

ORDINANCE NO. 2021-617

ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF WOODSIDE AMENDING MUNICIPAL CODE CHAPTER 152, SUBDIVISIONS, FOR THE PURPOSE OF REORGANIZING THE CHAPTER TO INCREASE USER-FRIENDLINESS, INCLUDE PROCESSES FOR A CERTIFICATE OF COMPLIANCE AND A VOLUNTARY LOT MERGER, AND MINOR REVISIONS TO SIMPLIFY THE PROCESS FOR CONCEPT MAPS AND TENTATIVE MAPS (FILE NO. **MCAM2018-0001**).

WHEREAS, Municipal Code Chapter 152, regulates merging of parcels, reconfiguring parcel lines, and the division of land;

WHEREAS, Municipal Code Chapter 152, does not include detailed processes for Certificates of Compliance and Voluntary Lot Merger, which are permitted by the California Subdivision Map Act;

WHEREAS, Municipal Code Chapter 152, is difficult to follow and warrants a reorganization to increase user friendliness;

WHEREAS, in 2016, the Town Council requested that staff make minor changes to the Municipal Code to simplify processes for entitlement review, which would not result in adverse impacts;

WHEREAS, the Town of Woodside is committed to inclusive public participation and involvement in matters pertaining to the Municipal Code;

WHEREAS, on January 26, 2021, the Town Council conducted a duly noticed public hearing at which time all oral and written comments and a staff recommendation were presented to the Town Council for its review and consideration, and provided a first reading and introduction of this ordinance; and

WHEREAS, on February 9, 2021, the Town Council conducted a public meeting, and provided a second reading of this ordinance.

IT IS HEREBY ORDAINED by the Town Council of the Town of Woodside to amend the Woodside Municipal Code as follows:

SECTION ONE: The Town Council finds that the Municipal Code amendment set forth herein is consistent with the General Plan of the Town of Woodside and is required for the public convenience and to achieve the health, safety, and welfare of the Town of Woodside; specifically the following General Plan Policies and Strategies:

Policy LU1.5 – Thoroughly Evaluate Changes to Parcel Boundaries

1. Land Divisions

Land division opportunities in Woodside are limited, and require environmental review to ensure adherence to all applicable State regulations, such as Subdivision Map Act and the California Environmental Quality Act; and local regulations, such as subdivision development standards and zoning, and the development potential of the parcels in light of site constraints. At a minimum, an Initial Study, pursuant to the California Environmental Quality Act (CEQA), shall be prepared by Town staff for all land division proposals.

The number of lots permitted in a land division is dependent on the characteristics of the area, as well as the minimum lot area required by the Woodside Municipal Code. Lots shall be adequate in size and appropriate in shape for the range of accessory uses which are potentially allowed without creating a feeling of overcrowding, negative environmental impacts, or the need for variances.

Visibility of structures, preservation of natural land form and vegetation, topography, noise exposure, maintenance of rural quality, zoning, and the relationship to surrounding properties shall be considered in preparing land division designs. Land division density, or number of lots, will ultimately be determined by these and other factors. The designation of building envelopes shall be required on final maps.

In the review of new land divisions, particular attention shall be given to soils and geological problems in order to avoid the creation of unstable building sites.

Division of property containing existing structures of cultural or aesthetic merit shall be carefully conceived to preserve the integrity of original "core" estate buildings, grounds, and heritage trees.

2. Lot Line Adjustments

Although land division proposals are rare in Woodside, lot line adjustment applications are more common. Lot line adjustments can result in new development opportunities which would not exist without boundary adjustments. Given that these proposals most typically occur in steep hillside areas, CEQA review is required. Care should be taken in reviewing and approving such proposals to avoid incompatibility with neighborhood character.

3. Lot Mergers

Lot merger applications in Town are most typically used to combine underlying legal lots of record which have been, or will be, used as one residential property. This is encouraged. The Municipal Code currently does not provide for a voluntary lot merger process. Occasionally lot merger applications are submitted to create new development opportunities and should be evaluated in light of the policies expressed herein.

Strategies:

a. Update Regulations

Review and update the lot line adjustment and lot merger regulations of the Municipal Code to: (1) address unintended, increased, and inappropriate development potential; and, (2) include a process for voluntary lot mergers.

Policy CL2.1 – Maintain and Improve Town Roadways

Maintain and improve the physical condition and safety of Town roadways consistent with a rural and scenic environment.

Strategies:

a. Design principles and standards

Review roadway projects to ensure compliance with the following design principles and standards:

1-13...

14. Roads serving new land divisions shall be designed to: (a) accommodate emergency access; (b) provide two means of access; and (c) be designated as private roads. Roads serving new land divisions shall be maintained by the private property owners.

SECTION TWO: The Town Council finds that based on the findings above and the Town Council Staff Report of January 26, 2021, the adoption of this ordinance is exempt from the California Environmental Quality Act (“CEQA”), pursuant to Section 15061(b)(3) (no possibility that the activity may have a significant impact on the environment), of the CEQA Guidelines (Title 14, Chapter 3 of the California Code of Regulations).

SECTION THREE: Chapter 152, Subdivisions, of the Woodside Municipal Code is hereby amended pursuant to **Exhibit A**.

SECTION FOUR: In the event that any provision of this ordinance is in conflict with any other ordinances of the Town of Woodside or the Woodside Municipal Code, the provisions of this ordinance shall prevail.

SECTION FIVE: If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance or any part thereof is for any reason held to be unconstitutional or invalid, or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of the Ordinance or any part thereof. The Town Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional or invalid or ineffective.


SECTION SIX: Pursuant to Section 36937 of the Government Code of the State of California, the Ordinance shall take effect and be in full force and effect thirty (30) days after its final passage.

SECTION SEVEN: The Town Clerk shall cause this Ordinance to be published in accordance with the requirements of Section 36933 of the Government Code of the State of California.

* * * * *

I, the undersigned, hereby certify that the foregoing Ordinance is a full, true and correct copy of Ordinance No. 2021-617 of the Town of Woodside entitled as above; that it was introduced on the 26th of January, 2021, and was passed and adopted by the Town Council on the 9th of February, 2021, by the following vote:

AYES, Councilmembers: Brown, Carvell, Fluet, Scott, Shaw, Wall, and Mayor Dombkowski
NOES, Councilmembers:
ABSENT, Councilmembers:
ABSTAIN, Councilmembers:


Clerk of the Town of Woodside

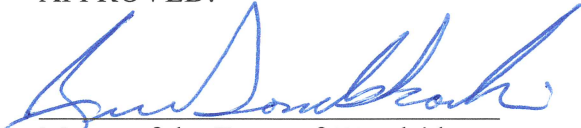
APPROVED:

Mayor of the Town of Woodside

Exhibit A

CHAPTER 152: - SUBDIVISIONS

ARTICLE I. - GENERAL PROVISIONS

Sec. 152.001 - Short title.

This chapter shall be known as the "Subdivision Law of the Town of Woodside."

Sec. 152.002 - Authority.

This chapter is adopted pursuant to ~~Section 11 of Article XI of the Constitution of the State and~~ the California Subdivision Map Act, and all terms used in this chapter which are defined in the Subdivision Map Act shall have the same meaning as ascribed thereto in the Subdivision Map Act and as ~~that~~ that Act may hereafter be amended, except that, where appropriate from the context, the term "subdivision" shall be construed to include divisions of land other than those defined as *subdivisions* by the Subdivision Map Act. The provisions of this chapter shall be supplemental to the provisions of the Subdivision Map Act.

Sec. 152.003 - Applicability.

The provisions of this chapter shall apply to the merger of lots, adjustments of line lines, subdivision, or other division of land for any purpose whatsoever within the Town. For the purposes of this chapter, a division of land shall mean the division of any parcel or portion thereof into two or more lots, plots, sites, ~~or parcels.~~ Divisions of land shall include lot line adjustments, land divisions, or subdivisions, resubdivisions, and other divisions of land and, when appropriate to the context, shall relate to the process of dividing land or to the land or territory divided. The procedures set forth in this section shall be applicable to any division of land which results in the creation of any additional building site. All merging of lots, adjustments of lot lines, land divisions and subdivisions shall meet the prescribed standards of this chapter, and any improvements and dedications needed to meet such standards shall be provided by the owner as a condition precedent to the approval of the land division or subdivision.

Sec. 152. ~~020004~~ - Compliance required.

Every person desiring to merge lots, adjust line lines, or divide a parcel of land within the Town into two or more lots or parcels or combine lots or adjust property lines shall follow the procedures set forth in this chapter.

Sec. 152. ~~004-005~~ - Purpose.

This chapter is adopted to regulate ~~the division of land lot mergers, lot line adjustments, land divisions, and subdivisions;~~ and, to require the provision of certain prescribed improvements which are needed in consequence of the division of land in order to achieve the following purposes:

Exhibit A

- (A) To promote the public health, safety, convenience, and general welfare;
- (B) To ensure the development of land in a manner consistent with general community objectives and policies as set forth in the ~~general~~General planPlan or any applicable Specific/Area Plan;
- (C) To protect property in the Town against deterioration and obsolescence;
- (D) To preserve and protect the natural beauty and the established character of the community and through good design, provide a harmonious relationship between the completed ~~subdivision~~ development and the natural environment;
- (E) To provide lots of sufficient size and appropriate design for the purposes for which they are to be used;
- (F) To protect the community against excessive stormwater runoff, soil erosion, earth movement, and other geologic hazards by preserving the natural ground slopes and natural ground cover;
- (G) To make possible the ease of law enforcement and fire protection through orderly design and development and the provision of adequate facilities and improvements;
- (H) To ensure ~~at the time of subdivision~~ the provision of adequate water supply, storm drainage, sewage disposal, and other utilities and services needed as a consequence of the ~~division of land~~development;
- (I) To ensure that governmental costs are minimized by requiring the installation of improvements of adequate size and quality;
- (J) To provide roads of adequate capacity with appropriate improvements to provide access to abutting property, to carry the anticipated traffic, and to ensure that roads are designed so as to minimize safety hazards to motorists, pedestrians, equestrians, and bicyclists;
- (K) To assure that road rights-of-way are designed to preserve the natural terrain, vegetation, and open space qualities of the community;
- (L) To minimize through traffic on residential roads;
- (M) To provide pedestrian paths, bicycle paths, and equestrian and hiking trails for the safety and convenience of the residents, for travel throughout the community, and for the enjoyment of the natural amenities of the community;
- (N) To make possible the coordination of ~~subdivision~~ development by the provision of public facilities, such as parks, recreation areas, schools, and other types of community facilities; and
- (O) To assist in implementing the ~~general~~General planPlan.

Sec. 152.~~005-006~~ – Definitions

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For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACCESSORY STRUCTURE OR BUILDING. A detached structure or building, the use of which is subordinate and incidental to the main structure, building, or use on the same parcel.

BLOCK. The land surrounded by roads or which is designated as a *block* on any recorded *subdivision* map.

CEQA. The California Environmental Quality Act.

COMMON DRIVEWAY. A private way for vehicular and other access to two parcels.

CONCEPT MAP. A map prepared by ~~the subdivider~~an owner and ~~reviewed by the Subdivision Review Committee preceding the preparation of a tentative map for the purpose of providing a staff review of the proposed subdivision plans submitted with an application for a land division or subdivision in order to allow for review and early input by Town staff, subcommittee, and the Subdivision Review Committee.~~

DAY. A calendar day, unless otherwise specified.

DESIGN. Shall mean and include:

- (1) Street alignments, grades, and widths;
- (2) Drainage and sanitary facilities and utilities, including the alignments and grades thereof;
- (3) The location and size of all required easements and rights-of-way;
- (4) Fire roads and firebreaks;
- (5) *Lot* size and configuration;
- (6) Traffic access;
- (7) Grading;
- (8) Land to be dedicated for park or recreational purposes; and
- (9) Such other specific requirements in the plan and configuration of the entire land division or subdivision as may be necessary or convenient to ensure conformity to or the implementation of the ~~general~~General plan-Plan or any ~~specific~~Specific/Area plan-Plan of the Town.

DEVELOPMENT PLAN. A plan to scale indicating the outline of the building site and drainfield area and the location and grade of the driveway. Such information may be shown on the tentative map.

DRIVEWAY. A private way for vehicular and other access to a single building site.

EASEMENT, PUBLIC. An easement dedicated to and accepted by the Town which shall be continuing and irrevocable, unless formally abandoned by the Town.

Exhibit A

ENGINEERING GEOLOGIST. A person registered by the state as a certified engineering geologist.

ENVIRONMENTAL ASSESSMENT. A comprehensive document, prepared by the Town at the cost to the owner, which inventories the physical conditions which exist within the area affected by the proposed project, including land, air, water, minerals, flora, fauna, ambient noise, objects of historic or aesthetic significance, public facilities, and applicable public policies and laws.

FINAL MAP. A map based issued upon an approved or conditionally approved a finding that the subdivider has complied with all conditions imposed in the tentative map tentative map or vesting tentative map and complying with the all other applicable provisions of the Subdivision Map Act and the provisions of this chapter.

GEOTECHNICAL REPORT. A report prepared by a geologist and/or soils engineer, certified and/or registered in the state, containing the information specified in Section 152.~~077-123~~ of this chapter.

IMPROVEMENT. ~~Such r~~Roads, trails, pathways, work and utilities, and other infrastructure installed, or agreed to be installed, by the subdivider to be used for public or private roads, ~~highways, trails, pathways, and easements as are necessary in the land division or subdivision or for local traffic and drainage requirements as a condition precedent to the approval and acceptance of a parcel map~~ or final map.

~~IMPROVEMENT.~~ Such other specific improvements or types of improvements the installation of which, by the owner, subdivider, by public agencies, by private utilities, by any other entity approved by the local agency Town, or by a combination, is necessary or convenient to ensure conformity to or the implementation of the general General plan Plan.

LAND DIVISION. Any division of land into four lots or less for the purpose of sale, lease, or financing, ~~or life estate~~.

LOT. A piece of land, other than a road, established or to be established by the land division or subdivision procedures of this chapter and shown on a recorded parcel map or final map final map, or established by other legal methods in place at the time of the lot's creation.

OWNER. The individual, firm, partnership, association, trustee, or corporation who or which:

- (1) Is the fee owner of record of the property proposed for a lot line adjustment, merger, land division, or subdivision to be subdivided;
- (2) Is the purchaser under an executed contract of sale of the property proposed for a lot line adjustment, merger, land division, or subdivision to be subdivided;
or
- (3) In the case of fractionally-owned fee interests, is the person or agent authorized by all the fee owners to commence and maintain proceedings ~~to subdivide such~~ for a proposed lot line adjustment, merger, land division, or subdivision of property under the laws of the state and the provisions of this chapter.

Exhibit A

PANHANDLE LOT. A lot with access to a road by means of an access way having not less than 30 feet of frontage and a minimum width of 30 feet. The length of the panhandle shall be measured from the frontage line to the nearest point of intersection with the nearest property line parallel or most nearly parallel to the frontage line.

PARCEL. All contiguous land held in one ownership.

~~**PARCEL MAP.** A final map for the division of a parcel(s) of land into four or fewer lots, including lot line adjustments.~~

PLAT MAP. A map prepared and certified by a licensed land surveyor or civil engineer authorized to practice land surveying that is drawn to scale recording the existing and proposed lot boundaries and lot size(s), nearby streets, and any easements or rights of way, and shall include all information deemed necessary by the Town Engineer.

ROAD. Shall mean and include all of the following categories:

- (1) **ARTERIAL.** A road connecting local roads and designed for the safe movement of through traffic with intersections at grade but with limited direct access.
- (2) **COLLECTOR.** A road usually with no limitations placed on access to abutting properties. A collector may function as a feeder and/or connector between arterial roads.
- (3) **CUL-DE-SAC.** A road designed primarily for access to abutting properties and not for general traffic use, having one outlet for vehicles and not designed for extension at a later date.
- (4) **DEAD-END ROAD.** Any road having one outlet for vehicular traffic but which may be designed to permit its extension at a later date.
- (5) **MINOR RURAL ROAD.** A road designed to carry a minimum amount of traffic and utilizing a narrow right-of-way and pavement width for the purpose of retaining to the greatest extent possible the natural terrain and vegetation and to protect the privacy of the abutting properties. **MINOR RURAL ROAD** may also include cul-de-sacs and dead-end roads.
- (6) **EXPRESSWAY.** A road of general Town or County importance which is a limited access road carrying major traffic through several areas.
- (7) **FREEWAY.** A divided arterial highway for through traffic, with direct access to abutting property prohibited, and with fully controlled access at connecting streets.

STRUCTURE. Anything which is built or constructed and requires a location on the ground, including a building or edifice of any kind and any piece of work artificially built up or composed of parts, including swimming pools, fences, and walls.

SUBDIVIDER. An individual, firm, corporation, partnership, or association who or which proposes to divide(s), or causes to be divided real property into a ~~land division or~~ subdivision for himself, itself, or for others, except that employees and consultants of such persons or entities, acting in such capacity, shall not be subdividers.

Exhibit A

SUBDIVISION. The division into five or more lots, by any subdivider, of any unit(s) of improved or unimproved land, or any portion, shown on the latest equalized County assessment roll as a unit or as contiguous units, for the purpose of sale, lease, or financing, or creation of a life estate, whether immediate or future, except for leases of agricultural land for agricultural purposes. Property shall be considered as a contiguous unit, even if it is separated by roads, easements, or rights-of-way. Any conveyance of land to a governmental agency, public entity, or public utility shall not be considered a division of land for the purposes of computing the number of parcels. As used in this section, "agricultural purposes" shall mean the cultivation of food or fiber or the grazing or pasturing of livestock.

SUBDIVISION MAP ACT. The *Subdivision Map Act* of the state, California Government Code Section 66410 et seq.

SUBDIVISION REVIEW COMMITTEE. A committee composed of the Planning Director, the Town Engineer, the Fire Chief, and the Health Officer charged with the review of concept maps, tentative maps, and vesting tentative maps.

TENTATIVE MAP. A map describing the existing conditions of the land ~~to be subdivided~~ proposed for a land division or subdivision and the design of the proposed ~~division of land and related improvements for land divisions and subdivisions.~~

VESTING TENTATIVE MAP. A tentative map for a land division or subdivision, as defined in this chapter, which map shall have printed conspicuously on its face the words "Vesting Tentative Map" at the time it is filed in accordance with Section 152.094 of this subchapter and thereafter processed in accordance with the provisions of this subchapter.

Sec. 152.006-007 – General planPlan; ~~precise Specific/Area plans~~ Plans in conformance with state law.

(A) **General Pplan.**

- (1) The adopted Ggeneral Pplan shall be used as a guide to the use and development of land within the Town. Lot line adjustments, lot mergers, The and the design of land divisions and subdivisions shall follow the Ggeneral Pplan ~~policy~~ Policies with respect to the type and intensity of land use, lot size and arrangement, and type and extent of roads, utilities, and other public facilities. Consideration shall be given to preserving the privacy and safety of residential areas. The number of intersections on thoroughfares shall be kept to the minimum consistent with the basic needs for ingress and egress, and intersections shall be designed to provide the optimum safety for pedestrians, bicyclists, equestrians, and motorists. Topography and vegetation shall be respected, existing trees shall be preserved where possible, and roads and building locations shall be designed to prevent excessive grading and scarring of the landscape.
- (2) All subdivision improvements including roads shall be located in the least environmentally sensitive areas in order to be deemed to be in conformity with the Ggeneral Pplan.

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- (B) ~~*Precise Specific/Area Plans.*~~ ~~All divisions of land shall conform with applicable precise plans adopted in conformance with the State Planning Law for the purpose of effectuating the general plan. A plan for the systematic implementation of the General Plan in all or part of the area covered by the General Plan.~~

Sec. 152.007-008 – Conformance with zoning and site development provisions.

All divisions of land shall conform with the zoning and site development provisions of this Code; provided, however, where this chapter imposes higher standards than said zoning or site development provisions, the requirements of this chapter shall prevail.

Sec. 152.008-009 - Interpretation.

- (A) In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements, except where they are expressly stated to be maximum requirements. It is not intended to impair or interfere with any private restriction placed upon property by covenant or deed; provided, however, where this chapter imposes greater restrictions upon the land division or subdivision of land than are imposed or required by private restrictions, the provisions of this chapter shall prevail.
- (B) Whenever requirements are set forth in general terms in this chapter, the details of such requirements may be set forth in policies adopted from time to time by the Planning Commission and/or the Council.

Sec. 152.009-010 - Exceptions.

- (A) ***Recommendations and findings.*** The Planning Commission may recommend that the Council authorize exceptions or conditional exceptions to any of the requirements and regulations set forth in this chapter. An application for any exception shall be made by a verified petition of the subdivider-owner stating fully the grounds for the requested exception, together with the supporting statements and documentation. Such petition shall be filed with the ~~tentative map for land divisions and~~ tentative map or vesting tentative map for land divisions and subdivisions. In making its recommendations, the Planning Commission shall consider the following:

- (1) Because of special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of this chapter will deprive the applicant of privileges enjoyed by other properties in the vicinity and under the identical zone classification;
- (2) The exception request will not constitute a grant of special privilege, is consistent with the limitations upon other properties in the vicinity and under identical zone classification, and is consistent with the objectives of this chapter;
- (3) The strict application of this chapter would result in practical difficulty or unnecessary physical hardship which is not of the applicant's own making;

Exhibit A

- (4) The granting of the exception request will not be detrimental to the public welfare or injurious to other property in the vicinity in which the property is situated; and
- (5) The granting of the exception will be consistent with the general purposes and objectives of this chapter and of the ~~general~~General planPlan.

(B) **Imposition of conditions.** In recommending such exceptions, the Planning Commission may impose such conditions as will secure substantially the objectives of the General Plan and this chapter.

(C) **Council action.** Upon the receipt of the recommendation from the Planning Commission, the Council, after a public hearing, may approve the final map or subdivision map with the exceptions and conditions recommended by the Planning Commission, deny the exceptions, or impose such additional conditions as it deems proper. If the Council approves exceptions to the provisions of this chapter, the Council shall make the findings pursuant to division (A) of this section.

(D) **Conditions required.** In all cases in which such exceptions are authorized, the Council shall require such evidence or guarantees as it deems necessary to ensure that the conditions required in connection with such exceptions shall be fulfilled to the satisfaction of the Town.

Sec. 152.~~010~~011 – Transfers illegal; exceptions.

No person, firm, or corporation shall contract for the transfer or sale of, sell or offer to sell, lease or offer to lease, or transfer any parcel of land contrary to the provisions of this chapter or the *Subdivision Map Act*. Any deed of conveyance, sale, contract to sell, or lease made contrary to the provisions of this chapter shall be voidable at the sole option of the grantee, buyer, lessor, or person contracting to purchase, or his/her heirs, personal representatives, or trustees in insolvency or bankruptcy, within one year after the date of the execution of the deed of conveyance, sale, or contract to sell, but the deed of conveyance, sale, or contract to sell shall be binding upon any assignee or transferee of the grantee, buyer, or person contracting to purchase other than those above enumerated, and upon the grantor, vendor, or person contracting to sell, or his/her assignee, heir, or devisee.

Secs. 152.~~110~~112—152.019 - Reserved.

ARTICLE II. GENERAL SUBDIVISION PROCEDURES CERTIFICATE OF COMPLIANCE

152.020 Certificate of Compliance.

Pursuant to the authority granted the Town in Government Code Section 66499.35, the Planning Director may issue a certificate of compliance or conditional certificate of

Exhibit A

compliance determining if a lot was legally established following the statutes in place at the time of the lot's creation.

(A) **Certificate of Compliance.** Any person owning real property or a vendee of that person pursuant to a contract of sale of the real property may request, and the Town shall determine, whether the real property complies with the applicable provisions for the division of land at the time the Lot was established. If the Town determines that the real property complies, the Town shall cause a certificate of compliance to be filed for recordation with the recorder of the County of San Mateo. The certificate of compliance shall identify the real property and shall state that the division of the real property complies with applicable provisions for the division of land at the time the Lot was established.

(B) **Conditional Certificate of Compliance.** If the Town determines that the real property does not comply with applicable provisions for the division of land at the time the Lot was established, it shall issue a conditional certificate of compliance.

1. Issuance to Owner who did not create the Lot. If the applicant for the certificate of compliance did not own the lot at the time of its creation, The Town may impose any conditions that would have been applicable to the division of the property at the time the owner(s) acquired interest therein.
2. Issuance to owner who created the lot. If the applicant for the certificate of compliance is the owner who created the lot, the Town may impose any conditions that would be applicable to a current division of the property.

(C) Upon making its determination and establishing the conditions, the Town shall cause a conditional certificate of compliance to be filed for recordation with the County of San Mateo Recorder. The certificate shall serve as notice to the owner or vendee who has applied for the certificate pursuant to this section, a grantee of the owner, or any subsequent transferee or assignee of the property that the fulfillment and implementation of these conditions shall be required prior to subsequent issuance of a permit or other grant of approval for development of the property. Compliance with these conditions shall not be required until the time that a permit or other grant of approval for development of the property is issued by the Town.

(D) The Town shall require payment of a fee, as established in the Town's Schedule of Fees and charges adopted by Resolution of the Town Council, to cover the cost of issuing a recording a certificate of completion or conditional certificate of completion.

(E) A certificate of compliance may be issued for any real property that has been approved for development pursuant to Government Code Section 66499.34.

(F) A recorded final map or other official map shall constitute a certificate of compliance with respect to the parcels of real property described therein.

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- (G) An official map prepared pursuant to Subdivision (b) of Government Code Section 66499.52 shall constitute a certificate of compliance with respect to the parcels of real property described therein and may be filed for record, whether or not the parcels are contiguous, so long as the parcels are within the same section of land or, with the approval of the Town Engineer, within contiguous sections of land.
- (H) (1) Each certificate of compliance or conditional certificate of compliance shall include information the Town deems necessary, including, but not limited to, all of the following:
- (a) Name or names of owners of the parcel(s).
 - (b) Assessor Parcel Number(s) of the parcel(s).
 - (c) The number of parcels for which the certificate of compliance or conditional certificate of compliance is being issued and recorded.
 - (d) Legal description and plat map of the parcel or parcels for which the certificate of compliance or conditional certificate of compliance is being issued and recorded.
 - (e) Any conditions to be fulfilled and implemented prior to subsequent issuance of a permit or other grant of approval for development of the property, as specified in the conditions shown in the conditional certificate of compliance.
 - (f) A notice stating as follows: This Certificate relates only to issues of compliance or noncompliance with the Subdivision Map Act and local ordinances enacted pursuant thereto. The parcel(s) described herein may be sold, leased, or financed without further compliance with the Subdivision Map Act or any local ordinance enacted pursuant thereto. Development of the parcel may require issuance of other permits, and/or approvals.
- (2) The Town may process applications for certificates of compliance or conditional certificates of compliance concurrently and may record a single certificate of compliance or a single conditional certificate of compliance for multiple parcels. where a single certificate of compliance or conditional certificate of compliance is certifying multiple parcels, each as to compliance with the provisions of this chapter and with local ordinances enacted pursuant thereto, the single certificate of compliance or conditional certificate of compliance shall clearly identify, and distinguish between, the descriptions of each parcel and shall be recorded on each parcel with the County of San Mateo recorder.

Secs. 152.021—152.029 - Reserved.

ARTICLE III. VOLUNTARY LOT MERGER

152.030 Voluntary Lot merger.

Exhibit A

Pursuant to the authority granted the Town in Government Code Section 66499.20.3, the Planning Director may approve the merger of contiguous Lots under common ownership without reverting to acreage. Owners proposing to use more than one lot to meet the development standards for one combined parcel, shall complete a voluntary merger of lots prior to the issuance of construction permits, or prior to the final inspection of construction permits as determined by the Town Engineer and Planning Director.

(A) Application Requirements. Applications for the voluntary merger of contiguous parcels under common ownership shall be filed with the Town's Planning Department in the form of a written request using a Town application form. The request shall be signed by all owners of the property and accompanied by existing and proposed legal descriptions and plat of the properties to be combined and a preliminary title report verifying ownership of said contiguous parcels. The plat shall be no smaller than an eight-and-one-half-by-eleven-inch sheet, which shall reflect the metes and bounds legal description. Additional application requirements may be required by the Town Planning and Engineering Departments. Applications filed pursuant to this section shall include a nonrefundable processing fee in an amount as set forth in the Schedule of Fees and Charges of the Town adopted by resolution of the Town Council.

(B) Criteria for Review and Action. The Planning Director shall distribute copies of the application to the Town Engineer and/or Public Works Director, and other Town departments, who together shall review it for conformity with this title and all other provisions of the General Plan, Municipal Code, the Subdivision Map Act. The Town Engineer and/or Public Works Director and other employees required to review the application shall report their findings to the Planning Director. If the proposed merger is in conformance with the provisions of the General Plan, Municipal Code, the Subdivision Map Act, the Planning Director shall approve the application for lot merger.

(C) Recordation of Notice of Parcel Merger.

(1) Upon approval of the lot merger, the Town shall issue a Notice of Merger, signed by the owners, Planning Director, and Town Engineer which the Town shall submit to the County of San Mateo for recordation. The form and content of the Notice shall be as established by the Planning Director and Town Engineer and/or Public Works Director. The recording of the Notice shall constitute legal merger of the affected parcels.

(2) The owner(s) shall be responsible for the payment of all fees required to record the Notice.

Secs. 152.031—152.039 - Reserved.

ARTICLE IV. TOWN INITIATED LOT MERGER

Exhibit A

Sec. 152.130-040 -- ~~Conditions~~ Town Initiated Lot Merger.

~~The Town may initiate merger of~~ two or more parcels of real property ~~may be merged by the Town~~ through Planning Commission action when the following conditions are met:

- (A) The parcels are contiguous;
- (B) The parcels have the same ownership as of the date the notice of intention to determine status is recorded;
- (C) At least one of the parcels is nonconforming, having an area less than the minimum prescribed area for the zoning district in which it is located;
- (D) At least one of the parcels is either:
 - (1) Undeveloped, ~~having no structure on it by any structure~~ for which a building permit ~~was issued or for which a building permit was not required at the time of construction is required~~ ~~(at the time of the notice of intention to determine status);~~ or
 - (2) Developed only with an accessory ~~building structure or accessory structures;~~
 - or
 - (3) Developed with a single structure, other than an accessory structure, ~~for which a building permit is required at the time of the notice of determination of status,~~ located partially on it, ~~and partially on the~~ contiguous parcel; ~~and.~~
- (E) With respect to any affected parcel, ~~At at~~ least one or more of the following conditions must exist ~~with respect to any affected parcel at the time of the notice of determination of status:~~
 - (1) It comprises less than 5,000 square feet in area at the time of the determination of merger;
 - (2) It was not created in conformance with applicable laws and ordinances in effect at the time of its creation;
 - (3) It does not meet current standards for sewage disposal and domestic water supply;
 - (4) It does not meet slope stability standards;
 - (5) It has no legal access which is adequate for vehicular and safety equipment access and maneuverability;
 - (6) Its development would create health or safety hazards; ~~and or~~
 - (7) It is inconsistent with the general-~~General plan~~Plan, and any applicable specific-~~Specific/Area plan~~Plan, for reasons other than minimum parcel size or density standards.

Sec. 152.131-041 - Notification of intention to determine status.

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

Sec. 152.~~132-042~~ - Hearings to determine status of mergers.

- (A) At its public hearing, The the Planning Commission shall receive evidence from the Planning Director as to the affected property meeting the standards for merger, and shall allow the property owners shall be given the opportunity to rebut such evidence and to present any evidence that demonstrating why the affected property should ~~or should~~ not be merged because it does not meet the standards for the merger as outlined in this Article of the Chapter (Article IV). At the end of the hearing, the Planning Commission shall make a determination whether the affected parcels do or do not meet the standards for merger ~~and should be merged~~. The Planning Director, within 30 days after the decision, shall send written notice thereof to the affected ~~property~~ owners.
- (B) If the Planning Commission determines that the parcels are to be merged, the Planning Director, within 30 days after the decision, shall ~~have recorded~~, with the County Recorder, a Notice of Merger describing the real property, the owners, and the Planning Commission action.
- (C) If the Planning Commission determines that the parcels shall not be merged, the Planning Director, within 30 days after the decision, shall ~~have recorded~~, with the County Recorder, a Release of Notice of Intention to Merge.

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(D) The merger of the affected parcels shall become effective on the date of the recordation of the Notice of Merger.

Sec. 152.~~133-043~~ - Determination of status of mergers when no hearing is requested.

If, within the 30-day period specified in Section 152.~~132-042~~ of this subchapter, the owners of the affected parcels do not request a hearing pursuant to said Section 152.~~132-042~~, the Planning Director shall place the matter on the Planning Commission agenda, and the Planning Commission shall determine whether the parcels affected shall be merged or not. The Planning Director shall provide notice of the Planning Commission action to the property-owners affected and record either a Notice of Merger, or a Release of Notice of Intention to Merge, whichever is appropriate, in accordance with the procedures set forth in said Section 152.~~132-042~~ of this subchapter. The Notice of Merger or Release of Notice of Intention to Merge shall be recorded with the County Recorder within 90 days after the mailing and recording of the initial notice of intention to merge.

Sec. 152.~~134-1044~~ - Exempt parcels.

Parcels otherwise eligible for merger pursuant to the provisions of this subchapter shall be exempt if one of the following conditions exists:

- (A) On or before July 1, 1981, one or more of the contiguous parcels is enforceably restricted open space land pursuant to a contract, agreement, scenic restriction, or open space easement, as defined and set forth in Cal. Rev. & Tax. Code § 421; or
- (B) On or before July 1, 1981, one or more of the contiguous parcels is timberland as defined in Cal. Gov't Code § 51104(f) or is land devoted to an agricultural use as defined in Cal. Gov't Code § 51201(b).

Secs. 152.~~135045~~—152.~~144-049~~ - Reserved.

ARTICLE V. LOT LINE ADJUSTMENT

Sec. 152.~~021-050~~ - Lot line adjustments.

- (A) The procedures set forth in this section applicable to lot line adjustments shall apply to lot line adjustments between four or fewer existing adjoining parcels, where the land taken from one parcel is added to an adjoining parcel, and where a greater number of parcels than originally existed is not created.
- (B) ***Applications, maps, and required information.*** The owners or transferees, or their authorized representative, shall file an application with the Planning Director on a form prescribed by the Planning Commission for such purpose Town. The application shall be accompanied by:

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- (1) ~~Seven~~ Copies of a scale map prepared by a licensed land surveyor or civil engineer authorized to practice land surveying by a registered civil engineer or licensed surveyor containing the following information (The number of copies shall be determined by the Planning Director.):
 - (a) The names and addresses of the record owners of the land;
 - (b) The north point, scale, and date of preparation;
 - (c) The boundaries of the land, the existing and proposed lot lines, and the approximate dimensions of proposed lots and areas to the nearest one-tenth of an acre;
 - (d) The existing contours expressed in intervals in the range of one foot to ten feet to produce one contour line at least every 50 feet. The contour interval shall be uniform for the entire map. The source of the topographical information shall be stated;
 - (e) The names and locations of abutting roads and nearest cross streets;
 - (f) The locations of existing buildings, driveways, septic tank drainfields, watercourses, easements, and relevant setbacks; and
 - (g) A key map clearly defining the location of the property with respect to surrounding roads;
 - (2) A report from a title company, dated within the last six months, giving the names of ~~record~~ owners and all easements, restrictions, and reservations of record affecting the land; ~~and~~
 - (3) Recorded documents for all easements, restrictions, and reservations of record affecting the land that are listed in the title report;
 - ~~(4)~~ The prescribed fee, completed application form signed by all owners, and deposit;
 - ~~(5)~~ Closure calculations; and,
 - ~~(6)~~ Any additional information that may be necessary to review the lot line adjustment, such as compliance with zoning requirements, as determined by the Planning Director or Town Engineer.
- (C) **Planning Commission review.** The Planning Commission shall examine ~~the~~ applications for lot line adjustments that include three (3) to four (4) lots, and/or applications for any lot line adjustment that is not exempt from CEQA, and approve the lot line adjustment only if it makes a finding that the lot line adjustment will conform to the General Plan, any applicable Specific Plan, the Zoning Code and the Building Codes. The Planning Commission may condition its approval in order for the lot line adjustment to conform to the General Plan, any applicable Specific/Area Plan, the Zoning Code and the Building Codes, or to facilitate the relocation of existing utilities, infrastructure or easements. No tentative map, ~~parcel map~~ or final map shall be required as a condition of approval.

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- (D) **Planning Director review.** The Planning Director shall examine applications for lot line adjustments that include two (2) lots that are exempt from CEQA, and approve the lot line adjustment only if it makes a finding that the lot line adjustment will conform to the General Plan, any applicable Specific/Area Plan, the Zoning Code and the Building Codes. Town staff may condition its approval in order for the lot line adjustment to conform to the General Plan, any applicable Specific/Area Plan, the Zoning Code and the Building Codes, or to facilitate the relocation of existing utilities, infrastructure or easements. No tentative map, parcel map or final map shall be required as a condition of approval.
- (E) **Notification.** Notice of the approval or disapproval shall be given to the applicants or their owner and authorized representatives in writing. A record of the Planning Commission action shall be certified stamped on the map, and copies shall be furnished to the applicants owner and authorized representatives, the Town Engineer, Town Planner, and Fire Chief, and one copy of the map and the reports thereon shall remain in the permanent files of the Town.
- (F) **Deeds or parcel maps Legal description and plat maps.** Within one two years after the approval of the preliminary map by the Planning Commission or Planning Director, the applicant shall cause a deed or parcel map legal description and plat maps to be prepared by a licensed land surveyor or civil engineer authorized to practice land surveying, as set forth in the Subdivision Map Act, and filed with the Town Engineer for review and approval. The approved deed or parcel map legal descriptions and plat maps shall be recorded by the Town Clerk with the County Recorder with a cover sheet that is signed by the owner(s), Town Engineer, and Planning Director.
- (G) **Extensions of time.** An extension of time, not to exceed one year, for recording the deed or parcel map legal description and plat map may be granted by the Planning Director. Applications shall be submitted in writing to the Planning Director at least 30 days prior to the expiration.
- (GH) **Denial of building permits.** No building permit will be issued for any lot created pursuant to the procedure set forth in this section until the required deed or parcel map legal description and plat map has have been recorded.

Secs. 152.051—152.059 - Reserved.

ARTICLE VI. CONCEPT MAP

Sec. 152.022 ~~(A)~~060 Applications, concept maps, and required information.

- (1) Prior to filing an application for a land division or subdivision, the owner, subdivider, or his/her representative shall consult with the Planning Director and obtain a check list of the requirements necessary for an adequate review

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of the proposed land division or subdivision. Following the consultation, the subdivider shall file a formal application with the Planning Director on a Town approved form prescribed for such purpose. The application shall be accompanied by:

- (a) ~~Twelve~~ Copies of a *concept map* prepared by a land planner, registered architect, landscape architect, civil engineer, or licensed land surveyor showing the information set forth in Section 152.~~050-061~~ of this chapter along with the number of copies determined necessary by the Planning Director.;
 - (b) A title report from a title company, dated within the last six months, giving the name of the ~~record~~ owners and all easements and reservations of record affecting the land;
 - (c) Recorded documents for all easements, restrictions, and reservations of record affecting the land that are listed in the title report;
 - (d) An outline of the geotechnical report required pursuant to Section 152.~~077-123~~ of this chapter; and
 - (d) The required fee, completed application form, and deposit.
 - (e) Any additional information that may be necessary to review the application, such as compliance with zoning requirements, as determined by the Planning Director or Town Engineer.
- (2) The environmental documents required by CEQA shall not be prepared until the tentative map is submitted and the application is determined to be complete pursuant to Section 152.~~054-071~~ of this chapter.
 - (3) The owner or subdivider shall be notified in writing of the completeness of the application within 30 days after the receipt of the application and *concept map*. Such notification of completeness shall not constitute the notification of completeness pursuant to Cal. Gov't Code § 65943.

Sec. 152.~~050-061~~ - Concept maps.

A *concept map* shall be a conceptual sketch plan. In addition to the following requirements of divisions (A) through (N) of this section, a *concept map* shall contain any other items deemed necessary by the Planning Director to describe the essential features of the property and the proposed uses and development:

- (A) Major natural features, for example, streams, trees, earthquake faults, solar considerations, known landslides, and the like;
- (B) The topographic contours and sources of contour information;
- (C) A rough lot layout, including the approximate lot size;
- (D) The vehicular access, including approximate proposed road and driveway grades;

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- (E) The existing and proposed equestrian and hiking trails and pedestrian and bicycle paths;
- (F) The location of all existing and proposed utilities and easements;
- (G) The location of existing structures and buildings, including structures of historical significance;
- (H) The location of existing and proposed building sites and driveways;
- (I) The existing and proposed conservation easements and public areas;
- (J) The name and address of the map preparer, owners, and subdivider;
- (K) The scale, north point, and date of preparation;
- (L) A key map clearly defining the location of the property with respect to surrounding roads;
- (M) An outline of the proposed geotechnical report; and
- (N) A report on the adequacy of the utilities to the proposed land division or subdivision;
- (O) ~~A~~ Natural ~~natural~~ land features study pursuant to Section 152.024-074 of this chapter for land divisions and subdivisions ~~located within~~ visible from Town and state scenic corridors; and
- (P) Location of proposed septic drain fields, and septic drainfield expansion areas.

Sec. 152.022 ~~(B)~~062 Conferences on concept maps.

(1) The Planning Director shall determine which Town Committees will be required to review the concept map and then transmit copies of the concept map and accompanying data to those Town Committees. These may include, but not be limited to, Trails Committee, The Environment: Open Space, Conservation, and Sustainability Committee (EOSCSC), and History Committee, unless the Committees have previously designated subcommittees consisting of three members who have been tasked to review and provide written recommendations on concept maps of:

(a) A subdivision;

(b) A land division with proposed dedication of easements related to the Charter of a Committee; or

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- (c) A land division with existing easements related to the Charter of a Committee.
- (2) The Planning Director shall transmit copies of the land division and subdivision concept map and accompanying data to the Architectural and Site Review Board (ASRB) for review at a public hearing to provide written recommendations .
- (3) The ASRB and Committees, or their designated subcommittees', review process shall be completed within 30 days and a written report prepared and submitted to the Planning Director to be distributed to the Subdivision Review Committee. The ASRB time frame may be extended to the next available hearing if the Board cannot hold a hearing within 30 days.
- (24) Within 60 days from the application being deemed complete for processing, the Subdivision Review Committee shall schedule a meeting to review the reports from the ASRB and Committees, or their designated subcommittees, to make such general recommendations to the subdivider, as seem appropriate and shall recommend consultations with such other public and private agencies which may be interested in the proposed land division or subdivision.
- (35) Within 10 days following the conference on the concept map, the Subdivision Review Committee's A written reports of the evaluation of the Subdivision Review Committee and recommendations shall be transmitted to the owner or subdivider within 21 days following the conference on the concept map. Based upon the written reports of the such evaluation Subdivision Review Committee, report and the recommendations of the required Town committees Committees, or their designated subcommittees, and the Architectural and Site Review Board ASRB, the subdivider shall prepare a tentative map pursuant to Section 152.054-071 of this chapter.

Secs. 152.063—152.069 - Reserved.

ARTICLE VII. TENTATIVE MAP

Sec. 152.023-070 - Tentative maps; preparation and filing data.

- (A) Subsequent to the receipt of the written reports on the concept map from the Subdivision Review Committee, ASRB, Committees, or their designated subcommittees, on the concept map, a person desiring to proceed with the subdivision of property subdivider or owner shall cause a tentative map to be prepared in accordance with the provisions of Section 152.054-071 of this chapter. Fourteen eCopies of the tentative map deemed necessary by the Planning Director,

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accompanied by the required statements, materials, fee, and deposit, shall be submitted to the Planning Director.

- (B) The Planning Director shall refer the tentative map and accompanying data, pursuant to Section 152.~~054~~-130 of this chapter, to the Subdivision Review Committee to review with regard to completeness and adequacy of information as required by this chapter.

Sec. 152.~~051~~-070 - Tentative maps.

~~A tentative map~~Tentative maps submitted for the purpose of dividing land into separate lots or parcels, in accordance with this section, shall be prepared by a licensed land surveyor or civil engineer authorized to practice land surveying~~prepared by a registered civil engineer or licensed land surveyor~~ and shall contain or be accompanied by the information set forth in divisions (A) through (U) of this section. The tentative map shall be in full compliance with the requirements of this chapter and shall clearly show all details of the proposed land division or subdivision. The tentative map shall show the entire proposed development on one sheet, and to a scale of one inch equals 50 feet, unless the Town Engineer or Planning Director has indicated that a larger or smaller scale will facilitate review by the Town.

- (A) The subdivision or land division name and number;
- (B) The date of preparation and space for future revision dates and the north point, scale, and key map;
- (C) The name, address, and telephone number of the individual who prepared the map and the registration or license number of the engineer or surveyor (signed and sealed);
- (D) The names, addresses, and telephone numbers of the record ownerss and subdivider;
- (E) The land division or subdivision boundaries and acreage to the nearest one-~~tenth~~ hundredth of an acre. Town boundaries shall be indicated if they abut the proposed land division or subdivision;
- (F) The locations, names, and right-of-way and pavement widths of adjacent roads and easements and the location and size of the existing drainage facilities;
- (G) All major natural features, such as streams, rock outcrops, vegetation, earthquake faults, and the like;
- (H) The names and numbers of adjacent land divisions or subdivisions, showing the lot and *block* or assessor's parcel numbers of the adjoining lots and the names of the owners and parcel numbers of all adjacent lands;

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- (I) The location and an outline to scale of each existing building, structure, septic tank, and drainfield, noting whether or not it is to remain. The distances between all buildings and proposed property lines shall be shown;
- (J) The location of the official plan lines and proposed roads or highways in accordance with the ~~general~~ General plan Plan and adopted policy of the Town;
- (K) The location, proposed name, right-of-way and pavement widths, center line radii, and approximate grade of each proposed road within the land division or subdivision, together with profiles and the location, size, and grade of all proposed drainage facilities;
- (L) The existing and proposed public utility easements and their location and width;
- (M) The existing and proposed equestrian and hiking trails and pedestrian and bicycle paths within the land division or subdivision and their location and width and the areas proposed for public use, conservation, open space, and scenic easements;
- (N) The location and size of existing and proposed sanitary sewers, fire hydrants, gas and water lines, and power, telephone, and other public utilities. The subdivider or owner shall investigate with each required utility entity the scope of work required to serve the land division or subdivision, and the results of the investigation shall be submitted in writing with the tentative map. If sewage disposal is to be by septic tank and drainfield, the approximate locations of the drainfields, with 100 percent of the expansion area, shall be shown, as well as the locations of the percolation test holes and a copy of the test results;
- (O) The location of areas subject to inundation or stormwater overflow and of all areas covered by water and the location, width, and direction of flow of all watercourses;
- (P) The existing contours in the range of ten-foot intervals to a one-foot interval to produce one contour at least every 50 feet. The source of the topographical information shall be stated. The contour interval shall be uniform for the entire map. If grading is proposed, the finished grades shall be clearly shown and supplementary cross sections showing the completed elevations of excavations and fills shall be provided. The quantity in cubic yards of cut and fill shall be stated. All grading shall be in conformance with the Town's zoning and site development provisions;
- (Q) The outlines of groves and orchards and approximate location of all individual trees having a trunk circumference of 20 inches or greater (measured four feet about the ground level). Individual trees shall be shown within all areas where roads, driveways, utility easements, pathways, or buildings will occur. An approximate tree loss count shall be provided;

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- (R) The lot lines, approximate dimensions of all lots, and the areas of each lot given to the nearest one-tenth of an acre;
- (S) All lots shall be numbered consecutively throughout the entire land division or subdivision;
- (T) A blank space of at least 90 square inches in area suitable in shape for certificates, conditions, approvals, and other similar matters; and
- (U) For each proposed lot, the subdivider or owner shall show either on the tentative map or on a development plan the outline, to scale, of a conforming building site and drainfield and the location and grade of the driveway. The development plan, as approved by the Planning Commission, shall become a part of the approved tentative map. The purpose of this procedure is to provide assurance that at least one conforming and adequate building site and driveway are available within each lot within the land division or subdivision.

Sec. 152.052-072 - Supplementary maps.

In the event lots are created which are a minimum of twice the required net lot area for the zoning district, a supplementary map shall be submitted showing possible or proposed future lot lines, roads, utilities, and the like satisfactorily to demonstrate that a future Land Division or resubdivision may occur in compliance with the requirements of this chapter, the general-~~General plan Plan~~, any applicable Specific/Area Plan, and the zoning provisions without interfering with the orderly extensions of roads, utilities, trails, and the like.

Sec. 152.053-073 - Statements and materials to accompany tentative maps.

The following statements and materials shall accompany tentative maps:

- (A) A map showing the location of the proposed land division or subdivision and surrounding subdivisions and roads located within a ¼-mile radius of the boundaries of the proposed land division or subdivision;
- (B) Profiles drawn to scale to show clearly all details, showing center lines and the existing ground and finished grade elevations of all roads, paths, trails, sanitary sewers, and storm drains in the Land Division or subdivision. Profiles other than center line shall be shown if requested by the Town Engineer. All elevations shall be indicated to the nearest one foot and shall be referred to the mean sea level datum as established by the United States Coast and Geodetic Survey or to elevations or bench marks as established by the Town Engineer;
- (C) Typical cross sections of all roads and, when required, details of berms, gutters, paths, trails, and other improvements drawn to scale to show clearly all details;

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- (D) The existing and proposed uses of the land, with a statement of the respective proportions of the total area of the land division or subdivision represented by each proposed use;
- (E) The source and adequacy of the water supply verified in writing by the supplier;
- (F) The method of sewage disposal and soil percolation test results for lots to be served by septic tank systems. The tests shall have been conducted in accordance with the instructions and to the specifications of the Health Officer;
- (G) A statement of the proposed tree and other planting, including erosion control planting;
- (H) A statement of the improvements proposed to be made or installed by the owner or subdivider;
- (I) A statement of the improvements to be made by private utility companies or public agencies, with letters from such compares or agencies confirming their agreements to make such improvements and their evaluations of the adequacy of the rights-of-way or easements proposed;
- (J) ~~The All~~ proposed deed restrictions or covenants;
- (K) The geotechnical report as prescribed by Section 152.~~077-123~~ of this chapter;
- ~~(L) Such other information as may be required by the Planning Commission; and~~
- ~~(L) A Natural-natural land features study pursuant to Section 152.~~024-074~~ of this chapter for land divisions and subdivisions located within Town and state scenic corridors;~~
- ~~(M) Technical Studies, including but not limited to a Biological Evaluation, Traffic Study, Noise Study, Historical Evaluation, etc., as determined by the Town Engineer or Planning Director;~~
- ~~(M)(N) Such other information as may be required by the Planning Commission.~~

Sec. 152.~~024-074~~ - Initial studies and environmental assessment Natural Land Features Study and California Environmental Quality Act.

- ~~(A) For subdivisions and land divisions, an initial study as required by CEQA shall be prepared by the Town. The initial study shall be completed within 30 days after the Town determines that the tentative map is adequate for review.~~

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- ~~(B) If required by the Planning Director, an environmental assessment containing an inventory of the parcel's physical resources, public facilities, and applicable public policies and laws shall be prepared by the Town.~~
- ~~(C) If an EIR or a negative declaration is required pursuant to CEQA, the Town shall deem an application for a project not complete and received for filing under the state permit statute until such time as the environmental documentation required by CEQA has been completed.~~
- ~~(D) If the land division or subdivision requires a variance to the zoning provisions, the applicant shall complete an application for such variance, pay the required fees and deposits, and submit the required information pursuant to the Zoning Code. The application for the variance shall accompany the land division or subdivision application. If exceptions to this chapter are requested, such requests should be clearly described and justified on the appropriate application form for a land division or subdivision pursuant to Section 152.009 of this chapter.~~
- (EA) Applications for all land divisions and subdivisions visible from a Town or State designated Scenic Corridor shall include a natural land features study consisting of:
- (1) Slope features, including a certification of topographic data;
 - (2) Biological inventory shown as identified in a Biological Report;
 - (3) Geotechnical features shown as identified in a Geotechnical Report;
 - (4) Noise exposure shown as identified in a Noise Study;
 - (5) Off-site visual impacts using building renderings as viewed from the scenic corridor;
 - (6) Drainage for existing and proposed drainage patterns;
 - (7) Grading; and
 - (8) ~~Off-site cumulative impacts assessment~~; Septic system feasibility analysis; and
 - (9) Off-site cumulative impacts assessment evaluating potential building locations using the constraints identified in the studies above. ~~Septic system feasibility analysis.~~
- (FB) The natural land features study shall be presented in a form that allows the Town to identify the most and least environmentally sensitive areas.
- ~~(C) All land divisions, and subdivisions shall be subject to CEQA. If an exemption from CEQA is not provided in the Statutory or Categorical Exceptions in the CEQA Guidelines, the Town shall prepare an Initial Study to determine if the land division or subdivision warrants a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report to be prepared by the Town or the Town's consultant at the expense of the applicant. All State required timelines and procedures shall be followed in the preparation and processing of all CEQA documents. Pursuant to Section 15074, as stated or hereafter amended, of the CEQA Guidelines, any~~

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recommending body, such as the Town subcommittees and ASRB, shall also consider the CEQA document before making their recommendations.

Sec. 152.025-075 - Conferences on Review of tentative maps.

- (1) The Planning Director shall determine which Town Committees will be required to review the tentative map and then transmit copies of the tentative map and accompanying data to those Town Committees. These may include, but not be limited to, Trails Committee, The Environment: Open Space, Conservation, and Sustainability Committee (EOSCSC), and History Committee, unless the Committees have previously designated subcommittees consisting of three members who have been tasked to review and provide written recommendations on tentative maps of:
 - (a) A subdivision;
 - (b) A land division with proposed dedication of easements related to the Charter of a Committee; or
 - (c) A land division with existing easements related to the Charter of a Committee.
 - (d) This review and recommendation shall be limited to the items raised by the Committees, or their designated subcommittees, in their review of the concept map or any new information that was not available during the concept map review.
- (2) The Planning Director shall also transmit copies of the Tentative Map and accompanying data to the Architectural and Site Review Board for review at a public hearing to provide written recommendations to the Subdivision Review Committee.
- (3) Within 20 days after the application is determined by the Town and the land division or subdivision is exempt from CEQA, or after the preparation and release of any required CEQA document if the land division or subdivision is not exempt from CEQA, the ASRB and Subcommittee's review process shall be completed and a written report shall be prepared and submitted to the Planning Director for distribution to the Subdivision Review Committee. The subcommittees shall have 20 days to prepare a written report and submit to the Planning Director to be distributed to the Subdivision Review Committee. The ASRB time frame may be extended to the next available hearing if the Board cannot hold a hearing within 20 days.

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- (4) Within 15 days after receiving the written reports from the ASRB and required subcommittees, the Subdivision Review Committee shall schedule a meeting to review and make a written report and recommendations to the Planning Commission.
- (5) The Subdivision Review Committee's written report and recommendations shall be transmitted to the Planning Commission for its consideration as it reviews the tentative map.

Sec. 152.026-076 - Hearings; notices.

If the tentative map is in compliance with the provisions of this chapter, CEQA, and the *Subdivision Map Act*, the Planning Director shall find the tentative map complete and schedule it to be complete, accept it for filing for review by the Planning Commission, and ~~set the matter for a public hearing at a regular meeting of t~~The Planning Commission meeting date for the review of the application shall comply with all State CEQA and Permit Streamlining Act timelines. within 50 days after certification. At least ten days prior to the Planning Commission's public hearing meeting at which the public hearing is to be held, the Planning Director shall cause notices of the time and place of such hearing to be given in accordance with the provisions of Section 66451.3 of the *Subdivision Map Act*. Such notice shall be given ~~either~~ by publication once in a newspaper of general circulation printed and published in the County and circulated in the Town or by posting the notice in at least three public places in the Town. The notice shall include a general description and location of the proposed land division or subdivision. The notice shall be sent to all property owners within ~~the following distances from~~300 feet of the perimeter property lines for all parcels included on the Tentative Map. :

~~(A) Three hundred feet when the application is for a lot line adjustment;~~

~~(B) Four hundred feet when the land division or subdivision is located in a zoning district requiring a minimum parcel area of one acre or less; or~~

~~(C) Six hundred feet when the land division or subdivision is located in a zoning district requiring a minimum parcel area of three acre or more.~~

Sec. 152.027-077 - Planning Commission action.

~~(A) If a Negative Declaration (ND), Mitigated Negative Declaration (MND), or an Environmental Impact Report (EIR) has been prepared, the Planning Commission shall first hold a public hearing on the ND, MND, or EIR to determine if it is adequate and complete. After the ND or MND has been approved or final EIR has been certified as adequate and complete, the Planning Commission shall hold a public hearing on the tentative map, to review the report and recommendations of the Subdivision Review Committee, hear the comments and opinions of the owner or subdivider and his/her engineer and other interested persons. The Planning Commission's review and action shall be completed, and act on the tentative map within 50 days after the EIR has been certified as complete tentative map is referred~~

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to the Planning Commission for review, unless such time limit is extended by agreement with the owner or subdivider. At the discretion of the Planning Director, public hearings on the EIR and the project may be scheduled for the same meeting.

~~(A)~~(B) The Planning Commission shall determine whether the tentative map is in compliance with the policies and requirements of the ~~general~~General plan~~Plan~~, any applicable Specific/Area Plan, zoning provisions, site development provisions, *Subdivision Map Act*, and this chapter in accordance with the findings set forth in this section and, upon such basis, shall approve, disapprove, or conditionally approve the tentative map.

~~(B)~~(C) _____ In the case of conditional approval, the Planning Commission shall require such changes as are necessary to secure compliance with the applicable Town laws, unless specific exceptions to their provisions are recommended to the Council for approval pursuant to Section 152.009 of this chapter.

(D) Specifically, the Planning Commission shall consider the following before approving, conditionally approving, or disapproving the proposed tentative map for any land division or subdivision:

- (1) The environmental review documents;
- (2) The report, findings, and recommendations of the Subdivision Review Committee;
- (3) The report and recommendations of relevant the ASRB and Town advisory Committees, or their designated subcommittees and ASRB;
- (4) Consistency with the ~~general~~General plan~~Plan~~, any applicable Specific/Area Plan, and the zoning and site development provisions;
- (5) Applications or requirements for variances, ~~—or—~~exceptions or other entitlements, if any;
- (6) Staff reports including all attachments;
- (7) Public testimony; and
- (8) The testimony of the owner or subdivider and/or his/her authorized representatives.

Sec. 152.028-078 - ~~Certain f~~Findings to ~~prevent approval of~~approve a tentative map.

The Planning Commission shall ~~not~~ approve a tentative map if the Planning Commission makes ~~any~~all of the following specific findings:

(A) The ~~proposed map~~tentative map is ~~not~~ consistent with the ~~general~~General plan~~Plan~~ and any applicable ~~specific~~Specific/Area plans~~Plan~~;

(B) The design or improvement of the proposed land division or subdivision is ~~not~~ consistent with the ~~general~~General plan~~Plan~~ and applicable ~~specific~~Specific/Area plans~~Plan~~;

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- (C) The site is ~~not~~ physically suitable for the type of development proposed;
- (D) The site is ~~not~~ physically suitable for the proposed density of development;
- (E) The design of the land division or subdivision or the proposed improvements ~~are likely to will not~~ cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat;
- (F) The design of the land division or subdivision or the type of improvements ~~is likely to will not~~ cause serious public health or safety problems;
- (G) The design of the land division or subdivision or the type of improvements:
1. ~~will~~ Will not conflict with easements, acquired by the public at large, for access through or the use of property within the proposed land division or subdivision;
 2. ~~In this connection, the Planning Commission may approve a tentative map~~ Tentative Map if the Planning Commission finds that ~~if conflicts with existing easements will occur, substantially equivalent~~ alternate easements, for access or for use, will be provided;
 - 1.3. ~~and that they will be substantially equivalent to easements previously acquired by the public.~~ This division subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction, and no authority is hereby granted to a legislative body ~~the Planning Commission or Town Council~~ to determine that the public at large has acquired easements for access through or the use of property within the proposed land division or subdivision; or
- (H) The discharge of waste from the proposed land division or subdivision into an existing sewer system would ~~not~~ result in a violation of existing requirements prescribed by the State Regional Water Quality Control Board pursuant to Division 7 (commencing with Section 13000) of the Cal. Water Code. ~~In the event the Planning Commission finds that the proposed waste discharge would result in or add to violations of the requirements of said Board, the Planning Commission shall not make this finding may disapprove the tentative map for the land divis.~~

Sec. 152.029-079 – Referral to Council.

1. Tentative maps for a land division shall not be referred to the Council unless an exception request has been made or dedications of rights-of-way, easements, or road maintenance agreements are required.
- 1.2. ~~In the case of the~~ if the tentative map for a subdivision is recommended for approval or conditional approval of a tentative map ~~Tentative Map for a subdivision~~ Subdivision by the Planning Commission, the ~~approved~~ map and the

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record of the Planning Commission action shall be transmitted to the Town Clerk ~~to be and the matter~~ set for the next available public hearing of the Council ~~in accordance with the provisions of Section 152.009 of this chapter~~. Referral to the Council shall not be necessary for a tentative map for a land division. ~~except in the case of an exception request or dedications of rights-of-way, easements, or road maintenance agreements.~~

Sec. 152.030-080 - Notification Reserved.

~~Notice of the approval, disapproval, or conditional approval of any tentative map by the Planning Commission shall be transmitted to the subdivider in writing within ten days following action. A record of the action of the Planning Commission, and that of the Council, if action is required, shall be certified on the tentative map, and copies shall be furnished to the subdivider, Town Engineer, Fire Chief, and appropriate Town committees. One certified copy of the tentative map Tentative Map and the associated reports shall remain in the permanent files of the Town.~~

Sec. 152.151 - Reviews by the Council.

- ~~(A) (1) If the Council determines that the Planning Commission action with respect to a tentative map should be reviewed, the Town Clerk shall give notice to the subdivider and the Planning Commission of the date when the action by the Planning Commission will be reviewed.~~
- ~~(2) Within 30 days after the date of the Planning Commission's action, or at its next regular meeting, the Council shall consider the reports transmitted by the Planning Commission and the testimony by the subdivider, Planning Commission, and other interested persons.~~
- ~~(3) The Council shall record its findings and action on the tentative map and shall report its action to the subdivider, the Planning Commission, the Planning Director, and the Town Engineer, if the action of the Planning Commission is modified or overruled, the action of the Council shall be reported to the public and private agencies and Town committees to which copies of the tentative map were transmitted.~~
- ~~(A) In the event the Planning Commission fails to act on any tentative map within the time limits specified by this chapter and the *Subdivision Map Act*, the Council shall consider such tentative map following the procedures provided for the review of the Planning Commission action.~~

Sec. 152.031-081 - Revision to approved tentative maps.

- (A) Any revision to an approved tentative map shall comply with the requirements in effect at the time such revision is considered by the Planning Commission. The revised tentative map shall show all of the information and requirements set forth in this chapter insofar as any change which may have been made. The approval or

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conditional approval of the Planning Commission of any revised tentative map shall supersede previous decisions only to the extent of the changes under consideration.

- (B) If ~~the an owner or~~ subdivider initiates a ~~substantially revised~~substantial revision to an approved tentative map as determined by the Planning Director, the owner or subdivider shall pay ~~the fees and deposits established by the Town for map revisions~~a non-refundable processing fee in an amount as set forth in the Schedule of Fees and Charges of the Town, adopted by Resolution of the Town Council.

Sec. 152.~~032-082~~ - Changes in essential information.

When any change is made by the owner or subdivider in statements appearing on or submitted with a tentative map, such change shall be submitted to the Planning Commission in writing and approved by it prior to the recordation of the ~~parcel map or~~ final map.

Sec. 152.~~033-083~~ - Withdrawal of maps.

Any owner or subdivider ~~or record owner of property upon which a concept or tentative map has been filed~~ may withdraw ~~such map~~a concept map or tentative map at any time prior to action by the Planning Commission. Notice of the intent to withdraw shall be ~~made given~~ to the Planning Director in writing. Upon the receipt of the notice, the Planning Director shall notify each official, public or private agency, or utility company from whom or which a report was requested.

Secs. 152.084—152.089 - Reserved.

ARTICLE VIII. VESTING TENTATIVE MAP

Sec. 152.~~410-090~~ - Statutory authority.

This subchapter is enacted pursuant to the authority granted by Cal. Gov't Code Chapter 4.5 (commencing with Section 66498.1) of Division 2 of Title 7 (referred to in this article as the Vesting Tentative Map Statute) and may be cited as the Vesting Tentative Map Law.

Sec. 152.~~411-091~~ - Purpose and intent.

- (A) It is the purpose of this subchapter to establish procedures necessary for the implementation of the Vesting Tentative Map Statute and to supplement the provisions of the *Subdivision Map Act* and this chapter. Except as otherwise set forth in this subchapter, the provisions of this chapter shall apply to the Vesting Tentative Map Law.

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(B) To accomplish this purpose, the regulations set forth in this subchapter are determined to be necessary for the preservation of the public health, safety, and general welfare and for the promotion of orderly growth ~~and~~ development.

Sec. 152.~~112~~092 - Consistency.

No land shall be ~~subdivided and~~ developed pursuant to a vesting tentative map for any purpose which is inconsistent with the General Plan and any applicable ~~specific~~ Specific/Area plan-Plan or not permitted by the zoning provisions or other applicable provisions of this Code.

Sec. 152.~~114~~093 - Application.

(A) Whenever a provision of the *Subdivision Map Act*, as implemented and supplemented by this chapter, requires the ~~filing approval~~ of a tentative map ~~or tentative parcel map~~ for a development, a *vesting tentative map* may instead be ~~filed~~ requested by the owner or subdivider in accordance with the provisions of this subchapter.

~~(B) If a subdivider does not seek the rights conferred by the Vesting Tentative Map Statute, the filing of a vesting tentative map shall not be a prerequisite to any approval for any proposed subdivision site, development permit, building permit, or work preparatory to construction.~~

~~Sec. 152.115 - Application.~~

(C) A *vesting tentative map* shall be filed in the same form, and have the same contents, accompanying data and reports, and shall be processed in the same manner as set forth in this chapter for a tentative map, except as provided in this subchapter.

~~(BD)~~ At the time a *vesting tentative map* is filed it shall have printed conspicuously on its face the words "Vesting Tentative Map".

Sec. 152.~~116~~094 - Fees.

Upon filing a *vesting tentative map*, the ~~owner or~~ subdivider shall ~~pay deposit~~ the required fees as established by the Council pursuant to Section 152.~~152~~156(A) of this chapter.

Sec. 152.~~117~~095 - Expiration.

The approval or conditional approval of a *vesting tentative map* shall expire ~~at the end of the same time period, and shall be subject to the same extensions, established by this chapter for the expiration of the approval or conditional approval of a tentative map~~ Tentative Map in accordance with Section 152.034 101 of this chapter ~~not less than~~

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one year nor more than two years after the final map has been recorded unless the Planning Commission approves an additional 12-month extension per Section 152.101.

Sec. 152.118-096 - Vesting on approval of vesting tentative maps.

- (A) (1) The approval or conditional approval of a *vesting tentative map* shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies and standards described in Cal. Gov't Code § 66474.2.
- (2) However, if said Cal. Gov't Code § 66474.2 is repealed, the approval or conditional approval of a *vesting tentative map* shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies, and standards in effect at the time the *vesting tentative map* is approved or conditionally approved.
- (B) Notwithstanding the provisions of division (A) of this section, a permit, approval, extension, or entitlement governed by the terms of a vesting tentative map may be made conditional or denied if any of the following is determined:
- (1) A failure to do so would place the residents of the land division or subdivision or the immediate community, or both, in a condition dangerous to their health or safety, or both; or
- (2) The condition or denial is required in order to comply with state or federal laws.
- (C) The rights referred to in this section shall expire if a final map is not approved prior to the expiration of the *vesting tentative map* ~~as provided in Section 152.117 of this subchapter.~~
- (D) If the final map is timely approved, such rights shall last for the following periods of time:
- (1) An initial time period of 18 months after the recordation of the final map. Where several final maps are recorded on various phases of a project-land division or subdivision covered by a single *vesting tentative map*, such initial time period shall begin for each phase when the final map for such phase is recorded.
- (2) The initial time period set forth in (D)(1) subdivision (1) of this subsection shall be automatically extended by any time used for processing a complete application for a site development permit, design review by the Architectural and Site Review Board and Planning Director, or review by the Town Trails Committee and/or other Town committees-Committees, or their designated subcommittees, if such processing exceeds 30 days after the date the application is deemed complete.
- (3) An owner or subdivider may apply to the Council for a one-year extension at any time before the initial time period set forth in subdivision (1) of (D)(1) of this subsection expires.
- (4) If the owner or subdivider submits a complete application for a building permit during the periods of time specified in subdivision (D)(1), (2), and (3) of this subsection, the rights referred to in this section shall continue until the expiration of such permit or any extension of such permit.

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Sec. 152.~~419-097~~ - Inconsistencies.

(A) **Development inconsistent with zoning: conditional approval.**

- (1) Whenever a subdivider files a *vesting tentative map* for a subdivision whose intended development is inconsistent with the zoning provisions in existence at that time, such inconsistency shall be noted on the map. The Town may deny such a *vesting tentative map* or approve it conditioned on the subdivider obtaining the necessary change in the zoning provisions to eliminate the inconsistency. If the change in the zoning provisions is obtained, the approved or conditionally approved *vesting tentative map*, notwithstanding Section 152.~~418096~~(A) of this subchapter, shall confer the vested right to proceed with the development in substantial compliance with the change in the zoning provisions and the map as approved.
- (2) The rights conferred by this section shall be for the time periods set forth in Section 152.~~418096~~(C) of this subchapter.

(B) **Applications inconsistent with current policies.** Notwithstanding any provision of this subchapter, a ~~property owner or his/her designee~~Subdivider may seek approvals or permits for development which depart from the ordinances, policies, and standards described in Section 152.~~418096~~(A) and ~~division subsection~~ (A) of this section, and ~~local agencies~~Town may grant such approvals or issue such permits to the extent the departures are authorized under applicable laws.

Secs. 152.~~420098~~—152.~~429-099~~ - Reserved.

ARTICLE IX. FINAL MAP

Sec. 152.~~090-100~~ - Preparation.

- (A) Within 24 months after the approval or conditional approval of a tentative map ~~or vesting tentative map~~ for a land division or subdivision, or within such additional period of time as may be granted by the Planning Commission, not to exceed an additional 12 months, the ~~owner or~~ subdivider may cause a ~~parcel map or~~ final map to be prepared. Such map shall conform with the tentative map as approved and shall comply with the provisions of this chapter and the *Subdivision Map Act*.
- (B) The ~~parcel map or~~ final map may be compiled from record data when sufficient survey information exists on filed maps to locate and retrace the exterior boundary lines of the ~~parcel map or~~ final map and when the location of at least one of such boundary lines can be established from an existing monumented line. In all other cases, the ~~parcel map or~~ final map shall be based on a field survey.
- (C) ~~Parcel maps or final~~ Final maps shall be prepared by a ~~prepared by a licensed land surveyor or civil engineer authorized to practice land surveying~~registered civil engineer or licensed land surveyor.

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Sec. 152.~~034-101~~ - Preparation and filing of ~~parcel maps, and~~ final maps.

- (A) Within 24 months after the approval or conditional approval of a tentative map or vesting tentative map, the owner or subdivider may cause the land division or subdivision, or any part thereof, to be surveyed and a final map to be prepared and recorded in accordance with the requirements set forth in Sections 152.~~099-100~~ through 152.~~094 and 152.096~~(A)110 of this chapter. The ~~parcel map or~~ final map shall be recorded by the Town Clerk or the applicant's title company if deemed necessary by the Planning Director and Town Engineer.
- (B)(A) One or more extensions of time, not to exceed a total of 12 months, for recording the ~~parcel map or~~ final map may be granted by the Planning Commission. Applications for extensions shall be submitted in writing to the Planning Commission at least 30 days prior to the expiration of the tentative map. The owner or subdivider shall pay the prescribed fee for processing requests for time extensions as established by the Town's Schedule of Fees.
- (C)(B) In the event a land division or subdivision or building, water, or sewer moratorium is established by the Council, that portion of the 12-month period remaining at the time the moratorium was imposed shall be available to the owner or subdivider. However, if the remaining time is less than 120 days, the map shall be valid for 120 days following the termination of the moratorium.
- (D)(C) Failure to present a ~~parcel map or~~ final map to the Town Clerk for recording within the time limits allowed shall terminate all proceedings. Before a ~~parcel map or~~ final map may thereafter be recorded, a new tentative map or vesting tentative map shall be submitted and approved.

Sec. 152.~~091-102~~ - Title of ~~parcel maps and~~ final maps.

The title of ~~parcel maps and~~ final maps shall be in the lower right-hand corner, and the title shall be on all sheets. The title shall include the following items in addition to the specific requirements for the map: the land division or subdivision number assigned by the Town; the words "Parcel-Final Map" or, in the case of a subdivision, the name; then the wording, "lying within the Town of Woodside, being a resubdivisions of..."; the current owners' names; the current owners deed record references; any prior subdivision map, ~~parcel map~~, or record of survey referenced by the recording data; then the wording "Town of Woodside, San Mateo County, California"; a divider bar drawn on the map to separate the legal description from the remaining information; the map scale shown under the left side of the divider bar; the month and year shown under the right side of the divider bar; and the name, address, and telephone number of the person or company preparing the map.

Sec. 152.~~092-103~~ - Certificates to appear on maps.

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The following certificates and statements shall appear on ~~parcel maps and~~ final maps:

- (A) **Owners' certificates.** A certificate signed and acknowledged by all parties having any record title interest in the real property ~~subdivided~~, consenting to the preparation and recordation of the ~~parcel map or~~ final map, including any dedication of interest in real property. In the event any road shown on a ~~parcel map or~~ final map is not offered for dedication, the certificate shall contain a statement to this effect;
- (B) **Town Clerk's certificate.** A certificate executed by the Town Clerk stating that the Council has approved the ~~parcel map or~~ final map and has accepted, accepted subject to improvement, or rejected on behalf of the public any real property offered for dedication for public use in conformity with the final conditions of the offer of dedication. ~~No Town Clerk certificate shall be required for a parcel map which is not considered by the Council;~~
- (C) **Engineer's or surveyor's certificate.** A certificate executed in accordance with the requirements of the *Subdivision Map Act*;
- (D) **Town Engineer's certificate.** A certificate executed in accordance with the requirements of the *Subdivision Map Act*;
- (E) **Recorder's certificate.** A certificate executed in accordance with the requirements of the *Subdivision Map Act*; and
- (F) **Geotechnical statement.** A statement on the title page of the final map indicating the date of the geotechnical report and the names of all persons involved in preparing the report and the location where the report is on file for public inspection.

Sec. 152.~~093-104~~ - Filing.

- (A) The owner or subdivider shall pay the required fee and deposit to the Town and submit three prints of the final map for checking by the Town Engineer. The following documents and materials shall be submitted to the Town:
 - (1) **Traverse calculations.** One complete set of traverse calculations in a form approved by the Town Engineer giving the coordinates and showing the mathematical closure and area calculations;
 - (2) **Improvement data.** A statement that all improvements have been completed in accordance with the plans and specifications as approved by the Town Engineer or that the owner or subdivider intends to install such improvements and will enter into an agreement and post a bond or other improvement security with the Town as required by Section 151.~~080-126~~ of this chapter;
 - (3) **Plans and specifications.** If the plans, profiles, cross sections, and specifications for the required land division or subdivision improvements have not been previously submitted and approved by the Town Engineer, the owner or subdivider shall submit the number of sets required by Section 151.~~080-126~~ of this chapter;

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- (4) **Covenants and restrictions.** Three copies of the proposed covenants and restrictions, if any;
- (5) **Consents.** The written consents of all utility companies and other easements holders shall be obtained in accordance with subsection (c) of this Section 66436 of the *Subdivision Map Act*;
- (6) **Improvement agreement.** In the event the improvements required have not been installed to the satisfaction of the Town Engineer at the time the ~~parcel map or~~ final map is filed with the Council, the owner or subdivider shall execute and file with the Town Clerk an agreement between himself and the Town as required by Section 151.~~080-126~~ of this chapter;
- (7) **Title guarantee.** The owner or subdivider shall furnish a guarantee of title or a letter from a title company certifying that the signatures of all persons whose consent is necessary to pass a clear title to the land being ~~subdivided~~ developed and all acknowledgments thereto appear on the proper certificates and are correctly shown on the ~~parcel map or~~ final map, both as to consents to the making of such map and affidavits or dedications. Such guarantees shall be issued for the benefit of the Town and the protection of the Council and shall be continued complete up to the instant of the recordation of the ~~parcel map or~~ final map; and
- (8) **Deeds.** The owner or subdivider may be required by the Planning Commission, or by the circumstances of the required improvements, to obtain rights-of-way or easements for roads, storm drains, sanitary sewers, and other utilities outside the boundaries of the land being ~~divided or owned by the subdivider~~ developed. The owner or subdivider shall furnish such deeds to the Town Engineer, and the deeds shall be reviewed and approved by the Town Engineer. After the deeds are approved by the Town Engineer, the deeds shall be executed by all the necessary persons prior to review by the Council. The deeds shall be recorded by the Town Clerk, ~~after approval by the Council,~~ along with the ~~parcel map or~~ final map, after approval by the Council.

(A) Within ~~20-30~~ days after receiving such documents and materials and the ~~parcel map or subdivision~~ final map, the Town Engineer shall complete his/her review for sufficiency of information, correctness of survey data, and conformance with the approved tentative map or vesting tentative map.

Sec. 152.~~105094~~ - Information to be included on final maps.

The following information shall be included on ~~parcel maps and~~ final maps:

- (A) The north point;
- (B) (1) All lots intended for sale or reserved for private purposes and all parcels offered for dedication for any purpose, with all dimensions, boundaries, and courses clearly shown and defined in every case, and the lot area, gross and net, to the nearest one-thousand an acre. No ditto marks shall be used.

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- (2) Parcels offered for dedication but not accepted shall be designated by letter. Private roads not offered for dedication, or offered but not accepted, shall show the words "Not a Public Road."
 - (3) Where adjoining *blocks* appear on separate sheets, the roads adjoining both *blocks* shall be shown on both sheets complete with center line and property line data;
- (C) The locations of the roads and trails; the names of the roads; the total width of each road and trail; the width on each side of the center line, the width of the portion of the road and trail being dedicated; and the width of the existing dedication, if any, within the land division or subdivision;
- (D) The locations and widths of the rights-of-way within the land division and subdivision, including the name, type, location, and width of all utility rights-of-way;
- (E) (1) The side lines of all easements, public and private, to which the lots are subject. The easements shall be clearly labeled and identified as to nature and purpose and, if already of record, their recorded reference given. If any easement is not definitely located and of record, a statement of such easement shall appear on the title sheet.
- (2) Easements shall be denoted by fine dotted lines. Distances and bearings on the side lines of lots which are cut by easements shall be shown with the distance from a corner or angle point to the easement and the width of the easement along the lot line. The total length of the lot line and the exact location of the easement shall be clearly indicated.
- (3) The width of the easements and the lengths and bearings of the lines shall be shown;
- (E) Any limitation on right of access or nonaccess strips or reserve strips to and/or from roads and lots and other parcels of land;
- (F) The locations, widths, and names of the roads and the locations and widths of trails and other rights-of-way adjacent to the land division or subdivision;
- (G) All Town boundaries crossing or adjoining the land division or subdivision shall be clearly designated and located;
- (H) The approved location of septic drain fields including areas for future septic drainfield expansion; and
- (I) The location of building sites on lots which are identified as being in proximity to or within an environmentally sensitive area.

Sec. 152.095-106 - Reviews of final maps.

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- (A) The Planning Director, after review by the Town Engineer, shall submit a copy of the final map to the Town Council.
- (B) The Town Council shall determine whether the final map conforms with the approved tentative map or vesting tentative map.
- (C) The Town Council shall also consider dedications, exceptions, and improvement agreements.
- (D) If the final map conforms with the tentative map or vesting tentative map, the final map shall be approved by the Town Council. All offers of dedication, exceptions, and improvement agreements shall be considered for action at the time of the final map approval.

Sec. 152.096-107 - Recording of maps; copies.

(A) **Recording of maps.**

- (1) After approval by the Town Council, the Town Engineer and the Town Clerk shall sign the final map. The Town Clerk, or the applicant's title company if deemed necessary by the Planning Director and Town Engineer, shall present the parcel map or final map to the County Recorder for recording in accordance with the provisions of Article VI of the *Subdivision Map Act*, and the owner or subdivider shall be billed for or pay the recording fee.
- (2) In the case of a lot line change, the Town Engineer shall approve the parcel map/lot line adjustment, and such map shall be submitted for recording by the Town Clerk or her/her designee.

- (B) **Copies.** After recording, two complete sets of blue line prints on cloth vellum and one set of permanent electronic reproducible tracings copy shall be submitted to the Town by the owner or subdivider and shall be paid for by the owner or subdivider. In addition, two copies of such restrictive covenants and private road maintenance agreements as the owner or subdivider may have recorded shall be included with the sets of blue line vellum prints.

Sec. 152.035-108 - Approval, acceptance, and recording of parcel maps and final maps.

- (A) The procedures set forth in Sections 152.090-100 through 152.094-110 of this chapter shall govern the form of the parcel map or final map, the information and certificates to be shown thereon, the survey requirements, the procedures to be followed in securing approval by the Town Engineer and Planning Commission, the acceptance of the map, the dedications, and the recording of the map.

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(B) The provisions of Section 152.~~080-126~~ of this chapter shall govern the installation of the improvements required and the acceptance of an improvement agreement with the Town.

Sec. 152.~~036-109~~ - Denial of building permits.

No building permit will be issued for any lot created under the procedures set forth in this chapter until the ~~parcel map or~~ final map has been recorded and the required improvements have been completed in accordance with adopted Town policy.

Sec. 152.~~097-110~~ - Survey requirements.

All surveys for ~~parcel maps and~~ final maps shall be in accordance with the *Subdivision Map Act* and the Land Surveyor's Act of the state. Road monuments shall be set as specified by the Town Engineer in all public and private roads at boundaries, curves, and at distances to allow a clear sight between monuments. All monuments shall contain the registration number of the person responsible for the monument. All lot corners shall be monumented and tagged with the registration number with iron pipe monuments or rock bolts. Iron pipe monuments shall be at least one inch in diameter, 18 inches long, and driven flush with the surface of the ground. All monuments and lot corners shall be in place prior to the acceptance of the improvement work. The ~~licensed land surveyor or civil engineer authorized to practice land surveying~~~~civil engineer or land surveyor~~ shall certify in writing with a seal that all monuments and lot corners are in place as shown on the recorded maps.

ARTICLE ~~IVX~~. REQUIRED IMPROVEMENTS AND STANDARDS OF DESIGN

Sec. 152.~~065-110~~ - Compliance with requirements.

All lots and improvements created under this chapter shall meet the minimum requirements set forth in this subchapter. If the Planning Commission finds that a greater or lesser standard proposed by the ~~owner or~~ subdivider would be in the public interest, the Planning Commission may approve such modification to the design standards set forth in this subchapter. The burden of proof as to whether the public interest would be so served by the modification shall rest entirely with the ~~owner or~~ subdivider. Until such time as the Town adopts standard specifications and details, improvements shall conform to this chapter or the Department of Transportation, Standard Specifications (January, 1978 or a more recent edition).

Sec. 152.~~066-111~~ - Lots.

All lots created in accordance with this chapter shall conform to the zoning regulations effective in the district in which the land division or subdivision is located, or such modifications of the lot area and dimensions as may have been approved as part of a variance pursuant to the Zoning Code.

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(A) **Lot sizes.**

- (1) The building limitations table set forth in the Zoning Code specifies the minimum net area of a lot, but lots larger than such minimum area may be required by the Planning Commission when necessary to accommodate topography, geologic hazards, stormwater drainage channels, physical obstructions, or other physical conditions. (See Zoning Code to determine the number of lots and amount of area to remain in a natural state for parcels or lots which exceed 15 percent average ground slope).
- (2) The net area of a lot shall not include ~~access easements, random public utility or drainage easements (not adjacent to the property line), or the panhandle area in excess of five percent of the net lot area required in the particular zoning district~~lot area exclusions outlined in Municipal Code Section 153.205(B).

(B) **Lot design.** All divisions of land shall result in the creation of lots which are capable of being developed or built upon with minimal changes in the natural physical configuration of the site. No lots shall be created which are impractical for improvements or use due to steepness of terrain, location of watercourses, size, shape, periodic flooding or earth movement, or other physical conditions.

(C) **Lot shape.**

- (1) The average depth of any lot shall not exceed three times its average width, unless the average width is more than 200 feet. All lots created shall contain at a minimum an area of circular or rectangular shape within the required building setback lines equal to the building coverage area permitted in the zoning district. *Lot* lines shall be free of excessive jogs in alignment, except where existing physical conditions and established property lines preclude the establishment of straight property boundaries. *Lot* shapes shall not be designed for the sole purpose of achieving the minimum lot area.
- (2) Panhandle lots shall be permitted only when the Planning Commission determines that they would result in better design of the development. The ~~subdivider~~owner shall demonstrate to the satisfaction of the Planning Commission that, because of unusual physical characteristics, such as topography, a land division or subdivision would be infeasible without the creation of one or more panhandle lots.

(D) **Lot lines.** The lot lines shall be located to yield the best building sites and, where possible, the lot lines shall be at right angles or radial to the road right-of-way lines.

~~(E)~~(D) **Solar access.** Consideration of optimum solar orientation for energy conservation shall be given in lot location, design, placement of structures, vegetative removal, and landscaping.

(F) **Access.**

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- (1) All lots created shall have access to a public road or a private road meeting the minimum requirements of this chapter for pavement and right-of-way widths and improved in accordance with the standards for public improvements set forth in this chapter.
- (2) No lot shall be divided by a road, driveway, or access easement, except where located adjacent to a conservation easement or open space easement extending from the road, driveway, or access easement to the property line.
- (3) A maximum of two lots may be served by a *common driveway* when, in the opinion of the Planning Commission, the use of a *common driveway* will result in reduced adverse physical impacts.

~~(F)~~(E) **Drainage.** All lots shall have the necessary slope to drain water away from the building site at a grade of not less than two percent. Whenever the natural drainage is changed, the storm water shall be conveyed to the road, drain, or natural watercourses. *Lots* shall be designed so that the 100-year floodplain and the stream corridor protection standards contained in the Zoning Code do not interfere with the normal use of any lot.

~~(G)~~(F) **Non-access dedications.** All lots shall take access from one road only, and such road shall be the road carrying the least amount of traffic. In the case of corner lots or double frontage lots, one road frontage shall be dedicated to the Town to prevent access.

(I) **Remnant lots.**

- (1) No parcel of land or lot which is substandard in size and shape shall be created by any land division or subdivision, unless such parcel is required strictly for public or private utilities, approved access purposes, or other approved public uses.
- (2) No lot shall be split by a Town or County boundary.

(J) **Noise considerations.** All land divisions and subdivisions incorporate into their design noise abatement improvements to render all lots in conformity with the noise element of the ~~general~~General plan~~Plan~~. Maximum ambient noise exposure at exterior use areas, such as patios, decks, and tennis courts, shall be no greater than 55 dBA/Ldn.

(K) Building sites and related improvements on lots shall be located in areas identified by the Town as least environmentally sensitive as a result of the natural land features study under Section 152.024 of this chapter.

Sec. 152.067-113 – Road pattern.

(A) The road pattern in the land division or subdivision shall be in conformity with the circulation element of the ~~general~~General plan~~Plan~~ and shall be designed to take into consideration the potential development of adjoining areas.

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- (B) The road pattern employed in the land division or subdivision shall conform to recognized traffic engineering practices while limiting the number and the expanse of roads to a minimum. Great care shall be exercised to create curvilinear roads which blend and harmonize with the natural surroundings. Aesthetics and safety shall be considered.

Sec. 152.068-114 – Road design.

The following minimum criteria shall be followed in road design:

- (A) (1) The alignment of roads shall be continuous with existing roads. At intersections, the centerlines of roads not in alignment shall be offset a minimum of 250 feet.
- (2) Private roads shall be permitted only when an agreement satisfactory to the Town Engineer and Town Attorney is filed guaranteeing perpetual maintenance and permitting the Town to compel maintenance adequate to ensure public safety.
- (A) Centerlines of roads shall intersect at right angles, except in cases of topographical difficulty, the last 300 feet of the road shall curve to the right angle location, and intersections of less than 75 degrees will not be allowed.
- (B) *Roads* shall be extended to the boundary of the land division or subdivision, in the case of dead-end roads, and improved to the standards of the future road. All dead-end roads shall have temporary turnarounds, designed and installed to the satisfaction of the Town Engineer. At the request of the Planning Commission, a one-foot strip the width of the right-of-way inside the boundary of the land division or subdivision shall be dedicated to the Town.
- (C) Intersection corners shall be rounded at the property line by a minimum radius of 15 feet.
- (D) Horizontal curves shall be a minimum of 150 feet at the centerline on all roads for a minimum design speed of 22 miles per hour. *Arterials* and important collectors shall be designed for speeds ranging from 30 to 50 miles per hour as designated by the Town Engineer.
- (E) *Grades* of roads shall range from a minimum of one percent to a maximum of 15 percent. The minimum vertical curve length in 100-foot stations shall be one-fourth the algebraic difference in grades. Vertical curves shall also supply the standard stopping sight distance for the design speed (22 to 50 miles per hour) and, in addition, be long enough to produce a pleasing appearance.
- (G) (1) The maximum length of a cul-de-sac road shall be 1,200 feet, unless the Planning Commission determines that a longer cul-de-sac will result in a better design. Culs-de-sac shall terminate in a property line circle of 80 feet in diameter and a minimum pavement diameter of 60 feet, either concentric or

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offset. Backarounds, "hammerheads," or other devices to turn vehicles may be allowed in new roads or in existing roads if the Planning Commission finds that their use will result in reduced physical impacts and an improved land division or subdivision design.

- (2) Landscape islands will be allowed at the end of cul-de-sacs if the pavement width and curvature is adequate to turn a semitrailer truck in a 48-foot radius without running through the landscaping.
- (H) The road cross section slope shall be a minimum of three percent, and super elevations shall be employed on arterials and collectors in accordance with the design speed.
- (I) Berms shall be asphalt or alternate construction, and berms shall be employed sparingly to control drainage and to ensure traffic safety. Ramps for the handicapped shall be installed as appropriate.
- (J) *Roads* which are continuations of existing roads shall bear the names of such roads. Proposed road names shall be reviewed with the Planning Director, Fire Chief, and Police Chief to avoid duplication and confusion. The subdivider-owner shall propose road names and obtain comments from the Subdivision Review Committee prior to the approval of the tentative map by the Planning Commission.
- (K) Parking bays adjacent to public and private road rights-of-way may be permitted by the Planning Commission.

Sec. 152.~~069~~115 – Road rights-of-0way and pavement widths.

- (A) All new roads shall meet the minimum requirements specified in Table A set forth in this section. *Pavement* widths shall be the width of surface available to vehicular traffic. Such width shall not include shoulders, bike lanes, berms or paved drainage ditches.
- (B) *Pavement*, for the purposes of this section, shall mean a minimum of two-inch thick hot mix asphalt concrete over a minimum of six-inch thick base rock for public and private roads designed for the traffic index (TI) as indicated in said Table A.
- (C) In the case of land divisions or subdivisions abutting existing Town public roads, the Planning Commission may require reconstruction to Town Standards.
- (D) *Road* improvements, with the exception of connections, are not normally required on abutting freeways, expressways, or State highways. The details of a connection to a State highway will be specified by the State.
- (E) The following minimum standards shall be followed:

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Table A				
Road Type	Number of lots Served	Right-of-way Width (Feet)	Pavement Width (Feet)	Traffic Index (TI)
<i>Arterial</i>	N/A	80	22(a)(c)	6-8
<i>Collector</i>	N/A	60	20(a)(c)	5.5
Cul-de-sac and minor rural	2-10	(b)	16(c)(e)	4.0
	11 or more	(b)	18(c)	4.0
<i>Common driveway</i>	—	—	(d)	—

(a) Bike lanes of-with a minimum pavement width of five feet on each side may be required.

(b) Forty feet to 50 feet variable, dependent upon the physical characteristics of the terrain and the need to accommodate utilities, trails, or other improvements.

(c) Public roads shall include three foot graded and rocked shoulders. Private roads shall include two foot graded and rocked shoulders.

(d) Sixteen feet of paving for that portion serving both lots, and 12 feet of paving for that portion serving one lot.

(e) Thirty-~~foot~~ minimum pavement radius.

Sec. 152.070-116 - Drainage.

(A) The design of drainage facilities shall conform to the Town's Storm Drainage Master Plan and the ~~American Society of Civil Engineer Manual of Practice No. 37~~ Town's drainage requirements contained in Sections 52 and 151 of the Woodside Municipal Code. Areas draining into the development shall be considered as fully developed, and the area shall be outlined on a map submitted with the drainage calculations. The drainage design shall be for the 100-year storm or for the ten-year storm when the drainage area is 50 acres or less, and an alternate means of vehicular access to each lot in the land division or subdivision exists. All drainage structures shall terminate in an adequate outfall.

(B) Easements shall be dedicated to cover all drainage structures built as a condition of development. The owner or subdivider shall place in conservation or open space

Exhibit A

easements dedicated to the Town all floodplains and stream corridors identified by the Planning Commission at the time of the consideration of the tentative map (see Zoning Code).

Sec. 152.~~071~~117 – Trails.

- (A) Trails for equestrian, pedestrian, and bicycle use shall be dedicated and improved by the owner or subdivider along roads and at other such locations within the land division or subdivision in order to provide a trail network in accordance with the circulation element of the ~~G~~general plan~~Plan~~. Bicycle paths shall be constructed to state standards.
- (B) Equestrian and hiking trails may be surfaced with rock or native earth. The trail width shall not be narrower than four feet. The thickness and type of surfacing material, preparation of subbase, and drainage shall be to the satisfaction of the Town Engineer, based on recommendations by the Trails Committee.
- (C) The clearance of overhead vegetation over equestrian or bicycle trails shall be a minimum of 12 feet in height. The minimum width of a trail easement outside a public road right-of-way shall be 15 feet. A greater easement width may be required where such easement cross slopes in excess of a 15 percent grade or where such physical factors, such as rock outcroppings, trees, and stream corridors, exist.

Sec. 152.~~072~~118 – Public utilities and easements.

All public utilities shall be placed underground, together with all appurtenances. Utilities should normally be located in the public roads, but when other locations are necessary, the normal easement width shall be 20 feet, unless the utility companies request more or less width. Utilities shall be coordinated to permit the joint use of trenches and easements so as to reduce the disturbance of the natural surroundings. All utility services shall be supplied by the owner or subdivider to each lot.

Sec. 152.~~073~~119 – Conservation, open space, and scenic easements.

The Planning Commission may require the dedication of open space, conservation, or scenic easements within a proposed land division or subdivision for the express purpose of protecting the natural vegetation, terrain, watercourses, historic and cultural resources, scenic vistas, and wildlife and for the purpose of preventing or limiting drainage, erosion, and water quality problems and geologic hazards. If so required, the owner or subdivider shall dedicate the easements on the ~~parcel map or~~ final map and shall execute a deed to the Town, in a form acceptable to the Town Attorney, which deed shall include such reasonable restrictions as the Planning Commission may impose to carry out the intent of this chapter, the ~~general~~General plan~~Plan~~, or any ~~precise~~Precise/Specific/Area plan~~Plan~~ of the Town.

Sec. 152.~~074~~120 – Parks and recreational areas.

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- (A) Pursuant to Cal. Gov't Code § 66477, and in conformity with the ~~general~~General plan-Plan as adopted, and as may be amended, the Town Council may require as a condition precedent to the approval of a ~~land division or~~ subdivision map the dedication of land for public park and recreational purposes, or the payment of fees in lieu, or a combination of both.
- (B) All land to be dedicated for park and recreational purposes shall be found by the Planning Commission to be suitable as to location, size, and topography for park and recreational purposes, which may include any of the following uses:
- (1) —Neighborhood playgrounds;
 - (2) —Community playfields;
 - (3) —Pedestrian paths, equestrian and hiking trails, and bicycle paths; and
 - (4) —Areas of unusual natural beauty, such as creeks, canyons, hilltops, groves, and the like.
- (B) The requirements of this section, upon the approval of the Council, may be satisfied by the provision of areas of permanent open space provided and maintained for the benefit of ~~the land division,~~ the subdivision, or the public.

Sec. 152.075-121 - Sewage disposal.

Each parcel, to be served by an individual on-site sewage disposal system, shall be of such size and characteristics that an effective, reliable disposal system can be installed and maintained. Where the rate of water percolation into the earth is satisfactory, septic tanks and drainfields will be permitted pursuant to the standards of the Town and the satisfaction of the Health Officer and Town Engineer. All drainfields shall be tested under wet-weather conditions and shall be capable of 100 percent expansion. Where sanitary sewer service is available within an existing or approved service area, and is authorized by the Town, connection to such system may be required as a condition of land division or subdivision approval.

Sec. 152.076-122 - Water supply.

- (A) **Domestic supply.** Water supply for domestic uses shall meet the requirements of the Health and Safety Code of the state and the standards of the Health Officer. The water system shall have an operating permit from the local or State Health Department. Minimum pressure in any possible structure shall be maintained by a gravity system or pump pressure operated by the water system. An applicant shall submit maps, drawings, and other pertinent records to demonstrate the system's reliability and ability to adequately serve the ~~land division~~Land Division or ~~subdivision~~Subdivision.
- (B) **Fire protection supply.**

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- (1) ~~The minimum acceptable fire flow and fire hydrant locations/type in residential areas shall be 1,000 gallons per minute with a 20 pound per square inch residual for two hours. Distribution mains shall be a minimum of six inches in diameter, and the distribution network shall be designed in accordance with American Water Works Association standard practices. Fire hydrants shall be within 900 feet by all-weather road and/or driveway of each existing or potential building site, and the hydrants shall be within at least 600 feet of each other along the road. Where structural concentration exists, the Fire Chief may increase the requirement for fire flow and require less distance between fire hydrants. Every fire hydrant shall have a minimum of one 2½-inch and one 4½-inch (steamer) national standard thread outlet, dry barrel type, unless otherwise specified, and a gate valve between the main and the hydrant comply with all current Fire District standards required for fire protection.~~
- (2) The water supply system layout, design, and construction shall be approved by the Fire Chief and Town Engineer.

Sec. 152.077-123 - Geotechnical reports.

A geotechnical report shall be prepared, submitted, and approved for every land division or subdivision. The geotechnical report shall include data and recommendations on grading, slopes, trenching, erosion, stability, geologic hazards, drainfield stability, subsurface drainage, road pavement design, and other items necessary for a complete report as specified by the Town. The geotechnical report shall be submitted together with the tentative map and shall encompass all land within the proposed land division or subdivision and any adjacent or nearby land containing geologic characteristics which may affect the proposed land division or subdivision.

- (A) An outline of the geotechnical report shall be filed with the *concept map* and a final report with the tentative map for referencing on the title page of the ~~parcel map or~~ final map. The final report shall contain a comprehensive geologic and seismic evaluation in addition to the items set forth in this section. Corrective action shall be specified and the conditions for the construction of roads, utilities, and residences specified. The owner or subdivider shall consult with the Town Geologist prior to the preparation of the outline or report in order to obtain the required specific scope.
- (B) The soils report portion of the geotechnical report shall include the results of at least one soil boring or excavation at each proposed building site. If the soils report indicates the presence of critically expansive soils, historical landslides, or other soil problems, a more detailed investigation shall be made to recommend corrective action by the owner, subdivider, or developer at the time a structure is built. The specifications for the corrective action shall be included in the report, and a statement noting the preparation of a soils report, together with the date of the report and the name of the engineer making the report, shall appear on the parcel map and final map.

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(C) The requirements of this section are enacted pursuant to the requirements of the Statutes of 1965, Sections 66490 and 66491 of the *Subdivision Map Act*. All geotechnical reports shall be approved by the Town Geologist and Town Engineer, and all corrective action shall be completed prior to the issuance of a building permit or shall be included in the building plans as required construction.

Sec. 152.~~078~~-124 - Grading.

All grading work shall be designed based on a geotechnical report with the concurrence of the person preparing the geotechnical report. All cuts shall be two to one or flatter, and all fills shall be two to one or flatter. The slopes shall be contoured in accordance with good landscape practices to provide a natural pleasing appearance, and where a landscape architect or architect is employed, such architect shall specify the shaping. The grading of entire lots shall be prohibited, and only that amount of grading necessary to ensure an adequate residential and accessory use and vehicular access, provide for adequate drainage, or correct geological hazards will be permitted. All cut and fill slopes shall be planted to reduce the potential of soil erosion to the satisfaction of the Planning Director and Architectural and Site Review Board. Grading shall be a balanced cut and fill, and all grading operations shall occur only between April 15 and October 15. All graded areas shall be winterized with planting, netting, and/or erosion control structures by November 1 to the satisfaction of the Town Engineer and Planning Director. An exception to the balance cut and fill requirement may be granted by the Town Engineer and Planning Director upon their reaching a finding that the granting of such exception is consistent with the objectives and other standards of this chapter. The Town Engineer may also grant an exception to the grading period upon reaching similar findings.

Sec. 152.~~079~~-125 - Landscaping and erosion control.

For all land divisions and subdivisions involving grading, erosion control planting shall be included as a minimum. Tree planting may be required by the Planning Commission. The extent of the work shall be specified prior to the approval of the tentative map. All land division or subdivision projects shall have planting plans providing for the stabilization and replanting of all cut and fill slopes, landscaping, and erosion control. Any planting shall require plans and specifications prepared by a landscape architect or other qualified person. The plans shall be reviewed and approved by the Planning Director, based on recommendations from the Architectural and Site Review Board and the Planning Commission prior to the approval of the road construction plans. The planting concept shall blend and harmonize with the native planting. All planting shall be maintained for a period of two years by the owner or subdivider. The Town shall require a maintenance bond pursuant to Section 152.~~080~~126 of this chapter.

Sec. 152.~~080~~-126 - Improvements.

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- (A) The [owner or](#) subdivider shall improve, or agree in writing to improve, all public and private roads, pathways, trails, and easements and to install other improvements required by this chapter as are necessary for the benefit of the lot owners in the land division or subdivision and the surrounding community.
- (B) Improvement work, including grading, shall not be commenced until improvement plans and specifications have been approved by the Town Engineer. Improvements shall be installed in accordance with the approved plans and specifications to permanent lines and grades to the satisfaction of the Town Engineer. All work shall be completed under his/her supervision and shall be subject to such inspections as he/she deems necessary to protect the interests of the Town. The costs of the inspections shall be borne by the [owner or](#) subdivider.

(1) **Improvement plans.**

- (a) The [owner or](#) subdivider shall submit to the Town Engineer a complete set of plans and profiles on suitable material, pencil or ink, size 24 inches by 36 inches, to a scale of one-inch equals 40 feet to one inch equals ten feet, with all necessary details and specifications. Improvement plans shall be prepared by a registered civil engineer who shall sign and seal each sheet of the plans. After the approval and signature of the plans by the Town Engineer, three sets of prints and one set of duplicate tracings shall be delivered to the Town Engineer for his/her use.
- (b) The [owner or](#) subdivider may install such improvements before the ~~parcel map or~~ final map is recorded. If the work is completed in the absence of an improvement agreement, the [owner or](#) subdivider shall use a licensed contractor, supply evidence of Workers' Compensation Insurance, and supply evidence of public liability and property damage insurance, naming the Town as an additional insured to the limits normally required in an improvement agreement. The insurance certificates shall be approved by the Town Attorney prior to the commencement of the work.
- (2) **Completion.** A complete "as built" improvement plan shall be filed as a permanent record of the Town upon the completion of the required improvements. Upon the acceptance of the "as built" plans, the Town Engineer shall recommend formal acceptance by the Council when he/she is satisfied that the improvements have been installed in conformance with the standards of this chapter. After formal acceptance by the Council, a notice of completion will be recorded by the Town Engineer.
- (3) **Guarantees.** The [owner or](#) subdivider shall guarantee the completed work and the improvements and shall make or agree to make the necessary repairs or modifications for damages resulting from storms, erosion, or landslides and to correct errors in the design or construction for a minimum of one year after the date of completion, except as otherwise provided in this chapter. The [owner or](#) subdivider shall also guarantee the maintenance of all private roads within the land division or subdivision until a majority of the lots have been sold.

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- (4) **Building permits.** No building permit shall be issued for any lot until all required improvements have been completed.
- (5) **Improvement security.** The owner or subdivider shall file with the Town Clerk a faithful performance bond, cash deposit, or other improvement security in the amount deemed sufficient by the Town Engineer to cover all costs of the improvements, engineering, inspection fees, inflation, and incidental expenses. The owner or subdivider shall also cover by bond or other improvement security laborers and materialmen in the amount of 100 percent of the amount of the estimated costs of the improvements. Such security shall be one of the following at the option of the owner or subdivider and subject to the approval of the Town.
 - (a) A bond or bonds by one or more duly authorized corporate sureties;
 - (b) A cash deposit, either with the Town or a responsible escrow agent or trust company; or
 - (c) An instrument of credit from one or more financial institutions subject to regulation by the state or federal government pledging that the funds necessary to carry out the act or agreement are on deposit and guaranteed for payment.
- (6) **Forfeiture of surety.** In the event the owner or subdivider shall fail to complete all improvement work, and the Town shall have to complete such work, or if the owner or subdivider shall fail to reimburse the Town for the costs of inspection, engineering fees, and incidental expenses, the Town shall call on the surety for reimbursement or shall appropriate funds for reimbursement from any cash deposit or improvement security. In any event, if the amount of the bond, cash deposit, or improvement security exceeds all the costs and expenses incurred by the Town, the remainder shall be released to the owner or subdivider, and if the amount of the bond or other improvement security is less than the costs and expenses incurred by the Town, the owner or subdivider shall be liable to the Town for the difference.
- (7) **Release of surety.** No extension of time, progress payment from a cash deposit, or release of a surety bond, cash deposit, or improvement security shall be made, except upon certification by the Town Engineer that the work covered by the security has been satisfactorily completed and upon the approval of the Council.
- (8) **Improvement agreements.** In the event the improvements required have not been made at the time the ~~parcel map or~~ final map is filed with the Council, the owner or subdivider shall execute and file with the Town Clerk an agreement between himself and the Town specifying the period within which he/she shall complete all improvements and work. The agreement shall be in a form prescribed by the Town Attorney and shall be based on improvement plans signed by the Town Engineer. The agreement shall also prescribe that the owner or subdivider shall repair any damage to a public road or any other public or private property or improvement which results from or is incidental to the construction of improvements in the land division or subdivision or that, in lieu of making such repairs, the owner or subdivider shall pay to the affected property owner or to the Town the full cost thereof. The owner or subdivider

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shall also file with the Town Clerk at the same time a faithful performance bond and labor and materialmen bond or other improvement security as set forth in subsection (5) of this division.

(9) ***Improvement agreements: extensions of time.***

- (a) If an owner or subdivider requests an extension of time in which to comply with the requirements of an improvement agreement, the amount of the improvement agreement security will be adjusted to reflect current inflation upon the recommendation of the Town Engineer.
- (b) If an owner or subdivider begins grading or any other construction on the property on which improvements are to be constructed as required by an improvement agreement, and is thereafter unable to complete such construction within the time set out therein, and requests an extension of time in which to complete such improvements, the Town will suffer damages, the actual amount of which would be extremely difficult or impractical to ascertain. Therefore, each owner or subdivider entering into a subdivision improvement agreement with the Town shall deposit with the Town cash in an amount to be recommended by the Town Engineer, such amount being a reasonable estimate of the Town's damages, and, upon the granting of an extension of time in which to complete the improvements required by an improvement agreement after the owner or subdivider has begun grading on the property for the required improvements, the Town, at its election, may retain such deposit as its sole right to damages.

Secs. 152.84-127—152.89-129 - Reserved.

ARTICLE XI. COMMITTEE REPORTS

Sec. 152.054-130 - Subdivision Review Committee reports.

In its review of tentative maps for land divisions and subdivisions, the members of the Subdivision Review Committee shall individually report in writing through the Planning Director to the Planning Commission their findings and recommendations with respect to the following matters under their jurisdiction:

- (A) The Planning Director shall report on:
 - (1) The conformance of the proposed land division or subdivision with the general-~~General plan-Plan~~ and any relevant-~~precise~~applicable Specific/Area ~~plan-Plan~~ which has been adopted by the Town;
 - (2) The environmental review documents;
 - (3) The conformance of the proposed land division or subdivision to the zoning regulations for the district in which the land division or subdivision is located;
 - (4) The adequacy of the proposed building sites and driveway layout;

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- (5) The lot design, traffic circulation, and other features relative to the design standards of this chapter, adopted Town policies, and developments on properties in the general area of the proposed land division or subdivision;
 - (6) The numbering of the lots;
 - (7) The land division or subdivision name and the road names proposed;
 - (8) The adequacy of the proposed easements for hiking and equestrian trails and pedestrian and bicycle paths;
 - (9) The adequacy of the proposed areas to be dedicated for public use, conservation, scenic, and open space easements;
 - (10) The visual and/or aesthetic impacts;
 - (11) The solar access; and
 - (12) The historical significance of buildings or sites.
- (B) The Town Engineer shall report on the civil engineering aspects of the following:
- (1) The adequacy of the right-of-way and pavement widths, type of pavement, and condition of existing roads affected by the land division or subdivision;
 - (2) The adequacy of the proposed roads for motorized or non-motorized vehicles within the land division or subdivision;
 - (3) The adequacy of the existing and proposed trails and paths;
 - (4) The adequacy of the easements proposed for public improvements, utilities, and drainage facilities;
 - (5) The availability of the necessary utilities, including the method of connection;
 - (6) The adequacy of the proposed methods for handling drainage and stormwater runoff and the effect on drainage in the general area;
 - (7) The effect of the proposed grading and the adequacy of proposed erosion control measures during and after grading;
 - (8) The evaluation of proposed driveways to individual lots;
 - (9) The effects of the proposed land division or subdivision on other public improvements within the jurisdiction of the Town Engineer; and
 - (10) The evaluation of the geotechnical report with respect to proposed building sites, roads, and storm drainage.
- (C) The Town Geologist shall report on:
- (1) The evaluation of the geotechnical report; and
 - (2) All relevant geological considerations with respect to the individual lots and improvements within the land division or subdivision and any potential geological impact on surrounding properties and public or private improvements.
- (D) The Fire Chief shall report on:
- (1) The adequacy of the water supply for fire protection purposes;
 - (2) The location of the fire hydrants and the adequacy thereof;
 - (3) The adequacy of access for emergency vehicles; and
 - (4) Other matters affecting fire safety and fire protection, including any temporary fire protection measures needed during the development of the land division or subdivision.

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(E) The Health Officer shall report on:

- (1) The adequacy of the water supply for domestic purposes;
- (2) The adequacy of the proposed sewage disposal system; and
- (3) Other matters related to the proposed land division or subdivision which may affect the public health.

Sec. 152.~~055-131~~ - Reports of Town Trails Subcommittees, or their Designated Subcommittees, and Architectural and Site Review Board.

(A) **Town Trails Committee.** When required, the chairperson of the Town Trails Committee, or its designated subcommittee, shall report—make written recommendations in writing with respect to the adequacy of the proposed and existing roads, trails, and paths for hiking, bicycling, pedestrian, and equestrian use through and adjacent to the land division or subdivision and recommend with respect to their locations, widths, and improvements.

(B) **The Environment: Open Space, Conservation, and Sustainability Committee (EOCSC).** When required, the Committee, or its designated subcommittee, shall make written recommendations with respect to the existing and proposed terms of scenic, open space, and/or conservation easements through the land division or subdivision and applicable General Plan policies.

(C) **Town History Committee.** When required, the Committee, or its designated subcommittee, shall make written recommendations with respect to the land division or subdivision's potential impacts on existing buildings eligible for listing as a federal or state historic resource.

(BD) **Architectural and Site Review Board.** The Architectural and Site Review Board, in accordance with the Zoning Code, shall review all land division and subdivision applications. The Board shall be advisory to the Planning Director and shall so its report to the Planning Commission shall be made through the Planning Director with respect to:

- (1) The visual aesthetics of the location of the buildable areas outside of buildable constraints such as required setbacks, steep slopes, environmentally sensitive areas, geologic constraints, etc., for proposed land division or subdivision and the aesthetic relationship between the subdivision and the surrounding area;
- (2) The grading and drainage design;
- (3) The trees and other vegetation proposed to be planted or to be removed;
- (4) The solar access for all structures; and
- (5) The designation of any building site or lot which will require special review when building permits or grading permits are requested.

Secs. 152.~~56132~~—152.~~64-139~~ – Reserved.

ARTICLE XII. REVERSION TO ACREAGE

Exhibit A

Sec. 152.~~037-140~~ - Reversion to acreage.

- (F) **Initiation of proceedings.** Proceedings to revert subdivided property to acreage may be initiated by a petition of all of the owners of record of the subject lots, or ~~they may be initiated~~ by the Council upon the recommendation of the Planning Commission, on its own motion, or upon instructions from a court of law.
- (B) **Form of petitions.** A petition for a reversion to acreage shall contain the following:
- (1) Adequate evidence of title to the real property within the land division or subdivision;
 - (2) Evidence of the consent of all of the property owners with a record title interest in the subject property or a court order;
 - (3) Evidence that none of the improvements required to be made has been made within two years after the date the ~~parcel map or~~ final map was filed for record or within the time allowed by agreement for the completion of the improvements, whichever is later;
 - (4) Evidence that no lots shown on the ~~parcel map or~~ final map have been sold within five years after the date such ~~parcel map or~~ final map was filed for record; and
 - (5) A ~~parcel map or~~ final map which delineates dedications which will not be vacated and dedications which are a condition to reversion.
- (C) **Fees.** The Council may establish a fee for processing reversions to acreage in an amount which will reimburse the Town for all costs incurred in processing. Such fee shall be paid by the property owners at the time of filing the petition for the reversion to acreage. If the proceedings for the reversion to acreage are initiated by the Council, the fee shall be paid by the persons requesting the Council to proceed pursuant to Article I of Chapter 6 of the *Subdivision Map Act*.
- (D) **Hearings.** Separate public hearings shall be held by the Planning Commission and Council on the proposed reversion to acreage. Notice shall be given in the time and manner provided in Section 152.~~026-076~~ of this subchapter. The Council may approve a reversion to acreage subject to the provisions of Section 66499.16 of the *Subdivision Map Act*. A reversion to acreage and a tentative map or vesting tentative map may be considered at the same public hearing.
- (E) **Release of securities and delivery of ~~parcel map or~~ final map.** After the hearing before the Council and the approval of the reversion to acreage, the ~~parcel map or~~ final map shall be delivered to the County Recorder.
- (F) **Effect of filing reversion maps with the County Recorder.** Reversions to acreage shall be effective upon the ~~parcel map or~~ final map being filed for record by the County Recorder. Upon filing, all dedications and offers of dedication not shown on the ~~parcel map or~~ final map for reversion shall be of no further force and effect.

Exhibit A

Secs. 152.~~38~~141—152.~~49~~149 - Reserved.

ARTICLE ~~VIII~~XIII. ADMINISTRATION AND ENFORCEMENT

Sec. 152.~~145~~150- Planning Commission as advisory agency.

The Planning Commission is hereby designated as the Advisory Agency with respect to land divisions and subdivisions, as provided by the *Subdivision Map Act*, and shall have all of the powers and duties with respect to subdivisions and other divisions of land specified in the *Subdivision Map Act* and this chapter. The Planning Commission is hereby authorized to report its actions on proposed divisions of land~~division~~and Divisions and subdivision~~Subdivisions directly to the subdivider.~~

Sec. 152.~~146~~151 - Authority of Planning Director.

The Planning Director or his/her designee are hereby authorized to accept ~~concept~~concept maps, ~~and~~tentative maps, and vesting tentative maps for review and transmittal as required by this chapter.

Sec. 152.~~147~~152 - ~~Subdivision~~Subdivision Review Committee.

A ~~Subdivision~~Subdivision Review Committee, consisting of the Planning Director, Town Engineer, Fire Chief or Fire Marshal, Health Officer, and Town Geologist, is hereby established and authorized to review land division and subdivision maps and report to the Planning Commission. The Planning Director or, in his/her absence, the Town Engineer, shall serve as chairman of the Committee.

Sec. 152.~~148~~153 - Forms and procedures; compliance with Subdivision Map Act.

(A) **Forms and procedures.** The Planning Commission shall establish forms and procedures for filing the maps and information required by this chapter provided such forms and procedures are not inconsistent with this chapter or the *Subdivision Map Act*.

(B) **Amendments to the Subdivision Map Act.** Provisions of this chapter which are in conflict with amendments to the *Subdivision Map Act* shall comply with the most recent amendments to the *Subdivision Map Act*.

Sec. 152.~~149~~154 - Appeals.

~~(B)~~(A) In the event the owner or subdivider or any interested person adversely affected wishes to appeal the decision of the Planning Commission on a tentative map, vesting tentative map, or the nature and extent of the improvements required, such owner, subdivider, or person, within ten days after such action, may appeal to the Town Council.

Exhibit A

- (B) An appeal shall be filed with the Town Clerk and shall state specifically wherein there was an error or abuse of discretion by the Planning Commission. On the filing of an appeal, the Planning ~~Commission~~ Department shall transmit to the Town Clerk:
- (1) A copy of the tentative map or vesting tentative map on which the Planning Commission action is certified and the statements and materials submitted therewith by the owner or subdivider;
 - (2) The reports from the Subdivision Review Committee, Architectural and Site Review Board, other Town Committees, or their designated subcommittees, and other officials, private utility companies, and public agencies; and
 - (3) The record of the Planning Commission actions, conditions, and any additional supporting information.

Sec. 152.~~150-155~~ - Hearings.

Any appeal to the Town Council under Section 152.~~149-154~~ shall be heard de novo at a public hearing under the procedure set forth in Section 153.~~338974~~.

Sec. 152.~~152-156~~ - Fees and deposits.

(A) **Filing fees.** ~~The Council shall establish annually by resolution the amounts of the filing fees to accompany the maps filed pursuant to the provisions of this chapter. Such fees and deposits so as established in the Town's Fee Schedule shall be paid to the Town at the time of filing the respective maps.~~

(B) **Deposits for service charges.**

- (1) In addition to the payment of filing fees, the owner or subdivider shall pay the actual costs of reviewing *concept maps*, tentative maps, vesting tentative maps, and environmental documents, for the checking and recordation of ~~parcel maps or~~ final maps, for such investigations and inspections as are required by law and this chapter, and for the cost of the security as required by this chapter for an improvement agreement, if necessary.
- (2) ~~The Council shall establish annually by resolution the amounts of deposits for services.~~ The costs for such services as established in the Town's Fee Schedule shall be based on reasonable hourly charges for actual time required for checking, examining, and/or investigating, plus the actual cost of any tests which may be required.
- (3) ~~The A~~ deposits for costs established by the Council shall be paid by the owner or subdivider to the Town at the time of filing the respective maps.
- (4) Upon the completion of the land division or subdivision, an accounting of the actual costs shall be rendered to the owner or subdivider, and if the costs exceed the deposit for service charges, the owner or subdivider shall deposit the difference with the Town before the final approval of the ~~parcel map or~~ final map. If the actual cost is less than the amount deposited, the difference shall be refunded to the owner or subdivider by the Town.

Exhibit A

(C) Map recordation fees. The County Recorder shall charge and collect, or cause to be charged and collected, the fees for the recordation of the ~~parcel maps and~~ final maps. The owner or subdivider shall pay the recordation fees.

(D) Miscellaneous fees and licenses. It shall be the responsibility of the owner or subdivider to give assurance to the satisfaction of the Town Clerk that his/her prime contractor and any and all subcontractors or material suppliers have paid such fees or taken out such licenses as may be required by law to do business in the Town. The owner or subdivider shall furnish the Town with a current list of all subcontractors and material suppliers, along with their business license numbers.

Sec. 152.~~153~~157 - Notice of violation.

Whenever the Town has knowledge that land has been divided contrary to or in violation of the provisions of this chapter, the Town shall file a notice of violation, pursuant to Section 66499.36 of the *Subdivision Map Act*.

Sec. 152.999 - Penalty.

Any person, firm, corporation, or association violating any provision of this chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punishable by a fine of not more than \$1,000.00, or by imprisonment in the County jail for not more than six months, or by both such fine and imprisonment.