

A. WHAT IS SUBDIVISION OF LAND?

Subdivision is the division of land into smaller parcels. The City of Lone regulates the process of subdivision to ensure that new parcels are created according to standards that sufficiently meet the needs of the public and protect public health, safety, and welfare. The City provides several purposes for the regulation of the subdivision of land: to establish the minimum permissible standards for the division and subdivision of land, the design and improvement of that land, and the physical alteration of that land; to facilitate orderly development consistent with the General Plan; and to provide guidelines for property owners in the division of their land.

B. TYPES OF SUBDIVISIONS

B.1. TENTATIVE MAP FOR PARCEL MAP

As specified in Section 16.22.010 of the City's Municipal Code, Tentative Maps for Parcel Maps are used in the following circumstances:

- a) Four or fewer parcels are being created;
- b) The land before division contains less than five acres, each parcel created by the division abuts upon a public street or highway, and no dedications are required by the legislative body;
- c) Each parcel created by the division has a gross area of 20 acres or more and has an approved access to a maintained public street or highway;
- d) The land being divided consists of one or more parcels of land is zoned for industrial or commercial development (generally C-1, C-2, C-3, and M-1), has approved access to a public street or highway, and has the approval of the City as to street alignments and widths;
- e) Each parcel being created has a gross area of not less than 40 acres or is not less than a quarter of a quarter section; and
- f) The land is solely for the creation of an environmental subdivision as specified in Government Code Section 66418.2.

The Tentative Map must identify the total property proposed to be subdivided and show all proposed development in detail. All Tentative Maps are subject to the provisions outlined in the California Subdivision Map Act, Chapter 3, Article 2. The designated approving authority evaluates the Tentative Map for consistency with the California Subdivision Map Act, the City's General Plan, Zoning Ordinance, applicable Planned Development zoning, Specific Plans, City subdivision standards (Title 16 of the Municipal Code), and other related City standards. The Planning Commission is the designated approving authority for all Tentative Maps. If the subdivider or any other party is unsatisfied with the decision of the Planning Commission or any conditions of approval established by the Planning Commission, the decision may be appealed to the City Council. For more information on the entitlement approval and review process, refer to section III, Entitlement Review.

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B.2. TENTATIVE MAP FOR FINAL MAP

Tentative Maps for Final Maps are used to subdivide when creating five or more parcels, five or more condominiums, a community apartment containing five or more parcels, or for the conversion of a dwelling to a stock cooperative containing five or more dwellings.

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B.3. VESTING TENTATIVE MAP

Whenever the Subdivision Map Act or City ordinance requires the approval of a Tentative Map, a Vesting Tentative Map may be submitted. A Vesting Map provides a vested right to proceed with development in substantial compliance at the time the Tentative Map is approved or conditionally approved with the ordinances, policies, and standards at the time the application is deemed complete. Hence, only the development standards in place at the time the Tentative Map has been approved or conditionally approved are applied to the vested map; new regulations or standards enacted after map approval are not applied to the Vesting Map.

Generally, this right to develop according to a vested map is granted to all Tentative Maps per Government Code Section 66474.2. However, as described in Government Code section 66498.1, if section 66474.2 is repealed, the approval of the Vesting Map shall provide a vested right to proceed with development in compliance with the ordinance, policies, and standards in effect at the time the Vesting Map is approved or conditionally approved. If the Final Map or Parcel Map is not recorded, the vested rights expire with the map. At the time a Vesting Tentative Map is filed, it shall have printed conspicuously on its face the words "Vesting Tentative Map."

C. PROCESS FOR SUBDIVIDING PROPERTY

C.1. TENTATIVE MAP PROCESS

To initiate the process of subdividing land, the applicant must submit a completed application for a Tentative Map entitlement and the proposed Tentative Map (for Final Map or Parcel Map) to the Planning Department. This application process may entail environmental review, modifications to the proposed Map, and other changes suggested by City staff. The Tentative Map will only be accepted as complete if it complies with the requirements for submission established by City Council in the City's Subdivision Regulations. Section III of this manual, Entitlement Review, outlines the general planning process for the approval of a Tentative Map.

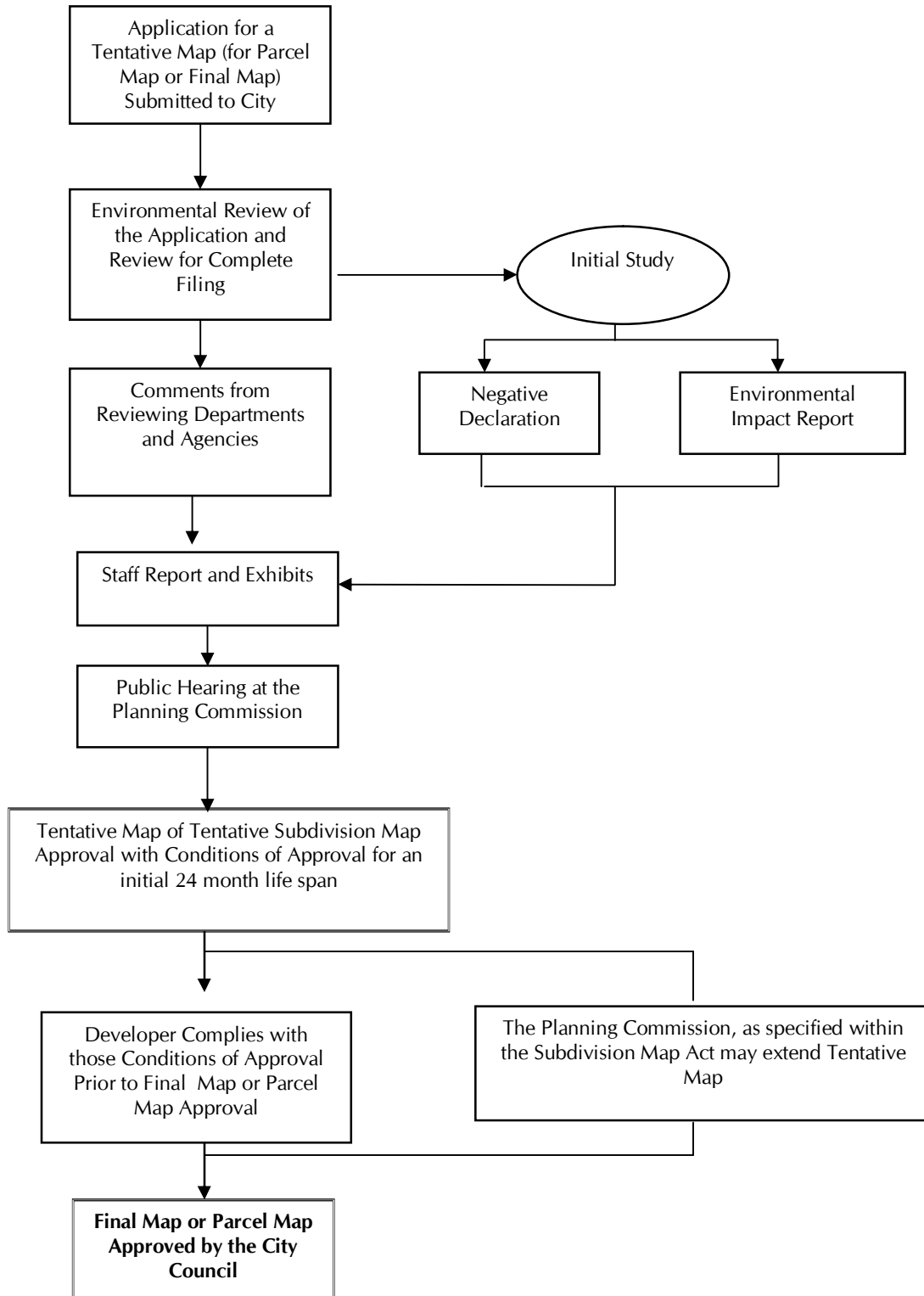
Once an application for a Tentative Map entitlement has been deemed complete by the Planning Department, the Planning Commission must review and take action on the Map within 50 days. Environmental review triggers an extension to this deadline. If the application requires

completion of an Environmental Impact Report (EIR), the Planning Commission must take action within 45 days of certification of the EIR.

Once the Map has been approved or conditionally approved, the Map is valid for 24 months (section 16.20.010 of the Lone Municipal Code). Within this time frame, the applicant must undertake a survey of the subdivision and create and record a Final Map; otherwise, the Map expires.

The Tentative Map process is further explained in the Figure V.C-1 (Tentative Map Process) below.

FIGURE V.C-1: TENTATIVE MAP PROCESS



C.2. EXTENSION OF TENTATIVE MAPS

Although by default an approved or conditionally approved Tentative Map provides 24 months to file a Final Map or Parcel Map, the Planning Commission has the discretion to extend this deadline by up to 12 months at a time. For an extension to a Tentative Map, the applicant must provide a written application for extension at least 30 days prior to the expiration of the Tentative Map.

C.3. FINAL MAP PROCESS

Upon approval of the Tentative Map for Final Maps (5+ parcels), the applicant must complete all related conditions of approval prior to recording of the Final Map. This can include the installation of required site improvements as described in 16.24 of the Municipal Code, such as streets, highways, public ways, and utility distribution facilities. Planning Commission conditions of approval must be completed to the satisfaction of the City and the Final Map must be in substantial compliance with the approved Tentative Map prior to approval. The applicant cannot proceed in the sale or lease of lots until the Final Map is recorded.

The Final Map must be based on a field survey of the land being subdivided and must conform to Subdivision Regulations of the Municipal Code. Final Maps must show all survey and mathematical information and data necessary to locate all monuments and to locate and retrace all interior and exterior boundary lines appearing on the map. Generally, the Final Map must include the following information (as explained in section 16.20.020 of the Municipal Code):

- a) Tract designations and drawings.
- b) All certificates shown within the margin lines of the map, including:
 - 1. Owner's certificate and acknowledgment and offers of dedication;
 - 2. Certificate of engineer or surveyor;
 - 3. Certificate of approval of the City Engineer;
 - 4. Certificate of the City Clerk of approval of the City Council and acceptance of other action taken regarding easements and rights of way offered for dedication; and
 - 5. Tax Collector's Statement, as required on all Amador County Maps.
- c) On each sheet comprising the Final Map, there must be a scale, north arrow, the particular number of the sheet, and total number of sheets comprising the map.
- d) All streets, dedications, and other right of ways, labeled with dimensions.
- e) All lots designated in numerical order.

After fulfilling all conditions of approval and other required improvements, the Final Map must be submitted to the City Engineer. The City Engineer will review the map to determine if it is in substantial compliance with the approved Tentative Map and all conditions required by the Planning Commission and other local ordinances. If the City Engineer is satisfied with the map and deems it to be technically correct, he will certify the map and submit it to the City Clerk.

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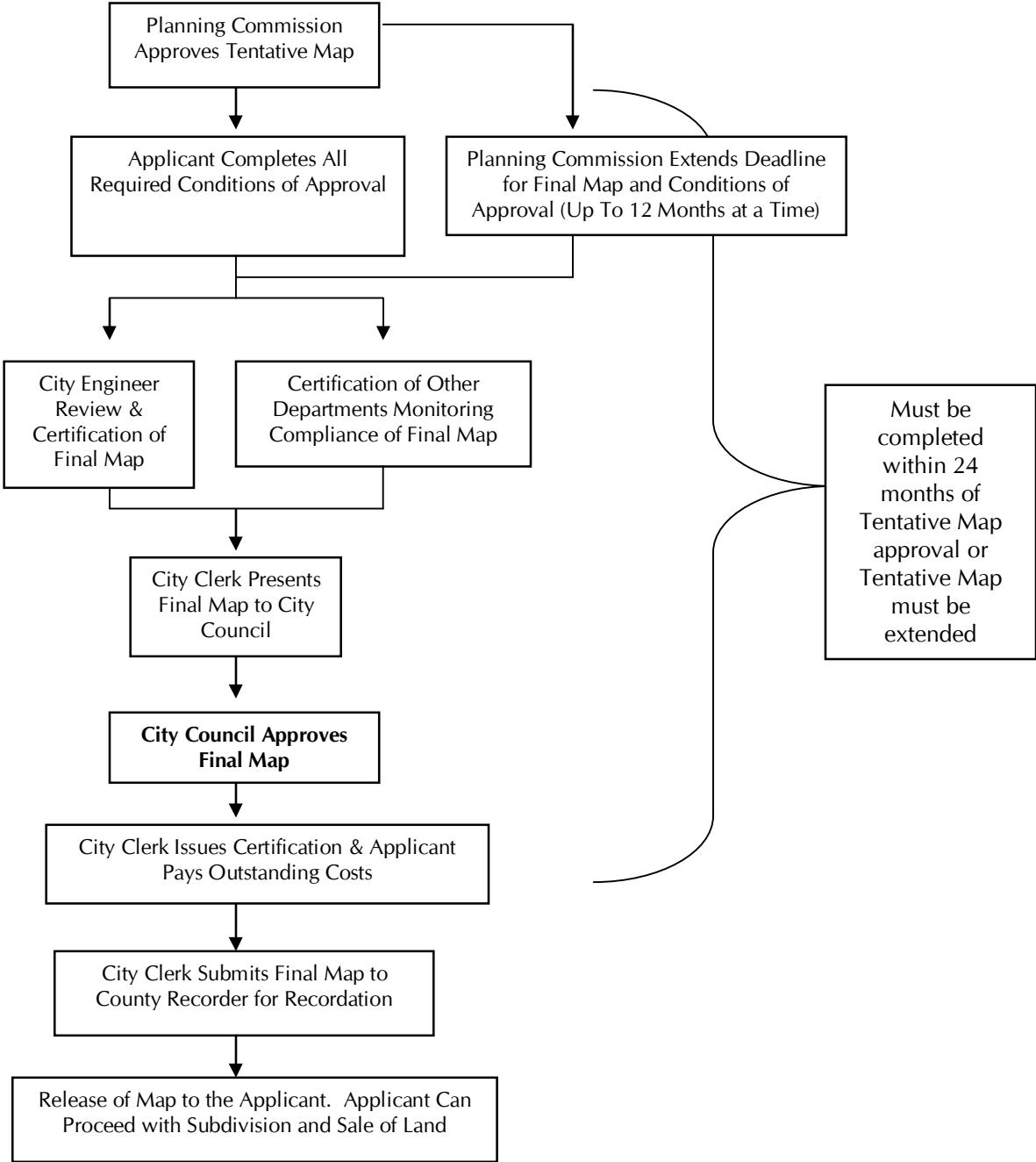
Once the City Clerk has received written confirmation from every department responsible for ascertaining compliance of the map, the City Clerk will present the report to City Council for final action. The City Council will consider the map at its next regularly scheduled meeting. If the Council determines that all improvements have been installed or will be installed as required, it will approve the Final Map by Resolution, as established in section 16.24.010 of the Municipal Code. After this action, the City Clerk will issue a certificate declaring whether the Final Map was approved. Offers of dedication and easements may be accepted by the Council as part of approval of the Final Map as specified in section 16.20.050 of the Municipal Code. The Council may reject any or all offers of dedication.

Upon acceptance, the applicant must pay all outstanding costs to the City. Then the City Clerk will submit the Final Map to the County Recorder for recording. No title to any property or dedication shown on the map can pass until it has been recorded by the County Recorder. The City will not release an approved and certified map to the applicant until County recordation has occurred. The process of finalizing the Final Map is shown in Figure V.C-2 (Final Map Process).

In reviewing/conducting plan check on the proposed Final Map, the City requires a deposit of \$300 plus \$5.00 per lot and charges for the full costs associated to review the plans at the hourly rates listed in Table III.C-1 (Discretionary Approval/Entitlement Deposits and Costs). All costs must be paid by the applicant.

Note: The County Recorder has independent authority relative to the language appropriate for recording maps. The requirements change with legislation approved by the State of California, and the applicant is advised to consult the County Recorder for current requirements.

FIGURE V.C-2: FINAL MAP PROCESS



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C.4. PARCEL MAP PROCESS

After approval of a Tentative Map for Parcel Map, the applicant must act within the time limits established by Chapter 16.20 of the Municipal Code. City Council action is required on Parcel Maps if offers of dedication are made. Planning Commission conditions of approval must be completed to the satisfaction of the City and the Parcel Map must be in substantial compliance with the Tentative Map prior to approval. The applicant must comply with the procedural and filing requirements listed below to obtain Parcel Map recordation.

The applicant must submit two prints of a Parcel Map to the City Engineer. These maps must substantially conform to the approved or conditionally approved Tentative Map. The Parcel Map shall be based on a field survey of the land being subdivided or based on sufficient recorded data of the boundaries of the land, and must conform to the Subdivision Regulations of the Municipal Code. Parcel Maps must show all survey and mathematical information and data necessary to locate all monuments and to locate and retrace all interior and exterior boundary lines appearing on the map. The applicant must also provide evidence of the title of the property, as established by Section 66465 of the Subdivision Map Act. Printed on the Parcel Map must be the following certificates, as required by section 16.22.030 of the Municipal Code:

- a) Surveyor's or Engineers certificate (certifying that a surveyor or engineer prepared or directed the preparation of the Parcel Map in compliance with the Subdivision Map Act and local ordinances);
- b) County Recorder's certificate;
- c) City Engineer's certificate (certifying the map);
- d) Owner's certificate, including Owner's acknowledgement and offers of dedication;
- e) City Clerk's certificate;
- f) Engineer or surveyor's certificate (certifying that all monuments currently or will occupy positions indicated on the map, and are sufficient to allow for duplication of the survey).

The Parcel Map has the same requirements as the Final Map in regards to conditions of approval, submittal to the City Engineer, City Council approval (if offers of dedication are made), and costs payment. Refer to section C.3 (Final Map Process) and Figure V.C-2 (Final Map Process) for more information.

In reviewing/conducting plan check on the proposed Parcel Map, the City requires a deposit of \$300 plus \$5.00 per lot and charges for the full costs associated to review the plans at the hourly rates listed in Table III.C-1 (Discretionary Approval/Entitlement Deposits and Costs). All costs must be paid by the applicant.

C.5. BOUNDARY LINE ADJUSTMENTS

Boundary Line Adjustments (BLAs) entail the adjustment of property lines. BLAs do not entail the subdivision of land and are excluded from the provisions of the City's Subdivision Regulations. As provided for in Chapter 16.28 of the City's Municipal Code, BLAs are approved by resolution of the Planning Commission. After Planning Commission approval, the BLA may be directly recorded with the County Recorder. A BLA may be accomplished either through 1) a grant/quitclaim deed, or 2) a new record of survey, Parcel Map, or other formal dedication or abandonment process.

When the BLA does not change existing easements or create new easements, does not involve the relocation of existing utilities, rights of way or public improvements, a BLA may be affected through a grant /quitclaim deed. A record of survey or a Parcel Map is not required. The action must be recorded within 365 days of approval of the BLA by the City, and clearly reference the resolution and date of approval by the City. The grant /quitclaim deed simply affects a change in the legal description of the affected lots.

When the BLA involves the relocation of existing utilities, a new dedication of easements or changes to existing easements, changes to rights of way, or public improvements, a record of survey, Parcel Map, or other formal dedication or abandonment process is required to consummate the BLA. No Tentative Map is required for any Parcel Map consummating a BLA, but the Parcel Map must abide by all other requirements for Parcel Maps established in the Municipal Code. The City Attorney may also approve an alternative method.

To apply for a BLA, the applicant must submit a completed Planning Entitlement Application to the City Planning Department via the Clerk-Receptionist, in addition to preliminary title reports for all affected parcels and a map of the proposed BLA. For approval of a BLA, the application must go through the review process and all application deposits/costs must be paid. In reviewing/conducting plan check on the proposed BLA, the City requires a deposit of \$250 and charges for the full costs associated to review the plans at the hourly rates listed in Table III.C-1 (Discretionary Approval/Entitlement Deposits and Costs). All costs must be paid by the applicant. For further information on the application process, refer to section B.9 of this manual, Boundary Line Adjustment, in section III, Discretionary/Entitlement Review. The map submitted for the BLA application must show all existing and proposed boundaries, significant features, and all easements to remain, be relocated, or abandoned. The map must be drawn to scale. Upon receipt of the application, the City Planner will route copies to the Building Official, City Engineer, and other departments and agencies as deemed necessary. Once the City Planner has received the written recommendation of approval or conditional approval of the proposed BLA from these departments, the City Planner will schedule the application for consideration by the Planning Commission.

D. SUBDIVISION DESIGN

D.1. OVERVIEW

The City provides clear regulations for the design of subdivisions. Title 16 of the Municipal Code, Subdivisions, in conjunction with the General Plan and minimum lot size standards and density requirements of the Zoning Code, identifies the design standards for new subdivisions.

D.2. DESIGN STANDARDS

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The design requirements for all new subdivisions are listed specifically in Chapter 16.16 of the Municipal Code, but generally include the following standards.

D.2.1. Street Names (Municipal Code section 16.16.080)

All street names must be approved by the Planning Commission, and no duplication of street names is permitted.

D.2.2. Lots (Municipal Code section 16.16.100)

Lots must be designed in conformance with Title 17 of the Municipal Code, the City's Zoning Code, but must also comply with the following regulations:

- a) Except for Planned Development projects, residential lots on cul-de-sacs must have at least 50 feet of street frontage and minimum width at the front yard setbacks line of 60 feet; all other lots must have at least 60 feet of street frontage.
- b) All side lines of lots must be at right angles to streets or approximately radial to curved streets and to center points of cul-de-sac turning circles.
- c) No lots can be divided by the City limit line.
- d) Interior lots with double frontage are prohibited.

D.2.3. Sidewalks and Walkways (Municipal Code section 16.16.110)

The City may require a subdivider to dedicate and improve walkways on-site to facilitate better access.

D.2.4. Block Length (Municipal Code section 16.16.120)

Excepting Planned Development projects, blocks shall be between 200 feet and 800 feet in length, and of sufficient width to contain two tiers of lots with approved dimensions.

D.2.5. Dedication of Public Areas (Municipal Code section 16.16.160)

The Planning Commission may require the dedication of sites for schools, parks, and other public areas as part of large subdivision projects.

D.2.6. Storm Drainage (Municipal Code section 16.16.170)

The subdivider must dedicate right of way for storm drainage in a manner that conforms substantially to natural waterways on site and construct storm drainage improvements in accordance with City Improvement Standards. Additionally, the Planning Commission may require the provision of fencing or other protection of all ditches and streams. The subdivider may also be required to pay a share of the cost of any facilities that are necessary to permit safe development of the area.

D.2.7. Grading and Erosion Control (Municipal Code section 16.16.180)

All grading and erosion control in the project must implement best management practices and be in accordance with applicable provisions of the California Building Code and any approved

erosion control plan. Any construction must be in accordance with the erosion control plan and methods in "Volume 3 of California Storm Water Best Management Practice Handbook." Furthermore, all grading and erosion control must be in compliance with the requirements of the California Regional Water Quality Control Board. See Chapter VI for more information on grading.

D.2.8. Additional Access (Municipal Code section 16.16.190)

The Planning Commission may determine that the nature of the project requires secondary access, and require it as a condition of approval. Any subdivision requiring secondary access must be designed to provide more than one access from existing or proposed future streets. Secondary access roads shall be constructed to the boundary of the subdivision on a vertical and horizontal alignment consistent with City Improvement Standards. If approved by the Planning Commission, a temporary cul-de-sac or other turnaround may be constructed in lieu of secondary access.

D.2.9. Planting Strips (Municipal Code section 16.16.060)

When the rear or side lines of any lot border a state highway, City arterial, or collector street, the subdivider may have to provide a "no access" strip across such lot lines. If the rear or side lines of any lot border a state highway or City arterial, the subdivider may also have to dedicate a planting strip in such areas. If there are trees growing on undeveloped property, the applicant should refer to section 8.20 of the Municipal Code for further information on regulations that limit the destruction or removal of trees.

D.2.10. Underground Utilities (Municipal Code section 16.24.020)

Utility distribution facilities of all subdivisions that are installed to provide service to any residential or commercial subdivision shall be placed underground, including but not limited to electric, communication, and cable television lines. The subdivider is responsible for making agreements with utility companies involved in the installation of facilities. The following cases are exempt from this requirement:

- a) Equipment necessary to support underground facilities, including terminal boxes and concealed ducts;
- b) Poles that support only high-voltage wires, switches, transformers, and street lights.

E. IMPROVEMENT SECURITY

A subdivider may finalize their Tentative Map prior to completing the required improvements, provided that the subdivider enters into an Improvement Agreement with the City. To enter into an Improvement Agreement, the subdivider must provide a sufficient security as provided in the Subdivision Map Act and chapter 16.26 of the Municipal Code. Applicants must provide security in an approved form. The agreement will require that the subdivider complete all conditions of approval in the time frame stipulated by the agreement.

Security is some percentage of the engineer's cost estimate for all project related improvements. The amount of security required for an Improvement Agreement is specified in section 9.00 of the City Improvement Standards and is also provided below in Table V.E-1 (Amount of Agreement Security). The engineer's cost estimate must be approved by the City Engineer. For example, if a bond is provided, security amount may be 100% of the engineer's

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approved cost estimate for materials and 100% of the estimate for faithful performance, for a total of 200% of the approved cost estimate. The City may reduce the amount of security required upon approval of the City Council as identified in section 16.26.030 of the Municipal Code, upon application for a reduction by the subdivider. The subdivider may apply for a reduction when required subdivision improvements are financed and installed pursuant to special assessment proceedings in the amount equal to the performance, labor, and material bonds required by the special assessment act.

TABLE V.E-1: AMOUNT OF AGREEMENT SECURITY

| Type of Security | Performance | Labor/Materials | Total |
|--------------------------------|-------------|-----------------|-------|
| Bond | 100% | 100% | 200% |
| Letter of Credit | 75% | 75% | 150% |
| Bank Deposit ¹ | 75% | 75% | 150% |
| Deposit with City ² | 75% | 50% | 125% |

1. Savings account assigned to City.

2. Deposit in a trust account or a negotiable certificate of deposit with principal payable to the City upon demand.

The security is released upon faithful performance, final completion, and acceptance of the work stipulated in the Improvement Agreement, subject to a release enacted by resolution of City Council. Release of security is subject to the provisions of 16.26.040 of the Municipal Code. However, the City Engineer may authorize the release a portion of the security for faithful performance in conjunction with acceptance of the work as it progresses (refer to section 16.26 of the City's Municipal Code). Release of security is typically based on City Engineer recommendation and approved by the City Manager. For instance, upon completion of sewage improvements in the subdivision, the City Engineer may release portions of the security related to sewage improvements, while retaining the portions of the security that pertain to other improvements not yet completed, such as road improvements.

For more information on Improvement Security, see Chapter VI, Grading and Improvement Plans.