

ORDINANCE NO. 98-10

**AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF AMERICAN CANYON, STATE OF CALIFORNIA,
ADOPTING A NEW TITLE 18 OF THE MUNICIPAL CODE
REGULATING SUBDIVISIONS IN THE CITY**

WHEREAS, the Land Use Element of the City General Plan includes provisions for revising the City Subdivision Ordinance; and

WHEREAS, the City has adopted the County of Napa Subdivision Ordinance by reference; and

WHEREAS, it was determined that the interests of the City would be better served by preparing and adopting its own Subdivision Ordinance rather than revising the County Ordinance; and

WHEREAS, the Planning Commission conducted duly noticed Public Hearings on this Ordinance on June 11, 1998, and June 25, 1998; and

WHEREAS, all legal prerequisites to forwarding this recommendation to the City Council have been met; and

WHEREAS, the City Council conducted a duly noticed public hearing on July 16, 1998; and

WHEREAS, at this hearing all those in attendance desiring to be heard were given an opportunity to speak; and

WHEREAS, the City Council has determined that the adoption and implementation of this Ordinance is exempt from the provisions of the California Environmental Quality Act under Section 15061 (b) (3).

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AMERICAN CANYON DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. A new Title 18, Subdivisions, is hereby added to the City of American Canyon Municipal Code as set forth in Exhibit A hereto and incorporated by reference..

SECTION 2. The Mayor shall sign this Ordinance and the City Clerk shall attest thereto and shall within fifteen days of its adoption and cause a summary of it to be published in a newspaper published and circulated in the City and thereupon and thereafter this Ordinance shall take effect and be in force according to law.

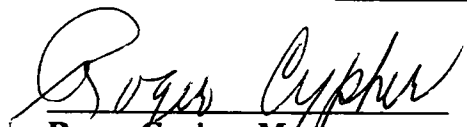
The foregoing Ordinance was introduced and read at a regular meeting of the City Council of the City of American Canyon, State of California, held on the 16th day of July, 1998, and was passed and adopted at a regular meeting of the City Council of the City of American Canyon, State of California, held on the 6th day of August, 1998 by the following vote:

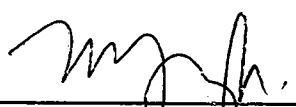
AYES: Cypher, Maples, Anderson, Colcleaer, Kudrna

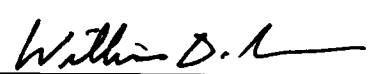
NOES: None

ABSTAIN: None

ABSENT: None


Roger Cypher, Mayor

ATTEST:

Mark Joseph, City Clerk

APPROVED AS TO FORM:

William D. Ross, City Attorney

file:subord1:July 6, 1998

TITLE 18
Subdivisions

ADMINISTRATION:

- 18.02 General Provisions
- 18.04 Definitions
- 18.06 Exceptions to Requirements
- 18.08 Enforcement

DIVISIONS OF LAND:

- 18.20 Tentative Parcel Maps
- 18.22 Tentative Subdivision Maps
- 18.24 Vesting Tentative Parcel Maps and Subdivision Maps
- 18.26 Final Maps
- 18.28 Lot Mergers and Reversions to Acreage
- 18.30 Lot Line Adjustments

DESIGN AND IMPROVEMENT STANDARDS:

- 18.40 Design Standards
- 18.42 Improvements
- 18.44 Land Dedicated for Park and Recreation Purposes

CHAPTER 18.02
GENERAL PROVISIONS

SECTIONS:

- 18.02.010 Purpose and Intent**
- 18.02.020 Applicability**
- 18.02.030 Advisory Agency Designated**
- 18.02.040 Compliance Required**
- 18.02.050 Conformance with the General Plan and its Elements and the Zoning Code Required**
- 18.02.060 Prerequisite to Grading and/or Building Permit Issuance**
- 18.02.070 Soils Test**
- 18.02.080 Availability of Sewer and Water Capacity to Serve a Subdivision Pursuant to this Title.**
- 18.02.090 Commencement of Construction Work**
- 18.02.100 Final Inspections of Buildings or Improvements**
- 18.02.110 Maintenance of Improvements**

18.02.010 Purpose and Intent. This Subdivision Ordinance serves the purpose of promoting the public health, safety, convenience and general welfare of the City of American Canyon by setting standards for the form and content of tentative, final and parcel Maps; to adopt standards to regulate the division of land; and to establish procedures for the review of Subdivision Maps by the Planning Commission and City Council.

The procedures to be followed in securing official approval of Subdivision Maps shall be governed by the provisions of the laws adopted by the Legislature of the State of California and the additional provisions of this Ordinance. All divisions of land shall comply with the provisions of the City's General Plan and its Elements and the Municipal Code.

18.02.020 Applicability. The provisions of this Title shall apply to the following:

- A. When any parcel of land within the City is to be divided into two or more separate lots or parcels; or
- B. Where the lot lines between contiguous parcels are proposed to be adjusted;
or

- C. Where two or more parcels of land are proposed to be merged into a lesser number of parcels; or
- D. Where a condominium, community apartment project, stock cooperative project, or other form of common interest project is proposed, including the conversion of existing units into condominium projects as defined in this Title; or
- E. Where a reversion to acreage is proposed.

18.02.030 Advisory Agency Designated. The City Planning Commission is hereby designated as the Advisory Agency with respect to Subdivisions as provided for in the Subdivision Map Act. The Planning Commission shall have all the powers and duties with respect to Tentative, Parcel and Subdivision Maps and the procedures relating thereto, which are specified by law and by this Ordinance, and shall review and recommend approval of any amendment to this Title prior to adoption by the City Council.

18.02.040 Compliance Required.

- A. It shall be unlawful for any individual, firm, association, trust, syndicate, co-partnership, corporation, or any other legal entity, as a principal, agent, or otherwise to offer to sell, to contract to sell, or to sell any Subdivision of land/or any part thereof in the City of American Canyon, unless and until all the requirements of this Title have been complied with.
- B. Any offer to finance, lease, sell or contract to sell, or any financing of a division of land, lease or sale contrary to the provisions of this Title shall be a misdemeanor, and any person, firm, corporation, partnership or co-partnership, upon conviction thereof, shall be punishable by a fine of not more than five hundred (\$500) dollars or by imprisonment in the County Jail for a period of not more than six (6) months, or by both such fine and imprisonment, except that nothing herein contained shall be deemed to bar any legal, equitable, or summary remedy to which the City of American Canyon or other political Subdivision or person, firm, corporation, partnership or co-partnership may otherwise be entitled and the City of American Canyon or any other political Subdivision, or person, firm, corporation, partnership or co-partnership may file an action in the Superior Court of the State of California, in and for the County of Napa to restrain or enjoin any attempted or proposed Subdivision or sale in violation of this Title.

- C. Any transfer or conveyance, or purported transfer or conveyance, or agreement to transfer or convey any parcel of land without compliance with the terms of this Title shall be voidable at the option of the transferee in accordance with the provisions of Sections 11540 and 11540.1 of the Business and Professions Code of the State of California, as the same may be amended from time to time.

18.02.050 Conformance with the General Plan and its Elements and the Zoning Code Required. In all respects, any proposed division of land shall conform to the General Plan and its Elements, the Zoning Code, any Specific Plans, and all policies of the City, or any part thereof, including but not limited to the type, density, and intensity of use established for the site, any phasing requirements, and reservations of utility and infrastructure service capacities.

The General Plan and Zoning District designations shall be adhered to in any Subdivision application unless applications for amendments thereto are processed concurrently with the Subdivision application. In those cases where an amendment to the General Plan and/or Zoning District designation is processed concurrently with the Subdivision application, the Parcel Map or Final Map for any division of land may not be recorded with the County Recorder until the action on the proposed amendment to the General Plan and Zoning District designation is final as provided for in the Municipal Code and State law.

18.02.060 Prerequisite to Grading and/or Building Permit Issuance. Compliance with the provisions of this Title and all Conditions of Approval are conditions precedent to the issuance of a grading and/or building permit by the City for the use, erection, construction, enlargement, alteration, repair, improvement, removal, conversion or demolition of any building or structure on any lot or parcel of land in the City.

7.02.070 Soils Test. Unless otherwise approved by the City Engineer, all required soils tests such as compaction tests for individual lots shall be performed no more than 30 days prior to the issuance of a building permit.

18.02.080 Availability of Sewer and Water Capacity to Serve a Subdivision Pursuant to this Title. Prior to the approval of any Parcel Map, Tentative Map, or Vesting Tentative Map pursuant to this Title, proof of sewer and water capacity availability to meet the requirements of all of the proposed uses within the project area shall be submitted to the Planning Director.

18.02.090 Commencement of Construction Work. Subsequent to the approval of the improvement plans, the developer has two options for commencement of construction work:

1. The improvements may be installed per the approved plans and then the Final Map may be recorded; or
2. Prior to installation of the improvements, a bond or other suitable financial security sufficient to cover the cost of all improvements shall be submitted to the City Engineer; the developer shall enter into a Subdivision Agreement to be approved and accepted by the City Council; and the Final Map is recorded.

18.02.100 Final Inspections of Buildings or Improvements. There shall be no final building inspections and no Certificate of Occupancy issued until all applicable Conditions of Approval are met to the satisfaction of the Planning Director and the City Engineer, and all streets, curbs, gutters, sidewalks, driveway approaches, and underground utilities are in place and all required street lights are installed and connected to electrical circuits from the Subdivision entrance to the lots.

For residential Subdivisions, buildings may not be occupied until the City Council has approved a Notice of Completion to be filed and recorded for the subject Subdivision.

18.02.110 Maintenance of Improvements. The City shall not maintain any streets or areas to be dedicated to the public within any Subdivision when the improvements for that Subdivision have not been accepted by the City Council.

CHAPTER 18.04

DEFINITIONS

SECTIONS:

18.04.010	Purpose and Applicability
18.04.020	Rules for Construction and Language
18.04.030	Definitions

18.04.010 Purpose and Applicability. The purpose of this Chapter is to ensure precision in interpretation of the words and terms used throughout this Title. The meaning and construction of words and phrases defined in this Chapter shall apply throughout this Title, except where the context clearly indicates a different meaning or construction.

18.04.020 Rules for Construction and Language. In addition to the General Provisions of the Municipal Code, the following rules of construction shall apply:

- A. The particular shall control the general.
- B. Unless the context clearly indicates the contrary, the following conjunctions shall be interpreted as follows:
 1. "And" indicates that all connected words or provisions shall apply.
 2. "Or" indicates that the connected words or provisions may apply singly or in any combination.
 3. "Either...or" indicates that the connected words or provisions shall apply singly but not in combination.
- C. In case of conflict between the text and a diagram, the text shall control.
- D. All references to Departments, Commissions, Boards, or other public entities are to those of the City of American Canyon, unless otherwise indicated.
- E. All references to Public Officials are to those of the City of American Canyon, and include designated Deputies of such Officials, unless otherwise indicated.

- F. All references to days are to calendar days unless otherwise indicated. If a deadline falls on a weekend or City holiday, it shall be extended to the next working day.
- G. Article and section headings contained herein shall not be deemed to govern, limit, modify or in any manner affect the scope meaning or intent of any section hereof.
- H. The present tense includes the future, and the future the present.
- I. The singular number includes the plural and the plural the singular.
- J. References in the masculine and feminine genders are interchangeable.
- K. The words "activities" and "facilities" include any part thereof.

18.04.030 Definitions.

Advisory Agency: The Advisory Agency shall be the Planning Commission of the City of American Canyon and the Advisory Agency shall be as referred to in the California Subdivision Map Act.

Alley: An alley is defined as a secondary access road, typically to the rear of a building site. Alleys shall provide a minimum width of 20 feet, with all new construction set back a minimum of five (5') feet from the right-of-way line,

Appeal Board: The Appeal Board shall be the City Council of the City of American Canyon and the Appeal Board shall be as referred to in the California Subdivision Map Act.

Arterial Street: As defined in the Circulation Element of the General Plan, arterial streets provide the principal network for traffic flow within the community. They connect areas of major activity within the urban area and function primarily as carriers of cross-town traffic. Arterial streets should be designed as four-lane facilities with maximum operating speeds ranging from 30-45 miles per hour. Maximum capacity would be approximately 30,000 vehicles per day. Arterial streets should have limited access to adjacent land uses with no back-out driveways.

Collector Street: As defined in the Circulation Element of the General Plan, collector streets provide access and movement between residential, commercial, and industrial areas. Their primary function is to collect and distribute traffic between local streets and the arterial system. Collector streets should be designed as two-lane facilities with maximum operating

speeds of 30 miles per hour. Maximum capacity for standard collectors would be approximately 12,000 vehicles per day. For new developments, the use of back-out driveways should be prohibited on collector streets.

Condominium: Condominium is an estate in real property consisting of an undivided interest in common in a portion of a parcel in 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. A condominium may include, in addition, a separate interest in other portions of such real property.

Dedicated Easement: Dedicated easement shall mean an easement dedicated to and accepted by the City or another qualified and responsible agency, to be used for public purposes, including but not limited to pedestrian access ways, vehicular access, and utilities.

Design: Design includes, but is not limited to, street alignments, grades, and widths; the alignment and widths of easements and rights-of-way for drainage, sanitary sewers, water, utilities and other facilities for public use or benefit; the size, configuration, and location of park, open space, and recreation sites; and the lot area, width, depth, shape and pattern as may be required or otherwise provided for in this Title, the American Canyon Municipal Code, any Specific Plans or Planned Unit Development Plans, and the General Plan and any of its Elements.

Final Map: Final Map refers to a Map showing a Subdivision for which a tentative and final Map is required by the Subdivision Map Act and this Title, prepared in accordance with the Subdivision Map Act and this Title, which is designed to be recorded with the Napa County Recorder.

Improvement: Improvements include but are not limited to streets, curbs, gutters, sidewalks, drainage facilities, sanitary sewer facilities, utilities, water facilities, street lights, landscaping, parks, or other improvements to be installed, or agreed to be installed by the subdivider on the land/or land appurtenant thereto, to be used for public streets, highways, ways, easements, park and recreation facilities or as otherwise may be necessary for the general use or benefit of the lot owners in the Subdivision and the surrounding area as a condition precedent to approval and acceptance of the final Map, or parcel Map thereof.

Improvement also refers to such specific improvements or types of improvements the installation of which, either by the subdivider, by public agencies, by private utilities, or by a combination thereof, are necessary or convenient to ensure conformity with or implementation of the General Plan and any of its Elements, this Title, the American Canyon Municipal Code, or any Specific Plans or Planned Unit Development Plans.

Local Street: Local streets provide direct access to abutting properties and allow for very localized movement of traffic. Local streets are characterized by low daily volumes of less than 2,000 vehicles per day and low operating speeds of 25-30 miles per hour.

Lot or Parcel: Lot or parcel shall mean a parcel of land established or to be established by procedures as provided for in this Title and the Subdivision Map Act.

Lot Depth: The horizontal distance from the midpoint of the front to the midpoint of the rear lot line.

Lot Depth-Average: The sum of the length of the two side lines of the lot divided by two. In the case of irregularly-shaped lots having four or more sides, "average lot depth" shall be the sum of the length of two lines, drawn perpendicular to the front lot line at the widest and narrowest portions of the lot, divided by two.

Lot Line-Front: In the case of an interior lot, a line separating the lot from the street; and in the case of a corner lot, a line separating the narrowest street frontage of the lot from the street, except in those cases where the latest recorded tract deed restrictions, approved as part of a Subdivision approval, specify another line as the front lot line.

Lot Line-Rear: A lot line which is not a front or side lot line as defined herein, which is parallel or approximately parallel to and opposite the front lot line. In the case of an irregular-shaped lot, a line within the lot most nearly parallel to and at the farthest distance from the front lot line.

Lot Line-Side: Any lot line not a front lot line or a rear lot line as defined herein.

Lot Width-Average: The sum of the length of the front and rear lot line divided by two. In the case of irregularly-shaped lots having four or more sides, "average lot width" shall be the sum of the length of two lines, drawn perpendicular to one side line at the widest and narrowest portions of the lot, divided by two.

Owner: The individual(s), or entity(ies), having sufficient proprietary interest in the land sought to be subdivided, and to commence and maintain proceedings to subdivide the same under the law of the State of California and this Title.

Parcel Map: Parcel Map refers to a Map showing the division of land as described in the following cases:

- A. Any parcel or parcels of land which is to be divided into four or fewer parcels;
or

- B. The whole parcel before division contains less than five acres, each parcel created by the division abuts upon a public street and no dedications or improvements are required; or
- C. Any parcel or parcels of land divided into lots or parcels, each of a gross area of twenty (20) acres or more, and each of which has an approved access to a maintained public street; or
- D. Any parcel or parcels of land divided into lots or parcels, each of which is forty (40) acres or more; or
- E. Any parcel or parcels of land having approved access to a public street which comprises part of a tract of land zoned for industrial development and which has the approval of the governing body as to street alignments and widths, provided however, that the Advisory Agency may require the filing of a tentative and final Map on such industrially-zoned land where it deems it in the public interest. Each Map shall be filed and approved in accordance with the procedures of this Title and the Subdivision Map Act.

Pedestrian Way: An easement exclusively for pedestrian use.

Planting Strip: The strip of land adjacent to the back of curb line or sidewalk line, which may be used as a public utilities easement and may be a part of the lot created by the Subdivision.

Reserve Strip: A strip of land not less than one foot in width deeded or dedicated to the City for the purpose of regulating access to a partially improved or dedicated or dead-end, alley, street or highway, or to any arterial street.

Subdivider: A person(s), or entity(ies), who causes land to be subdivided into any number of parcels.

Subdivision: Subdivision shall mean any real property improved or unimproved, or portion thereof, shown on the latest equalized County Assessment Roll as a unit or as contiguous units, which is proposed to be divided by a subdivider, including condominiums and community apartment projects, for the purpose of sale, lease, or financing, whether immediate or future, by any subdivider within any period. The following, however, are not Subdivisions with the meaning of this Ordinance:

- A. Financing or leasing of industrial buildings, stores, offices, apartments or similar space within a building or spaces within a trailer park.
- B. Mineral, Oil or Gas Leases, Cemeteries.

Subdivision Map Act: The Subdivision Map Act of the State of California.

Tentative Map: Tentative Map shall mean any Map made for the purpose of showing the design and improvement of a proposed Subdivision and the existing conditions in and around it, prepared in accordance with this Title and the Subdivision Map Act.

Vesting Tentative Map: Vesting Tentative Map refers to any Tentative Map with the words "Vesting Tentative Map" printed conspicuously on its face prepared in accordance with this Title and the Subdivision Map Act.

CHAPTER 18.06

EXCEPTIONS TO REQUIREMENTS

SECTIONS:

- 18.06.010 Application**
- 18.06.020 Public Notice Requirements**
- 18.06.030 Planning Commission and City Council Action**

18.06.010 Application. The Planning Commission may recommend that the City Council authorize conditional exceptions to any of the requirements and regulations set forth in this Title where the size, shape, topography, ownership patterns and title restrictions impose practical difficulties upon the subdivider that conformance with the provisions of this Title results in an unreasonable hardship. Application for any such exception shall state fully the grounds of the application and the facts relied upon by the petitioner. Such petition shall be filed with the Parcel Map or Tentative Map of the Subdivision. In order for the property referred to in the petition to come within the provisions of this section, it shall be necessary that the Planning Commission and/or City Council shall find the following facts with respect thereto:

- A. That there are special circumstances or conditions affecting said property that results in an unusual hardship to the subdivider if strict adherence to the standards of this Title is required.
- B. That the exception(s) is (are) necessary for the preservation and enjoyment of a substantial property right of the subdivider.
- C. That the granting of the exception(s) will not be detrimental to the public welfare or injurious to other property in the vicinity in which said property is situated.

18.06.020 Public Notice Requirements. In addition to the requirements for the contents, publication, and distribution of notices of public hearings set forth in this Title, the public notice for any public hearing on a Subdivision for which an Exception is requested shall also include a brief summary of the Exception requested.

18.06.030 Planning Commission and City Council Action on Exceptions.

A. Parcel Maps.

1. Prior to taking action on a Parcel Map for which an Exception is requested, the Planning Commission shall hold not less than one public hearing, at which the application for Exception and the grounds for granting or denying the request are considered.
2. The Planning Commission shall make the specific findings required by this Title in approving, conditionally approving, or denying the Exception.
3. The Planning Commission may impose any reasonable conditions deemed necessary and appropriate to secure the goals, objectives, and policies of the City in conjunction with the granting of any Exception.

B. Tentative Maps

1. Prior to taking action to forward a recommendation to the City Council on a Tentative Map for which an Exception is requested, the Planning Commission shall hold not less than one public hearing, at which the application for Exception and the grounds for granting or denying the request are considered.
2. The Planning Commission shall make the specific findings required by this Title prior to forwarding a recommendation to the City Council to approve, conditionally approve, or deny the Exception as a part of the Tentative Map.
3. The City Council shall hold not less than one public hearing, at which the application for Exception and the grounds for granting, granting with conditions, or denying the request are considered.
4. The City Council shall make the specific findings required by this Title prior to taking action to approve, conditionally approve, or deny the Exception as a part of the Tentative Map.
5. The City Council may impose any reasonable conditions deemed necessary and appropriate to secure the goals, objectives, and policies of the City in conjunction with the granting of any Exception.

CHAPTER 18.08

ENFORCEMENT

SECTION:

18.08.010 Penalty

18.08.010 Penalty.

- A. Any offer to finance, lease, sell or contract to sell, or any financing of a division of land, lease or sale contrary to the provisions of this Ordinance shall be a misdemeanor, and any person, firm, corporation, partnership or co-partnership, upon conviction thereof, shall be subject to punishment by a fine of not more than five hundred (\$500) dollars, or any other civil penalties, or by imprisonment in the County Jail for a period of not more than six (6) months, or by both such penalties, fine, and imprisonment, and the City may seek to recover any administrative costs associated with securing compliance with this Title, except that nothing herein contained shall be deemed to bar any legal, equitable, or summary remedy to which the City of American Canyon or other political Subdivision or person, firm, corporation, partnership or co-partnership may otherwise be entitled and the City of American Canyon or any other political Subdivision, or person, firm, corporation, partnership or co-partnership may file an action in the Superior Court of the State of California, in and for the County of Napa to restrain or enjoin any attempted or proposed Subdivision or sale in violation of this Ordinance.
- B. Any transfer or conveyance, or purported transfer or conveyance, or agreement to transfer or convey any parcel of land without compliance with the terms of this Ordinance shall be voidable at the option of the transferee in accordance with the provisions of Sections 11540 and 11540.1 of the Business and Professions Code of the State of California, as the same may be amended from time to time.

CHAPTER 18.20
TENTATIVE PARCEL MAPS

SECTIONS:

18.20.010	Applicability
18.20.015	Public Hearing Required
18.20.020	Tentative Parcel Map Data Required and Design
18.20.025	Statements
18.20.030	Filing Requirements
18.20.035	Date of Filing
18.20.040	Distribution of Copies
18.20.045	Reports
18.20.050	Action by Planning Commission and City Council
18.20.055	Findings for Denial of a Tentative Parcel Map
18.20.060	Expiration and Extensions of Time

18.20.010 Applicability. Except as otherwise provided for in this Title, the procedures set forth in this Chapter shall apply to all Subdivisions, parts of Subdivisions or any division of land into four or less lots.

18.20.015 Public Hearing Required.

- A. Consideration by the Planning Commission and City Council of any Tentative Parcel Map shall be at a duly noticed public hearing.
- B. Notice of the place, time, and date of the public hearing and a brief description of the proposed Subdivision and its location shall be according to the following procedures:
 - 1. At least ten days prior to the public hearing, notice shall be published in a newspaper of general circulation within the City of American Canyon.
 - 2. Public notice conforming to the requirements of this Title shall be mailed to all property owners within 300 feet of the boundaries of the proposed Subdivision.

3. A copy of the public notice shall be conspicuously posted on the site of the proposed Subdivision adjacent to every public street or access way at least ten days prior to the public hearing.

18.20.020 Tentative Parcel Map-Data Required and Design. The preparation of any Tentative Parcel Map shall comply with all applicable provisions of this Title and at a minimum shall include the following data:

- A. Vicinity Map that depicts the location of the property from nearest arterial road. This vicinity Map is for directional aid only, no scale is required.
- B. Name and address of record owner and subdivider.
- C. Name, address and license number of licensed land surveyor, registered civil engineer or other qualified professional who prepared said Tentative Map.
- D. Date, north point (generally up on the Map) and scale. Minimum scale one inch = 100 feet for parcels more than 20 acres and one inch = 50 feet for parcels less than 20 acres. Minimum Map size eighteen inches by twenty six inches (18" x 26").
- E. Name or number of proposed Subdivision, and of all adjacent Subdivisions; locations of, names and width of adjacent streets, highways, alleys and ways, and easements of all kinds, together with the type and location of street improvements including fire hydrants and street light locations.
- F. The contour of the land at intervals of one (1') foot of elevation up to five (5%) percent slope; two (2') foot intervals up to ten (10%) percent slope and five (5') foot intervals over ten (10%) percent slope.
- G. Sufficient data to define the boundaries of the tract, or a legal description of the tract and border on reverse side of Map to indicate tract boundaries. If multiple Final Maps are proposed, the Tentative Map shall show the probable boundaries of each final Map.
- H. Width, approximate location and purpose of all existing and proposed easements and adjacent easements adjoining such land.
- I. The width, approximate grade and name of all streets, highways, alleys and other rights-of-way proposed within the Subdivision.

- J. The approximate radii of all curves.
- K. All lots and condominium air spaces numbered consecutively by block throughout the entire development; the approximate dimensions of all lots; approximate lot areas should be shown for all lots not rectangular in shape.
- L. The approximate locations of areas subject to inundation by storm water overflow, and the location, width and direction of flow of all water courses existing and proposed.
- M. The location and outline to scale of each existing building or structure including underground utilities within the Subdivision, noting thereon whether or not such building or structure is to be removed from or remain in the development of the Subdivision, and its existing and proposed future use.
- N. Show elevation of street intersections.
- O. The location, pipe size and grades of proposed sewers, water line and underground storm drains, including the proposed location of fire hydrants, street lights, gas mains, power and communication lines, and TV cables.
- P. The location of all trees on the site over ten inches in diameter at a height of four feet from the base of the tree. Where stands of trees are located, individual trees need not be shown, but may be shown as a group.
- Q. The location of existing fences, ditches, wells, pumps, cesspools, reservoirs, sewers, culverts, drain pipes, underground structures, utility lines or sand, gravel or other excavation within two hundred (200') feet of any portion of the Subdivision, noting thereon whether they are to be abandoned or used.
- R. Typical street sections and details.
- S. All major cross sections of all cuts and fills before and after grading to determine the scope of the work involved, including estimate of contemplated earth work.
- T. If the Tentative Parcel Map or the Final Map indicates any grading which involves a removal of earthen material from the proposed Subdivision, the subdivider shall show the elevations of the property by contour lines. The subdivider shall file with the Tentative Map a written application for grading and excavation, if any, in conformity with the provisions of the Municipal

Code. Original elevations shall be indicated by solid lines not greater than five (5') feet, and the proposed elevations shall be shown by broken lines upon completion of the grading and excavation.

U. Proposed public areas, if any.

18.20.025 Statements. Accompanying the Tentative Parcel Map, or on said Map, shall be statements by the subdivider as follows:

- A. Statement of existing zoning and existing and proposed use or uses.
- B. Statement and report on soil tests by a registered geotechnical engineer as required by this Title.
- C. Statement as to intention of subdivider to control erosion and improvements to be constructed by him, as required by this Title and any other applicable Ordinances of the City.
- D. Statement indicating building setback lines.
- E. Proposed source of water supply and method of sewage disposal.
- F. Proposed type of tree planting and landscaping including indication of any existing trees to be removed or left in place.
- G. Proposed public areas to be dedicated or scenic easements proposed.
- H. Type and location of street lighting proposed in conformance with the adopted standards of the City of American Canyon.
- I. Statement as to development of lots whether for sale as lots or fully developed homes and lot lease or financing purposes).
- J. Preliminary title report prepared by a qualified Title Insurance firm.
- K. Justification and reasons for any exceptions to provisions of this Title.
- L. The subdivider shall submit with the Tentative Parcel Map, a copy of a letter to each serving utility and agency requesting submission of utility easement requirements and a copy of the reply of each affected utility and agency.

- M. A geological report shall be required in any area, so determined by the City Engineer, where there are known geological hazards.
- N. Existing conditions, restrictive reservations or covenants, and any which are proposed shall be attached to the above statement.
- O. Any additional information as may be deemed necessary by the Planning Director and/or City Engineer.

18.20.030 Filing Requirements. Twenty-two (22) copies of the Tentative Parcel Map and any statements or other information required by this Title relating to the proposed Subdivision of land shall be presented to the Secretary of the Planning Commission at least 60 days prior to the Planning Commission meeting, together with a fee set by Resolution of the City Council.

18.20.035 Date of Filing. The Planning Director shall review all Tentative Parcel Map applications and supporting information to determine whether all necessary information has been submitted. Within thirty (30) days of receipt of any such Map, the Planning Director shall notify the applicant indicating whether the application is complete. Any parts which are incomplete shall be specified and the manner in which they can be made complete shall be indicated. In the case of any Subdivision which requires the preparation of an Environmental Impact Report (EIR), Negative Declaration or is categorically exempt, no application shall be deemed complete until the final decision maker has certified the EIR or Negative Declaration to be adequate or the project qualifies for a categorical exemption. The date upon which notice is given to the applicant that the application is complete shall be deemed the date of filing of the application; provided that, if at any stage of processing the Map, a decision maker determines that an EIR or Negative Declaration is required, the date of filing shall be revised to the date upon which that EIR or Negative Declaration is required, the date of filing shall be revised to the date upon which that EIR or Negative Declaration is certified by the final decision maker.

18.20.040 Distribution of Copies. Upon the filing with the Secretary of the Planning Commission of a Tentative Parcel Map and the requisite number of copies, copies shall be transmitted to the following Departments or Officers: City Manager, City Attorney, City Planning Director, City Engineer, Building Official, Director of Parks and Recreation, Napa County Sheriff, City Clerk (seven copies), Chief of the American Canyon Fire Protection District, the Napa County Planning Department, the Regional Water Quality Control Board, if affected, and each serving utility.

18.20.045 Reports. Each Officer or Department to which a Tentative Parcel Map has been transmitted shall file with the Planning Director any written comments on such Tentative Parcel Map showing what changes are recommended to make such Map conform to the requirements of the Subdivision Map Act, the City of American Canyon General Plan and its Elements, the Zoning Ordinance, and this Title, coming within the jurisdiction of such Officer or Department.

18.20.050 Action by Planning Commission and City Council.

- A. The Planning Commission shall hold at least one public hearing on any Tentative Parcel Map within sixty (60) days of the date the application is deemed complete, unless this time period is extended by mutual consent of the subdivider and the Planning Director. The Planning Commission shall be notified of any extension of time agreed upon and the reasons for the extension.
- B. The Planning Commission shall determine whether a Tentative Parcel Map is in conformity with the provisions of the Subdivision Map Act and of this Title, the General Plan and its Elements, and the Zoning Ordinance and upon that basis approve, conditionally approve, or disapprove said Map, and shall report such action directly to the City Council and the subdivider.
- C. The action of the Planning Commission on a Tentative Parcel Map is final unless appealed to the City Council or the City Council, at the request of three of its members, desires to review the decision of the Planning Commission. Any appeal of a Planning Commission decision must be filed with the City Clerk within ten working days of the decision being rendered. The City Council must act to review the decision of the Planning Commission at the next regularly scheduled meeting of the City Council.
- D. If the action of the Planning Commission is appealed to the City Council or, the City Council on the affirmative vote of three of its members desires to review the decision of the Planning Commission, a public hearing shall be held no later than thirty (30) days after Planning Commission action on the Tentative Parcel Map unless this time period is extended by mutual consent of the subdivider and the Planning Director and/or City Manager. The City Council shall be notified of any extension of time agreed upon and the reasons for the extension.

18.20.055 Findings for Denial of a Tentative Subdivision Map. The Planning Commission shall not approve a Tentative Parcel Map if it makes any of the following findings:

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

This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to the City Council to determine that the public at large has acquired easements for access through or use of property within the proposed Subdivision.

- H. That the discharge of waste water, including sewage and storm water runoff, from the proposed Subdivision would result in a violation of existing water quality requirements prescribed by the Regional Water Quality Control Board.

18.20.060 Expiration and Extensions of Time.

- A. Except as may be provided for herein, a Final Parcel Map shall be submitted for processing within 24 months from the date of final action by the City Council to approve or conditionally approve a Tentative Map.

- B. Where the City Engineer determines that a subdivider is required to expend \$125,000 or more to construct or improve public facilities outside the boundaries of the Tentative Parcel Map that are reasonably related to the proposed development on said site, a Final Parcel Map shall be submitted for processing within 36 months from the date of final action by the City Council to approve or conditionally approve a Tentative Parcel Map.
- C. The City Council may extend the expiration date of any Tentative Parcel Map for not more than 12 months at any one time.
- D. A maximum of three such extensions permitted by Subsection C above may be granted.
- E. All actions of the City Council to extend a Tentative Parcel Map shall be at a duly noticed public hearing in accordance with the provisions of this Title.

CHAPTER 18.22

TENTATIVE SUBDIVISION MAPS

SECTIONS:

18.22.010	Applicability
18.22.015	Public Hearing Required
18.22.020	Tentative Map Data Required and Design
18.22.025	Statements
18.22.030	Filing Requirements
18.22.035	Date of Filing
18.22.040	Distribution of Copies
18.22.045	Reports
18.22.050	Action by Planning Commission and City Council
18.22.055	Findings for Denial of a Tentative Subdivision Map
18.22.060	Expiration and Extensions of Time

18.22.010 Applicability. Except as otherwise provided for in this Title, the procedures set forth in this Chapter shall apply to all Subdivisions, parts of Subdivisions or any division of land into five (5) or more lots.

18.22.015 Public Hearing Required.

- A. Consideration by the Planning Commission and City Council of any Tentative Subdivision Map shall be at a duly noticed public hearing.
- B. Notice of the place, time, and date of the public hearing and a brief description of the proposed Subdivision and its location shall be according to the following procedures:
 1. At least ten (10) days prior to the public hearing, notice shall be published in a newspaper of general circulation within the City of American Canyon.
 2. Public notice conforming to the requirements of this Title shall be mailed to all property owners within 300 feet of the boundaries of the proposed Subdivision.

3. A copy of the public notice shall be conspicuously posted on the site of the proposed Subdivision adjacent to every public street or access way at least ten (10) days prior to the public hearing.

18.22.020 Tentative Subdivision Map, Data Required and Design. The preparation of a Tentative Subdivision Map or Maps shall comply with all applicable provision of this Title and at a minimum shall include the following data:

- A. Vicinity Map that depicts the location of the property from nearest arterial road. This vicinity Map is for directional aid only; no scale is required.
- B. Name and address of record owner and subdivider.
- C. Name, address and license number of licensed land surveyor, registered civil engineer or other qualified professionals who prepared said Tentative Map.
- D. Date, north point (generally up on the Map) and scale. Minimum scale one inch = 100 feet for parcels more than 20 acres and one inch = 50 feet for parcels less than 20 acres. Minimum Map size eighteen inches by twenty six inches (18" x 26").
- E. Name or number of proposed Subdivision, and of all adjacent Subdivisions; locations of, names and width of adjacent streets, highways, alleys and ways, and easements of all kinds, together with the type and location of street improvements including fire hydrants and street light locations.
- F. The contour of the land at intervals of one (1') foot of elevation up to five (5%) percent slope; two (2') foot intervals up to ten (10%) percent slope and five (5') foot intervals over ten (10%) percent slope.
- G. Sufficient data to define the boundaries of the tract, or a legal description of the tract and border on reverse side of Map to indicate tract boundaries. If multiple Final Maps are proposed, the Tentative Map shall show the probable boundaries of each Final Map.
- H. Width, approximate location and purpose of all existing and proposed easements and adjacent easements adjoining such land.
- I. The width, approximate grade and name of all streets, highways, alleys and other rights-of-way proposed within the Subdivision.

- J. The approximate radii of all curves.
- K. All lots and condominium air spaces numbered consecutively by block throughout the entire development; the approximate dimensions of all lots; approximate lot areas should be shown for all lots not rectangular in shape.
- L. The approximate locations of areas subject to inundation by storm water overflow, and the location, width and direction of flow of all water courses existing and proposed.
- M. The location and outline to scale of each existing building or structure including underground utilities within the Subdivision, noting thereon whether or not such building or structure is to be removed from or remain in the development of the Subdivision, and its existing and proposed future use.
- N. Show elevation of street intersections.
- O. The location, pipe size and grades of proposed sewers, water line and underground storm drains, including the proposed location of fire hydrants, street lights, gas mains, power and communication lines, and TV cables.
- P. The location of all trees on the site over ten (10") inches in diameter at a height of four (4') feet from the base of the tree. Where stands of trees are located, individual trees need not be shown, but may be shown as a group.
- Q. The location of existing fences, ditches, wells, pumps, cesspools, reservoirs, sewers, culverts, drain pipes, underground structures, utility lines or sand, gravel or other excavation within two hundred (200') feet of any portion of the Subdivision, noting thereon whether they are to be abandoned or used.
- R. Typical street sections and details.
- S. All major cross sections of all cuts and fills before and after grading to determine the scope of the work involved, including estimate of contemplated earth work.
- T. If the Tentative Subdivision Map or the Final Map indicates any grading which involves a removal of earthen material from the proposed Subdivision, the subdivider shall show the elevations of the property by contour lines. The subdivider shall file with the Tentative Subdivision Map a written application for grading and excavation, if any, in conformity with the provisions of the

Municipal Code. Original elevations shall be indicated by solid lines not greater than five (5') feet, and the proposed elevations shall be shown by broken lines upon completion of the grading and excavation.

- U. Proposed public areas, if any.

18.22.025 Statements. Accompanying the Tentative Subdivision Map, or on said Map, shall be statements by the subdivider as follows:

- A. Statement of existing zoning and existing and proposed use or uses.
- B. Statement and report on soil tests by a registered geotechnical engineer as required by this Title.
- C. Statement as to intention of subdivider to control erosion and improvements to be constructed by him, as required by this Title and any other applicable Ordinances of the City.
- D. Statement indicating building setback lines.
- E. Proposed source of water supply and method of sewage disposal.
- F. Proposed type of tree planting and landscaping including indication of any existing trees to be removed or left in place.
- G. Proposed public areas to be dedicated or scenic easements proposed.
- H. Type and location of street lighting proposed in conformance with the adopted standards of the City of American Canyon.
- I. Statement as to development of lots whether for sale as lots or fully developed homes and lot lease or financing purposes).
- J. Preliminary title report prepared by a qualified Title Insurance firm.
- K. Justification and reasons for any exceptions to provisions of this Title.
- L. The subdivider shall submit with the Tentative Subdivision Map, a copy of a letter to each serving utility and agency requesting submission of utility easement requirements and a copy of the reply of each affected utility and agency.

- M. A geological report shall be required in any area, so determined by the City Engineer, where there are known geological hazards.
- N. Existing conditions, restrictive reservations or covenants and any which are proposed shall be attached to the above statement.
- O. Any additional information as may be deemed necessary by the Planning Director.

18.22.030 Filing Requirements. Twenty-two (22) copies of the Tentative Subdivision Map and any statements or other information required by this Title relating to the proposed Subdivision of land shall be presented to the Secretary of the Planning Commission at least sixty (60) days prior to the Planning Commission meeting, together with a fee set by Resolution of the City Council.

18.22.035 Date of Filing. The Planning Director shall review all Tentative Subdivision Map applications and supporting information to determine whether all necessary information has been submitted. Within thirty (30) days of receipt of any such Map, the Director of Planning shall notify the applicant indicating whether the application is complete. Any parts which are incomplete shall be specified and the manner in which they can be made complete shall be indicated. In the case of any Subdivision which requires the preparation of an Environmental Impact Report (EIR), Negative Declaration or is categorically exempt, no application shall be deemed complete until the final decision maker has certified the EIR or Negative Declaration to be adequate or the project qualifies for a categorical exemption. The date upon which notice is given to the applicant that the application is complete shall be deemed the date of filing of the application; provided that, if at any stage of processing the Map, a decision maker determines that an EIR or Negative Declaration is required, the date of filing shall be revised to the date upon which that EIR or Negative Declaration is required, the date of filing shall be revised to the date upon which that EIR or Negative Declaration is certified by the final decision maker.

18.22.040 Distribution of Copies. Upon the filing with the Secretary of the Planning Commission of a Tentative Subdivision Map and the requisite number of copies, copies shall be transmitted to the following Departments or Officers: City Manager, City Attorney, City Planning Director, City Engineer, Building Official, Director of Parks and Recreation, Napa County Sheriff, City Clerk (seven copies), Chief of the American Canyon Fire Protection District, the Regional Water Quality Control Board, if affected, and each serving utility.

18.22.045 Reports. Each Officer or Department to which a Tentative Subdivision Map has been transmitted shall file with the Planning Director any written comments on such Tentative Parcel Map showing what changes are recommended to make such Map conform to the requirements of the Subdivision Map Act, the City of American Canyon General Plan and its Elements, the Zoning Ordinance, and this Title, coming within the jurisdiction of such Officer or Department.

18.22.050 Action by Planning Commission and City Council.

- A. The Planning Commission shall hold at least one public hearing on any Tentative Parcel Map within sixty (60) days of the date the application is deemed complete, unless this time period is extended by mutual consent of the subdivider and the Planning Director. The Planning Commission shall be notified of any extension of time agreed upon and the reasons for the extension.
- B. The Planning Commission shall determine whether a Tentative Parcel Map is in conformity with the provisions of the Subdivision Map Act and of this Title, the General Plan and its Elements, and the Zoning Ordinance and upon that basis adopt a Resolution forwarding its recommendation to the City Council that the Tentative Subdivision Map be approved, conditionally approved, or denied, and shall forward the Resolution directly to the City Council and the subdivider.
- C. The City Council shall hold at least one public hearing on the Tentative Parcel Map no later than thirty (30) days after Planning Commission action on the Tentative Parcel Map unless this time period is extended by mutual consent of the subdivider and the Planning Director and/or City Manager. The City Council shall be notified of any extension of time agreed upon and the reasons for the extension.

18.22.055 Findings for Denial of a Tentative Subdivision Map. The Planning Commission shall not recommend approval and the City Council shall not approve a Tentative Subdivision Map if any of the following findings are made:

- A. That the proposed Tentative Subdivision Map is not consistent with the City's General Plan or its Elements or other applicable plans.
- B. That the design or improvement of the proposed Subdivision is not consistent with the City's General Plan or its Elements or any other applicable plans.

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

This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to the City Council to determine that the public at large has acquired easements for access through or use of property within the proposed Subdivision.

- H. That the discharge of waste water, including sewage and storm water runoff, from the proposed Subdivision would result in a violation of existing water quality requirements prescribed by the Regional Water Quality Control Board.

18.22.060 Expiration and Extensions of Time.

- A. Except as may be provided for herein, a Final Map shall be submitted for processing within twenty-four (24) months from the date of final action by the City Council to approve or conditionally approve a Tentative Map.
- B. Where the City Engineer determines that a subdivider is required to expend \$125,000 or more to construct or improve public facilities outside the boundaries of the Tentative Subdivision Map that are reasonably related to the proposed development on said site, a Final Map shall be submitted for processing within thirty-six (36) months from the date of final action by the City Council to approve or conditionally approve a Tentative Subdivision Map.

- C. The City Council may extend the expiration date of any Tentative Subdivision Map for not more than 12 months at any one time.
- D. A maximum of three such extensions permitted by Subsection C above may be granted.
- E. All actions of the City Council to extend a Tentative Subdivision Map shall be at a duly noticed public hearing in accordance with the provisions of this Title.

CHAPTER 18.24

VESTING TENTATIVE PARCEL AND SUBDIVISION MAPS

SECTIONS:

18.24.010	Citation and Authority
18.24.015	Purpose and Intent
18.24.020	Consistency
18.24.025	Definitions
18.24.030	Application
18.24.035	Filing and Processing
18.24.040	Fees
18.24.045	Public Hearing Required
18.24.050	Expiration and Extension of Time
18.24.055	Vesting on Approval of Vesting Tentative Map

18.24.010 Citation and Authority. This Chapter is enacted pursuant to the authority granted by Chapter 4.5 (commencing with Section 66498.1) of Division 2 of Title 7 of the Government Code of the State (hereinafter referred to as the Vesting Tentative Map Statute) and may be cited as the Vesting Tentative Map Ordinance.

18.24.015 Purpose and Intent. It is the purpose of this Chapter to establish procedures necessary for the implementation of the Vesting Tentative Map statute, and to supplement the provisions of the Subdivision Map Act and the Subdivision Ordinance. Except as otherwise set forth in the provisions of this Chapter, the provisions of the Subdivision Ordinance shall apply to the Vesting Tentative Map Ordinance.

18.24.020 Consistency. No land shall be subdivided and developed pursuant to a Vesting Tentative Map for any purpose which is inconsistent with the General Plan or any of its Elements, any applicable Specific Plan or Planned Unit Development, the Zoning Ordinance, or any other applicable provisions of this Title or the City Municipal Code.

18.24.025 Definitions.

- A. A "Vesting Tentative Map" means a Tentative Map for a residential Subdivision that has printed conspicuously on its face the words "Vesting Tentative Map" at the time it is filed in accordance with this Title and is thereafter processed in accordance with the provisions hereof.
- B. All other definitions set forth in the Subdivision Ordinance are applicable.

18.24.030 Application.

- A. This chapter shall apply only to residential developments. Whenever a provision of the Subdivision Map Act, as implemented and supplemented by this Title requires the filing of a Tentative Parcel Map or a Tentative Subdivision Map for a residential development, a Vesting Tentative Map may be filed instead in accordance with the provisions hereof.
- B. If a subdivider does not seek the rights conferred by the Vesting Tentative Map statute, 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.

18.24.035 Filing and Processing. A Vesting Tentative Map shall be filed in the same form and have the same contents, accompanying data and reports and shall be processed in the same manner as set forth in this Title for a Tentative Subdivision Map or Tentative Parcel Map except it shall have printed conspicuously on its face the words, "Vesting Tentative Map".

18.24.040 Fees. Upon the filing of a Vesting Tentative Map, the subdivider shall pay the fees required for the filing and processing of a Tentative Subdivision Map or Tentative Parcel Map as established by Resolution of the City Council.

18.24.045 Public Hearing Required. Consideration by the Planning Commission and City Council of any Tentative Parcel or Subdivision Map shall be at a duly noticed public hearing. Notice of the place, time, and date of the public hearing and a brief description of the proposed Subdivision and its location shall be according to the applicable procedures of Tentative Subdivision Maps or Tentative Parcel Maps as set forth in this Title.

18.24.050 Expiration and Extensions of Time.

- A. Except as may be provided for herein, a Final Map shall be submitted for processing within twenty-four (24) months from the date of final action by the Planning Commission and/or City Council to approve or conditionally approve a Vesting Tentative Map.
- B. Where the City Engineer determines that a subdivider is required to expend \$125,000 or more to construct or improve public facilities outside the boundaries of the Vesting Tentative Map that are reasonably related to the proposed development on said Vesting Tentative Map site, a Final Map shall

be submitted for processing within thirty-six (36) months from the date of final action by the Planning Commission and/or City Council to approve or conditionally approve a Vesting Tentative Map.

- C. The City Council may extend the expiration date of any Vesting Tentative Map for not more than allowed under the applicable provisions of the Subdivision Map Act.
- D. All actions of the City Council to extend a Vesting Tentative Map shall be at a duly noticed public hearing in accordance with the provisions of this Title.

18.24.055 Vesting on Approval of Vesting Tentative Map.

- A. The approval or conditional approval of a Vesting Tentative Map shall confer a vested right to proceed with development in substantial compliance with the Ordinances, Policies and Standards described in Government Code Section 66474.2. However, if Section 66474.2 of the Government Code is repealed, the approval or conditional approval of a Vesting Tentative Map shall confer a vested right to proceed with development in substantial compliance with the Ordinances, Policies, and Standards in effect at the time the Vesting Tentative Map is approved or conditionally approved.
- B. Notwithstanding Subsection A of this Section, a permit, approval, extension, or entitlement may be made conditional or denied if any of the following are determined:
 - 1. A failure to do so would place the residents of the Subdivision or the immediate community, or both, in a condition dangerous to their health or safety, or both;
 - 2. The condition or denial is required, in order to comply with State or Federal law.
- C. The rights referred to herein shall expire if a Final Map is not approved prior to the expiration of the Vesting Tentative Map as provided for in this Title and the Subdivision Map Act. If the Final Map is approved, these rights shall last for the following periods of time:

1. An initial time period of one (1) year from the date of recording the Final Map. Where Final Maps are recorded on various phases of a project covered by a single Vesting Tentative Map, this initial time period shall begin for each phase when the Final Map for that phase is recorded;
2. The initial time period set forth in Subsection C.1 of this Section, shall be automatically extended by any time used for processing a complete application for a grading permit or for design or architectural review, if such processing exceeds thirty (30) days, from the date a complete application is filed;
3. A subdivider may apply to the City Council for a one (1) year extension at any time before the expiration of the initial time period set forth in Subsection C.1 of this Section;
4. If the subdivider submits a complete application for a building permit during the periods of time specified in Subdivisions 1 through 3 of this Subsection, the rights referred to herein shall continue until the expiration of that permit, or any extension of that permit.

CHAPTER 18.26

FINAL MAPS

SECTIONS:

18.26.010	Filing
18.26.015	Form of Final Map
18.26.020	Certificates and Tax Bonds
18.26.025	Action on Final Map
18.26.030	Subdivision Agreement and Performance, Payment, and Warrantee Bond for Improvements Required
18.26.035	Revocation of Approvals

18.26.010 Filing.

1. Within twenty-four (24) months after approval or conditional approval of a Tentative Subdivision Map, Tentative Parcel Map or Vesting Tentative Map, the subdivider shall cause the Subdivision or any substantial part thereof, to be surveyed and a Final Map prepared in conformance with the Tentative Subdivision Map or Tentative Parcel Map as approved or conditionally approved, otherwise all approvals of the Tentative Map shall expire.
2. The tracing and two blue line or black line prints of the Final Map shall be filed with the City Engineer together with a Map checking fee set by Resolution of the City Council to be paid to the City Engineer. A permanent, reproducible copy of the final Map shall also be submitted. Prior to the recording of the final Map with the County Recorder, this permanent reproducible final Map shall bear all required signatures and the civil engineers wet stamp.
3. An extension of time, up to three (3) additional years, for the filing of a Final Map may be granted by the City Council, provided that written application for such extension is made by the subdivider prior to expiration of the Tentative Map or Vesting Tentative Map.
4. At the time of the filing of the Final Map with the City Engineer, the subdivider shall also file therewith the following:

1. A recordable instrument prohibiting traffic over the side lines of a major highway, parkway, street or freeway, when and if required under the provisions of this Title. A dedication of a planting strip may be accepted as a satisfactory alternative.
2. A copy of the deed restrictions applicable to the Subdivision.
3. Sheets or drawings showing traverse closures and the computation of all distances, angles and courses shown on the final Map, ties to existing and proposed monuments, and adjacent Subdivisions, street corners, and/or highway stations.
4. Two copies of infrastructure improvement plans.
5. Subdivision Agreement.
6. The Resolution of the Planning Commission and/or City Council and all Conditions of Approval.
7. A Title Report.

18.26.015 Form of Final Map. The Final Map, when submitted, shall comply with the following:

- A. The Final Map shall be clearly and legibly drawn upon reproducible mylar. All lines, letters, figures, certifications, acknowledgments and signatures shall be made in black India Ink. Typewriting or rubber stamps shall not be used. The Map shall be so made and shall be in such condition when filed that good legible blueprints and negatives can be made. The size of the sheets of reproducible mylar shall be eighteen by twenty six (18 x 26) inches leaving a margin of two (2) inches at the left edge and one (1) inch at the other three edges of the sheets. The scale of the Final Map shall be large enough to show all details clearly and enough sheets shall be used to accomplish this end.
- B. When the Final Map consists of more than two sheets, the relation of sheets shall be indicated by note. Every sheet comprising the Map shall bear the scale, north point, legend, sheet number and number of sheets comprising the Map.

- C. The Final Map shall be tied to the State of California Coordinate System. The Final Map shall show clearly what stakes, monuments or other evidence found on the ground or were set to determine the boundaries of the Subdivision. The corners of all adjoining Subdivisions shall be identified by lot and block numbers, Subdivision name and place of record, and other proper designation.
- D. Sufficient data must be shown to determine readily the bearing and length of every lot line, block line and boundary line and shall be shown in feet and hundredths of a foot. No ditto marks shall be used. Lots containing one (1) acre or more shall show total acreage to nearest hundredth. Bearing and lengths of straight lines, and radii and arc length for all curves as may be necessary to determine the location of the centers of curves and tangent points shall be shown. No lot shall be dimensioned to contain any part of an existing or proposed public right-of-way.
- E. The Final Map shall show the location and description of all monuments found in making the survey of the Subdivision.
- F. In addition, the Final Map shall be prepared in full compliance with the following requirements:
 - 1. The Final Map shall show the line of high water for the 100-year flood where the Subdivision is adjacent to a stream, channel or any body of water and shall also show any area subject to periodic inundation by water.
 - 2. The boundary of the Subdivision shall be designated by a blue border. Such border shall not interfere with the legibility of figures or other data.
 - 3. The Final Map shall show the lines of all streets, the total width of all streets, the width of the portion being dedicated and the width of existing dedications, also the width of any railroad rights-of-way, appearing on the Map. Each street shall be named.
 - 4. The Final Map shall show the side lines of all easements to which the lots are subject. The easements must be clearly labeled and identified and if already of record, its recorded reference given. If any easement is not definitely located of record, a statement of such easement must appear on the title sheet. Easements for storm drain, sewers and other

purposes shall be denoted by dashed lines. The width of the easement and sufficient ties thereto to definitely locate the easement with respect to the Subdivision must be shown. If the easement is being dedicated by the Map, it shall be properly referenced in the owner's certificates of dedication.

5. City boundary lines crossing or bounding the Subdivision shall be clearly designated and referenced.
6. Lot numbers shall begin with the number "1" in each block and shall be numbered in a clockwise direction from the upper left hand corner; north shall be generally up on the Final Map.
7. Block numbers shall begin with the number "1" continuing consecutively without omission or duplication throughout the Subdivision. The numbers or letters shall be solid and of sufficient size and thickness to stand out, shall be so placed as not to obliterate any fixture and shall be enclosed in a circle. Where adjoining blocks appear on separate sheets, the street adjoining both blocks shall be shown on both sheets with complete property line data.
8. The Final Map shall particularly define, delineate and designate all lots and condominium air spaces intended for sale or reserved for private purposes, all parcels offered for dedication for any purpose, public or private, with all dimensions, boundaries, and courses clearly shown and defined in every case. Parcels offered for dedication but not accepted shall be designated by letter.
9. The Final Map shall also show all other data that is or may be required by law, and any additional information that may be required by the City Engineer.

18.26.020 Certificates and Tax Bond. The following certificates and acknowledgments and all other now or hereafter required by law shall appear on the Final Map or shall be otherwise made. Such certificates may be combined where appropriate.

- A. Certification of Owner(s) of record. Except as may be noted in B. below, a certificate signed and acknowledged by the owner or owners of record.
- B. Exceptions to Owners Certification. The signatures of parties owning the following types of interest may be omitted if their names and the nature of their interests are set forth on the Map:

1. Rights-of-way, easements or other interest none of which can ripen into a fee.
 2. Rights-of-way, easements or reversions, which by reason of changed conditions, long disuse or laches appear to be no longer of practical use or value and which signature it is impossible or impractical to obtain. In this case, a reasonable statement of the circumstances preventing the procurement of the signature shall be set forth on the Map.
 3. Any Subdivision Map including land/originally patented by the United States or the State of California, under patent reserving interest to either or both of these entities, may be recorded under the provision of this Code without the consent of the United States or the State of California thereto, or to dedication made thereon.
- C. Dedication Certificate. A certificate signed and acknowledged as above irrevocably offering for dedication all parcels of land shown on the Final Map and intended for any public use, except those parcels other than streets, which are intended for the exclusive use of the lot owners in the Subdivision, their licensees, visitors, tenants and servants.
- D. Design Engineer's Certificate. A certificate by the registered civil engineer or licensed surveyor responsible for the survey and Final Map. The signature of such civil engineer or surveyor must be accompanied by his seal, and include date of license expiration.
- E. City Engineer or Surveyor Certification. A certificate for execution by the City Engineer including his State License number and date of expiration of the license.
- F. City Clerk=s Certification. A certificate for execution by the City Clerk stating that the governing body approved the Final Map and accepted, subject to improvement, or rejected on behalf of the public, any real property offered for dedication for public use in conformity with the terms of the offer of dedication.
- G. County Recorder=s Certificate. A certificate for execution by the County Recorder.

- H. County Tax Collector and Redemption Officer Certificate. Prior to the filing of the Final Map with the governing body, the subdivider shall file with the Clerk of the Board of Supervisors of Napa County a certificate from the official computing redemptions in Napa County and the City of American Canyon, showing that according to the records of his office, there are no liens against the Subdivision or any part thereof for unpaid state, county, municipal, or local taxes or special assessments collected as taxes, except taxes or special assessments not yet payable. As to taxes or special assessments collected as taxes not yet payable, the subdivider shall file with the Clerk of the Board of Supervisors a certificate by each proper Officer giving his estimate of the amount of taxes and assessments which are a lien but which are not yet payable.
- I. Clerk of the Board of Supervisor=s Tax and Assessment Certificate. Whenever any part of the Subdivision is subject to a lien for taxes or special assessments collected as taxes which are not yet payable, the Final Map shall not be recorded until the owner or subdivider executes and files with the Board of Supervisors of Napa County a good and sufficient bond to be approved by the Board and by its terms made to inure to the benefit of the county and conditioned upon the payment of all state, county, municipal and local taxes and all special assessments collected as taxes, which at the time the Final Map is recorded are a lien against the property, but which are not yet payable. In lieu of a bond, a deposit may be made of money or negotiable bonds in the same amount, and of the kind approved for securing deposits of public money.
- J. Reapportionments. Where any property is encumbered by assessments or similar instruments secured by the property, the subdivider shall prepare or cause to be prepared any assessment reapportionments necessary for the parcel. The reapportionments shall conform to the lots created by the Subdivision such that each lot shall be a separate reapportionment. Prior to recording the Final Map, the subdivider shall submit any and all completed reapportionment diagrams and legal documents to the City Engineer for review, distribution, and recording.

18.26.025 Action on Final Map.

- A. Approval by City Engineer. Upon receipt of the Final Map and other data, the Map and data shall be referred to the City Engineer who shall determine whether the Subdivision as shown is substantially the same as it appeared on the Tentative Map or Vesting Tentative Map, with any approved alterations, and that all provisions of the conditions of approval and this Title applicable at the time of approval of the Tentative Map or vesting Tentative Map have

been complied with, and that he is satisfied that the Map is technically correct. If the City Engineer determines that full conformity has not been made, he shall advise the subdivider of the changes or additions. If the City Engineer determines that full conformity has been made, he shall so certify on the Map and transmit the Map to the City Clerk.

- B. Approval by City Council. At its first regular meeting following the filing of said Map with the City Clerk as aforesaid, or within thirty (30) days following the filing thereof, the City Council shall consider said Map, the plan of Subdivision and the offers of dedication. The City Council may reject any or all offers of dedication.
1. If the City Council determines that said Map is in conformity with the requirements of the conditions of approval and this Title and that it is satisfied with the plan of Subdivision, it shall approve said Map provided it is in conformity with the Tentative Map. When the subdivider has filed with the City Clerk any agreement and bonds or deposits required, and when such agreement and bonds and deposits shall have been approved by the City Attorney and the City Engineer, the City Clerk shall certify the Map. When all bonds, money or negotiable bonds required under the provisions of this code to secure the payment of taxes and assessments which are a lien on some part of the Subdivision but which are not yet payable have been deposited with and approved by the City Clerk, (s)he shall transmit the Final Map to the subdivider to record it in the office of the County Recorder.
 2. If the City Council determines that the Map is not in conformity with the requirements of this Article and the Map Act, it shall disapprove said Map specifying its reason or reasons therefor and the City Clerk shall, in writing, advise the subdivider of such disapproval and of the reason or reasons for such disapproval.
 3. Within thirty (30) days after the City Council has disapproved any Map, the subdivider may file a Map altered to meet for approval of the City Council. No Map shall have any force or effect until the final Map has been approved by the City Council and recorded in the Office of the County Recorder, and no title to any property described in any offer of dedication shall pass until the recording of the final Map.

18.26.030 Subdivision Agreement and Performance, Payment, and Warrantee Bond for Improvements Required.

- A. Prior to City Council consideration of the Final Map, the subdivider shall execute a Subdivision Agreement between himself and the City. The agreement shall provide for installation of all improvements as shown on the approved plans and specifications for the project, and specify the period of time within which he or his agent or contractor shall complete all improvement work to the satisfaction of the City Engineer. In the event the subdivider fails to complete such work within said period, the agreement shall include provisions for the City to complete all improvements and recover the full cost and expense thereof from the subdivider. Such agreement may also provide the following:
1. For the construction of the improvements in phases, if applicable and approved by the City Council.
 2. For an extension of time under conditions therein specified.
 3. For the termination of the agreement upon the completion of proceedings under an Assessment District act for the construction of improvements deemed by the City Engineer to be at least the equivalent of the improvements specified in said agreement and required to be constructed by the subdivider.
- B. The subdivider shall also file with the aforesaid agreement, to assure his full and faithful performance, a financial security for such sum as is deemed sufficient by the City Engineer to cover the cost of said improvements and incidental expenses and to cover replacement and repair of existing streets, other improvements damaged in the development of the Subdivision, and to cover fees. A labor and materials bond and a separate warrantee bond in amounts satisfactory to the City Engineer are also required. Such bonds shall be executed by a surety company authorized to transact a surety business in the State of California and must be satisfactory to and approved by the City Attorney as to form and by the City Engineer as to sufficiency. In lieu of said bond, the subdivider may deposit with the City Treasurer cash in an amount fixed by the City Engineer.
- C. In the event the subdivider fails to complete all improvement work in accordance with the provisions of this Title, and the City completes it, or if the subdivider fails to reimburse the City for the cost of inspection, engineering and incidental expenses for the work performed, and to cover the cost of replacement and repair of existing streets or other improvements

damaged in the development of the Subdivision, the City shall call on the surety for reimbursement, or shall appropriate from any cash deposit funds for reimbursement. If the amount of the surety bond or cash deposit is less than all costs and expenses incurred by the City, the subdivide shall be liable to the City for such difference and applicable attorney's fees.

- D. No extension of time, progress payments from cash deposits, or releases of surety bond or cash deposit shall be made except upon certification by the City Engineer that work covered thereby has been satisfactorily completed, and upon approval of the City Council.

18.26.035 Revocation of Approvals. If no lots in a Subdivision for which a Final Map has been approved and recorded under this Title prior to the effective date of this Title have been sold within five (5) years from the date of recording of the Maps or if none of the improvements required to be made have been made within two (2) years from the date of recording, the City Council may on its own motion hold a public hearing, after notice to all property owners affected to determine whether the approval of such Final Map should be revoked. If it is determined that such approval should be revoked, the City Council shall by resolution revoke such approval without prejudice to the filing of a new Map pursuant to this Article. Such revocation shall be effective upon recording of a certified copy of such resolution in Napa County and thereupon all streets, ways and other easements dedicated or offered for dedication by such Map shall be of no further force or effect.

CHAPTER 18.28

LOT MERGERS AND REVERSIONS TO ACREAGE

SECTIONS:

- 18.28.010 Merger of Parcels**
- 18.28.015 Notification of Intention to Determine Status**
- 18.28.020 Hearing To Determine Status Re: Merger**
- 18.28.025 Determination of Status Re: Merger When No Hearing Requested**
- 18.28.030 Exception to Merger**
- 18.28.035 Reversion to Acreage**

18.28.010 Merger of Parcels. Two or more parcels of real property may be merged by the Planning Commission when the following conditions are met:

- A. The parcels are contiguous.
- B. The parcels have the same ownership as of the date that Notice of Intention to determine status is recorded.
- C. At least one of the parcels is nonconforming, having an area less than the minimum prescribed area for the zoning district in which they are located.
- D. At least one of the parcels is either:
 - 1. Undeveloped, having no structure on it for which a building permit is required (at the time of Notice of Intention to determine status); or
 - 2. Developed only with an accessory building; or
 - 3. Developed with a structure for which a building permit is required at the time of notice of determination of status, located partially on it, and partially on the contiguous parcel.
- E. At least one or more of the conditions exist with respect to any affected parcel, at the time of notice of determination of status:
 - 1. It comprises less than 5,000 square feet in area.

2. It was not created in conformance with applicable laws and/ordinances in effect at the time of its creation.
3. It does not meet current standards for sewage disposal and domestic water supply.
4. It does not meet slope stability standards.
5. It 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. It is inconsistent with the General Plan, and any Specific Plan for reasons other than minimum parcel size or density standards.

18.28.015 Notification of Intention to Determine Status:

- A. A written notice shall be sent to the owner(s) of the parcels affected, notifying them of the City's intention to determine status and describing the procedure and standards, as set forth herein, for merger to occur.
- B. The Notice of Intention shall be sent by certified mail, return receipt requested to the owner(s) of the affected parcels.
- C. A copy of the Notice of Intention shall be recorded with the County Recorder of Napa County on the same date the notice is mailed to the property owner(s).
- D. The written Notice of Intention shall advise the owner(s) that a hearing before the Planning Commission may be requested, within thirty (30) days of the date of said Notice, by written application to the City's Planning Director to determine the status of the affected parcels, and to present evidence that the said parcels do not meet the standards for merger.
- E. Upon receiving an application for hearing on determination of status, the Planning Director shall place the matter within sixty (60) days on the Planning Commission agenda and shall send the property owner(s) notice of the time and place of hearing, by certified mail, return receipt requested.
- F. All written notices shall be sent to the owner(s) of the affected parcels as they appear on the last Tax Assessor's Roll in Napa County.

18.28.020 Hearing to Determine Status Re Merger.

- A. The Planning Commission shall receive evidence from the Planning Director as to the affected property meeting the standards for merger, and shall allow the property owner(s) the opportunity to rebut said evidence, and to present any evidence that the affected property should or should not be merged. At the end of the hearing the Planning Commission shall make a determination whether the affected parcels do or do not meet the standards for merger and should be merged. The Director of Planning shall, within thirty (30) days of the decision, send written notice thereof to the affected property owners.
- B. If the Planning Commission determines the parcels are to be merged, the Director of Planning shall within thirty (30) days of the decision, have recorded with the Napa County Recorder a "Notice of Merger" describing the real property, the owners, and the Planning Commission action.
- C. If the Planning Commission determines that the parcels shall not be merged the Director of Planning shall, within thirty (30) days of the decision have recorded with the Napa County Recorder a Release of the Notice of Intention to Merge.
- D. The merger of the affected parcels becomes effective on the recordation of the Notice of Merger.

18.28.025 Determination of Status Re Merger When No Hearing Requested. If within the thirty (30) day period specified in Section 18.28.020 A. the owner(s) of affected parcels do not request a hearing under said Section, the Director of Planning shall place the matter on the Planning Commission agenda and the Planning Commission shall determine whether the parcels affected shall be merged or not. The Director of Planning shall provide notice of the Planning Commission action to the property owner(s) affected, and record either a Notice of Merger, or release of Notice of Intention to Merge, whichever is appropriate, in accordance with the procedures in Section 18.28.020. The Notice of Merger, or Release of Notice of Intention to Merge must be recorded with the Napa County Recorder within Ninety (90) days of the mailing and recording of the initial Notice of Intention to Merge.

Section 18.28.030 Exception to Merger. Parcels otherwise eligible for merger under the provisions of this Ordinance shall be exempt if one of the following conditions exists:

- A. On or before July 1, 1981, one or more of the contiguous parcels is enforceably restricted open-space land pursuant to a contract, agreement, scenic restriction, or open-space easement, as defined and set forth in Section 421 of the Revenue and Taxation Code.
- B. On or before July 1, 1981, one or more of the contiguous parcels is timberland as defined in Subdivision (f) of Section 51104 of the Government Code, or its land devoted to an agricultural use as defined in Section 51201(b) of the Government Code.

18.28.035 Reversion to Acreage. A reversion to acreage shall be accomplished in conformance with Chapter 6 of the Subdivision Map Act. A Tentative Parcel Map may be filed for the purpose of reverting to acreage land previously subdivided and consisting of four or less contiguous parcels under one ownership. All Maps filed for the purpose of reverting land to acreage shall be conspicuously so designated under the title "The purpose of this Map is a Reversion to Acreage".

CHAPTER 18.30

LOT LINE ADJUSTMENTS

SECTIONS:

18.30.010	Purpose
18.30.015	Filing
18.30.020	CEQA Applicability
18.30.025	Responsible Staff and Agency Review Required
18.30.030	Criteria for Review and Approval
18.30.035	Limitation on Review and Approval
18.30.040	Planning Commission Review Option
18.30.045	Action on a Lot Line Adjustment
18.30.050	Appeal of Staff or Planning Action
18.30.055	City Council Action on an Appeal
18.30.060	Recordation Required

18.30.010 Purpose. A Lot Line Adjustment is a transfer of land 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.

18.30.015 Filing. Where permitted by the provisions of this Title, a Lot Line Adjustment application shall be prepared and filed with the Planning Director together on a form supplied by the City and the payment of a fee set by Resolution of the City Council. The applicant shall submit:

- A. Name, address, phone number and signatures of the record owners of all lots involved.
- B. Name, address, phone number and signature of the person filing the Lot Line Adjustment.
- C. Name, address, phone number and signature of the licensed land surveyor or registered civil engineer who prepared the Lot Line Adjustment.
- D. Title report, legal description, assessor parcel number, and address of each lot as it exists before adjustment.
- E. Legal description of each lot as it will exist after adjustment.

- F. A clear and accurate Map, suitable for filing with the County recorder, showing the proposed Lot Line Adjustment which shall include:
1. An appropriate scale approved by the City Engineer, in black ink, on paper 8 1/2" X 11" or larger.
 2. Date of preparation, scale, and north arrow.
 3. Sufficient data to accurately determine the lot boundaries.
 4. The dimensions of each lot and the area of each lot. Lot areas shall be given in square feet if they are less than one acre, in acres if they are one acre or more.
 5. Existing property lines shown in solid lines, proposed property lines shown in dashed lines.
 6. Width, location, and purpose of all existing and proposed easements.
- G. A clear and accurate supplementary Map, showing the lots as they will exist after the Lot Line Adjustment which shall include:
1. The locations of areas subject to flood or inundation by a one-hundred (100) year flood.
 2. The location of any water wells or water services.
 3. The location of any septic tanks, drain or leech fields and expansion areas, or sewer services.
 4. Contour lines shown at no more than ten (10) foot intervals.
 5. The location of driveways or access/egress improvements.
 6. Any reasonable additional information required by the City Engineer.

18.30.020 CEQA Applicability. Where the average slope of the land involved in the Lot Line Adjustment exceeds 20%, an environmental assessment fee shall also be collected at the time of application. The Planning Director shall review the application to

determine if the Lot Line Adjustment is exempt from the provisions of CEQA. If the project is not exempt, an Initial Study shall be conducted to determine whether a Negative Declaration shall be issued or an Environmental Impact Report shall be required.

18.30.025 Responsible Staff and Agency Review Required. Prior to taking any action on an application for a Lot Line Adjustment, the Planning Director shall transmit a copy of the Lot Line Adjustment application and Maps to the City Engineer, Building Official, American Canyon Fire Protection District, Police Chief, City Clerk, and to each public utility serving the general area of the proposed Lot Line Adjustment.

18.30.030 Criteria for Review and Approval.

- A. Each Lot Line Adjustment application shall be reviewed with regard to the following criteria:
 - 1. In Residential, Commercial, and Industrial Districts, the application shall be evaluated for the suitability of building sites created by the Lot Line Adjustment.
 - 2. All applications shall be evaluated for the provision for adequate pedestrian and vehicle access and emergency vehicle access to each lot that may be effected by the Lot Line Adjustment.
 - 3. Existing legal non-conforming lots shall be evaluated to assure that the Lot Line Adjustment does not increase the degree or extent of non-conformity.
 - 4. Each effected Staff member or agency shall review the proposed Lot Line Adjustment to determine the adequacy of existing easements and if necessary, shall make specific recommendations as to their requirements for additional easements, modifications to any existing easements, or the need for new easements.
- B. The Planning Director, with the aid of responsible Staff and/or public utility or agency shall review the Lot Line Adjustment and shall enter a written report into the project record.

18.30.035 Limitation on Review and Approval.

- A. Except as may be provided for herein, consideration of any Lot Line Adjustment by the Planning Director shall be a ministerial action, not requiring public notice or a public hearing.
- B. Review and approval shall be limited to a determination of whether or not the parcels resulting from the Lot Line Adjustment will conform to local Zoning and Building Ordinances, or to facilitate the relocation of existing utilities, infrastructure, or easements.
- C. Reasonable conditions may be imposed to ensure that the lots subject to the application conform to any applicable Zoning and Building Codes.
- D. No Tentative Subdivision Map, Tentative Parcel Map, or Final Map shall be required as a condition to the approval of a Lot Line Adjustment. The Lot Line Adjustment shall be reflected in a deed and a Map, which shall be recorded.
- E. No Record of Survey shall be required for a Lot Line Adjustment unless required by Section 8762 of the Business and Professions Code.

18.30.040 Planning Commission Review Option.

- A. In the case of a complicated or controversial Lot Line Adjustment, the Planning Director may elect to refer the application to the Planning Commission for their review and decision making.
- B. The Planning Commission shall not consider the Lot Line Adjustment until after the Planning Director has submitted the proposal to all responsible Staff and agencies as provided for herein. The Planning Director shall make a report and recommendation, and present it to the Planning Commission.
- C. Consideration of a Lot Line Adjustment by the Planning Commission shall be a ministerial action not requiring public notice or a public hearing. However, the item shall appear on the duly posted meeting agenda. The Planning Commission shall not preclude appropriate and relevant public testimony

18.30.045 Action on a Lot Line Adjustment. The Planning Director or Planning Commission shall determine whether the Lot Line Adjustment is in conformity with the General Plan and its Elements, the Local Coastal Plan, the Zoning Ordinance, and Section

8762 of the Business and Professions Code. Upon this basis they shall, approve, conditionally approve or disapprove the Lot Line Adjustment. The Planning Director or Planning Commission shall report such action, in writing, to the applicant.

18.30.050 Appeal of Staff or Planning Commission Action. Appeal from the action of Staff shall be to the Planning Commission, and shall be filed within ten (10) calendar days of the decision being rendered. An appeal of a decision of the Planning Commission shall be to the City Council and must be made in writing by the applicant within fifteen (15) days from the date of mailing of notice of action. The payment of fee for the appeal as established by Resolution of the City Council shall be paid.

18.30.055 City Council Action on an Appeal. The City Council shall hear any appeal of a decision of the Planning Commission promptly as provided for in this Title. The City Council may sustain, overrule, or modify the action of Staff or the Planning Commission. Any action of the City Council to overrule or modify the action of the Planning Director or Planning Commission shall be based upon the criteria specified in this Chapter.

18.30.060 Recordation Required. The deeds, Maps, and legal descriptions shall not be recorded until all Conditions of Approval have been met or bonded for, as appropriate. The Lot Line Adjustment shall be effective when the deeds and legal restrictions have been recorded. No building permit shall be issued for development on any lot which is a part of a Lot Line Adjustment prior to recordation.

CHAPTER 18.40

DESIGN STANDARDS

18.40.010	Streets and Highways
18.40.015	Continuation of Streets
18.40.020	Intersections
18.40.025	Street Stubs
18.40.030	Intersection Corner Rounding
18.40.035	Curve Radius
18.40.040	Grades of Streets and Highways
18.40.045	Reserved Strips
18.40.050	Non-Access and Planting Strips
18.40.055	Acre or Large Lot Subdivisions
18.40.060	Street Names
18.40.065	Public Utility Easements
18.40.070	Storm Drain Easements
18.40.075	Lot Design
18.40.080	Divided Lots
18.40.085	Lot Frontage on Two Streets - Through Lots
18.40.090	Trails and Walkways
18.40.095	Watercourses
18.40.100	Land Subject to Inundation
18.40.105	Solar Requirements
18.40.110	Trees
18.40.115	Special Provisions for Lands of Ten (10) Percent or Greater Slope
18.40.120	Underground Utilities
18.40.125	Street lights

18.40.010 Streets and Highways.

- A. The streets and highways to be provided or improved, within or adjacent to any proposed division of land, shall conform both in width and alignment to the Master Plan of Streets and Highways in the Circulation Element of the General Plan or any other Specific Plans as adopted by the City Council. Rights-of-way for any such street or highway indicated on said General Plan shall be dedicated for public use.

- B. New streets and highways not shown in the General Plan shall not be of less width than the standards set forth in the Circulation Element for similar streets and highways to accommodate future traffic volumes unless approved by the City Council upon the positive recommendation of the City Engineer.
- C. Increased widths may be required where probable traffic conditions warrant such. Approval of determination of street or highway classification shall be made by the City Council.

18.40.015 Continuation of Existing Streets. All streets shall, as far as practicable, be in alignment with existing adjacent streets by continuations of the center lines thereof or by adjustments by curves and shall be in general conformity with the adopted General Plan for the most advantageous development of the area in which the Subdivision lies.

18.40.020 Intersections. Streets shall be required to intersect one another at an angle as near to a right angle as is practicable.

18.40.025 Street Stubs. Where necessary to give access to, or permit a satisfactory future Subdivision of adjoining land, streets shall extend to the boundary of the property and the resulting dead-end streets shall have a temporary turn-around. Control of access across such dead-end street shall be vested in the City by dedication of a one (1) foot non-access strip across the entire right-of-way width. In all other cases, a turn-around having a minimum radius of forty-five (45) feet shall be required.

18.40.030 Intersection Corner Rounding. Whenever an arterial street or State Highway intersects any other street or highway, the property lines at each block corner shall be rounded with a curve having a radius of not less than thirty (30) feet. On all other street intersections, the property line at each block corner shall be rounded with a curve having a radius of not less than twenty (20) feet. In either case, a greater curve radius may be required if streets intersect other than at right angles.

18.40.035 Curve Radius. The center line curve radius on all streets and highways shall conform to accepted engineering standards of design and shall be subject to approval by the City Engineer.

18.40.040 Grades of Streets and Highway. No street or highway shall have a grade of more than ten percent (10%) unless because of topographical conditions or other exceptional conditions, the City Engineer determines that a grade in excess thereof is necessary. The minimum grade shall be one-half percent (1/2%). Any grade in excess of 10%

shall be reviewed by the American Canyon Fire Protection District and approved by City Council upon the positive recommendation of the City Engineer.

18.40.045 Reserved Strips. Reserve strips controlling the access to public ways or minimizing values for special improvement assessments will not be approved unless such strips are necessary for the protection of the public welfare or of substantial property rights, or both, and in no case unless the control and disposal of the land comprising such strips is placed definitely within the jurisdiction of the City under conditions approved by the City Council.

18.40.050 Non-Access and Planting Strips. When the rear of any lots border any arterial, collector street, or highway, the subdivider may be required to execute and deliver to the City the right of ingress and egress to the rear of such lots across the side lines of such streets or highways. When the rear of any lots border a State Highway, the subdivider may be required to dedicate and improve a planting strip and masonry wall adjacent to such freeway.

18.40.055 Acre or Large Lot Subdivisions. Where a parcel is subdivided into lots of one acre or more, the City Council may require that the blocks shall be of such size and shape, and be so divided into lots, as to provide for the extension and opening of streets and alleys at such intervals that will not preclude a subsequent division of any parcel into lots.

18.40.060 Street Names. Prior to the approval of any Tentative Subdivision Map or Tentative Parcel Map, the American Canyon Chief of Police and the American Canyon Fire Protection District Fire Chief shall approve all street names.

18.40.065 Public Utility Easements. Unless otherwise approved by the City Council upon the positive recommendation of the City Engineer, the subdivider shall grant easements not less than five (5) feet in width for public utilities, including but not limited to sanitary sewer, water, communications, and energy where and when as may be necessary. Such easements may be located along each lot line, parallel to the front property line or the back of sidewalk, in planting strips, in common areas of a Subdivision, or within the street rights-of-way. Dedication of easements shall be to the City for the purposes as may be ordered or directed by the City Council upon the positive recommendation of the City Engineer.

18.40.070 Storm Drain Easements. Unless otherwise approved by the City Council upon the positive recommendation of the City Engineer, the subdivider shall grant storm drain easements of not less than twenty (20) feet in width where and as may be necessary. Dedication of easements shall be to the City for the purposes as may be ordered or directed by the City Council upon the positive recommendation of the City Engineer.

18.40.075 Lot Design. The side lines of all lots, so far as possible, shall be at right angles to the street which the lot faces, or radial or approximately radial if the street is curved.

18.40.080 Divided Lots. No new lot created subsequent to the effective date of this Title shall be divided by a city boundary line.

18.40.085 Lot Frontage on Two Streets - Through Lots. Lots, other than corner lots, shall not face on more than one street.

18.40.090 Trails and Walkways. The subdivider may be required to dedicate and improve trails and walkways at least ten (10) feet wide across long blocks or to provide access to schools, parks, open spaces or other public areas, and where such trails or walkways are shown on any Map or diagram in the General Plan and any of its Elements or on any Specific Plan of the City of American Canyon.

18.40.095 Watercourses. Unless otherwise approved by the City Engineer, the subdivider shall dedicate an easement for storm drainage purposes conforming substantially with the lines of any natural watercourse or channel, stream, or creek within or contiguous with any Subdivision, or at the option of the subdivider provide by dedication further and sufficient easements or construction, or both, to dispose of such surface and storm waters.

18.40.100 Land Subject to Inundation. If any portion of any land within the boundaries shown on any Subdivision Map is subject to overflow, inundation, or flood hazard by storm waters, such fact and said portion shall be clearly shown on such final Map enclosed in a border on each sheet of said Map, and further, adequate storm drain system and/or levees, dikes and pumping systems shall be provided to the satisfaction of the City Engineer.

18.40.105 Solar Requirements. All major Subdivisions shall provide to the extent feasible for future passive or natural heating or cooling opportunities in the Subdivision, as required by Section 66473.1 of the Government Code.

18.40.110 Trees.

- A. Existing trees shall be preserved on the site unless otherwise approved by the City Council as a part of the site development plans.
- B. Unless specifically approved by the City Council, any tree removed shall be replaced on the site. Replacement trees shall be a minimum size of a 24 inch box of the same species unless specifically approved by the City Council.

18.40.115 Special Provisions for Lands of Ten (10) Per Cent or Greater Slope.
In the event a Subdivision application is filed for any property with slopes of ten percent (10%) or greater, the following shall be provided:

- A. Grading. With the Tentative Parcel Map or Tentative Subdivision Map, a grading plan must be submitted showing the following:
1. Existing contours at a maximum interval of five (5) feet.
 2. Proposed finished contours at a maximum interval of five (5) feet. Finished contours shall show the following:
 - (a) Tops and toes of all banks.
 - (b) All side banks must be benched horizontally ten (10) feet for every vertical twenty-five (25) feet change in elevation.
 - (c) Maximum fill slopes 2 horizontal to 1 vertical (2:1).
 - (d) Maximum cut slope 2 horizontal to 1 vertical (2:1). Special conditions may require flatter slopes, if determined to be necessary by the City Engineer.
 - (e) Maximum height of a cut bank fifty (50) feet vertical; of a fill bank twenty-five (25) feet vertical.
 3. Lot drainage shall be so arranged that water from upper lots does not flow across banks unless carried in a storm sewer or similar feature as otherwise may be approved by the City Engineer.
 4. Estimate of the cubic yardage to be imported or exported.
 5. Earth shall not be exported from the site without specific approval of the City Council. Necessity for substantial earth removal from the site must be demonstrated before any radical grading will be permitted. All haul routes and the disposal sites shall be approved by the City Council.
 6. Sufficient topsoil shall be stockpiled and returned to horizontal cut areas to cover a minimum of eight (8) inches.
 7. Fill must have a certified relative compaction of ninety-five (95%) per cent State of California, Division of Highways Test Methods 216-9 unless otherwise approved by the City Engineer.
 8. Rear and side lot lines shall occur at tops of banks rather than at center or toe of bank unless otherwise approved by the City Engineer.

9. Adequate erosion control measures not limited to seeding.
10. Driveway to garage or carport shall not exceed ten (10%) percent grade unless specifically approved by the City Engineer.

B. Streets

1. Maximum street grade shall for all streets shall be ten (10%) percent unless otherwise approved by the City Engineer.
2. Vertical curbs shall be required on slopes of over five (5%) percent grade, unless otherwise approved by the City Engineer.
3. Cul-de-sacs:
 - (a) Property line radius at bulb of cul-de-sac: forty (40) foot minimum unless otherwise approved by the City Engineer.
 - (b) Minimum lot frontage at property line in bulb of cul-de-sac: forty (40) feet unless otherwise approved by the City Engineer.
 - (d) Minimum lot width measured along setback line of lots in bulb of cul-de-sac: sixty (60) feet unless otherwise approved by the City Engineer.
 - (e) Overall cul-de-sac maximum length-three hundred (300) feet unless otherwise approved by the City Engineer.

18.40.120 Underground Utilities. All utilities shall be installed underground in accordance with the provisions of the American Canyon Municipal Code. All underground utilities shall be installed before preparation of sub-grade for paving or any other site improvements that may effect the orderly installation of the underground utilities.

18.40.125 Street Lights. Street lighting shall be installed throughout the Subdivision in accordance with the Engineering Standards.

CHAPTER 18.42

IMPROVEMENTS

SECTIONS:

- 18.42.010 Standard Specification Conformance**
- 18.42.015 Improvement Plans, all Subdivisions**
- 18.42.020 Notification of City Engineer**
- 18.42.025 City Engineer Inspection and Approval**
- 18.42.030 Utility Construction**
- 18.42.035 Completion of Improvements**
- 18.42.040 Changes**
- 18.42.045 Record Drawings**
- 18.42.050 Improvements to be Installed**
- 18.42.055 Off-site Improvements**
- 18.42.060 Monuments**

18.42.010 Standard Specification Conformance. All improvements mentioned in this Title shall conform to the requirements of the City Engineer and to the requirements of the "City of American Canyon Public Works Department Engineering Standard Plans and Specifications for Public Improvements (Engineering Standards)", copies of which are on file in the Office of the City Engineer.

18.42.015 Improvement Plans, all Subdivisions.

- A. After approval by the City of any Tentative Parcel Map or Tentative Subdivision Map, the subdivider shall furnish the following Improvement Plans to the City Engineer as a part of the Final Map submitted:
 - 1. Three sets of Improvement Plans, signed and wet-stamped by a licensed civil engineer, including but not limited to plans and profile drawings of all streets, and sewer, water, and drainage improvements. Utility distribution lines may be shown in plan only.
 - 2. Two sets of signed engineer's estimate of all proposed public improvements.

3. Two sets of signed engineer's estimate of all proposed private improvements.
 4. Plan check and inspection fee as set by Resolution of the City Council.
 5. Two copies of soils report.
 6. Two sets of hydraulic and hydrologic calculations for the proposed drainage system.
 7. Two sets of calculations for the proposed sanitary sewer system.
 8. Two copies of the Clerk's Notice of Approval, Tentative Map, and the list of Conditions of Approval.
 9. Three copies of a grading plan consisting of typical cross-sections and finished grades of all lots, roads, streets, and highways in the proposed new Subdivision.
 10. All tracings or duplicate tracings shall be filed with the City Engineer. Scale of plans shall be one inch = 40 feet horizontally; one inch = four feet vertical in profile, unless otherwise approved by the City Engineer.
 11. Any other pertinent information required by the Conditions of Approval of the Planning Commission, City Council, or City Engineer.
- B. Improvement work shall not commence until plans and profiles for such work have been submitted to and approved by the City Engineer. Approval of such plans is required before approval of the Final Map unless otherwise approved by the City Council upon the positive recommendation of the City Engineer. All such plans shall be prepared on reproducible mylar in accordance with the requirements of the City Engineer.
- C. No Final Map shall be submitted for consideration of the City Council until the improvement plans have been approved by the City Engineer. No improvement plans shall be considered finally approved until approval of the Final Map by the City Council.

18.42.020 Notification of City Engineer. Improvement work shall not be commenced until the City Engineer has been notified by writing at least 24 hours in advance, and if work has been discontinued for more than 72 hours for any reason, it shall not be resumed until the City Engineer has been notified.

18.42.025 City Engineer Inspection and Approval. All required improvements shall be constructed under the inspection of and to the approval of the City Engineer. Cost of inspection shall be paid by the subdivider.

18.42.030 Utility Construction. All underground utilities, sanitary sewers, water lines, and storm drains installed in streets, service roads, alleys or highways shall be constructed prior to the surfacing of such street, service roads, alleys, or highways. Service connections for all underground facilities shall be placed to such length as will obviate the necessity for disturbing the street or alley improvements, when service connections are made thereto.

18.42.035 Completion of Improvements. The subdivider, his engineer and his contractor shall develop plans and complete all improvement work in accordance with the provisions of this Title and to the approval of the City Engineer.

18.42.040 Changes. The subdivider shall install improvements in accordance with the general requirements set forth in this Title provided that the subdivider may apply to the City Council for changes in typical sections and details if unusual conditions arise during construction to warrant such change in the interests of the City.

18.42.045 Record Drawings. A reproducible mylar showing all improvements as built shall be filed with the City Engineer upon completion of said improvements.

18.42.050 Improvements to be Installed. Improvements to be installed by each subdivider shall include the following:

- A. Streets, curbs, gutters, sidewalks, and walkways as may be shown on the Tentative Parcel Map or Tentative Subdivision Map as approved by the Planning Commission and/or City Council.
- B. Water lines to serve each lot and stubbed to property line prior to paving. A "W" shall be stamped or otherwise permanently marked on the curb to identify stub locations.

- C. Sanitary sewers and laterals to serve each lot and stubbed to property line prior to paving. An "S" shall be stamped or otherwise permanently marked on the curb to identify stub location.
- D. Fire hydrants of a type and size approved by the American Canyon Fire Protection District. Fire flows shall be as approved by the Fire District.
- E. Storm drain lines, catch basins, inlets, and channel improvements.
- F. Silt basins or other forms of erosion control when necessary.
- G. Ornamental and safety street lights as required by this Title and the City Engineer.
- H. Unless otherwise approved by the Planning Commission and/or City Council, street trees shall be installed to the following standards:
 - 1. Not less than one (1) tree per lot with an average spacing of fifty (50) feet on center.
 - 2. The type, size and location shall be approved by the City Engineer and indicated on the Final Map.
 - 3. Said trees shall be maintained by the developer for a period of one (1) year, to the satisfaction of the City Engineer.
- I. Street signs at locations approved by the City Engineer.
- J. Street end barricades, walls or facing where required by the City Engineer.
- K. Stop or Yield Signs where street intersects with a major street or at other locations required by the City Engineer.
- L. Utility distribution lines, including but not limited to electric, communications, street lighting and cable television shall be required to be placed underground. The subdivider is responsible for complying with the requirements of this Title, and shall make the necessary arrangements with the utility companies for the installation of such facilities. Minor exceptions to this Section may be granted by the City Engineer only when requested by the serving utility.

- M. Reclaimed water lines as shown on a Reclaimed Water Master Plan or as required by the City Engineer.”

18.42.055 Off-Site Improvements. Off-site improvements may be required if determined to be necessary by the City Engineer and required by the Planning Commission and/or the City Council as conditions of Subdivision approval. The nature and extent of any off-site improvement shall be identified to the maximum extent practical prior to final action by the Planning Commission and/or the City Council on a Tentative Parcel Map or Tentative Subdivision Map. The City Engineer may require additional off-site improvements based upon the circumstances of each individual case.

18.42.060 Monuments. The following monuments shall be installed to the satisfaction of the City Engineer:

- A. Permanent iron pipe monuments of a type approved by the City Engineer shall be set at each boundary corner of the Subdivision, along exterior boundaries at intervals of not over five hundred (500) feet, at the beginning and end of property line curves, and at any other points as may be required by the City Engineer.
- B. Concrete monuments depressed below street grade with cast iron ring and cover of a type approved by the City Engineer shall be set at intersections of street center line tangents or offsets therefrom, and where such intersect on private property, at the beginning and end of centerline curve and/or offsets therefrom. The exact location of all such monuments shall be shown on the Final Map before approval is requested.
- C. Any monument or bench mark, as required by this Code, that is disturbed or destroyed before acceptance of all improvements shall be replaced by the subdivider.
- D. Monuments and bench marks shall be set before acceptance of all improvements by the City Council.
- E. A three quarter (3/4) inch pipe eighteen (18) inches long, visibly marked or tagged with the registration number or license number of the civil engineer or land surveyor under whose direction the survey was made, shall be placed at the front corners of each lot or set in lieu thereof a permanent mark shall be made or set on the top of the concrete curb along with prolongation of the side lot lines of the lot to the street.

CHAPTER 18.44

**LAND DEDICATED FOR PARK AND
RECREATION PURPOSES**

SECTIONS:

18.44.010	Findings
18.44.015	Dedication by Subdivider
18.44.020	Applicability
18.44.025	Relation of Land Required to Population Density
18.44.030	Population Density Determination
18.44.035	Amount of Land to be Dedicated or Fee In Lieu Thereof
18.44.040	Credit for Private Open Space
18.44.045	Dedication of Land/or Fee or Both - Procedure
18.44.050	Time of Commencement to be Designated
18.44.055	Limitation on Use of Land and Fees
18.44.060	Applicability to Minor Divisions of Land
18.44.065	Applicability Where No Division of Land

18.44.010 Findings. The City Council finds, determines and declares as follows:

- A. In 1965, the Legislature of the State of California amended the Subdivision Map Act (Section 11500 et seq. of the Business and Professions Code) so as to enable cities and counties to require either the dedication of land, the payment of fees, or a combination of both, for park or recreational purposes as a condition of approval of a Subdivision Map; and
- B. Before a city or county may avail itself of said Act, it must have a General Plan containing a recreational element with definite principles and standards for the park and recreational facilities to serve the residents of the city or county; and
- C. The City Council has adopted a General Plan, including amendments thereto, containing such recreational element.

18.44.015 Dedication by Subdivide. Every subdivider who subdivides land shall, at the option of the City, dedicate a portion of such land, pay a fee, or do both, as set forth in this chapter, for the purpose of providing park and recreational facilities to serve residents of the City. Only the payment of fees may be required in Subdivisions containing fifty parcels or fewer.

18.44.020 Applicability. The provisions of this Chapter shall apply to all Subdivisions, as that phrase is defined in Section 66410 *et seq.* of the Government Code of this state except Subdivisions for which Vesting Tentative Subdivision or Vesting Tentative Parcel Maps have been filed within thirty (30) days after July 20, 1972; Industrial Subdivisions; condominium projects, which consists of the Subdivision of air space in an existing apartment building which is more than five (5) years old when no new dwelling units are added; and parcel Maps for a Subdivision containing fewer than five (5) parcels for a shopping center containing more than three-hundred thousand (300,000) square feet of gross leasable area and no residential development or uses.

18.44.025 Relation of Land Required to Population Density. It is found and determined that the public interest, convenience, health, welfare and safety require that a minimum of five (5) acres of property for each one-thousand (1,000) persons residing within the City be devoted to park and recreational purposes.

18.44.030 Population Density Determination.

- A. Population density for the purpose of this Chapter is determined as follows:
1. Single family units (R-1), 2.83 persons per D.U.
 2. Two - four family units, 2.83 persons per D.U.
 3. Five or more family units, 2.83 persons per D.U.
 4. Mobile homes, 1.8 persons per D.U.
 5. Residential hotels, 1.1 persons per D.U.
- B. The basis for determining the total number of dwelling units shall be the number of such units permitted by the City on the property included in the Subdivision at the time the final Subdivision Map is filed with the City Council for approval. If subsequent application is made for rezoning or other action to increase the total number of dwelling units the City Council may, in conjunction therewith, readjust the amount of land to be dedicated or fee to be paid accordingly.

18.44.035 Amount of Land to be Dedicated or Fee In Lieu Thereof.

- A. The amount of land required to be dedicated by a subdivider pursuant to this chapter shall be five (5) acres per one-thousand (1,000) population.
- B. When a fee is to be paid in lieu of land dedication the amount of such fee shall be based upon the fair market value of the amount of land that would be required for dedication pursuant to subsection (A) of this Section. The fee shall be calculated by the following formula:

$$\text{In lieu fee} = \frac{\text{DU's} \times \text{POP} \times 4 \text{ acres}}{1,000 \text{ People}} \times \frac{\text{FMV}}{\text{Buildable Acre}}$$

Definitions:

DU = Number of dwelling units in a Subdivision.

POP = Population per dwelling unit.

FMV = Fair market value of the subject real property.

Buildable acre = A typical acre of the Subdivision with a slope of less than ten (10%) percent, and located in other than an area on which building is excluded for any reason.

- C. Determination of Fair Market Value. The fair market value (FMV) of the subject real property shall be determined by the City Engineer. The City Engineer's determination shall be based on a written appraisal by an MAI or SRA or State-licensed real estate appraiser, taken from a list of such qualified appraisers maintained by the City. The appraisal shall be made immediately prior to the approval of the Final Subdivision Map by the City. The subdivider shall pay the cost of the appraisal. If the subdivider objects to the determined fair market value he/she may appeal said determination to the City Council. A request for appeal must be filed with the City Clerk within ten (10) days after the City Engineer has mailed a notification of the appraisal results to the subdivider, first class mail, to the last address shown in the City's file for the subdivider.
- D. The fair market value of acceptable park lands contributed shall be credited against these fees. Fair market value shall be based on the value of the land within the development prior to full development, and shall be determined on said basis by a qualified real estate appraiser approved by the City and the subdivider, the expense of which is to be shared equally by the City and the subdivider.

- E. Monies expended by the subdivider for actual development of park and recreation facilities may also be credited against these fees, provided the City Council finds it is in the public interest to do so.

18.44.040 Credit for Private Open Space. Where private open space for park and recreational purposes is provided in a proposed Subdivision, and such space is to be privately owned and maintained by the future residents of the Subdivision, such areas may be credited against the requirement of dedication for park and recreation purposes or fees paid in lieu thereof, to such an extent that the City Council finds appropriate, in no event to exceed fifty (50%) percent, taking into account the mode of valuation set forth in this Title, provided the City Council finds it is in the public interest to do so, and that the following criteria are met:

- A. That yards, court areas, setbacks and other open areas required to be maintained by the zoning and building regulations are not 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 written agreement;
- C. That the use of the private open space is restricted for park and recreational purposes by recorded covenants which run with the land in favor of the future owners of property within the tract, and which cannot be defeated or eliminated without the consent of the City Council;
- D. That the percentage of credit recognized for private open space shall take into account such factors as size, shape, topography, geology, access and locations and the parcel's suitability for use for park or recreational purposes, as distinguished from inactive or primarily aesthetic open space; and
- E. That the facilities proposed for the open space are in substantial accordance with the provisions of the recreational element of the General Plan, and are approved by the City Council.

18.44.045 Dedication of Land/or Fee or Both - Procedures.

- A. Procedure. The procedure for determining whether the subdivider is to dedicate land, pay a fee, or both shall be as follows:

1. Subdivider. At the time of filing a Tentative Parcel or Subdivision Map for approval, the owner of the property shall, as a part of such filing indicate whether he desires to dedicate property for park and recreational purposes or whether he desires to pay a fee in lieu thereof. If he desires to dedicate land for this purpose, he shall designate the area thereof on the Tentative Map as submitted;
 2. Action of Advisory Bodies. The Planning Commission shall include among its recommendations to the City Council on the Tentative Subdivision Map its recommended approval, disapproval or modification of the owner's proposal;
 3. Action of City Council. At the time of the Tentative Subdivision Map approval, the City Council shall tentatively determine, as a part of such approval, whether to require a dedication of land within the Subdivision, payment of a fee in lieu thereof, or a combination of both;
 4. Prerequisites for Approval of Final Map. Where dedication is required it shall be accomplished in accordance with the provisions of the Subdivision Map Act and any additional requirements of the City. Where fees are required, the same shall be deposited with the City prior to the approval of the Final Tract Map. Open space covenants for private park or recreational facilities shall be submitted to the City prior to approval of the Final Map and shall be recorded contemporaneously with the Final Map.
- B. Determination. Whether the City Council accepts land dedication or elects to require payment of a fee in lieu thereof, or a combination of both, shall be determined by consideration of the following:
1. Recreation Element of the City's General Plan; and
 2. Topography, geology, access and location of land in the Subdivision available for dedication; and
 3. Size and shape of the Subdivision and land available for dedication.

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.

18.48.050 Time of Commencement to be Designated. At the time the Final Map is approved, the City Council shall designate the time when development of the park and recreational facilities shall be commenced. Said time may be designated as a date certain or as conditional upon the occurrence of one or more events affecting such development such as the formation of an assessment district, the approval of a bond issue, the completion of a capital improvement program for other facilities in the area, or similar event.

18.48.055 Limitation on Use of land and Fees. The land and fees received under this Chapter shall be used for the purpose of providing park and recreational facilities to serve residents of the City.

18.48.060 Applicability to Minor Divisions of Land. The requirements of this Chapter shall in like manner apply to all lot splits and other divisions of land into four (4) or fewer lots or parcels which do not constitute a Subdivision of land under the provisions of State Law.

file:C:amcansub:July 6, 1998