filing, or as a condition of the recordation of a parcel map, are governed by the provisions of Title 9.

TITLE 8. DESIGN AND IMPROVEMENT STANDARDS

SECTION 801 CONFORMANCE

Design and improvement of subdivisions shall conform to Titles 1 through 15 and the Standards Specifications. Design shall provide for adequate traffic circulation and shall promote the extension of aesthetic values.

SECTION 802 ROAD DESIGN - LAYOUT

Road layout shall conform as follows:

1. Street right-of-way widths shall be in accordance with the City's Standard Specifications.

2. Streets which are extensions of existing streets shall continue the centerline of the existing street, as far as practicable, either in the same direction or by adjustment curves.

3. All opposing streets entering upon any given street shall have their centerlines directly opposite each other or separated by at least one hundred twenty-five (125') feet.

SECTION 803 ROAD DESIGN - INTERSECTIONS

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

SECTION 804 ROAD DESIGN - RESTRICTED ACCESS STRIPS

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

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

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

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

SECTION 805 · ROAD DESIGN - PART WIDTH

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

SECTION 806 ROAD DESIGN - STUB ROADS

1. Stub roads shall be provided where necessary to give access to or permit the satisfactory future development of adjoining land. The road shall extend to the boundary line of the property, or within one (1) foot thereof where a restricted access strip is dedicated.

2. Stub roads which are abutted by more than one (1) lot on either side shall be terminated by a temporary turn-around. The turn-around shall conform to the Standard Specifications. A stub road may be approved by the City Council without a temporary turn-around when the road is less than one hundred fifty(150') feet in length, or its length equals the dimensions of the corner lot along the road, whichever is greater.

SECTION 807 ROAD DESIGN - CUL-DE-SAC

Cul-de-sac roads shall be terminated by a permanent turn-around as provided in the Standard Specifications. Cul-de-sac roads shall not exceed three hundred (300') feet in length, measured from the centerline of the intersecting road to the end of the turn-around, in which case the maximum length may be five hundred (500') feet.

SECTION 808 ROAD DESIGN - FRONTAGE ROADS

1. Where lots in a subdivision front on any road designated as a state highway, the City Council may require the dedication and improvement of a frontage road for access to those lots.

2. Frontage road intersections which open onto any state highway shall be through the bulb type intersection as provided in the Standard Specifications.

SECTION 809 ROAD DESIGN - ACCESS ROADS

When a subdivision does not abut upon a public road, an access road may be required by the City Council to connect the subdivision with a public road. When required, the access road shall meet all requirements of Titles 1 through 15.

SECTION 810 FUTURE ROADS - STATE HIGHWAY

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

SECTION 811 FUTURE ROADS - DEDICATION

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

SECTION 812 ROAD DESIGN - GRADE SEPARATION

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

SECTION 813 ROAD DESIGN - ALLEYS

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

2. Alleys, when required, shall be a minimum of twenty (20') feet in width.

SECTION 814 EASEMENTS - LOCATIONS

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

2. Easements for storm drains and flood control shall be provided within the subdivision when deemed necessary by the City Council.

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

SECTION 815 EASEMENTS - WIDTH

All easements within a subdivision shall be not less than sixteen (16') feet in width, being not less than eight (8') feet on each side of abutting properties. However, easements of a lesser width may be approved by the City Council when it has been determined that the purpose of any easement may be accomplished by the use of a lesser width.

SECTION 816 LOT DESIGN - AREA AND FRONTAGE

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

2. All lots shall have frontage on at least one (1) public or approved private road as required by the appropriate zoning district. The width of such frontage shall not be less than that prescribed by the zoning regulations for the zoning district in which the proposed subdivision is located.

SECTION 817 GRADING PLAN

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

SECTION 818 LOT DESIGN - SIDE LINE

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

SECTION 819 LOT DESIGN - BOUNDARY LINES

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

SECTION 820 LOT DESIGN - DOUBLE FRONTAGE LOTS

Double frontage lots, other than corner lots, which abut two (2) roads and have a depth less than two hundred forty (240') feet will not be approved except where necessitated by topographical or other physical conditions or where ingress and egress to and from one of the roads is prohibited by a law or where direct access rights have been or will be waived.

SECTION 821 BLOCK DESIGN - LENGTH

Blocks shall not exceed thirteen hundred twenty (1,320') feet in length between road centerlines, except where topographical or other conditions require longer blocks.

SECTION 822 WATERCOURSES

Where a subdivision or any part thereof is traversed by any watercourse, channel, stream, creek, or canal, the subdivider shall, subject to riparian rights, indicate the physical limits thereof and provide by dedication sufficient easements to dispose of surface and storm waters originating within the subdivision. The width and improvements of such dedicated easement shall be approved by the City Council. Intermittent streams shall be delineated by a dashed line labeled "Thread of Stream".

SECTION 823 LAND SUBJECT TO INUNDATION

1. Land subject to flooding and land deemed by the City Engineer to be uninhabitable shall not be platted for residential occupancy, nor for such other uses as may endanger health, life, or property, or aggravate the flood hazard; and shall be shown on the map as subject to inundation or otherwise uninhabitable.

2. Such land may be filled or otherwise improved in a manner and to a degree approved by the City Engineer so it is no longer subject to the restrictions of this subsection. The required improvements shall be completed or agreed to be completed by secured agreement pursuant to Title 8, Section 839, prior to the approval of the final map.

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

SECTION 824 DEDICATIONS

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

SECTION 825 IMPROVEMENTS - REQUIRED

As a condition precedent on acceptance and approval of the final map or parcel map, the subdivider shall make, or agree to make,

the minimum improvements as set out in Title 8, Sections 826 and 827 in accordance with the Standard Specifications. Additional improvements may be required if deemed by the City Council or the Planning Commission as the case may be, to be necessary for the general use of the lot owners in the subdivision and local neighborhood traffic and drainage needs. Such improvements shall conform to the Standard Specifications.

SECTION 826 IMPROVEMENTS - STREETS

1. All roads dedicated for public use or approved private roads shall be improved in accordance with the Standard Specifications.

2. The City Council may require the subdivider to improve previously dedicated roads, public ways, or easements to the degree required by subsection 1. above. When so required by the City Council, improvements shall conform to the Standard Specifications.

SECTION 827 IMPROVEMENTS - SIDEWALKS

Sidewalks shall be installed in accordance with the Standard Specifications.

SECTION 828 IMPROVEMENTS - WALLS

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

SECTION 829 IMPROVEMENTS - SEWERAGE

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

SECTION 830 IMPROVEMENTS - WATER

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

2. Whenever a well and tank site is to be located within a subdivision in conjunction with the City water system, the well site and its access right-of-way shall be shown on the tentative and final maps and be designated for such use. When the well

site or other system facilities are to be located outside the subdivision boundaries, easements shall be conveyed to the City prior to the recordation of the final map.

SECTION 831 IMPROVEMENTS - FIRE HYDRANTS

Fire hydrants shall be installed in accordance with the Standard Specifications.

SECTION 832 IMPROVEMENTS - DRAINAGE

The subdivider shall install drainage facilities to adequately remove surface and storm waters from the subdivision. When so required installation shall conform to the Standard Specifications.

SECTION 833 IMPROVEMENTS - ABANDONED WELLS AND PIPELINES

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

SECTION 834 IMPROVEMENTS - TRAFFIC AND ROAD SIGNS

Necessary street name signs, warning signs, regulatory signs, markers, barricades, and other safety and public convenience facilities shall be installed in accordance with the improvement standards and specifications established therefore by the City. The subdivider may deposit with the City sufficient sums for the furnishing and installation of certain of the above facilities.

SECTION 835 IMPROVEMENTS - OUT OF TRACT

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

SECTION 836 IMPROVEMENTS - STREET LIGHTS

Street lights shall be installed in accordance with the Standard Specifications.

SECTION 837 IMPROVEMENTS - UTILITIES

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

the Standard Specifications.

SECTION 838 IMPROVEMENTS - BIKEWAYS

All bikeways dedicated for public use or approved private use shall be improved in accordance with the Standard Specifications.

SECTION 839 IMPROVEMENTS - REMAINDER PARCEL

The fulfillment of construction requirements for improvements for a designated remainder parcel shall not be required until such time as a permit or other grant of approval for development of the remainder parcel is issued by the City or, until such time as the construction of such improvements is required pursuant to an agreement between the subdivider and the City. In the absence of such an agreement, the City may require fulfillment of such construction requirements within a reasonable time following approval of the final map or parcel map and prior to the issuance of a permit or other grant of approval for the development of a remainder parcel upon a finding by the City that fulfillment of the construction requirements is necessary for reasons of: (1) the public health and safety; or (2) the required construction is a necessary prerequisite to the orderly development of the surrounding area.

SECTION 840 IMPROVEMENT PROCEDURES - AGREEMENTS

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

- A. Time limit for completion of required improvements;
- B. Procedures for making changes or alterations that become necessary during the performance of the work;
- C. A requirement for maintenance for a period of one (1) year after the completion and acceptance thereof against any defective work or labor done, or defective materials furnished for those portions of the work which contain earth excavations or embankments in excess of eight (8') feet; and
- D. A requirement for maintenance for a period one (1) year after the completion and acceptance thereof against any

defective work or labor done, or defective materials furnished for electrical and mechanical equipment required for water supply and distribution systems and sewerage collection and treatment facilities.

2. At the request of the subdivider, the City Council may renew this agreement at the expiration of this time. Such agreement shall provide for the release of the required improvement security when the conditions of the agreement are completed.

3. To assure the City that this work will be completed, improvement security shall be provided subject to Title 10, Section 1005.

4. Where a special assessment district is formed for the purpose of financing and constructing the designated improvements, the original improvement security may be reduced in an amount not to exceed ninety percent of the contract amount thereof at such time as the contract for the work is executed.

SECTION 841 IMPROVEMENT PROCEDURES - PLAN SUBMITTAL

1. Where improvements are proposed or are required by the provisions of Titles 1 through 15, improvement plans shall be submitted to the City Engineer for his or her review and approval. The improvement plans shall be prepared and signed by a registered civil engineer.

2. During construction of the improvements, this civil engineer shall be available for consultation on the general supervision of the various phases of the construction operation. He or she shall also be responsible for providing construction engineering and surveying to enable the work covered by the improvement plans to be completed.

SECTION 842 IMPROVEMENT PROCEDURES - INSTALLATIONS

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

SECTION 843 IMPROVEMENT PROCEDURES - INSPECTIONS AND ACCEPTANCE

All required improvements shall be constructed under the inspection of the City Engineer and shall be subject to approval and acceptance by Resolution of the City Council. The cost of all inspections shall be paid by the subdivider as provided in Title 10, Section 1002.

SECTION 844 PRIVATE IMPROVEMENTS - MAINTENANCE OF PRIVATE ROADS

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

SECTION 845 PROVISION FOR FUTURE PASSIVE OR NATURAL HEATING OR COOLING OPPORTUNITIES

A design of a subdivision for which a tentative map is required pursuant to Titles 1 through 15 shall provide, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision.

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

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

3. In providing for future passive or natural heating or cooling opportunities in the design of a subdivision, consideration shall be given to local climate, to contour, to configuration of the parcel to be divided, and to other design improvement requirements, and such provision shall not result in reducing allowable densities or the percentage of a lot which may be occupied by a building or structure under applicable planning and zoning in force at the time the tentative map is filed.

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

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

TITLE 9.

DEDICATIONS, FEES, REIMBURSEMENT AND RESERVATIONS,
CERTAIN PUBLIC FACILITIES

SECTION 901 PEDESTRIAN WALKWAYS AND BIKEWAYS

1. Pedestrian walkways or bikeways may be required where needed for:

A. Access to schools, playgrounds or parks, shopping centers, or other public areas;

B. Traffic safety; and

C. Access through unusually long blocks.

2. Dedications for bicycle paths may only be required for subdivisions which have two hundred (200) lots or more on the final map.

3. As used in this section "dedication" means a transfer by a subdivider to a city, county, or city and county of title to real property or any interest therein, or of an easement or right in real property, the transfer of facilities, or the installation of improvements as defined in Title 2 Section 201 or any combination thereof.

SECTION 902 PARK AND RECREATION FEES

1. This section is enacted pursuant to the authority granted by Section 66477 of the Subdivision Map Act of the State of California. The park and recreational facilities for which dedication of land and/or payment of a fee is required by this Section are in accordance with the General Plan of the City of Firebaugh, adopted by the City of Fowler on December 13, 1973.

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

3. It is hereby found and determined that the public interest, convenience, health, welfare and safety require that 5 acres of property for each 1,000 persons residing within this City be devoted to local public park and recreational purposes.

4. Standards and Formula for Dedication of Land.

A. Where a park or recreational facility has been designated in the General Plan of the City and is to be located

in whole or in part within the proposed subdivision, the subdivider shall dedicate land for a local park sufficient in size and topography to serve the residents of the subdivisions.

B. The formula for determining acreage to be dedicated shall be as follows:

$$\text{Average No. of Persons/Unit} - \frac{1,000 \text{ population}}{5 \text{ acres}}$$

C. The following table of population density shall be followed:

Park Land Dedication Formula Table

Types of Dwellings	Average Density/DU	Acreage/DU 5 Ac. Std.
Low Density, Single Family (R-1)	3.6	.0180
Medium Density, Multiple Family (R-2)	2.5	.0125
High Density, Multiple Family (R-3)	2.0	.0100

5. Formula for fees in lieu of land dedication.

A. If there is no park or recreational facility designated in the General Plan to be located in whole or in part within the proposed subdivision to serve the immediate and future needs of the residents of the subdivision, the subdivider shall, in lieu of dedicating land, pay a fee equal to the value of the land prescribed for dedication as set forth in subsection 4. of this section and in an amount determined in accordance with the provisions of subsection 7. of this section. Such fee shall be used for a local park 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 set forth in subsection 4. of this section and in an amount determined in accordance with the provisions of subsection 7. of this section.

C. The money collected pursuant to the provisions of this subsection shall be used only for the purpose of providing park or recreational facilities reasonably related to serving the subdivision by way of the purchase of necessary land or, if the Council deems that there is sufficient land available for the subdivision, for improving such land for park and recreational purposes.

6. In subdivisions of over fifty (50) lots, the subdivider shall both dedicate land and pay a fee in accordance with the following formula:

A. When only a portion of the land to be subdivided is proposed in the General Plan as the site for a local park, such portion shall be dedicated for local park purposes, and a fee computed pursuant to the provisions of subsection 7. of this section shall be paid for any additional land that would have been required to be dedicated pursuant to the provisions of subsection 4. of this section.

B. When a major part of a local park or recreational site has already been acquired by the City, and only a small portion of land is needed from the subdivision to complete the site, such remaining portion shall be dedicated, and a fee computed pursuant to the provisions of subsection 7. of this section shall be paid in an amount equal to the value of the land which would otherwise have been required to be dedicated pursuant to the provisions of subsection 4. of this section, and such fees shall be used for the improvement of the existing park and recreational facility or for the improvement of other local parks and recreational facilities in the area serving the subdivision.

7. Where a fee is to be paid in lieu of land dedication, the amount of such fee shall be based upon the average estimated fair market value of land per acre for the City; this average estimated fair market value shall be established by Resolution of the Council and shall be adjusted annually by the City to keep current with property appreciation.

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

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

A. The City's General Plan;

B. Topography, geology, access and location of land in the subdivision available for dedication;

C. Size and shape of the subdivision and land available for dedication;

- D. The feasibility of dedication;
- E. Compatibility of dedication with the City of Fowler "General Plan"; and
- F. Availability of previously acquired park property.

The determination of the City Council as to whether land shall be dedicated, or whether a fee shall be charged, or a combination thereof, shall be final and conclusive.

10. Where private open space for park and recreational purposes is provided in a proposed subdivision and such space is to be privately owned and maintained by the future residents of the subdivision, partial credit, not to exceed 50%, may be given against the requirement of land dedication or payment of fees in lieu thereof if the City Council finds that it is the public interest to do so and that all the following standards are met:

A. That yards, court areas, setbacks, and other open areas required to be maintained by the zoning and building ordinances and regulations shall not be included in the computation of such private open space;

B. That the private ownership and maintenance of the open space is adequately provided for by recorded written agreement, conveyance, or restrictions;

C. That the use of the private open space is restricted for park and recreational purposes by recorded covenant, which runs with the land in favor of the future owners of the property and which cannot be defeated or eliminated without the consent of the City or its successor; and

D. 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

E. That facilities proposed for the open space are in substantial accordance with the provisions of the Recreational Element of the General Plan.

11. At the time of approval of the tentative subdivision map, the City Council shall determine pursuant to Title 9, Section 902.8 hereof, the land to be dedicated and/or fees to be paid by the subdivider. At the time of the filing of the final subdivision map, the subdivider shall dedicate the land/or pay the fees as previously determined by the City Council. Open space covenants for private park or recreational facilities

shall be submitted to the City prior to approval of the final subdivision map and shall be recorded contemporaneously with the final subdivision map.

12. At the time of approval of the final subdivision map, the City Council shall specify how and when it will use the land or fees or both to develop park or recreational facilities. Any fees collected under this Ordinance shall be committed within five (5) years after the payment of such fees or the issuance of building permits on one-half (1/2) of the lots created by the subdivision, whichever occurs later. If such fees are not committed, they, without any deductions, shall be distributed and paid to the then record owners of the subdivision in the same proportion that the size of their lot bears to the total area of all lots within the subdivision.

13. The provisions of this title shall not apply to subdivisions containing less than five (5) parcels and not used for residential purposes, provided, however, that a condition may be placed on the approval of such parcel map and 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 years, the fee may be required to be paid by the owner of each such parcel as a condition to the issuance of such permit.

SECTION 903 SCHOOL SITE DEDICATION

1. A subdivider who develops or completes the development of one (1) or more subdivisions in one (1) or more school districts maintaining an elementary school may be required to dedicate to the school district or districts within which such subdivisions are to be located, such land as the City Council deems to be necessary for the purpose of constructing thereon such elementary schools as are necessary to assure the residents of the subdivision adequate public school service, except that the City Council shall not require the dedication of an amount of land which would make the development of the remaining land held by the subdivider economically unfeasible or which would exceed the amount of land ordinarily allowed under the procedures of the State Allocation Board.

2. This section shall not be applicable to a subdivider who has owned the land being subdivided for more than ten (10) years prior to the filing of the tentative subdivision map.

3. The requirement of dedication shall be imposed at the time of approval of the tentative subdivision map by the City Council. If, within thirty (30) days after the requirement of dedication is imposed by the City Council, the school district does not offer to enter into a binding commitment with the subdivider to accept the dedication, this requirement shall be

automatically terminated.

4. The required dedication shall be made any time before, concurrently with, or up to sixty (60) days after the filing of the final map for any portion of the subdivision.

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

6. In the event the land is not used by the school district as a school site within ten (10) years after the dedication, the subdivider shall have the option to repurchase the property from the district for the amount paid therefore, together with interest at the rate of seven percent per year from the date of payment by the district to the date the option is exercised.

7. The school district to which the property is dedicated shall record a certificate with the County Recorder, containing therein all information required by said Section 66478 of the Subdivision Map Act.

SECTION 904 RESERVATIONS

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

A. The requirement is based upon an adopted Specific Plan or an adopted General Plan containing a Community Facilities Element, a Recreation and Parks Element, or a Public Building Element, and the required reservations are in accordance with definite principles and standards contained herein.

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

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

2. The reserved area shall conform to the adopted Specific or General Plan and shall be in such multiples of streets and parcels as to permit an efficient division of the reserved area in the event that it is not acquired within the prescribed

period; in such event, the subdivider shall make those changes as are necessary to permit the reserved area to be developed for the intended purpose consistent with good subdividing practices.

3. The public agency for whose benefit an area has been reserved shall at the time of approval of the final map or parcel map enter into a binding agreement to acquire such reserved area within two (2) years after the completion and acceptance of all improvements, unless such period of time is extended by mutual agreement. The purchase price shall be the market value thereof at the time of the filing of the tentative map plus the taxes against such reserved area from the date of the reservation and any other costs incurred by the subdivider in the maintenance of such reserved area, including interest costs incurred on any loan covering such reserved area.

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

SECTION 905 DRAINAGE FEES

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

SECTION 906 BRIDGE CROSSINGS AND MAJOR THOROUGHFARES

The Council may require the payment of a fee as a condition of approval of a final map or as a condition of issuing a building permit for purposes of defraying the actual or estimated cost of constructing bridges over waterways, railways, freeways, or constructing major thoroughfares subject to the following requirements as provided in section 66484 of the Subdivision Map Act:

1. Fees may be required for facilities when they are identified by the Circulation Element, transportation or flood control provisions of the General Plan;

2. A public hearing shall be held and notice shall be given;

3. The boundaries of the area of benefit, the costs, and a fair method of allocation of costs to the area of benefit and fee apportionment shall be determined at a public hearing;

4. Fees shall not be required unless the requirements of Section 66484 of the Subdivision Map Act have been met;

5. Protests may be filed and proceedings shall be abandoned as provided in Section 66484 of the Subdivision Map Act; and

6. All procedures for imposing and handling fees have been met.

SECTION 907 SUPPLEMENTAL IMPROVEMENTS REIMBURSEMENT AGREEMENTS

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

2. No charge, area of benefit, or local benefit district shall be established unless and until a public hearing in accordance with the provisions of Title 9, Section 906 of this Ordinance is held thereon by the City Council, and the City Council finds that the fee or charge and the area of benefit or local benefit district is reasonably related to the cost of such supplemental improvements and the actual ultimate beneficiaries thereof. The notice required by Title 9, Section 906, of this Ordinance, shall be given to the subdivider and to those who own property within the proposed area of benefit as shown on the latest equalized assessment role, and the potential users of the supplemental improvements insofar as they can be ascertained at the time. Such notices shall be mailed by the City Clerk at least ten (10) days prior to the date established for hearing.

3. If the City has adopted a local drainage or sanitary sewer plan map as required for the imposition of fees therefore, or has established an area of benefit for bridges or major thoroughfares as provided in this Ordinance, the City may impose a reasonable charge on property within the area benefited and may provide for the collection of said charge as set forth in this Ordinance. The City may enter into reimbursement agreements with a subdivider who constructs said facilities, bridges, or thoroughfares, and the charges collected by the City therefore may be utilized to reimburse the subdivider as set forth herein.

SECTION 1001 FILING FEES

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

SECTION 1002 CHECKING AND INSPECTION FEES

1. The subdivider shall pay a fee as established by City Council Resolution for checking the improvement plans and inspecting all proposed improvements controlled by the City prior to the submission of the final map to the City Council.

2. The fees established by this section shall be based on reasonable improvement cost estimates made by the City Engineer. No adjustment in or refund of such fees shall be made once the fees have been paid; except when a final map is withdrawn, or a reversion to acreage map is recorded, the unexpended portion of the required fee may be refunded upon written request made by the subdivider to the City Council.

3. The City Council may retain qualified consulting engineers for the performance of any part of the inspection services.

4. In the event the City Council permits the required improvements to be financed by proceedings under an appropriate special assessment act as provided for in Section 66462 of the Subdivision Map Act, the fees required by this section may be included as an incidental expense of such proceedings. The subdivider shall be refunded the amount of the fees required by this section to the extent that monies for the inspection of improvement construction are available in the monies provided by the special assessment act proceedings.

SECTION 1003 RECORDATION

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

SECTION 1004 COMPLETION OF IMPROVEMENTS OR AGREEMENT THEREFORE

1. Completion of Improvements or Agreement Therefore.

A. Requirements for the construction of offsite and

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

B. Fulfillment of such construction requirements shall not be required until such time as a permit or other grant of approval for development of the parcel is issued by the City or until such time as the construction of such improvements is required pursuant to an agreement between the subdivider and the City, except that in the absence of such an agreement, the City may require fulfillment of such construction requirements within a reasonable time following approval of the final or parcel map and prior to the issuance of a permit or other grant of approval for the development of a parcel upon a finding by the City Council that fulfillment of the construction requirements is necessary for reasons of: (1) the public health and safety; or (2) the required construction is a necessary prerequisite to the orderly development of the surrounding area. Said findings and requirement shall be made at the time of approval of the tentative subdivision or parcel map, and the requirement shall be made a condition of approval thereof.

C. Agreements as to the time for the construction of required improvements as provided above may be entered into by mutual agreement of the City and the subdivider. Such agreements shall be approved by the City Council at the time of approval of the tentative subdivision or parcel map.

D. Conditions of approval requiring improvements by a time specific and agreements as to the time for the construction of required improvements shall be accompanied by security to guarantee performance as provided in Title 12.

SECTION 1005 SECURITY

Agreements and requirements referred to in Title 7, Section 705.8 and in Title 8, Section 839 shall be accompanied by security to guarantee performance as follows:

1. Improvement security in the amount of one hundred (100%) percent of the total estimated cost of all required work as indicated in the agreement or requirements for the purpose of securing the performance of said work;

2. Improvement security in the amount of fifty (50%) percent of the estimated cost of all required work to secure payment to the contractor, his or her subcontractors, and to persons renting equipment or furnishing labor or materials for such improvements;

3. Improvement security to secure the maintenance for a period of one (1) year after the completion and acceptance thereof against any defective work or labor done, or defective materials furnished, in the performance of the agreement with the Council or the performance of the act. Said security shall not exceed an amount equal to twenty-five (25%) percent of the estimated cost of furnishing and installing said facilities. This security shall be in addition to any warranty required of the manufacturer;

4. Improvement security to secure the maintenance of a private road for a period of one (1) year after the acceptance thereof against any defective work or labor done or defective material furnished in the construction of the private work which security shall be in an amount equal to the construction cost thereof;

5. Security in the amount equal to the estimated cost of placing all monuments and lot corners not set at the time the final map is filed as specified in Title 6, Section 622.3 and 622.4;

6. Security in the estimated amount of taxes, and special assessments collected as taxes which are a lien but which are not yet payable as referred to in Section 66493 of the Subdivision Map Act; and

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

SECTION 1006 FORMS OF IMPROVEMENT SECURITY

Whenever this Ordinance authorizes or requires the furnishing of security in connection with the performance of any act or agreement, such security shall be one of the following at the option of and subject to the approval of the City Council:

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

2. A deposit, either with the City or a responsible escrow agent or trust company, at the option of the City Council, of money or negotiable bonds of the kind approved for securing deposits of public monies; or

3. An instrument of credit from one or more financial institutions subject to regulation by the State or Federal Government and pledging that the funds necessary to carry out the

act or agreement are on deposit and guaranteed for payment; or

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

SECTION 1007 IMPROVEMENT COMPLETION FAILURE - PROCEDURE

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

SECTION 1008 EXONERATION OF SECURITY

It shall be the duty of the City Engineer to inspect all improvements installed and monuments set as to their compliance with Titles 1 through 15 and City standards. No security given for faithful performance of such work shall be exonerated from the agreement referred to herein until and unless the City Engineer certifies compliance thereto.

SECTION 1009 IMPROVEMENT SECURITY: RELEASE

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

2. Security securing payment to the contractor, his or her subcontractors, and to persons furnishing labor, materials, or equipment shall, six (6) months after the performance of the act or the completion of the work and its acceptance by Resolution of the City Council, be reduced to an amount not less than the total of all claims on which an action has been filed and notice thereof given in writing to the City Council, and if no such actions have been filed, the security shall be released in full.

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

4. In all cases where the performance of the obligation for which the security is required is subject to the approval of

another agency, the City Council shall not release the security until the obligation is performed to the satisfaction of such other agency. Such agency shall have two (2) months after completion of the performance of the obligation to register its satisfaction or dissatisfaction. If at the end of that period it has not registered its satisfaction or dissatisfaction, it shall be conclusively deemed that the performance of the obligation was done to its satisfaction.

TITLE 11. EXCEPTIONS.

SECTION 1101 GROUNDS

The City Council may, upon the petition of a subdivider or upon their own motion, authorize modifications of requirements and improvement standards as set forth in Titles 1 through 15, whenever the land involved in a subdivision is:

1. Of such size or shape; or
2. Subject to such title limitations of record; or
3. Affected by such topographical location or conditions;
or
4. To be devoted to such usage that full conformity to the provisions of Titles 1 through 15 is impossible or impractical.

SECTION 1102 APPLICATION

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

SECTION 1103 FACTUAL DATA REQUIRED

In order for the property referred to in the petition to come within the provisions of this section, it is necessary for the Commission and the City Council to find that all the following conditions exist.

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

SECTION 1104 PLANNING COMMISSION REVIEW

The Commission, in recommending the granting of an exception for a tentative map or a tentative parcel map, may recommend such conditions as may be necessary to secure substantial compliance

with the objectives of Titles 1 through 15, protecting the public health, safety and welfare.

SECTION 1105 DECISION BY THE CITY COUNCIL

The City Council shall consider and render its decision on the exception concurrently with its review of and decision on the tentative map or tentative parcel map. The Council, in granting an exception, may establish such conditions as may be necessary to secure substantial compliance with the objectives of Titles 1 through 15, protecting the public health, safety, and welfare.

TITLE 12.

REVERSION TO ACREAGE

SECTION 1201 MAP ACT PROVISIONS APPLY

Subdivided real property may be reverted to acreage pursuant to Chapter 6 of the Subdivision Map Act. The provisions of Section 66499.11 through 66499.20 shall apply.

SECTION 1202 TENTATIVE SUBDIVISION MAPS - REQUIREMENTS APPLY

When making a reversion to acreage map, the applicable requirements of Title 5 as to filing, map form, tract number, and committee review, shall be complied with unless waived by the Secretary of the Planning Commission.

SECTION 1203 TENTATIVE SUBDIVISION MAP - REVIEW - REPORT

Copies of the tentative map, or a reversion to acreage map, shall be distributed to the City Engineer, City Planner, and Superintendent of Public Works. The City Engineer, City Planner, and Superintendent of Public Works shall review and report upon the map in the manner provided in Title 5, Section 511.

SECTION 1204 PLANNING COMMISSION CONSIDERATION

The Commission shall consider the tentative subdivision map at a regular or special meeting after given notice of its intent to consider the map, in a newspaper of general circulation, within the area affected, at least ten (10) days preceding the meeting at which the tentative map is to be heard. In making a recommendation to the City Council concerning a reversion to acreage map, the Commission shall determine that the reversion will have no adverse effect on abutting property or the proper development thereof, and that there exists nonuse of streets and easements within the area included in the reversion to acreage.

SECTION 1205 CITY COUNCIL - ACTION - REPORT

The City Council shall act upon the Commission's recommendation at a regular or adjourned regular meeting not less than fifteen (15) nor more than forty (40) days after the filing of the Commission's recommendation with the City Council. The City Council shall give public notice of its intent to consider the tentative map in a newspaper of general circulation within the area affected at least ten (10) days immediately preceding the meeting at which the map is to be heard. In approving or conditionally approving a reversion to acreage map, the City Council shall find that dedications or offers of dedication to be vacated or abandoned by the reversion to acreage are unnecessary for present or prospective public purposes; and either: (1) all

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

The City Council shall report its action in writing to the subdivider and the Planning Commission and the City Engineer no later than ten (10) days following such action.

SECTION 1206 TITLE

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

SECTION 1207 DEDICATIONS TERMINATED

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

SECTION 1208 TAX BOND

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

SECTION 1209 CITY ENGINEER - REPORT AND CERTIFICATION

1. The City Engineer shall review each map and assure himself or herself that it complies with the requirements of the approved tentative map, with previously recorded property description data and with the provisions of law and Titles 1 through 15. The City Engineer shall consult with the City Planner in making these determinations.

2. If the final map is in the correct form prescribed by the Subdivision Map Act and Titles 1 through 15 and the matters shown thereon are sufficient, their correctness shall be certified on the map by the City Engineer.

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

SECTION 1210 CITY COUNCIL - DECISION

1. Approval of Map.

A. At its next regular or adjourned meeting after the filing of a final map with the City Clerk, the City Council shall consider the map to determine if it is in conformity with all the requirements of the Subdivision Map Act and Titles 1 through 15 applicable at the time of approval of the tentative map, or any ruling made thereunder.

B. Upon approval of the map by the City Council, the City Clerk shall deliver the map to the County Recorder for recordation.

2. Disapproval of Map.

A. If the City Council determines that the map is not in conformance with either the requirements of Titles 1 through 15 or the tentative approval of the reversion to acreage, the City Council shall disapprove such final map, specifying its reason or reasons therefore, and the City Clerk shall, in writing, advise the subdivider of such disapproval and the reason or reasons therefore.

B. After the City Council has disapproved any map, the proponent may file a new final map with the City Clerk altered to conform to all the requirements imposed upon him or her by Titles 1 through 15.

SECTION 1211 REVERSION OF LAND PREVIOUSLY SUBDIVIDED BY PARCEL MAP

1. The City by this Ordinance, authorizes that a parcel map is to be filed under the provisions of this chapter for the purpose of reverting to acreage land previously subdivided and consisting of four or less contiguous parcels under the same ownership. Any map so submitted shall be accompanied by evidence of title and nonuse or lack of necessity of any streets or easements which are to be vacated or abandoned. Any streets or easements to be left in effect after the reversion shall be adequately delineated on the map. After approval of the reversion by the City Council or Planning Commission the map shall be delivered to the County Recorder. The filing of the map shall constitute legal reversion to acreage of the land affected thereby, and shall also constitute abandonment of all streets and easements not shown on the map. The filing of the map shall also constitute a merger of the separate parcels into one (1) parcel for purposes of this chapter and shall thereafter be shown as such on the assessment roll. On any parcel map used for reverting acreage, a certificate shall appear signed and

acknowledged by all parties having any record title interest in the land being reverted, consenting to the preparation and filing of the parcel map.

2. Subdivided lands may be merged and resubdivided without reverting to acreage by complying with all the applicable requirements for the subdivision of land as provided by this division. The filing of the final map or parcel map shall constitute legal merging of the separate parcels into one (1) parcel and the resubdivision of such parcel, and the real property shall thereafter be shown with the new lot or parcel boundaries on the assessment roll. Any unused fees or deposits previously made pursuant to this division pertaining to the property shall be credited pro rata towards any requirements for the same purposes which are applicable at the time of resubdivision. Any streets or easements to be left in effect after the resubdivision shall be adequately delineated on the map. After approval of the merger and resubdivision by the City Council or Planning Commission the map shall be delivered to the County Recorder. The filing of the map shall constitute legal merger and resubdivision of the land affected thereby, and shall also constitute abandonment of all streets and easements not shown on the map.

3. The City by this Ordinance, authorizes the merger of contiguous parcels under common ownership without reverting to acreage, and shall require the recordation of an instrument evidencing the merger.

TITLE 13.

AMENDMENTS

SECTION 1301 INITIATION OF AMENDMENTS TO THIS CODE; SETTING FOR HEARING

1. Amendment of this Ordinance may be initiated in one of the following manners:

A. By Resolution adopted by the Commission; or

B. By Resolution adopted by the Council, which Resolution shall be referred to the Commission for a hearing.

2. The Commission shall hold at least one (1) public hearing on any such proposed amendment. When such a Resolution of the Council has been filed with the Commission or its Secretary, the hearing by the Commission shall be held within forty (40) days following such filing.

3. Notice of the time and place of the public hearing by the Commission shall be given by the Commission or its Secretary by at least one (1) publication in a newspaper of general circulation published in the City, at least ten (10) days before the hearing, and by such other means as the Commission may determine.

4. Decisions of the Commission.

A. Within forty (40) days after the conclusion of such public hearing, the Commission shall by Resolution make its findings, decision, and recommendations in the matter.

B. In matters initiated by Resolution of the Council, failure of the Commission to adopt such a Resolution within forty (40) days following the first hearing thereon, or failure of the Commission to conduct a hearing within forty (40) days following the filing of such Resolution with the Commission or its Secretary, shall be deemed to be approval of the proposed amendment, and the Council may proceed with the matter without any further proceedings or report from the Commission.

C. The Commission shall cause its recommendations to be filed with the Council.

5. The action of the Council on such matters shall be final, provided that no substantial change shall be made in any amendment initiated and proposed by the Commission, until the proposed change has been filed with the Council, and provided further that failure of the Commission to so report within forty (40) days shall be deemed to be approval of the proposed change. No notice of such hearing need be given.

SECTION 1401 PROHIBITED TRANSACTIONS

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

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

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

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

5. Nothing contained in subsections 1. and 2. shall be deemed to prohibit an offer or contract to sell, lease, or finance real property or to construct improvements thereon where such sale, lease, or financing, or the commencement of such construction, is expressly conditioned upon the approval and filing of a final subdivision map or parcel map, as required under this Section.

6. Nothing in this Section shall in any way modify or affect the provisions of Section 11018.2 of the Business and Professions Code.

7. This Section does not bar any legal equitable or summary remedy to which the City or other public agency, or any person, firm, or corporation may otherwise be entitled, and the City or other public agency, or such person, firm, or corporation may file a suit in the superior court of the county in which any real property attempted to be subdivided or sold, leased, or

financed in violation of this Section enacted pursuant thereto is located, to restrain or enjoin any attempted or proposed subdivision or sale, lease, or financing in violation of this Section enacted pursuant thereto.

SECTION 1402 VOIDABILITY OF SALE

1. Any deed of conveyance, sale or contract to sell real property which has been divided, or which has resulted from a division, in violation of Titles 1 through 15 is voidable at the sole option of the grantee, buyer or person contracting to purchase, his or her heirs, personal representative, or trustee in insolvency or bankruptcy within one (1) year after the date of discovery of the violation of the provisions of said sections, but the deed of conveyance, sale or contract to sell is binding upon any successor in interest of the grantee, buyer or person contracting to purchase, other than those above enumerated, and upon the grantor, vendor, or person contracting to sell, or his or her assignee, heir or advisee.

2. Any grantee, or his or her successor in interest, of real property which has been divided, or which has resulted from a division, in violation of the provisions of Titles 1 through 15, may, within one (1) year of the date of discovery of such violation, bring an action in the superior court to recover any damages he or she has suffered by reason of such division of property. The action may be brought against the person who divided the property in violation of said sections and against any successors in interest who have actual or constructive knowledge of such division of property.

3. Nothing in this Section shall render void or voidable any trust deed, mortgage, or other encumbrance in the hands of a bona fide holder for value.

SECTION 1403 REMEDIES NOT BARRED

Nothing herein contained shall bar any legal, equitable, or summary remedy to which the City of Fowler or other political subdivision, or any person may otherwise be entitled. The City or other political subdivision or person may file suit in any court of competent jurisdiction, to restrain or enjoin any attempted or proposed subdivision or sale in violation of the Subdivision Map Act or Titles 1 through 15.

SECTION 1404 PERMIT REFUSAL

The City shall refuse to grant building or other permits in relation to the property involved until such time as all of the requirements of Titles 1 through 15 have been compiled with.

SECTION 1405 NOTICE OF VIOLATIONS

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

SECTION 1406 VIOLATION OF THE SUBDIVISION MAP ACT

1. The City shall not issue any permit or grant any approval necessary to develop any real property which has been divided, or which has resulted from a division, in violation of the provisions of this Section or of the provisions of this Ordinance enacted pursuant to this Section if it finds that development of such real property is contrary to the public health or the public safety. The authority to deny such a permit or such approval shall apply whether the applicant therefore was the owner of record at the time of such violation or whether the applicant therefore is either the current owner of record or a vendee of the current owner of record pursuant to a contract of sale of the real property with, or without, actual or constructive knowledge of the violation at the time of the acquisition of his or her interest in such real property.

If the City issues a permit or grants approval for the development of any such real property, it shall impose only those conditions that would have been applicable to the division of the property at the time the applicant acquired his or her interest in such real property, and which has been established at such time by this Section enacted pursuant thereto, except that where the applicant was the owner of record at the time of the initial violation of the provisions of this Section enacted pursuant thereto who, by a grant of the real property created a parcel or parcels in violation of this Section enacted pursuant thereto, and such person is the current owner of record of one or more of the parcels which were created as a result of the grant in violation of the division enacted pursuant thereto, then the City shall impose such conditions as would be applicable to a current division of the property, and except that if a Conditional Certificate of compliance has been filed for record under the provisions of subdivision (b) of Section 66499.35 of the Subdivision Map Act only such conditions stipulated in that certificate shall be applicable.

2. Certificate of Compliance.

A. Any person owning real property or a vendee of such person pursuant to a contract of sale of such real property may request, and the City shall determine, whether such real property complies with the provisions of this Section enacted pursuant thereto. Upon making such a determination the City shall cause a

Certificate of Compliance to be filed for record with the County Recorder. The Certificate of Compliance shall identify the real property and shall state that the division thereof complies with applicable provisions of this Section enacted pursuant thereto. The City shall impose a reasonable fee to cover the cost of issuing and recording the Certificate of Compliance.

B. If the City determines that such real property does not comply with provisions of this Section enacted pursuant thereto, it shall issue a Certificate of Compliance or a Conditional Certificate of Compliance. The City shall, as a condition to granting a Certificate of Compliance, impose such conditions as would have been applicable to the division of the property at the time the applicant acquired his or her interest therein, and which had been established at such time by this Section enacted pursuant thereto, except that where the applicant was the owner of record at the time of the initial violation of the provisions of this Section enacted pursuant thereto who by a grant of the real property created a parcel or parcels in violation of this Section enacted pursuant thereto, and such person is the current owner of record of one or more of the parcels which were created as a result of the grant in violation of the division enacted pursuant thereto, then the City shall impose such conditions as would be applicable to a current division of the property. Upon making such a determination and establishing such conditions the City shall cause a Conditional Certificate of Compliance to be filed for record with the County Recorder. Such Certificate of Compliance to be filed for record with the County Recorder shall serve as notice to the property owner or vendee who has applied for a certificate pursuant to this Section, 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.

C. A Certificate of Compliance shall be issued for any real property which has been approved for development pursuant to Section 66499.34 of the Subdivision Map Act.

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

SECTION 1407 VIOLATION - PENALTIES

Any offer to sell, contract to sell, or deed of conveyance made

contrary to the provisions of Titles 1 through 15 is a misdemeanor, and any person, firms, or corporations, upon conviction there of, shall be punishable by a fine of not less than twenty-five (\$25) dollars and not more than five hundred (\$500) dollars or imprisonment in the City jail for a period of not more than six (6) months, or by both such fine and imprisonment.

SECTION 1408 REVOCATION CLAUSE

All ordinances and parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed as they are inconsistent with the provisions hereof.

TITLE 15.

ENACTMENT

This Ordinance shall take effect and be in force thirty (30) days after the day of its passage, and shall within fifteen (15) days after its passage be published in a newspaper of general circulation in the City of Fowler, State of California, together with the names of the members of the City Council voting for and against the same.

Passed, adopted and approved this _____ day of _____, 1985.

Mayor, City of Fowler

ATTEST:

I, _____ City Clerk of the City of Fowler, do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Fowler, held on the _____ day of _____, 1985 and was finally passed at a regular meeting of said City Council held on the _____ day of _____, 1985, by the following vote:

AYES:

NOES:

ABSENT:

City Clerk and Ex-Officio
Clerk of the City Council of
the City of Fowler, State of
California

ORDINANCE NO. 85-7

AN ORDINANCE OF THE CITY COUNCIL OF FOWLER
ADOPTING AN AMENDED SUBDIVISION ORDINANCE

THE CITY COUNCIL OF THE CITY OF FOWLER DOES HEREBY ORDAIN AS
FOLLOWS:

WHEREAS, the City of Fowler has received a wholly revised draft ordinance dated June 1985 prepared under the technical assistance program of the Council of Fresno County Governments, and

WHEREAS, it is the intent of the council to adopt said draft with the modifications hereinafter set forth.

NOW, THEREFORE the City Council of the City of Fowler does hereby adopt the following:

SECTION ONE

1. That certain draft ordinance entitled "Subdivision Ordinance, City of Fowler, dated June, 1985" except as hereinafter modified, is hereby adopted and incorporated herein by reference.

2. That SECTION 903 of said draft shall be modified by ADDING thereto a new subsection 8, as follows:

8. As an alternative to the foregoing provisions, the City may, at its sole option, require the subdivider to comply with the provisions of Ordinance No. 84-2 adding Chapter 6 to Title 9 of the Fowler Municipal Code, commencing with Section 9-6.01)

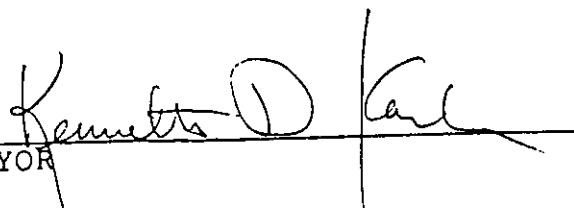
SECTION TWO

That this subdivision ordinance shall not be codified into the Fowler Municipal Code but rather be maintained in a bound form with the original in the office of the City Clerk. Copies may be made available to persons by the City Clerk.

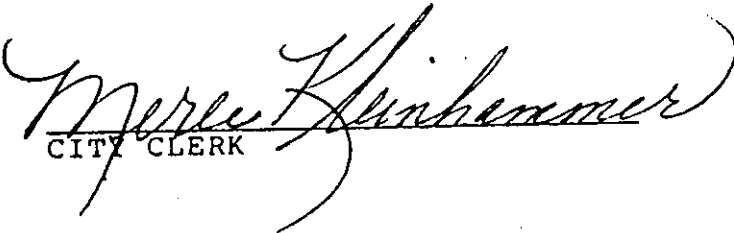
The provisions of this Ordinance supercede and amend those provisions contained in Chapter 4 of Title 9 of the Fowler Municipal Code and the prior ordinances relating to subdivisions.

SECTION THREE

This Ordinance shall become effective thirty (30) days from and after its passage.


MAYOR

ATTEST:


CITY CLERK

I, Merle Kleinhammer, City Clerk of the City of
Fowler, do hereby certify that the foregoing Ordinance was
introduced at a regular meeting of the City Council of the City
of Fowler on November 19, 1985, and was passed at a
regular meeting of said City Council held on the 3rd day of
December, 1985, by the following vote:

AYES: Mayor Karle, Councilmen Hill, Klays and Garcia

NOES: None

ABSENT: Councilwoman Dennis

ABSTAINED: None


CITY CLERK