PORTERVILLE CITY COUNCIL AGENDA  
ADJOURNED MEETING - JANUARY 5, 2007  
CITY HALL COUNCIL CHAMBERS  
291 NORTH MAIN STREET, PORTERVILLE  
FRIDAY - 12:30 P.M.

Roll Call: Council

Pledge of Allegiance led by Council Member Pedro Martinez

Invocation

ORAL COMMUNICATIONS

SCHEDULED MATTER

1. Subdivision Ordinance Amendment
   Re: Review of the draft Subdivision Ordinance with procedural, quality of life, and legal issue amendments proposed.

ORAL COMMUNICATIONS

ADJOURNMENT to the Council Meeting of January 16, 2006.

In compliance with the Americans with Disabilities Act and the California Ralph M. Brown Act, if you need special assistance to participate in this meeting, or to be able to access this agenda and documents in the agenda packet, please contact the Deputy City Clerk at (559) 782-7464. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting and/or provision of an appropriate alternative format of the agenda and documents in the agenda packet.
SUBJECT: SUBDIVISION ORDINANCE AMENDMENT

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT – PLANNING DIVISION

COMMENT: Staff has prepared a draft amendment to the Subdivision Ordinance, which consists of various changes. These changes can be characterized in three (3) categories. First are procedural changes, second are quality of life issues, and third are legal issues.

The procedural changes modify the code to eliminate the Subdivision Review Committee in response to the City Council’s direction to streamline the sheer number of committees the Community Development Department is involved with. This will streamline the process for seeking approval of subdivision maps while maintaining efficiency in review of proposals. While elimination of the Subdivision Review Committee is noteworthy there are other minor modifications to procedures that clear up inconsistencies in the Code and bring the Code into consistency with the State Subdivision Map Act.

Staff has proposed consolidating the required findings for granting variations from the Ordinance. There are currently two sets of findings for considering exceptions generally and for parcel maps specifically. These two sections have been consolidated to present one set of required findings regardless of the scope of tentative map. In addition, flexibility has been built into the Draft Ordinance to allow for a greater number of exceptions or unique exceptions beyond those currently allowed for under Section 21 – 1.4 Authority To Vary Regulations. Any deviations beyond those currently allowed would require the approval of a conditional use permit rather than potentially a series of variances. This allows the City Council discretion in reviewing uniqueness of proposed maps.

Over the past few years the Council has focused more closely on quality of life and aesthetic issues in proposed subdivision. This focus has resulted in the Council seeking the provision of pocket parks in new subdivisions. Although the City has been successful in achieving the provision of pocket parks in the majority of new subdivisions, it has not been a Code requirement. This Draft Ordinance incorporates language to ensure the provision of pocket parks in new subdivisions. Although Staff has met with representatives of the Building Industry Association (BIA) and other development interests to develop this Draft Ordinance, this is the remaining area of the Draft Ordinance the BIA has maintained its concern over. If it needs to be in the new Code it was generally agreed upon that this would be a logical method to determine the requirement.

Council has also expressed an interest in seeing Lighting and Landscape Maintenance Districts (LMD) be used extensively to address the provision and maintenance of common area amenities.

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such as parkway and entry landscaping, and pocket parks as well as lighting and walls. Language codifying the current practice has been added to the Draft Ordinance.

Finally, since the City’s Code has been in existence for many years without update, there are a number of sections of the Code that require updating to bring the Code into compliance with the State Subdivision Map Act. All proposed changes are shown in either cross-through where language is being deleted or underline where language is being added.

RECOMMENDATION: That the City Council provide direction to Staff on preparing the final ordinance and direct Staff to schedule a public hearing.
SUBDIVISIONS

ARTICLE I. GENERAL PROVISIONS

Sec. 21-1. Authority for local regulations.
This chapter is enacted pursuant to the provisions of Division 2 of Title 7 of the Government Code of the State of California, referred to herein as the Subdivision Map Act. (Ord. No. 1153, '1, 7-18-78)

Sec. 21-1.1. Purpose and scope.
The subdivision ordinance is adopted to preserve, protect and promote the public health, safety, convenience, prosperity and general welfare. More specifically, the subdivision ordinance is adopted in order to achieve the following objectives:

(a) To aid in the implementation of the general plan of the City of Porterville, and elements thereof, as adopted by the city council.

(b) To provide lots of sufficient size and appropriate design for the purposes for which they are to be used.

(c) To provide streets of adequate capacity for the anticipated traffic which would utilize them, and to ensure that they are designed to promote a safe vehicular and pedestrian traffic circulation system.

(d) To accommodate new development in a manner which will preserve and enhance the city's living environment and create new beauty through skilled subdivision design.

(e) To provide for water supply, sewage disposal, storm drainage, and other utilities and facilities which are required by conditions of an urban environment.

(f) To ensure that the costs of providing rights-of-way, street improvements, utilities and public areas and facilities needed to service new developments are borne fairly and equitably by the subdivider, rather than by property owners of the city at large.

The subdivision ordinance is enacted for the purpose of regulating subdivision of land in accordance with the Subdivision Map Act of the State of California, and any future amendments thereto, and repeals all other regulations of the City of Porterville in conflict with this article; provided, however, that such repeal shall not affect any agreement, contract, or bond executed pursuant to such regulations or any rights of action accruing thereunder. The regulations contained in this article hereinafter in this article contained shall apply to all subdivisions and parcel maps or parts of subdivisions and parcel maps hereafter made entirely or partially within the City of Porterville. The provisions of this chapter shall be in addition to and shall be considered as supplemental to the provisions of the Subdivision Map Act of the State of
California, as now in effect or hereinafter amended. (Ord. No. 1153, '1, 7-18-78)

Sec. 21-1.2. General responsibilities.

(a) Subdivider. The subdivider shall prepare maps consistent with the standards contained herein, and design public improvements consistent with the public improvement standards of the City of Porterville. He shall process said maps in accordance with the regulations set forth herein.

(b) Community development director. The Community development director or designee shall be responsible for design analysis for conformity with the general plan and the zoning ordinance; for the environmental quality of the subdivision design; and for the expedient processing of subdivision maps, parcel maps, and reports, as provided herein.

(c) Public Works Director/City engineer. The public works director/city engineer shall be responsible for reporting to the planning commission and the city council as to engineering requirements of the proposed public improvements, and whether the proposed public improvements are consistent with the regulations contained herein and for the inspection and ultimate approval of all public improvements. The city engineer shall also have the authority to act on behalf of the city council in accepting dedications of all streets, alleys, including access rights and abutter’s rights, drainage easements, elementary school sites, parks, and other easements and parcels of land intended for public use.

(d) Parcel map committee. The city parcel map committee shall be the designated advisory agency for parcel map subdivisions and shall have the authority to approve, conditionally approve or disapprove tentative parcel maps.

(e) Reserved.

(f) City council. The city council shall approve tentative and final subdivision maps, establish requirements for and standards of design of public improvements, and accept land and public improvements that may be proposed for dedication that may be proposed as part of a subdivision. The city engineer is authorized to accept all dedications that are not offered on a subdivision map approved by city council (e.g., dedications for parcel maps, individual parcels, etc.). (Ord. No. 1153, '1, 7-18-78; Ord. No. 1274, 1-4-83; Ord. No. 1362, 'A(1), 8-19-86; Ord. No. 1590, "A, 2-20-01; Ord. No. 1614, '4, 9-17-02)

Sec. 21-1.3. Appeals.

(a) Parcel map committee actions. The subdivider or any interested person adversely affected may appeal any decision, determination or requirement of the parcel map committee by filing a notice thereof with the City Clerk Community development director or designee, as specified in section 21-33 hereof.

(b) Hearing of appeals. Upon the filing of such an appeal, the city council shall set the matter for hearing. Such hearings shall be held within thirty (30) days after the date of filing the appeal. Within ten (10) days following the conclusion of the hearing, the city council shall
render written decision on the appeal. (Ord. No. 1153, '1, 7-18-78; Ord. No. 1274, 1-4-83; Ord. No. 1362, 'A(2); 8-19-86; Ord. No. 1614, '4, 9-17-02)

Sec. 21-1.4. Authority to vary regulations.

The parcel map committee/city council with respect to tentative parcel maps and tentative subdivision maps respectively as provided in section 21-1.7 of this chapter, can modify any of the requirements and regulations set forth in this chapter, or the Zoning Ordinance (Appendix A of the Municipal Code) as it pertains to lot design, subject to the approval of a conditional use permit. Variation of regulations is applicable when there are natural features such as topographic constraints and soils conditions that may warrant modified standards. Application for any such modification shall be made in writing by the subdivider in the form of a conditional use permit application, stating fully the grounds of the application and the facts relied upon by the subdivider. Such application shall be filed with the tentative map of the proposed land division. If in the opinion of the Community Development Director and Public Works Director/City Engineer the on- and/or off-site improvements, phasing and/or type of improvements necessitate it, a development agreement may be required between the City and the developer. In order for the property referred to in the application to come within the provisions of this section, it shall be necessary that the city council or parcel map committee find the following facts with respect thereto:

(a) That there are special circumstances or conditions affecting such property.

(b) That the modification is necessary for the preservation and enjoyment of a substantial property right of the petitioner.

(c) That the granting of the modification will not be detrimental to the public welfare or injurious to other property in the territory in which such property is situated.

(d) That the exception is appropriate for the proper design and/or function of the subdivision.

(e) That the granting of the exception is consistent with the general plan.

Sec. 21-1.4.a. Exception to Conditional Use Permit requirement

As it pertains to tentative parcel maps and tentative subdivision maps, exceptions to regulations pertaining to lot depth, reverse corner lots, street length and width, and double frontage lots shall be processed with the tentative map and shall not be subject to a conditional use permit per Sec. 21-1.4. Exceptions from additional subdivision design standards and/or standards pertaining to the lot design within particular zones shall be subject to the approval of a conditional use permit.

(Move From Sec. 21-1.7 (d) and (c))

(d) Action on exceptions: In the event that the proposed exceptions represent more
than exceptions from lot depth, reverse corner lots, street length, and double frontage lots, the city council parcel map committee shall approve, conditionally approve or disapprove the application for an exception a conditional use permit pertaining to a parcel map tentative map in a public hearing held concurrently with the proposed tentative map, or other action specified in section 21-1.7(a) of this chapter. The parcel map committee shall consider the exceptions not subject to a conditional use permit during the public hearing at which it considers the tentative parcel map or at an independent public hearing prior to any other action resulting in the creation of a legal lot(s) of record as specified in section 21-1.7(a) of this chapter.

(e) Appeals: When the parcel map committee has acted on an application for an exception, in accordance with the provisions of this article, any interested person may appeal to the city council pursuant to the procedures and within the time limits set forth in section 21-33 of this chapter. City Council decisions are final upon adoption of the resolution. (Ord. No. 1369, B1, 12-2-86; Ord. No. 1386, A1, (2), 8-18-87)

Cross references Parcel map committee generally, ' 21-29; parcel maps, ' 21-30 et seq. (Ord. No. 1153, 1, 7-18-78; Ord. No. 1362, A3, 8-19-86; Ord. No. 1369, A1, 12-2-86)

Sec. 21-1.5. Validity.

If any section, subsection, sentence, clause or phrase of this chapter is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the chapter. The city council of the City of Porterville, California, hereby declares that it would have passed this chapter and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more other sections, subsections, clauses or phrases be declared invalid or unconstitutional. (Ord. No. 1153, 1, 7-18-78)

Sec. 21-1.6. Grounds for denial of tentative subdivision or parcel maps.

A tentative map or parcel map shall be denied approval or conditional approval in the event any one of the following findings is found to prevail by the legislative body:

(a) That the proposed map is not consistent with applicable general and specific plans.

(b) That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.

(c) That the site is not physically suitable for the type of development.

(d) That the site is not physically suitable for the proposed density of development.

(e) That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

(f) That the design of the subdivision or type of improvements is likely to cause
serious public health problems.

(g) That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. 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 a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision. (Ord. No. 1327, 4-2-85)

See 21-1.7—Parcel maps excepted.

(a) Exceptions authorized: Exceptions and conditional exceptions to any of the requirements prescribed by sections 21-6(a) and (b) or 21-7(a)(1), (2), (3), (b) and (d) of this chapter may be granted pursuant to this article.

(b) Application fees: The parcel map committee shall prescribe the form of application for exceptions to parcel maps. The application shall state fully the grounds for the exception, the facts relied upon and any other data pertinent to the findings prerequisite to the granting of an exception as set forth in this article. The application shall be filed at the same time that the tentative parcel map is filed.

When the application for an exception is filed in connection with a tentative parcel map, lot line adjustment, merger, unmerger, certificate of compliance or other action resulting in the creation of one (1) or more legal lots of record, the applicant shall pay a fee if set forth in the comprehensive fee schedule. The fee prescribed above shall cover all of the exceptions for any one (1) map or other action regardless of the number of exceptions requested.

(c) Requirements for granting exceptions: The parcel map committee shall only grant an exception if it finds that all of the following circumstances exist:

(1) That there are special circumstances or conditions affecting the property:

(2) That the exception is appropriate for the proper design and/or function of the subdivision:

(3) That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which the property is situated:

(4) That the granting of the exception is in accordance with the purposes prescribed in section 21-1.1 of this chapter and the Subdivision Map Act:

(5) That the granting of the exception is consistent with the general plan:
Any exception may be granted subject to any reasonable conditions which are deemed necessary to effectuate the purposes of this chapter.

ARTICLE II. DEFINITIONS

Sec. 21-2. Definitions.
Whenever any words or phrases used in this chapter are not defined herein, but are defined in the Subdivision Map Act of the State of California, or in the zoning ordinance of the City of Porterville, such definitions are incorporated herein and shall apply as though set forth herein in full, unless the context clearly indicates a contrary intention.

Avenue shall mean a street providing only secondary access to abutting property.

Arterial shall mean a street designated by the circulation element of the general plan to serve high-volume inter- and intra-city traffic, and to act as a distributor between freeways, other arterials, and major traffic generators.

Block shall mean an area of land within a subdivision entirely bounded by any streets (other than alleys), freeways, railroad rights-of-way, natural barriers, or the exterior boundaries of the subdivision.

City engineer shall mean the Porterville city engineer.

Collector street shall mean a street designated by the circulation element of the general plan to collect and distribute traffic between local streets and arterials.

Community apartment project shall mean a property conforming to the definition set forth in Section 11004 of the Business and Professions Code, State of California.

Community development director shall mean the Porterville community development director.

Condominium shall mean a property conforming to the definition set forth in Section 783 of the Civil Code of the State of California.

Cul-de-sac shall mean a local street open at only one end, which has a turnaround for vehicles at the closed end.

Final map shall mean a map, prepared in accordance with the provisions of the Subdivision Map Act and of this chapter, designed to be placed on record in the office of the Tulare County Recorder.

Freeway shall mean a divided arterial highway designated for through traffic having grade separated intersections and full control of access.
**Frontage road** shall mean a street adjacent and auxiliary to a freeway or arterial, and separated by a divider strip, which street provides access to abutting property.

**General plan** shall mean all elements of the general plan of the City of Porterville, as adopted and duly amended from time to time by the city council.

**Industrial Street** shall mean a street which serves an industrial area and connects said area to the major street system.

**Intersection** shall mean the place at which two (2) or more streets meet.

**Local street** shall mean a street which provides direct access to abutting properties, primarily in residential districts. districts with more than 400 average daily vehicle trips pursuant to the latest edition of the Institute of Transportation Engineers - Trip Generation Manual.

**Lot** shall mean a parcel or portion of land, established for purposes of sale, lease, finance, division of interest or separate use, separated from other lands by description on a subdivision map, or parcel map.

**Map Act** shall mean the Subdivision Map Act of the State of California Government Code.

**Minor Street** shall mean a street which provides direct access to abutting properties, primarily in residential districts with 400 or fewer average daily vehicle trips pursuant to the latest edition of the Institute of Transportation Engineers - Trip Generation Manual.

**Parcel map** shall mean a map prepared in accordance with the provisions of this chapter, designed to be placed on record in the office of the Tulare County Recorder, and providing for the division of land which meets the conditions exceptions set forth in subdivisions (a)C(e) of section 66426 of the Subdivision Map Act.

**Parcel map committee** shall mean a staff committee composed of the Community development director, city engineer and fire chief, or their designees.

**Preliminary map** shall mean a map to be submitted to the Community development director or designee prior to the filing of a tentative map, to show the general characteristics of the proposed subdivision and any other data necessary to enable the project review committee to review the proposed subdivision design.

**Public improvement** shall mean street work, utilities, and other facilities proposed or required to be installed within the subdivision for the general use of all the subdivision lot owners and for local neighborhood or community needs.
Public Works Director means director of Porterville’s public works operation

Standard plans and specifications shall mean all the standard plans and specifications prepared by the city engineer and approved by resolution of the city council.

Street shall mean an improved facility used for vehicular traffic.

Subdivider shall be as defined in section 66423 of the Map Act. (Ord. No. 1537, 'B69, 8-6-96; Ord. No. 1614, '4, 9-17-02)

Subdivision shall be as defined in Section 66424 of the Map Act.

Subdivision Review Committee shall include the City Engineer, the City Planner, two other staff members appointed by the City Manager and at least one member of the City Council appointed by the Mayor.

Subdivision Design shall mean the overall layout of the proposed subdivision including, but not limited to, the arrangement of streets and intersections, the layout and size of lots, the widths and locations of easements and rights of way for utilities, drainage structures, sewers, the nature and location of public or semi-public facilities, programs for the preservation of natural features, and the installation of public improvements.

Tentative Map shall mean a map made in accordance with the provisions of the Map Act to show the design of a proposed subdivision and the existing conditions in and around said subdivision. It need not be based upon a detailed final survey of the property, except as otherwise provided in this Article and the Map Act; however, it shall be graphically accurate to reasonable tolerances.

Vesting tentative map shall mean a tentative map for a residential subdivision that shall have printed conspicuously on its face the words vesting tentative map at the time it is filed in accordance with section 21-18.1(f), and is thereafter processed in accordance with the provisions hereof.


ARTICLE III. DESIGN AND CONSTRUCTION STANDARDS

Sec. 21-3. Streets and highways.

(a) The street and highway design shall conform both in width and alignment with any general plan circulation element, precise street plans and other precise plans adopted by the city council, and right-of-way for any such street or highway indicated on the general plan or precise plans shall be dedicated to the city by the subdivider.
(b) Streets and highways not otherwise designated on the circulation element of the general plan shall not be less than those set forth in this section, except where it can be shown by the subdivider that the topography of the land is such as to justify narrower width. Increased widths may be required for bicycle lanes and, when determined necessary, by the city council in the public interest. Approval or determination of street classification shall be made by the city council.

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<td>Undivided arterial streets</td>
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<td>Collector streets</td>
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<td>Culs-de-sac</td>
<td>50</td>
</tr>
<tr>
<td>Frontage road</td>
<td>50</td>
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</tbody>
</table>

(c) Relationship to existing streets. The street system in the proposed subdivision shall relate functionally to the existing streets in the area adjoining the subdivision.

(d) Center lines. The center lines of all streets, wherever practicable, shall be the continuations of the center lines of existing streets, or shall be offset at least one hundred fifty (150) feet.

(e) Intersections. Each street intersection shall be as near to a right angle as is practicable, and no intersection of streets at angles less than sixty (60) degrees shall be approved, unless necessitated by topographical conditions as determined by the city engineer.

(f) Corner rounding. At street intersections the block corners in a residential district shall be rounded at the property line by a radius of not less than twenty (20) feet; and in a commercial district or on lots adjacent to a collector or major street or highway by a radius of not less than twenty (20) feet or more, when such is deemed necessary, to provide at least one hundred (100) feet sight distance diagonally between intersecting street center lines.

Corner cut-offs - At street intersections, the block corners shall have a corner cut-off sufficient to accommodate a City Standard Street Intersection Return, inclusive of a wheelchair ramp.

(g) Cul-de-sac or dead-end streets. No cul-de-sac or dead-end street shall be more than six hundred (600) feet in length. Where necessary to give access to or permit a satisfactory future development of adjoining land, streets shall extend to the boundary of the property and the resulting dead-end streets may be approved without a turnaround. In all other cases, a turnaround having a minimum radius of fifty (50) forty-seven (47) feet, measured to the property line, and minimum of forty-four (44) forty (40) feet to curb face shall be required. If topographical
conditions, and low densities of no greater than 1.5 units to the net acre, or other exceptional conditions exist, the City may determine that a length in excess of 600 feet is acceptable.

(h) Curve radius. The center line curve radius on arterial all streets shall be designed in accordance with acceptable safe engineering practices, and in no case shall the curve radius for an arterial be less than five hundred (500) feet. Center line curve radius on all other streets shall not be less than two hundred (200) feet.

(i) Frontage streets. When any lots front or side on any major street arterial, collector, expressway or freeway, the subdivider may be required to dedicate and improve a frontage street to provide ingress to and egress from such lots. Residential properties shall not front onto and take access to/from arterial or collector streets.

(j) Private roads and alleys shall not be permitted unless a conditional use permit is approved by the city council and, if approved, all private roads or alleys shall be constructed to city standards.

(k) Grades of streets shall not be less than two-tenths (0.2) percent and not greater than seven (7) percent, unless because of topographical conditions or other exceptional conditions the city engineer determines that a grade less than two-tenths (0.2) percent, or in excess of seven (7) percent, is necessary.

(l) The position of a street within twenty (20) feet of a fire hydrant shall not have a grade in excess of seven (7) percent to allow for the positioning of a fire suppression unit.

(m) Access on arterials. Arterial streets shall not be used to provide direct access to individual single-family residential lots. When the rear or side of any lot borders an arterial, the subdivider may be required to execute and deliver to the city an instrument prohibiting the right of vehicular ingress and egress from said arterial to said lot. (Ord. No. 1153, '1, 7-18-78; Ord. No. 1274, 1-4-83; Ord. No. 1362, A(5), 8-19-86)

(n) Access on collectors. The parcel map committee or city council may prohibit the use of a collector as primary direct access to individual single family residential lots. Where such access is permitted, the parcel map committee or city council may require the use of circular drives, or other forms of vehicular turnarounds to prevent backing onto public streets. When the rear or side of any lot abuts a collector street, the parcel map committee or city council may prohibit the right of ingress/egress.

Sec. 21-4. Alleys.

(a) Alleys shall be optional in residential subdivisions. The city council, for any one of the following reasons, may require alleys (if alleys are required, they shall be constructed to city standards):

(1) Unusual size, shape or topographical character of the property to be subdivided.
(2) The relationship to existing or proposed commercial, industrial or high density residential development or adjacent railroad right-of-way.

(3) The special nature of the design or density of a residential subdivision where dwellings are grouped in such a manner as to require access from other than the street frontage.

(4) The need to maintain continuity of existing alleys where the property to be subdivided is located immediately between existing residential blocks where alleys are provided.

(b) Residential alleys shall have a minimum dedicated width of twenty (20) feet.

(c) Alleys shall be provided where needed to serve existing or proposed commercial or industrial areas, and shall have a minimum dedicated width of thirty (30) feet, with adequate provisions for ingress and egress.

(d) A twenty (20) foot corner diagonal cutoff, measured along the property lines from the point of intersection, will be required where two (2) alleys intersect. Where required, a disabled ramp shall be constructed pursuant to the City standard design.

(e) Alleys shall be so laid out and aligned as to provide reasonable access for utilities and other services.

(f) Dead-end alleys shall be prohibited. (Ord. No. 1153, '1, 7-18-78; Ord. No. 1362, 'A(6), 8-19-86)

Sec. 21-5. Street names.
(a) All street names shall be approved by the city council. Duplication of existing names shall not be allowed, unless the streets are approximately in alignment with existing streets and not so far removed as to be confusing.

(b) Names of through streets in a north-south alignment shall be followed by the designation street, and the names of through streets in an east-west alignment shall be followed by the designation avenue.

(c) Cul-de-sac streets in a north-south alignment shall be followed by the designations of either place, way or drive, and cul-de-sac streets in an east-west alignment shall be followed by the designations of either lane, circle or court. (Ord. No. 1153, '1, 7-18-78; Ord. No. 1362, 'A(7), 8-19-86)

Sec. 21-6. Blocks.
(a) Block length. Blocks shall not exceed one thousand three hundred twenty (1,320) feet in length, unless existing adjacent property alignment, topographic, or traffic conditions justify a variation. Long blocks shall be provided adjacent to major and collector streets or highways in order to minimize the number of street intersections.
Sec. 21-7. Lots.
(a) Lot width.

(1) Each residential lot or parcel shall have frontage width of not less than that required by the zoning ordinance or this ordinance, whichever is greater, except as approved by the City Council.

(2) Each residential lot or parcel on a dead-end street, cul-de-sac or on a curved street, when the side lines thereof are diverging from the front to the rear of such lot or parcel, shall have a width not less than that required by the zoning ordinance, measured along the front yard building setback line established by the required front yard for the main building and between the side lines of such lot or parcel; said line shall be parallel and concurrent with the front lot line.

(3) Corner residential lots shall have an extra width of five (5) feet necessary for maintaining the required side yard area.

(b) Lot depth. The depth of each residential lot shall not be less than ninety (90) feet nor more than one hundred eighty (180) feet. The depth of all other lots shall be as required by the zoning ordinance.

(c) Lot area. The area of all lots shall comply with the requirements of the zoning ordinance relative to each particular zoning district.

(d) Lot frontage. Lots shall have a single frontage on a street; double frontage lots or lots without street frontage will not be permitted except where, in the opinion of the city council, topographic or unusual physical conditions justify a deviation from this rule.

(e) Side lines. The side lines of lots shall, wherever practicable, be required to run at right angles or radially to the street upon which the lot faces.

(f) Lot numbering and dimensions. Lot numbers shall begin with the numeral A+ 1, and shall continue consecutively through each all of the units of the tract with no omissions or duplications, and no block numbers shall be used.

(g) Division of lots. No lot shall be divided by a county, city, school, or any other taxing district boundary lines.

(h) Suitability of lots. All lots shall be suitable for the purpose for which they are intended to be sold. Land subject to flooding or deemed by the parcel map committee, or city council to
be uninhabitable shall be indicted on the final map.

(i) *Land remnants.* All remnants of below-minimum size left over after the subdivision of a larger tract must be added to adjacent lots rather than allowed to remain as unusable parcels.

(j) *Dimensions to be shown on map.* The dimensions of all lots shall be shown on the final subdivision map to the nearest one-hundredth (1/100) of a foot. (Ord. No. 1153, '1, 7-18-78; Ord. No. 1274, 1-4-83; Ord. No. 1362, '1 A(8), 8-19-86)

Sec. 21-8. **Reserve strips Access Limitation Strips.**

(a) A one (1) foot reserve access limitation strip shall be provided at the dead end of a stubbed street or at the edge of a partial width street, and shall be offered for dedication to the city for future street purposes.

(b) Reserve Access limitation strips shall be designated on the final map of the subdivisions and shall be specifically referred to in dedication and acceptance certificates. (Ord. No. 1153, '1, 7-18-78)

Sec. 21-8.5. **Landscaping and Lighting Maintenance Districts**

(a) Each subdivision shall be subject to the creation of a Landscaping and Lighting Maintenance District in compliance with the Landscaping and Lighting Act of 1972 (Streets and Highways Code § 22500 et. seq. to address the extension of improvements such as but not limited to lighting, common landscape areas, perimeter walls, drainage systems, drainage reservoirs, and open space areas, and the maintenance of such facilities or any other public improvements that serve the development in general.

(b) Prior to the approval of improvement plans for a development, the developer/applicant shall submit the following information for the establishment of a landscaping and lighting maintenance district, the extension of the subject improvements into the assessment area, and the maintenance of the improvements once constructed:

1) A petition on a form provided by the city requesting to have the subdivision placed in a landscaping and lighting maintenance district at the time the final map is approved by the City.

2) Completed and approved landscaping and lighting improvement plans, legal description, etc.

(c) The Landscaping and lighting maintenance district shall be established, or the annexation into an existing District concluded, and landscape and lighting improvements completed and accepted concurrently with the other improvements in the subdivision.

(d) Exclusive of assessments for a Landscaping and Lighting Maintenance District, the developer/applicant shall pay all service fees and maintain all new district improvements in a safe and healthy manner for the greater of a 90 day plant establishment period following
acceptance of the subdivision improvements, or until assessment begins for the Landscaping and Lighting Maintenance District.

In response to meeting, staff proposes replacing the language below with that above.

(b) Prior to the approval of the improvement plans, the developer/applicant shall have completed and approved, landscaping and/or lighting plans, legal descriptions, etc. The developer/applicant shall petition, on form provided by the City, to have said subdivision placed in a Lighting and Landscape Maintenance District at the time the final map is approved. Landscape and lighting improvements shall be completed and accepted concurrently with the other improvements in the subdivision. The following shall be included in said annex to the district: (1) Lighting, (2) recreational open space, (3) Public Landscaping, if any, (4) Public walls/fences, if any, (5) Drainage reservoir, if any, and any other public improvement. The developer/applicant shall prepare an Engineer’s Report for the establishment of assessments in order to provide for the ongoing maintenance of the subdivision improvements to be included within a Landscaping and Lighting Maintenance District. The Landscape and Lighting Maintenance District shall be established, or the annexation into an existing District shall be concluded, and Landscape and lighting improvements shall be completed and accepted concurrently with the other improvements in the subdivision. Exclusive of assessments for a Landscaping and Lighting Maintenance District, the developer/applicant shall pay all service fees and maintain all new landscaping and lighting improvements in a safe and healthy manner during a twelve (12) month period following acceptance of the subdivision improvements.

Sec. 21-8.6 Provision of Recreational Open Space (Pocket Park) within Residential Subdivisions

(a) Single-family residential subdivisions, whether attached or detached, shall be designed with recreational open space that is centrally located and designed to serve residents within the development. The recreational open space shall be designed to accommodate a mixture of active and passive recreational opportunities to include, but not be limited to, tot lots, basketball courts, picnic tables/shelters and landscaping conducive to outdoor activities. The minimum area allotted to recreational open space is based on the number of residential units proposed in a development as follows:

<table>
<thead>
<tr>
<th>0 to 49 d.u.'s</th>
<th>None required</th>
</tr>
</thead>
<tbody>
<tr>
<td>50 or more d.u.'s</td>
<td>2% of site area*</td>
</tr>
</tbody>
</table>

* Site area refers to the aggregate area of lots within the specific development.

(b) Whenever practicable, the recreation open space shall be developed concurrently with the first phase of development of the subdivision. The requirement for recreational open space does not apply to the Suburban Residential (R-A) Zone or the One Family Estate (R-E) Zone or to residential subdivisions within a ¼ mile radius of an improved City park other than a pocket park provided by similar preceding residential development.
(c) A developer may make dual use of an on-site drainage basin if the Public Works Director/City Engineer determines that the primary use of the basin can be achieved. A minimum of 30% of the recreation open space must be provided outside of the drainage basin restricted area, and dual use areas must be designed to adequately afford recreational use.

(d) A PCC or masonry fence is required to be constructed along all common property lines with residential lots bordering the recreational open space.

Sec. 21-9. Grading and erosion control.

Every map approved pursuant to this article shall be conditioned on compliance with the requirements for grading and erosion control, including the prevention of sedimentation or damage to off-site property, set forth in appendix chapter 70 33 of Uniform California Building Code, of the most recently adopted edition. 1979 Edition, or editions subsequently adopted. (Ord. No. 1153, '1 1, 7-18-78; Ord. No. 1274, 1-4-83) Steep terrain and other topographical features may limit the abilities of a developer to perform mass grading operations. At the discretion of the public works director/city engineer, individual grading plans for each individual lot may be submitted with the building permit in lieu of a mass grading plan normally submitted with the improvement plans.

Sec. 21-9a. Storm Water Management Plan

Every map approved pursuant to this article shall be conditioned to comply with the requirements of the City’s Storm Water Management Plan, which includes measures that control construction site run-off and post-construction run-off.

Sec. 21-10. Watercourses.

(a) In the event that the subdivision is traversed by any watercourses, channels, streams or creeks, the subdivider shall dedicate rights-of-way or easements for access and maintenance storm-drainage purposes conforming substantially with the lines of such watercourses, channels, streams or creeks, or shall provide by dedication further and sufficient rights-of-way or easements as shall be required for structures, or channel changes, and maintenance roads or both, to dispose of such surface and storm waters and to maintain such facilities.

(b) The city council may disapprove a tentative map of a subdivision because of flood hazard and inundation, and require protective improvements to be constructed as a condition precedent to approval of the map. (Ord. No. 1153, '1 7-18-78; Ord. No. 1362, 'A(9), 8-19-86)

Sec. 21-11. Ponds-Drainage Reservoirs

(a) Ponds  Temporary drainage reservoirs will only be allowed in areas where it has been determined by the public works director/city engineer that it is not practical to implement the intent of the latest adopted version of the Storm Drain Master Plan other methods of drainage are not practical. Landscape and irrigation systems shall be installed as approved by the Director of Parks and Leisure Services. Maintenance of these facilities shall be part of the Landscape and Lighting Maintenance District created for the benefit of the subdivision.

(b) Temporary drainage reservoirs ponds- lots may be approved until such time as Storm Drain Master drainage facilities are available for connection and shall be dedicated to the city as an easement in fee-title. (Ord. No. 1274, 1-4-83)
(b) Drainage Reservoirs designated in the Storm Drain Master Plan shall be considered permanent facilities and title of the land shall be held by the City in Fee. Property acquisitions shall be in the form of a dedication or purchased in accordance with the City's Storm Drain Master Plan and City's Property and Right of Way Acquisitions Policy and Procedures Manual. Permanent ponding lots shall be a minimum of five (5) acres and dedicated to the city for maintenance. Landscaping and irrigation systems shall be installed as approved by the director of parks and leisure services.

ARTICLE IV. PRELIMINARY MAP

Sec. 21-12. Subdivision review committee.

A subdivision review committee is hereby established consisting of the city engineer, the Community development director or designee, two (2) staff members appointed by the city manager, and at least one (1) member of the city council appointed by the mayor. (Ord. No. 1153, '71, 7-18-78; Ord. No. 1274, 1-4-83; Ord. No. 1360; 'A(10), 8-19-86; Ord. No. 1614, '94, 9-17-02)

Sec. 21-13. Preliminary review.

Prior to the filing of a tentative map, the subdivider shall submit to the community development director or designee ten (10) nine (9) copies, or as may be determined at the time of submittal, of a preliminary map to indicate the essential characteristics of the subdivision. The preliminary map shall be of the same size and scale as that required by this chapter for tentative maps, and shall contain the following minimum information:

(a) Key map showing adjacent property, subdivisions and roads or streets, proposed street in the subdivision, and other development which would affect the subdivision.

(b) Name and address of the owner of record, subdivider and engineer or surveyor.

(c) Date, north point and scale showing the general topography contours and features.

(d) Approximate location and widths of proposed and existing street rights-of-way.

(e) Approximate location, average size, and number of lots.

(f) Approximate acreage of proposed tract.

(g) The intended land use and information on utilities, sanitary sewers, drainage, water and other improvements.

The community development director or designee will then, within twenty (2) twelve (12) days, schedule a conference meeting of the project review committee-subdivision review committee with the subdivider on the preliminary map. The committee will make such general recommendations to the subdivider as shall seem proper regarding such preliminary map and shall recommend consultations by the subdivider with such other public or private agencies as it shall designate. The project review committee-subdivision review committee shall furnish written copies of its recommendations to the subdivider and to all other public or private agencies which may be interested. (Ord. No. 1153, '71, 7-18-78; Ord. No. 1274, 1-4-83; Ord. No. 1614, '94, 9-17-02)
ARTICLE V. TENTATIVE MAP

Sec. 21-14. Map filing procedure and requirements.

(a) **Filing tentative map.** The subdivider shall file with the Community development director or designee twenty-three (23) copies, one (1) legible sepia and eight (8) copies of the owner's statement ten (10) copies, one photo-ready master (11" X 17" maximum) and one (1) copy of the owner's statement (if not included on the tentative map), all in accordance with the requirement of this article, of each proposed subdivision. Said tentative map shall be accompanied with filing fees per resolution adopted by the city council. The Community development director or designee shall indicate upon all copies of the tentative map and accompanying data the date of filing, which shall be the date on which all required maps, tracings masters, and accompanying data are deposited in the office of the director. (Ord. No. 1614, '4, 9-17-02)

(b) Not later than thirty (30) calendar days after the Community development director or designee has received an application for a tentative map approval, the Community development director or designee shall determine in writing whether such application is complete, and shall immediately transmit such determination to the applicant for the tentative map. In the event that the application is determined not to be complete, the Community development director or designee's determination shall specify identify those parts of the application which are complete, and shall specify those parts of the application which are incomplete, and shall indicate the manner in which they can be made complete. After the Community development director or designee accepts an application as complete, the city shall not subsequently request of an applicant any new or additional information which was not requested as part of the application. The Community development director or designee may, in the course of processing the application, request the applicant to clarify, amplify, correct, or otherwise supplement the information required for the application. (Ord. No. 1614, '4, 9-17-02)

(c) **Distribution of tentative map.** Within ten (10) days of acceptance of a tentative map of a subdivision, the Community development director or designee shall transmit the requested number of copies of such map, together with accompanying data, to such public agencies and utilities as may be concerned. Each of the public agencies and utilities may, within fifteen (15) days after the map has been filed distribution of the tentative map, forward to the community development director or designee a written report of its findings and recommendations thereon. The Community development director or designee shall prepare a written report on the conformity of the tentative map to the provisions of the general plan, the zoning ordinance, and all other applicable requirements of this and other ordinances and regulations of the City of Porterville. (Ord. No. 1614, '4, 9-17-02)

The public works director/city engineer shall prepare a written report of recommendations on the tentative map in relation to the public improvement requirements of this chapter and the provision of the Subdivision Map Act. (Ord. No. 1153, '1, 7-18-78; Ord. No. 1274, 1-4-83)

Sec. 21-15. **Form of map and content.**

The subdivider shall cause the tentative map of the land proposed to be subdivided to be prepared by a person authorized by state law to prepare such a map, and the boundaries of the tentative map shall be a registered civil engineer authorized to perform land surveying or a licensed land surveyor certified as to accuracy by a registered civil engineer or licensed land surveyor. Tentative maps shall be eighteen by twenty-six inches (18" X 26") in size, and drawn to a scale of not less than one inch equals one hundred feet (1" = 100') or as approved by the Community development director or designee. Every map shall be clearly and legibly drawn and shall contain the following information:
(a) The tract name or number, date, north point, scale and sufficient description to define the location and boundaries of the proposed tract.

(b) Names, addresses, and phone numbers of record owner(s), subdivider, and engineer or surveyor.

(c) Partial legal description (1/4 section, township/range)

(d) The tentative map shall contain a legible stamp and signature of the registered civil engineer or licensed surveyor.

(e) The Parcel Map Review Committee may impose conditions upon a tentative map, as appropriate, to determine compliance with general engineering or surveying practices.

(f) The tentative map shall include enough sheets to show details at the scale of the map. The number of the sheet and the total number of sheets comprising the tentative map shall be stated on each of the sheets and its relation to each adjoining sheet shall be clearly shown.

(g) The locations, names, widths, and proposed grade of all streets in the proposed subdivision.

(h) Radius of each curve (in accordance with Article III, Design and Construction Standards)

(i) Show typical cross sections of all streets.

(j) The outline of any existing buildings and their locations in relation to existing or proposed street and lot lines. The location of existing wells and sewage disposal facilities and the proposed disposition of same.

(k) Approximate accurate contour lines having the following intervals:

(1) One (1) foot contour interval for ground slopes between level and five (5) percent.

(2) Five (5) foot contour intervals for ground slopes exceeding five (5) percent.

(l) The approximate widths, location and purpose of all existing or proposed easements.

(m) Approximate lot layout and approximate dimensions of each lot, and each to be numbered.

(n) The area of the subdivision in gross area and net area (excluding streets and other proposed public uses).

(o) Approximate location of all areas subject to inundation or storm water overflow and the location, width, grade and direction of flow of all watercourses and the location of all floodplain lines.

(p) Public areas proposed.

(q) City limit lines.
(e) Vicinity map showing the proposed subdivision and surrounding streets within one-fourth (¼) mile radius of the proposed subdivision.

(s) (f) Location of trees to remain in place and landscaping proposed to remain in public right-of-way.

(f) (w) If developed in increments, maps shall indicate approximate sequence of development.

(u) For residential subdivisions, the school district and schools serving the subdivision.

(v) Show all dedications and irrevocable offers of dedication on the tentative map or to be made by separate instrument.

(ww) The location and sizes of existing and proposed utility lines and structures.

(wx) The elevation of sewers at the proposed connection. (Ord. No. 1153, ' 1, 7-18-78; Ord. No. 1274, 1-4-83; Ord. No. 1614, ' 4, 9-17-02)

Sec. 21-16. Owner's statement and accompanying data.
Additional information relating to the subdivision which may not practicably be shown on the tentative map shall be contained in similar supplemental maps or written owner's statement which shall accompany the tentative map and include the following information:

(a) Existing use or uses of the property, present zoning, and general plan designation.

(b) Proposed uses of the property indicating respective proportion of the total area of the subdivision represented by each.

(c) Source and approximate quantity of water supply and general outline of proposed system.

(d) Provisions for sanitary sewage disposal and general outline of proposed system.

(e) Plan for surface drainage and flood control and general outline of proposed system.

(f) Street improvement plans for sidewalk, curb and gutter, and paving of public ways, as required, indicating approximate location and dimensions of the proposed system. (Ord. No. 1153, ' 1, 7-18-78)

(g) Environmental Information Form.

Sec. 21-16.1a Transmittal of maps to public agencies and utilities

A. When the tentative map is received and filed under the provisions of this title, the community development director or designee shall, within ten (10) days thereafter, transmit the tentative map to each of the following:

1. Public Works Director/City Engineer
2. Chief Building Official
3. Police Department
4. Fire Department
5. **Field Services Manager**
6. **Office of Intergovernmental Management** when required under Section 12037 of the Government Code
7. **Tulare County Resource Management Agency**
8. **Southern California Edison or other affected electric company**
9. **The Gas Company or other affected gas company**
10. **Telephone company or other affected phone company**
11. **Cable TV companies affected**
12. **School District as required by Section 66455.7 of the Subdivision Map Act**
13. **Affected owner of irrigation ditches or canals, and any other public agency or public utility affect by the subdivision.**

B. Such public utility companies and public utilities shall review the tentative map and transmit any report or recommendations thereon to the community development director who shall incorporate them into his or her report and recommendations to the advisory agency.

C. The departments of the city to which the map is transmitted shall file with the community development director within ten (10) days of receipt thereof its approval thereof or a report showing what changes are necessary to make such map conform to the requirements of this title and the Subdivision Map Act coming within the jurisdiction of such department.

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**Sec. 21-17. City council action.**

Within the timeframes established in the Permit Streamlining Act, fifty (50) days after the acceptance of a tentative map of a subdivision, unless such time is extended by agreement with the subdivider, the city council shall act thereon the tentative map, unless an extension is agreed upon by the subdivider as provided for in the Act. If the city council shall find that the proposed map complies with the requirements of this chapter and the Subdivision Map Act, it shall approve the map. If the city council finds that the proposed map does not meet the requirements of this chapter and the Subdivision Map Act, it shall conditionally approve or disapprove such map. Within ten (10) days following the action by the city council, the Community development director or designee shall transmit a letter containing the record pertaining to such action to the party submitting the tentative map. (Ord. No. 1153, '1, 7-18-78; Ord. No. 1274, 1-4-83; Ord. No. 1362, '11, 8-19-86; Ord. No. 1614, '4, 9-17-02)

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**Sec. 21-17.1. Notice of hearing.**

Notice of the time and place of any public hearing on this a particular matter shall be given by the council or the city clerk by mailing in the United States mail a written notice thereof, not less than ten (10) days prior to such hearing, to every person whose name and address appears on the latest available assessment roll as an owner of the property within the territory covered by such proposed change and within three hundred (300) feet of the outer boundaries thereof.

Such notice shall also be given by at least one (1) publication in a newspaper of general circulation published in the city, at least ten (10) days before the hearing, and by such other means as the council may deem necessary. (Ord. No. 1274, 1-4-83; Ord. No. 1362, '12, 8-19-86)

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**Sec. 21-18. Expiration of maps and extensions of time.**

(a) **Expiration.** The effective life of an approved tentative parcel map or tentative subdivision map shall comply with the provisions of Sections 66463.5 and 66452.6 of the Subdivision Map Act, respectively. An approved or conditionally approved tentative map shall expire twenty-four (24) months after the date of its approval unless an additional period of time not to exceed an additional
twelve (12) months is specifically requested in writing by the subdivider at the time the tentative map is filed with the city. The city council or parcel map committee shall consider such requests at the same time the tentative map is considered.

(b) Extension. Extensions for tentative parcel maps and tentative subdivision maps may be granted pursuant to the provisions of Sections 66463.5 and 66452.6 of the Subdivision Map Act, respectively. Upon application of the subdivider filed prior to the expiration of the approved or conditionally approved tentative map, the time at which the map expires may be extended by the city council or by the parcel map committee, for a period or periods not exceeding a total of thirty-six (36) months. Prior to the expiration of an approved or conditionally approved tentative map, upon receipt of a written application by the subdivider to extend that map, the map shall automatically be extended for sixty (60) days or until the application for the extension is approved, conditionally approved, or denied, whichever occurs first. A written application to extend an approved or conditionally approved tentative map shall be submitted to the Community development director or designee prior to expiration of the tentative map, who shall forward such to the city council or parcel map committee. If the parcel map committee denies a subdivider’s application for an extension, the subdivider may appeal, in writing, to the city council within fifteen (15) ten (10) days after the parcel map committee has denied the extension. (Ord. No. 1614, '4, 9-17-02)

Consideration of an application for an extension of time shall be limited to the mandatory findings of significance contained in the original parcel map committee or city council resolution which approved or conditionally approved the tentative map. If it can be reasonably demonstrated that any one (1) of the original mandatory findings of significance used to justify approval or conditional approval of the tentative map, as specified in the original resolution has changed to the extent it can be considered a cause for denial, then such request for extension shall may be denied.

(c) Time limit on extensions. An extension or extensions of tentative map approval or conditional approval shall not exceed an aggregate of thirty-six (36) months may be approved pursuant to Sections 66463.5 and 66452.6 of the Subdivision Map Act.

The expiration of an approved or conditionally approved tentative map shall terminate all proceedings and no final map or parcel map of all or any portion of the real property included within the tentative map shall be filed with the city council without first processing a new tentative map. Once a timely filing is made, subsequent actions of the city council or parcel map committee, including, but not limited to, processing, approval, and recordation, may lawfully occur after the date of expiration of the tentative map. Delivery to the city engineer shall be deemed a timely filing for purposes of this section. (Ord. No. 1153, '1, 7-18-78; Ord. No. 1274, 1-4-83; Ord. No. 1315, 7-17-84; Ord. No. 1327, 4-2-85; Ord. No. 1362, 'A(13), 8-19-86; Ord. No. 1404, 'A, 7-5-88)

(d) Companion permits. When a tentative map is approved or conditionally approved in conjunction with a conditional use permit or other discretionary permit, such permit shall expire at the same time as the tentative map unless the face of the permit states a different expiration date approved by the City Council. Extensions of time of tentative maps approved with companion conditional use permits or other discretionary permits may also include extensions of time for such companion permits not to exceed the maximum appropriate time limit permitted by Section 21-18c, hereinabove.

Sec. 21-18.1.     Vesting tentative maps.

(a) Citation and authority. This section is enacted pursuant to the authority granted by Chapter 4.5 (commencing with Section 66498.1) of Division 2 of Title 7 of the Government Code of the State of California (hereinafter referred to as the vesting tentative map statute).
(b) *Purpose and intent.* It is the purpose of this section to establish procedures necessary for the implementation of the vesting tentative map statute, and to supplement the provisions of the Subdivision Map Act and the subdivision ordinance. Except as otherwise set forth in the provisions of this section, the provisions of the subdivision ordinance shall apply to the vesting tentative map section.

(c) *Consistency.* No land shall be subdivided and developed pursuant to the vesting tentative map for any purpose which is inconsistent with the general plan and any applicable specific plan, or not permitted by the zoning ordinance or other applicable provisions of the Municipal Code, which were in effect at the time the vesting tentative map was approved or conditionally approved.

(d) *Definitions.*

(1) A vesting tentative map shall mean a tentative map for a residential subdivision that shall have printed conspicuously on its face the words vesting tentative map at the time it is filed in accordance with section 21-18.1(f), and is thereafter processed in accordance with the provisions hereof.

(2) All other definitions set forth in the subdivision ordinance are applicable.

(e) (d) *Application.*

(1) This section shall apply only to residential developments. Whenever a provision of the Subdivision Map Act, as implemented and supplemented by the subdivision ordinance, requires the filing of a tentative map or tentative parcel map for a residential development, a vesting tentative map may instead be filed, in accordance with the provisions hereof.

(2) 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.

(f) (e) *Filing and processing.* A vesting tentative map shall be filed in the same form and have the same contents, accompanying data and reports and shall be processed in the same manner as set forth in the subdivision ordinance for a tentative map, except as hereinafter provided:

(1) At the time a vesting tentative map is filed it shall have printed conspicuously on its face the words A vesting tentative map.

(2) At the time a vesting tentative map is filed, a subdivider may be required to supply the following information in addition to the requirements set forth in sections 21-15 and 21-31:

a. Height, size, and location of buildings.

b. Geological studies.

c. Architectural plans.

d. Any other studies that are normally deferred to the building permit stage.

(g) (f) *Expiration.* The approval or conditional approval of a vesting tentative map shall expire at the end of the same time period, and shall be subject to the same extensions established by the subdivision ordinance for the expiration of the approval or conditional approval of a tentative map.

(h) *Vesting on approval of vesting tentative map.*
(1) The approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies and standards described in Government Code Section 66474.2.

However, if Section 66474.2 of the Government Code is repealed, the approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies and standards in effect at the time the vesting tentative map is approved or conditionally approved.

(2) Notwithstanding subsection (h)(1), a permit, approval, extension or entitlement may be made conditional or denied if any of the following are determined:

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

(3) The rights referred to herein shall expire if a final map is not approved prior to the expiration of the vesting tentative map as provided in section 21-18.1(g). If the final map is approved, these rights shall last for the following periods of time:

   a. An initial time period of two (2) years. Where several final maps are recorded on various phases of a project covered by a single vesting tentative map, this initial time period shall begin for each phase when the final map for that phase is recorded.
   b. The initial time period set forth in subsection (h)(3)(a) shall be automatically extended by any time used for processing a complete application for a grading permit or for design or architectural review, if such processing exceeds thirty (30) days, from the date a complete application is filed.
   c. A subdivider may apply for a one (1) year extension at any time before the initial time period set forth in subsection (h)(3)(a) expires. If the extension is denied, the subdivider may appeal that denial to the city council within fifteen (15) days.
   d. If the subdivider submits a complete application for a building permit during the periods of time specified in subsections (h)(3)(a), (b) and (c), the rights referred to herein shall continue until the expiration of that period, or any extension of that permit.

(i) Development inconsistent with zoning; conditional approval.

(1) Whenever a subdivider files a vesting tentative map for a subdivision whose intended development is inconsistent with the zoning ordinance in existence at that time, that inconsistency shall be noted on the map. The city may deny such a vesting tentative map or approve it conditioned on the subdivider, or his or her designee, obtaining the necessary change in the zoning ordinance to eliminate the inconsistency. If the change in the zoning ordinance is obtained, the approved or conditionally approved vesting tentative map shall, notwithstanding section 21-18.1(h)(1), confer the vested right to proceed with the development in substantial compliance with the change in the zoning ordinance and the map, as approved.

(2) The rights conferred by this subdivision shall be for the time periods set forth in section 21-18.1(h)(3).

(j) Applications inconsistent with current policies. Notwithstanding any provision of this section, a
property owner or his or her designee may seek approvals or permits for development which depart from the ordinances, policies and standards described in section 21-18.1(h)(1) and section 21-18.1(i) and local agencies may grant these approvals or issue these permits to the extent that the departures are authorized under applicable law. (Ord. No. 1345, Exhibit A (Res. No. 1655), 1-7-86; Ord. No. 1362, 'A(14), 8-19-86)

ARTICLE VI. FINAL MAPS

Sec. 21-19. Filing final map.
The subdivider shall file the original and three (3) copies of the final map and required accompanying data with the city engineer. The said final map shall be accompanied by filing fees as specified in the comprehensive fee schedule. When a final map is submitted to the city engineer in accordance with this Code, it shall be accompanied by the following documents:

(a) Improvement plans. The original tracings of detailed plans, cross sections and profiles of all improvements proposed to be installed as required by the provisions of this chapter, and of all other improvements proposed to be installed by the subdivider in, on, over, or under any street, right-of-way, easement or parcel of land dedicated by the map or previously dedicated, including the estimated cost thereof, shall be filed with the public works director/city engineer for his approval and signature. All such plans shall be prepared in accordance with the requirements of the public works director/city engineer. Plan sheets shall be twenty-four inches by thirty-six inches (24” X 36”) and a plan and profile drawn to a scale of one inch equals fifty feet (1” = 50’), or an appropriate scale previously approved by the city engineer.

(b) Traverse sheets. Calculation and traverse sheets in a form approved by the city engineer giving bearings and distances, coordinates, error of closure and areas within the boundary of the subdivision and blocks and lots therein shown on the final map.

(c) Design data. Design data, assumptions and computations for proper analysis in accordance with sound engineering practice.

(d) Report and guarantee of title. The final map shall be accompanied by a current (within three six months of the final map filing date) report prepared by a duly authorized title company naming the persons whose consent is necessary for the preparation and recordation of such map, and for dedication of the streets, alleys and other public places shown on the map and certifying that, as of the date of the preparation of the report, the persons wherein named are all the persons necessary to give clear title to such subdivision. At the time of recording said map, following approval by the city council, there shall be filed with the county recorder a guarantee executed by a duly authorized title company for the benefit and protection of the city showing that the persons consenting to the preparation and recordation of such map and offering for dedication the streets, alleys and other public places shown thereon are all the persons necessary to pass clear title to such subdivision and to the dedications shown thereon. The report should also include a statement of explanation of why any right-of-way or easement holders across the subdivision need not sign the map if they are not included as needed to pass a clear title.

(e) Preliminary soils report. A preliminary soil report prepared by a civil engineer registered by the State of California, based upon adequate test borings or excavations. The fact that a soil report has been prepared shall be kept on file for public inspection by the city. The preliminary soil report may be waived by the public works director/city engineer if adequate existing data is available as to the soil qualities of the soils of the subdivision.
If the preliminary soil report indicates the presence of critically expansive soils or other soil problems which, if not corrected, would lead to structural defects, a soil investigation of each lot in the subdivision may be required, prepared by a civil engineer registered by the State of California. The soil investigation shall recommend corrective action intended to prevent structural damage to each dwelling proposed to be constructed on expansive or unstable soil. The report shall be filed with the City of Porterville building department.

(f) **Utility statements.** Statements from the various public utility companies authorized to serve in the area of the subdivision or division of land certifying that satisfactory provisions have been made to accommodate their facilities. (Ord. No. 1153, 7-18-78; Ord. No. 1274, 1-4-83)

(fg) **Improvement agreements.** With final review, all agreements, improvement security required by state law or this Code, and offer(s) of dedication.

(gh) **Utility statements.** Statements from the various public utility companies authorized to serve in the area of the subdivision or division of land certifying that satisfactory provisions have been made to accommodate their facilities. (Ord. No. 1153, 7-18-78; Ord. No. 1274, 1-4-83)

Sec. 21-20. **Form and content.**

(a) The final map shall be clearly and legibly drawn upon tracing cloth of good-quality or polyester base film. All lines, letters, figures, certifications, acknowledgments, and signatures shall be made in black waterproof opaque ink; except that affidavits, certificates, and acknowledgments may be legibly stamped or printed upon the map with black opaque ink. If ink is used on a polyester base film, the ink surface shall be coated with a suitable substance to assure permanent legibility.

(b) The map shall be so made and shall be in such condition when filed that good legible prints and negatives can be made therefrom. The size of each sheet shall be eighteen by twenty-six inches (18” X 26”). A marginal line shall be drawn completely around each sheet leaving an entirely blank margin of one (1) inch. The scale of the map shall be no less than one inch equals one hundred feet (1” = 100’).

(c) The boundary of the subdivision shall be designated by a distinctive border applied to the reverse side of the tracings. Such border shall not interfere with the legibility of figures or other data. The final map shall consist of a title sheet containing all required certificates and acknowledgments, and other sheets as necessary to show required lot dimensioning and survey data, as mentioned herein.

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

(e) All survey and mathematical information and data necessary to locate all monuments and to locate and retrace any and all interior and exterior boundary lines appearing thereon shall be shown including bearings and distances of straight lines and radii and tangent distance and central angle and arc length for all curves, lot dimensions; such information as may be necessary to determine the location of the centers of curves, tangent points and ties to existing monuments used to establish the subdivision boundaries.

(f) The final map shall show clearly any stakes, monuments, or other evidence found on the ground to determine the boundaries of the tract. The corners of adjoining subdivisions or portions thereof shall be identified by lot numbers, subdivision name with proper ties and recording information shown. Whenever the city engineer has established the center line of a street or alley, adjacent to or in the proposed
subdivision, the data shall be shown in the final map indicating all monuments found and making reference to a field book or map. If the points were reset by ties, the course and detail of relocation data used shall be stated:

(g) The map shall show the location and description of all monuments found or placed in making the survey of the subdivision with proper reference sufficient for relocation.

(h) Any unimproved natural watercourses wholly or partially within the proposed subdivision shall be indicated on the final map. The final map shall also show areas within the subdivision that are subject to inundation or flood hazard.

(i) The lots on the final map shall be numbered consecutively commencing with the number one (1), with no omissions or duplications. Additional information:

(1) The date, north point and scale.

(2) The location and names, without abbreviations, of all existing and proposed streets and alleys and adjoining streets.

(3) Dimensions in feet and hundredths of a foot.

(4) Subdivision name: Below the subdivision name shall be a legal description of the property being subdivided along with the recording information pertaining thereto.

(5) Existing and proposed rights-of-way or easements, and the dimensions and locations of same.

(6) City boundary lines.

(7) Acreage: The total acreage of the subdivision to the nearest one-hundredth (\(\frac{1}{100}\)) of an acre shall be shown on the face of the final map.

(8) Basis of bearings.

(j) No lot in a subdivision shall be divided by the boundary line of a city, county or special district.

(Ord. No. 1153, *1*, 7-18-78)

The final map shall be prepared by or under the direction of a registered civil engineer authorized to practice land surveying or licensed land surveyor, shall be based upon a survey, and shall conform to all of the following provisions:

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

(b) The size of each sheet shall be 18 by 26 inches or 460 by 660 millimeters. A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of one inch or 025 25 millimeters. The scale of the map shall be large enough to show all details clearly and enough sheets shall be used to accomplish this end. The particular number of the sheet and the total number of sheets comprising the map shall be stated on each of the sheets and its relation to each adjoining sheet shall be clearly shown.
(c) All survey and mathematical information and data necessary to locate all monuments and to locate and retrace any and all interior and exterior boundary lines appearing on the map shall be shown, including bearings and distances of straight lines, and radii and arc length or chord bearings and length for all curves and any information which may be necessary to determine the location of the centers of curves and ties to existing monuments used to establish and subdivision boundaries.

(d) Each parcel lot shall be numbered or lettered and each block may be numbered or lettered. Each street shall be named or otherwise designated. The subdivision name/number shall be shown together with the description of the real property being subdivided.

(e) The exterior boundary of the land included within the subdivision shall be indicated by distinctive symbols and clearly so designated. The map shall show the definite location of the subdivision, and particularly its relation to surrounding surveys.

If the map includes a “designated remainder” parcel, and the gross area of the “designated remainder” parcel or similar parcel is five acres or more, that remainder parcel need not be indicated as a matter of survey, but only by deed reference to the existing boundaries of the remainder parcel.

A parcel designated as “not a part” shall be deemed to be a “designated remainder” for purposes of this section.

(f) On and after January 1, 1987, no additional requirements shall be included that do not affect record title interests. However, the map shall contain a notation or reference to additional information required by a local ordinance adopted pursuant to Section 66434.2.

(g) Any public streets or public easements to be left in effect after the subdivision shall be adequately delineated on the map. The filing of the final map shall constitute abandonment of all public streets and public easements not shown on the map, provided that a written notation of each abandonment of all public streets and public easements not shown on the map, provided that a written notation of each abandonment is listed by reference to the recording data or other official record creating these public streets or public easements and certified to on the map by the clerk of the legislative body or the designee of the legislative body approving the map. Before a public easement vested in another public entity may be abandoned pursuant to this section, that public entity shall receive notice of the proposed abandonment. No public easement vested in another public entity shall receive notice of the proposed abandonment. No public easement vested in another public entity shall be abandoned pursuant to this section if that public entity objects to the proposed abandonment.

Sec. 21-21. Survey and monument—Survey Monument Requirements
requirements:

(a) The survey and traverse of the boundaries of the subdivision and all lots and blocks shall close within a limit of error of one (1) foot in ten thousand (10,000) feet of perimeter.

(b) At the time of making a survey for final map or parcel map, unless survey is not required pursuant to Section 66448 of the Subdivision Map Act, the engineer or surveyor shall set sufficient durable monuments to conform with city standards so that another engineer or surveyor may readily retrace the survey. At least one exterior boundary line of the land being subdivided may be adequately monumented or referenced before the map is recorded.

(c) The monuments shall be approved by the city engineer and shall be per city standards. Any monument or bench mark, as required by this section, that is disturbed or destroyed before acceptance of all improvements shall be replaced by the subdivider. The monuments shall be set at each corner and angle point in the exterior and interior boundaries (lot corners) of the
subdivision, except wherein such monuments already exist in their proper positions. Monuments shall be set on street and alley center lines or offsets thereto at all street intersections, beginnings and end of curves, angle points or as otherwise directed by the city engineer. (Ord. No. 1153, ' 1, 7-18-78; Ord. No. 1274, 1-4-83)

(c) Interior monuments need not be set at the time of the map is recorded, if the engineer or surveyor certifies on the map that monuments will be set on or before a specified date, and if the subdivider furnishes to the city security guaranteeing payment of the cost of setting such monuments in accordance with Section 66496 of the Subdivision Map Act.

(d) Within five (5) days after the final setting of monuments has been completed, the engineer or surveyor shall give written notice to the subdivider, and to the city engineer that the final monuments have been set in accordance with Section 66497 of the Subdivision Map Act.

Sec. 21-22. Certificates and acknowledgment. Statements and acknowledgments.

The title sheet of the map, below the title, shall show the name of the engineer or surveyor together with the date of the survey, the scale of the map and the number of sheets. The following certificates, acknowledgments and description shall appear on the title sheet of final maps, and such certificates statements may be combined where appropriate:

(a) Certificate Statement by parties holding title. A certificate statement in accordance with the provisions of Section 66436 of the Map Act.

(b) Dedication certificates Statement. A certificate statement in accordance with Section 66439 of the Map Act.

(b) Engineer's or Surveyor's certificate Statement. A certificate statement in accordance with Section 66441 of the Map Act.

(c) Soils Engineer's Statement. A statement referring to preliminary soils reports on file with the City in accordance with Section 66434.5 of the Map Act.

(d) Certificates Statement to be executed. Certificates Statement for execution by each of the following:

- city engineer;
- surveyor;
- soil engineer;
- community development director or designee;
- city council;
- city clerk;
- county board of supervisors;
- county recorder;
- owner.

(e) Notation or reference to survey and map information required pursuant to Section 66434.2 of the Map Act. (Ord. No. 1153, ' 1, 7-18-78; Ord. No. 1274, 1-4-83; Ord. No. 1392, ' A(1), 11-17-87; Ord. No. 1614, ' 4, 9-17-02)
Sec. 21-23. Dedications and reservations.

(a) Dedications. All streets, alleys, including access rights and abutter’s rights, drainage easements, elementary school sites, parks, and other easements and parcels of land intended for public use shall be offered for dedication for public use. The council or the city engineer, on behalf of the city council pursuant to Section 1806 (c) of the Streets and Highways Code, may accept said dedications. If at the time the final map is approved, any streets, paths, alleys, or storm drainage easements are rejected, the offer shall remain open and the council or the city engineer may, by resolution at any later date and without any further action by the subdivider, rescind the city’s action and accept and open the streets, paths, alleys or storm drain easements for public use which acceptance shall be recorded in the office of the county recorder. Dedications and acceptance or rejection of parcels of land for elementary school sites, public utility and other easements on parcels of land not previously specified shall be in accordance with the provisions of the Subdivision Map Act. (Ord. No. 1590, 'B, 2-20-01)

(1) Partial Half-streets shall be discouraged in developments except in those situations where warranted and when approved by the city engineer;

(2) Where a full pavement street is constructed along the perimeter of a subdivision, the developer be compensated for this construction by reimbursement agreement between the developer, the city and the adjoining property owner when development occurs on his property; and

(3) Where a partial half-street-configuration is allowed, the outside edge shall be a thickened design approved by the city engineer, and that when the other portion half of the street is constructed by development, the developer shall be required to overlay the existing partial half street with pavement (making for a smooth transition at the center and a smoother traveled way). No parking signs shall be posted by the developer if there are no lots fronting on the half-street.

(4) When there are lots fronting on the partial half-street the dedication and improvement shall be wide enough to permit two (2) lanes of traffic and on-street parking on one (1) side.

(b) Waiver of direct access right. The city council, at its discretion, may require that offers of dedication of streets include a waiver of direct access rights from any property shown on the final map as abutting on thereof.

(c) Reservations. At the discretion of the city council, areas of real property within the subdivision may be reserved for future need for fire stations, libraries, recreational facilities, or other public uses pursuant to the applicable provisions of the Subdivision Map Act. (Ord. No. 1153, '11, 7-18-78)

Sec. 21-23.1 Reservations

A. As a condition of approval of a tentative map, the subdivider may be required to reserve real property within the subdivision for parks, recreational facilities, fire stations, libraries, freeways or other public uses, subject to the following conditions:

1. Such requirement is based upon an adopted specific plan or an adopted general plan containing policies and standards for those uses, and the required reservations are in accordance with those policies and standards.
2. The ordinance has been in effect for a period of at least 30 days prior to the filing of the tentative map.
3. The reserved area is of such size and shape as to permit the balance of the property within which the reservation is located to develop in an orderly and efficient manner.
4. The amount of land reserved will not make development of the remaining land held by the subdivider economically unfeasible.

B. The reservation area shall conform to the adopted specific plan or general plan and shall be in such multiplies of streets and parcels as to permit an efficient division of the reserved area in the event that it is not acquired within the prescribed period; in such event, the subdivider shall make those changes as are necessary to permit the reserved area to be developed for the intended purpose consistent with good subdividing practices.

C. The reservation requirement may be in addition to requirements for dedications and/or improvements of property within the subdivision for the same or other purposes.

D. The City shall, at the time of approval of the final map or parcel map, enter into an agreement to acquire such reserved area within two years after completion and acceptance of all improvements required as a condition of such map, unless such period of time is extended by mutual agreement. The purchase price shall be the market value thereof at the time of the filing of the tentative map plus the taxes against such reserved area from the date of the reservation and any other costs incurred by the subdivider in the maintenance of such reserved area, including interest costs incurred on any loan covering such reserved area.

E. If the city does not enter into the agreement required, the reservation of such area shall automatically terminate.

Sec. 21-24. Public improvement agreement.
Prior to the approval by the city council of the final map, the subdivider shall execute and file an agreement between himself and the city specifying the period within which he shall complete all public improvement work to the satisfaction of the city engineer, and providing that if he shall fail to complete such work within such period, the city may complete the same and recover the full cost and expense thereof from the subdivider or his surety. The agreement shall also provide for inspection of all public improvements by the public works director/city engineer and that the cost of such inspections shall be reimbursed to the city by the subdivider. (Ord. No. 1153, '1, 7-18-78)

Sec. 21-25. Improvement security.
(a) Security. The subdivider shall file with the agreement required by the provisions of section 21-24, to assure his full and faithful performance thereof, a bond or security for such sum as the city engineer deems sufficient to cover the cost of the improvements.

(b) Security, Form, amount. Such security shall be in the manner, form, and kind provided by the Subdivision Map Act and acceptable to the city attorney. The security shall be in the amount of one hundred (100) percent of the estimated cost of the improvements, conditioned upon the faithful performance of his agreement by the subdivider, and in the additional amount of fifty (50) percent of such sum securing the payment by the subdivider to his contractor, his subcontractors, and to persons renting equipment or furnishing labor or materials to them for improvements.

The security provided shall guarantee maintenance and/or repair of all defects in required public improvements for a period of one (1) year following acceptance of said improvements by the city.

In lieu of a one hundred (100) percent performance bond and fifty (50) percent labor and materials bond, surety may be assured by the filing of a letter of credit, cash deposit, or deposit of negotiable bonds, which creates a trust fund in an amount equal to one hundred ten (110) percent of the cost of the work
estimated by the public works director/city engineer. Said trust fund shall be maintained in a financial
institution subject to regulation by the state and federal government with the trust fund limited to the
following conditions:

(1) Ten (10) percent of the cost, representing a labor and materials deposit, to be retained for thirty-
five (35) days after the filing of the notice of completion.

(2) Funds may be discharged from the balance of the surety account from time to time as work is
completed, up to ninety (90) percent of value of work completed, with authorization of the city
engineer until all work is completed and the notice of completion is filed; at which time the
remaining funds shall be released thirty-five (35) days thereafter.

(3) Prior to final acceptance by the city of improvements, the subdivider shall provide the city with a
one (1) year maintenance bond in the amount of five (5) percent of the estimated cost of
improvements.

c Completion of work by city. In the event the subdivider shall fail to complete all improvement
work in accordance with the provisions of this chapter and the city shall have completed the same, or if the
subdivider shall fail to reimburse the city for the cost of incidental expenses or to cover the cost of
replacement and the repair of existing streets or other improvements damaged in the development of the
subdivision or requiring repair or replacement during the one (1) year guarantee period, the city shall
demand performance of the agreement by the subdivider to do such work and reimburse itself for the cost
of work agreed to be performed by the subdivider. If the amount of the surety bond or cash deposit exceeds
all costs and expenses incurred by the city, the city shall release the remainder of such bond or
certification, less the cost and expense incurred by the city. The subdivider shall be liable to the city for
any costs additional to those secured in an action to be brought therefore by the city. (Ord. No. 1153, § 1, 7-
18-78; Ord. No. 1274, 1-4-83)

Sec. 21-26. Approval by city engineer.

Upon receipt of the final map and other data submitted therewith, the city engineer shall examine such
to determine that the subdivision as shown is substantially the same as it appeared on the tentative map,
and any approved alterations thereof, that all provisions of this chapter or any other ordinance and the
Subdivision Map Act applicable at the time the application for the tentative map is deemed complete of
approval of the tentative map have been complied with, and that he is satisfied that the map is technically
correct. If the city engineer shall determine the final map is not in full conformity with the tentative map,
he shall advise the subdivider of the changes or additions that must be made for such purposes, and shall
afford the subdivider an opportunity to make such changes or additions. If the city engineer shall determine
that full conformity therewith has been made, he shall so certify on said map and shall transmit said map to
the city council for approval. (Ord. No. 1153, § 1, 7-18-78; Ord. No. 1274, 1-4-83)

Sec. 21-27. City council approval.

(a) The city council shall, at the meeting at which it receives the final map for approval, or at its next
regular meeting after the meeting at which it received the map, approve the map if it conforms to all the
requirements of this chapter and the Subdivision Map Act applicable at the time of approval or conditional
approval of the tentative map and any rulings made thereunder.

(b) The council may reject any or all offers of dedication. In the event that all improvements required
or conditions imposed upon approval under the terms of this article or by law are not
completed before the filing of the final map, the council may enter into an agreement with the
subdivider for posting improvement security as provided in this chapter. The city engineer,
on the approval of the final map by the city council, shall transmit the map to the clerk of
the board of supervisors, who shall record same. (Ord. No. 1153, '1, 7-18-78; Ord. No. 1274, 1-4-83)

ARTICLE VII. PARCEL MAP SUBDIVISION

Sec. 21-28. Purpose.
This article is adopted in order to establish rules, regulations and specifications for the subdivisions of land described in subsections 66426 a, b, c, and d of the Map Act. (Ord. No. 1153, '1, 7-18-78)

Sec. 21-29. Parcel map committee responsibilities.
A parcel map committee is hereby created and is designated as the advisory agency and shall review and approve, conditionally approve or disapprove tentative parcel maps. Said parcel map committee shall include the Community development director or designee, the city engineer or his designee and the fire chief or his designee. The Community development director or designee shall serve as committee chairman. (Ord. No. 1153, '1, 7-18-78; Ord. No. 1274, 1-4-83; Ord. No. 1614, '4, 9-17-02)

Sec. 21-30. Tentative parcel maps; filing.
(a) Ten (10) Twenty-three (23) copies of the tentative parcel map and one photo-ready master (11"x17" maximum) legible sepia shall be filed with the community development director or designee. (Ord. No. 1614, '4, 9-17-02)

(b) The tentative parcel map shall be accompanied by an application fee as established by city council resolution.

(c) The Community development director or designee may refuse to accept a tentative parcel map which is inaccurate, illegible, incomplete, or which fails to comply with the requirements of this article. (Ord. No. 1153, '1, 7-18-78; Ord. No. 1274, 1-4-83)

Sec. 21-31. Tentative parcel map; form and content.
The subdivider shall cause the tentative parcel map of the land proposed to be subdivided to be prepared by a registered civil engineer authorized to practice surveying or licensed land surveyor. The size of each sheet shall be eighteen by twenty-six inches (18" X 26"). The tentative parcel map shall be legibly drawn, in pencil or ink, and shall use a decimal or an engineer's scale of not less than one inch equals one hundred feet (1" = 100'), unless the Community development director or designee determines that a different scale will be adequate and appropriate for the tentative map.

The tentative map shall clearly show the following information:

(a) A key map showing the location of the subject property, adjacent property, subdivisions, streets or roads and other development which would affect the tentative map.

(b) The dimensions and boundaries of the original parcel, with a legal description of the original parcel attached to the map.

(c) The dimensions, computed area, and boundaries of each parcel to be created.

(d) All existing surface and underground structures and improvements located on the original parcel, together with the exterior dimensions of said structures and improvements, the distance between structures and improvements, and the distance from the structures and improvements to the
boundary line of the lots which are to be created by the proposed division of land.

(e) The names, locations and widths of all existing and proposed streets abutting the original parcel.

(f) The location, purpose and width of all existing and proposed easements, and the names of the owners and proposed owners of the easements. Easement boundaries shall be shown by means of a dotted line.

(g) Sufficient elevations and contours to determine the general slope of the land and the high and low points thereof shall be shown.

(h) Approximate location of all areas subject to flooding or ponding of surface water; the location, width and direction of flow of all watercourses; and the location of adapted floodplain lines.

(i) Existing use or uses of property.

(j) Proposed use of the property; and, if the property is proposed to be used for more than one purpose, the areas proposed for each type of use.

(k) Statement of the improvements and public utilities proposed to be made or installed and the time at which such improvements are proposed to be completed.

(l) Proposed provisions for storm drainage and runoff disposal.

(m) North point, scale and date of preparation.

(n) Provisions for sewage disposal.

(o) The proposed water supply.

(p) The names, addresses and telephone numbers of the property owners, the person filing the map, and the registered civil engineer authorized to practice surveying or licensed land surveyor, if any, who prepared the map.

(q) A statement signed by the owner of the property certifying the division request and accuracy of the information shown. (Ord. No. 1153, '71, 7-18-78; Ord. No. 1274, 1-4-83; Ord. No. 1614, '84, 9-17-82)

(b) Names, addresses, and phone numbers of record owner(s), subdivider, and engineer or surveyor.

(c) Partial legal description (1/4 section, township/range).

(d) The tentative map shall contain a legible stamp and signature of the registered civil engineer or licensed surveyor.

(e) The Subdivision Review Committee or Parcel Map Review Committee may impose conditions upon a tentative map, as appropriate, to determine compliance with general engineering or surveying practices.
(f) The tentative map shall include enough sheets to show details at the scale of the map. The number of the sheet and the total number of sheets comprising the tentative map shall be stated on each of the sheets and its relation to each adjoining sheet shall be clearly shown.

(f) Location, names, present right-of-way and physical dimension, and approximate grades of adjacent roads, streets, highways or ways, names and dimensions of abutting subdivisions and properties.

(g) The locations, names, widths, and proposed grade of all streets in the proposed subdivision.

(j) Radius of each curve (in accordance with Article III. Design and Construction Standards)

(k) Show typical cross sections of all streets.

(j) The outline of any existing buildings and their locations in relation to existing or proposed street and lot lines. The location of existing wells and sewage disposal facilities and the proposed disposition of same.

(k) Approximate accurate contour lines having the following intervals:

(1) One (1) foot contour interval for ground slopes between level and five (5) percent.

(3) Five (5) foot contour intervals for ground slopes exceeding five (5) percent.

(m) The approximate widths, location and purpose of all existing or proposed easements.

(n) Approximate lot layout and approximate dimensions of each lot, and each to be numbered.

(o) The area of the subdivision in gross area and net area (excluding streets and other proposed public uses).

(p) Approximate location of all areas subject to inundation or storm water overflow and the location, width, grade and direction of flow of all watercourses and the location of all floodplain lines.

(r) City limit lines.

(s) Vicinity map showing the proposed subdivision and surrounding streets within one-fourth (¼) mile radius of the proposed subdivision.

(t) Location of trees to remain in place and landscaping proposed to remain in public right-of-way.

(v) For residential subdivisions, the school district and schools serving the subdivision.

(w) Show all dedications and irrevocable offers of dedication on the tentative map or to be made by separate instrument.

(v) The location and sizes of existing and proposed utility lines and structures.

(w) The elevation of sewers at the proposed connection. (Ord. No. 1153, '1, 7-18-78; Ord. No. 1274, 1-4-83; Ord. No. 1614, '4, 9-17-02)
Sec. 21-31.1 Owner’s statement and accompanying data.

Additional information relating to the subdivision which may not practicably be shown on the tentative map shall be contained in similar supplemental maps or written owner’s statement which shall accompany the tentative map and include the following information:

(a) Existing use or uses of the property, present zoning, and general plan designation.

(b) Proposed uses of the property indicating respective proportion of the total area of the subdivision represented by each.

(c) Source and approximate quantity of water supply and general outline of proposed system.

(d) Provisions for sanitary sewage disposal and general outline of proposed system.

(e) Plan for surface drainage and flood control and general outline of proposed system.

(h) Street improvement plans for sidewalk, curb and gutter, and paving of public ways, as required, indicating approximate location and dimensions of the proposed system. (Ord. No. 1153, '1, 7-18-78)

(i) Environmental Information Form.

Sec. 21-31.2a Transmittal of maps to public agencies and utilities

A. When the tentative map is received and filed under the provisions of this title, the community development director or designee shall, within ten (10) days thereafter, transmit the tentative map to each of the following:

1. Public Works Director/City Engineer
2. Chief Building Official
3. Police Department
4. Fire Department
5. Field Services Manager
6. Office of Intergovernmental Management when required under Section 12037 of the Government Code
7. Tulare County Resource Management Agency
8. Southern California Edison or other affected electric company
9. The Gas Company or other affected gas company
10. Telephone company or other affected phone company
11. Cable TV companies affected
12. School Districts as required by Section 66455.7 of the Subdivision Map Act
13. Affected owner of irrigation ditches or canals, and any other public agency or public utility affect by the subdivision.

B. Such public utility companies and public utilities shall review the tentative map and transmit any report or recommendations thereon to the community development director who shall incorporate them into his or her report and recommendations to the advisory agency.

C. The departments of the city to which the map is transmitted shall file with the community development
director within ten (10) days of receipt thereof its approval thereof or a report showing what changes are necessary to make such map conform to the requirements of this title and the Subdivision Map Act coming within the jurisdiction of such department.

Sec. 21-32. Consideration of tentative parcel maps.

Not later than thirty (30) calendar days after the community development director or designee has received an application for a tentative map approval, the community development director or designee shall determine in writing whether such application is complete, and shall immediately transmit such determination to the applicant for the tentative map. In the event that the application is determined not to be complete, the Community development director or designee's determination shall specify those parts of the application which are complete and shall specify those parts of the application which are incomplete and shall indicate the manner in which they can be made complete. After the Community development director or designee accepts an application as complete, the city shall not subsequently request of an applicant any new or additional information which was not requested as part of the application. The community development director or designee may, in the course of processing the application, request the applicant to clarify, amplify, correct, or otherwise supplement the information required for the application.

(a) The parcel map committee shall review and approve, conditionally approve or disapprove the tentative parcel map within thirty (30) days after the date of acceptance of a complete application by the community development director or designee. Noticing shall be as provided in section 21-17.1 of this chapter.

(b) If the parcel map committee determines that the tentative parcel map complies with all of the provisions of this article, general plan, zoning ordinance, and the Subdivision Map Act, it shall approve the map.

(c) If the tentative parcel map fails to meet one or more requirements set forth in this article, the parcel map committee may approve the map subject to such conditions as may be necessary to conform to such requirements.

(d) When approving or conditionally approving the tentative parcel map, the parcel map committee shall specify the dedications and improvements to be made by the owner.

(e) Within seven (7) days after the action by the parcel map committee, written notice of the action by the parcel map committee shall be mailed to the applicant.

(f) Upon approval of the tentative parcel map by the parcel map committee, the tentative parcel map shall be so marked and all conditions of approval and required dedications and improvements clearly specified on or with the map. Copies of the approved tentative parcel map shall be filed with the Community development director or designee and the city engineer. (Ord. No. 1153, '1, 7-18-78; Ord. No. 1274, 1-4-83; Ord. No. 1614, '4, 9-17-02)

Sec. 21-33. Appeals.

(a) Parcel map committee actions. The subdivider or any interested person adversely affected may appeal any decision, determination or requirement of the parcel map committee by filing a notice thereof, in writing, with the Community development director or designee City Clerk setting forth in detail the action and the grounds upon which the appeal is based, within ten (10) days after the action which is the subject of the appeal. An appeal shall state specifically where it is claimed there was an error or abuse of discretion by the parcel map committee.
(b) Hearing of appeals. Upon the filing of such an appeal, the Community development director or designee City Clerk shall set the matter for hearing before the city council. Such hearings shall be held within thirty (30) days after the date of filing the appeal. The city council shall consider the matter as an appeal de novo and as such may affirm, reverse or modify the action of the parcel map committee, or refer the matter back to the parcel map committee for further action. (Ord. No. 1153, '1, 7-18-78; Ord. No. 1274, 1-4-83; Ord. No. 1362, 'A(15), 8-19-86; Ord. No. 1614, '4, 9-17-02)

Sec. 21-34. Time limits and extensions of time on tentative parcel maps.
Findings, time limits and extensions of time for tentative parcel maps shall be the same as provided for by section 21-18 of this chapter. (Ord. No. 1153, '1, 7-18-78; Ord. No. 1274, 1-4-83; Ord. No. 1327, 4-2-85)

Sec. 21-35. Improvements.
Pursuant to the provisions of the Subdivision Map Act, the subdivider shall install, construct and/or provide all on- or off-site improvements as required by the parcel map committee; and such improvements shall be in conformance with all applicable provisions of article VIII of this chapter. (Ord. No. 1153, '1, 7-18-78; Ord. No. 1274, 1-4-83)

Sec. 21-36. Right-of-way dedications.
Pursuant to the Subdivision Map Act, the subdivider shall provide such dedication of right-of-way or easements as may be required by the parcel map committee. (Ord. No. 1153, '1, 7-18-78; Ord. No. 1274, 1-4-83)

Sec. 21-37. Final parcel maps.
Within the time limit designated in section 21-34 of this article, and upon the accomplishment of all dedication by certification on the map and required construction of all public improvements, or the execution of an agreement and provision of surety providing therefor and the payment of all applicable fees and charges, the applicant may file with the city engineer, who shall approve, a final parcel map which shall substantially conform to the approved tentative parcel map and all applicable provisions of the Subdivision Map Act. The appropriate certificates, statements as provided by the applicant in accordance with the provisions of the Subdivision Map Act, shall be signed by the city engineer upon the parcel map; and the final parcel map shall be transmitted to the clerk of the county board of supervisors for ultimate transmittal to the county recorder. (Ord. No. 1153, '1, 7-18-78; Ord. No. 1274, 1-4-83)

Sec. 21-38. Survey requirement.
If the division of land creates four (4) or less parcels, the final parcel map may be compiled from recorded or filed data when survey information exists on recorded or filed maps to sufficiently locate and retracing the exterior boundary lines of the final parcel map and when the location of at least one (1) of these boundary lines can be established from an existing monuments line. In all other cases, the parcel map shall be based on a field survey of the land conducted in accordance with the Land Surveyor's Act of the State of California. All new lot corners shall be monumented and based on a field survey. (Ord. No. 1153, '1, 7-18-78; Ord. No. 1274, 1-4-83)

Sec. 21-39. Information on final parcel map.
(a) Each parcel shall be consecutively numbered. Each parcel shall have its area shown to the nearest one-hundredth (1/100) of an acre or nearest square foot. The exterior boundary of the land included within the parcel or parcels being created shall be indicated by a distinctive border applied to the reverse side of the tracings. Such border shall not interfere with the legibility of figures or other data. The map shall show the definite location of such parcel or parcels, and particularly the relationship to existing surveys.
(b) The final parcel map shall also contain the following information:

(1) The tentative parcel map number and date of preparation.

(2) The net dimensions of each lot. No ditto marks shall be used.

(3) The names, locations and right-of-way widths of all abutting public streets.

(4) The proposed location, purpose and width of all proposed public roads and private access easements.

(5) The boundaries of any private easement, whether an easement or record or a prescriptive easement, shall be shown by means of a dotted line; and the name of the person owning the easement shall be shown on the map.

(6) Location and widths of easements for public utilities, if required.

(7) The location and widths of watercourses and areas subject to inundation, and location of selected flood lines within the parcels being created.

(8) Building setback lines, if applicable.

(9) A north point and graphic scale.

(10) Location or vicinity map at a minimum scale of one (1) inch equals one (1) mile.

(11) Names and addresses of the owners of the property being divided. (Ord. No. 1153, '1, 7-18-78; Ord. No. 1274, 1-4-83)

Sec. 21-40. Required certifications statements.

(a) All required dedications of rights-of-way or easements shall be certified on the final parcel map by appropriate statements in accordance with Section 66447 of the Map Act.

(b) All parties having any record title interest in the real property subdivided shall sign a certificate statement on the final parcel map in accordance with subsections 66436 and 66445 of the Map Act.

(c) A certificate statement of the registered civil engineer or licensed land surveyor who prepared the survey and the parcel map in compliance with Section 66449 of the Map Act.

(d) A certificate statement for execution by the city engineer which complies with Section 66450 of the Map Act.

(e) A certificate statement for execution by the community development director or designee on behalf of the parcel map committee certifying that the final parcel map conforms to the approved tentative parcel map.

(f) Additional information to be filed or recorded with the final map as required in accordance with Section 66434.2 of the Map Act. (Ord. No. 1153, '1, 7-18-78; Ord. No. 1274, 1-4-83; Ord. No. 1392, '13, 11-17-87; Ord. No. 1614, '4, 9-17-02)
Sec. 21-41. Waiver of requirements for parcel maps.

(A) The requirement for a final parcel map may be waived if a finding is made by the parcel map committee that the proposed division of land complies with all requirements of this chapter and the zoning ordinance as to area, improvement and design, drainage control, street dedications and improvements, sewer and water supply availability and environmental protection. No final map will be required for tentative maps approved under this section. (Ord. No. 1153, \textsuperscript{1} 1, 7-18-78; Ord. No. 1274, 1-4-83)

(B) Approval of an application for a waiver of the requirement of a parcel map shall automatically constitute approval for the issuance of a certificate of compliance pursuant to the provisions of Section 66499.35 of the Subdivision Map Act. When approval has been given to an application for a waiver of the requirement of a parcel map, the community development director and city engineer shall issue a resolution approving the waived parcel map certificate of compliance, and shall cause said resolution certificate of compliance to be filed with the recorder of the county.

Sec. 21-42. Lot line adjustment.

Pursuant to Government Code Section 66412(d), a lot line adjustment between four or fewer existing adjoining parcels, where the land taken from one parcel is added to an adjoining parcel, and where a greater number of parcels than originally existed is not thereby created, may be approved by the city engineer and community development director or authorized representatives without the approval and filing of a parcel map. Such lot line adjustments shall be accomplished in accordance with the following procedures:

A. Applications for lot line adjustments shall be filed with the community development director and shall be in the form and contain the information required of a tentative parcel map together with legal descriptions of each parcel.

B. The property owner(s) or agent shall file an application for a lot line adjustment with the City, submit evidence of title to all parcels to be affected, submit a proposed lot line adjustment map and legal description, and pay the processing fee established by resolution of the city council.

C. The community development director and city engineer, or an authorized designee, shall consider and approve the application if it is found that the parcels created by the lot line adjustment will conform to the requirements of this code and applicable state law.

D. The lot line adjustment shall be evidenced by recording a deed describing each affected parcel and a City resolution signed by the community development director and city engineer. The deed and resolution shall be recorded concurrently with any easement deed deed of easement regarding the relocation or elimination of applicable easements.

The city engineer may require the applicant to dedicate additional street right of way when necessary for the completion of the ultimate street right of way.

A lot line adjustment between two (2) or more adjacent parcels, where the land taken from one (1) parcel is added to an adjacent parcel and where a greater number of parcels than originally existed is not thereby created, may be approved by the city engineer and Community development director or designee or authorized representatives without the approval and filing of a parcel map. Applications for lot line adjustments shall be filed with the Community development director or designee and shall be in the form and contain the information required of a tentative parcel map together with legal descriptions of each parcel. A lot line adjustment shall not be approved unless the proposed parcels comply with the requirements of the zone in which the parcels are located. The lot line adjustment shall not be complete until the resolution of approval and legal descriptions are recorded in the office of the county recorder. The
city engineer may require the applicant to dedicate additional street right-of-way when necessary for the completion of the ultimate street right-of-way. (Ord. No. 1153, '71, 7-18-78; Ord. No. 1274, 1-4-83; Ord. No. 1614, '84, 9-17-02)

Sec. 21-43. Merger.

Two (2) or more contiguous parcels or units of land which have been subdivided under the provisions of the Subdivision Map Act or any prior law regulating the division of land or a local ordinance enacted pursuant thereto, or which were not subject to such provisions at the time of their creation, shall not merge simply by virtue of the fact such contiguous parcels or units are held by the same owner. No further proceeding under the provisions of the Subdivision Map Act or this article enacted pursuant thereto shall be required for the purpose of sale, lease or financing of such contiguous parcels or units, except, however, the City of Porterville may provide for the merger of a parcel or unit with a contiguous parcel or unit held by the same owner if all of the following requirements are satisfied:

(a) At least one (1) of the affected parcels is not developed with a structure, other than an accessory structure, for which a building permit was issued by the local agency, or which was built prior to the time such permits were required by the local agency.

(b) With respect to any affected parcel, one (1) or more of the following conditions exists:

(1) Comprises less than five thousand (5,000) square feet in area at the time of the determination of merger.
(2) Was not created in compliance with applicable laws and ordinances in effect at the time of its creation.
(3) Does not meet current standards for sewage disposal and domestic water supply.
(4) Does not meet slope stability standards.
(5) Has no legal access which is adequate for vehicular and safety equipment access and maneuverability.
(6) Its development would create health or safety hazards.
(7) Is inconsistent with the applicable general plan and any applicable specific plan, other than minimum lot size or density standards.

(c) Notification of intention to merge, hearing. Prior to recording a notice of merger, the Community development director or designee shall cause to be mailed by certified mail to the then current record owner of the property a notice of intention to determine status, notifying the owner that the affected parcels may be merged pursuant to standards specified in the merger ordinance, and advising the owner of the opportunity to request a hearing on determination of status and to present evidence at the hearing that the property does not meet the criteria for merger. The notice of intention to determine status shall be filed for record with the Tulare County Recorder on the date that notice is mailed to the property owner.

(d) Request for hearing. At any time within thirty (30) days after recording of the notice of intention to determine status, the owner of the affected property may file with the Community development director or designee a request for a hearing on determination of status.

(e) Procedure for hearing. Upon receiving a request for a hearing on determination of status, the Community development director or designee shall fix a time, date and place for a hearing to be conducted by the city council, and shall so notify the property owner by certified mail. The hearing shall be conducted not less than thirty (30) days following the receipt of the property owner's
request therefor, but may be postponed or continued with the mutual consent of the Community development director or designee and the property owner.

(f) Procedure for determination following hearing. At the hearing, the property owner shall be given the opportunity to present any evidence that the affected property does not meet the standards for merger specified in the merger ordinance. At the conclusion of the hearing, the city council shall make a determination that the affected parcels are to be merged or are not to be merged and shall so notify the owner of its determination. A determination of nonmerger may be made whether or not the affected property meets the standards for merger specified in subsections 21-43(a) and (b). A determination of merger shall be recorded within thirty (30) days after conclusion of the hearing.

(g) Determination when no hearing is requested. If, within the thirty (30) day period specified in subsection (d), the owner does not file a request for a hearing, the Community development director or designee may, at any time thereafter, make a determination that the affected parcels are to be merged or are not to be merged. A determination of merger shall be recorded with the Tulare County Recorder which specifies the names of the property owners and particularly describes the real property in question no later than ninety (90) days following the mailing of the notice required by subsection (e).

(h) Notice of intention for nonmerger. If, in accordance with subsection 21-43(f) or (g), the Community development director or designee or city council determines that the subject property shall not be merged, it shall cause to be recorded a release of the notice of intention to determine status, and shall mail a clearance letter to the then current owner of record.

(Ord. No. 1153, '1, 7-18-78; Ord. No. 1274, 1-4-83; Ord. No. 1327, 4-2-85; Ord. No. 1362, 'A(16), 8-19-86; Ord. No. 1614, '4, 9-17-02)

Sec. 21-43.a Property owner initiated merger of contiguous contiguous parcel merger

Pursuant to Government Code Section 66499.20 3/4, a property owner owning contiguous parcels is authorized to merge those contiguous legal parcels without requiring the property to be reverted to acreage. Such merger shall be accomplished in accordance with the following procedures:

A. The property owner shall file an application for merger with the community development director, submit evidence of title to all parcels to be affected, submit a proposed certificate of compliance, and pay the processing fee established by resolution of the city council. Mergers shall be in the form and contain the information required of a tentative parcel map together with a legal description of the merged parcel.

B. The community development director and city engineer, or an authorized designee, shall consider and approve the application if it is found that the parcel created by the merger will conform to the requirements of this code and applicable state law.

C. The merger shall be evidenced by recording a certificate of compliance which lists the parcel numbers affected and is signed by the community development director and city engineer. The certificate of compliance shall be recorded concurrently with any deed of easement regarding the relocation or elimination of applicable easements. The certificate of compliance shall be recorded against each parcel that is merged.

Sec. 21-44. Certificate of compliance.

(a) Any person owning real property may request, and the community development director or designee shall determine, whether such real property complies with the provisions of the Subdivision Map Act and of this article. Upon making such a determination, the community development director or
designee shall cause a certificate of compliance to be filed for record with the county recorder. The certificate of compliance shall identify the real property and shall state that the division thereof complies with applicable provisions of the Subdivision Map Act and of this article. The community development director or designee may impose a reasonable fee to cover the cost of issuing and recording the certificate of compliance.

(b) If the community development director or designee determines that such real property does not comply with the provisions of the Subdivision Map Act or of this article, he may, as a condition to granting a certificate of compliance, impose such conditions as would have been applicable to the division of the property at the time the current owner of record acquired the property and which had been established at such time by the Subdivision Map Act or this article. Upon making such a determination and establishing such conditions, the community development director or designee shall cause a conditional certificate of compliance to be filed for record with the county recorder. Such certificate shall serve as notice to the property owner who has applied for the certificate pursuant to this section, a grantee of the property owner, or any subsequent transferee or assignee of the property that the fulfillment and implementation of such conditions shall be required prior to subsequent issuance of a permit or other grant of approval for development of the property. Compliance with such conditions shall not be required until such time as a permit or other grant of approval for development of such property is issued by the city. (Ord. No. 1153, '1, 7-18-78; Ord. No. 1274, 1-4-83; Ord. No. 1614, '4, 9-17-02)

Sec. 21-44.1. Reversion to acreage.
(A) Subdivided real property may be reverted to acreage pursuant to the provisions of the Subdivision Map Act.

(B) Proceedings for reversion to acreage may be initiated by the parcel map committee on its own motion or by petition of all of the owners of record of the real property within the subdivision.

(C) The petition shall be in a form prescribed by the community development director or designee and shall contain the following:

(a) Adequate evidence of title to the real property within the subdivision.

(b) Sufficient data to enable the legislative body to make all of the determinations and findings required by this article, including a three hundred (300) foot radius map and property owners list.

(c) A final map which delineates dedications which will not be vacated and dedications which are a condition to reversion if applicable and which sufficiently describes all property to be reverted to acreage.

(d) Such other pertinent information as may be required by the community development director or designee and city engineer.

(D) A public hearing shall be held on the proposed reversion to acreage. Notice thereof shall be given in the time and manner provided in section 21-17.1 of this chapter.

(E) Subdivided real property may be reverted to acreage and a final map approved for recordation only if the parcel map committee finds that:

(a) Dedications or offers of dedication to be vacated or abandoned by the reversion to acreage are unnecessary for present or prospective public purposes if applicable. Such determination regarding
dedicated public streets shall be made by the city council in accordance with division 9, part 3 of the Streets and Highways Code of the State of California.

(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 (2) years from the date the final or parcel map was filed for record, or within the time allowed by agreement for completion of the improvements, whichever is the later; or
(3) No lots shown on the final map or parcel map have been sold within five (5) years from the date such map was filed for record.

(F) As conditions of reversion, the city council shall require:

(a) Dedications or offers of dedication necessary for the purposes specified by city ordinance following reversion.

(b) Retention of all previously paid fees if necessary to accomplish the purposes of this division or ordinance adopted pursuant thereto.

(c) Retention of any portion of required improvement security or deposits if necessary to accomplish the purposes of this division or ordinance adopted pursuant thereto.

(G) Reversion shall be effective upon the final map being filed for record by the county recorder, and thereupon all dedications and offers of dedication not shown thereon shall be of no further force or effect.

(H) When a reversion is effective, all fees and deposits shall be returned and all improvement security released, except those retained pursuant to applicable city ordinance, including the stipulations of this article. (Ord. No. 1327, 4-2-85; Ord. No. 1614, '4, 9-17-02)

ARTICLE VIII. IMPROVEMENTS

Sec. 21-45. General requirements.

The subdivider shall install improvements in accord with the general requirements set forth in this article; provided, however, the public works director/city engineer may require changes in typical sections and details if unusual conditions arise to warrant such changes. (Ord. No. 1153, '1, 7-18-78)

Sec. 21-46. Standard specifications.

All improvements shall conform to the requirements contained in the City of Porterville Standard Plans and Specifications, Standard Specifications for Public Works Construction, and Work Area Traffic Control Handbook, as all of same now exist or are subsequently amended. Copies shall be maintained on file in the office of the city clerk and the public works director/city engineer. (Ord. No. 1153, '1, 7-18-78; Ord. No. 1386, 'C(1), 8-18-87)

Sec. 21-47. Improvement plans.

Construction of improvements shall not commence until calculations, plans, profiles, and specifications for such work have been submitted to and approved by the city engineer. Such items shall be approved prior to recording the final map. Construction of all improvements shall conform to the approved improvement plans and specifications and approved amendments thereto. All such plans shall be prepared on polyester base film with permanent black ink in accordance with the requirements of the public works
director/city engineer. After construction is completed, the developer's engineer shall show all changes he makes made on the original set of plans and provide them to the city marked “as built plans”. (Ord. No. 1153, '1, 7-18-78; Ord. No. 1386, 'C(2), 8-18-87)

Sec. 21-48. Improvement construction inspection and supervision.
All improvements shall be inspected and approved by the public works director/city engineer or his authorized representative. The subdivider shall be responsible for the actions of his contractor. Twenty-four (24) hours minimum notice will be required prior to an inspection by city personnel. (Ord. No. 1153, '1, 7-18-78)

Sec. 21-49. Plan check and inspection fees.
Subdivider shall be required to pay a plan check and inspection fee which shall include all charges for engineering and inspection services and rendered by the city including the cost of recording maps. The plan check and inspection fee shall be as indicated in the city comprehensive fee schedule.

The plan check fee shall be paid prior to commencement of plan checking by the city. The inspection fee shall be paid prior to any construction work requiring inspection. (Ord. No. 1153, '1, 7-18-78; Ord. No. 1274, 1-4-83; Ord. No. 1404, 'B(1), 7-5-88)

Sec. 21-50. Required improvements enumerated.
The subdivider shall improve, or agree to improve, all streets, highways, or ways in or adjacent to the subdivision. All improvements shall be installed to permanent line and grade in accordance with the approved improvement plans for that subdivision on file with the public works director/city engineer. Improvements which the subdivider shall make, or agree to make, at the cost of the subdivider, shall be as follows:

(a) Underground utilities. All utility distribution facilities, including but not limited to electric, communication, and cable television lines installed in and for the purpose of supplying service to any subdivision, shall be placed underground in accordance with the utility's rules and regulations on file with the California Public Utilities Commission.

Equipment appurtenant to underground facilities, such as surface-mounted transformers, street light poles, pedestal mounted terminal boxes and meter cabinets and concealed ducts may be installed above the surface of the ground. The subdivider is responsible for complying with the requirements of this section and shall make the necessary arrangements with the utility companies involved for the installation of said facilities.

All underground utilities, sanitary sewers, and storm drains installed in streets, service roads, alleys or highways shall be constructed in accordance with the standard specifications prior to the surfacing of such street, service road, alley or highway. Service connections for all underground utilities and sanitary sewers shall be placed in such length as will obviate the necessity for disturbing the street or alley improvements when service connections thereto are made.

(b) Streets. All streets shall be graded and surfaced to cross sections and grades approved the public works director/city engineer.

(c) Structures. Structures shall be installed as required for drainage, access and/or public safety. Such structures shall be placed to grades and shall be of a design approved by the public works
director/city engineer.

(d) Grading and drainage. Site grading and drainage taking into consideration the drainage pattern of adjacent improved and unimproved property and treating upstream areas, where appropriate, as though fully improved.

(e) Sidewalks, curbs, gutters and driveway approaches. Curbs, gutters, sidewalks and driveway approaches shall be installed to grades approved by the the public works director/city engineer.

(f) Sanitary sewers. Sanitary sewer facilities connecting with the existing city sewer system shall be installed to serve each lot and to grades, locations, design and size approved by the the public works director/city engineer. No septic tanks or cesspools shall be permitted.

(g) Storm drains. Storm water sewers shall be installed as required by the the public works director/city engineer.

(h) Water supply, fire flow, and fire hydrants. As provided in the Uniform Fire Code, an approved water supply capable of supplying required fire flow for fire protection shall be provided to all premises upon which buildings or portions of buildings are hereafter constructed. The required fire flow shall be determined by the fire chief. When any portion of the building to be protected is in excess of one hundred fifty (150) feet from a water supply on a public street, there shall be installed, and supplied by the approved water supply, on-site fire hydrants capable of supplying the required flow.

(1) Water supply may consist of reservoirs, pressure tanks, elevated tanks, water mains or other fixed system capable of supplying the required fire flow. In setting the requirements for fire flow, the chief may use the standard published by the Insurance Services Office, A Guide for Determination of Required Fire Flow.

(2) The location, number, and type of fire hydrants connected to a water supply capable of delivering the required fire flow shall be provided on the public street or on the site of the premises to be protected as required and approved by the Fire Chief. All hydrants shall be accessible to the Fire Department by access roadways meeting Uniform Fire Code requirements for “Access Roadways for Fire Apparatus”. Such fire protection facilities including all surfaces access roads shall be installed and made serviceable by the developer prior to the time of construction.

(3) In a residential development, one fire hydrant shall be installed for each 500 feet of residential frontage, provided that the hydrant(s) shall be so located that no point in the development is more than 250 feet from a hydrant. Regardless of the average spacing, fire hydrants shall be located such that all points on streets and access roads adjacent to a building are within 250 feet.

(4) In a commercial area or industrial development, one fire hydrant shall be installed for each 300 feet of commercial or industrial frontage, provided that the hydrant(s) shall be so located that no point in the development is more than 150 feet from a hydrant. Regardless of the average spacing, fire hydrants shall be located such that all points on streets and access roads adjacent to a building are within a distance defined by Table A-III-B-1 of the Uniform Fire Code.
(5) When fire hydrants density, as determined by the hydrant spacing requirement, is not sufficient to provide the required fire flow, additional fire hydrants may be required by the Chief.

(6) Design, locations, and layout of water mains and fire hydrants shall be approved by the City Engineer and the Fire Chief, and shall be installed by the developer.

(7) The location, number and type of fire hydrants connected to a water supply capable of delivering the required fire flow shall be provided on the public street or on the site of the premises to be protected as required and approved by the chief. All hydrants shall be accessible to the fire department apparatus by access roadways meeting Uniform Fire Code requirements for Access Roadways for Fire Apparatus. Such fire protection facilities, including all surface access roads, shall be installed and made serviceable by the developer prior to the time of construction.
   a. 4500 GPM; required duration is 4 hours.
   b. 4000 GPM and greater; required duration is 4 hours.
   c. 3000 GPM – 3750 3500 GPM; required duration is 3 hours.
   d. 1500 GPM – 2750 3000 GPM; required duration is 2 3 hours.
   e. 2500 GPM and less; required duration is 2 hours.

(i) Subdivision trees. Subdivision trees and landscaping design shall be approved by the city and shall be planted at a time and in locations approved by the city director of parks and leisure services, all in general accord with the requirements of the Porterville Municipal Code. Five (5) gallon trees shall be installed upon all lots abutting interior, local and collector street, and fifteen (15) gallon trees shall be planted upon parcels having frontage on arterial thoroughfares.

(j) Street signs. Street signs shall be installed by the city at the subdivider's expense. Any required barricades to prevent traffic access at dead-end streets shall be provided by the subdivider in accord with the standard specifications.

(k) Street lights. Ornamental street lights shall be installed by the subdivider at locations designated by the city engineer.

(l) Railroad crossings. Provisions shall be made for any and all railroad crossings necessary to provide access to, or circulation with, the proposed subdivision, including the preparation of all documents necessary for application to the Public Utilities Commission of the State of California for the establishment and improvement of such crossing.

(m) Lot corners. The subdivider's engineer shall set at all lot corners a marker consisting of a one (1) inch diameter iron pipe twenty-four (24) inches long filled with cement, with the engineer's marker thereon.

(n) Bench marks. The subdivider's engineer shall set at least two (2) bench marks in the subdivision tied to United States Coast & Geodetic Survey (USC & GS) datum. Bench marks with elevations and based on USC & GS datum are located at all section and quarter-section corners.

(o) Ponding. Temporary Drainage Reservoir lots. Ponding. Temporary drainage reservoir lots, when approved, shall be designed and constructed to the requirements of the public works
director/city engineer and the director of parks and leisure services.

(p) Others. Other improvements where deemed necessary by the city council for the public health, safety or welfare. (Ord. No. 1153, '1, 7-18-78; Ord. No. 1274, 1-4-83)

Sec. 21-51. Agreement for installation of improvements.

Prior to the approval by the city council of the final map, the subdivider shall execute and file an agreement between himself and the city, specifying a period, agreeable to the public works director/city engineer, which shall be no greater than one (1) year, within which he shall complete all improvement work to the satisfaction of the public works director/city engineer, and providing that if he shall fail to complete such work within such period, the city may complete the same and recover the full cost and expense thereof from the subdivider. The agreement shall also provide for inspection of all improvements by the public works director/city engineer or his authorized representative and reimbursement to the city by the subdivider for the cost of such inspection. Such agreements may also provide:

(a) For the construction of the improvements in units.

(b) For an extension of time under conditions therein specified.

(c) For the termination of the agreement upon the completion of proceedings under an assessment district act for the construction of improvements deemed by the public works director/city engineer to be at least the equivalent of the improvements specified in such agreement and required to be constructed by the subdivider.

(d) For progress payments to the subdivider, or his order, from any deposit money which the subdivider may have made in lieu of providing a surety bond, as provided in this article; provided, however, that no such progress payment shall be made for more than ninety (90) percent of the value of any installment of work, and provided that each such installment of work shall be completed to the satisfaction of the public works director/city engineer. (Ord. No. 1153, '1, 7-18-78)

Sec. 21-51.1. Construction of improvements absent subdivision agreement.

If the subdivider chooses to construct improvements absent a subdivision agreement, pertaining to the improvements to be constructed, as specified in section 21-51 of this article, then the subdivider shall execute and file a preliminary subdivision agreement between himself the subdivider and the city. The preliminary subdivision agreement shall specify a period of time, not to exceed one (1) year, within which he shall complete all improvements shall be completed, and providing that if the subdivider shall fail to complete such work within such period, the city may increase inspection fees to recover any additional inspection costs incurred by the city.

Such agreements may also provide for:

(a) The subdivider to arrange a preconstruction conference with the city, involving representative(s) of all contractors who are to work on the improvements, one (1) week prior to the initial start of construction.

(b) The subdivider to give the city twenty-four (24) hours' notice to restarting work if no construction work has been done for two (2) or more prior work days. (Ord. No. 1404, 'C, 7-5-88)

Sec. 21-52. Supplemental improvements.

(a) Required. The subdivider may be required to install improvements for the benefit of the
subdivision which may contain supplemental size, capacity or number for the benefit of property not within the subdivision as a condition precedent to the approval of a subdivision or parcel map, and thereafter to dedicate such improvements to the public. Supplemental size, capacity or number shall mean that size, capacity or number in excess of the minimum standard city requirements.

(b) Supplemental improvements; reimbursement agreement. The city shall enter into an agreement for reimbursement to the subdivider of the cost of the supplemental capacity, size or number. However, the subdivider shall be reimbursed only for that portion of the cost of such improvements equal to the difference between the amount it would cost the subdivider to install improvements to serve the subdivision only, and the actual cost of oversize improvements.

(c) Supplemental improvements; reimbursement procedures. To pay the cost of such reimbursement, the city council may at its discretion:

(1) Immediately reimburse the subdivider for the entire cost of oversizing and thereafter levy a charge upon the real property benefited thereby; or

(2) Collect a reasonable use charge for the account of the subdividers from persons not within the subdivision using the oversized improvements. (Ord. No. 1153, '1, 7-18-78)

Sec. 21-53. Utility fees and off-site charges.

The subdivider shall pay utility fees for sewer, water and storm drainage as may be required by applicable council resolution or ordinance. Utility fees, excluding acreage fees, for subdivisions shall be collected prior to acceptance of subdivision improvements by the city. Engineering plan checking, inspection fees, acreage fees and off-site charges, i.e., street signs, subdivision trees, etc., shall be paid prior to approval of the subdivision agreement by the city council. (Ord. No. 1153, '1, 7-18-78, Ord. No. 1274, 1-4-83)

ARTICLE IX. MISCELLANEOUS

Sec. 21-54. Voidability of deeds or contracts.

Any deed of conveyance, sale or contract to sell made contrary to the provisions of this chapter is voidable at the sole option of the grantee, buyer or person contracting to purchase, his heirs, personal representative, or trustee in solvency or bankruptcy, within one (1) year after the date of execution of the deed of conveyance, sale or contract to sell; but the deed of conveyance, sale or contract to sell is binding upon any assignee or transferee of the grantee, buyer or person contracting to purchase, other than those above enumerated, and upon the grantor, vendor, or person contracting to sell, or his assignee, heir or devisee. (Ord. No. 1153, '1, 7-18-78)

Sec. 21-55. Penalties.

Any offer to sell, contract to sell, sale or deed of conveyance made contrary to the provisions of this chapter is a misdemeanor, and any person, firm or corporation, upon conviction thereof, shall be punishable by a fine of not more than five hundred dollars ($500.00), or imprisonment in the county jail for a period of not more than six (6) months, or both such fine and imprisonment. (Ord. No. 1153, '1, 7-18-78)