

CHAPTER 20

SUBDIVISIONS

(Editor's note --The references throughout this chapter to the Subdivision Map Act shall be interpreted to mean section 11500 et seq., of the Business and Professions code of the State. For state law as to subdivisions generally, see B&PC sec.11000 et seq. As to requirement that city adopt subdivision regulations, see B&PC sec. 11525. As to planning commission, see sec.2-5 to 2-12 of this Code. As to building regulations generally, see ch. 6. As to zoning regulations generally, see ch. 24.)

Article I. In General

- 20-1 Definitions.
- 20-2 Chapter to supplement Subdivision Map Act.
- 20-3 Authority of city council.
- 20-4 Compliance with chapter and Subdivision Map Act.
- 20-5 Advisory agency--Planning commission designated.
- 20-6 Same--Powers.
- 20-7 Variances from chapter.
- 20-8 Appeals.
- 20-9 Minimum improvements required.
- 20-10 Additional improvements.
- 20-11 Agreement to complete improvements; Security.
- 20-12 Standards of design--Generally.
- 20-13 Same--Enumerated.
- 20-14 Preliminary soil report--Filing; waiver.
- 20-15 Same--When soil investigation required.
- 20-16 Same--Approval of soil investigation; appeals.

Article II. Tentative Map.

- 20-17 Procedure prior to preparation and filing.
- 20-18 Preparation; filing generally.
- 20-19 Contents.
- 20-20 Reports, etc., to accompany.
- 20-21 Distribution of copies.
- 20-22 Report of planning commission.
- 20-23 Submission to state real estate commission.

Article III. Final Map.

- 20-24 Preparation.
- 20-25 Contents.
- 20-26 Form.
- 20-27 Statements, etc., to accompany.
- 20-28 Filing with city clerk.
- 20-29 Submission to city engineer.
- 20-30 Examination and approval by city engineer.
- 20-31 Completion of map.
- 20-32 Completion or agreement to complete streets, etc., prerequisite to approval.

Article IV. Subdividing Existing Lots or Parcels.

- 20-33 Compliance with article.
- 20-34 Tentative parcel map.
- 20-35 Improvements and dedication.
- 20-36 Final parcel map.
- 20-37 Processing.
- 20-38 Compliance prerequisite to issuance of building permits.
- 20-39 Additional parcel splits.
- 20-40 Appeal to city council.

Article V. Park and Recreation Dedication Fees.

- 20-41 Purpose.
- 20-42 Requirements.
- 20-43 General Standard.
- 20-44 Standards and formula for dedication of land.
- 20-45 Standards for fees in lieu of land dedication.
- 20-46 Determination of land or fee.
- 20-47 Amount of fee in lieu of land dedication.
- 20-48 Limitation on use of land and fees.
- 20-49 Time of commencement of facilities.
- 20-50 Exemptions.
- 20-51 Credits against fee or land.

Article I. In General.

- 20-1 Definitions. All terms used in this chapter which are defined in the Subdivision Map Act shall have the same meaning as ascribed thereto in this act and as the act may hereafter be amended. (Ord. 391)
- 20-2 Chapter to supplement Subdivision Map Act. The provisions of this chapter shall be in addition to, and shall be considered as supplementing the provisions of the Subdivision Map Act, as contained in the Business and Professions Code of the state and all amendments thereto. (Ord. 391)
- 20-3 Authority of city council. The city council hereby assumes control of the design and improvement of land subdivisions as such power is vested in the city by the provisions of the Subdivision Map Act and amendments thereto. (Ord. 391)
- 20-4 Compliance with chapter and Subdivision Map Act. It shall be unlawful for any person to sell any lands within a subdivision in the city until the subdivider has first conformed to the requirements of the Subdivision Map Act and the provisions of this chapter. Each separate sale or each separate attempt or offer to sell any land from a subdivision without first complying with the provisions of the Subdivision Map Act and the provisions of this chapter shall be deemed a separate offense and shall be punishable as a misdemeanor. (Ord. 391)
- 20-5 Advisory agency--Planning commission designated. The planning commission of the city is hereby made the advisory agent of the city council as such advisory agency is defined and established by the Subdivision Map Act and the power is hereby delegated to the advisory agency to approve, conditionally approve or disapprove and to report such action on tentative subdivision maps directly to the subdivider. (Ord. 391)

20-6 Same--Powers. The advisory agency is hereby given full power and authority to investigate any and all matters pertaining to a proposed subdivision and to make its findings a fact in relation thereto which shall be communicated to the city council. (Ord. 391)

20-7 Variances from chapter. It is recognized that situations may arise where it may prove to be impracticable or impossible or unfair and oppressive to the subdivider to require literal compliance with all of the requirements of this chapter and that a certain flexibility is necessary.

If the advisory agency, by the unanimous vote of all of its members present at any regular or special meeting, finds and determines that any of the provisions of this chapter should be modified or omitted, thereupon the city council is authorized and empowered to approve any such subdivision map in accordance with such specific findings of the advisory agency.

The city council may take such action as in its discretion it deems proper and may permit the modification or omission of any of the provisions of this chapter and make such conditions as it deems necessary.

Any findings of fact recommending modification or omission of any of the requirements of this chapter shall be set forth in the permanent records of the planning commission and referred to or set forth in the minutes of the city council. (Ord. 391)

20-8 Appeals. Any person aggrieved by a decision of the advisory agency shall have the right of appeal to the city council within twenty days after decision of such agency. (Ord. 391)

20-9 Minimum improvements required. The subdivider shall improve or agree to improve all streets, highways, alleys, ways or easements in the subdivision as a condition precedent to acceptance thereof.

Such improvements shall be installed at lines and grades and in accordance with standard specifications approved by the city engineer and shall include:

- a) Grading, etc. Grading, drainage and drainage structures necessary to proper use and to the public safety.
- b) Curbs, etc. Curbs and gutters.
- c) Parkways. A parkway of not less than six feet six inches, measured from the inside edge of the curb to the outside edge of the sidewalk.
- d) Sidewalks. Sidewalks of a width and quality suitable for the local neighborhood use.
- e) Pavement. Pavement of a width and quality suitable for local neighborhood traffic.
- f) Water supply. Adequate domestic water supply,
- g) Sewage disposal. Sanitary sewer facilities and connections for each lot where in the opinion of the planning commission an outfall sewer is reasonably available.

h) Disturbance of pavement, etc., for public utility, etc., service. Service from public utilities where provided and from sanitary sewers shall be made available for each lot in such manner as will obviate the necessity for disturbing the street pavement, gutter, curb and sidewalk when service connections are made.

i) Trees. Street trees.

j) Street lights. Street lights, where requested by the planning commission.

k) Monuments. Permanent subdivision survey monuments.
(Ord.391)

20-10 Additional improvements. In addition to the minimum improvements referred to in section 20-9, the planning commission shall recommend, and the city council may require, such additional improvements and facilities or such modification in the standards of minimum improvements as special conditions may cause the planning commission to make a special finding of need. (Ord. 391)

20-11 Agreement to complete improvements; security.

a) If improvement work referred to in Section 20-32 is not completed before the final map is approved, the owner of the subdivision shall, as a condition of final map approval, enter into an agreement with the City upon mutually agreeable terms to thereafter complete the off site improvements within a time specified in the agreement at the sub-divider's expense. The security required herein shall include an amount to secure payment to the person or persons responsible for the location and installation of the monuments required by this ordinance.

b) To assure that such improvements are constructed, the subdivider shall furnish security to the City in amounts authorized by Government Code Section 66499.3. If the improvement security authorized by the City is other than bonds furnished by a duly authorized corporate surety, an additional amount shall be included as determined by the City Council as necessary to cover the costs and reasonable expenses and fees, including reasonable attorneys' fees which may be incurred by the City in successfully enforcing the obligation secured.

c) The security required by this Section shall be of the type authorized by the Government Code Section 66499, as the same now provides or may hereafter be amended, at the option of and subject to the approval of the City Council, including covenants running with the land.

d) The security required by this Section and the Sub-division Map Act shall be released as provided in said Act, as the same now provides or may hereafter be amended. (Ord. 576)

20-12 Standards of design--Generally. Except in those cases where the city planning commission determines that the size and

shape of the land topographical conditions or proposed land use make compliance therewith impractical, the standards of design shall be as provided in section 20-13. (Ord. 391)

20-13 Same--Enumerated. Subject to section 20-12 in reviewing tentative maps preparatory to making a recommendation to the city council, the planning commission shall require:

a) Dedications for streets, etc. Dedications of land for streets, alleys, floodways and easements for:

1) Major streets and thoroughfares for opening or widening as shown on the major street plan or master plan of highways at the widths shown on such plan.

2) Local streets, not less than sixty feet in width or the balance to complete dedication to that width of previously dedicated portions of streets, and located to provide natural drainage with no drainage pockets and adjusted to the topography, minimum number of intersections

with major streets or thoroughfares, and blocks not less than six hundred feet in length.

3) Dead-end streets shall be terminated by a turn around area not less than eighty feet in diameter and shall be so arranged that all parts of any dead-end street are visible from the through street from which it runs.

4) Boundary line streets and half streets shall be permitted only when such partial dedications are necessary for the carrying out of the major street plan or when assurances are presented in writing by the owner of the adjoining property of intention to dedicate the remaining parts of the street when such adjoining property is subdivided.

5) Alleys, not less than twenty feet in width in all areas zoned or proposed for industrial, commercial or multiple family dwelling use.

b) Easements.

1) For irrigation and drainage channels at such width as the Imperial Irrigation District or the city engineer may indicate.

2) Utilities at the rear of lots as may be necessary to serve the property where alleys are not provided.

c) Pedestrian ways. Pedestrian ways may be required near the middle of long blocks.

d) Parks, etc. Small parks or other public areas, as may be appropriate.

- e) Curved streets. Curved streets shall have a center radius of three hundred feet or greater.
- f) Street corners. Street corners shall have a minimum twelve-foot curb radius.
- g) Street connections. All street connections shall be at approximate right angles.
- h) Lots and blocks. Lots and blocks with dimensions suitable to the land uses proposed and in no case less than the minimum sizes specified in this section. The following requirements shall be applicable to lots and blocks:
- 1) Lot sizes in residential zones shall be not less than sixty feet wide and one hundred twenty feet deep with sixty-five foot minimum width for corner lots.
 - 2) When large lots are proposed, the shapes and building locations may be required to be so established as to permit later practical resubdivision.
 - 3) No reserved lots or strips shall be permitted.
 - 4) Blocks shall ordinarily be two lot depths in width and not over one thousand three hundred feet in length; provided, that if blocks are shown at greater width, the planning commission may require easements or other assurances to permit later practical resubdivision. (Ord. 391)

20-14 Preliminary soil report--Filing; waiver. Prior to the submission of the final map the subdivider shall file with the city engineer a preliminary soil report, prepared by a state-registered civil engineer, based upon adequate test borings or excavations of every subdivision. The city engineer may waive such soil report if he shall determine that, due to his knowledge of soil qualities of the subdivision, no preliminary analysis is required. (Ord. 403)

20-15 Same--When soil investigation required. If the preliminary soil report indicates the presence of critically expansive soils or other soil problems which, if not corrected, would lead to defects in structures erected thereon, a soil investigation of each lot in the subdivision shall be prepared by a state-registered civil engineer. The investigation shall recommend corrective action which is likely to prevent structural damage to each dwelling proposed to be constructed on the expansive soil. The report shall be filed with the city engineer. (Ord. 403)

20-16 Same--Approval of soil investigation; appeals. The city engineer shall approve the soil investigation if in his judgement he determines that the recommended corrective action is likely to prevent structural damage to each dwelling to be constructed on each lot in the subdivision. Any subdivider aggrieved by the city engineer's determination may appeal therefrom to the board of appeals, provided for in the Uniform Building Code, and the decision

of the board shall be final. Any building permit issued for any dwelling proposed to be built in the subdivision shall be conditioned upon the incorporation of the approved recommended corrective action in the construction of each such dwelling.

(Ord. 403)

Article II. Tentative Map.

20-17 Procedure prior to preparation and filing. The procedure, when a tentative map is to be filed as provided in this chapter shall be as follows:

a) After noting the requirements of sections 20-13 and 20-19, the subdivider should confer with the engineer or staff of the planning commission before preparing the tentative map of the proposed subdivision.

(Ord. 391)

b) Prior to filing of a tentative map, a number shall be obtained from the city engineer upon payment to the city of the final map recording fee in an amount established by resolution of the City Council.

(Ord. 472)

20-18 Preparation; filing generally. The tentative map shall be prepared in accordance with the Subdivision Map Act and the provisions of this article. Eight copies of such tentative map shall be filed with the city planning commission. Such filing shall be prior to the completion of final surveys of streets and lots and before the start of any grading or construction work with the proposed subdivision.

(Ord. 391)

20-19 Contents. Tentative maps, filed as provided in this chapter, shall delineate and indicate the following:

- 1) Title of subdivision and description of property.
- 2) Name and address of owner and subdivider.
- 3) Name and address of person preparing map.
- 4) Approximate acreage.
- 5) North point.
- 6) Scale.
- 7) Date.
- 8) Boundary line.
- 9) Location and name of streets
- 10) Width of streets.
- 11) Name, location and width of adjacent streets.
- 12) Proposed street grades.
- 13) Street grades beyond tract.
- 14) Cross-section of proposed street improvements.
- 15) Width of alleys.
- 16) Width of easements.
- 17) Dimensions of reservations.

- 18) Existing structure.
- 19) Location of existing and proposed public utilities.
- 20) Existing sewers.
- 21) Elevation of sewers at proposed connections.
- 22) Existing water mains.
- 23) Existing culverts and drain pipes.
- 24) Watercourses.
- 25) Land subject to overflow, inundation or flood hazard.
- 26) Railroads.
- 27) Lot lines and approximate dimensions.
- 28) Approximate radius of curves.
- 29) Setback lines.
- 30) Lands and parks to be dedicated for public use.
- 31) Contours at two-foot intervals.
- 32) Proposed land use:

- a) Single family.
- b) Multi-family.
- c) Business.
- d) Industrial.

- 33) Name of adjoining subdivision.
- 34) Existing use of property immediately surrounding the tract.
- 35) Land registered. (Ord. 391)

20-20 Reports, etc., to accompany. A tentative map, filed as provided in this chapter, shall be accompanied by reports and written statements from the subdivider giving essential information regarding the following matters:

- a) Development plan. Subdivision development plan.
- b) Water supply. Source, quality and an estimate of available quantity of domestic water supply.
- c) Street improvements, etc. Type of street improvements and utilities which the subdivider proposes to install.
- d) Sewage disposal. Proposed method of sewage disposal.
- e) Storm sewers. Proposed storm water sewer (grade and size).
- f) Covenants. Protective covenants to be recorded.
- g) Trees. Proposed tree planting. (Ord. 391)

20-21 Distribution of copies. Upon the filing with the city planning commission of the required number of copies of a tentative map, as provided in this article, one copy thereof shall be immediately forwarded to the city planning commission.

If a state highway is involved, a copy of the map shall be forwarded to the district engineer of the division of highways of the state department of public works.

The city planning commission shall cause to be certified upon its official filed copy of the tentative map a statement as to the above transmittals, giving the date in each case. (Ord. 391)

20-22 Report of planning commission. Within thirty days after a tentative map has been filed, as provided in this article, the planning commission shall report in writing to the subdivider the approval, conditional approval or disapproval of the map and the conditions on which such action is based.

On the official filed copy of the tentative map, a statement shall be made covering such action. (Ord. 391)

20-23 Submission to state real estate commission. As soon as the planning commission has approved, conditionally approved or disapproved a tentative map, filed as provided in this article, a copy thereof shall be sent by the planning commission to the real estate commissioner of the state, together with a statement of the action taken thereon by the planning commission. (Ord. 391)

Article III. Final Map.

20-24 Preparation. After approval of a tentative map by the planning commission, the subdivider may cause a final map to be prepared in accordance with the completed survey of the subdivision and in substantial compliance with the approved tentative map and in full compliance with the Subdivision Map Act and this chapter. (Ord.391)

20-25 Contents. Final maps filed, as provided in this article, shall delineate and indicate the following:

- 1) If more than three sheets are used, an index showing entire subdivision, with lots numbered consecutively.
- 2) Title, name of tract, date, north point and scale.
- 3) Description of land included.
- 4) Location and names, without abbreviations, of all:
 - a) Proposed streets and alleys.
 - b) Proposed public areas and easements.
 - c) Adjoining streets.
- 5) Dimensions in feet and decimals of a foot.
- 6) Dimensions of all lots.
- 7) Center line data including bearings and distances.
- 8) Radius, tangent arc and central angle of curves.
- 9) Suitable primary survey control points.
- 10) Location of all permanent monuments.
- 11) Ties to and names of adjacent subdivisions.
- 12) Ties to any city or county boundary lines involved.
- 13) Location of all setback lines.
- 14) Required certificates.
- 15) Net acreage of all lots of one acre or more. (Ord. 391)

20-26 Form. In the preparation of the final map, as provided in section 20-24, compliance shall be had with the following requirements:

a) Size, material, etc. The requirements as to sizes, material and related matters shall be as follows:

- 1) The final map shall be clearly and legibly delineated upon tracing cloth of good quality.
- 2) All lines, letters, figures, certificates, acknowledgements and signatures shall be made in black waterproof India ink, except that affidavits, certificates and acknowledgements may be legibly stamped or printed upon the map with black opaque ink.
- 3) The size of each sheet shall be eighteen by twenty-six inches.
- 4) A marginal line shall be drawn completely around each sheet leaving an entirely blank margin of one inch.
- 5) The scale of the map shall be large enough to show all details clearly and enough sheet shall be used to accomplish this end.
- 6) Each sheet shall be numbered, the relation of one sheet to another clearly shown and the number of sheets used shall be set forth on each sheet.
- 7) The tract number, scale, north point and sheet number shall be shown on each sheet of the final map.

b) Title sheets. The requirements as to title sheets shall be as follows:

- 1) Below the title shall be a subtitle consisting of a general description of all property being subdivided, by reference to deeds, subdivisions or to sectional surveys.
- 2) References to tracts and subdivisions shall be spelled out and worded identically with original records, with complete reference to proper book and page of the record.
- 3) The title sheet shall show in addition the basis of bearings.
- 4) Maps filed for the purpose of reverting subdivided land to acreage shall be conspicuously marked under the title "The purpose of this Map is a Reversion to Acreage".

c) Certificate forms. Forms for certificates shall be as required by the Subdivision Map Act and this chapter.

d) Surveying data generally. Generally, the requirements as to surveying data for lots shall be as follows:

- 1) Sufficient data shall be shown to determine readily the bearing and length of such line.

- 2) Dimensions of lots shall be the net dimensions.
 - 3) No ditto marks shall be used.
 - 4) Lots containing one acre or more shall show net acreage to nearest hundredth.
- e) Further provisions as to surveys. Further, in reference to surveys and surveying, the following provisions shall apply:
- 1) There shall be shown the center line of all streets, length, tangent, radius and central angle or radial bearings of all curves; and the bearing of radial lines, to each lot corner of a curve, the total width of each street, the width of the portion being dedicated and the width of existing dedications, and the width of each side of the center line, also the width of rights of way of railroads, flood control or drainage channels and any other easements appearing on the map.
 - 2) Surveys in connection with the preparation of subdivision maps, as provided in this chapter, shall be made in accordance with standard practices and principles for land surveying.
 - 3) A traverse of the boundaries of the subdivision and all lots and blocks shall close within a limit of error on one foot in ten thousand feet of perimeter.
- f) Easements. In reference to easements, the following provisions shall apply:
- 1) The final map shall show the center line data, width and side lines of all easements to which the lots are subject.
 - 2) If the easement is not definitely located of record, a statement as to the easement shall appear on the title sheet.
 - 3) Easements for storm drains, sewers and other purposes shall be denoted by broken lines.
 - 4) Distances and bearings on the side lines of the lots which are cut by an easement shall be shown as to indicate clearly the actual length of the lot line.
 - 5) The width of the easement and the lengths and bearings of the lines thereof and sufficient ties to locate the easement definitely with respect to the subdivision shall be shown.
 - 6) The easement shall be clearly labeled and identified and if already of record, proper reference to the records given.

7) Easements being dedicated shall be so indicated in the certificate of dedication.

g) Existing monuments, etc. In reference to existing monuments and related matters, the following provisions shall apply:

1) The final map shall show clearly what stakes, monuments or other evidence was found on the ground to determine the boundaries of the tract.

2) The corners of adjoining subdivisions or portions thereof shall be identified and ties shown.

h) Street surveys. Wherever the county surveyor or city engineer has established the center line of a street or alley, that data shall be considered in making the surveys and in preparing the final map; and all monuments found shall be indicated, and proper references made to field books or maps of public records, relating to the monuments. If the points were reset by ties, that fact shall be stated.

i) City or county boundaries. The final map shall show city and county boundaries crossing or adjoining the subdivision, which boundaries shall be clearly designated and tied in.

j) Numbering of lots. The lots shall be numbered consecutively, commencing with the number one, with no omissions or duplications; provided, that where the subdivision is a continuation of or an addition to an existing subdivision, the lot numbers may commence with the number immediately following the last or highest number of such existing subdivision and in all other respects shall conform with the preceding requirements.

k) Showing complete lot. Each lot shall be shown entirely on one sheet.

(Ord. 391)

20-27 Statements, etc., to accompany. The final map shall be accompanied by:

a) Traverse and work sheets. Traverse sheets and work sheets showing the closure within allowable limits of error, or the exterior boundaries and of each irregular block and lot of the subdivision.

b) Plans, etc., for improvements. Plans and specifications of the proposed improvements together with the necessary bonds or guarantees as provided herein.

c) Covenants. A copy of the protective covenants to be recorded.

d) Memorandum. A memorandum in duplicate showing:

- 1) The total area of the subdivision.
- 2) The total area in streets.
- 3) The total area in lots.

e) Parks, etc. The area in parks, school sites or other lands offered for dedication or reserved for future public or quasi-public use. (Ord. 391)

20-28 Filing with city clerk. Fifteen copies of the final map, prepared as required in sections 20-24 and 20-26, shall be filed with the city clerk prior to the submission of such final map to the city council. (Ord. 391)

20-29 Submission to city engineer. After receipt of the report of the planning commission approving or conditionally approving the tentative map, the subdivider may submit to the city engineer the original final map and a duplicate tracing thereof made on good tracing cloth. (Ord. 391)

20-30 Examination and approval by city engineer. After issuance of a receipt for a final map, an engineer designated by the City Council shall examine it as to sufficiency of affidavits and acknowledgements, correctness of surveying data, mathematical data and computations and such other matters as require checking to insure compliance with the provisions of the Subdivision Map Act and this Chapter.

If the final map is found to be in correct form, and the matters shown thereon are sufficient, an engineer designated by the City Council shall endorse his approval thereon and transmit it to the City Council together with plans and specifications of proposed improvements and such other matters as are required to enable the City Council to consider the final map or return the final map to the subdivider together with a statement setting forth the ground for its return.

The fee for examining a final map shall be established by resolution of the City Council; provided, that where a large amount of checking or field surveys, or both, are necessary to check the accuracy of the data shown on the final map, an additional fee estimated by an engineer designated by the City Council and approved by the City Council to be sufficient to cover the actual cost shall be deposited with the City Clerk of the City of Imperial; provided further, that any balance shall be returned to the subdivider or in case the fee is not sufficient, subdivider shall pay the difference between the estimated and actual cost of examination. (Ord. 472)

20-31 Completion of map. The final map shall be completed in accordance with the Subdivision Map Act and this chapter. (Ord. 391)

20-32 Completion or agreement to complete streets, etc., pre-requisite to approval. The subdivider shall improve or agree to improve all streets, highways, alleyways or easements in the subdivision as provided in sections 20-9 and 20-10 as a condition precedent to the approval of the final map. (Ord. 391)

Article IV. Subdividing Existing Lots or Parcels.

20-33 Compliance with article. When an owner or subdivider desires to consolidate, to divide or rearrange one or more existing lots or parcels into not more than four parcels, or as otherwise provided by sections 11535 and 11575 to 11580 of the state Business and Professions Code, and other applicable provisions of the Subdivision Map Act, it shall be done in the manner set forth in this article. (Ord. 437)

20-34 Tentative parcel map. An acceptable tentative parcel map, showing the proposed land division, shall be prepared by a registered civil engineer or licensed land surveyor, and filed with the city engineer. The map shall be of a size and form and shall contain necessary information as prescribed by the city engineer. A preliminary title report for the property being split shall be submitted at the time of filing. (Ord. 437)

20-35 Improvements and dedication.

a) Except as hereinafter provided, the owner or subdivider shall offer for dedication additional streets, alleys, public ways and easements, as are required for conformance with the city's circulation element and the existing or projected local street system.

b) As a condition precedent to the approval of a parcel map, the owner or subdivider shall agree to construct improvements in or along the parcel frontage upon all existing or proposed public streets and ways as reasonably required for subdivision. A final parcel map may not be approved by the city engineer until the required improvements have been satisfactorily constructed or until an adequate security, as approved by the city attorney and in an amount determined by the city engineer for the estimated cost of the work, has been posted with the city.

c) Extraordinary conditions may make construction of certain improvements impracticable. In extreme circumstances, the city may grant conditional exception to be made only upon written statement of the owner, citing the extraordinary or extreme circumstances and shall be granted only by the City Council, subject to such conditions as they may impose. (Ord. 437)

20-36 Final parcel map.

a) Upon completion of requirements for the tentative parcel map and improvements, the owner or subdivider may proceed with the processing of a final parcel map of the land division. The map shall be of a size and form prescribed by the city engineer, shall comply with the provisions of sections 11575 to 11580 of the Subdivision Map Act, shall be based upon a field survey showing monuments found and set, and shall include other

data as required by the city.

b) Upon approval of the final parcel map by the city engineer, the owner's or subdivider's engineer or land surveyor shall file the map with the county recorder. He shall pay the recording fee and return an acceptable reproducible, duplicate copy of the recorded map on linen tracing cloth or polyester base film, one cloth black print and two blue line prints to the city for filing. (Ord. 437)

20-36.1 Parcel map waiver procedure. Upon compliance with the provisions hereinafter set forth and issuance to the applicant of a Parcel Map Waiver Certificate, no parcel map need be filed or recorded for a proposed subdivision creating no more than four parcels, each parcel of which abuts and has approved access to a maintained public street or highway and for which no improvements are required as determined by the Director of Public Works/Planning. (Ord. 551)

20-36.2 Subdivisions of four or fewer parcels. Unless a Parcel Map Waiver Certificate has been previously issued, no person shall create a subdivision of four or fewer parcels except in accordance with a parcel map approved pursuant to this Chapter and the Subdivision Map Act and filed in the office of County Recorder. (Ord. 551)

20-36.3 Application for Parcel Map Waiver Certificate - contents. The applicant for a Parcel Map Waiver Certificate shall file along with his application for same a tentative map drawing and such other information as may be required by the Director of Public Works/Planning. The application fee for said Parcel Map Waiver Certificate shall be established by resolution of the City Council. All such applications shall be accompanied by the applicant's Environmental Review. (Ord. 551)

20-36.4 Assignment of certain responsibilities regarding Parcel Map Waiver Certificates to the Public Works/Planning Director. The responsibilities of the City Council pursuant to Section 66428 of the Subdivision Map Act are hereby assigned to the Public Works/Planning Director with respect to the waiver of the parcel map requirements of the City Ordinances in connection with those parcels described in Section 20-36.1 hereinabove. (Ord. 551)

20-36.5 Water/Wastewater certification. No Parcel Map Waiver Certificate shall be issued unless the Director of Public Work/Planning determines adequate water and wastewater facilities are available to each lot. (Ord. 551)

20-36.6 Director of Public Work/Planning - Duties.

a) The Director of Public Works/Planning is authorized and directed to carry out duties assigned to him by this Chapter including but not limited to the following:

1) Approve or disapprove the application for a Parcel Map Waiver Certificate and report, as provided in this chapter, his approval, or disapproval directly to the

subdivider.

b) The Director of Public Works/Planning may prescribe, subject to the approval of the City Council such additional rules and regulations as are necessary or advisable with the respect to the form and content of tentative parcel maps required by this Chapter.

20-36.7 Action of the Director of Public Works/Planning. Within ten working days after the application for Parcel Map Waiver Certificate has been filed, the Director of Public Works/Planning shall transmit copies of said application together with accompanying documentation and information to such public agencies and public and private utilities as the Director of Public Works/Planning determines may be concerned. Each of the public agencies and utilities may, within ten working days after the application and map have been sent to such agency, forward to the Director of Public Works/Planning a written report of its findings and recommendations thereon. (Ord. 551)

20-36.8 Consideration of Application for Parcel Map Waiver Certificate and Tentative Parcel Map - Notice of Decision.

a) Time for Consideration. Within fifty (50) calendar days after an application for Parcel Map Waiver Certificate has been filed, the Director of Public Works/Planning shall approve or disapprove the issuance of such Parcel Map Waiver Certificate. The time limit specified in this paragraph may be extended by mutual consent of the applicant and the Director of Public Works/Planning. If the Director of Public Works/Planning has not approved the application within the time period specified and a continuance of said period has not been agreed upon, the application shall be deemed denied. If the application for issuance of the Parcel Map Waiver Certificate is disapproved, the reasons therefor shall be stated in the notice of disapproval.

b) Notice. The subdivider shall be informed of the final decision of the Director of Public Works/Planning by written notice. Notice shall be deemed to have been given upon deposit of the notice in the United States mail, postage thereon prepaid. (Ord. 551)

20-36.9 Disapproval of Application for Parcel Map Waiver Certificate. The Director of Public Works/Planning shall make written findings on all items listed hereinbelow. The Director of Public Works/Planning shall not approve the issuance of a parcel Map Waiver Certificate until he has made all of the following findings:

a) The proposed division of land complies with the City general and specific plans.

b) The improvement and design of the proposed division of land is consistent with the applicable general and specific plans.

- c) Subject to the provisions contained in Section 20-36.1 above, the design of the subdivision and/or the proposed improvements are consistent with other City requirements.
- d) The proposed division of land complies with State and City requirements regarding appropriate improved public roads.
- e) The proposed division of land complies with State and City requirements regarding wastewater and water supply availability.
- f) The proposed division of land complies with State and City requirements regarding environmental protection. (Ord. 551)

20-36.10 Appeal to Planning Commission.

- a) Where the subdivider is dissatisfied with any action of the Director of Public Works/Planning with respect to the application for Parcel Map Waiver Certificate he may appeal to the Planning Commission as provided in Section 66452.5 of the Subdivision Map Act. Notice of any hearing by the Planning Commission shall be given in the manner provided for consideration of tentative maps by the Planning Commission.
- b) Any interested party may likewise appeal to the Planning Commission and the City Council from any decision of the Director of Public Works/Planning or Planning Commission made relevant to the provisions of Government Code Sections 66473.5, 66474, 66474.5 and 66428. Any such appellant shall be subject to the same notice and rights regarding testimony as applied to the subdivider under Section 66452.5 of the Government Code.
- c) The Planning Commission and City Council prior to the granting of such appeal or any other manner approving or conditionally approving the issuance of said Parcel Map Waiver Certificate shall make findings as to each item described in Section 20-36.9 hereof. (Ord. 551)

20-37 Processing; fees. Parcel splits shall be processed through the Planning Commission and City Council in the manner prescribed for subdivisions. The fees for recording and examination and approval of the map shall be established by resolution of the City Council; provided, that where a large amount of checking or field surveys, or both, are necessary to check the accuracy of the data shown on the maps, an additional fee estimated by an engineer designated by the City Council and approved by the City Council to be sufficient to cover the actual cost shall be deposited with the City Clerk of the City of Imperial; provided further, that any balance shall be returned to the subdivider or in the case the fee is not sufficient, the subdivider shall pay the difference between the estimated and actual cost of examination. (Ord. 472)

20-38 Compliance prerequisite to issuance of building permits. The building official shall not issue permits for the erection of any structures upon lots or parcels not complying with this article. (Ord. 437)

20-39 Additional parcel splits. Parcel splits shall be considered subdivisions for this purpose and the owner or subdivider shall comply with the applicable portion of this Code or other ordinances of the City for each new parcel created in excess of the number of original parcels. (Ord. 437)

20-40 Appeal to City Council. When the applicant is dissatisfied with any action of the city engineer or planning commission with respect to the tentative parcel or the kind, nature and extent of the improvements required, he may appeal to the City Council as provided in section 11552 of the Subdivision Map Act. (Ord. 437)

Article V. Park and Recreation Dedication Fees.

20-41 Purpose. This section is enacted pursuant to the authority granted by Section 66477 of the Government Code of the State of California. The park and recreational facilities for which dedication of land and/or payment of a fee is required by this Section are in accordance with the Park and Recreational Element of the General Plan of the City of Imperial. (Ord. 554)

20-42 Requirements. As a condition of approval of a final 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 Section. (Ord. 554)

20-43 General standard. It is found and determined that the public interest, convenience, health, welfare and safety require that three acres of property for each one thousand persons residing within this city shall be devoted to local park and recreational purposes. (Ord. 554)

20-44 Standards and formula for dedication of land. If the City Council determines that a park or recreational facility is to be located, in whole or in part, within the proposed subdivision to serve the immediate and future needs of the residents of the subdivision, the subdivider shall, at the time of the filing of the final or parcel map, dedicate land for such facility pursuant to the following standards and formula:

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

Average No. of persons per dwelling unit (based on the latest census)	X	park acreage standard <u>(3 acres)</u> 1,000 population	=	Acres per dwelling unit
---	---	---	---	-------------------------------

The following table for population density is to be followed:

Park Land Dedication Formula Table

<u>Types of Dwellings</u> <u>Persons/DU</u>	<u>Average</u>
Single-family	3.5
Multiple-family (4 units or less)	2.78
Multiple-family (more than 4 units)	2.5
Mobile Homes	1.75

The total number of dwelling units shall be the number approved by the city on the property in the subdivision at the time the final map or parcel map is filed for approval. Exceptions shall be made for subdivisions which consist of the conversion of existing buildings or mobile home parks into condominiums or other planned developments, any existing residential unit or units, whether or not the unit or units will be replaced. In those cases the existing units or lots shall be subtracted from the total units of ^{lots.} (Ordts554)

ORD. 554

20-45 Standards for fees in lieu of land dedication.

- a) If the proposed subdivision contains fifty parcels or less, only the payment of fees shall be required.
- b) If the City Council determines that there is no park or recreational facility to be located in whole or in part within the proposed subdivision, the subdivider shall, in lieu of dedicating land, pay a fee equal to the value of the land prescribed for dedication in Section 20-44 and in the amount determined in accordance with the provisions of Section 20-47.
- c) If the City Council requires the subdivider to dedicate land and the amount of land is less than would otherwise be required by Section 20-44 for that subdivision, a fee equal to the value of the land which would otherwise have been required shall be paid.
- d) If fees are required, they shall be paid prior to the issuance of building permits for the subdivision or may be paid prior to the recordation of the subdivided property.

The subdivider's obligation to pay the fees, if the fees are not paid at recordation, shall be noted on the final map. (Ord. 554)

20-46 Determination of land or fee. Whether the City Council requires land dedication or elects to accept payment of a fee in lieu thereof, or a combination of both, shall be determined by the City Council at the time of approval of the tentative map. In making that determination, the City Council shall consider the following:

- a) Park and Recreation Element of the General Plan;
- b) Topography, geology, access and location of land in the

subdivision available for dedication;

c) Size and shape of the subdivision and land available for dedication;

d) The feasibility of dedication;

e) Availability of previously acquired park property.

The determination of the City Council as to whether land shall be dedicated, or whether a fee shall be charged, or a combination thereof, shall be final and conclusive. (Ord. 554)

20-47 Amount of fee in lieu of land dedication.

a) Where a fee is required to be paid in lieu of land dedication, the amount of such fee shall be paid upon the fair market value of the amount of land which would otherwise be required to be dedicated pursuant to Section 20-44. The fair market value shall be determined at the time fees are paid based upon the average estimated fair market value for the park area of the city within which the subdivision is located. The City Council shall establish park areas and the average estimated fair market value of land within each such park area by resolution. This average estimated fair market value shall be reviewed and/or adjusted annually by the city to reflect any changes in property value within the park areas.

b) If the subdivider objects to such valuation, he may, at his expense, obtain an appraisal of the property by a qualified real estate appraiser approved by the city, which appraisal may be accepted by the City Council if found to be reasonable. If accepted, the fee shall be based on that appraisal instead of the average estimate. (Ord. 554)

20-48 Limitation on use of land and fees. The land and fees received under this Section shall be used only for the purpose of developing new or rehabilitating existing park and recreational facilities to serve the subdivision for which received, and the location of the land and amount of fees shall bear a reasonable relationship to the use of the park and recreational facilities by the future inhabitants of the subdivision. (Ord. 554)

20-49 Time of commencement of facilities. The City Council shall develop a schedule specifying how, when and where it will use the land or fees or both to develop park and recreational facilities to serve the residents of the subdivision within the park area of the city in which the subdivisions are located. Any fees collected pursuant to this Section shall be committed within five 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. (Ord. 554)

20-50 Exemptions.

a) The provisions of this Section shall not apply to subdivisions containing less than five parcels and not used for residential purposes; provided, however, that a condition may be placed on the approval of such parcel map that if a building permit is requested for construction of a residential structure or structures on one or more of the parcels within four years, the fee may be required to be paid by the owner of each such parcel as a condition to the issuance of such permit.

b) The provisions of this Section also do not apply to commercial or industrial subdivision; nor to condominium projects or stock cooperatives which consist of the subdivision of airspace in an existing apartment building which is more than five years old when no new dwelling units are added.

20-51 Credits against fee or land.

a) Whenever a subdivider provides park and recreation improvements, including equipment, to dedicated land, the value of the improvements or equipment as determined by the City Council shall be credit against the fees to be paid or land to be dedicated pursuant to this Section; provided, that the improvements or equipment have been done or installed with the prior approval of the City Council.

b) Whenever a subdivider of planned development or real estate development, as defined in Section 11003 and 11003.1, respectively, of the State Business and Professions Code, has provided active recreational areas within the boundaries of the subdivision in excess of that required by Zoning ordinance, the subdivider may, at the time that the final map or parcel map is submitted for approval, request that the City Council give a credit of up to ten percent of the amount of fees to be paid or land to be dedicated pursuant to this Section for the value of the active recreational area. (Ord. 554)