

TITLE 17
SUBDIVISION REGULATIONS
Chapter 17.01 General

Sections:

17.01.010	Title and Reference
17.01.020	Relationship to General Plan and Other City Land Use Regulations
17.01.030	Purpose
17.01.040	Definitions
17.01.050	Appeals of Actions Taken Under this Title

17.01.010 Title and Reference.

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

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

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

Neither the approval nor conditional approval of any lot line adjustment, tentative map, parcel map or final map shall constitute or waive compliance with any other applicable provisions of the City Code or other applicable ordinances or regulations adopted by the City, nor shall any such approval authorize or be deemed to authorize a violation or failure to comply with other applicable provisions of the City Code or other applicable ordinances or regulations adopted by the City. Nothing in this Title shall be construed to permit the premature or haphazard subdivision of lands in violation of the General Plan, any applicable specific plans, and all applicable zoning and land use regulations.

17.01.030 Purpose.

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

divisions for adequate traffic circulation, drainage, sanitary sewers, parks, open spaces, utilities, and other public facilities and services.

In the event that the provisions of the Subdivision Map Act are inconsistent with the provisions of this Title, the provisions of the Subdivision Map Act shall prevail over the inconsistent provisions of this Title, it being the intent of the Council to supplement rather than revise or replace the provisions of the Subdivision Map Act in enacting this Title.

17.01.040 Definitions.

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

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

Approving Authority: The public body of the City which has final approval authority under this Title for a specific action regulated by this Title. A public body or official has final approval authority under this Title even though its actions may be subject to appeal to the Commission or Council under the provisions of Section 17.01.050 of this Title.

Building Site: Same as lot, as defined herein.

Certificate of Compliance: A certificate issued by the Community Development Director under the provisions of Section 66499.35 of the Subdivision Map Act and Section 17.18.040 of this Title which states that a particular division of land complies with either the requirements of the Subdivision Map Act or the applicable ordinances of the City which governed that division of land, or both, and which is recorded with the County Recorder of Solano County.

CEQA: The California Environmental Quality Act, Public Resources Code Section Sections 21000, *et seq.*

City Clerk: The City Clerk of the City of Dixon or his or her designated representative.

City Code: The Dixon City Code.

City Engineer: The City Engineer of the City of Dixon or the duly authorized representative of said Engineer.

Commission: The Planning Commission of the City of Dixon.

Community Apartment Project: A type of common interest development which is defined in Section 1351 of the California Civil Code.

Community Development Director: The Community Development Director of the City of Dixon, or the duly authorized representative of said Director.

Community Development Department: The Community Development Department of the City of Dixon.

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

Conditional Use Permit: A permit issued by the City under the provisions of the City Zoning Ordinance which authorizes specific uses of land subject to certain conditions stated in that permit.

Condominium Project: A type of common interest development which is defined in Section 1351 of the California Civil Code.

Council: The City Council of the City of Dixon.

County: The County of Solano.

Covenant for Easement: A covenant created for the benefit of the City and others which is created, enforced and released as provided in Chapter 17 (Covenants for Easements) of this Title.

Development Agreement: An agreement between the City and an owner of land under the provisions of Section 65864 *et seq.* of the Planning and Zoning Law which contains terms and conditions relating to the development of lands identified in that agreement.

Drip Line: A line which may be drawn on the ground around a tree directly under its outermost branch tips and which identifies that location where rainwater tends to drip from the tree.

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

EIR: An environmental impact report prepared pursuant to the requirements of CEQA.

Final Map: A map showing a subdivision of five or more parcels for which a tentative map and final map are required by the Subdivision Map Act and this Title, prepared in

accordance with the provisions of the Subdivision Map Act and this Title, and designed to be filed for recordation in the office of the Solano County Recorder.

Finance Director: The Finance Director of the City of Dixon, or the duly authorized representative of said Director.

Fire Protection: Such fire hydrants and other protective measures as may be reasonably required by the Fire Marshal of the Fire Department for protection of life and property to be located within a subdivision.

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

Flood Hazard: A hazard to land or improvements due to seasonal inundation or to overflow water having sufficient velocity to transport or deposit debris, scour the surface soil, dislodge or damage buildings, or erode the banks of water courses.

Freeway: A highway defined as a "freeway" in Section 23.5 of the Streets and Highways Code of the State of California.

Frontage Road or Service Road: A street lying adjacent and approximately parallel to and separated from a freeway or other public street and which affords access to abutting property.

General Plan: The General Plan of the City of Dixon, as the same may exist from time to time, including all updates and revisions thereto which are enacted after the enactment of this Title by the Council.

Geological Hazard: A hazard inherent in the crust of the earth, or artificially created, which is dangerous or potentially dangerous to life, property or improvements due to the movement, failure or shifting of earth.

Inundation: Pondered water or water in motion of sufficient depth to damage property due to the presence of the water or to deposits of alluvium.

Lot: A parcel of land which is identified on a final map or a parcel map recorded in the office of the Solano County Recorder with a separate and distinct number or letter.

Lot Line Adjustment: A division of land in conformance with the requirements of this Title consisting of the elimination or relocation of an interior lot line between as few as two but not more than four 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.

Manufactured Home: A factory built or manufactured home including mobile homes, as defined and permitted as such by the laws of the State of California.

Merger: The joining of two (2) or more contiguous parcels of land under one ownership into one (1) parcel.

Mobile Home: The same as "Manufactured Home," but subject to the National Manufactured Housing Construction and Safety Act of 1974.

Mobile-Home Lot: Any area designated, designed or usable for the occupancy of one mobile home on a temporary, semipermanent or permanent basis.

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

Multiple-Family Dwelling Unit: A building or portion thereof designed to be used in accordance with the laws of the State of California and the ordinances of the City for three or more attached dwelling units located in one or more structures on a single lot or parcel.

Negative Declaration: A negative declaration prepared pursuant to the requirements of CEQA.

Parcel Map: A map showing a subdivision of four or fewer parcels, as required by the Subdivision Map Act and this Title, prepared in accordance with the provisions of the Subdivision Map Act and this Title and designed to be filed for recordation in the office of the Solano County Recorder.

Pedestrian way: A public right-of-way designed for use by pedestrians and not intended for use by motor vehicles of any kind. A pedestrian way may be located within or without a street right-of-way, at grade, or grade separated from vehicular traffic. A pedestrian way may consist of a public easement over a parcel of land in private ownership or may consist of a separate parcel in public ownership.

Planned Development: A subdivision consisting of one or more planned developments as said term is defined in Business and Professions Code 11003.

Post-Approval Subdivision Modification: A request by a subdivider for modifications to or variances from the requirements or standards imposed by these subdivision regulations or for modifications to the conditions of approval imposed upon a subdivision, or both, which request is filed after the approval of the subdivision.

Pre-Approval Subdivision Modification: A request by a subdivider for modifications to or variance from the requirements or standards imposed by these subdivision regulations filed prior to the approval of the subdivision.

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

Public Way: Any street, highway, alley, pedestrian way, equestrian or hiking trail, biking path, channel, viaduct, subway, tunnel, bridge, easement, right-of-way, or other way in which the public has a right of use.

Revised Tentative Map: A tentative map filed for approval under Section 17.06.110 showing a revised arrangement of the streets, alleys, easements or lots or a modification of the boundary of property for which a tentative map has been previously approved.

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

Roadway: That portion of a right-of-way for a street, highway or alley designed or used to accommodate the movement of motor vehicles.

Sanitary Disposal Facilities: Such wastewater collection and treatment facilities as are necessary to provide reliable and adequate wastewater disposal for appropriate public use and appropriate residential, commercial, industrial use in conformance with the laws and regulations of the City of Dixon, State of California and Federal government.

Single-Family Dwelling Unit: A detached building designed to be used in accordance with the laws of the State of California and the ordinances of the City as a single dwelling unit located on a single lot or parcel.

Staff Review: The terms “staff review” or “review by City staff” shall mean review a matter by the Community Development Director and the City Engineer and such other officers or employees of the City as may be specifically requested to review a matter by either of said directors. The term “staff review” shall include, but not be limited to the following:

1. Making investigations and report on the design and improvement of all proposed subdivisions and making recommendations thereon to the Commission and Council.

2. Recommending approval, conditional approval, or disapproval of the design of proposed subdivisions and the kinds, nature and extent of on-site and off-site improvements required in connection therewith.
3. Recommending approval, conditional approval, or denial of tentative maps of all proposed subdivisions of land, and requests for extensions of time for tentative maps.
4. Recommending modifications of the requirements of this Title in accordance with the provisions of Chapter 13 (Subdivision Modifications).
5. Recommending disapproval of a tentative map for noncompliance with the requirements of this Title, the Subdivision Map Act, or the standards, rules or regulations adopted by the Commission pursuant to this Title.
6. Reviewing and making recommendations concerning proposed subdivisions in the unincorporated territory of the County of Solano in accordance with Section 66453 of the Subdivision Map Act when it has elected to do so.
7. Reviewing and making recommendations for reasonable modifications or waivers of the requirements of this Title as they apply to the development of designated infill sites.
8. Preparing and recommending the wording of conditions of approval or conditions of disapproval and the wording of all findings made in connection therewith.
9. Exercising such additional powers and duties as prescribed by law and by this Title.

Specific Plan: The term "Specific Plan" shall mean a "Specific Plan" as that term is defined and described in Chapter 3 of the Planning and Zoning Law of the State of California.

Standard Specifications: The engineering design standards, details, general provisions, and materials and construction methods used by the City to design and construct public infrastructure which is periodically compiled by the City Engineer and approved by the Council by resolution.

Stock Cooperative Apartment: A type of common interest development which is defined in Section 1351 of the California Civil Code.

Storm Drainage Facilities: Such storm drainage collection and treatment facilities as are necessary to provide a reliable and adequate collection and disposal of storm and

surface drainage water for streets and other public uses and for residential, commercial, and industrial uses in conformance with the laws and regulations of the State of California, the Federal government and other public agencies whose facilities are used for the disposal of storm and surface waters.

Street, Collector: A street which collects and distributes vehicular traffic moving between major streets and minor streets and which may provide direct access to abutting properties.

Street, Cul-de-Sac: A street which is designed to remain permanently closed at one end with the closed end terminated by a vehicular turnaround. For the purposes of this Title, the length of a cul-de-sac street shall be measured from the center line of the intersecting street along the center line of the cul-de-sac to the center of the radius of the turnaround.

Street, Major: A street carrying the vehicular traffic of minor and collector streets to and from freeways, the central business district and other major streets, with protected intersections at grade; and may provide direct access to abutting property.

Street, Minor: Any street other than a collector street, major street or freeway providing direct access to abutting property and serving local as distinguished from through traffic.

Subdivision: This term shall have the meaning ascribed to it by Section 66424 of the Subdivision Map Act.

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

Tentative Map: A map made for the purpose of showing the design improvements of the proposed subdivision and the existing conditions in or around it. "Tentative map" shall include a tentative map for a subdivision of four or fewer parcels prepared in connection with a parcel map pursuant to the provisions of Chapter 8 (Parcel Maps), of this Title.

Two-Family Dwelling Unit: A structure designed to be used in accordance with the laws of the State of California and the ordinances of the City as two dwelling units on a single lot or parcel.

Vehicular Access Rights: The right or easement for vehicular access of owners or occupants of abutting lands to a public way.

Vesting Tentative Map: A vesting tentative map shall mean a tentative map which shall have printed conspicuously on its face the words "Vesting Tentative Map" at the time it is filed, in accordance with Section 17.09.050, and is thereafter processed in accordance with these provisions.

Water Supply: Such water supply and distribution facilities as are necessary to provide a reliable and adequate water supply for appropriate residential, commercial and industrial use and for public and private fire protection purposes.

Zoning Ordinance: The Zoning Ordinance found in Chapter 12 of Article II of the CityCode of the City of Dixon and all revisions thereto.

17.01.050 Appeals of Actions Taken Under this Title.

Actions of a final nature which are taken by the Commission, Community Development Director and City Engineer which are made subject to appeal under the provisions of this Title or under provisions of the Subdivision Map Act shall be subject to appeal as hereinafter provided in this Section. A recommendation which is subject to approval by an Approving Authority is not an action of a final nature.

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

Authorized appeals shall be heard as follows:

- A. All appeals from an appealable action of the Commission shall be heard by the Council. The appeal must be filed within ten calendar days after the final action is taken by the Commission from which the appeal is taken unless a different time period for filing said appeal is provided for by this Title or the Subdivision Map Act.
- B. All appeals from an action of the Community Development Director or the City Engineer shall be heard by the Commission as an appeal board unless the provisions of this Title expressly provide that the appeals of such action are to be heard by the Council. The appeal must be filed within ten calendar days after the final action is taken by the Community Development Director or the City Engineer from which the appeal is taken unless a different time period for filing said appeal is provided for by this Title or the Subdivision Map Act.
- C. All appeals from decisions of the Commission acting as an appeal board under this Section shall be heard by the Council. The appeal must be filed within ten calendar days after the final action is taken by the Commission from which the appeal is taken unless a different time period for filing said appeal is provided for by this Title or the Subdivision Map Act.

- D. Any appeal hearing by the Commission acting as an appeal board or by the Council in its capacity as the legislative body shall be held within thirty (30) day of the date of the filing of a request for an appeal, or within such shorter periods as may be required by the Subdivision Map Act. Within ten (10) days following the conclusion of the hearing, the appeal body shall declare its findings. The findings shall be based upon the testimony and documents produced before it or before the appeal body or before the City officer from whom the appeal is taken. The decision of the appeal body may sustain, modify, reject or overrule any action which is the subject of the appeal. The decision may include any findings which are not inconsistent with the provisions of this Title, the ordinances of the City, or the provisions of the Subdivision Map Act.
- E. Notice of any appeal hearing held under this Title shall be given by the City Clerk as provided in Sections 65090 and 65091 of the Government Code. If the appeal involves the conversion of residential real property to a condominium project, community apartment project or stock cooperative, additional notice shall be given by the City Clerk as provided in the Subdivision Map Act.

Chapter 17.02 Responsibilities of Council, Commission and Directors

Sections:

17.02.010 Responsibilities

17.02.010 Responsibilities.

- A. **Council.** The Council shall be responsible for:
 1. The approval, conditional approval, or denial of vesting tentative maps and requests for extensions of time for vesting tentative maps.
 2. The approval or denial of all final maps and all parcel maps which include the dedication of right-of-way or easements to the City.
 3. The approval, conditional approval, or denial all tentative maps for a future final map.
 4. The approval of improvement agreements for all subdivisions.
 5. The approval, conditional approval, or denial of reversions to acreage.
 6. The approval, conditional approval, or denial of all subdivision modifications to tentative maps for which it is the Approving Authority.
 7. The approval or denial of requests for extensions of time for tentative maps for which it is the Approving Authority.

8. Approval, conditional approval, or denial of any tentative, parcel or final map for which certification of an Environmental Impact Report is required in order to comply with CEQA.
9. Hearing appeals from final action taken by Commission action as provided in this Title.

B. Commission. The Commission shall be responsible for:

1. Making recommendations to the Council on approval, conditional approval or denial of tentative maps for which the Council is the Approving Authority.
2. Making recommendations to the Council on approval, conditional approval, or denial of reversions to acreage.
3. The approval, conditional approval or denial of mergers of contiguous parcels under common ownership where a merger is sought as part of a development project requiring approval of one or more entitlements by the Commission.
4. Approval, conditional approval, or denial of any tentative or parcel maps for which the adoption of a Negative Declaration is required in order to comply with CEQA.
5. Hearing appeals from final action taken by Community Development Director or City Engineer as provided in this Title.

C. Community Development Director. The Community Development Director shall, following consultation with the City Engineer, be responsible for the approval, conditional approval or denial of the following when said actions are exempt from CEQA or the projects have been subject to previous CEQA review and no additional CEQA actions are required:

1. Lot line adjustments where there is no reduction in the number of parcels;
2. Mergers of contiguous parcels under common ownership without reversion where the merger is not part of a development project requiring approval of one or more entitlements by the Commission;
3. Tentative maps for parcel maps and parcel maps except as otherwise provided in this Chapter.

D. City Engineer: The City Engineer shall make recommendations to the Community Development Director, Commission and Council as provided in this Title and shall perform the duties required of that post by the Subdivision Map Act and this Title, including:

1. Certification of subdivisions requiring final maps or parcel maps pursuant to Government Code Sections 66442 and 66450;
2. Examining and certifying any amending maps or certificates of correction pursuant to Government Code Section 66471;
3. Examining any engineering or land surveying conditions imposed on a tentative map or parcel map to ensure compliance with generally accepted engineering and land surveying practices pursuant to Government Code Section 66474.10.

Chapter 17.03 Maps Required

Sections:

- 17.03.010 General**
- 17.03.020 Division of Land – Five (5) or More Parcels**
- 17.03.030 Division of Land – Four (4) or Less Parcels**

17.03.010 General.

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

17.03.020 Division of Land - Five (5) or More Parcels.

A tentative map and a final map shall be required for all divisions of land where the land will be divided into five (5) or more parcels, five (5) or more condominiums, a community apartment project containing five (5) or more parcels, or for the conversion of a dwelling to a stock cooperative containing five (5) or more dwelling units, except where any one of the following occurs:

- A. The land before division contains less than five (5) acres, each parcel created by the division abuts upon an existing maintained public street or highway and no dedications or improvements are required by the Council; or
- B. Each parcel created by the division has a gross area of twenty (20) acres or more and has an approved access to an existing maintained public street or highway; or
- C. The land consists of a parcel or parcels of land having access to a public street or highway approved by the Council which comprises part of a tract of land zoned for industrial or commercial development, and which has the approval of the Council as to street alignments and widths; or
- D. Each parcel created by the division has a gross area of not less than forty (40) acres or is not less than a quarter (1/4) of a quarter (1/4) section.

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

A tentative map and parcel map shall be required for those subdivisions described in subsections 17.03.0202.A-E, above, unless waived by the Commission in accordance with the provisions of Section 17.08.140 or 17.08.150 of this Title. A parcel or parcels are deemed to have the approval of the City Council as to street alignment and widths when: (1) the Council has specifically approved the street alignment and widths, or (2) when the City Engineer determines that the proposed street alignment and widths are substantially the same as those contained in the General Plan, any applicable adopted Specific Plan in substantially the same manner as proposed by the subdivider, or (3) when the City Engineer determines that the proposed street alignment and width substantially conform with both connecting street alignments and widths in adjacent subdivisions that have been previously approved by the Council and the City's Engineering Design Standards.

17.03.030 Division of Land - Four (4) or Less Parcels.

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

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

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

C. Parcel maps may be waived in accordance with the provisions of Sections 17.08.140 or 17.08.150.

Chapter 17.04 Lot Line Adjustments

Sections:

17.04.010	Approval of Lot Line Adjustments
17.04.020	Application
17.04.030	Process for Reviewing Lot Line Adjustment
17.04.040	Findings

17.04.050 Limitations Upon Review and Approval
17.04.060 Recording

17.04.010 Approval of Lot Line Adjustments.

Except as provided in Section 17.04.020, all applications for lot line adjustments shall be approved or denied by the Community Development Director pursuant to the procedures in this Chapter. The Community Development Director may approve a lot line adjustment without notice or hearing.

All actions taken by the Community Development Director in approving a lot line adjustment may be appealed to the Commission as provided in Section 17.01.050 of this Title.

17.04.020 Application.

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

1. Drawings to scale, prepared by a civil engineer or registered land surveyor, specifying the location of the existing lots, the proposed lot line adjustment, and the boundaries and dimensions of the proposed new lots;
2. A legal description of the revised lots satisfactory to the City Engineer and a current preliminary report issued by a title company for each of the affected lots;
3. Such additional information as the Community Development Director may require pursuant to Sections 17.06.040(c) and 17.06.060, considering the magnitude of the adjustment; its relation to existing buildings, structures, and landscaping; the present use and zoning of the property; location and extent of public improvements; its relation to adopted plans for the area; and compliance with the Subdivision Map Act or other ordinances and plans of the City.

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

17.04.030 Process for Reviewing Lot Line Adjustment.

A. Application Processing:

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

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

B. Community Development Director Review and Approval:

1. The Community Development Director may approve, conditionally approve or disapprove the proposed lot line adjustment for which he or she is the Approving Authority within the time periods provided by the Permit Streamlining Act.
2. Upon taking such action, the Community Development shall give written notice thereof to the applicant as soon as practicable, but in no event later than ten days thereafter.

17.04.040 Findings.

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

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

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

C. That the resulting parcels conform to the requirements of the City General Plan, any applicable Specific Plan, Building Code and the City Zoning Ordinance.

17.04.050 Limitations Upon Review and Approval.

The Community Development Director shall limit his or her review and approval to a determination of whether or not the parcels resulting from the lot line adjustment will conform to Section 17.04.050(C). The Community Development Director shall not impose conditions or exactions on its approval of a lot line adjustment except to conform to Section 17.04.050(C) , to require the prepayment of real property taxes prior to the approval of the lot line adjustment, or to facilitate the relocation of existing utilities, infrastructure, or easements. No record of survey

shall be required for a lot line adjustment unless required by Section 8762 of the Business and Professions Code.

17.04.060 Recording.

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

**Chapter 17.05 Mergers of Contiguous Parcels
Under Common Ownership Without Reversion**

Sections:

- 17.05.010 Purpose**
- 17.05.020 Merger of Parcels Authorized**
- 17.05.030 Application**
- 17.05.040 Process for Reviewing Mergers**
- 17.05.050 Findings**
- 17.05.060 Appeals**

17.05.010 Purpose.

The purpose of this Chapter is to provide a simplified procedure to allow for the removal of previously approved parcel lines and the merger of contiguous parcels under common ownership at the request of the property owner, pursuant to Section 66499.20-3/4 of the Government Code. The procedure provided by this Chapter is an alternative to the procedures provided by Chapters 4, 6, 7 & 8 of this Title. Nothing stated herein shall be construed to prevent an applicant from filing a tentative map, a final map or a parcel map for any merger.

17.05.020 Merger of Parcels Authorized.

Pursuant to Government Code Section 66499.20-3/4, the Community Development Director is authorized to approve the merger requested by the property owner of contiguous parcels under common ownership without reversion to acreage, upon making the findings and utilizing the procedures set forth in this Chapter when said merger is not part of a development project requiring entitlements from the Commission. Mergers which are part of a development project requiring one or more entitlement from the Commission require approved by the Commission.

17.05.030 Application.

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

1. Drawings specifying the location of the existing lots, the proposed merger and the boundaries and dimensions of the proposed new lot;
2. A legal description satisfactory to the City Engineer and a current preliminary report issued by a title company for each of the affected lots; and
3. Such additional information as the Community Development Director may require pursuant to Sections 17.06.040(c) and 17.06.060 considering the magnitude of the adjustment; its relation to existing buildings, structures, and landscaping; the present use and zoning of the property; location and extent of public improvements; its relation to adopted plans for the area; and compliance with the Subdivision Map Act or other ordinances and plans of the City.

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

17.05.040 Process for Reviewing Mergers.

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

B. Mergers which are not sought as part of a development project requiring approval of one or more entitlements by the Commission shall be approved by the Community Development Director using the same procedures which apply for lot line adjustments.

C. Mergers which are sought as part of a development project requiring approval of one or more entitlements by the Commission shall be approved by the Commission.

D. Prior to recordation of a notice of merger, the City shall adhere to the additional notification and hearing requirements contained in Government Code Sections 66451.13, 66451.14, 66451.15 and 66451.16.

17.05.050 Findings.

The Commission shall not approve any merger of parcels pursuant to this Chapter unless it makes all of the following findings:

A. That all existing streets and utility easements of record are reserved;

B. That the resulting parcel conforms to the requirements of this Title, the City General Plan, any applicable Specific Plan, the City Zoning Ordinance, and the Building Code.

17.05.060 Appeals.

The applicant or any interested person affected by any Commission action on a merger of contiguous parcels under common ownership may appeal that decision to the Council as provided in Section 17.01.050 of this Title.

Chapter 17.06 Tentative Maps – For Final Maps

Sections:

17.06.010	Purpose
17.06.020	Tentative Map Required
17.06.030	Informal Staff Review
17.06.040	Submission of Tentative Map Application
17.06.050	Preparation and Form of Tentative Map
17.06.060	Information on Tentative Map
17.06.070	Filing of Tentative Map Application
17.06.080	Tentative Map Process
17.06.090	Withdrawal of Tentative Map
17.06.100	Tentative Map Revision
17.06.110	Expiration; Extensions for Phased Maps and Maps Under Development Agreement
17.06.120	Time Extensions for Tentative Maps

17.06.010 Purpose.

The purpose of this Chapter is to establish the City regulations, standards and procedures for consideration of tentative subdivision map applications for subdivisions of five (5) or more parcels when the preparation and approval of a tentative map is required by Section 17.03.020 of this Title. It should be recognized that other agencies may also have regulations, standards and procedures which apply to subdivision maps.

17.06.020 Tentative Map Required.

For every subdivision of five (5) or more parcels, and when required by Section 17.03.020 of this Title, the subdivider shall file with the City a tentative map prepared in accordance with the provisions of this Chapter.

17.06.030 Informal Staff Review.

A. **Preliminary Design Plan**: A subdivider may present a preliminary design plan for informal staff review before filing the tentative map application. The preliminary design plan shall, at a minimum include, the following information:

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

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

1. The City General Plan;
2. Any applicable Specific Plans;
3. Dixon Zoning Ordinance;
4. Adopted public improvement standards;
5. Other applicable standards and regulations.

The determination(s) made in staff review pursuant to this Section are preliminary in nature, and are neither binding nor appealable.

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

D. A fee, prescribed by Council resolution, shall be required for informal staff review of all preliminary design plans.

17.06.040 Submission of Tentative Map Application.

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

A. A tentative map, consistent with the requirements of Sections 17.06.050 and 17.06.060.

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

C. Additional reports, plans and data. The following drawings, statements and other data, and as many additional copies thereof as may be required, shall be filed on or with the tentative map:

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

the proposed subdivision and its location and relationship to surrounding areas.

2. A statement of existing and proposed zoning and existing and proposed uses of the property with the approximate areas of the proposed uses by type and the total area of the subdivision.
3. A preliminary Soil Investigation and Geological Reconnaissance Report by a registered civil engineer specializing and recognized in soil mechanics and foundation engineering for every subdivision for which a final map is required. Submission of this preliminary report may be waived by the City Engineer if soil conditions in the proposed subdivision are known to him or her.

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

4. A preliminary grading plan. Submission of the preliminary plan may be waived by the City Engineer when he or she determines, after consultation with the Community Development Director, that the submission of said plan is not required for proper grading, flood hazard mitigation and erosion control of the proposed subdivision.
5. Applications for any modification that may be proposed, together with supporting drawings and statements and such other data as may be required by the provisions of Chapter 13 (Subdivision Modifications).
6. A current preliminary report issued by a title company within thirty days of the application date for the lands proposed to be subdivided, together with copies of the recorded documents shown as exceptions in the report.
7. A statement and all approved documentation reflecting the status of any "Williamson Act" restrictions upon all or any part of the land to be subdivided.
8. A description of the manner in which the land to be subdivided will be provided with water supply, sanitary disposal facilities and storm drainage facilities, including but not limited to, proposals for assisting the City in financing temporary or permanent improvements needed for water supply,

sanitary disposal facilities and storm drainage facilities needed to serve the land to be subdivided.

9. All other data required as a prerequisite to approval of the tentative map, including plans, reports, fees or other requirement.
10. One set of mailing labels for the parcels receiving mailed notice as required by Sec. 10.06.08(f) which is prepared by a title company utilizing parcel ownership information obtained by it from the latest equalized tax roll from the Solano County Assessor.
11. With respect to tentative maps for residential condominium conversion projects, a conditional use permit for such conversion project approved pursuant to Zoning Ordinance of the City of Dixon. The Community Development Director may waive this requirement if at the time of the filing of the tentative map the subdivider, in writing, irrevocably offers to the Commission and Council to extend the time limits specified in the Subdivision Map Act for reporting and acting upon the tentative map by said bodies. The extension shall be for such periods of time as are reasonably necessary to permit the processing, review, and final action on the conditional use permit concurrently with the tentative map.
12. One of the following as required by the City Engineer: a signed certification from a Civil Engineer or Licensed Architect, registered in the State of California, that the tentative map has been evaluated for compliance with Attachment 4 of California State Water Resources Control Board's Water Quality Order No. 2003-005-DWQ, as may be amended, supplemented or superseded; a statement of Best Management Practices that have been incorporated into the tentative map layout; or a statement of eligible Best Management Practices which will be evaluated for inclusion in any subsequent land use approvals including Design Review.
13. Statements disclosing whether the proposed subdivision will be required to comply with state statutes relating to hazardous materials and other substances, as required by Government Code Sections 65850.2, 65962.5(d), and 65962.5(f).
14. If conversion of a mobile home park is involved, submit a report as required under Government Code Section 66427.4.

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

17.06.050 Preparation and Form of Tentative Map.

The tentative map shall be clearly and legibly drawn and shall be drawn to scale by or under the direction of a registered civil engineer or licensed land surveyor. The scale of the map shall be at least one inch equals 100 feet. If necessary to provide the proper scale, more than one sheet may be used, but the relation of the several sheets shall be clearly shown on each. No single sheet shall exceed 42 inches in length and 30 inches in width.

The City Engineer may, in his or her sole discretion, waive the requirements that the tentative map be prepared by a registered civil engineer or licensed land surveyor if the tentative map submitted is clearly and legibly drawn, drawn to scale, and satisfies the requirements of Sections 17.06.040 and 17.06.060. The decision to waive or not waive the foregoing requirement shall be final and not subject to appeal.

17.06.060 Information on Tentative Map.

The tentative map shall contain the following information in addition to such information as is required by the Subdivision Map Act:

- A. Proposed subdivision name, if any.
- B. Names, addresses and telephone numbers of the record owner(s) and subdivider of the land.
- C. Name, address and telephone number of the person, firm or organization that prepared the map, and the applicable registration or license number.
- D. Date of preparation, north point and scale of the map. If based on a survey, the date of the survey.
- E. Boundaries of the subdivision with sufficient information to locate the property.
- F. Subdivision name of adjacent subdivisions, if any, and property lines and assessor parcel numbers sufficient to show their relationship to the proposed subdivision.
- G. Existing and proposed contour lines at intervals of not more than one foot unless waived prior to submission by the City Engineer. Topographic information shall be sufficient to fully show the configuration of the land and any and all depressions that present drainage problems, and shall extend beyond the tract boundaries where necessary to show drainage or other conditions on surrounding property which may affect the subdivision. The topographic survey shall not be waived in areas within the 100-year flood hazard boundary as shown on the most current Flood Insurance Rate Map (FIRM) of the Federal Emergency Management Agency.
- H. The approximate location and general description of any trees and shrubs, and their drip lines if known, with notations as to their retention or destruction; and any vernal pools or wetlands

located on the property to be subdivided. The general description of trees and shrubs should include an indication as to their size (diameter) and type, if known.

I. The location of all railroad rights-of-way and grade crossings; approximate locations of all existing wells, abandoned wells and sumps; and an indication of any physical restrictions or conditions in the subdivision which affects the use of the property.

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

K. The location and width of proposed building setback lines.

L. The locations of existing utilities in and adjacent to the subdivision; the size and invert elevation of sanitary and storm sewers; the size of water mains; and, if sewers and water mains are not in or adjacent to the subdivision, the direction and distance to the nearest sewer and water main with size and invert elevation of sewer and size of main, and the proposed method of providing sewage disposal.

M. The location of all potentially dangerous areas, including geologically hazardous areas and areas subject to inundation or flood hazard; the location, width and directions of flow of all water courses and flood control channels within and adjacent to the property involved; and the proposed method of providing storm water, drainage and erosion control. In areas subject to 100-year flood hazard, base flood elevation and floodway boundary shall be indicated.

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

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

P. The lines and approximate dimensions of all lots, and the number assigned to each lot; the total number of lots; and the approximate area of the average lot.

Q. The total area in square footage or acreage to the nearest one-tenth acre of each lot proposed to be utilized for other than single-family or two-family housing.

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

S. Any modification being requested in accordance with the requirements of Chapter 13 (Subdivision Modifications) which is shown on the tentative map shall be clearly labeled and identified as to nature and purpose.

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

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

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

17.06.070 Filing of Tentative Map Application.

The subdivider shall file with the Community Development Department the tentative map application and twenty (20) additional copies thereof, or such additional number of copies as specified by the Community Development Director. A tentative map application shall not be considered as having been filed with the clerk of the Commission unless and until it complies with all provisions of this Chapter, and the drawings, statements and other data required to accompany the tentative map have been submitted in a form acceptable to the Community Development Director.

17.06.080 Tentative Map Process.

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

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

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

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

D. Once a tentative map has been filed with the clerk of the Commission, it shall be set for hearing by the Commission. The hearing shall be set for a date which will permit the Commission to deliver its written report on the tentative map to the Council within the later of either: (i) fifty days from the date that the tentative map has been filed with the clerk of the Commission, or (ii) fifty (50) days from the date of: (A) certification by the Council of the EIR for the project which includes the proposed subdivision, or (B) the adoption of a negative declaration by the Council for said project, or (C) a determination by the Council that the project is exempt from the requirements of CEQA.E. A copy of the Community Development Director's written report shall be provided to the Commission and shall also be provided to the subdivider at least three (3) calendar days prior to date of the public hearing.

F. Notice of Commission hearing shall be given by the clerk of the Commission as required by Sections 65090 and 65091 of the Government Code. G. In addition, the Community Development Director shall give notice of the Commission hearing by mail or delivery to the subdivider and, in the event that the proposed application has been submitted by a person other than the property owner shown on the last equalized assessment roll, the Community Development Director shall also give notice by mail or delivery to the owner of the property as shown on the last equalized assessment roll.

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

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

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

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

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

M. The written report may include recommendations to the Council on the proposed conditions and findings on the tentative maps provided to it by the Community Development Director prior to the hearing.

N. At the next regular meeting of the Council following the filing of the Commission's report with it, the Council shall fix the meeting date at which the tentative map will be considered by it, which date shall be within 30 days. Notice of such hearing shall be given by the City Clerk pursuant to Sections 65090 and 65091 of the Government Code. The City Council may, by resolution, authorize the City Clerk to fix such hearing dates on behalf of the City Council and without the prior approval of said dates by the Council.

O. After conducting said hearing, the Council shall approve, conditionally approve, or disapprove the tentative map within that 30-day period.

P. The tentative map may be approved or conditionally approved by the Council if it finds that the proposed subdivision, together with the provisions for its design and improvement, is consistent with the General Plan, any applicable specific plan, any applicable Development Agreement, the requirements of the Zoning Ordinance and all applicable provisions of this Title. The Council, in consultation with the City Engineer, shall determine whether the discharge of waste from the proposed subdivision into an existing community sewer system would result in violation of existing requirements prescribed by a California regional water quality control board pursuant to Division 7 (commencing with Section 13000) of the Water Code. In the event that the Council and City Engineer find that the proposed waste discharge would result in or add to violation of requirements of such board, the Council may disapprove the tentative map.

Q. To the extent permitted by law, ordinance or resolution, the Council may require, as a condition of approval of the tentative map, that the payment by the subdivider of all development fees required to be paid at the time of the application for, or issuance of, a building permit or other similar permit shall be made at the rate for such fees in effect at the time of such application or issuance.

R. Each tentative map shall conform with the requirements of the General Plan, any applicable Specific Plan, any applicable Development Agreement, and zoning designation of the property; provided that, where an amendment to the General Plan or the applicable specific plan or a change in zoning is also being requested as part of the development project for which the

tentative map is sought, and the tentative map will be consistent with the General Plan, specific plan or zoning if the Council approves such amendment or change, the tentative map may be recommended for approval, subject to inclusion of a condition on the tentative map requiring approval of the general plan or specific or community plan amendment or zone change prior to recordation of the final map.

S. The Council may modify or delete any of the conditions of approval recommended in the Commission's report. The Council may add additional requirements as a condition of its approval.

T. In reaching a decision upon the tentative map, the Council shall consider the effect of that decision on the housing needs of the region and balance these needs against the public service needs of its residents and available fiscal and environmental resources. Except as provided otherwise by the Subdivision Map Act, failure to act within the above-specified time limits shall not be deemed or considered approval of the tentative map.

U. The tentative map may be denied by the Council on any of the grounds provided by the Subdivision Map Act or this Title. Except as otherwise required by State or Federal law, the Commission shall deny approval of the tentative map if it makes any of the following findings:

1. That the proposed map is inconsistent with the general plan or any applicable specific plan, or other applicable provisions of this Code;
2. That the site is not physically suitable for the type of development;
3. That the site is not physically suitable for the proposed density of development;
4. That the design of the subdivision or the proposed improvements is likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat;
5. That the design of the subdivision or the type of improvements is likely to cause serious public health problems;
6. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the Commission may recommend approval of a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This Subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction, and no authority is hereby granted to the Commission to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision; or

7. Subject to Section 66474.4 of the Subdivision Map Act, that the land is subject to a contract entered into pursuant to the California Land Conservation Act of 1965 (commencing with Section 51200 of the Government Code) and that the resulting parcels following a subdivision of the land would be too small to sustain their agricultural use (Government Code Section 66474.)

V. The subdivider or any interested person adversely affected may appeal any action approving, conditionally approving or denying a tentative map in accordance with the procedures provided in Section 17.01.050 of this Title.

17.06.090 Withdrawal of Tentative Map.

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

17.06.100 Tentative Map Revision.

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

17.06.110 Expiration; Extensions for Phased Maps and Maps Under Development Agreement.

The approval or conditional approval of a tentative map shall expire twenty-four (24) months from its approval, unless the expiration date is extended in accordance with the provisions of Section 17.06.13. However, if the filing of multiple final maps is authorized pursuant to Section 17.07.12 and the subdivider is required to spend \$125,000.00 (as periodically adjusted in accordance with Section 66452.6(a) of the Subdivision Map Act) or more to construct, improve or finance the construction or improvement of public improvements outside the boundaries of the tentative map (excluding improvements of public rights-of-way which abut the boundaries and are reasonably related to the development of the property), or if the tentative map is on property subject to a development agreement authorized by Sections 65864 et seq. of the Government Code, then each filing of a final map shall, without further action of the City, extend the expiration date in accordance with provisions of Section 66452.6(a) of the Subdivision Map Act.

The amount of one hundred twenty-five-thousand dollars (\$125,000) has previously been increased and shall continue to be increased as provided in Section 66452.6(a) of the Subdivision Map Act by the registrar of contractors according to the adjustment for inflation set forth in the statewide cost index for class B construction, as determined by the State Allocation Board at its January meeting. The adjustments by the registrar of contractors shall be effective on the first day of the month occurring more than 30 calendar days after the registrar makes that adjustment.

The adjusted amount shall apply to tentative and vesting tentative maps whose applications were received after the effective date of the adjustment.

"Public improvements," as used in this Section, include traffic controls, streets, roads, highways, freeways, bridges, overcrossings, street interchanges, flood control or storm drain facilities, sewer facilities, water facilities, and lighting facilities.

The applicable adjusted dollar amount of offsite public improvements which will qualify the phased tentative map for automatic extensions under provisions of Section 66452.6(a) of the Subdivision Map Act, as determined from time to time by the Registrar of Contractors, shall be provided to the Approving Authority by the City Engineer and approved by the Approving Authority at the time of approval of the tentative map as a condition of approval. Such approved determination, if made, shall be subject to appeal under the procedures provided in Section 17.01.05 of this Title.

17.06.120 Time Extensions for Tentative Maps.

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

B. Approving Authority Hearing and Action

1. **Notice:** The Community Development Director shall prepare a report with the recommendation on the application for an extension, and shall set the matter for hearing before the Approving Authority at a regularly scheduled meeting. The matter shall be noticed in the same manner as a tentative map application, as specified in Section 17.06.08.
2. **Action by the Approving Authority:** The Approving Authority may approve, conditionally approve, or deny the application for an extension of the expiration date, and shall make findings supporting the decision.

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

D. **Appeal of Extension.** The subdivider or any interested person adversely affected may appeal any action of the Commission approving, conditionally approving or disapproving a requested extension in accordance with the procedures provided in Section 17.01.050 of this Title.

**Chapter 17.07 Final Maps -
Five (5) or More Parcels**

Sections:

17.07.010	Timing
17.07.020	Preparation and Form of Final Map
17.07.030	Title Sheet of Final Map
17.07.040	Certificates on Final Map Title Sheet
17.07.050	Information on Final Map
17.07.060	Statements, Documents and Other Data to Accompany Final Map
17.07.070	Filing Fee
17.07.080	Survey of Final Map
17.07.090	Filing of Final Map
17.07.100	Action by the City Engineer
17.07.110	Council Action
17.07.120	Multiple Final Maps

17.07.010 Timing.

Prior to the expiration of the tentative map or within any further time period for which an extension has been granted under this Title or the Subdivision Map Act, the subdivider may cause the proposed subdivision or any part thereof to be surveyed and a final map to be prepared and recorded in accordance with the provisions of this Chapter and the Subdivision Map Act.

17.07.020 Preparation and Form of Final Map.

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

- A. The general form and layout of the map, including but not limited to the size and type of lettering, and the drafting and location of acknowledgments, shall be as determined by the City Engineer.
- B. The scale of the map shall be one inch equals 100 feet, unless otherwise permitted by the City Engineer, but in any case the map shall show clearly all details of the subdivision.
- C. All dimensions shall be shown in feet and hundredths of a foot. No ditto marks shall be used.
- D. If more than three (3) sheets are necessary to show the entire subdivision, an index map shall be included on the first sheet. Sheet size shall not exceed twenty (20) inches by twenty-six (26) inches.

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

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

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

17.07.030 Title Sheet of Final Map.

The title sheet shall contain the following information:

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

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

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

D. References to tracts and subdivisions in the description must be worded identically with original records, and references to book and page of record must be complete.

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

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

17.07.040 Certificates on Final Map Title Sheet.

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

17.07.050 Information on Final Map.

The final map shall substantially conform to the tentative map approved or conditionally approved by the Council (including all approved modifications) and shall contain the following information:

- A. The boundary line of the subdivision shall be designated by a bold border line.
- B. All areas shown on the map which do not constitute a part of the subdivision shall be labeled "Not a part of this subdivision," or "N.A.P.O.T.S." All lines delineating such areas shall be dashed.
- C. All survey data and information required by Section 17.11.12 (Survey Data and Information to be Shown on Final Map or Parcel Map).
- D. All lots or parcels intended for sale or reserved for private purposes and all parcels offered for dedication to the City or any other public agency for any purpose with all dimensions, boundaries and courses clearly shown and defined in every case. Dimensions of lots shall be as total dimensions, corner to corner in addition to point to point dimensions.
- E. All lots shall be numbered consecutively, without omissions or duplications, throughout the subdivision starting with the number "1", except units of a total development, which shall be numbered consecutively throughout the development. Only parcels offered for dedication other than for streets or easements shall be designated by letters; provided, however, in single-family subdivisions the parcels intended for other than single-family use may be designated by letters. Each numbered lot shall be shown entirely on one sheet.
- F. The location and total width of all streets, alleys, pedestrian-ways, equestrian and hiking trails and biking paths; the names of streets, and the width on each side of center line of each street, the width of the portion of the street, alley, pedestrian-way, equestrian and hiking trail, and biking path being dedicated, and the width of the existing dedications, if any, within the subdivision.
- G. The location and widths of any other rights-of-way within the subdivision.
- H. All necessary data including width and side lines of all public easements to which the lots of the subdivision are subject. Each easement shall be clearly labeled and identified as to nature and purpose and, if already of record, its recorded reference given. If any easement is not definitely located on record, a statement concerning the easement shall appear on the title sheet. Easements shall be denoted by fine, dashed lines.
- I. All limitations on rights of access to and from streets and lots and other parcels of land.
- J. The lines of any natural watercourse, channel, stream, creek or body of water in or adjacent to the subdivision.

K. The location, width and name of any street and the location and width of any alley, pedestrian-way, equestrian or hiking trail, biking path, railroad right-of-way or other right-of-way adjacent to the subdivision.

L. Any City (limit) boundary adjoining the subdivision shall be clearly designated and tied in.

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

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

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

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

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

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

D. The engineer or surveyor under whose supervision the survey has been made shall furnish the City Engineer field notes as required by Chapter 11 (Surveys and Monuments).

E. The complete plans, profiles, cross sections, specifications and applicable permits for the construction and installation of improvements as required by Chapter 12 (Subdivision Improvements).

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

G. The agreement to make improvements and the security for such improvements as required by Chapter 12 (Subdivision Improvements).

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

I. Any irrevocable offer of dedication by separate instrument and accompanying title report as may be provided or required as a condition of approval of the tentative map. The dedication instrument and title report shall conform to the requirements of this Title and shall be processed in accordance with the provisions of Section 17.08.110 (Processing of Parcel Map) that relate to instruments of dedication and accompanying title reports.

Whenever an irrevocable offer of dedication by separate instrument accompanies a final map, the final map shall not be accepted for filing by the City Engineer unless and until he or she determines that said offer of dedication has been approved for recordation as provided in Section 17.08.120.

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

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

17.07.070 Filing Fee.

The final map shall be accompanied by a filing fee as established by resolution of the Council.

17.07.080 Survey of Final Map.

A complete and accurate survey of the land to be subdivided shall be made by a registered civil engineer or licensed land surveyor in accordance with the provisions of Chapter 11 (Surveys and Monuments).

17.07.090 Filing of Final Map.

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

17.07.100 Action by the City Engineer.

Upon acceptance of the final map and accompanying documents, fees and materials for filing, the City Engineer shall cause the same to be examined, and if found to be in substantial conformity with the approved tentative map and all amendments, conditions, modifications and provisions made or required by the Council, and if found to be complete, technically correct, in conformity with improvement plans and specifications, and in compliance with the requirements of this Title, planned street lines and other applicable specific plans and ordinances, shall execute the City Engineer's certificate on the map and shall file the map and accompanying materials with the City Clerk. No final map shall be certified until the required improvements have been installed or agreed to be installed in accordance with Chapter 12 (Subdivision Improvements).

Should the map or other accompanying documents, fees or materials be found to be incomplete or incorrect in any respect, the subdivider shall be advised in writing, by mail, of the changes or additions that must be made before the map may be certified. If the defect is the result of a technical and inadvertent error which, in the opinion of the City Engineer does not materially affect the validity of the map, the City Engineer may waive the defect and execute his certificate of approval.

The City Engineer may refuse to approve the recording of a final map governing only a portion of a tentative map when, in the process of checking the final map he or she determines that said portion does not by itself provide adequate or satisfactory access, design or improvements and therefore does not conform to the design and improvement of the subdivision as indicated by the approved tentative map.

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

17.07.110 Council Action.

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

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

17.07.120 Multiple Final Maps.

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

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

which provides for a logical and orderly development of all of the possible phases of the subdivision.

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

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

Chapter 17.08 Parcel Maps

Sections:

17.08.010	Applicability
17.08.020	Tentative Map Required
17.08.030	Application and Processing of Tentative Maps for Parcel Maps
17.08.040	Filing of Parcel Map
17.08.050	Termination of Proceeding
17.08.060	Preparation and Form of Parcel Map
17.08.070	Title Sheet of Parcel Map
17.08.080	Information on Parcel Map
17.08.090	Statements, Fees, Documents and Other Data to Accompany Parcel Map
17.08.100	Survey of Parcel Map
17.08.110	Processing of Parcel Map – Filing
17.08.120	Separate Dedications
17.08.130	Action by the City Engineer
17.08.140	Waiver of Parcel Map – Conveyance to Public Body
17.08.150	Waiver of Parcel Map

17.08.010 Applicability.

The regulations contained in this Chapter shall apply to the subdivisions described in subdivisions (a), (b), (c), (d) and (e) of Section 66426 of the Subdivision Map Act and all other subdivisions as to which a final map or parcel map is not otherwise required by the Subdivision Map Act; provided, however, that no parcel map needs to be filed for a subdivision of four or

fewer parcels resulting from a conveyance of land to a government agency, public entity or public utility when said subdivision has been approved in accordance with Section 17.08.14.

17.08.020 Tentative Map Required.

Except as provided by the Subdivision Map Act or by this Title, a tentative map shall be submitted in for each proposed parcel map. Except as otherwise provided in this Chapter, the tentative map shall be processed and acted upon by the Approving Authority in accordance with the provisions of this Title.

The Community Development Director shall be the Approving Authority for a tentative map for a Parcel Map. Such tentative maps shall be processed as provided in this part. In the case of a division of land of four or fewer parcels, dedications and improvements required in connection with the approval of the tentative map shall be limited to the dedication of right-of-way, easements, and the construction of reasonable offsite and onsite improvements for the parcels being created.

17.08.030 Application and Processing of Tentative Maps for Parcel Maps.

The Community Development Director shall be the approving authority for tentative maps for parcel maps. The process to be followed for the processing of applications for tentative maps for parcel maps shall be as follows:

A. The provisions of Section 17.06.080 (Tentative Map Process) shall apply to the processing of tentative maps for parcel maps, except that all references to the “Council” and the “Commission” in Section 17.06.080 shall mean the Community Development Director, and all references in Section 17.06 to actions taken by the “Community Development Department” or the “Community Development Director” shall be taken by staff under the direction of the City Engineer.

B. All the provisions of Section 17.06.080 shall apply to the processing of tentative maps for parcel maps except the following:

1. Only the first sentence of Subsection 17.06.080.D shall apply.
2. Subsections 17.06.080L through 17.06.080N inclusive.
3. Subsection 17.06.080.S.

C. The Community Development Director shall approve, conditionally approve or deny the tentative map and report his or her action to the subdivider within fifty (50) days of the later of (1) the date when the tentative map was filed or (2) the date of determination by the Approving Authority that the project is exempt from the requirements of CEQA.

D. The subdivider or any interest person may appeal the action taken by the Community Development Director in connection with such tentative maps as provided in Section 17.01.050 of this Title.

17.08.040 Filing of Parcel Map.

Within twenty-four (24) months of the date of approval or conditional approval of a tentative map, the subdivider may cause a parcel map to be prepared and recorded in accordance with the tentative map as approved and in accordance with the provisions of this Chapter and the Subdivision Map Act.

17.08.050 Termination of Proceeding.

Failure to record a parcel map within 24 months of the date of approval or conditional approval of a tentative map, or within any extended period of time granted by the Approving Authority in accordance with Section 17.06.130 shall terminate all proceedings. Before a parcel map may be thereafter recorded, a new tentative map shall be filed in accordance with this Chapter.

17.08.060 Preparation and Form of Parcel Map.

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

- A. The general form and layout of the map, including but not limited to the size and type of lettering, drafting and location of acknowledgments, shall be determined by the City Engineer.
- B. The scale of the map shall be one inch equals forty (40) feet or as otherwise permitted by the City Engineer, but in any case the map shall show clearly all details of the subdivision.
- C. All dimensions shall be shown in feet and hundredths of a foot. No ditto marks shall be used.
- D. If more than three (3) sheets are necessary to show the entire subdivision, an index map shall be included on the first sheet. Sheet size shall not exceed twenty (20) inches by twenty-six (26) inches.
- E. The parcel map number, scale and north arrow shall be shown on each appropriate sheet.
- F. A title sheet, designated as page number one of the parcel map, shall be provided; except that, where the size of the subdivision permits, in lieu of a separate title sheet, the information required to be shown thereon may be shown on the same sheet as the map of the subdivision.
- G. The parcel map shall be so made and shall be in such condition when filed that legible prints and negatives can be made there from.

17.08.070 Title Sheet of Parcel Map.

The title sheet shall contain the following information:

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

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

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

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

D. Affidavits, certificates, acknowledgments, endorsements, acceptances, and notarial seals required or authorized by the Subdivision Map Act and by this Title. The Surveyor's statement, City Engineer's statement, Community Development Director's statement, the Solano Irrigation District's statement on behalf of the Dixon-Solano Municipal Water Service (DSMWS if within the DSMWS service area), City Clerk's statement, and Recorder's statement shall be shown on Sheet 1.

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

17.08.080 Information on Parcel Map.

The parcel map shall substantially conform to the tentative map approved or conditionally approved by the Council or Commission (including all approved modifications) and shall contain the following information and such additional information as stated in Section 17.07.050 (Information on Final Map) as may be required by the City Engineer:

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

B. Where a field survey is required, all survey data and information required by Section 17.11.120 (Survey Data and Information to be Shown on Final Map or Parcel Map).

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

D. Each parcel shall be identified by a number.

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

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

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

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

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

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

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

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

D. A guarantee of title or letter from a title company doing business in the City, approved by the City Engineer certifying that the signatures of all persons signing offers of dedication and the certificate required by subdivision (f) of Section 66445 of the Subdivision Map Act and signing all acknowledgments thereto appear and are correctly shown.

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

F. The plans, profiles, cross sections, specifications, and applicable permits for the construction and installation of improvements as required by Chapter 12 (Subdivision Improvements).

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

H. The agreement to make improvements and the security for such improvements as required by Chapter 12 (Subdivision Improvements).

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

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

17.08.100 Survey of Parcel Map.

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

All other parcel maps shall be based upon a field survey made in accordance with the provisions of Chapter 11 (Surveys and Monuments) of this Title.

17.08.110 Processing of Parcel Map - Filing.

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

Where offers of dedications of land are to be made in conjunction with the parcel map and are not made by statement on the parcel map, the subdivider shall transmit the instrument of dedication and the accompanying title report to the City Engineer. Said instrument shall include a plat showing the area being dedicated. In such cases, the parcel map shall not be considered as having been filed unless and until the offer of dedication has been approved for recordation as provided in Section 17.08.120.

17.08.120 Separate Dedications.

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

If said offer of dedication is subsequently rejected by the Council, the City Engineer shall issue a release from such offer, which shall be recorded in the office of the Solano County Recorder.

17.08.130 Action by the City Engineer.

Upon acceptance of the parcel map and accompanying documents, fees and materials for filing, the City Engineer shall cause the same to be examined, and if found to be in substantial conformity with the approved tentative map and all amendments, conditions, modifications and provisions made or required by the advisory agency and Council, and if found to be complete, technically correct, in conformity with the improvement plans and specifications, and in compliance with the requirements of this Title, planned street lines, other applicable specific plans and ordinances, shall execute the City Engineer's certificate on the map and shall submit to the Community Development Director for approval and acceptance of dedications. No parcel map shall be certified until the required improvements have been installed or agreed to be installed in accordance with Chapter 12 (Subdivision Improvements). Should the map or other accompanying documents, fees or materials be found to be incomplete or incorrect in any respect, the subdivider shall be advised in writing, by mail, of the changes or additions that must be made before the map may be certified.

17.08.140 Waiver of Parcel Map - Conveyance to Public Body.

A parcel map need not be filed for a conveyance of land to a governmental agency or public entity in accordance with Government Code Section 66426.5.

17.08.150 Waiver of Parcel Map.

The requirement for filing a parcel map may be waived by the Commission for projects not requiring Council approval and by the Council for those projects requiring Council approval. An application for waiver of the parcel map shall be filed at the time of filing of the tentative map.

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

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

1. The subdivision conforms to all requirements of this Title, other provisions of the City Code, provisions of the Subdivision Map Act, and other applicable laws, regulations and standards, including, but not limited to, those with respect to area, improved public roads, sanitary disposal facilities, water supply availability and environmental protection.
2. The subdivision conforms to the General Plan and any applicable specific plan;

3. The parcel map is not necessary to ensure the accuracy of the description of property, location of property lines, or monumenting of property lines.

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

1. The subdivider must comply with Section 17.08.090 and the requirements of the Subdivision Map Act.
2. Property descriptions, drawings showing bearings and distances, and closure calculations must be submitted.
3. A preliminary title report or letter from a title company showing that the subdivider is the owner of the subject property must be submitted.
4. A filing fee established by resolution by the Council must be paid.

Chapter 17.09 Vesting Tentative Maps - General Provisions

Sections:

17.09.010	Citation and Authority
17.09.020	Purpose and Intent
17.09.030	Consistency
17.09.040	Application
17.09.050	Filing and Processing
17.09.060	Development Rights Upon Approval
17.09.070	Administration of Vested Rights
17.09.080	Termination of Vested Rights

17.09.010 Citation and Authority.

This ordinance is enacted under 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 of California (hereinafter referred to as the Vesting Tentative Map Statute), and may be cited as the Vesting Tentative Map Ordinance.

17.09.020 Purpose and Intent.

It is the purpose of this ordinance to establish procedures necessary for the implementation of the Vesting Tentative Map Statute, and to supplement the provisions of the Subdivision Map Act (Government Code Subsections 66410-66499.58) and the Subdivision Ordinance. Except as otherwise set forth in the provisions of this ordinance, the provisions of the Subdivision Ordinance shall apply to the Vesting Tentative Map Ordinance.

To accomplish this purpose, the regulations outlined in this ordinance are determined to be necessary for the preservation of the public health, safety, and general welfare, and for the promotion of orderly growth and development.

17.09.030 Consistency.

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

17.09.040 Application.

A. Whenever a provision of the Subdivision Map Act, as implemented and supplemented by the Subdivision Ordinance, requires the filing of a tentative map, a vesting tentative map may instead be filed, 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.

17.09.050 Filing and Processing.

A vesting tentative map shall be filed in the same form and have the same contents as set forth in the Subdivision Ordinance for a tentative map. The vesting tentative map shall be subject to the additional minimum requirements set forth in subdivision (b) below. The subdivider shall be provided written notice at the time the proposed vesting tentative map is determined to be complete by the Community Development Director. The vesting tentative map, accompanying data and reports shall be processed in the same manner as set forth in the Subdivision Ordinance for a tentative map, except as hereinafter provided:

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

B. At the time a vesting tentative map is filed, the subdivider shall also supply the following information:

1. Plans for all public works improvements to be constructed as a condition of the subdivision, prepared by a registered civil engineer in accordance with City standards and approved by the City Engineer.
2. Plans for all site development, including, but not limited to, grading, drainage facilities and miscellaneous structures, prepared by a registered civil engineer in accordance with City standards and approved by the City Engineer.

3. Geological studies in such form as acceptable to the City Engineer and the Building Official, which shall include detailed soils reports, seismic analysis, bank stabilization, and other factors pertinent to the particular site location.
4. Specific information about the uses of the existing or proposed buildings.
5. The height, size, and location of all buildings, building setbacks, number of stories, and driveway locations.
6. Architectural plans satisfactory for review by the Community Development Director, including site plans, floor plans, exterior elevations and necessary structural calculations, energy calculations, and information necessary for building permit plan checks.
7. Landscape plans, including planting and irrigation details and drawings and specifications as prepared by a licensed landscape architect or contractor satisfactory for staff review.
8. Traffic reports and analysis, in a form approved by the City Engineer.
9. Acoustical report, prepared by a licensed engineer in a form acceptable to the Community Development Director following the guidelines of the noise element of the general plan.
10. Sewer, water, storm drainage, road and other studies required to complete the plans.
11. Flood control information and statements showing compliance with flood hazard regulations.
12. Existing and proposed overhead and underground utility improvement details.
13. A tree preservation plan. If there are no trees on the site, a statement to that effect should appear on the vesting tentative map. The tree preservation plan shall accurately identify all existing trees as to species, trunk size and dripline. Trees that are proposed for removal shall be marked "TO BE REMOVED." Any provisions for tree preservation, transplanting, or new planting shall be identified.
14. In those circumstances where a development plan review is required by ordinance, development agreement, conditional use permit, or by a condition of previous approval, such review application and all exhibits necessary for the review shall be submitted concurrently with the application for a vesting tentative map.

15. In those circumstances where the project requires concurrent discretionary approval as set forth in the City of Dixon Zoning Ordinance of the Dixon City Code, all exhibits necessary for such application shall be submitted concurrently with the application for a vesting tentative map.
16. Such other exhibits that fully depict features of the development which the developer desires review for the purpose of approval concurrently with the vesting tentative map.
17. The Community Development Director may request, and the applicant shall promptly furnish, information as may reasonably be necessary to enable the Director to evaluate the vesting effect which would follow from approval of the map.

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

17.09.060 Development Rights Upon Approval.

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

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

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

C. In the event that Section 66474.2 of the Government Code is repealed, any subsequent approvals of vested maps shall confer a vested right to proceed with development in substantial compliance with ordinances, policies, and standards in effect at the time the vesting map is approved or conditionally approved, rather than at the time the application was determined to be complete.

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

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

17.09.070 Administration of Vested Rights.

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

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

B. The vested rights conferred by approval of a vesting tentative map shall last one (1) year from recordation of the final map.

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

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

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

17.09.080 Termination of Vested Rights.

Vested rights that have been conferred shall end on the occurrence of the following, whichever comes first:

A. A final map is not recorded within one (1) year of approval of the vesting tentative map.

B. If a final map is recorded, the vesting rights shall end one (1) year after the date of final map recordation.

C. The expiration of a building permit, including any extension granted, issued pursuant to a vesting tentative map, and issued during the time vesting rights are valid.

Chapter 17.10 Subdivision Design Standards

Sections:

17.10.010	General Design Standards
17.10.020	General Access Requirements
17.10.030	Existing Streets and Unsubdivided Land
17.10.040	Provisions for Resubdivision
17.10.050	Waiver of Access Rights
17.10.060	Intersections
17.10.070	Local Streets
17.10.080	Cul-de-Sac Streets
17.10.090	Right-of-Way Widths and Improvement Design
17.10.100	Grades
17.10.110	Curve Radii
17.10.120	Street Names
17.10.130	Alleys
17.10.140	Pedestrian-ways
17.10.150	Walking and Biking Paths
17.10.160	Utility Easements Other Than Inside Front Property Line
17.10.170	Utility Easements Inside Front Property Line
17.10.180	Other Easements
17.10.190	Easements for Centralized Mail Services
17.10.200	Block Size
17.10.210	Block Corners
17.10.220	Lots – Width and Area for Single and Two-Family Uses
17.10.230	Lot Size Compatible With Nearby Lots
17.10.240	Flag Lots
17.10.250	Lots - Access to Two Parallel Streets Discouraged
17.10.260	Lots Adjoining City Limits
17.10.270	Property Remnants
17.10.280	Lot Drainage
17.10.290	Open Space Ownership and Maintenance
17.10.300	Storm Drain Facilities
17.10.310	Private Streets in Planned Developments, Condominiums, or Community Apartment Projects
17.10.320	Protection of Natural Resources
17.10.330	Provision for Future Passive or Natural Heating or Cooling Opportunities

17.10.010 General Design Standards.

The size, design, character, grade, location and orientation and configuration of lots within a proposed subdivision and improvements required in connection therewith shall be consistent

with the density and uses authorized for the area by the general plan, the applicable specific plan, the zoning ordinance, and other land use regulations.

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

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

17.10.020 General Access Requirements.

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

Each route of access to collector streets or major streets and its point of connection therewith shall be adequate to safely accommodate the composition and volume of vehicular traffic generated by the land uses which it serves.

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

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

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

17.10.030 Existing Streets and Unsubdivided Land.

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

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

Permanently dead-ended streets (except cul-de-sacs as defined in this Title) are prohibited. When a street is temporarily dead-ended, a barricade or temporary turning area or temporary connection to another street may be required. Permanent turnarounds may be required by the

Approving Authority at the end of dead-end streets where the future extension of the street is remote.

17.10.040 Provisions for Resubdivision.

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

17.10.050 Waiver of Access Rights.

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

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

17.10.060 Intersections.

All streets shall intersect or intercept each other according to the City Standard Specifications. Street alignment shall provide for streets entering opposite each other to have their center lines directly opposite.

17.10.070 Local Streets.

Local streets shall be laid out so that their use by through traffic shall be discouraged. Maps of proposed subdivisions containing excessively long, straight residential streets, conducive to high-speed traffic, shall normally be denied by the Approving Authority. Curvilinear streets, or traffic calming measures, shall be encouraged to the extent feasible given the parameters of Section 17.10.340.

17.10.080 Cul-de-Sac Streets.

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

17.10.090 Right-of-Way Widths and Improvement Design.

All street, pedestrian-way and alley rights-of-way and the location of improvements therein shall be designed to conform to the City Standard Specifications except where a special cross-section is required to conform to an adopted planned street line or an applicable specific plan. For any street for which the Dixon General Plan or the City Bikeway Plan indicates that an on-street bikeway shall be provided, such width shall be increased according to the City Standard Specifications in order to provide for the bikeway.

17.10.100 Grades.

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

17.10.110 Curve Radii.

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

17.10.120 Street Names.

The proposed street name of each street shall be as shown on any approved tentative map, final map or parcel map and shall be subject to final approval of the Approving Authority. The Council may replace any proposed street name found on such maps with a new name by minute action of the Council approved by a majority of the members of the Council.

Each proposed public street that is a continuation of, or approximately the continuation of, any existing dedicated street shall be given the same name as the existing street. Where any such street forms a portion of any proposed street ordered by the Council to be surveyed, opened, widened, or improved, and such street is shown on the final map, the name of such street shall be the same as the name contained in the order of the Council. Streets shall be named with an appropriate suffix such as "Avenue," "Court," "Drive," or "Street." Cul-de-sac streets shall be named with "Place" or "Court" as the suffixes. Privately owned streets shall be named with the suffix "Lane."

The names of streets within a subdivision should be of the same type. The categories of street names include, but are not limited to, the following:

1. Trees
2. Birds
3. Flowers
4. Mountains
5. Rivers
6. National parks/Historic sites
7. California cities and counties

8. Historic Dixon families
9. Dixon citizens making significant contributions to the community
10. Dixon veterans killed or missing in action
11. Historic Californians
12. California governors
13. Presidents of the United States
14. Medical/business/scientific leaders
15. Generals and admirals of U. S. Armed Forces
16. California Native American tribes

Categories not on this list are subject to the approval of the Approving Authority, upon review of the tentative map or parcel map where no tentative map is required by this Title.

Major streets, whenever possible, should be named after historic Dixon families. A list of historic Dixon family names is on file in the Community Development Department.

No streets shall be named after a Councilmember, Commissioner, or City representative until such person has been out of office for a minimum of five years.

17.10.130 Alleys.

Alleys shall not normally be permitted in a single-family development except where a subdivision modification is approved.

17.10.140 Pedestrianways.

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

17.10.150 Walking and Biking Paths.

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

17.10.160 Utility Easements Other Than Inside Front Property Line.

Utility easements shall be reviewed and approved on a case-by-case basis by the Approving Authority and shall be consistent with the City Standard Specifications.

17.10.170 Utility Easements Inside Front Property Line.

Easements inside the front property line shall be provided and typically shall be ten (10) feet in width for utilities, street lights, signage, and similar such uses.

17.10.180 Other Easements.

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

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

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

17.10.190 Easements for Centralized Mail Services.

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

17.10.200 Block Size.

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

17.10.210 Block Corners.

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

17.10.220 Lots - Width and Area for Single and Two-Family Uses.

The width and area of all lots proposed for residential uses shall conform to the General Plan and Zoning Ordinance.

17.10.230 Lot Size Compatible With Nearby Lots.

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

17.10.240 Flag Lots.

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

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

17.10.250 Lots - Access to Two Parallel Streets Discouraged.

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

17.10.260 Lots Adjoining City Limits.

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

17.10.270 Property Remnants.

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

17.10.280 Lot Drainage.

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

17.10.290 Open Space Ownership and Maintenance.

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

- A. Designated as a separate parcel(s) and offered for dedication to the City for park and recreation purposes.

B. Designated as a separate parcel(s) and maintained as common open space.

C. Contained within the various lots of the subdivision and maintained by the owners of such lots.

17.10.300 Storm Drain Facilities.

Storm drains shall be designed in conformance with the City Standard Specifications.

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

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

17.10.320 Protection of Natural Resources.

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

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

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

Chapter 17.11 Surveys and Monuments

Sections:

17.11.010	Survey Procedure and Practice
17.11.020	Traverse
17.11.030	Survey Data
17.11.040	Grid Monuments
17.11.050	Monuments

17.11.060	Boundary Monuments
17.11.070	Interior Monuments
17.11.080	Deferred Monuments
17.11.090	Monument Type and Positioning
17.11.100	Monument Identification Marks
17.11.110	Replacement of Destroyed Monuments
17.11.120	Survey Data and Information to be Shown on Final Map or Parcel Map

17.11.010 Survey Procedure and Practice.

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

17.11.020 Traverse.

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

17.11.030 Survey Data.

The engineer or surveyor making the survey shall show references, ties, locations, elevations and other necessary data relating to monuments set in accordance with the requirements of this Title.

If exterior boundary monuments are to be set after recordation of the final map or parcel map, as provided by Section 17.11.060 (Boundary Monuments), the City Engineer shall require, prior to accepting such map for filing, the reference of said monuments to a sufficient number of adjacent reference points to accurately set each boundary monument after recordation of said map, the setting of only a portion of the boundary monuments, or the submission of complete field notes as evidence of a thorough survey.

17.11.040 Grid Monuments.

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

17.11.050 Monuments.

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

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

17.11.060 Boundary Monuments.

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

All exterior boundary monuments shall be set prior to recordation of the final map or parcel map unless extensive grading operations or improvement work makes it impractical to set such monuments. In the event any or all of the boundary monuments are to be set after recordation of the final map or parcel map, prior to the submission of such map to the City Engineer for filing, the engineer or surveyor making the survey shall, in addition to furnishing field notes showing the boundary survey as required by Section 17.11.030 (Survey Data), furnish evidence acceptable to the City Engineer to substantiate his or her reasons for deferring the setting of such monuments until after recordation of such map.

17.11.070 Interior Monuments.

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

17.11.080 Deferred Monuments.

In the event any or all of the required monuments are to be set after recordation of the final map or parcel map, the engineer or surveyor shall follow procedures per Section 66496 and 66497 of the Subdivision Map Act.

17.11.090 Monument Type and Positioning.

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

17.11.100 Monument Identification Marks.

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

17.11.110 Replacement of Destroyed Monuments.

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

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

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

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

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

Chapter 17.12 Subdivision Improvements

Sections:

17.12.010	Improvements Required
17.12.020	Improvement Plans and Permits Required
17.12.030	Preparation and Form of Improvement Plans
17.12.040	Commencement of Improvement Work
17.12.050	Grading Permit
17.12.060	Construction and Installation Standards
17.12.070	Utility Line Installation Standards
17.12.080	Temporary Improvements
17.12.090	Inspection of Improvement Work
17.12.100	Coordination of Improvement Work
17.12.110	Improvements Waived - Clarifying Records or Reversion to Acreage
17.12.120	Improvements Requirements
17.12.130	Oversizing Improvements; Reimbursement
17.12.140	Subdivision Improvement Agreements
17.12.150	Form, Filing and Term of Improvement Agreements
17.12.160	Minimum Agreement Provisions
17.12.170	Additional Agreement Provisions
17.12.180	Improvement Security Required
17.12.190	Form, Filing and Term of Improvement Security
17.12.200	Liability for Alterations or Changes
17.12.210	Release of Improvement Security – Assessment District Proceedings
17.12.220	Release of Improvement Security

17.12.010 Improvements Required.

The subdivider shall construct or install all improvements in streets, alleys, water mains, sanitary sewers, storm drain systems, sidewalks, bike paths, easements and other rights-of-way as are deemed necessary by the Approving Authority for the general use of residents of the subdivision and to meet requirements of the City Standard Specifications.

17.12.020 Improvement Plans and Permits Required.

Improvement plans shall be completed by the subdivider, and approved by the City Engineer, prior to the acceptance of the final map or parcel map for processing by the City Engineer and approval by the Approving Authority.

Improvement plans shall conform to Standard Specifications adopted by the Council. The final map shall not be deemed to be submitted for approval until the approval of said plans by the City Engineer.

17.12.030 Preparation and Form of Improvement Plans.

Improvement plans shall be prepared by or under the direction of a registered civil engineer and shall show full details of all improvements required to be installed by the provisions of this Title, and of all other improvements proposed to be installed by the subdivider within any street, alley, pedestrianway, easement or other public area or right-of-way. Full details shall include cross sections, profiles, estimated costs and specifications.

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

17.12.040 Commencement of Improvement Work.

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

17.12.050 Grading Permit .

A grading permit issued by Building Official with the prior approval of the City Engineer is required for any person who engages in any of the following activities within the City:

1. Grading, or filling, or excavating, or disposing, when any such activity involves 350 cubic yards or more of soil or earthly material; or,
2. Clearing and grubbing, when such activity involves one (1) acre or greater of land.

When an improvement plan is being processed and includes those activities described above, the improvement plans will be subject to Section 16.04.040 of the Municipal Code, Erosion Control, or as amended. A grading permit may be issued by the Building Official in advance of improvement plan approval. A grading permit is not necessary when improvement plans have been approved by the Building Official or City Engineer.

Grading permits are not required for the following activities within the City:

1. The construction of swimming pools, basements, or footings of structures authorized by a valid building permit; or
2. The construction of underground utilities by a public agency or public agency or a contractor or agent of a public agency or public utility; or
3. The construction of single family residences on individual lots if authorized by a valid building permit; or
4. The production of planted agricultural crops; or
5. Situations posing an immediate threat to life or property, such as during flood, earthquake, or fire.

The City Council may, by resolution, establish reasonable fees for the issuance of grading permits and provide procedure under which said permits are issued and enforced by the Building Official. Any violation of this Section shall constitute a misdemeanor and is subject to the enforcement procedures provided for in Subsection 17.18.01 of this Title.

17.12.060 Construction and Installation Standards.

Improvements shall be constructed and installed in accordance with the approved plans and in accordance with the applicable standard specifications established by the City

17.12.070 Utility Line Installation Standards.

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

17.12.080 Temporary Improvements.

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

17.12.090 Inspection of Improvement Work.

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

17.12.100 Coordination of Improvement Work.

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

17.12.110 Improvements Waived - Clarifying Records or Reversion to Acreage.

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

17.12.120 Improvements Requirements.

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

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

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

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

D. Install water mains, sanitary sewer, storm drains, necessary appurtenances and all laterals required to serve each lot.

E. Relocate or provide for the relocation of any underground or overhead utility, including irrigation lines and traffic signal lines, the relocation of which is necessitated by development of the subdivision.

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

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

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

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

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

K. Construct and install street barricades and other safety devices in accordance with standard specifications.

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

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

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

17.12.130 Oversizing Improvements; Reimbursement.

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

17.12.140 Subdivision Improvement Agreement.

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

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

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

17.12.150 Form, Filing and Term of Improvement Agreement.

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

The improvement agreement, and any required acknowledged abstract thereof, shall be complete, subject to Council approval, and on file with the City Engineer before the final map or parcel map is accepted for filing. The term of each improvement agreement filed pursuant to the provisions of this Section shall begin on the date of filing and end upon the date of completion or fulfillment of all terms and conditions contained therein to the satisfaction of the City Engineer.

17.12.160 Minimum Agreement Provisions.

Said agreement shall include at least the following provisions:

- A. Mutually agreeable terms to complete all required improvements at the subdivider's expense.
- B. A provision that the subdivider shall comply with all requirements of this Title, of the City Code, and of other applicable laws, and with all terms and conditions of required improvement permits.
- C. A statement indicating a period of one year within which the subdivider shall complete all improvement work.
- D. A provision that if the subdivider fails to complete the work within the specified period of time, or any extended period of time that may have lawfully been granted to the subdivider, the City may, at its option, complete the required improvement work and the subdivider and his surety shall be firmly bound under a continuing obligation for payment of the full cost and expense incurred or expended by the City in completing such work.
- E. Provision for the repair and replacement of defective material and workmanship of said improvements by the subdivider for a period of twelve (12) months after the improvements have been accepted by the Council.
- F. Provision for the inspection of all improvements of the subdivision by the City Engineer for a period of twelve (12) months after said improvement acceptance date.
- G. A provision guaranteeing payment to the City for all engineering and inspection costs and fees and all other incidental expenses incurred by the City.
- H. A description of all lands within the exterior boundaries of the subdivision.

17.12.170 Additional Agreement Provisions.

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

- A. Provision for the repair, at the subdivider's expense, of any damage to public streets which may reasonably be expected to result from hauling operations necessary for subdivision improvements required by this Title, including the importing or exporting of earth for grading purposes.
- B. Mutually agreeable terms to acquire public easements which are outside the boundaries of the subdivision at the subdivider's expense.

C. Mutually agreeable terms to improve, at some undetermined future date, easements offered and reserved for future public use at the subdivider's expense; and providing that such improvements shall be secured by separate cash bond in the manner prescribed by Sections 17.12.180 and 17.12.190; and further providing that only the requirements of this provision shall not delay the release of any other improvement security provided pursuant to the aforementioned Sections.

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

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

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

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

17.12.180 Improvement Security Required.

A. **General:** Except as otherwise provided in Subsection 17.12.190.B, a subdivider shall secure the improvement agreement entered into pursuant to Section 17.12.160 in the following amounts:

1. **Performance Security:** An amount determined by the City Engineer to be one hundred percent (100%) of the total estimated cost of the construction or installation of the improvements or of the acts to be performed, securing the faithful performance and completion of the improvements or acts to be performed; and
2. **Payment Security:** An amount determined by the City Engineer to be not less than one hundred percent (100%) of the total estimated cost of the improvement or required act, securing payment to the contractor, to the subcontractors, and to persons furnishing labor, materials or equipment for the construction or installation of the improvements or the performance of the required acts; and
3. **Warranty Security:** An amount of ten percent (10%) of the estimated cost of improvements shall be required for the guarantee and warranty of the work for a period of one year following the completion and acceptance thereof against any defective work or labor done, or defective materials or equipment furnished.

B. **Nonprofit California Corporations:** Pursuant to Section 66499.3 of the Subdivision Map Act, entities that are California nonprofit corporations, funded by the United States of America or one of its agencies, or funded by the State of California or one of its agencies, are exempt

from the requirements of Subsections (1) and (2) of Subsection 17.12.190.A above, provided they meet and fulfill the alternative security requirements specified in Section 66499.3(c) of the Subdivision Map Act.

17.12.190 Form, Filing and Term of Improvement Security.

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

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

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

17.12.200 Liability for Alterations or Changes.

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

17.12.210 Release of Improvement Security - Assessment District Proceedings.

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

17.12.220 Release of Improvement Security.

A. **Performance Security.** The performance security shall be released only upon completion or fulfillment of all terms and conditions of the improvement agreement and acceptance by the Council according to the procedures and schedule stipulated in the Subdivision Map Act. Such acceptance shall occur when the certificate of completion is verified by the City Engineer. If a warranty security is not submitted, performance security shall be released one (1) year after acceptance of improvements and correction of all warranty deficiencies.

B. **Payment Security.** Security given to secure payment to the contractor, subcontractors and to persons furnishing labor, materials or equipment may, six (6) months after the completion and

acceptance of the improvements by the Council, be reduced to an amount equal to the amount of all claims therefore filed and of which notice has been given to the City. The balance of the security shall be released upon the settlement of all claims and obligations for which the security was given.

C. **Warranty Security.** The warranty security shall be released upon satisfactory completion of the one (1) year warranty period, provided that all warranty deficiencies have been corrected as determined by an inspection by the City Engineer.

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

Chapter 17.13 Subdivision Modifications

Sections:

17.13.010	Modification Authority
17.13.020	Required Findings and Conditions
17.13.030	Modification Filing Time
17.13.040	Filing Applications: Form and Content
17.13.050	Referrals
17.13.060	Consideration and Approval of Modifications

17.13.010 Modification Authority.

The Approving Authority may, in accordance with the provisions of this Chapter, grant, conditionally grant, or deny requests by a subdivider for modifications to the requirements or standards imposed by the Approving Authority, by this Title or by City standard specifications; provided, however, that no modifications may be made to any requirement imposed by the Subdivision Map Act; and further provided, that nothing herein shall be construed as altering or conflicting with the powers and duties of the Community Development Director, Commission or Council to authorize variances from the regulations and requirements of the Zoning Ordinance. Modifications may be recommended to the Council by the Commission when the Council is the Approving Authority. A minor change in the design of a subdivision which does not violate the requirements or standards imposed by this Title shall not be deemed to be a "modification" as the term is used herein.

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

17.13.020 Required Findings and Conditions.

Before granting any modification, the Approving Authority shall make all the following findings:

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

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

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

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

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

17.13.030 Modification Filing Time.

Modification requests shall either be filed with the tentative map or shall be filed during the period of time between approval of the tentative map and recordation of the final map or parcel map.

For the purposes of this Chapter, modifications filed prior to the approval of the tentative map shall be referred to as "pre-approval modifications," and modifications filed after approval of the tentative map shall be referred to as "post-approval modifications."

Action by the Approving Authority on any post-approval modification shall not extend the time for filing the final map or parcel map with the City Engineer.

17.13.040 Filing Applications: Form and Content.

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

Each application shall state fully the nature and extent of the modification required, the specific reasons therefore, and the facts relied upon. The application shall clearly show that the modification is necessary and is consistent with each of the findings required by Section

17.13.020. A fee shall be established by resolution of the Council and shall accompany each application for a modification. Once the application is determined by the Community Development Director to be complete, it shall be filed with the clerk of the Commission. The request for modification shall be acted upon by the Approving Authority within the time periods provided in the Permit Streamlining Act.

17.13.050 Referrals.

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

17.13.060 Consideration and Approval of Modifications.

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

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

B. **Appeal.** A subdivider or interested person may appeal any action of the Approving Authority on a subdivision modification in accordance with the procedure set forth in Section 17.01.050 of this Title.

Chapter 17.14 Reversions

Sections:

- 17.14.010 General**
- 17.14.020 Initiation of Reversion Proceedings**
- 17.14.030 Review of Petition**
- 17.14.040 Findings for Reversion**
- 17.14.050 Conditions for Reversion**
- 17.14.060 Filing With Solano County Recorder**

17.14.070 Merging and Resubdividing Without Reversion
17.14.080 Requirements for Parcel Mergers and Unmergers

17.14.010 General.

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

17.14.020 Initiation of Reversion Proceedings.

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

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

1. Evidence of title to the real property.
2. Sufficient data to allow the Council to make the findings required in Section 17.14.040:
3. A final or parcel map consistent with the requirements of Chapter 7 (Final Maps) or Chapter 8 (Parcel Maps) and which delineates dedications which will not be vacated and dedications required as a condition to reversion. Final or parcel maps shall be conspicuously designated with the title, "The Purpose of this Map is a Reversion to Acreage."
4. Such other additional data as required by the Community Development Director or the City Engineer.

Each petition for reversion to acreage shall be accompanied by a nonrefundable filing fee as established by resolution of the Council.

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

17.14.030 Review of Petition.

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

17.14.040 Findings for Reversion.

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

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

B. Either:

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

17.14.050 Conditions for Reversion.

The Council may require as conditions of the reversion:

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

B. The retention of all or a portion of previously paid subdivision fees, deposits or improvement securities if the same are necessary to accomplish any of the purposes or provisions of the Subdivision Map Act or this Title.

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

17.14.060 Filing With Solano County Recorder.

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

17.14.070 Merging and Resubdividing Without Reversion.

Except as provided in Chapter 5 for merger of contiguous parcels under common ownership, subdivided lands may be merged and resubdivided without reverting to acreage by complying

with the applicable requirements for the subdivision of land as provided by this Title and the Subdivision Map Act.

17.14.080 Requirements for Parcel Mergers and Unmergers.

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

Chapter 17.15 Fees -- Bridges or Major Thoroughfares

Sections:

17.15.010	Fees – Bridges or Major Thoroughfares
17.15.020	General Conditions
17.15.030	Resolution of intention to Form District
17.15.040	Notice of Hearing
17.15.050	Public Hearing
17.15.060	Majority Protests
17.15.070	Resolution of District Formation
17.15.080	Fees Collected
17.15.090	Advance or Contribution of City Funds
17.15.100	Reimbursement to Subdivider or Developer

17.15.010 Fees - Bridges or Major Thoroughfares.

There may be required the payment of fees for the purpose of defraying the cost of constructing bridges or major thoroughfares in accordance with the conditions set forth in Section 66484 of the Subdivision Map Act. The purpose of this part is to provide the procedures, required by Section 66484, under which the Council could elect to require the payment of such fees and to afford the Council with an alternative means of financing such improvements.

17.15.020 General Conditions.

A. Facilities to be constructed shall conform to the general plan and for bridges to the transportation, circulation or flood control provisions thereof which identify railways, freeways, or streams for which bridge crossings are required, and in the case of major thoroughfares, to the provisions of the circulation element which identifies those major thoroughfares whose primary purpose is to carry through traffic and provide a network connecting to the State highway system.

B. Major thoroughfares to be constructed shall be those that are in addition to, or a reconstruction of, any existing major thoroughfares serving the area at the time the boundaries of the area of benefit are established.

C. Bridges to be constructed shall be an original bridge serving the area or an addition to any existing bridge facility serving the area at the time the boundaries of the area of benefit are established. No fees shall be collected or expended to reimburse the cost of constructing existing bridge facilities.

D. In establishing the property liable for payment of fees under this Section, there may be included in the area of benefit land in addition to that which may be the subject of any subdivision map or building permit application being considered concurrently with the proceedings to create a benefitting district.

E. In determining the method of fee apportionment for major thoroughfares, land which abuts the proposed improvement shall not be allocated higher fees than land not abutting the improvement unless the abutting property is provided direct usable access to the major thoroughfare.

17.15.030 Resolution of Intention to Form District.

Whenever the Council deems it necessary to form a district representing an area of benefit under the provisions of this Chapter, the Council shall by resolution declare its intention to form such a district to establish fees for the construction of bridges or major thoroughfares. The resolution of intention shall state the following:

- A. The time and place of the public hearing;
- B. The boundaries of the area of benefit;
- C. The description of the proposed improvements;
- D. The estimated cost of the construction of the proposed improvements, including right-of-way design and contract administration;
- E. The estimated advance or contribution of funds by City;
- F. The method of fee apportionment;
- G. The estimated fee which will be established as a condition of approval of final subdivision maps or for issuance of building permits; and
- H. The method and time for filing of protests.

17.15.040 Notice of Hearing.

Notice of hearing shall be given by the City Clerk as provided in Section 65091 and shall include preliminary information related to the boundaries of the area of benefit, estimated costs and the method of fee apportionment. The City Clerk shall also give any other notice of the hearing which is required by law.

17.15.050 Public Hearing.

At the time and place fixed in the resolution of intention, the Council shall hear any owner liable for the payment of fees who may appear and present testimony material to the matters set forth in the resolution of intention. Also, the Council shall hear and pass upon all written protests filed by the owners of land within the proposed improvement district. Written protests must be filed with the City Clerk prior to the time of the hearing and must contain a description of the property in which each signer thereof is interested. Each description must be in sufficient detail to clearly identify the same. If the signers of the protests are not shown on the last equalized assessment roll as the owners of such property, the protest must contain or be accompanied by written evidence that such signers are the owners of such property. The hearing may be continued from time to time by the Council.

17.15.060 Majority Protests.

A. If within the time when a protest may be filed under the provisions of this Section there is a written protest filed with the City Clerk by the owners of more than one-half of the area of the property to be benefitted by the improvements, and sufficient protests are not withdrawn so as to reduce the area represented to less than one-half of that to be benefitted, then the proposed proceedings shall be abandoned and the Council shall not, for one (1) year from the filing of that written protest, commence or carry on any proceedings for the same improvements or acquisition under the provision of this Section. Protests may be withdrawn by the owner making the same, in writing, at any time prior to the conclusion of the public hearing.

B. If any majority protest is directed against only a portion of the improvements, then all further proceedings under the provisions of this Section to construct that portion of the improvements so protested against shall be barred for a period of one (1) year, but the Council shall not be barred from commencing new proceedings not including any part of the improvements or acquisition so protested against. Nothing in this Section shall prohibit the Council, within such one (1)-year period, from commencing and carrying on new proceedings for the construction of a portion of the improvement so protested against if it finds by the affirmative vote of four-fifths of its members that the owners of more than one-half of the area of the property to be benefitted are in favor of going forward with such portion of the improvements or acquisition.

17.15.070 Resolution of District Formation.

A. If a majority protest is not filed, or if filed and protests are withdrawn such that less than a majority protest exists at the conclusion of the hearing, the Council shall by resolution determine whether or not it is deemed necessary to form the district representing an area of benefit and establish the fees therefore. A certified copy of the resolution designating a benefitting district shall be recorded by the City in the office of the Solano County Recorder. The apportioned fees specified in said resolution shall be applicable to all property within the area of benefit and shall be payable as a condition of approval of a final subdivision map or as a condition of issuing a building permit for construction of a new building.

B. Any action or proceeding to attack, review, set aside, avoid or annul the resolution forming the district, designating the area of benefit and establishing the fees therefor, or any of the proceedings, acts or determinations taken, done or made prior to the adoption of such resolution shall not be maintained by any person unless such action or proceeding is commenced within sixty (60) days after the date of adoption of such resolution. Thereafter, all persons are barred from any such action or proceeding or from raising as a defense any defense of invalidity of such resolution or of such proceedings, acts or determinations.

C. Any defect, error or informality in the publication or mailing of notices of the hearing, or of the land owner or person interested in the land to receive the notice shall not invalidate any proceedings conducted or resolution adopted pursuant to this Section.

17.15.080 Fees Collected.

A. Fees paid pursuant to this Chapter shall be deposited in a planned bridge facility or major thoroughfare fund. A separate fund shall be established for each planned bridge facility project or major thoroughfare project. If the benefit area is one in which more than one bridge is required to be constructed, a fund may be so established covering all of the bridge projects in the benefit area.

B. Moneys in such funds shall be expended solely for the construction or reimbursement for construction of the improvement serving the area to be benefitted and from which the fees comprising the fund were collected, or to reimburse the City for the cost of constructing the improvement.

C. A resolution adopted pursuant to this Chapter may provide for the dedication of land or construction of improvements in lieu of the payment of fees.

17.15.090 Advance or Contribution of City Funds.

A. The City may advance money from its general or other fund to pay the cost of constructing all or a portion of the improvement and may reimburse the general or other fund for such advance from planned bridge facility or major thoroughfare funds established to finance the construction of such improvements.

B. Where the area of benefit includes lands not subject to the payment of fees pursuant to this Section, the Council shall make provision for payment of the share of the improvement cost apportioned to such land from sources other than the planned bridge facility or major thoroughfare fund.

17.15.100 Reimbursement to Subdivider or Developer.

Whenever a subdivider or land developer is required to pay a fee for the construction of a bridge or improvement of a major thoroughfare as a condition precedent to the acceptance of a final subdivision map or as a condition of issuing a building permit and the facility is, or is to be, dedicated to the public, the Council may contract with the subdivider or land developer for the construction of the bridge or improvement of a major thoroughfare, and reimburse the subdivider

or land developer for the cost of constructing the facility from the fees collected from the benefitting district.

**Chapter 17.16 Regulation for Dedication
of Land, Payment of Fees, or Both,
for Park and Recreational Purposes**

Sections:

17.16.010	General Requirement
17.16.020	General Standards
17.16.030	Standards and Formulas for Dedication of Land
17.16.040	Formula for Fees in Lieu of Land Dedication
17.16.050	Calculation of In Lieu Fees; Appraisal
17.16.060	Use of Fees
17.16.070	Determination of Land or Fee
17.16.080	Time Schedule for Use of Land/Fees
17.16.090	Credits
17.16.100	Computation of Credit
17.16.110	Procedure
17.16.120	Exemptions
17.16.130	Access Requirements
17.16.140	Sale of Dedicated Land
17.16.150	Phased Maps

17.16.010 General Requirement.

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

17.16.020 General Standards.

It is hereby found and determined that the public interest, convenience, health, welfare and safety require that five (5) net acres of property for each one thousand (1,000) persons residing within the City be devoted to local recreation and park purposes.

17.16.030 Standards and Formulas for Dedication of Land.

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

formula: Where the City requires the dedication of land, the subdivider or owner shall dedicate land for local recreational or park facilities according to the formula $D \times F = A$ in which:

D	=	the number of dwelling units
F	=	a "factor" herein described
A	=	the buildable acres to be dedicated.

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

The factors for various residential dwelling types are constants which, when multiplied by the number of dwelling units permitted in the subject area, will produce five (5) acres per thousand population. Unless the subdivider enters into an agreement with the City for a lower density, the number of dwelling units shall be calculated as follows:

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

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

The factors referred to above are as follows:

F1	=	.0151 relating to one family dwelling units
F2	=	.0120 relating to two family dwelling structures
F3	=	.0169 relating to three to ten family dwelling structures
F11	=	.0129 relating to eleven plus family dwelling structures
FM	=	.0160 relating to mobile homes or other dwellings

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

17.16.040 Formula for Fees in Lieu of Land Dedication.

A. If no community or neighborhood park or recreational facility is designated in the City General Plan or in an applicable specific plan to be located in whole or in part within the proposed subdivision to serve the needs of the residents of the subdivision, or where the Council requires the payment of in lieu fees, the subdivider shall, in lieu of dedication of land, pay a fee equal to the value of the land prescribed for dedication in Section 17.16.030 hereof and in an amount determined in accordance with the provisions of Section 17.16.050 hereof, such fee to be used for recreational and park facilities which will serve the residents of the area being subdivided.

B. If the proposed subdivision contains fifty (50) parcels or less, the subdivider shall pay a fee equal to the land value of the portion of the local park required to serve the needs of the residents of the proposed subdivision as prescribed in Section 17.16.030 hereof, and in an amount determined in accordance with the provisions of Section 17.16.050.

17.16.050 Calculation of In Lieu Fees; Appraisal.

When a fee is to be paid in lieu of land dedication, the amount of such fee shall be based upon the fair market value as described below, plus twenty percent (20%) for off-site improvements such as utility line extensions, curb, gutter and pavement and street lights.

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

$$A \times V = M$$

where

A = The amount of land required for dedication as determined in Section 17.16.030.

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

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

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

prior to the date of appraisal. The fair market value shall be for the gross tentative map area. Factors to be considered during the evaluation shall include the following:

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

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

17.16.060 Use of Fees.

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

17.16.070 Determination of Land or Fee.

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

- A. The Public Services and Facilities element of the City General Plan;
- B. Topography, geology, access and location of land in the subdivision available for dedication;
- C. Size and shape of the subdivision and land available for dedication;
- D. Feasibility of dedication;
- E. Compatibility of dedication with the City of Dixon's Parks Master Plan; and

F. Availability of previously acquired park property. The determination of the Council as to whether land shall be dedicated, or whether a fee shall be charged, or a combination thereof, shall be final and conclusive.

G. Whether the parcel can be conveyed to the City free of all taxes, assessments and liens of record that would adversely affect the City's ability to use the property for its intended purpose.

17.16.080 Time Schedule for Use of Land/Fees.

Any fee collected under the ordinance shall be committed within five (5) years after the payment of such fees or the issuance of building permits on one-half of the lots created by the subdivision, whichever occurs later. If such fees are not committed, they shall be distributed and paid to the then-record owners of the subdivision in the same proportion that the size of their lot bears to the total area of all lots within the subdivision.

17.16.090 Credits.

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

1. Yards, court areas, setbacks, and other open space areas required to be maintained by this Title and other regulations shall not be included in private open space and local recreation credit;
2. Provision is made by written agreement, recorded covenants running with the land, or other contractual instrument that the areas shall be adequately maintained;
3. The use of private open space or recreation facilities is limited to park and local recreation purposes and shall not be changed to another use without the express written consent of the Council.

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

1. Open spaces, which are generally defined as parks, extensive areas with tree coverage, low land along streams or areas of rough terrain when such areas are

extensive and have natural features worthy of scenic preservation, golf courses, or open areas on the site in excess of twenty thousand (20,000) square feet.

2. Court areas, which are generally defined as tennis courts, badminton courts, shuffleboard courts or similar hard-surfaced areas especially designed and exclusively used for court games.
3. Recreational swimming areas, which are defined generally as fenced areas devoted primarily to swimming, diving, or both, including decks, lawned area, bathhouse, or other facilities developed and used exclusively for swimming and diving.
4. Recreation buildings, designed and primarily used for the recreational needs of the residents of the development.
5. Special areas, which are generally defined as areas of scenic or natural beauty, historic sites, hiking, riding or motorcycle/bicycle trails, including pedestrian walkways separated from public roads, improved access or right-of-way in excess of requirements, and similar type open space or recreational facilities which, in the sole judgment of the City of Dixon, qualifies for a credit.

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

17.16.100 Computation of Credit.

The categories for credit for private open space and facilities described in Section 17.16.090 shall be given equal weight, each category not to exceed twenty percent (20%) of the total which may be granted by the City. The Council may, however, upon petition of the subdivider, grant additional credit for each of the above categories if there is substantial evidence that:

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

17.16.110 Procedure.

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

1. The amount of land to be dedicated;
2. That a fee be charged in lieu of dedication;
3. That both dedication and a fee be required;
4. That a credit be given for private recreation facilities, unique natural and special features, or for any other reason provided in Section 17.16.090;
5. The location of the park land to be dedicated;
6. The approximate time when development of the park or recreation facility shall be commenced.

B. At the time of its hearing on the tentative subdivision map, the Commission or Council shall determine the amount of land required to be dedicated under this Chapter and Section 17.16.030, whether or not a fee is to be charged in lieu of any or all of the required dedication, whether a credit is to be given for private recreation facilities, unique natural and special features, or for any other reason provided in Section 17.16.090, and the location of the park land to be dedicated, if any. In making its determination, the Council shall be guided by the standards contained in this Chapter where applicable.

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

17.16.120 Exemptions.

The provisions of this Chapter shall not apply to subdivisions:

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

Chapter, calculated as of the date the building permit is issued, as a condition to the issuance of a building permit; a note to this effect shall be placed on the final map.

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

17.16.130 Access Requirements.

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

17.16.140 Sale of Dedicated Land.

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

17.16.150 Phased Maps.

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

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

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

1. dedicate full title to part of the parksite; or

2. dedicate as specified in (c)(1) of this Section and enter into an agreement with the City to reserve the undedicated portion; or
3. solely pay in-lieu fees; and/or
4. be granted credit(s) in accordance with Section 17.16.100 and 17.16.110.

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

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

D. Nothing in Subsection 17.16.150.C shall be construed to:

1. require the dedication of land located outside the proposed final subdivision or parcel map; or
2. prohibit a subdivider from dedicating land in excess of the amount required to be dedicated pursuant to Subsection 17.16.150.A.

Chapter 17.17 - Covenants For Easements

Sections:

- 17.17.010** **Creation of Covenant for Easements: Purposes**
- 17.17.020** **Requirements for Creation**
- 17.17.030** **Enforcement**
- 17.17.040** **Recording; Contents; Effect**
- 17.17.050** **Release of Covenant; Procedure and Hearing**
- 17.17.060** **Recordation of Release**
- 17.17.070** **Fees for Processing Covenant for Easement and Release From
Covenant for Easement**
- 17.17.080** **Limitation Upon Enforcement of Covenant**

17.17.010 Creation of Covenant for Easements: Purposes.

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

17.17.020 Requirements for Creation.

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

17.17.030 Enforcement.

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

17.17.040 Recording; Contents; Effect.

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

17.17.050 Release of Covenant; Procedure and Hearing.

Once a covenant for easement has been created, it shall only be released by resolution adopted by the Council following a noticed public hearing. The resolution adopted by the Council shall

specifically release the property burdened with such easement from the effect of such covenant. The hearing shall be held upon the request of any person whether or not that person has title to the real property. Notice of the public hearing shall be given as provided in Government Code Section 65090 and shall include any notice required by Government Code Section 69092. If the application is not filed by all persons having an interest in the real property either benefitted or burdened by the covenant, then notice of said hearing, as defined by Government Code Section 65094, shall be given by the applicant to each such person who has an interest in the property and has not joined in the application not later than ten (10) days prior to the date of such hearing. Proof of the giving of such notice shall be provided by the applicant to the City Clerk not later than five (5) days prior to the date of said hearing. Any person seeking release of the covenant shall provide the City, at the time of filing of an application for such release, a title guarantee naming the City as the insured, listing all persons having a record interest in the property benefitted by and burdened by the covenant as of the date of the filing of said application.

17.17.060 Recordation of Release.

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

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

The Council may adopt a resolution providing for the imposition of fees to recover the reasonable costs to the City of processing both the covenant for the easement and the release for the covenant for an easement. Said fees shall be in addition to any other fee imposed by ordinance or resolution of the City in connection with the processing of the approvals or entitlements listed in Section 17.17.010.

17.17.080 Limitation Upon Enforcement of Covenant.

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

Chapter 17.18 Enforcement

Sections:

- 17.18.010 Enforcement – Generally**
- 17.18.020 Illegal Subdivisions – Notices**
- 17.18.030 Illegal Subdivisions – Subsequent Permits and Approvals**
- 17.18.040 Certificate of Compliance**

17.18.050 Appeals of Actions of Community Development Director or City Engineer

17.18.010 Enforcement - Generally.

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

17.18.020 Illegal Subdivisions - Notices.

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

17.18.030 Illegal Subdivisions - Subsequent Permits and Approvals.

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

If the officer or employee of the City issues a permit or grants approval for the development of any real property illegally subdivided, the officer or employee shall impose those additional conditions which would have been applicable to the division of the property at the time the current owner of record acquired the property as determined by the Community Development Director. If the property has the same owner of record as at the time of the initial violation, the Community Development Director or City Engineer, or both, may impose conditions applicable to a current division of the property. If a conditional certificate of compliance has been filed for record in accordance with the provisions of Section 17.18.040, only those conditions stipulated in that certificate shall be applicable.

17.18.040 Certificate of Compliance.

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

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

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

C. If the Community Development Director determines that the real property does not comply with the provisions of the Subdivision Map Act or this Title, the Community Development Director may, as a condition to granting a certificate of compliance, impose conditions in accordance with Section 17.18.030. Upon the Community Development Director's making such a determination and establishing such conditions, the Department shall file a conditional certificate of compliance of record with the Solano County Recorder. Such certificate shall serve as notice to the property owner or vendee who has applied for the certificate, a grantee of the property owner, or any subsequent transferee or assignee of the property, that the fulfillment and implementation of such conditions shall be required prior to subsequent issuance of a permit or other grant of approval for development of the property.

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

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

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

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

17.18.050 Appeals of Actions of Community Development Director or City Engineer.

The actions of the Community Development Director and City Engineer under this Chapter shall be subject to appeal to the Commission as provided in Section 17.01.050 of this Title.