

## Chapter 16.80 – Subdivision Regulations

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**DIVISION 1: GENERAL PROVISIONS**

**16.80.010 Purpose and Intent.**

This Article is adopted pursuant to the provisions of the Subdivision Map Act set forth in Government Code §§ 66410, *et seq.* for the purpose of regulating and controlling the design and improvement of subdivisions within the city of Santa Paula. Such regulation is required to promote

the public health, safety, and welfare; to ensure orderly growth and development; encourage appropriate land use; and assist with preserving property value. The regulations set forth in this Article are intended to supplement the Act and must be used in conjunction with the regulations set forth in the Act for all activities associated with subdividing land within the city’s jurisdiction. Nothing in this Article is intended to supersede the Act and the Act prevails over any conflicting part of this Article.

**16.80.020 Definitions.**

Unless the contrary is stated or clearly appears from the context, the following definitions govern the construction of the words and phrases used in this Article. Words and phrases not given a meaning by this Article have the meaning set forth in this Title and the Act.

- A. “Act” means the Subdivision Map Act as set forth in Government Code §§ 66510, *et seq.* and any subsequently adopted amendments or successor statutes. Unless specified otherwise, all citations in this Article to an unspecified code are to the Government Code;
- B. “CEQA” means, collectively, the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*), the regulations promulgated thereunder (14 Cal. Code of Regulations §§15000, *et seq.*, the “CEQA Guidelines”), and the City’s Environmental Guidelines;
- C. “Condominium conversion project” means the division of real property into common interest, the establishment of a community apartment project, or the conversion of five (5) or more existing dwelling units to a stock cooperative as set forth in Civil Code § 1351.
- D. "Construction," includes, without limitation, design, acquisition of right-of-way, administration of construction contracts and actual construction.
- E. “Director” means the Planning Director, or designee;
- F. “Engineer” means the City Engineer, or designee;
- G. “Lot line adjustment” means an adjustment of an existing lot line between four or fewer adjoining parcels where the land taken from one parcel is added to an adjoining parcel and a greater number of parcels than originally existed is not created.
- H. “Planning Commission” may be used interchangeably with “Advisory

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Agency” as defined in the Act.

**16.80.030 Applicability and Exemptions.**

- A. Unless exempt, land subdivisions require one of the following:
1. A tentative map or vesting tentative map;
  2. A Final Map; or
  3. A parcel map.
- B. In accordance with § 66412, this Article does not apply to the following:
1. Leases of agricultural land for agricultural purposes.
  2. Leases of land exclusively for the placement and operation of cellular radio transmission facilities. Establishing such facilities is subject to the city’s discretionary approval.
  3. Leases of land or granting of easements in conjunction with financing; erecting; and sale or lease of wind-powered electrical generation devices. Establishing such facilities is subject to the city’s discretionary approval.
  4. Financing or leasing of apartments, offices, stores, or similar spaces within apartment buildings, industrial buildings, commercial buildings, or mobile home parks.
  5. Financing or leasing any parcel of land, or portion thereof, in conjunction with construction of commercial or industrial buildings on a single parcel, or the financing or leasing of existing separate commercial or industrial buildings on a single parcel.
  6. Mineral, oil, or gas leases.
  7. Land dedicated for cemetery purposes under the Health and Safety Code.
  8. Any separate assessment under Revenue and Taxation Code § 2188.7.
  9. Conversion of a community apartment project or stock cooperative, as defined, respectively, in Business and Professions Code §§

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11004 and 11003.2, to a condominium, as defined in Civil Code § 783, unless a parcel or Final Map was approved by the city council, and only if the requirements specified in § 66412(g) and (h) are met.

10. Subdivisions of four (4) or fewer parcels for constructing removable commercial buildings having a floor area of less than one hundred (100) square feet.
11. Construction, financing, or leasing of second dwelling units as authorized by §§ 65852.1 and 65852.2.

**16.80.040 Modification of Requirements.**

- A. The Planning Commission may modify the requirements of this Article for a specific application when, in its opinion, the land involved in the subdivision is of such size and shape, or is subject to such title limitations, or is affected by such topographical location or conditions, or is to be devoted to such use that it is impossible or impractical for the subdivider to fully conform to the regulations contained in this Article.
- B. Such modification may be made only as reasonably necessary or expedient, provided modification ensures conformity with the spirit and purpose of the Act and this Title.
- C. Any request for a modification must be made in conjunction with a subdivision application and be reviewed by the planning department before a recommendation is made to the Planning Commission.

**16.80.050 Maps Required.**

- A. A tentative and final map is required for all subdivisions creating five or more parcels, five or more condominiums, a community apartment project containing five or more parcels, or for conversion of a dwelling to a stock cooperative containing five or more dwelling units, except where:
  1. The land before division contains less than five acres, each parcel created by the division abuts upon a maintained public street or highway and no dedications or improvements are required by the legislative body;
  2. Each parcel created by the division has a gross area of twenty acres or more and has an approved access to a maintained public street or highway;

- 3. The land consists of a parcel or parcels of land having approved access to a public street or highway which comprises part of a tract of land zoned for industrial or commercial development, and which has the approval of the governing body as to street alignments and widths; or
  - 4. Each parcel created by the division has a gross area of not less than forty acres or is not less than a quarter of a quarter section.
- B. A tentative and final parcel map is required for subdivisions (to which this Article applies) that create four or less parcels; lot line adjustments; and those subdivisions described above, except that the parcel map requirement may be waived as provided in this Article.  
(Ord. 1172, 2007)

**16.80.060 Fees and deposits.**

All persons submitting maps as required by this Article must pay all fees and deposits as provided by city council resolutions establishing fees and deposits.

**16.80.070 Plan checking and inspection costs for revisions.**

Costs incurred by the city for the checking of plans or calculations or inspection as a result of revisions to the approved plans must be borne by the subdivider at actual cost. The city may require a deposit to be applied toward actual costs.

**DIVISION 2: TENTATIVE MAPS**

**16.80.080 Application Requirements.**

At a minimum, each tentative map submitted to the city must contain the following information:

- A. The tract number of a subdivision.
- B. The date, north arrow, and scale.
- C. A sufficient legal description of the land to define the boundaries of the proposed division of land.
- D. A key map indicating the location of the proposed division of land in

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relation to the surrounding area.

- E. The name and address of the record owner, the subdivider, and the civil engineer or licensed surveyor under whose direction the map was prepared, including the registration number of the engineer or surveyor and the names and addresses of all operators of the utility systems of the subdivision.
- F. The existing topography of land proposed to be divided using contour intervals as follows:
  - 1. One (1) foot when the slope of the ground is less than 5%;
  - 2. Two (2) feet when the slope of the ground is between 5% and 10%;
  - 3. Five (5) feet when the slope of the ground is between 10% and 25%; and
  - 4. Ten (10) feet when the slope of the ground is greater than 25%.
- G. At least every fifth contour of topography described above must be clearly labeled and indicated so as to be distinctive. Contours of adjacent land must also be shown whenever the surface features of such land affect the design and/or improvement of the proposed division. The tentative map must contain a statement by the person preparing the map stating the source of information used to develop the contours shown on the map.
- H. The approximate location and outline to scale of each building or structure on the property proposed for division. Buildings or structures on adjacent property must also be shown if such buildings or structures affect the design of the proposed subdivision. Each building shown must be identified by house number or other identifying feature, including a notation on each building, structure, fence, wall, tree row, and land use to be retained.
- I. The approximate location of all areas subject to inundation or storm water overflow and the location, width, and direction of flow of each watercourse and existing flood control district channels within 1/2 mile of the exterior boundaries of the subdivision.
- J. Descriptions of the proposed source of water supply and the proposed method of sewage disposal.
- K. A proposed method and plan for storm water disposal in accordance with

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the Ventura County Storm Water Urban Impact Mitigation Plan (“SQUIMP”) requirements.

- L. The approximate location of each area covered by trees, with a statement of the nature of the cover and the kind and approximate location of all trees standing within the boundaries of proposed public rights-of-way.
- M. The location, width, approximate grade, and curb radii of all existing and proposed streets and highways within and adjacent to the proposed subdivision.
- N. The width, purpose, and approximate location of all existing and proposed easements or rights-of-way, whether public or private, within and adjacent to the proposed subdivision, as well as the approximate radius and arc length of each centerline curve.
- O. The approximate lot layout and the approximate dimensions and net area of each lot and building site. Engineering data must show the approximate finished grading of each lot, the preliminary design of all grading, the elevation of proposed building pads, the top and toe of cut and fill slopes to scale, and the number of each lot. All lot lines must be located at the top of the slopes.
- P. The proposed areas for public use.
- Q. The angle of intersecting streets or highways if such angle deviates from a right angle by more than 4 degrees.
- R. The location of all cut and fill slopes, or a separate grading plan.
- S. Each street shown by its actual street name or by a temporary name or letter for purpose of identification until the proper name of such street is determined.
- T. The name or names of any geologist or soils engineer whose services were required in the preparation of the design of the tentative map.
- U. A geologic soils report prepared by a civil engineer, registered by the state of California, based upon adequate test borings or excavations, unless the Engineer or designee determines that, due to information the Engineer has regarding the qualities of the soil of such subdivision or lot, no preliminary analysis is necessary.

1. If the preliminary soil report indicates the presence of critically

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- expansive soils or other soil problems which, if not corrected, would lead to structural defects, the person filing the tentative map must submit a soils investigation of each lot within the subdivision, prepared by a California-registered civil engineer, who must recommend corrective action likely to prevent structural damage to each dwelling proposed to be constructed on the expansive soil.
2. The Engineer, or designee, must approve the soils investigation if determined that the recommended action is likely to prevent structural damage to each dwelling to be constructed. and must require that the approved recommended action be incorporated in the construction of each dwelling as a condition to the issuance of a building permit.
- V. A geologic hazards report, if the Engineer finds that a written geological hazards report is necessary to determine whether the property to be divided is subject to an existing or potential geological hazard. Such report is prepared by a registered engineering geologist and must state:
1. Whether the proposed plan is feasible;
  2. Proposed solutions for all known hazardous conditions or problems;
  3. The location and lot numbers of any test borings;
  4. The effect of the geology on the proposed development and on adjacent properties; and
  5. A description of specific locations in which development may create hazardous conditions.
- W. Through the application review process, the Engineer or Director may require that additional information be included on the tentative map to provide important or necessary disclosures or other information.

**16.80.090 Filing and Initial Review**

- A. Tentative maps must be filed with the Director on forms provided by the Planning Department and in accordance with procedures established by that Department.
- B. The Director and Engineer will preliminarily review the tentative map application for completeness and required compliance with CEQA. Within thirty (30) days after receiving a tentative map application, the Director

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must inform the applicant in writing whether the application is deemed complete.

**16.80.100 Notifying other Agencies**

The Director must send notice of the tentative map application to other city departments, schools, utility companies, and other agencies that may have an interest in the tentative map application for the purpose of receiving comment from those departments, companies, and agencies.

**16.80.110 School district notification.**

Within ten (10) days after a tentative map is filed, the Director must send notice to the governing board of any elementary, high school or unified school district within the boundaries of which the subdivision is proposed to be located. Such notice must contain information about the location of the proposed subdivision, the number of units, density and any other information which would be relevant to the affected school district. Failure of the school district to respond within twenty (20) days after receiving notice is deemed approval of the proposed subdivision by the school district.

**16.80.120 Development Review**

- A. Upon deeming an application complete, the Director must forward the tentative map and any associated applications to the Design Review Committee for review in accordance with this code.
- B. The Design Review Committee will review and evaluate each tentative map for compliance with this Title, the General Plan, any applicable Specific Plan or Planned Development, the Act, and the city's development policies.
- C. The Director will report to the Planning Commission identifying the extent to which the tentative map complies with this Article and recommending that the Planning Commission approve, conditionally approve, or deny the tentative map application.

**16.80.130 Planning Commission Review and Action**

- A. The Planning Commission must hold a public hearing in accordance with this chapter to consider the tentative map application.
- B. At the conclusion of the public hearing, the Planning Commission must

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determine the extent to which the tentative map complies with this Article and recommend to the City Council whether to approve, conditionally approve, or deny the tentative map application.

**16.80.140 City Council Review and Action**

- A. Upon receiving the Planning Commission’s recommendation, the city clerk will schedule a public hearing before the City Council in accordance with this Title.
- B. During the hearing, in addition to any other evidence, the City Council will consider the Planning Commission’s recommendation.
- C. At the conclusion of the public hearing, the City Council must determine the extent to which the tentative map complies with this Article and approve, conditionally approve, or deny the tentative map application.

**16.80.150 Time Limit for Taking Action**

All actions by the Director, Planning Commission, and City Council must occur within the time limits specified in §§ 66452.1 and 66452.2 and Public Resources Code § 21151.5.

**16.80.160 Required Findings**

- A. In acting to approve or conditionally approve a tentative map, together with the provisions for its design and improvement, the City Council must find that the proposed subdivision is:
  - 1. Consistent with the Santa Paula General Plan;
  - 2. Consistent with any applicable Specific Plan or Planned Development;
  - 3. Consistent with the provisions of this Title;
  - 4. In the interest of public health and safety; and
  - 5. Is a necessary prerequisite to the orderly development of the surrounding area.
- B. The findings apply to the entire subdivision; to each proposed parcel within the subdivision; and any designated remainder parcel.

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- C. For condominium conversions, the City Council must make the additional findings as set forth in this Article.

**16.80.170 Mandatory Denial.**

- A. A tentative map application must be denied if the City Council finds any of the following findings consistent with § 66474:
  - 1. The proposed map, or the design or improvement of the proposed subdivision, is not consistent with the General Plan or Specific Plans as specified by § 65451;
  - 2. The proposed map, or the design or improvement of the proposed subdivision, is not consistent with an applicable General Plan or Specific Plan;
  - 3. The site is not physically suitable for the type of development proposed;
  - 4. The site is not physically suitable for the proposed density of development proposed;
  - 5. The design of the subdivision or the proposed improvements will likely cause substantial environmental damage or substantially and unavoidably injure fish or wildlife or their habitat;
  - 6. The design of the subdivision or type of improvements will likely cause serious public health or safety problems;
  - 7. 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. The City Council may approve a tentative map, however, if it finds that alternative easements will be provided, and that these will be substantially equivalent to the ones previously acquired by the public. All easements must be recorded or established by court order; or
  - 8. The proposed subdivision is not consistent with all applicable provisions of this Title.

**16.80.180 Additional Findings for Denial.**

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The City Council may also deny a proposed tentative map based on any of the following findings:

- A. The proposed subdivision is not compatible with surrounding development in terms of density, patterns of development, access, or other consideration;
- B. The city's cost of providing infrastructure support or services outweigh any benefits associated with the subdivision.

**16.80.190 Denials under California Land Conservation Act of 1965.**

- A. The City Council may deny a proposed tentative map if the land is subject to a contract entered into pursuant to the California Land Conservation Act of 1965 (Government Code §§ 51200 *et seq.*) and the resulting parcels following a subdivision of that land would be too small to sustain their agricultural use.
- B. For purposes of this section, land is presumed to be in parcels too small to sustain their agricultural use if the land is: less than ten acres in size in the case of prime agricultural land; or less than forty acres in size in the case of land which is not prime agricultural land.
- C. For purpose of this section, agricultural land is presumed to be in parcels large enough to sustain their agricultural use if the land is: at least ten acres in size in the case of prime agricultural land; or at least forty acres in size in the case of land which is not prime agricultural land.
- D. A subdivision with parcels smaller than those specified in this section may be approved if either of the following findings are made:
  - 1. The parcels can nevertheless sustain an agricultural use permitted under the contract, or are subject to a written agreement for joint management pursuant to Government Code § 51230.1, provided that the parcels which are jointly managed total at least ten acres in size in the case of prime agricultural land or forty acres in size in the case of land which is not prime agricultural land.
  - 2. One of the parcels contains a residence and is subject to Revenue and Taxation Code § 428; the residence has existed on the property for at least five years; the landowner has owned the parcels for at least ten years; and the remaining parcels shown on the map are at least ten acres in size if the land is prime agricultural land, or at least forty acres in size if the land is not prime

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agricultural land. In such case, no other homesite parcels may be created on any remaining parcels under contract for at least ten years following the creation of a homesite parcel pursuant to this section.

- E. This Section does not apply to land subject to a contract when any of the following occurred:
1. A local agency formation commission approved annexation of the land to the city and the city will not succeed to the contract as provided in Government Code §§ 51243 and 51243.5;
  2. Written notice of nonrenewal of the contract was served before March 7, 1985, as provided in Government Code § 51245;
  3. Written notice of nonrenewal of the contract was served on or after March 7, 1985, as provided in Government Code § 51245, and, as a result of that notice, there are no more than three years remaining in the term of the contract;
  4. The city council granted tentative approval for cancellation of the contract as provided in Government Code § 51282.

#### **16.80.200 Conditions of Approval**

In acting to approve a tentative map, the City Council may impose conditions on map approval in accordance with the Act and this Title to, among other things, achieve the objectives of the General Plan, ensure consistency with the provisions of this Code, and mitigate against adverse environmental impact.

#### **16.80.210 Finality of Action**

The decision of the City Council to approve, conditionally approve, or deny a tentative map is final and, unless otherwise specified, effective upon the date such decision is rendered.

#### **16.80.220 Changes to an Approved tentative map or Conditions**

- A. The following changes to an approved tentative map may be requested:
1. Adjustments to the locations of lot lines and improvements, provided no new lots are created.

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2. Reduction in the number of approved lots.
  3. Any changes to the conditions of approval.
- B. Changes other than as set forth in this Section requires a new tentative map application.
  - C. A subdivider may request changes to an approved tentative map or its conditions of approval before the city records the map. Such a request must be made on forms provided by the Director and be accompanied with payment of required fees.
  - D. The application for a change to an approved tentative map or map conditions is processed in the same manner as the tentative map.
  - E. The City Council must make the following findings, as applicable, to make any proposed changes to a previously approved tentative map:
    1. A material mistake of facts was made in the deliberations leading to the original approval; or
    2. A change of circumstances has occurred which affects conditions related to the original approval.
  - F. Modification of an approved tentative map or its conditions of approval does not extend the time limits applicable to the filing of a Final Map.

**16.80.230 Expiration and Extensions of Time**

- A. Except as otherwise specified by a development agreement or pursuant to § 66452.6(a)(1), a tentative map expires twenty-four (24) months after the date the map was approved.
- B. The person filing the tentative map may request an extension, pursuant to [Government Code § 66452.6\(e\)](#), or stay, pursuant to Government Code § 66452.6(c) of an approved tentative map by filing a written application with the Director before the map's expiration date. The application must state the reasons for requesting the extension or stay. Such application must be filed at least fifteen (15) days before the tentative map's expiration date.
- C. [The Planning Commission will either approve, conditionally approve or deny extension requests. Within forty \(40\) days after receiving an application for a stay, the Planning Commission must either approve the requested stay for a period not exceeding five \(5\) years or deny the](#)

application.

- D. Each extension of tentative map approval or conditional approval may be allowed for a period not exceeding one (1) year from the anniversary date of the map's original approval. The total time of extensions cannot exceed five (5) years. A stay may be for the period of time during which a lawsuit involving the tentative map is or was pending in a court of competent jurisdiction, not to exceed five (5) years. The ultimate length of the extension or stay must be consistent with the Act.
  
- E. Modifications of a tentative map after approval or conditional approval cannot extend the time limits imposed by this Section, unless an extension or stay is specifically granted.

### **DIVISION 3: VESTING TENTATIVE MAPS**

#### **16.80.240 Applicability**

A Vesting tentative map may be filed for either a residential or nonresidential development project. Whenever a provision of this Title or the Act requires the filing of a tentative map or parcel map, a Vesting tentative map may be filed in accordance with the provisions of this Division.

#### **16.80.250 Application Requirements**

- A. A vesting tentative map is filed using the same form, accompanying reports, and data as a tentative map, with the following additional requirements:
1. Identification. At the time a Vesting tentative map is filed, it must have printed conspicuously on its face the words "Vesting Tentative Map."
  2. Right-of-way. The map must show proposed street widenings and extensions; existing and proposed sidewalks and curb cuts; existing and proposed fire hydrants within 300 feet of the project perimeter; and existing utility poles.
  3. Site and Buildings. Information must be provided regarding the type and use of all buildings, both existing and proposed; location of buildings to be removed; square footage of each floor, building, lot, and total project; all facilities and accessory structures related to underground utilities and street lighting; all mechanical equipment on the buildings or on the site; appropriate screening methods and materials; and the location and screening of outdoor trash and storage areas.
  4. Parking and Circulation (if applicable). Information must be provided regarding the parking spaces to be provided, with total number of spaces given; wheel stops or curb substitute; parking space striping; handicap parking; ingress and egress to include all private drives; and pedestrian walkways.
  5. Landscaping (if applicable). Diagrams must be provided showing and identifying all existing trees; existing and proposed landscaped areas in terms of proposed plants by type, size, spacing, and

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number; screening of adjacent properties, if required; and square footage of common usable and private open space (patio) areas, where such is required by this Title.

6. Floor Plans. Dimensioned preliminary floor plans must be provided for each proposed use.
  7. Building Elevations, with Grading. Diagrams must provided to show two (2) cross-section lines that clearly portray buildings and grading concepts; natural grade (dotted lines) and finished grade (solid lines); preliminary renderings of front, right side, left side, and rear elevations of all buildings; building height in feet and stories; proposed construction materials; and the proposed colors of all buildings.
- B. Through the application review process, the Director or Engineer may require that additional information be included with the vesting tentative map to provide important or necessary disclosures or other information.

#### **16.80.260 Processing Vesting Tentative Maps.**

Except as they specifically differ in this Division, procedures for processing a vested tentative map are the same as for processing a tentative map including, without limitation, filing, review, notification, planning commission consideration, city council approval, final decisions, changes after approval, expiration, and renewal.

#### **16.80.270 Finality of Action**

The decision of the City Council to approve, conditionally approve, or deny a vesting tentative map is final and, unless specified otherwise, becomes effective upon the date such decision is rendered.

#### **16.80.280 Development Rights Vested**

- A. The approval of a vesting tentative map confers a vested right to proceed with development on recorded lots in substantial compliance with the ordinances, policies, and standards in effect on the date that the map is approved.
- B. The city may condition or deny a permit, approval, extension, or entitlement pursuant to the approved vesting map if the City Council determines any of the following:

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1. Failure to take such action would place the residents of the subdivision or the immediate community, or both, in a condition dangerous to their health and safety, or both.
  2. The condition or denial is required to comply with state or federal law.
- C. All development permit fees required subsequent to the approval of the vesting tentative map must be paid.

**16.80.290 Expiration of Vested Rights on Recorded Map**

- A. The rights conferred upon a vesting tentative map is vested for an initial time period of twenty-four (24) months from the date a Final Map is recorded. Where several Final Maps are recorded on various phases of a project, approved by a single vesting tentative map, this time period begins for each phase when the Final Map for that phase is recorded.
- B. The initial time period is automatically extended by any time used by the city for processing a complete application for a grading permit or for design or architectural review, if the time period used by the city to process the application exceeds thirty (30) days from the date the complete application is filed.
- C. The conditions under which an extension of time or stay is granted for a vesting tentative map must be consistent with that established for tentative maps.

**16.80.300 Building Permit Applications and Vested Rights**

If a developer submits a complete application for a building permit during the initial time period, or any granted extension, the rights conferred by the vesting map continue until the expiration of that building permit or any extension to that building permit that the city may issue.

## DIVISION 4: PARCEL MAP

### 16.80.310 When Required

A Parcel Map is required for subdividing property into four (4) or fewer parcels or for any other division of land for which a tentative and Final Map are not required by the Act or this Code. No Parcel Map is required for a land division of four (4) or fewer parcels where such land is conveyed to a public utility for a public use.

### 16.80.320 Waiver of Parcel Map

- A. Pursuant to § 66428, a subdivider may request the waiver of a Parcel Map if the following conditions apply:
1. Each parcel created by the subdivision has a gross area not less than 40 acres or not less than a quarter of a quarter section.
  2. The land consists of a parcel or parcels of land having approved access to a public street or highway, comprises part of a tract of land zoned exclusively for commercial or industrial development, and has city council approval as to street widths and alignments.

### 16.80.330 Parcel Map Waivers – Application and Processing

- A. A request to waive a Parcel Map must be filed on forms provided by the Director, together with required filing fees.
- B. The Engineer and Director will review the application for compliance with the provisions of this Title and the Act. The Director will report to the Planning Commission and identify the extent to which the waiver request complies with the required findings, and recommend to the Commission to approve or deny the waiver request.
- C. The Planning Commission will consider the application for a Parcel Map waiver at a public hearing.
- D. At the conclusion of the public hearing, the Planning Commission must determine whether to approve or deny the waiver request. The action of the Planning Commission final unless an appeal is filed in accordance with this Title.  
(Ord. 1172, 2007)

**16.80.340 Parcel Map Waivers – Required Findings**

To grant a request for waiving a Parcel Map requirement, the Planning Commission must find that the proposed subdivision complies with this Title with regard to area, improvement, and design; floodwater drainage control; appropriate improved public roadways; sanitary disposal facilities; water supply availability; environmental protection; and other applicable regulations.

**16.80.350 Parcel Map Waivers – Certificate of Compliance**

The city must issue a Certificate of Compliance required to complete the subdivision of property where the Planning Commission waives a Parcel Map requirement.

**16.80.360 Parcel Map Waivers – Time Expirations and Extensions**

- A. A Parcel Map waiver expires twenty-four (24) months from the date it was approved.
- B. The subdivider may request an extension for a Parcel Map waiver. Such requests must be made to the Director on forms provided by the Director, with the payment of any required fees, at least fifteen (15) days before the Parcel Map Waiver expires.
- C. The Director can approve, conditionally approve, or deny an extension request pursuant to this Title. Any Director’s decision may be appealed to the Planning Commission in accordance with this Title. Any such extension is limited to a total of eighteen (18) months.

**16.80.370 Parcel Map Filing Requirements**

The following apply to the filing of an application for a Parcel Map:

- A. The Parcel Map must meet the requirements of the Act and be in the form and contain the required data set forth in this Section.
- B. The Parcel Map must prepared by or under the direction of a registered civil engineer or licensed surveyor and be based upon a property survey.
- C. The scale of the map must be large enough (not smaller than 1 inch equals 100 feet) to show details clearly and contain sufficient sheets of paper for accomplishing these requirements.

- D. The title of each Parcel Map must include a name and a map number, as secured from the county surveyor, conspicuously placed at the lower right hand corner of the sheet, followed by the words "consisting of \_\_\_\_\_ sheets" (showing the number thereof), followed by the words "in the City of Santa Paula" or "partly in the City of Santa Paula and partly in unincorporated territory."
- E. Every sheet of the map property must bear the title (but not subtitle), scale, north arrow, sheet number, and the number of each adjoining sheet in its proper location.
- F. Below the title, a subtitle must appear consisting of a description of all the property being subdivided. The subtitle must reference any such map or maps of the property which were previously recorded or filed in the County Recorder's office; or which were previously filed with the County Clerk pursuant to a final judgment in any action in partition; or which have been previously filed in the office of the County Recorder under authority of § 66499.55; or by reference to the plat of any United States survey.
- G. Each reference in such description to any tract or subdivision must be spelled out and worded identically with the original record thereof and show a complete reference to the book and page of records of such county.
- H. The description must also include reference to any vacated area, with the number of the ordinance of vacation included.
- I. The name of the survey, survey date, and map scale must be stated on the title sheet, below the subtitle. The map must also show the basis of bearings, making reference to some recorded subdivision map, county surveyor's map, or other record acceptable to such county surveyor, or to a solar or polaris observation. The basis of bearings must not be in close proximity to the north arrow.
- J. Lots must be numbered consecutively, commencing with the number "1," with no omissions or duplications.
- K. Each lot must be shown entirely on one sheet.
- L. Blocks may be used, provided they are numbered or lettered consecutively.
- M. Names of proposed streets must be approved by the Planning

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Commission in conformance with a street name list approved by the City Council. The names of all proposed streets must be shown without abbreviations.

- N. All streets, highways, easements (except easements indicated for privately owned public utility companies), and parcels of land shown on the parcel map and intended for any public use must be offered for dedication for public use.
- O. Where easements for conveyance to privately owned public utility companies are reserved, a certificate to that effect must be shown on the parcel map. This certificate may show that in no event, except when permission is obtained from public utility companies occupying such easement, may any dwelling house, building or other structure, except fences or any portion thereof, be erected in, upon, over, or across any such public utility easement.
- P. The following certificates and acknowledgments must appear on the title sheet of a parcel map:
  - 1. Owner's certificate and acknowledgment and offer of dedication, if any;
  - 2. Certificate of the City Clerk of approval by the City Council and acceptance of offer of dedication;
  - 3. Certificate of approval of the Engineer;
  - 4. Certificate of approval as to form by the City Attorney; and
  - 5. Certificate of the subdivision engineer with that engineer's state registered engineer's number or of the subdivision surveyor with that surveyor's state licensed land surveyor's number.
  - 6. The title sheet must also contain such other affidavits, certificates, acknowledgments, endorsements, and notarial seals as are required by law.
- Q. The parcel map must particularly define, delineate, and designate all lots intended for sale or reserved for private purposes; all parcels offered for dedication for any purpose; and any private streets with all dimensions, minimum lot sizes, boundaries and courses clearly shown and defined in every case.

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- R. Parcels offered for dedication other than for streets or easements must be designated by number.
  - S. Private streets must be designated by name and include the words "not a public street."
  - T. Sufficient linear, angular, and curve data must be shown to determine readily the bearing and length of the boundary lines of the subdivision and of the boundary lines of every block, lot, and parcel which is a part thereof. All lots and blocks is shown in their entirety on one sheet wherever practicable.
  - U. Arc lengths, radii, and central angle and radial bearing of each curve at intersection with a line not tangent to such curve must be shown.
  - V. The parcel map must fully describe and show the location of any stakes, monuments, or other evidence to determine the boundaries of the subdivision. Each adjacent corner of each adjoining subdivision or portion thereof by lot and block numbers, tract names and place of record, or by section, township and range or other proper designation must be shown and identified on the map.
  - W. The location, size, and depth of all monuments placed in making the survey must be shown, and if any points were reset by ties, that fact must be noted.
  - X. The boundary of the subdivision must be indicated by a border of prussian blue water color or blue india ink approximately one-eighth of an inch wide, applied on the reverse side of the tracing and inside such boundary line.
  - Y. Such water color must be of such density as to be transferable to white print of such map and not obliterate any line, figure, or other data appearing thereon.
  - Z. All lines shown on the map that do not constitute a part of the subdivision itself must be clearly distinguishable from those lines which are a part of the subdivision, and any area enclosed by such lines is labeled "not a part of this subdivision."
  - AA. City boundaries that cross or adjoin the subdivision must be clearly designated and located in relation to adjacent lot or block lines.
  - BB. The parcel map must show the line of high water in instances where the
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subdivision is adjacent to a stream, channel, or any body of water. The parcel map must also show any area subject to periodic inundation by water, as required by the Engineer.

**16.80.380 Review of Parcel Map**

- A. All parcel maps, together with any required reports or other relevant information, must be filed with the Director on forms provided by the Director.
- B. Upon deeming a parcel map application to be complete, the Director will forward the application to the Design Review Committee, the Engineer and other appropriate City Departments for review and comment. The Engineer is responsible for checking the parcel map as to correctness of surveying data, plans and specifications of improvements, certificates of dedication, acceptances of dedication and acknowledgments, and such other matters that require checking to ensure compliance with the provisions of law and of this Title. The Director must review the parcel map for consistency with this Title, the General Plan, any applicable Specific Plan, and the City's development policies.
- C. If the Director determines that the parcel map conforms to all the requirements of this Article and the Act, and provided the subdivider has posted all bonds or deposited money or negotiable bonds as required by this Article, the Director must approve the parcel map. If the parcel map does not conform or all security requirements have not been met, the subdivider will be notified and given the opportunity to make necessary changes and resubmit the parcel map, along with any other required information.
- D. After determining that a parcel map complies with this Article, the Director must approve the map and forward it to the County Recorder for filing in compliance with § 66450.  
(Ord. 1172, 2007)

**16.80.390 Parcel Maps – City Council Action**

The City Council must act on a parcel map whenever any of the following circumstances apply:

- A. If a dedication or offer of dedication is required, the Director must forward the parcel map to the City Clerk. The Clerk must place the item on the next City Council agenda for acceptance of dedications.
- B. If improvements required pursuant to this Title or other regulations were not completed, the Director must not approve the map unless the City Council authorizes deferred completion. Such authorization must only be granted if the subdivider enters into an agreement with the City to post security to guarantee the improvements.

**16.80.400 Recordation of Parcel Map - Effect**

Recordation of a parcel map has the effect of eliminating any lot lines within the boundaries of the subdivision that existed before recordation of the parcel map.

**DIVISION 5: FINAL MAPS**

**16.80.410 Final Map – Time for Filing**

- A. Within twenty-four (24) months after the date the City Council approves a tentative map, or any later date that may be authorized by an extension granted pursuant to this Article, the subdivider must cause the subject property to be accurately surveyed and a Final Map to be prepared in conformance with the tentative map and any and all applicable conditions.
- B. The Final Map must be submitted to the Engineer for review and action within the time period specified by this Section.

**16.80.420 Survey required.**

- A. An accurate and complete field survey of the land to be subdivided must be made by a registered civil engineer or licensed land surveyor authorized to practice land surveying in the state of California. All monuments, property lines, centerlines of streets, alleys and easements adjoining or within the subdivision must be tied into the survey. The allowable error of closure on any portion of the final map must not exceed 1/10,000 for field closures and 1/20,000 for calculated closures.

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

#### **16.80.430 Final Map – Form and Content**

The original Final Map and one duplicate reproducible copy must be submitted to the Engineer, accompanied by the following:

- A. In the event any dedication is to be made for public use, a certificate of title, a subdivision guarantee, or a dedication letter in the name of the owner of the land, issued to or for the benefit and protection of the City by a title company authorized by the laws of the state to write such letter, showing all parties whose consent is necessary to pass clear title to the land being subdivided, together with the nature of their interests therein, except where the land contained in such subdivision is registered under the Land Registration Act (“Torrens Act”), in which latter case a certified copy of the certificate of title is furnished.
- B. A white print of the Final Map showing the contemplated location of installations of facilities or all public utilities, whether publicly or privately owned, with a statement of the proposed work, with such statement to be filed by the Engineer.
- C. A grading plan as required by the Engineer.
- D. The subdivider must file, either at the time of filing the Final Map at a later date as provided in this Division, detailed plans and specifications of the improvements to be installed as required by the provisions of this Article and of all other improvements proposed to be installed by the subdivider in, on, or under any street or right-of-way, easement, or parcel of land dedicated by the map, including the estimated cost thereof.
- E. The subdivider may file multiple Final Maps on the approved tentative map, subject to the Engineer’s approval.
- F. The Final Map must meet the requirements of the Act and be in the form and contain the required data set forth in this Section.
- G. The Final Map must be prepared by or under the direction of a registered

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civil engineer or licensed surveyor and be based upon a property survey.

- H. The scale of the map must large enough (not smaller than 1 inch equals 100 feet) to show details clearly and enough sheets is used to accomplish this end.
- I. The title of each Final Map must consist of a name and a tract number, as secured from the county surveyor, conspicuously placed at the lower right hand corner of the sheet, followed by the words "consisting of \_\_\_\_\_ sheets" (showing the number thereof), followed by the words "in the City of Santa Paula" or "partly in the City of Santa Paula and partly in unincorporated territory."
- J. Every sheet of the map property must bear the title (but not subtitle), scale, north arrow, sheet number, and the number of each adjoining sheet in its proper location.
- K. A subtitle, describing all property being subdivided, must appear below the title. The subtitle must reference any map of the property that was previously recorded or filed in the County Recorder's office; or previously filed with the County Clerk pursuant to a final judgment in any action in partition; or which have been previously filed in the office of the County Recorder under authority of § 66499.55; or by reference to the plat of any United States survey.
- L. Each reference in such description to any tract or subdivision must be spelled out and worded identically with the original record thereof and show a complete reference to the book and page of records of such county.
- M. The description must also include reference to any vacated area, with the number of the ordinance of vacation included.
- N. The name of the surveyor, survey date, and scale must appear on the title sheet below the subtitle. The map must also show the basis of bearings, making reference to some recorded subdivision map, county surveyor's map, or other record acceptable to such county surveyor, or to a solar or polaris observation. The basis of bearings must not be close to the north arrow.
- O. The lots must numbered consecutively, commencing with the number "1," with no omissions or duplications; provided, that where the subdivision is a continuation of or an addition to an existing subdivision, the lot numbers may commence with the number immediately following the last or highest

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number of each existing subdivision and in all other respects must conform with the preceding requirements.

- P. Each lot must be shown entirely on one sheet.
- Q. Blocks may be used, provided they are numbered or lettered consecutively.
- R. Proposed street names must conform with a City Council approved list of street names. The names of all proposed streets must be shown without abbreviations.
- S. All streets, highways, easements (except easements indicated for privately owned public utility companies), and parcels of land shown on the Final Map and intended for any public use must be offered for dedication for public use.
- T. A certification regarding reservation of easements to privately owned public utility companies must be included on the Final Map when applicable. This certificate may show that in no event, except when permission is obtained from public utility companies occupying such easement, may any dwelling house, building or other structure, except fences or any portion thereof, be erected in, upon, over, or across any such public utility easement.
- U. The following certificates and acknowledgments must appear on the title sheet of a Final Map:
  - 1. Owner's certificate and acknowledgment and offer of dedication, if any;
  - 2. Certificate of the City Clerk of approval by the City Council and acceptance of offer of dedication;
  - 3. Certificate of approval of the Engineer;
  - 4. Certificate of approval as to form by the City Attorney;
  - 5. Certificate of the subdivision engineer with the engineer's state registered engineer's number or of the subdivision surveyor with the surveyor's state licensed land surveyor's number.
  - 6. Such other affidavits, certificates, acknowledgments, endorsements, and notarial seals as are required by law.

- V. The Final Map must particularly define, delineate, and designate all lots intended for sale or reserved for private purposes; all parcels offered for dedication for any purpose; and any private streets with all dimensions, minimum lot sizes, boundaries and courses clearly shown and defined in every case.
- W. Parcels offered for dedication other than for streets or easements must be designated by number.
- X. Private streets must be designated by name and has inserted within the limits thereof the words "not a public street."
- Y. Sufficient linear, angular, and curve data must be shown to determine readily the bearing and length of the boundary lines of the subdivision and of the boundary lines of every block, lot, and parcel which is a part thereof. All lots and blocks is shown in their entirety on one sheet wherever practicable.
- Z. Arc lengths, radii, and central angle and radial bearing of each curve at intersection with a line not tangent to such curve is shown.
- AA. The Final Map must fully describe and show the location of any stakes, monuments, or other evidence to determine the boundaries of the subdivision. Each adjacent corner of each adjoining subdivision or portion thereof by lot and block numbers, tract names and place of record, or by section, township and range or other proper designation must be shown and identified on the map.
- BB. The location, size, and depth of all monuments placed in making the survey must be shown, and if any points were reset by ties, that fact must be noted.
- CC. The boundary of the subdivision must be indicated by a border of prussian blue water color or blue india ink approximately one-eighth of an inch wide, applied on the reverse side of the tracing and inside such boundary line.
- DD. Such water color must be of such density as to be transferable to white print of such map and not obliterate any line, figure, or other data appearing thereon.
- EE. All lines shown on the map that do not constitute a part of the subdivision itself must be clearly distinguishable from those lines which are a part of

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the subdivision, and any area enclosed by such lines is labeled "not a part of this subdivision."

- FF. City boundaries that cross or adjoin the subdivision must be clearly designated and located in relation to adjacent lot or block lines.
- GG. The Final Map must show the line of high water in instances where the subdivision is adjacent to a stream, channel, or any body of water. The Final Map must also show any area subject to periodic inundation by water, as required by the Engineer.

**16.80.440 Approval by City Council.**

- A. After review and approval by the Engineer, the final map must be placed on the city council agenda for its approval. The city council must consider the final map for approval at the next regular meeting after the Engineer approves the map.
- B. The city council must approve the final map if it has previously approved a tentative map for the proposed subdivision, and if it finds that the final map is in substantial compliance with the previously approved tentative map, and if it conforms to all applicable requirements of this title and the Act.
- C. If the final map is unacceptable, the council must make its recommended corrections, instruct the subdivider to revise the final map and defer approval until the final map is resubmitted.
- D. The city council must deny approval of the final map only for failure to meet or perform requirements or conditions which were applicable to the subdivision at the time of approval of the tentative map. Where the council denies approval of the final map, such disapproval must be accompanied by a finding identifying the requirements or conditions which have not been met or performed. The city council may waive the requirements of this section upon a finding that the failure of the map to meet the conditions set forth in the tentative map is the result of a technical and inadvertent error which does not materially affect the validity of the map.

**16.80.450 Final Map Recordation**

Following action by the Engineer, and after the required signatures and seals are affixed, the city clerk must transmit the Final Map to the County Recorder for recordation.

**16.80.460 Circumstances under which Corrections and Amendments Can Be**

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**Made**

- A. After a Final Map or Parcel Map is filed in the office of the County Recorder, such map may be amended by a Certificate of Correction or an amending map for any of the following purposes:
1. To correct an error in any course or distance shown thereon.
  2. To show any course or distance that was omitted thereon.
  3. To correct an error in the description of real property shown on the map.
  4. To indicate monuments set after the death, disability, retirement from practice, or replacement of the engineer or surveyor charged with the responsibilities for setting the monuments.
  5. To show the proper location or character of any monument which has been changed in location or character and originally shown at the wrong location or incorrectly as to its character.
  6. To correct any additional information filed or recorded with the map, as required by the City, if the correction does not impose additional burden on the present fee owner of the property and does not alter the right, title, or interest in the real property reflected on the recorded map.
  7. To correct any other type of map error or omission as approved by the County Surveyor or Engineer that does not affect any property right. Such errors and omissions may include, but are not limited to, lot numbers, acreage, street names, and identification of adjacent record maps.
- B. As used in this Section, "error" does not include changes in courses or distances that cannot be proven from the data shown on the Final Map.

**16.80.470 Additional Circumstances**

- A. In addition to the circumstances specified above, changes or modifications may be made to a Final or Parcel Map if the City Council finds that:
1. There are changes in circumstances which make any or all of the conditions of such a map no longer appropriate or necessary;

2. The modifications do not impose any additional burden on the present fee owner of the property;
  3. The modifications do not alter any right, title, or interest in the real property reflected on the recorded map; and
  4. The map, as modified, meets the findings for approval.
- B. A request for a change to or modification of a Final Map pursuant to this Section must be made on forms provided by the Director. Such change or modification is processed in accordance with the procedures established for a tentative map of this Title 16. The public hearings for such application are confined to the consideration of and action on the proposed change or modification.

## **DIVISION 6: CERTIFICATES OF COMPLIANCE**

### **16.80.480 Filing**

Upon determination by the Director that a Certificate of Compliance is required, the property owner or authorized representative must file a Certificate of Compliance application on forms provided by the Director, together with required filing fees, a chain of title, and other information that may be required by the Director or Engineer to establish the status of the parcel.

### **16.80.490 Review of Application and Decision**

- A. The Director must forward the application for review by the Engineer and any other City or governmental agency that may have jurisdiction over any aspect of the application.
- B. The Director must review all available information, including information provided by other City and governmental agencies, and make a determination whether the real property was divided in accordance with the Act and this Title or any prior City subdivision regulations.
- C. Upon making a determination that the real property complies with applicable provisions of the Act and this Title, the Director must issue a Certificate of Compliance and cause such Certificate of Compliance to be recorded with the Ventura County Recorder.

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- D. Upon making a determination that the real property does not comply with applicable provisions of the Act and this Title, the Director may deny the application, or impose conditions on the granting of a Certificate of Compliance, in accordance with this Division.

**16.80.500 Conditional Certificate of Compliance**

- A. The Director may impose conditions upon the granting of a Certificate of Compliance in the event that the real property does not comply with applicable provisions of the Act and this Title. Such conditions are limited to those requirements that would have been applicable to the division of the property at the time the applicant acquired interest therein. However, if the current owners were responsible for the division, then current requirements of this Article may be imposed.
- B. The Director will forward the application and related information to the Design Review Committee for review. Related information must include references to state law and City ordinances that were in effect at the time the property was subdivided.
- C. The Design Review Committee may impose conditions on the approval of the Conditional Certificate of Compliance. Any decision of the Design Review Committee regarding imposition of conditions may be appealed to the Planning Commission.
- D. If no appeals are filed within the designated appeal period, the Director must issue a Conditional Certificate of Compliance and cause such Conditional Certificate of Compliance to be recorded with the Ventura County Recorder.

**16.80.510 Effect of Conditional Certificate of Compliance**

The Conditional Certificate of Compliance serves as notice to the property owner who has applied for the certificate or any subsequent owner or developer that the fulfillment and implementation of conditions is required before the subsequent issuance of a permit or other grant of approval for development of the property.

**16.80.520 Information Required on Certificate of Compliance**

A recorded Certificate of Compliance or Conditional Certificate of Compliance must include all information specified in § 66499.35(f).

**16.80.530 Certificates of Compliance for Multiple Parcels**

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A single Certificate of Compliance or Conditional Certificate of Compliance application may be processed and recorded for multiple parcels, provided that such single Certificate of Compliance or Conditional Certificate of Compliance clearly identifies and distinguishes between the descriptions of each parcel.

## **DIVISION 7: LOT LINE ADJUSTMENTS**

### **16.80.540 Filing**

Lot line adjustment applications must be filed on forms provided by the Director, together with required filing fees and other information required by the Director to allow for review of the application.

### **16.80.550 Review and Processing**

- A. Upon receiving a completed Lot Line Adjustment application, the Director must forward the application for review by the Engineer and any other City or governmental agency that may have jurisdiction over any aspect of the application.
- B. The Director must review all available information, including information provided by other City and governmental agencies, and make a determination whether the proposed Lot Line Adjustment conforms with the provisions of this Code and any applicable Specific Plan or Planned Development.

### **16.80.560 Action**

- A. The Director may approve or conditionally approve a request for a lot line adjustment in writing after investigating and receiving reports from other departments, if the Director finds that the proposed lot line adjustment conforms to all of the following requirements:
  - 1. The lots adjoin one another;
  - 2. The lot line adjustment will not create a greater number of lots than originally existed;
  - 3. It conforms with the city's general plan;
  - 4. It conforms with the city's zoning and building regulations set forth in this Code.

- B. Any conditions imposed on the approval are limited to those conditions necessary to:
  - 1. Ensure conformance with the city’s general plan;
  - 2. The city’s zoning and building regulations as set forth in this Code;
  - 3. Require the prepayment of real property taxes before approval of the adjustment; or
  - 4. Facilitate the relocation of existing utilities, infrastructure, or easements.
  
- C. Should the lot line adjustment application fail to meet any of the criteria set forth above, the Director may deny the application.

**16.80.570 Finalization of Adjustment**

Within twenty-four (24) months after the Director approves a lot line adjustment, all record owners must cause to be recorded with the office of the Ventura County Recorder either a grant deed or quit claim deed reflecting the adjustment. No record of survey is required for a lot line adjustment. However, the legal descriptions provided on the deed or deeds is prepared by a licensed surveyor, licensed in the State of California, or qualified registered civil engineer.

**DIVISION 8: REVERSION TO ACREAGE**

**16.80.580 Initiation**

Either the City Council, on its own motion, or all owners of record of the real property within the subdivision, by formal application, may initiate proceedings for a Reversion to Acreage.

**16.80.590 Filing**

- A. Reversion to Acreage applications initiated by owners of record of the real property within the subdivision must be filed on forms provided by the Director, together with required filing fees and other information required by the Director to allow for review of the application. At a minimum, information provided must include:
  - 1. Adequate evidence of title of the real property within the

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subdivision;

2. Sufficient data to enable the City Council to make all of the findings and determinations required by this Division; and
  3. A Final Map that delineates dedications that will not be vacated and dedications that are a condition of reversion.
- B. Where the City Council initiates a Reversion to Acreage, the Council will direct the Director to obtain the information necessary to initiate and conduct the proceedings.

### **16.80.600 Processing**

The Director, in consultation with the Engineer, must review the application for conformance with the provisions of this Division and report to the City Council identifying the extent to which the Reversion to Acreage complies with this Division and the findings set forth below.

### **16.80.610 City Council Action**

- A. The City Council must hold a public hearing to consider the application and any related, relevant, information.
- B. Following the public hearing, the City Council must act to approve, conditionally approve, or deny the Reversion to Acreage.
- C. In acting to approve or conditionally approve a Reversion to Acreage, the City Council must require:
  1. Dedications or offers of dedications necessary for purposes specified by city regulations;
  2. Retention of all previously paid fees, if necessary to accomplish the purposes of this Title; and
  3. Retention of any portion of required improvement security or deposits, if necessary to accomplish the purpose of this Title.

### **16.80.620 Required Findings**

As part of its action to approve or conditionally approve a Reversion to Acreage, the City Council must make the following findings:

- A. That dedications or offers of dedication to be vacated or abandoned by the reversion to acreage are unnecessary for present or prospective public purposes; and
- B. Either:
  - 1. All owners of interest in the real property within the subdivision consented to the reversion;
  - 2. None of the improvements required to be made were 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 later; or
  - 3. No lots on the Final Map or parcel map were sold within five (5) years from the date such map was filed for record.

#### **16.80.630 Finality of Action**

In order for a Reversion to Acreage to become effective, a Final Map must be recorded.

### **DIVISION 9: MERGERS**

#### **16.80.640 Conditions Under Which a Merger Can Be Required**

Whenever two (2) or more contiguous parcels are under common ownership and any one of the parcels does not conform to the standards for minimum parcel size set forth in this Title, the City can require the merger of parcels before it issues a development permit, provided all of the requirements specified in § 66451.11 are satisfied.

#### **16.80.650 Notice of Intention to Merge Parcels**

- A. Before initiating a merger, the City must mail to the owner of the affected parcels a Notice of Intention to Determine Status. The same notice is filed with the Ventura County Recorder on the same date that notice is mailed to the property owner. Such notice must inform the property owner that the affected parcels may be merged and advise the owner of the opportunity to request a hearing on determination of status.
- B. At any time within 30 days of the recording of the Notice of Intention to Determine Status, the property owner may file with the Director a request

for a hearing.

**16.80.660 Planning Commission Review and Action**

- A. Upon receiving a request for a hearing, the Director must schedule a public hearing before the Planning Commission in accordance with this Title. The hearing should be conducted not later than sixty (60) days after the Director receives the hearing request.
- B. The Planning Commission must hold a public hearing in accordance with this chapter to consider the parcel merger application.
- C. At the conclusion of the public hearing, the Planning Commission must determine whether the parcels should or should not be merged.
- D. The decision of the Planning Commission is final unless an appeal is filed.

**16.80.670 Determination When No Hearing Is Requested**

If the Director does not receive a timely filed request for hearing, the Director may decide whether or not the parcels may be merged. Decisions allowing a merger must be recorded not later than ninety (90) days after notice of the decision.

**16.80.680 Finality of Action**

- A. A notice of merger must be filed with the Ventura County Recorder's Office after a decision which allows allowing a parcel merger. The notice must identify the names of the record owners and describe the property being merged.
- B. A release of the notice of intention to determine status must be filed with the Ventura County Recorder's Office after a decision that disallows a parcel merger.

**DIVISION 10: CONDOMINIUM CONVERSIONS**

**16.80.690 Applicability**

A condominium conversion requires the approval of a tentative and Final Map, or a parcel map, unless the exemptions specified in §§ 66412(g) and (h) apply, or unless the City waives the requirement for conversion of a mobile home park to resident ownership pursuant to § 66428.1.

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**16.80.700 Filing and Processing**

- A. Filing a condominium conversion application is the same as that established for a tentative tract map with the following exceptions and additional requirements:
1. The tentative map for a condominium conversion project need not show the buildings or the manner in which the buildings or the airspace above the property are to be divided. However, the city may require that an exhibit be provided showing the manner in which buildings are to be arranged on the property.
  2. Addresses of all tenants of the property proposed for conversion must be provided with other required notice materials. Also, the subdivider must provide the city with notarized verification of provision of the Notice of Intent to Convert required by Cal. Gov't Code §§ 66452.8 and 66452.9.
  3. Pursuant to Cal. Gov't Code § 66427.4, if a mobile home park is proposed for conversion, the applicant must submit a report on the impact of the conversion upon the displaced residents of the mobile home park. Such report must be prepared in accordance with Cal. Gov't Code §§ 66427.4 and 66427.5.
  4. Pursuant to Cal. Gov't Code § 66452.10, if the proposed condominium conversion project involves a stock cooperative or community apartment project, the applicant must submit notarized verification of the vote.
- B. The processing of a condominium conversion project is the same as that established for a tentative tract map except that, pursuant to Cal. Gov't Code § 66451.3, notice of the public hearing must be provided to all tenants of the subject property.
- C. In acting to approve a condominium conversion project, the Planning Commission and/or the City Council must make the same findings as for a tentative map and the additional findings set forth in Cal. Gov't Code § 66427.1.
- D. A condominium conversion project must also comply with Chapter 16.85 – Condominiums and Conversions.”  
(Ord. 1169, 2007)

**16.80.710 Completion of Conversion**

Filing of Final Map or parcel map is required for completion of the condominium conversion project, except when waived for a mobile home park.

**DIVISION 11: SUBDIVISION IMPROVEMENTS**

**16.80.720 Conformance with City Plans and Standards**

All subdivision plans and associated street plans must conform to the Circulation Element of the Santa Paula General Plan and street standards adopted by the City Council.

**16.80.730 Connections to Existing Streets**

All new streets must connect to existing streets and must provide street gap closures to the maximum extent feasible and practical to facilitate traffic circulation and ensure implementation of the General Plan Circulation Element.

**16.80.740 Subdivision Access to Public Street**

Every subdivision must be designed to provide access to a public street as follows:

- A. Direct access where the property abuts an existing public street or a planned public street for which the right-of-way was defined and improvements to the planned street are provided pursuant to this chapter; or
- B. A non-exclusive easement for street, utility, drainage, or similar purposes, provided the easement is:
  - 1. Offered for dedication;
  - 2. Unencumbered by any rights that would restrict the proposed use; and
  - 3. Of a width, grade, location, and configuration which, in the opinion of the Engineer, will allow it to serve its intended function.

**16.80.750 Parcel Access**

- A. New parcels created by a subdivision must provide access to either a public street or a private street, if a private street is allowed by this Section.
- B. Direct parcel access to a state highway or a City Major Arterial, Arterial,

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Minor Arterial, Major Commercial/Industrial, or Commercial/Industrial may be denied to ensure traffic safety. Alternatively, the City may require construction of a frontage road between the parcel and the abutting highway or City street.

#### **16.80.760 Private Streets**

Private streets may be permitted by the City Council, provided such streets meet the following requirements:

- A. The street design provides a width, configuration, slope, and other design characteristics satisfactory to the Public Works Director and the Fire Chief;
- B. Streets do not prevent the orderly development of adjacent properties, prevent future connections to planned public streets, or interfere with local circulation;
- C. Streets meet the circulation needs of the property they serve; and
- D. The owners, association of owners, or organization responsible for the private streets provides the City with written assurance, approved as to form by the city attorney, that the street or streets will be adequately maintained.

#### **16.80.770 Street Design and Improvement**

All new public streets proposed or required within or adjacent to a subdivision must be designed in accordance with adopted City street standards and the following requirements:

- A. Where a property for which a tentative or parcel map was filed is adjacent to a property which may be subject to a future subdivision, the review authority may require streets to be extended to the boundary of the adjacent property to allow for future access and street connections.
- B. Street intersections must as near to right angles as practicable.
- C. Street grades between six (6) and ten (10) percent are allowed only for limited distances in which, in the judgment of the review authority, topographical conditions make a lesser grade impractical. A grade exceeding ten (10) percent will be approved only when, in the judgment of the review authority, conclusive evidence shows that a lesser grade is physically impractical.

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- D. Where an existing City street adjoins, passes through, or otherwise provides access to a proposed subdivision, the review authority may require dedication of additional right-of-way and/or improvements consistent with the General Plan Circulation Element.
  - E. Permanent dead-end streets or cul-de-sacs must not exceed 660 feet in length.
  - F. All streets within a subdivision must be named in accordance with City Council resolution.

**16.80.780 Alleys**

All new alleys must have a minimum width of 25 feet and is designed per adopted City standards.

**16.80.790 Drainage**

- A. All subdivisions must be designed to accommodate storm drainage tributary to and originating within the subject subdivision.
- B. All on grade storm water conveyance facilities, including ditches, channels, catch basins, and road improvements must be designed and constructed for flood frequency of ten (10) years or other threshold determined by the Public Works Director to be appropriate and necessary to provide adequate flood protection. All facilities serving sump locations must be designed for a flood frequency of fifty (50) years or other threshold determined by the Public Works Director to be appropriate and necessary to provide adequate flood protection. The design of such facilities and systems is based upon information provided by a registered engineer and approved by the Public Works Director.
- C. To the maximum extent feasible, existing natural drainage courses must be retained.
- D. Facilities and systems must be designed to avoid concentrations of runoff and to avoid the creation of facilities that could pose a risk or hazard to public health and safety.
- E. Drainage facilities must be located with street rights-of-way or public easements.

**16.80.800 Lot Patterns**

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- A. Every lot must be designed to conform to the minimum area and dimension requirements applicable to the zoning in which the lot is located or, in the case of a change of zone, proposed to be located.
  - B. Each new lot created by a subdivision must have a physical shape and configuration that allows subsequent buildings and other improvements to be constructed in conformance with the development standards for the zone in which such lot is located, to ensure that safe driveways and other accesses can be provided, and to ensure that any required landscaping can be provided.
  - C. The creation of flag lot configurations in any new subdivision is discouraged.
  - D. The creation of lots with double street frontage is discouraged.
  - E. Blocks longer than 1,200 feet in length are discouraged and may be cause for disapproval of a tentative map.

**16.80.810 Grading and Use of Natural Topography**

The design of subdivisions in hillside areas must conform to the grading standards contained in this Title.

**16.80.820 Sidewalks, Parkways and Trails**

- A. Sidewalks must be provided in new subdivisions, and be designed and installed in accordance with adopted City standards.
- B. Parkway must be provided where such parkways will contribute positively to overall subdivision design, will better integrate the subdivision with surrounding land uses, and will implement General Plan policies. Parkway must have a minimum width of four (4) feet or a width as may be required by the responsible review authority. Parkway planting may be required through subdivision conditions of approval.
- C. Bikeways and trails must be provided in new subdivisions. Such bikeways and trails must be designed to eventually connect to a citywide system.

**16.80.830 Street Lighting**

Street light fixtures must be provided pursuant to City policies regarding street lighting, or as determined to be necessary by the Engineer.

**16.80.840 Improvements - General**

- A. As a condition for approving any Final Map, the subdivider must improve or agree to make all improvements for all land designated for streets, highways, public ways, and easements. Such improvements include streets, sidewalks, curbs, gutters, culverts, bridges, storm drains, sanitary sewers, permanent subdivision monuments, and other structures or improvements set forth in this Division or as recommended by the Planning Commission and/or deemed by the City Council to be necessary for the general use of the lot owners in the subdivision and for traffic and drainage needs.
  
- B. All improvements must be installed to grades approved by the Engineer. Plans and specifications of proposed improvements must be furnished to the Engineer in conjunction with the Final Map. These plans and profiles must show full details of the proposed improvements in accordance with the most current City standards.
  
- C. The minimum improvements which the subdivider will be required to make at the subdivider's own cost in the subdivision before the acceptance and approval of the Final Map is as described generally below and in detail in this Division:
  - 1. Fire hydrants and adequate distribution lines to provide adequate domestic water supply to each lot and sufficient fire protection to meet local neighborhood needs, as determined by the Fire Chief;
  - 2. City wastewater disposal system to each lot;
  - 3. Adequate drainage of the subdivision streets, highways, ways and alleys;
  - 4. Adequate grading and surfacing of streets, highways, ways and alleys;
  - 5. Curbs, gutters and sidewalks; and
  - 6. Permanent subdivision monuments.

**16.80.850 Streets**

All required public and private streets must be installed in accordance with plans approved by the Engineer.

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**16.80.860 Drainage Facilities**

All required drainage and flood control facilities must be installed in accordance with plans approved by the Engineer.

**16.80.870 Undergrounding of Utilities**

- A. Utility lines including, without limitation, electrical, telephonic, street, and cable television must be placed underground within all new subdivisions.
- B. All underground construction must be installed before the streets are paved if such construction occurs within streets and requires open excavation of the street surface. All construction must be performed to the satisfaction of the Engineer and in accordance with City standards.

**16.80.880 Water and Sewer Service**

- A. Water mains and other required facilities must be installed to serve each lot within a proposed subdivision per the requirements of the water service provider. All such facilities must be installed consistent with applicable master plans. Where water facilities are to be installed in a public street, all improvement plans are subject to review by the Public Works Director, and fire hydrant locations and specifications are approved by the Fire Chief.
- B. All new subdivisions and each lot within a proposed subdivision are required to connect to the City's sewer system. All sewer facilities must be installed consistent with applicable master plans. Where sewer facilities are to be installed in a public street, all improvement plans are subject to review by the Public Works Director.

**16.80.890 Landscaping**

Landscaping and associated automatic irrigation systems must be installed as required for erosion control and slope stabilization.

**16.80.900 Utility Easements**

- A. The subdivider must reserve and grant the following right-of-way easements, either overhead or underground, to public utility companies:
  - 1. At the rear of all lots, except at the perimeter of the subdivision, of a width of not less than six (6) feet;

2. At the rear of all lots at the perimeter of the subdivision, of a width of not less than ten (10) feet;
  3. Along side lot lines, where necessary, of a width of not less than six (6) feet; and
  4. Over areas contiguous to public alleys, where necessary, of a width necessary for overhang of facilities, anchorage, line continuity, ingress and egress ,and for trimming and topping trees that may endanger or interfere with the maintenance of such public utility facilities.
- B. Such right-of-way easements is delineated on the subdivision map and identified as "Easements for Public Utilities."

**16.80.910 Cable access.**

As a condition of approval of a final map, the subdivider must provide access to all cable operators within the city.

**16.80.920 Monuments**

Monuments must be provided as required by the Act.

**16.80.930 Supplemental Improvements**

- A. At the City Council's direction, the subdivider may be required to install improvements for the benefit of the subdivision which may be of such supplemental size, capacity, number, or length as will benefit property not within the subdivision. Such improvements may be a condition precedent to the approval of a subdivision or parcel map.
- B. The subdivider will be reimbursed for that portion of the costs of those improvements, including an amount attributable to interest, in excess of the construction required for the subdivision.

**16.80.940 Security and Agreements**

- A. A subdivider may record a final or parcel map pursuant to this Article before completing required improvements, provided the City Council approves a subdivision improvement agreement and the subdivider provides security as approved by the Council in accordance with § 66499(a). The improvement agreement and security must be in a form

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approved by the City Attorney.

- B. The amount of security must be based upon one hundred percent (100%) of the estimated cost of the required improvement or improvements. Such cost estimate is provided by the subdivider, based upon information provided by a qualified engineer, and is approved by the Public Works Director.
- C. Release of the security may be accomplished in accordance with §§ 66499.7 and 66499.8.

#### **16.80.950   Securities and Special Assessments**

Should the required subdivision improvements be financed and installed pursuant to special assessment proceedings, the subdivider may apply to the City Council for a reduction in the amount of the improvement security required, up to an amount corresponding to the amount of faithful performance and labor and material bonds required by the special assessment act being used. The City Council may grant such reduction if it finds that such bonds have been in fact provided and that the obligations secured thereby are substantially equivalent to those required by this Division.

#### **16.80.960   Right-of-way Dedication**

- A. As a condition of approval of a map, the subdivider must dedicate or make an irrevocable offer of dedication of all parcels of land within the subdivision that are needed for streets and alleys (including access rights and abutters rights), drainage, public utility easements, and other public easements.
- B. The subdivider must improve or agree to improve all streets and alleys (including access rights and abutters rights), drainage, public utility easements, and other public easements offered for dedication. Such improvements must be performed in accordance with the requirements of this Division or as may otherwise be approved by the City Council.

#### **16.80.970   Parkland Dedication and Fees**

All projects approved for development under this Division must provide for at a minimum its fair share of future parkland and open space through dedication to the City, or payment of impact fees in accordance with adopted and enacted fee schedules for this purpose, or both.

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**16.80.980 Bicycle Paths and Trails**

- A. For any residential subdivision containing 40 or more parcels, and where the dedication of roadways is required, the subdivider may be required to dedicate such additional land as may be necessary and feasible to provide bicycle paths for the use and safety of residents of the subdivision, as well as bicycle paths included as part of the General Plan Circulation Element Bicycle and Trail Plan.
- B. The subdivider may be required to dedicate additional land as may be necessary and feasible to accommodate trails included in the General Plan Circulation Element Bicycle and Trail Plan.

**16.80.990 Transit Facilities**

For any residential subdivision containing two hundred (200) or more parcels, or for any subdivision containing one hundred (100) acres or more, the subdivider may be required to dedicate or provide an irrevocable offer of dedication of land within the subdivision for local transit facilities such as bus turnouts, benches, shelters, bus stop pads, and similar features which directly benefit the residents of the subdivision.

**DIVISION 12: FEES**

**16.80.991 Bridge and major thoroughfare fees.**

- A. Pursuant to §§ 66484 and 66489, the city may require the payment of a fee as a condition of approval of a final map, or as a condition of issuing a building permit for purposes of defraying the actual or estimated cost of constructing bridges over waterways, railways, freeways and canyons, or constructing major thoroughfares, upon compliance with the procedure and conditions set forth in this chapter.
  
- B. Such construction must comply with the circulation element of the city's general plan and, in the case of bridges, to the transportation or flood control provisions that identify railways, freeways, streams or canyons for which bridge crossings are required on the city's general plan or local roads and in the case of major thoroughfares, to the provisions of such circulation element which identify those major thoroughfares whose primary purpose is to carry through traffic and provide a network connecting to the state highway system; provided, such circulation element, transportation or flood control provisions was adopted by the city thirty (30) days before the filing of a map or application for a building permit.
  
- C. Payment of a fee is not required or made a condition for approval of a subdivision map or made a condition for the issuance of a building permit until the area benefited is determined by the city council. There must be a public hearing held by the city council for each area benefited.
  - 1. The hearing must be set before the city council and notice must be given pursuant to Government Code § 65905 at least ten (10) calendar days before the hearing date.
  
  - 2. Notices must contain preliminary information related to the boundaries of the area of benefit, estimated cost and method of fee apportionment. The area of benefit may include land or improvements in addition to the land or improvements which are the subject of any map or building permit application considered at such proceedings.
  
- D. At the conclusion of the public hearing, the city council may decide to establish the boundaries of the benefit area by resolution, the costs, whether actual or estimated, and a fair method of allocation of costs to the area of benefit and fee apportionment. The city may impose a reasonable

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charge on property within the area which in the opinion of the city council is benefited by the construction of the bridge or major thoroughfare. The method of fee apportionment, in the case of major thoroughfares, must not provide for higher fees on land which abuts the proposed improvement except where the abutting property is provided direct usable access to the major thoroughfare. A description of the boundaries of the area of benefit, the property or properties within said area which in the opinion of the city council are benefited by the construction of the improvement, the costs, whether actual or estimated, and the method of fee apportionment and imposition of charges on properties within the area, as established at the hearing, must be incorporated in the city council resolution, a certified copy of which must be recorded by the city council with the county recorder. Such apportioned fees are applicable to all property within the area of benefit and are payable as a condition of approval of a final map or as a condition of issuing a building permit for such property or portions thereof. Where the area of benefit includes lands not subject to the payment of fees pursuant to this Sections, the city council must provide for payment of the share of improvement costs apportioned to such lands from other sources.

- E. Payment of fees with respect to major thoroughfares is not required unless the major thoroughfares are in addition to, or a reconstruction of, any existing major thoroughfares serving the area at the time of the adoption of the boundaries of the area of benefit.
- F. Payment of fees with respect to a bridge facility are not required unless the planned bridge facility is an original bridge serving the area or an addition to any existing bridge facility serving the area at the time of the adoption of the boundaries of the area of benefit. Fees must not be expended to reimburse the cost of existing bridge facility construction.
- G. Major Protest.
  - 1. Protests against the proposed improvement, the requirement for paying fees, the apportionment of the fees or the determination of the boundaries of the area of benefit may be filed at any time before the hour set for hearing. If there is a written protest filed with the city clerk by the owners of more than one-half of the area of the property to be benefited by the improvement and sufficient protests are not withdrawn so as to reduce the area represented to less than one-half of that to be benefited, then the proposed proceedings must be abandoned, and the city council must not, for one year from the filing of that written protest, commence or carry on any proceedings for the same improvement or acquisition under the

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provisions of these sections.

2. Nothing in this section must preclude the processing and recordation of maps in accordance with other provisions of the law and ordinances relating to maps if the proceedings under these sections are abandoned.
3. Any protest may be withdrawn by the owner making the same, in writing, at any time before the conclusion of the aforesaid public hearing held pursuant to this title.
4. If any majority protest is directed against only a portion of the improvement, then all further proceedings under the provisions of these sections to construct that portion of the improvement so protested against are barred for a period of one year, but the city council is not barred from commencing new proceedings not including any part of the improvement or acquisition protested against. Nothing in this Section prohibits the city council, within such one-year period, from commencing and carrying on new proceedings or the construction of a portion of the improvements so protested against if it finds, by the affirmative vote of four-fifths of its members, that the owners of more than one-half of the area of the property to be benefited are in favor of going forward with such portion of the improvement or acquisition.

H. Fees.

1. Fees or charges paid pursuant to these sections must be deposited in a planned bridge facility or major thoroughfare fund. A fund must be established for each planned bridge facility project or each planned major thoroughfare project. If the benefit area is one in which more than one bridge is required to be constructed, a fund may be so established covering all of the bridge projects in the benefit area. Monies in such fund may be expended only for constructing or reimbursing for construction of the improvement serving the area to be benefitted and from which the fees comprising the fund were collected, or to reimburse the city for the cost of constructing the improvement.
2. The fees or charges collected must be paid to the city or the subdivider constructing the bridge or major thoroughfare, and the city, with respect to any property within its jurisdiction which in the opinion of the city council is benefitted by the construction of the bridge or major thoroughfare, may enter into a reimbursement

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agreement with the subdivider.

3. In lieu of the payment of fees, the city may accept other considerations which it deems equivalent.
4. The city may advance money from its general fund or road fund to pay the cost of constructing improvements and may reimburse the general fund or road fund for such advances from planned bridge facility funds or major thoroughfare funds established to finance the construction of such improvements.

I. Interest-bearing Indebtedness; Other Funds.

1. The city, when imposing fees pursuant to this Sections, may incur an interest-bearing indebtedness for the construction of such bridge facilities or major thoroughfares; provided, that the sole security for repayment of such indebtedness are monies deposited as set forth above in planned bridge facility or major thoroughfare funds.
2. Nothing in this chapter should be construed to preclude the city from providing funds for the construction of bridge facilities or major thoroughfares in order to defray costs not allocated to the area of benefit.

**16.80.992 Supplement size, capacity or number required.**

Improvements installed by the subdivider for the benefit of the subdivision must contain supplemental size, capacity, number, or length for the benefit of property not within the subdivision, and such improvements must be dedicated to the public. Supplemental length may include minimum sized off-site sewer lines necessary to reach a sewer outlet in existence at that time.

**16.80.993 Reimbursement agreement.**

The city may enter into an agreement with the subdivider to reimburse the subdivider for that portion of the cost of such improvements equal to the difference between the amount it would have cost the subdivider to install such improvements to serve the subdivision only, and the actual cost of such improvements, including an amount attributable to interest.

**16.80.994 Method of reimbursement.**

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In order to pay the costs as required by the reimbursement agreement, the city may:

- A. Collect from other persons, including public agencies, using such improvements for the benefit of real property not within the subdivision, a reasonable charge for such use.
- B. Contribute to the subdivider that part of the cost of the improvements that is attributable to the benefit of real property outside the subdivision and levy a charge upon the real property benefitted to reimburse itself for such cost, together with interest thereon, if any, paid to the subdivider.
- C. Establish and maintain local benefit districts for the levy and collection of such charge or costs from the property benefitted.

**16.80.995 Reimbursement for drainage and sanitary sewer facilities.**

The city council may adopt the plan and map designated in § 66483 and impose a reasonable charge on property within the area which, in the opinion of the city council, is benefitted by drainage or sanitary sewer facilities. The charge collected must be paid to the city or subdivider constructing such drainage or sanitary sewer facilities, and any local agency within the drainage or sanitary sewer area may enter into a reimbursement agreement with the subdivider.

**16.80.996 Reimbursement for bridges or major thoroughfares.**

The city council may establish an area of benefit pursuant to § 66484 and may impose a reasonable charge on property within the area which, in the opinion of the city council, is benefitted by the construction of the bridge or major thoroughfare. The charge collected must be paid to the city agency or subdivider constructing the bridge or major thoroughfare. and any local agency having jurisdiction over any property which, in the opinion of the city council, is benefitted by the construction of the bridge or major thoroughfare may enter into a reimbursement agreement with the subdivider.

**16.80.997 Fees Established by Resolution**

The amount and manner of collecting fees, and the Area of Benefit to which the fees is apportioned, may be established by city council resolution.

**16.80.998 Payment of Fees Required**

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Pursuant to the provisions of this Division, as a condition of approval of a Final Map or as a condition of issuing a building permit, and before a Final Map is filed or a building permit issued, every subdivider must any fees established and apportioned to the property pursuant to this Division.

**16.80.999 In-Lieu Considerations**

The City Council may accept consideration in lieu of fees required pursuant to this Division, provided:

- A. The City Council finds, upon recommendation of the Public Works Director, that the substitute consideration has a value equal to or greater than the fee; and
- B. The substitute consideration is in a form acceptable to the City Council.”