

CHAPTER XIX

SUBDIVISION*

19-1 Purposes, Administration, General Provisions and Definitions.

19-1.1 *Purposes and Objectives.* This subdivision chapter is adopted to preserve, protect and promote the public health, safety, convenience, prosperity and general welfare. More specifically this chapter is adopted in order to achieve the following objectives:

a. To implement the General Plan of the City, and elements thereof, as adopted by the City Council.

b. To provide lots of sufficient size and appropriate design for the purposes for which they may be used.

c. To provide streets of adequate capacity for the anticipated traffic which might utilize them and to ensure that they are designed to promote a safe traffic circulation system.

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

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

f. To ensure that the costs of providing rights-of-way, street improvements, utilities and public areas and facilities needed to serve new developments are borne fairly and equitably by subdividers and developers.

g. To protect and enhance real property values.

h. To coordinate subdivision policies and regulations with those of the County of Kern to facilitate transition from county to municipal jurisdiction that land which is first developed in unincorporated territory and is subsequently annexed to the City and to ensure unimpeded development of

***Editor's Note:** Ordinance No. 79 which established the Subdivision Chapter and amending Ordinance Nos. 79, 86, 148, 207, 74-8, 74-13, 78-12, 80-1, 81-1, 82-3, 84-12, 85-04, 85-20, 86-10 and 86-11 have been superseded by the provisions of Ordinance No. 87-01.

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such new urban expansion that is logical, desirable and in accordance with goals, objectives and policies of the General Plan.

(Ord. No. 87-01, § 1)

19-1.2 *Title and Intent.* This chapter, known as the "Subdivision Ordinance", is to establish procedures and guidelines for tract maps, parcel maps, waivers of map, and lot line adjustments and their improvement requirements. (Ord. No. 87-01, § 2)

19-1.3 *Authority.* This chapter is enacted for the purpose of adopting subdivision and parcel map regulations in accordance with the Subdivision Map Act, Division 2 of Title 7 of the Government Code. The regulations in this chapter contained shall apply to all subdivisions and parcel maps or parts of subdivisions and parcel maps hereafter made entirely or partially within the City. (Ord. No. 87-01, § 3)

19-1.4 *Advisory Agency.* The Planning Commission is hereby designated as the Advisory Agency with respect to subdivisions and parcel maps, as provided in said Subdivision Map Act, and shall have all powers and duties with respect to subdivisions and parcel maps, the maps thereof and the procedures relating thereto which are specified by law and by this chapter. (Ord. No. 87-01, § 4)

19-1.5 *Separated Parcels.* Where land is separated by other than a street, highway, alley, railroad right-of-way, flood control right-of-way, or public utility right-of-way from other land in a proposed division or subdivision, a separate map shall be prepared for each of the divisions or subdivisions so separated and each of the maps prepared shall comply with the provisions of this chapter. (Ord. No. 87-01, § 5)

19-1.6 *Definitions.* Except as designated in Article 2 of the State Subdivision Map Act, sections 66414 through 66424.6, all items shall have the common meaning and usage as contained in other chapters of Ridgecrest Municipal Code. In the absence of such other usage, words and terms shall

have the preferred usage and definition as contained in "Webster's New Collegiate Dictionary." (Ord. No. 87-01, § 6)

19-2 Tentative Map Application Requirements.

19-2.1 Tentative Map Required. Each proposed subdivision of land, both tract and parcel maps, shall be submitted in tentative map form. The tentative map shall be prepared in accordance with the Subdivision Map Act and the provisions of this chapter. (Ord. No. 87-01, § 9)

19-2.2 Tentative Map - Form and Content.

a. The tentative map shall be clearly and legibly drawn and contain the following information:

1. The title, which shall contain the subdivision number obtained from the County Engineer.

2. Names and addresses and telephone numbers for:

(a) Legal owner of the property.

(b) Subdivider, and

(c) Person or person who prepared the map.

3. A topographical contour map with approximate contours at one foot intervals and showing in their correct location existing drainage channels, roads, culverts, overhead and underground utility lines, wells, springs, major structures, irrigation ditches, and other improvements which may affect the design of the subdivision. The map shall be drawn to an engineer's scale large enough to show all information clearly, but no smaller than 100 feet to the inch. Contour interval shall not be greater than one foot if the ground slope is less than ten percent and at such intervals that the contour lines will not be spread more than 150 feet (ground distance) apart. The boundary lines of the subdivision shall be shown by a heavy line. The map shall show:

(a) The outline of existing areas subject to inundation or ponding.

(b) The edges and type of pavement of existing paved roads within public rights-of-way and easements or within private common rights-of-way.

(c) Location of existing property lines and approximate boundaries of existing easements within the subdivision with the names of the owners of record, of easements, exclusions, and the properties abutting the subdivision.

(d) The proposed lot and street layout with scaled dimensions and area of each lot.

(e) The location of all proposed easements for drainage and access.

(f) Street names, width of streets and easements, approximate grade, and radius of curves along property lines of each street, as well as intersections on the adjacent property.

(g) Typical geometric sections for streets showing pavement width, curbs, sidewalks, grading in marginal strips, slopes of cuts and fills and other construction proposed or applicable.

(h) Areas to be used for public purposes.

(i) Location, approximate grade direction of flow and type of facilities of existing drainage channels and storm drains.

(j) A vicinity map showing roads, adjoining subdivisions, towns, creeks, railroads, and other data sufficient to locate the proposed subdivision and show its relation to community development including a legal description of the property comprising the subdivision.

(k) North arrow and scales for maps and contour interval.

(l) Boundary lines of existing land use zones shall be delineated.

(m) Statement or plan as to proposed plans for draining the areas subject to flooding or inundation by waters flowing into or from the subdivision.

(n) If to be developed in increments, the map shall indicate the approximate sequence of development by units.

b. Data which shall accompany the tentative map:

1. A written statement of general information which shall contain the following information:

- (a) Existing use or uses of the property.
- (b) A description of the proposed subdivision, including the number of lots, their average and minimum size, and nature of development.
- (c) Source of water supply.
- (d) Existing sanitary sewer facilities and proposed method of providing sewer services for the entire property.
- (e) Other improvements proposed.

2. If the property proposed for subdivision is included in areas of identified seismic hazard as described in the Seismic Safety Element of the General Plan, the following data shall also be submitted at the time the map is filed.

(a) Two copies of a geological site reconnaissance report and a soils report prepared by a registered geologist regarding existing or anticipated seismic conditions, geologic features and soil conditions within or immediately adjoining the proposed development and their effect on the design and layout of the proposed subdivision.

(b) Four copies of a preliminary grading and site development plan, including drainage.

3. A copy of all covenants, conditions or restrictions proposed to be attached to the property.

c. The City Engineer may require additional information or materials when necessary to accurately and adequately review a tentative map. City Engineer may waive any information described above upon determination that it is not relevant to the review. Any decision made by the City Engineer pursuant to this subsection shall include a written justification which shall become part of the project record and accompany the application before the Planning Commission.

(Ord. No. 87-01, § 10; Ord. No. 92-07, § 2)

19-2.3 *Subdivision Design Requirements.*

a. A subdivision or division of land shall conform to the Circulation Element of the General Plan.

b. Street and highways specifications shall be as follows:

1. *State Highways.* State highways shall conform to the standards of the Division of Highways, Department of Public Works, State of California.

2. *Major Streets.* Major streets shall be not less than 110 feet wide.

3. *Secondary Streets.* Secondary streets shall be not less than 90 feet wide.

4. *Collector Streets.* Collector streets shall be not less than 64 feet wide.

5. *Local and Cul-De-Sac Streets.* Local and cul-de-sac streets shall be not less than 60 feet wide. The property line radius at the terminus of the cul-de-sac shall be subject to individual determination by the City.

6. *Special Streets.* Special streets where railroads, parkways, grade separations, freeways, or other dominant factors are involved shall be subject to individual determination by the City.

7. *Service Roadways.* Where lots in a subdivision front on any major or secondary highway, the Council may require the dedication and improvement of a service street for access to said lots.

8. *Street Corners.* Street corners shall have a property line dedication in accordance with the Public Works Standards.

9. *Street Intersections.* Street intersection shall be as near right angles as practicable.

10. *Continuation of Streets.* Streets which are a continuation of streets in contiguous territory shall be so aligned as to assure that their centerline shall coincide. In cases where straight continuations are not physically possible, such centerline shall be continued by curves.

11. *Private Streets.* The design and improvement of any private street shall be subject to all the requirements prescribed by this chapter for public streets unless otherwise approved by City Council. The subdivider shall provide a mechanism for the permanent maintenance of any street required for access to property in a private street subdivision.

12. *Streets in Subdivisions Adjoining Unsubdivided Land (acreage):*

(a) **Stubbed Streets** - Where a subdivision adjoins unsubdivided land, streets which may be necessary to assure the proper subdivision of the adjoining land shall be provided through to the boundary line of the subdivision. A temporary turn-around of a 50 foot radius shall be provided at the end of a stubbed street where it is determined by the Fire Chief to be necessary for the movement of emergency vehicles.

(b) **Half Streets** - Where a street is proposed adjacent and parallel to the boundary line of the subdivision, the subdivider shall either dedicate and improve two-thirds of the right-of-way improvements prescribed by the General Plan designation for that street to serve the subdivided

land or shall dedicate and improve one-half of the right-of-way improvements as prescribed provided that the City passes an ordinance prohibiting on street parking along the street until such time as the street is widened and improved to the standards for a full-width street. Where an existing half street is located adjacent and parallel to the boundary line of the proposed subdivision the subdivider shall dedicate such additional right-of-way and provide such additional improvements as may be necessary to meet the standards prescribed.

13. *Reserve Strips:*

(a) A one foot reserve strip shall be provided at the dead end of a stubbed street and shall be offered for dedication to the City for future street purposes.

(b) Where a half street is to be located adjoining unsubdivided land, a one foot reserve shall be provided adjacent to the unsubdivided land and shall be offered for dedication to the City for future street purposes.

c. *Alleys.* An alley may be required by the Planning Commission at the rear or side of lots where the property is to be used for multiple residential, commercial or industrial use, with adequate ingress and egress provided for vehicular traffic, unless said access is provided by way of a service road. Whenever it is proposed to subdivide property abutting a major or secondary street and the circumstances of such property or of adjoining property render it inadvisable or impracticable to provide access to the lots along such street by means of a service road, an alley shall be provided at the rear of such lots.

d. *Lot Design.* The size and dimensions of lots shall conform to the zoning provisions applicable in the area of the proposed subdivision, and the lot side lines shall be approximately at right angles or radial to the street line.

e. *Walkways.* The subdivider may be required to dedicate and improve walkways to standards prescribed by the Commission where necessary to provide adequate access to schools, parks or other public areas.

f. *Utility Easements.* Easements shall be provided as required by the utility companies furnishing service.

g. *Fencing.* When the rear of any lot abuts any drainage channel, railroad right-of-way, major or secondary street, or a

state highway, a fence shall be erected along the rear lot line by the subdivider to conform to the standards of the City. Where lots back up to a street or highway and where it is intended that there shall be no access from said lots to the street or highway which they back, a masonry wall of a height approved by the Planning Commission shall be erected on the rear property line within the street right-of-way as a physical separation between the lots and the street or highway.

Where such walls are required between a residential subdivision and a major or secondary street and there is more than one lot, either backing or siding on the major or secondary street, dedication of additional right-of-way, installation of landscaping, and automatic sprinkling systems shall be provided as indicated in the guidelines on file in the Department of Community Development. Variation and originality in design are encouraged. The Community Development Director shall approve the details of such installation including colors, textures, fencing and materials, prior to the recording of the final map.

In the case of side-on-lots facing an extended cul-de-sac where pedestrian access may be intended the same conditions shall apply except that in the area between the major street and the end of the cul-de-sac the masonry wall may be omitted.

h. *Maintenance Districts.* Prior to recordation of a subdivision the subdivider shall provide for a maintenance district to cover the cost of operating and maintaining any street lighting within or adjacent to the subdivision. Additionally, the subdivider or developer shall pay the maintenance and operations costs, as estimated by the Public Works Director, which may be incurred after acceptance but prior to the time the maintenance district can be put on the tax roll for the properties within the district.

Whenever landscaping is required between a residential subdivision and a major or secondary highway or landscaping is required on islands in minor streets, the subdivider shall agree to have the City establish a maintenance district to cover the cost of maintaining the required landscaping and shall pay the cost of all maintenance as estimated by the Public Works Director which may be incurred after acceptance of the landscaping by the City but prior to the time the

maintenance district assessment can be put upon the tax bill of the maintenance district property.

Said periods of maintenance costs for which the subdivider is liable shall not exceed one year.
(Ord. No. 87-01, § 11)

19-2.4 Solar Access Requirements.

a. Tentative maps, including tentative parcel maps, may provide for the dedication of solar access easements for the purpose of assuring that no building, wall, fence or other structure shall be constructed, and no vegetation shall be allowed to grow, on the individual lots so as to prevent unobstructed sunlight from reaching the south face of the buildable area of all other lots within the subdivision between the hours of 11:00 a.m. and 2:00 p.m. Pacific Standard Time on December 21, except that deciduous trees on adjacent property may shade a south facing wall, but must leave the roof area unobstructed between the hours of 10:00 a.m. and 2:00 p.m. Pacific Standard Time on June 21.

b. All solar easements shall contain the following:

1. A three dimensional diagram of the solar access easement between 10:00 a.m. and 2:00 p.m. Pacific Standard Time on December 21;

2. A written description specifying each solar access easement in measurable angles;

3. The restrictions placed upon buildings, walls, fences and other structures and upon vegetation which would impair or obstruct the passage of sunlight through the solar access easement;

4. A statement that the solar access easement is appurtenant to the dominant tenement and that the burdens and benefits of the easement shall run with the land; and

5. Any terms or conditions under which the easement may be revised or terminated, and a statement that before any term or condition may be revised or terminated, such change must be approved by the Planning Commission for a tentative tract map and for a tentative parcel map.

c. In approving a tentative map, including a tentative parcel map, the requirements of paragraph a. herein may be modified or waived for one or more lots in the subdivision if the dedication of the solar access easement would not be feasible or would cause results inconsistent with the intent of

this section given the contour and configuration of the land to be subdivided, existing vegetation, the use of vegetation to moderate wind or temperatures or the use of adjacent parcels to the north. In no event shall the subdivider be required to:

1. Reduce allowable densities;
2. Reduce the percentage of a lot which may be occupied by a building under the applicable zoning in force at the time the tentative map is filed; or
3. Remove existing vegetation either on-site or off-site.

d. All solar access easements created in accordance with this section shall be recorded with the Kern County Recorder concurrent with recordation of the final map.

e. The requirements of this section are not applicable to condominium projects which consist of the subdivision of air space in an existing building where no new buildings are added.

(Ord. No. 87-01, § 12)

19-2.5 *Franchised Public Utilities.*

a. The design of a subdivision for which a tentative or parcel map is required shall provide each franchised public utility an opportunity to construct, install and maintain, on land identified on the map as dedicated or to be dedicated to the public utility uses, any equipment necessary to extend said utility services to each residential parcel in the subdivision.

b. This section shall not apply to the conversion of existing dwelling units to condominiums, community apartment or stock cooperatives.

(Ord. No. 88-26, § 2)

19-3 Tentative Tract Map Application Procedures.

19-3.1 *Tentative Tract Map Filing.*

a. *Pre-Filing Conference.* Prior to the filing of a tentative tract map, the subdivider may submit to the Department of Community Development, maps, plans and other information concerning a proposed or contemplated development. The Department of Community Development shall then within ten working days, schedule a conference with the subdivider as shall seem proper regarding such plans or other data. This

conference is an optional procedure which may be elected by the subdivider and is not required by this section. A subdivider may commence with the filing of a tentative map and may elect to omit this pre-filing conference.

b. *Filing of Tentative Map and Supplementary Data.* The subdivider shall file with the Department of Community Development an adequate number of prints, as determined by the Director of Community Development, of the tentative tract map of the subdivision plus the supplemental data required in this Code. The Department of Community Development within 30 working days after the tentative map has been received, shall examine the map and if it appears to substantially comply in form and content, the map shall be accepted for

filing. If it is not accepted, it shall be returned to the subdivider with a written statement of the reason. Filing fees shall be as established by Resolution of the City Council. The City shall approve or disapprove such tentative map within one year from the date it was accepted for filing. Failure to act within one year shall be deemed approval of the tentative map.

(Ord. No. 87-01, § 15)

19-3.2 *Planning Commission Action.*

a. The Planning Commission shall hold a public hearing to consider the tentative map within 50 working days following the date of its filing, and shall determine whether the tentative map is in conformity with the provisions of law and this chapter and upon that basis shall approve, conditionally approve, or disapprove the tentative map.

b. Notice shall be published in a newspaper of general circulation in the community not less than nor more than 15 days before the date set for the Commission hearing. The notice shall contain all data pertinent to the hearing.

c. Written notices shall be mailed not less than ten days prior to the date of the hearing to owners of property within a radius of 300 feet of the external boundaries of the property described in the application, using for this purpose the last known name and address of such owners as are shown on the tax roll of the County. Such notice shall contain all pertinent data contained in the application.

d. The time for acting and reporting on tentative maps may be extended by mutual consent of the subdivider and the Planning Commission.

e. The Commission shall deny approval of a tentative map if it makes any of the following findings:

1. That the proposed map is not consistent with applicable general and specific plans.
2. That the design or improvement of the proposed subdivision is not consistent with the applicable general and specific plans.
3. That the site is not physically suitable for the type of development.
4. That the site is not physically suitable for the proposed density of development.

5. That the design of the subdivision or the proposed improvements are likely to injure fish or wildlife or their habitat.

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

7. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.

f. The approval or conditional approval of a tentative subdivision map shall be for 36 months. Upon written application, time extensions in one year increments but not to exceed a total of 36 months, may be granted by the Commission for a subdivision. Conditions may be added by the Commission when granting a time extension to bring the tentative map into compliance with the latest City requirements. If a final map is not submitted within the allowed time, the tentative map shall be considered abandoned.

g. The Planning Commission or the City Council may waive the provisions of this chapter and of Section 66476, the Subdivision Map Act, requiring disapproval of maps for failure to meet or perform State or local requirements of conditions when the failure of a map submitted for approval is the result of a technical and inadvertent error which in the determination of the Planning Commission or the City Council does not materially affect the validity of the map.

h. Any interested person may appeal any action of the Planning Commission with respect to the Tentative Tract Map

within 15 days after such action to the City Council in accordance with Section 66562.5 of the Subdivision Map Act. (Ord. No. 87-01, § 16)

19-4 Final Map.

19-4.1 *Final Map Requirements.* After final approval of a tentative map, the subdivider may cause a final map to be prepared in conformance with the Subdivision Map Act and this Code and in substantial compliance with the approved tentative map. (Ord. No. 87-01, § 19)

19-4.2 *Final Map Filing.* The subdivider shall submit two prints of the proposed final map to the City Engineer for checking. The City Engineer shall examine or have examined the map for compliance with the provisions of this chapter, the Subdivision Map Act and for such other matters as required. Upon acceptance the original shall be submitted for signature. Filing fees shall be as established by resolution of the City Council. (Ord. No. 87-01, § 20)

19-4.3 *Final Map - Form and Content.*

a. *Title.* The title sheet shall contain a subdivision number conspicuously placed at the top of the sheet, and a description of the property being subdivided with references to maps which have been previously recorded, or by reference to the plot of a United States survey, followed by the words "in the City of Ridgecrest" or "partly in the City of Ridgecrest and partly in the (name of jurisdiction)" as the case may be.

b. The final map shall show the centerline of all streets, length, tangent, radius and central angle of all curves; and the bearings of radial lines to each lot corner on a curve, the total width of each street, the width of the existing right-of-way and the width each side of the centerline; the width of rights-of-way of railroads, flood control or drainage channels and any other easements appearing on the map. One exterior line of the land being subdivided will be adequately monumented for reference before the map is recorded.

c. *Data for lots.* Sufficient data shall be shown to determine readily the bearing and length of each lot line of

the final map. Each lot line shall be shown entirely on one sheet. Distances and bearings on the sidelines of the lot which are cut by an easement shall be so shown as to indicate clearly the actual length of the lot lines. No ditto marks shall be used. No lot in a subdivision shall be divided by the boundary line of a City, County, or special district.

d. **Easements.** The location on the final map of all existing or proposed easements (public utility, private sewers, television antenna, etc.) which are to remain after recordation and which are not within streets in the subdivision shall be shown by means of broken lines, together with the name of the vestee, the use of the easement and the record reference, if any. The width of the easement and the lengths and bearings of the lines thereof and sufficient ties to locate the easement shall be clearly labeled and identified on the final map, and if of record, properly referenced. If the easement is not definitely located of record, a statement as to the easement shall appear on the title sheet.

e. **Dedication.** The owner's certificate on the final map shall indicate the easements being offered for dedication.

f. **Monuments.** All monuments required by this Code shall be fully and clearly shown and identified as such on the final map together with sufficient information so that another engineer or surveyor may readily locate each monument.

g. **Established Lines.** Whenever the City Engineer has established a centerline of a street or alley, the data shall be considered in making the surveys and in preparing the final map. All monuments found shall be indicated and proper references made to field books or maps of public record relating to the monuments. If the points were reset by ties, that fact shall be stated.

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

i. **Lot Numbers.** The lots on the final map shall be numbered consecutively commencing with the number one with no omissions or duplications.

j. **Additional Information.**

1. The date, north point and scale shown on all sheets.

2. The location and names, without abbreviations, of all existing and proposed streets and alleys, and adjoining streets.
 3. Dimensions in feet and hundredths of a foot.
 4. The dimensions of all lots.
 5. The street centerline data, including bearings and distances.
 6. The radius, tangent, arc and central angle of all curves.
 7. Suitable primary survey control points.
 - (a) Section corners.
 - (b) Monuments (existing outside of subdivisions.)
 8. The accurate location of all permanent monuments.
 9. Ties to and names of all adjacent subdivisions.
 10. Ties to any City or County boundary lines involved.
 11. All required certifications.
 12. The net acreage of all lots of one acre or more to not less than the nearest one hundredth.
 13. References to maps previously recorded relative to the property.
 14. The bearing and length of each lot line, block line and boundary line.
 15. Basis of bearings.
- k. *Limit of Error.* A survey and traverse of the boundaries of the subdivision and all lots and blocks shall close within a limit of error of one foot in 10,000 feet of perimeter.
(Ord. No. 878-01, § 21)

19-4.4 *Setting of Monuments and Ties.* In making a survey for the subdivision or division of land, the surveyor shall set sufficient permanent monuments so that the survey or any part thereof may be readily retraced. Such monuments shall generally be placed at right angle points on the exterior boundary lines of the subdivision or division of land, and at intersections of centerlines of streets and at beginning of curves and ends of curves on centerlines. Such monuments may be placed on offset lines. The character, type and positions of all permanent monuments shall be noted on the map.

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Permanent monuments shall be not less substantial than a two inch diameter iron pipe, two and one-half feet long set at least two feet into the ground. For each centerline intersection monument set, the engineer or surveyor under whose supervision the survey has been made, shall furnish to the City Engineer, a set of notes showing clearly the ties between such monument and a sufficient number (normally four) of durable distinctive reference points or monuments. Such reference points or monuments may be leads and tacks in sidewalks, or two inch iron pipe set back of the curb line and below the surface of the ground, or such substitute therefor as appears to be not likely disturbed.

Such sets of notes shall be of such quality, form and completeness and shall be on paper of such quality and size as may be necessary to conform to the standardized office records of the City Engineer. All such notes shall be indexed and filed by the City Engineer's office.

(Ord. No. 87-01, § 22)

19-4.5 Information To Be Submitted With Final Map. When a final map is submitted to the City Engineer in accordance with this Code, it shall be accompanied by the documents specified in this section.

a. **Improvement Plans.** Improvements plans and specifications as indicated in this Code.

b. **Improvement Agreement.** All agreements and improvement security required by State law or this Code.

c. **Utility Statements.** Statements from the various public utility companies authorized to serve in the area of the subdivision or division of land certifying that satisfactory provisions have been made to accommodate their facilities.

d. **Subdivision Guarantee.** Prior to the recordation of a final map, the subdivider shall provide the City with a subdivision guarantee issued by a title company authorized by the laws of the State of California to write same, issued for the benefit and protection of the City of Ridgecrest, in the amount of at least one thousand (\$1,000.00) dollars covering all land, including reserve strips, to be dedicated for public use.

(Ord. No. 87-01, § 23)

19-4.6 *Dedication of Easements for Public Use.*

a. *Public Use Areas.* All streets highways, and parcels of land shown on the final map and intended for any public use shall be offered for dedication to the City of Ridgecrest or other appropriate public agency.

b. *Future Streets.* Streets or portions of streets may be offered for future dedication where the immediate opening and improvement is not required, but where it is necessary to ensure that the City can later accept dedication when said streets are needed for further development of the area or adjacent areas.

(Ord. No. 87-01, § 24)

19-4.7 *City Council Action on Final Map.* If the final map as submitted conforms to the recommendations of the Planning Commission pertaining to the tentative map, the City Engineer shall submit the final map to the City Council. Final map shall be disapproved only for failure to meet or perform requirements or conditions which were applicable to the subdivision at the time of approval of the tentative map and such disapproval shall be accompanied by a finding identifying the requirements which have not been met. After City Council approval of the final map by Resolution, the proper signatures and acknowledgements shall be affixed thereto and the map recorded. After recording of the final map, the subdivider or his agent shall supply the City Engineer's office with three prints, plus a reproducible mylar copy, of the recorded map.
(Ord. No. 87-01, § 25)

19-4.8 *Reversion to Acreage.* A final map shall be recorded under the provisions of Title 7, Division 2, Chapter 6, Article 1, of the Subdivision Map Act for the purposes of showing as acreage land previously subdivided. A reversion to acreage shall be subject to approval by the Planning Commission. Prior to approval of a reversion to acreage, it shall be determined by the Commission that said reversion will have no adverse effect on abutting property or the proper development thereof. Upon the title sheet of each map filed for the purpose of reverting subdivided land to acreage, the subtitle shall consist of the words "A reversion to acreage of (Insert legal description of

the land being reverted.) Filing fees shall be as established by resolution of the City Council.
(Ord. No. 87-01, § 26)

19-5 Parcel Map Procedures.

19-5.1 *Tentative Parcel Map Required.* A tentative parcel map shall be required for any division of property which is not a subdivision as defined in Chapter 2 of the Subdivision Map Act and shall be prepared in accordance with the Subdivision Map Act and the provisions of this chapter. (Ord. No. 87-01, § 28)

19-5.2 *Tentative Parcel Map - Form, Content, and Design Requirements.* A tentative parcel map shall conform substantially with the provisions of Sections 19-2.2 and 19-2.3 of this chapter. (Ord. No. 87-01, § 29)

19-5.3 *Tentative Parcel Map Filing.* The party requesting approval of a parcel map shall file with the Department of Community Development an adequate number of prints of the tentative parcel map. The Department of Community Development, within 30 working days after receiving the tentative parcel map, shall examine the map and if it appears to comply in form and content shall accept the map for filing. Filing fees shall be as established by resolution of the City Council. The City shall approve or disapprove such tentative parcel map within one year from the date it was accepted for filing. Failure to act within one year shall be deemed approval of the tentative parcel map. (Ord. No. 87-01, § 30)

19-5.4 *Planning Commission Action.*

a. The Planning Commission shall hold a public hearing to consider the tentative parcel map within 50 working days following the date of its filing, and shall determine whether the tentative parcel map is in conformity with the provisions of law and this chapter and upon that basis shall approve, conditionally approve, or disapprove, the tentative parcel map and shall report its action directly to the party submitting the tentative parcel map.

b. Notice shall be published in a newspaper of general circulation in the community not less than ten days nor more than 15 days before the date set for the Commission hearing. The notice shall contain all data pertinent to the hearing.

c. Written notices shall be mailed not less than ten days prior to the date of the hearing to owners of property within a radius of 300 feet of the external boundaries of the property described in the application, using for this purpose the last known name and address of such owners as are shown on the tax roll of the County. Such notice shall contain all pertinent data contained in the application.

d. Within ten days following the action of the Planning Commission, the Director of Community Development shall transmit a letter containing the record pertaining to such action to the party submitting the tentative parcel map.

e. The approval or conditional approval of a tentative parcel map shall be for 24 months. Upon written application, a time extension not exceeding 12 months may be granted by the Planning Commission. If the final parcel map is not submitted within the allotted time, the tentative parcel map shall be considered abandoned.

f. If a person is dissatisfied with any action of the Planning Commission with respect to the tentative parcel map, he may, within 15 days after such action, appeal to the City Council in accordance with Section 66562.5 of the Subdivision Map Act. (Ord. No. 87-01, § 31)

19-5.5 *Final Map Requirements.* After final approval of a tentative parcel map, the owner of the property being divided may cause a final parcel map to be prepared in conformance with the Subdivision Map Act and this chapter and in substantial compliance with the approved tentative parcel map. (Ord. No. 87-01, § 32)

19-5.6 *Final Parcel Map Filing.* Two prints of the proposed final parcel map shall be submitted to the City Engineer for checking. The City Engineer shall examine or have examined the map for compliance with the provisions of this chapter, the Subdivision Map Act and for such other matters as required. Upon acceptance the original map shall be submitted for signature. Filing fees shall be as established by resolution of the City Council. (Ord. No. 87-01, § 33)

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19-5.7 *Final Parcel Map - Form and Content.* The form and content of the parcel map shall conform to the requirements of Title 7, Division 2, Chapter 2, Article 3 of the Subdivision Map Act. (Ord. No. 87-01, § 34)

19-5.8 *Setting of Monuments and Ties.* In making a survey for a parcel map, the surveyor shall comply with Section 19.4.4 of this chapter. (Ord. No. 87-01, § 35)

19-5.9 *Information to be Submitted with Final Parcel Map.* When a final parcel map is submitted to the City Engineer in accordance with this chapter, it shall be accompanied by the documents specified in this section if improvements are required as a condition of approval of the tentative parcel map by the Planning Commission.

a. *Improvement Plans.* Improvement plans and specifications shall be submitted as indicated in this chapter.

b. *Improvement Agreements.* All agreements and improvements security required by this chapter shall be submitted with the final map.

(Ord. No. 87-01, § 36)

19-5.10 *Dedication of Easements for Public Use.*

a. Dedications, or offers for dedication, shall be required for street widenings, openings or easements, as determined by the City Engineer and in conformance with the Circulation Element of the General Plan.

b. All required dedications or offers of dedication shall be made by certificate on the final parcel map or by separate instrument, as determined by the City Engineer. Any dedication or offer of dedication made by separate instrument shall be recorded concurrently with or prior to the filing of the parcel map for record.

(Ord. No. 87-01, § 37)

19-6 Exceptions to Parcel Map Procedures.

19-6.1 *Waiver of Tentative Parcel Maps - Purpose and Scope.* Under § 66428 of the Subdivision Map Act, the City shall establish procedures for waiving parcel map requirements.

The City finds, determines and declares that tentative parcel maps may be waived under the provisions of this section. (Ord. No. 87-01, § 39)

19-6.2 Procedure for Waiver of Tentative Parcel Maps.

a. A person who desires to obtain a waiver from the requirement to file a tentative parcel map shall present the proposed final parcel map and the established fee to the Planning Commission Secretary. The Secretary shall obtain the comments of the Planning Director and the Director of Public Works as to whether the proposed map will conform with the criteria set forth below. The comments of the Director of Community Development and Director of Public Works shall be presented to the applicant who shall make recommended corrections, if any, or request the matter be placed before the Planning Commission for action.

b. If no corrections are suggested or when suggested corrections are made, the Planning Commission Secretary shall schedule a public hearing before the Planning Commission upon the giving of such notice as required for other parcel maps.

c. The Planning Commission shall approve the proposed map if the Commission makes the findings set forth in the criteria listed below. The decision of the Planning Commission shall be final unless the decision is appealed to the City Council in the same manner as tentative parcel maps. (Ord. No. 87-01, § 40)

19-6.3 Criteria for Waiver of Tentative Parcel Maps.

a. A parcel may be approved for filing without a tentative map only if the Planning Commission finds that the following conditions exist:

1. The proposed map will promote the elimination or reduce the deficiencies of substandard or otherwise inappropriate parcels;

2. The proposed map complies with the Subdivision Map Act and this Code as to area, improvements and design, floodwater drainage control, appropriate improved public

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roads, sanitary disposal facilities, water supply availability, environmental protection; and

3. The proposal is not a subdivision within the meaning of the Subdivision Map Act.

(Ord. No. 87-01, § 41)

19-6.4 Lot Line Adjustment.

a. A lot line adjustment between two or more adjacent parcels, where the land taken from one parcel is added to an adjacent parcel and where a greater number of parcels than originally existed is not thereby created, may be approved by the City Engineer when, in consultation with the Community Development Department, it is determined that all the following conditions exist:

1. The land is part of a recorded subdivision map, parcel map, Record of Survey, or shown on the latest adopted tax assessor's map as an individual parcel of land.

2. The lots or parcels created have the minimum square footage required by the zoning district in which they are located.

3. No lot or parcel that is created on a dedicated and City maintained street shall have less than 50 feet frontage and lots that are created on a cul-de-sac or knuckle street shall have a minimum of 40 feet of frontage if the width of the lot as measured at the front yard setback line is at least 50 feet.

4. All other applicable provisions of the zoning chapter shall be complied with.

5. An unnumbered tentative parcel map or clear and concise 8-1/2 inches by 11 inches or 14 inches rendering shall be submitted to the Public Works Department for review to insure compliance with the above sections.

b. Under no circumstances shall a lot line adjustment result in the creation of a substandard lot.

(Ord. No. 87-01, § 42; Ord. No. 88-15, § 3; Ord. No. 92-08, § 2)

19-7 Public Improvements.**19-7.1 *Required Subdivision Improvements.***

a. The subdivider shall improve, or agree to improve, all streets, highways or ways in or adjacent to the subdivision. The necessary improvements shall be made within the street right-of-way between the property line and the center of the street. Improvements shall be installed to permanent line and grade in accordance with standard subdivision improvements specification of the City on file with the City Engineer. The minimum improvements which the subdivider shall make, or agree to make at the cost of the subdivider, prior to acceptance and approval of the final subdivision map by the City Council, shall be:

1. Grading, concrete curbs and gutters, driveways, cross gutters, drainage and drainage structures necessary to the proper use and drainage of streets, highways and ways or to the public safety.

2. Street pavement and base of a thickness determined by the City Engineer in conformance with the standard City specifications.

3. Concrete sidewalks not less than five feet wide and four inches thick; provided, that the City Council may make an exception to this provision where topographical conditions make the installation of sidewalks impractical. The City Council may require sidewalk for the entire width of the parkway along major or secondary streets and for streets abutting commercial or industrial zoned land.

4. Fire hydrants of a size and at the location designated by the Indian Wells Valley Water District and the Kern County Fire Department.

5. Sanitary sewer facilities and connections for each lot.

6. Services from public utilities and sanitary sewers for each lot in such manner as will obviate the necessity for disturbing the street pavement, gutter, culvert and curb when service connections are made.

7. A street lighting system of type approved by City Engineer.

8. Street name signs at all street intersections. The subdivider shall bear the total expense incurred by the City in purchasing and installing all required street name signs.

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9. Traffic islands where they are required to control the movement of traffic.

10. Barricades and reflectors along the ends of all dead end streets other than cul-de-sacs and at the ends of culverts and other dangerous areas.

11. Installation or relocation of traffic signals, traffic signs, safety lighting and safety devices where required by the City Engineer.

12. Easements or land dedicated to the City for park and recreation purposes shall be improved with sidewalks, rough grading, curbs and gutters, and adequate provisions for service to the proposed park site of all necessary utilities.

13. Other improvements where deemed necessary by the Planning Commission for the public health, safety, or welfare.

b. The subdivider shall perform all work required by the City Engineer or building official in connection with the demolition, moving, altering or conversion of any structure or facility, including underground structures either wholly or partially within the subdivision or affected thereby.

(Ord. No. 87-01, § 45)

19-7.2 *Subdivision Improvement Plans.* Plans, profiles and specifications of proposed improvements shall be furnished to the City Engineer prior to the time of submitting the final map to him. Such plans and profiles shall show full details of the proposed improvements which shall be according to the standards of the City. Plan check fees shall be as established by resolution of the City Council. (Ord. No. 87-01, § 46)

19-7.3 *Subdivision Grading Plans.* The subdivider shall be required to submit grading plans which shall incorporate all requirements of Appendix Chapter 70 of the Uniform Building Code, and the provisions of this chapter. Also the subdivider shall furnish all geological and soil test data as may be required by the City Engineer and Building Official. (Ord. No. 87-01, § 47)

19-7.4 *Subdivision Completion of Improvements.* If the required improvement work is not completed satisfactorily before the final map is approved, the owner or owners of the subdivision shall, immediately upon approval and before the certification of the final map by the City, enter as contractor into an agreement with the City Council whereby, in consideration of the acceptance by the City Council of street and easements offered for dedication, the contractor agrees to complete the work within the time specified in the agreement. (Ord. No. 87-01, § 48)

19-7.5 *Subdivision Improvement Security Required.* To assure the City that this work will be completed and lien holders paid, an improvement security shall be furnished guaranteeing faithful performance, and guaranteeing payment for labor and materials. The amount of such improvement security shall be determined by the City Engineer, and approved by the City Council as to the amount and adequacy. Improvement security as used in this section means one or a combination of the following:

- a. A cash deposit or deposits made with the City.
- b. A bond or bonds by one or more duly authorized corporate sureties.
- c. An instrument or instruments of credit from one or more financial institutions subject to regulation by the State or Federal Government pledging that the funds necessary to meet the performance are on deposit and guaranteed for payment and agreeing that the funds designated by the instrument shall become trust funds for the purpose set forth in the instrument.

(Ord. No. 87-01, § 49)

19-7.6 *Subdivision Forfeiture of Security.* Upon the failure of a subdivider to complete all improvement within the time specified in an agreement or extension thereof, the Council may, upon notice in writing of not less than 20 days served by registered mail, addressed to the last known address of the person, firm, or corporation signing such contract, determine that said improvement work or any part thereof is uncompleted and may cause to be forfeited to the City such portion of said sum of money or bonds given for the faithful performance of

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said work as may be necessary to complete such work. (Ord. No. 87-01, § 50)

19-7.7 Subdivision Exoneration of Security. It shall be the duty of the City Engineer to inspect all improvements installed and monuments set as to their compliance with this chapter and City standards. No sum of money or bonds given for faithful performance of such work shall be exonerated from the agreements referred to herein until and unless the City Engineer certifies compliance thereto. (Ord. No. 87-01, § 51)

19-7.8 Subdivision Improvements - Underground Utilities. Utility lines, including but not limited to electric, communications, street lighting and cable television shall be required to be placed underground. The subdivider is responsible for complying with the requirements of this section, and he shall make the necessary arrangements with the utility companies for the installation of such facilities. For the purposes of this section, appurtenances and associated equipment such as, but not limited to, surface mounted transformers, pedestal mounted terminal boxes and meter cabinets, and concealed ducts in an underground system may be placed above ground. The Commission may waive the requirements of this section if topographical, soil or any other conditions make such underground installations unreasonable. This section shall not apply to existing utility lines which do not provide service to the subdivision being developed. (Ord. No. 87-01, § 52)

19-7.9 Required Parcel Map Improvements. The party requesting approval of a parcel map shall be required to improve all streets, highways or ways in and adjacent to the parcel map as required by the Planning Commission's conditions of approval of the tentative parcel map, and in accordance with the standard subdivision improvement specifications of the City on file with the City Engineer.

The improvements which may be required by the Planning Commission prior to final approval of the parcel map are:

a. Grading, concrete curbs and gutters, driveways, cross gutters, drainage and drainage structures necessary to the proper use and drainage of streets, highways and ways or to the public safety.

b. Street pavement and base of a thickness determined by the City Engineer in conformance with the standard City specifications.

c. Concrete sidewalks not less than five feet wide and four inches thick.

d. Sanitary sewer facilities and connections for each lot.

e. Services from public utilities and sanitary sewers made available for each lot in such manner as will obviate the necessity for disturbing the street pavement, gutter, culvert and curb when service connections are made.

f. Fire hydrants of a size, and at the location designated by the Indian Wells Valley Water District and the Kern County Fire Department.

g. A street lighting system of type approved by City Engineer.

h. Street name signs at all street intersections. The owner shall bear the total expense incurred by the City in purchasing and installing all required street name signs. (Ord. No. 87-01, § 53)

19-7.10 Parcel Map Improvement Plans. Plan, profiles and specifications shall be furnished to the City Engineer prior to approval of the parcel map. (Ord. No. 87-01, § 54)

19-7.11 Parcel Map Completion of Improvements. Where under the provisions of Section 66411.1 of the Subdivision Map Act improvement may not be required to be installed until such time as a grant of a development or approval is issued, fulfillment of the improvement requirements of this chapter shall be the obligation of the person or persons requesting development approval rather than obligation of the subdivider. The Planning Commission may require fulfillment of improvements within a reasonable time following approval of the parcel map and prior to the issuance of a permit with the finding that fulfillment of the construction requirements is necessary for reasons of:

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- a. Public health and safety; and
 - b. The required construction is a necessary prerequisite to the orderly development of the surrounding area.
- (Ord. No. 87-01, § 55)

19-7.12 *Parcel Map Improvement Security Required.* To assure the City that this work will be completed and lien holders paid, an improvement security shall be furnished guaranteeing faithful performance and guaranteeing payment for labor and materials. The amount of such improvement security shall be determined by the City Engineer and may be one or a combination of the following:

- a. A cash deposit or deposits made with the City.
- b. A bond or bonds by one or more duly authorized corporate sureties.
- c. An instrument or instruments of credit from one or more financial institutions subject to regulation by the State or Federal government pledging that the funds necessary to meet the performance are on deposit and guaranteed for payment and agreeing that the funds designated by the instrument shall become trust funds for the purpose set forth in the instrument.

(Ord. No. 87-01, § 56)

19-7.13 *Parcel Map Forfeiture of Security.* Upon the failure of an owner to complete all improvements within the time specified in an agreement or extension thereof, the Council may, upon notice in writing of less than 20 days served by registered mail, addressed to the last known address of the person, firm, or corporation signing such contract, determine that said improvement work, or any part thereof, is uncompleted and may cause to be forfeited to the City such portion of said sum of money or bonds given for the faithful performance of said work as may be necessary to complete such work. (Ord. No. 87-01, § 57)

19-7.14 *Parcel Map Exoneration of Security.* Utility lines, including, but not limited to, electric, communications, street lighting and cable television shall be required to be placed underground. The owner is responsible for complying with the

requirements of this section, and he shall make the necessary arrangements with the utility companies for the installation of such facilities. For the purposes of this section, appurtenances and associated equipment such as, but not limited to, surface mounted transformers, pedestal mounted terminal boxes and meter cabinets, and concealed ducts in an underground system may be placed above ground. The Planning Commission may waive the requirements of this section if topographical, soil or other conditions make such underground installation unreasonable. This section shall not apply to existing utility lines which do not provide service to the property being developed. (Ord. No. 87-01, § 58)

19-8 Vesting Tentative Maps.

19-8.1 Vesting Map General Provisions.

a. *Citation and Authority.* This chapter is enacted pursuant to the authority granted by Chapter 4.5 (commencing with Section 66498.1) of Division 2 of Title 7 of the Government Code of the State of California (hereinafter referred to as the Vesting Tentative Map Statute), and may be cited as the Vesting Tentative Map Ordinance.

b. *Purpose and Intent.* It is the purpose and intent of this chapter to establish procedures necessary for the implementation of the Vesting Tentative Map Statute, and to supplement the provisions of the Subdivision Map Act and the Subdivision Ordinance. Except as otherwise set forth in the provisions of this chapter, the provisions of the Subdivision Ordinance shall apply to the Vesting Tentative Map Ordinance.

To accomplish this purpose, the regulations outlined in this chapter 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.

c. *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 plan or not permitted by the zoning ordinance or other applicable provisions of the Municipal Code.

d. Definitions.

1. A "vesting tentative map" shall mean a "tentative map" for a residential subdivision, as defined in the

Ridgecrest Subdivision Ordinance that shall have printed conspicuously on its face the words "vesting tentative map" at the time it is filed in accordance with subsection 19-8.2 and is thereafter processed in accordance with the provisions hereof.

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

e. *Application.*

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

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

(Ord. No. 87-01, § 60)

19-8.2 *Vesting Map Procedures.*

a. *Filing and Processing.* A vesting tentative map shall be filed in the same form and have the same form and have the same contents, accompanying data and reports and shall be processed in the same manner as set forth in the Ridgecrest Subdivision Ordinance for a tentative map except as hereinafter provided:

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

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

- (a) Height, size, and location of buildings
- (b) Sewer, water, storm drain and road details
- (c) Information on the uses to which the buildings will be put

- (d) Detailed grading plans
- (e) Geological studies
- (f) Flood control information
- (g) Architectural plans
- (h) Any any other studies deemed necessary by the

Director of Community Development

b. *Fees.* Upon application for a vesting tentative map the subdivider shall submit the appropriate fee as set by Council resolution.

c. *Expiration.* The approval or conditional approval of a vesting tentative map shall expire at the end of the same time period, and shall be subject to the same extensions, established by the Subdivision Ordinance for the expiration of the approval or conditional approval of a tentative map.

(Ord. No. 87-01, § 61)

19-8.3 *Vesting Map Development Rights.*

a. Vesting on Approval of Vesting Tentative Map.

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

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

2. Notwithstanding paragraph 1., a permit, approval, extension, or entitlement may be made conditional or denied if any of the following is determined:

(a) A failure to do so would place the residents of the subdivision or the immediate community, or both, in a condition dangerous to their health or safety, or both.

(b) The condition or denial is required, in order to comply with State or Federal law.

3. The rights referred to herein shall expire if a final map is not approved prior to the expiration of the vesting tentative map as provided in subsection 19-8.2c. If The final map is approved, these rights shall last for the following periods of time:

(a) An initial time period of one year. Where several final maps are recorded on various phases of a project covered by a single vesting tentative map, this initial time period shall begin for each phase when the final map for that phase is recorded.

(b) The initial time period set forth in paragraph a,3(a) herein shall be automatically extended by any time used for processing a complete application for a grading permit or for design or architectural review, if such processing exceeds 30 days, from the date a complete application is filed.

(c) A subdivider may apply to the Planning Commission for a one year extension at any time before the initial time period set forth in paragraph a,3(a) expires. If the extension is denied, the subdivider may appeal that denial to the City Council within 15 days.

(d) If the subdivider submits a complete application for a building permit during the periods of time specified in paragraphs a,3(a) through a,3(c), the rights referred to herein shall continue until the expiration of that permit, or any extension of that permit.

b. Development Inconsistent with Zoning - Conditional Approval.

1. Whenever a subdivider files a vesting tentative map for a subdivision whose intended development is inconsistent with the zoning ordinance in existence at that time, that inconsistency shall be noted on the map. The City may deny such a vesting tentative map or approve it conditioned on the subdivider, or his or her designee, obtaining the necessary change in the zoning ordinance to eliminate the inconsistency. If the change in the zoning ordinance is obtained, the approved or conditionally approved vesting tentative map shall, notwithstanding subsection 19-8.3a,1., confer the vested right to proceed with the development in substantial compliance with the change in the zoning ordinance and the map, as approved.

2. The rights conferred by this section shall be for the time periods set forth in subsection 19-8.3 paragraph a,3.

c. Applications Inconsistent with Current Policies.
Notwithstanding any provision of this chapter, a property

owner or his or her designee may seek approvals or permits for development which depart from the ordinances, policies, and standards described in subsections 19-8.3a,1. and 19-8.3b., and local agencies may grant these approvals or issue these permits to the extent that the departures are authorized under applicable law.

(Ord. No. 87-01, § 62)

19-8.4 Vesting Map Improvement Districts. In addition to the improvement standards for tentative tract maps, the subdivider of a vesting map shall establish a Mello-Roos Community Facilities District concurrent with the recordation of the final map.

(Ord. No. 87-01, § 63)

19-9 Park Acquisition and Development Fund.

19-9.1 Fund Credits.

a. Where private open space for recreation purposes is provided by a residential development, such areas in excess of the minimum Code requirement may be credited toward the fees required, the amount of credit to be determined by the Planning Commission. For the purposes of this section, open space shall include turfed and landscaped areas, recreation buildings and other facilities such as swimming pools and playing courts. Such credit toward fees shall be limited to a maximum of fifty percent of the required fee.

b. When private open space is credited against the required park fees, the Planning Commission shall find that the following standards are met:

1. That yards, court areas, setbacks and other open areas required to be maintained by the zoning and building regulations shall not be included in the computation of such private open space; and
2. That the private ownership and maintenance of the open space is adequately provided for by written agreement; and
3. That the use of the private open space is restricted for park and recreation purposes by recorded covenants

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which run with the land and which cannot be defeated or eliminated without the consent of the Planning Commission; and

4. That the proposed private open space is reasonably adaptable for use for park and recreational purposes, taking into consideration such factors as size, shape, topography, geology, access, and location of the private open space; and
5. That the Planning Commission make an assessment of the relationship between the proposed private open space to be credited and the total community recreation needs as set forth in the General Plan. Those developments requesting credit for twenty-five (25) percent or more of the park fees should be providing exceptional open spaces or recreation facilities for which the credited fees would otherwise be used.

(Ord. No. 87-01, § 70; Ord. No. 06-07, § 2)

19-9.2 Land Dedication in Lieu of Fees.

a. Land may be dedicated in lieu of the required fees if such a request is approved by the City Council as being compatible with the City's goals and policies. The determination of the City Council as to whether land may be dedicated shall be final and conclusive.

b. When determining whether land may be dedicated in lieu of the fee payment, the Planning Commission shall make a recommendation to the Council addressing site suitability based upon:

1. The General Plan;
2. Topography, geology, access and location of the land available for dedication;
3. Size and shape of the land available for dedication.

c. "Fair market value" shall be the figure used to determine the percentage of the required fees that the land dedication represents. "Fair market value" may be determined by either of the following methods:

1. The fair market as determined by the City Council based upon the then assessed value, modified to equal market value in accordance with current practice of the County Assessor; or

2. The City and Developer may agree as to the fair market value.

- d. When the land is to be dedicated, the Developer shall give the deed to the land to the City at the time that a building permit is requested; however, the City will not record the deed until after the building permit is issued.

(Ord. No. 87-01, § 71; Ord. No. 06-07, § 2)

Editor's note—Ord. No. 06-07, § 2, adopted July 19, 2006, repealed the §§ 19-9.1—19-9.5, and subsequently renumbered §§ 19-9.6 and 19-9.7 as §§ 19-9.1 and 19-9.2. Formerly, §§ 19-9.1—19-9.5 pertained to intent, applicability, fee schedule, parks and recreation facilities fund, and distribution of funds, respectively, and derived from Ord. No. 87-01, §§ 65—69.

19-10 Administration and Enforcement.

19-10.1 *Compliance Required, Evasion Unlawful.*

- a. It is unlawful for any person, as principal, agent or otherwise, to divide or subdivide for lease or sale, into two or more parcels of land, or to lease, sell, convey, quitclaim, or transfer, by contract, deed or otherwise, or after such division or subdivision to offer for lease or sale, any land or any part thereof, whether improved or unimproved in the City of Ridgecrest, unless and until all of the requirements hereinbefore provided in relation thereto shall have been complied with. Such requirements shall not apply to the leasing of apartments, offices, stores or similar space within an apartment building, industrial building, commercial building, commercial building or trailer park, or to land dedicated for cemetery purposes.

- b. It is unlawful for any person, as seller, buyer, agent, or otherwise, for the purpose of violating or nullifying the provisions of the chapter, knowingly to: Allow a transfer of title to property or any part thereof to take place by adverse possession or prescription; or to conspire or collude with another or others to effect a successive series or subdivisions of a larger parcel into smaller parcels; or to be or become a party to a friendly or sham lawsuit or litigation the purpose of which shall be to cause or to permit a transfer of title of any land or part thereof, whether improved or unimproved, in the City of Ridgecrest; or to do or perform any other act or willfully omit to do an act for the purpose of evading or nullifying the provisions of this chapter.

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c. *Sale Voidable.* Any deed or conveyance, sale or contract to sell made contrary to the provisions of this chapter is voidable at the sole option of the grantee, buyer or person contracting to purchase, his heirs, personal representative, or trustee

in insolvency or bankruptcy within one year after the date of execution of the deed of conveyance, sale or contract to sell, but the deed of conveyance, sale or contract to sell is binding upon any assignee or transferee of the grantee, buyer or person contracting to purchase, other than those above enumerated, and upon the grantor, vendor or person contracting to sell, or his assignee, heir or advisee.

However, nothing in this section contained shall be deemed to render void or voidable any trust deed, mortgage or other encumbrance in the hands of a bona fide holder for value.

d. *Remedies Not Barred.* This chapter does not bar any legal, equitable or summary remedy to which the City of Ridgecrest or other political subdivision, or any person, firm or corporation, may file suit in any court of competent jurisdiction, to restrain or enjoin any attempted or proposed subdivision or sale in violation of the Subdivision Map Act or this chapter.

(Ord. No. 87-01, § 73)

19-10.2 *Building Permits.* Compliance with the provisions of this chapter is a condition precedent to the issuance of a building permit and any building permit which is issued before compliance with the provisions of this chapter shall be null and void. (Ord. No. 87-01, § 74)

19-10.3 *Enforcement.* It shall be the responsibility of the City Clerk to notify the City Attorney of any violation of this chapter. (Ord. No. 87-01, § 75)

19-10.4 *Penalties for Violations.* Any person, firm or corporation, whether as principal, agent, employee or otherwise, violating or causing the violation of any of the provisions of this chapter shall be guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than five hundred (\$500.00) dollars or by imprisonment in the City Jail or County Jail for a term not to exceed six months, or by both such fine and imprisonment. Such person, firm, or corporation shall be deemed guilty of a separate offense for each and every day during any portion of which any violation of

this chapter is committed or continued by such person, firm or corporation and shall be punishable as herein provided. (Ord. No. 87-01, § 76)

19-10.5—19-10.10 *Reserved.**

19-11 Amending Maps.

19-11.1 *Purpose and Scope.* Under Section 66472.1 Subdivision Map Act, the City may establish procedures for the filing of amending maps. This section sets forth such procedures. (Ord. No. 87-01, § 85)

19-11.2 *Procedure.*

a. A person who desires to file an amending map after a final subdivision map or parcel map has been filed shall present the proposed amending map and the established fee to the Planning Commission Secretary. The Secretary shall obtain the comments of the Planning Director and the Director of Public Works as to whether the proposed map conforms with the criteria set forth below. The comments of the Planning Director and Director of Public Works shall be presented to the applicant who shall make recommended corrections, if any, or request the matter be placed before the Planning Commission for action.

b. If no corrections are suggested or when suggested corrections are made, the Planning Secretary shall schedule a public hearing on the proposed map upon the giving of such notice as required for the underlying map.

c. The Planning Commission shall approve the proposed map if the Commission makes the findings set forth in the criteria listed below. The decision of the Planning Commission shall be final unless the decision is appealed to the City Council in the same manner as tentative parcel maps. (Ord. No. 87-01, § 86)

*Editor's Note: Former subsections 19-10.5 through 19-10.10 pertaining to variances, previously codified herein and containing portions of Ordinance No. 87-01 were repealed by Ordinance No. 92-09.

19-11.3 *Criteria for Amending Map.*

a. An amending map may be approved for filing if the Planning Commission finds that the following conditions exist:

1. The proposed map addresses changes in circumstances which make any or all of the conditions of the prior map no longer appropriate or necessary;
2. The modifications do not alter any right, title or interest in the real property reflected on the recorded map; and
3. The modified map conforms to the Subdivision Map Act.

b. An amending subdivision map shall conform to all requirements concerning content and form of final subdivision map. An amending parcel map shall conform to all requirements concerning content and form of a final parcel map.

(Ord. No. 87-01, § 87)

19-11.4 *Fees.*

a. The Council shall, from time to time, establish fees for the cost of reviewing each application for a permit or other entitlement for use as set forth in this chapter including all costs incurred by staff, the Planning Commission and Council to review applications, and appeals and to provide legally required notices and other reports and recommendations. Such fees shall also be adequate to recover the costs, if any, of conducting the environmental review associated with the permit or entitlement for use.

b. The Director of Community Development may establish fees for miscellaneous services and materials not set by Council action provided the Director shall establish no fee in excess of the cost of providing the service or material for which the fee is levied and provided further the Director shall submit a report to the Council at least 20 days before the effective date of the fee. The fees shall not be effective if the Council disapproves.

(Ord. No. 87-13, § 2)