

**ORDINANCE NO. 777-09**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TAFT  
AMENDING TITLE "X" OF THE TAFT MUNICIPAL CODE BY DELETING  
CHAPTERS 1 THRU 9 (ORDINANCE NO. 404, 2-6-1978) AND ADDING THE  
REVISED TITLE "X," CHAPTERS 1 THRU 9 TO THE CITY'S SUBDIVISION  
ORDINANCE INCORPORATED HEREIN BY REFERENCE**

**THE CITY COUNCIL OF THE CITY OF TAFT DOES HEREBY  
RESOLVE AS FOLLOWS:**

**SECTION 1.** The Planning Commission of the City of Taft, by adoption of Resolution No. 2009-09, did recommend to the City Council deletion of Ordinance 404, 2-6-1978, chapters 1 thru 9 of Title "X" (Subdivision Title) of the Taft Municipal Code and to adopt the revised chapters 1 thru 9, Title "X", incorporated herein by this reference.

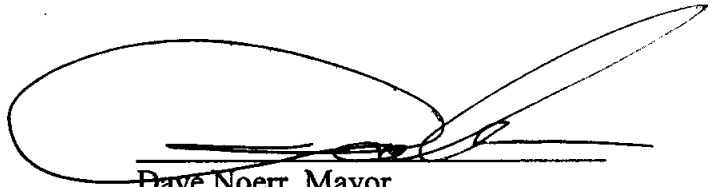
**SECTION 2.** The City Council does hereby adopt the self-contained and bound Subdivision Ordinance during its public hearing held on this matter on November 17, 2009, all of which are incorporated herein by this reference, as its official Subdivision Regulations that shall be known as the "City's Subdivision Ordinance" which may be amended from time to time.

**SECTION 3.** The City Council has determined that the updating and regulatory nature of the subdivision ordinance is exempt under the requirements of the California Environmental Quality Act (CEQA) as set forth in Section 15061(b)(3) of the CEQA Guidelines since the revision brings consistency between the regulatory provisions of the Subdivision Map Act of the State of California and the City of Taft.

**SECTION 4.** The City Council does hereby authorize the Planning Director and the Public Works Director of the City of Taft to make the following types of changes to this ordinance. Any changes in format, grammatical errors, including but not limited to spelling, sentence structure, re-numbering of sections or subsections; any other changes that are non-substantive in nature and which only reflect correctness in form and format; and any changes so directed by the City Council during its public hearing process on matters related to this ordinance.

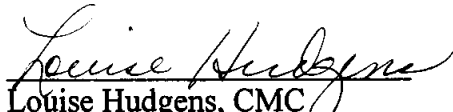
**SECTION 5.** Severability. If any section, subsection, subdivision, sentence, phrase or portion of this ordinance or the application to any person or place is held to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council declares that it would have adopted this ordinance and each section, subsection, sentence, clause or phrase of this ordinance in spite of the fact that any one or more of the same be declared unconstitutional or invalid.

**PASSED, APPROVED AND ADOPTED on this 1st day of December, 2009**



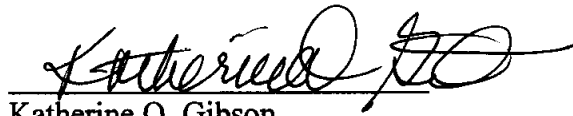
Dave Noerr, Mayor

**Attest:**



Louise Hudgens, CMC  
City Clerk

**Approved as to form:**




Katherine O. Gibson  
City Attorney

**STATE OF CALIFORNIA }  
COUNTY OF KERN } SS  
CITY OF TAFT }**

I, Louise Hudgens, City Clerk of the City of Taft, do hereby certify that the foregoing Ordinance had its first reading on November 17, 2009, and had its second reading on December 1, 2009 and was passed by the following vote:

**AYES:** Councilmembers: Linder, Miller, Noble, Thompson, Noerr  
**NOES:** Councilmembers: None  
**ABSENT:** Councilmembers: None  
**ABSTAIN:** Councilmembers: None



Louise Hudgens, CMC  
City Clerk

**CHAPTER 1**  
**TITLE AND PURPOSE**

Section 10-1-1:       Short Title  
Section 10-1-2:       Purpose  
Section 10-1-3:       Application

**10-1-1:       SHORT TITLE:**     This Title shall be known as the Subdivision Ordinance of the City of Taft.

**10-1-2:       PURPOSE:**     The Subdivision Ordinance of the City is adopted to preserve, protect and promote the public health, safety, convenience, prosperity and general welfare. More specifically this title is adopted in order to achieve the following objectives:

- A.     To implement the General Plan of the City and its elements thereof, as adopted, and revised from time to time, by the Council.
- B.     To provide lots of sufficient size and appropriate design for the purposes for which they are to be used.
- C.     To provide streets of adequate capacity for the anticipated traffic which would utilize them to ensure that they are designed to promote a safe traffic circulation system.
- D.     To accommodate new development in a manner that will preserve and enhance the City's living environment through skilled subdivision design.
- E.     To provide for water supply, sewage disposal, storm drainage and other utilities and facilities which are required by conditions to enhance the City's urban environment.
- F.     To ensure that the cost of providing rights-of-way, street improvements, utilities and public areas and facilities needed to serve new developments are borne fairly and equitably by the subdivider rather than by property owners of the City at large.
- G.     To protect and enhance real property values.

**10-1-3:       APPLICATION:**   Pursuant to the provisions of the Subdivision Map Act of the State of California, being division 2 of title 7 (commencing with section 66410 of the Government Code, referred to herein as the Map Act, and in addition to any other regulations provided by law, the regulations of this Title shall apply to all subdivisions, parcel maps, divisions, and mergers of land within the limits of the City. The provisions of this title are supplemental to the provisions of the Map Act, and, except as otherwise provided, all terms used herein which are defined in the Map Act shall have the same meaning as described in the Map Act, and as the Map Act may hereinafter be amended.

## **CHAPTER 2 DEFINITIONS**

**Section 10-2-1: DEFINITIONS:** For the purposes of this Title, certain words and terms used herein are defined as follows:

Alley: A public way permanently dedicated or reserved as a secondary means of access to abutting property.

Advisory Agency: The Project Assistance Team (PAT), as defined in Chapter 1, Title VI of the Taft Municipal Code, shall make recommendations to the Commission on all divisions and mergers of real property. The Commission shall be the official body charged with approval of lot line adjustments, lot mergers, certificates of compliance, parcel map waivers, and approval, conditional approval or denial of a tentative parcel map, where the parcel map contains four (4) parcels or less. The Commission shall further be charged with the duty of making investigations and reports on the design and improvement of a tentative parcel map, where the parcel map contains five (5) or more parcels, and for tentative subdivision maps; and shall make recommendations to approve, conditionally approve or deny such tentative parcel maps and subdivision maps to the Council. The Council shall have the final authority to approve, conditionally approve, or disapprove all such tentative parcel maps and subdivision maps and shall take final action on all final maps and parcel maps.

Certificate of Compliance: Refer to section 66499.35 of the Map Act.

City: City of Taft

Council: The City Council of the City of Taft

City Engineer: Refer to section 66416.5 of the Map Act.

Design: Refer to section 66418 of the Map Act.

Environmental Subdivision: Refer to section 66418.2 of the Map Act

General Plan: The General Plan of the City of Taft as adopted by the Council and as defined in Section 65300 et seq. of the Government Code

Improvement: Refer to section 66419 of the Map Act.

Improvement Standards: The City's Subdivision & Engineering Design Manual and any other standards, resolutions or ordinances as adopted and amended from time to time by the Council and any other requirements set forth in the Map Act all of which pertain to the design and installation of subdivision improvements. However, whenever a conflict occurs between City adopted standards and the Map Act, the Map Act shall prevail.

Map Act: The Subdivision Map Act of the State of California, being Division 2 of title 7 (sections 66410-66499.58) of the Government Code.

Municipal Code: The Municipal Code of the City of Taft

STREETS & HIGHWAYS:

Collector Street: A street which does or which will, because of its design and location with reference to other streets, be used to carry traffic from local streets to secondary streets or in certain circumstances to the major street system.

Cul-De-Sac: A street having only one outlet for vehicular traffic with a turn around at the opposite end which is not intended to be extended or continued to serve future subdivisions or adjacent lands.

Local Street: A street which, because of its design and location with respect to other streets is used primarily for access to abutting properties.

Major Street or Highway: A street designed or intended as a major street or a County / City primary street as shown on the City's General Plan which, because of its design and location with respect to other streets, is used or designed to carry relatively heavy volumes of traffic through the urbanized area of the City or between urban areas.

Secondary Street Or Highway: A street designed or intended as a secondary street as shown on the City's General Plan which, because of its location, is designed to carry moderate volumes of traffic between portions of the urbanized area or between major streets.

Stubbed Streets: A street having only one outlet for vehicular traffic which is intended to be extended or continued to serve future subdivisions or adjacent land.

Commission: The Planning Commission of the City of Taft.

Subdivider: Refer to section 66423 of the Map Act.

- Subdivision: Refer to section 66424 of the Map Act.
- Tentative Map: Tentative maps, as required by this Title and the Map Act are to be filed for all proposed subdivisions. When the term “tentative parcel map” is used herein, it shall refer to the tentative map required for divisions of land falling within section a, b, c, d, e, and f of section 66426 of the Map Act and for division of land into four (4) or less parcels; when the term tentative tract map is used, it shall refer to the tentative map required for divisions of land creating five (5) or more parcels except in cases provided for in subsections a, b, c, d, e, and f of section 66426 of the Map Act.
- Vesting Map: Refer to Chapter 19 (Vesting Tentative Maps) of this Title and to section 66424.5 of the Map Act.

## CHAPTER 3 GENERAL PROVISIONS

Section 10-3- 1	Advisory Agency and Staff Responsibility
Section 10-3- 2	Fees
Section 10-3- 3	Parcel Map Waiver Procedure
Section 10-3- 4	Tentative Map Requirement
Section 10-3- 5	Tentative Map Extensions
Section 10-3- 6	Dedications
Section 10-3- 7	Public Reservations
Section 10-3- 8	Drainage and Sanitary Sewer Facilities
Section 10-3- 9	Supplemental Size of Improvements
Section 10-3-10	Environmental Impact
Section 10-3-11	Grading and Erosion Control
Section 10-3-12	Modifications
Section 10-3-13	Severability
Section 10-3-14	Model Homes
Section 10-3-15	Parks
Section 10-3-16	Appeals
Section 10-3-17	Subdivider Indemnification of City

**10-3-1:       ADVISORY AGENCY AND STAFF RESPONSIBILITY:** The Project Assistance Team (PAT). As defined in Chapter 1, Title VI of the Municipal Code shall make recommendations to the Commission on all divisions and mergers of real property. The Commission shall be the official body charged with approval of lot line adjustments, lot mergers, certificates of compliance, parcel map waivers, and approval, conditional approval, or denial of tentative parcel maps. The Commission shall further be charged with the duty of making investigations and reports on the design and improvements of proposed tentative subdivision maps and shall make recommendations to approve, conditionally approve, or deny such tentative subdivision maps to the Council. The Council shall have the final authority to approve, conditionally approve, or disapprove all tentative subdivision maps and shall take final action on all final maps and parcel maps.

**10-3-2:       FEES:** Fees for filing, checking and processing of any map or other papers, diagrams or documents required under this Title; fees for preparation and filing of any certificate of compliance, and fees for any appeal authorized hereunder shall be in the amount prescribed by resolution of the Council.

**10-3-3       PARCEL MAP WAIVER PROCEDURE:** Except where required by the Map Act, the Commission may waive the requirements of recordation of a parcel map if the Commission determines that (i) the filing of a parcel map would serve no substantial public purpose, (ii) it finds that such

division complies with requirements as to improvements and design, floodwater drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, and environmental protection, and (iii) it finds that the waiver meets the requirements of section 66428 of the Map Act. The commission is authorized to require the subdivider to furnish a tentative map or such information as it deems necessary with respect to matters to be considered. In case of waiver, the commission shall issue a certificate of compliance under section 66499.35 of the Map Act.

- 10-3-4: TENTATIVE MAP REQUIREMENT:** A tentative map shall be required for all subdivisions unless waived by the Commission consistent with the provision of section 10-3-3 above.
- 10-3-5: TENTATIVE MAP EXTENSIONS;** A subdivider filing a tentative map may request an extension of the tentative map approval or conditional approval by written application to the Commission for either granting said extension or, where consistent with the provisions of this Title, as a recommendation to the Council for such determination. Such application, stating the reasons for requesting an extension, is to be filed at least thirty (30) days before the approval or conditional approval is due to expire. The approved or conditionally approved map may be extended for an additional time consistent with the provisions set forth in section 66463.5 of the Map Act.
- 10-3-6: DEDICATIONS:** Pursuant to section 66475 of the Map Act, as a condition of approval of a tentative map, the subdivider shall dedicate or make an irrevocable offer of dedication of real property within the subdivision that is deemed necessary for streets, alleys, including access rights and abutter's rights, drainage, public utility easements and other public easements. Such irrevocable offers may be terminated as provided in section 66477.2 of the Map Act.
- 10-3-7: PUBLIC RESERVATIONS:** Pursuant to section 66479 of the Map Act, as a condition of approval of a tentative map, the subdivider shall reserve sites, appropriate in area an location for parks, recreational facilities, fire stations, libraries or other public uses subject to the requirements set forth in section 66479 including subsection (a), (b), (c), and (d) of the Map Act.
- 10-3-8: DRAINAGE AND SANITARY SEWER FACILITIES:** Pursuant to section 66483 of the Map Act, as a condition of approval of a tentative map, the subdivider shall pay fees for purposes of defraying the actual or estimated costs of constructing planned drainage facilities for the removal of surface and storm waters from local or neighborhood drainage areas and of constructing planned sanitary sewer facilities for local sanitary sewer areas subject to subsection (a) thru (f) of section 66483 of the Map Act.

- 10-3-9: SUPPLEMENTAL SIZE OF IMPROVEMENTS:** Pursuant to section 66485 of the Map Act, as a condition of approval of a tentative map, improvements installed by the subdivider for the benefit of the subdivision shall contain supplemental size, capacity or number for the benefit of property not within the subdivision, and that such improvements be dedicated to the public.
- 10-3-10: ENVIRONMENTAL IMPACT:** No tentative map filed pursuant to this Title shall be approved until an environmental impact analysis is prepared, processed and considered by the Advisory Agency in accordance with the provisions of the California Environmental Quality Act (CEQA). The subdivider shall provide such additional data and information which may be required to adequately consider the environmental impacts the subdivision may have upon the environment and to make a deposit and pay such fees as may be required for the preparation and processing of any such required environmental documents associated with the tentative map.
- 10-3-11: GRADING AND EROSION CONTROL:** Every tentative map approved pursuant to the Title shall be conditioned on the prevention of sedimentation or damage to off-site property, as set forth in Chapter 70 of the Uniform Building Code as adopted by the Council.
- 10-3-12: MODIFICATIONS:** Whenever the Advisory Agency finds that the real property involved in a tentative map is of such size, shape, topographical condition or location is not consistent to such title limitations or it is to be devoted to such use that it is impossible or impractical in that particular case to fully conform to the regulations contain in this Title, the Advisory Agency may (i) make such modifications thereof as is reasonably necessary or expedient, (ii) shall find that the modification is consistent with the City's General Plan and (iii) make findings that the modification is in conformity with the spirit and purpose of the Title and the Map Act. No such modification may be made to the requirements for adequate water, sewage facilities, fire hydrants, and any requirements of the Map Act.
- 10-3-13.1.1 SEVERABILITY:** If any section, subsection, subpart, paragraph, sentence, clause, phrase, portion or provision; or the application thereof to any person, property or circumstance of this Title is, for any reason, held to be unconstitutional or invalid, such decision shall not be deemed to affect the validity of the remaining section, subsection, subpart, paragraph, sentence, clause, phrase, portion of provision; or the application thereof to any person property or circumstance of this title, which remaining portions the Council declares it would have adopted, notwithstanding.

**10-3-13.2** MODEL HOMES: A real estate tract sales office and model homes are allowed prior to recordation of the final map provided they are in compliance with section 66499.30 of the Map Act and with conditions as follows:

- A. Each tentatively approved subdivision or a particular phase of each tentatively approved subdivision is permitted a maximum of ten (10) model homes, one of which may include a tract sales office.
- B. Model homes may be constructed prior to recordation of the final map; however, no such home shall be sold, leased, rented, or financed until the final map has been recorded with the Kern County Recorder's Office pursuant to this Title and a final inspection has been approved by the City's Building Official.
- C. Sales offices shall only be used during the original sales of the lots or homes within the tentatively approved subdivision in which they are located.
- D. A sales office shall be located in a model home; however, a separate temporary office, which may include a commercial coach or mobile home, is permitted for a period of time not to exceed ninety (90) days pending completion or construction of the model home in which the sales office is to be located. Any sales office located in the garage portion of a model home shall be removed and converted to a garage prior to the issuance of an approved final inspection by the City Building Official.
- E. The vehicular route leading to and in front of any sales office and any model home shall be paved from an existing improved public street prior to the public being invited to that office for the sale of lots or homes or for a tour of any model home by the public.

**10-3-15:** **PARKS:** The subdivider shall be required to dedicate real property or pay fees in lieu thereof, or a combination of both for park or recreational purposes as a condition to an approved tentative map or parcel map, of all of the subsections of section 66477 (a) thru (g) inclusive of the Map Act are met.

**10-3-16:** **APPEALS:**

- A. Appeal of Action: Any subdivider may appeal a decision of the Commission to the Council where the Commission's decision would otherwise be final.

- B. Filing of Appeals: Appeal application forms shall be made available at the office of the Planning Department to any subdivider wishing to appeal an action included in this Title. Appeal applications shall be filed with the Planning Department within ten (10) days, in accordance with section 66452.5 of the Map Act, following the date of action for which an appeal is made unless otherwise provided in this Title. If the last day to file falls on a holiday, a Saturday or a Sunday, the following business day shall be deemed the last day to act. Appeals requiring Council consideration will be forwarded to the City Clerk by the Planning Director.
  
- C. Appeal Hearings: Public notice of an appeal hearing shall be given in the manner in which the original notice was given. In the case of an appeal of a Commission decision, notice shall be given pursuant to Section 2.140 of Title VI of the Municipal Code.
  
- D. Effective Date of Appealed Actions: Except as otherwise provided for in this Title, an action that has been appealed shall not become effective until a final determination is made by the Council

**10-3-17: SUBDIVIDER INDEMNIFICATION OF CITY:** As provided in section 66474.9 (b) of the Map Act, the City shall require, as a condition for a tentative, parcel or final map application or approval that the subdivider defend, indemnify, and hold harmless the City, its agents, officers, and employees from any claim, action, or proceeding against the City, its agents, officers, or employees to attack, set aside, void, or annul an approval by the City concerning a subdivision which action is brought within the time period provided for in section 66499.37 of the Map Act.

**CHAPTER 4  
TENTATIVE MAPS**

Section 10-4-1:	Pre-Filing
Section 10-4-2:	Application Submittal
Section 10-4-3:	Public Hearings and Notices
Section 10-4-4:	Transmittal to Public Agencies and Utilities
Section 10-4-5:	Notice to Subdividers
Section 10-4-6:	Findings
Section 10-4-7:	Actions on Tentative Map

**10-4-1 PRE-FILING:**

- A. The subdivider is encouraged to request a meeting, through the Planning Department, with the Project Assistance Team (PAT) and any interested public or private agencies that may be affected by the proposed subdivision. The purpose of the meeting will be informational in content and will be focused on discussions related to issues that may affect the design and conditions of the proposed subdivision.
- B. Every subdivider submitting a tentative map shall pay a processing fee in amount prescribed by resolution of the Council.

**10-4-2. APPLICATION SUBMITTAL:** The following items are required for filing a tentative parcel map or subdivision map with the City. Said map shall be prepared by or under the direction of a registered civil engineer or a licensed land surveyor and shall be as follows:

- A. Twenty-five (25) copies of tentative maps no less than eighteen (18) inches by twenty-four (24) inches in size, and to a scale of not less than one (1) inch equals one hundred (100) feet, or one (1) centimeter equals ten (10) meters, unless otherwise approved by the City Engineer on his finding that an alternate scale will permit presentation of map data of acceptable completeness and clarity. The exterior boundary of the parcels or lots being created shall be indicated by colored border. Tentative maps are required to be prepared by a registered civil engineer or licensed land surveyor.
- B. Each application must be accompanied by a tentative map number (map numbers are issued by the Kern County Planning and Development Department). One copy of the tentative map is required along with one duplicate transparency (8 1/2" x 11"). A tentative map shall contain the following information:
  - 1. A site location sketch indicating the location of the property to be divided.

2. The subdivision or parcel map number, name (if any), date, north arrow, scale and sufficient description to define the location and boundaries of the proposed map.
3. The name, address, and Assessor Parcel Number(s) of all property owners and mineral rights owners of the property to be subdivided.
4. Name, business address and phone number of the registered civil engineer or licensed land surveyor, who prepared the map.
5. The locations, names, widths, approximate grade and curve radii of all roads, street, highways, and ways proposed and existing within the property and along its boundaries.
6. Sufficient elevations at contour intervals of two (2) feet unless otherwise approved by the City Engineer.
7. The location and character of all existing and proposed public utilities on the property or on adjoining and contiguous highways, streets, and ways, and the appropriate widths, location and identification of all existing or proposed easements.
8. Approximate lot layout, lot numbers, and approximate dimensions and square footage of each lot.
9. Boundary line and size of property.
10. Location of City Boundary lines and boundary lines of any other public district which lie within five hundred (500) feet of the exterior boundary lines of the proposed subdivision.
11. A key map showing the reposed subdivision and surrounding subdivisions and street located within one-quarter (1/4) mile of the boundaries of the proposed subdivision.
12. Preliminary roadway cut and fill slope areas.
13. Approximate areas subject to inundation or storm water overflow and the approximate location, width, and direction of flow of all water courses.

14. Approximate locations of existing structures, wells, irrigation ditches, pipelines, sewage disposal systems, test wells, percolation holes and sufficiently flagged reference points for use by appropriate public agencies for field check purposes. Any existing features which are to remain in place shall be so noted.
15. Copy of Deed of Record
16. Locations and approximate dimensions of proposed public areas, if any.
17. A tentative drainage plan, including provisions for the disposal of storm water.
18. Proposed street tree plantings, landscaping, if any.
19. Proposed phasing, if applicable.

Note: If the information to be shown as set forth in the foregoing section cannot all be placed on the tentative map, then a report containing the material shall be submitted with the map.

- C. A subdivider's statement shall be submitted with each tentative map. The subdivider's statement required shall contain the following information:
  1. Existing use of the property.
  2. Zoning and General Plan Land Use Designation on the property.
  3. Proposed use of the property. If the property is proposed to be used for more than one purpose, the area or lot(s) proposed for each type of use shall be shown on the tentative map.
  4. Descriptive information on the following:
    - a) Proposed domestic water supply and sewage disposal systems.
    - b) Proposed street, surface drainage, grading, fire protection, and other improvements.

- D. The following documents shall be submitted with each tentative map:
1. Current preliminary title report.
  2. A letter describing and setting forth the reasons for any exceptions requested to the provisions of the Subdivision Ordinance and for any re-zoning, use permit, or zoning variance which may be necessary to permit proposed uses of land and structures within the property and which will be applied for by the applicant.
  3. A legible copy of the current owner's grant deed or contract of sale.
  4. A map and copies of deeds of all other property owned by the applicant that is contiguous to the subject real property.
  5. A list of all special districts in which the proposed subdivision lies and the boundary of the special district if it divides the proposed subdivision.
- E. Soil Report and Percolation Test
1. The City Engineer may, when based on knowledge of soil qualities of the site, require a preliminary soil report or a statement by a registered civil engineer as to the feasibility of the proposed development, in relation to geologic and soil characteristics, to be submitted prior to review of the tentative map by the Council.
  2. The City Engineer may, on the basis of such engineer's statement, or preliminary soil report, require a soil investigation of any or all lots.
  3. On lots whose locations and/or topography create conditions impractical for sewer hookup, the City Engineer shall require a percolation test for the purpose of private sewage disposal design. In such cases a review for waiver of sewer hookup will be required.
  4. An environmental analysis (City of Taft Environmental Assessment Form) completed pursuant to the provisions of the California Environmental Quality Act and the policies and guidelines adopted by City of Taft shall be submitted with each Tentative Map.

**10-4-3: PUBLIC HEARING AND NOTICE:**

- A. The secretary of the Commission shall set a date for a public hearing for consideration of the tentative map by the Commission, which date shall be within fifty (50) days after the map is filed, in accordance with section 66452.1(b) of the Map Act. Notwithstanding section 66452.1(b), the time period specified above shall commence after certification of an

environmental impact report, adoption of a negative declaration, or a determination by the City that the project is exempt from the requirements of Division 13 (commencing with Section 21000) of the Public Resources Code as set forth in section 66452.1(c) of the Map Act. A further time extension for the City to set a date for public hearing may be granted upon mutual agreement of the Commission and the subdivider.

B Public Hearings and Notices: Notice of public hearings of a tentative subdivision indicating the time and place thereof, and a general description of the subdivision location shall be published by law by all of the following methods:

1. Publication in a newspaper of general circulation within the City at least ten (10) calendar days prior to the public hearing;
2. Mailing at least ten (10) calendar days prior to the public hearing, to all owners of property within a distance of three hundred (300) feet from the exterior boundaries of the property involved in the application. For this purpose, the last known name and address of each property owner as contained in the records of the latest equalized Kern County Assessor rolls shall be used;
3. Mailing at least ten (10) calendar days prior to the public hearing, or delivering at least ten (10) calendar days prior to the public hearing, to each local agency expected to provide essential services or facilities to the project whose ability to provide those facilities and services may be significantly affected;
4. Mailing at least ten (10) calendar days prior to the public hearing, or delivering at least ten (10) calendar days prior to the public hearing, to the owner of the subject real property or to the owner's duly authorized agent, and to the project applicant and the applicant's authorized representative, if any;
5. Mailing at least ten (10) calendar days prior to the public hearing, to any person who has filed a written request with the City Clerk and has provided the City Clerk with a self-addressed stamped envelope for that purpose.
6. Any other means prescribed by law, or desired by the City.

**10-4-4: TRANSMITTAL TO PUBLIC AGENCIES AND UTILITIES:**

- A. When the tentative map is received and filed under the provisions of this chapter the Secretary of the Commission shall, within five (5) working days thereafter, transmit the tentative map to requesting agencies, as set forth in section 66453(b) of the Map Act.

- B. Within fifteen (15) days of receiving a copy of a tentative map, the requesting agencies may submit recommendation to the City Planning Department. The Advisory Agency shall consider these recommendations before acting on the tentative map as set forth in section 66453(c) of the Map Act.
- C. The department of the City to which a tentative map is transmitted shall, within the jurisdiction of such department, respond to the Planning Department staff, in writing, within ten (10) working days of receipt thereof setting forth its recommendations for map approval to make such map conform to the requirements of the City's Municipal Code and the Map Act.

**10-4-5: NOTICE TO SUBDIVIDERS.** Planning Staff shall make a written report with recommendations on the tentative map and a copy thereof served on the subdivider at least three (3) days prior to any action on such map by the Commission. Service may be in person or by mail. Service shall be deemed complete on personal delivery to the subdivider or two (2) days after depositing such report and recommendations in the U.S. mail.

**10-4-6: FINDINGS: Delegation;** The responsibilities of the Council under the provisions of section 66473.5, 66474, 66474.1 and 66474.6 of the Map Act are assigned to the Commission under authority of section 66474.7 of the Map Act.

**10-4-7: ACTIONS ON TENTATIVE MAP:**

- A. The Commission shall review the report, recommendations, and approval of the Project Assistance Team and shall review the tentative map as to the proposed design and improvements of the tentative map as to all applicable requirements of the Map Act and this chapter.
- B. The Commission shall make its written report on the tentative map, including recommendations and conditions of approval, to the Council within fifty (50) days after the filing date of the tentative map in accordance with section 66452.1(b) of the Map Act. Notwithstanding section 66452.1(b), the time period specified above shall commence after certification of an environmental impact report, adoption of a negative declaration, or a determination by the City that the project is exempt from the requirements of Division 13 (commencing with Section 21000) of the Public Resources Code as

set forth in section 66452.1(c) of the Map Act. Further, additional time may be granted upon a mutual agreement between the City and the subdivider.

- C. At the next regular meeting of the Council following the public hearing by the Commission on a tentative map, the Council shall consider the Commission recommendations and shall approve, conditionally approve, disapprove, or refer the matter back to the Commission for further consideration and recommendation.
  
- D. During the public hearing upon which the Council considers the recommendations, conditions of approval and findings by the Commission for a tentative map, the Council may or may not approve such recommendations, conditions of approval, and findings. However, if the Council wishes to alter the recommended conditions or findings of the Commission in a manner that was not subject to discussion or admittance during the Commission public hearing, then Council shall refer the tentative map back to the Commission for further consideration and action. Nothing herein contained shall be construed to prohibit the filing of different tentative maps for the same property regardless of whether the first one has been approved, provided when such subsequent map is filed, the first map filed is deemed completely rescinded and of no further force or effect. Optional tentative maps may be filed at the same time, but action of the Commission shall relate only to one such map.

## CHAPTER 5 STANDARDS AND DESIGN

Section 10-5- 1:	Access
Section 10-5- 2:	Streets and Highways
Section 10-5- 3:	Local and Collector Streets; Widths
Section 10-5- 4:	Stubbed Streets; Turn Around
Section 10-5- 6:	Reserve Strips
Section 10-5- 7:	Intersection Angle and Block Cutoff
Section 10-5- 8:	Curve Radius
Section 10-5- 9:	Alleys; Widths; Intersections
Section 10-5-10:	Streets and Alley Arrangement
Section 10-5-11:	Street Names
Section 10-5-12:	Easements
Section 10-5-13:	Block; Lengths and Widths
Section 10-5-14:	Lots
Section 10-5-15:	Pedestrian Way
Section 10-5-16:	Underground Utilities
Section 10-5-17:	Waiver of Preliminary Soils Report
Section 10-5-18:	Mailboxes in Public Right-of-Way

**10-5-1: ACCESS:** Each lot or parcel of a subdivision shall be provided with vehicular access to a street or highway improved and maintained by (i) either a public agency or (ii) in the case of a private street maintained as set forth in a homeowner association, or other mechanism to guarantee continued maintenance of the street or highway, both of which shall be connected thereto directly or indirectly by means of vehicular access which has been approved by the Commission or Council, whichever is applicable.

**10-5-2: STREETS AND HIGHWAYS:** All streets, as far as practicable, shall be designed to eliminate traffic hazards and shall ensure an efficient and practical flow of traffic. The streets shall also conform in width and alignment to those designated on the Circulation Element of the City's General Plan and to the City of Taft Construction Standard Details and the City of Taft Standards. If any street in the subdivision is a continuation, or approximately a continuation of an existing street, the conformity or the amount of nonconformity of such a street, to such existing street shall be accurately shown. Whenever the County surveyor or the City Engineer has established the center line of a street or alley, the data shall be shown on the final subdivision map.

**10-5-3: LOCAL AND COLLECTOR STREETS; WIDTHS:** All collector and local streets shall have a right-of-way width consistent with the standards and specifications set forth in the City's Subdivision &

Engineering Design Manual except as provided in Sections 10-5-4, 10-5-5, and 10-5-6 below::

- 10-5-4: STUBBED STREETS; TURN AROUND:** Where necessary to give access to or permit a satisfactory future subdivision of adjoining land, a street may extend to the boundary of the property with a turnaround consistent with the standards and specification set forth in the City's Subdivision & Engineering Design Manual.
- 10-5-5: BOUNDARY LINE STREETS:** Any land intended to be a part of the ultimate width of a highway or street, lying along and adjacent to any such boundary, shall have a width consistent with the standards and specifications set forth in the City's Subdivision & Engineering Design Manual
- 10-5-6: RESERVE STRIPS:** One foot (1') reserve strips provided across the end of stubbed streets adjoining unsubdivided land or along half streets adjoining unsubdivided land shall be designated by a capital letter. These reserve strips shall be offered to the City for dedication at the time the final subdivision map is recorded and all rights of vehicular access across said reserve strips shall be abandoned until such time as said reserve strips are accepted by the City for street purposes.
- 10-5-7: INTERSECTION ANGLE AND BLOCK CUTOFF:** Any highway or street intersecting any other highway or street shall intersect at an angle as near a right angle as is practicable as set forth in the City's Subdivision & Engineering Design Manual.
- 10-5-8: CURVE RADIUS:** The centerline curve radii on all streets and highways shall conform to accepted engineering standards of design and shall be subject to approval by the City Engineer.
- 10-5-9: ALLEYS; WIDTHS; INTERSECTIONS:** Alleys may be provided at the rear of each lot and shall be not less than twenty feet (20') in width. Where two (2) alleys intersect, a corner cutoff of not less than ten feet (10') measured from the point of intersection along the sideline of the alley shall be required. In the rear of all lots used or intended to be used for commercial, industrial, or high density residential alleys at least thirty feet (30') in width or other adequate off street loading facilities shall be provided.
- 10-5-10: STREETS AND ALLEY ARRANGEMENT:** The street and alley arrangement shall be such as the Council, in the exercise of its sound

discretion, may determine will cause no undue hardship to owners of adjoining property when they subdivide their land and adequate and convenient access to adjoining property is required.

**10- 5-11:** **STREET NAMES:** Each street or way which is dedicated and is a continuation of or approximately the continuation of any existing dedicated street or way shall be shown on the tentative map and shall be given the same name as such existing street or way. The proposed name of each other street or way shown on the tentative map shall be submitted to the Council for approval, and if such name is appropriate for a street name, such name shall be approved. The words "avenue", "boulevard", "place" or other designation of any such street or way shall be spelled out in full on the final subdivision map and such terms shall be approved by the Council.

**10-5-12:** **EASEMENTS:**

A. Unless otherwise permitted by the Municipal Code, the City's Subdivision & Engineering Design Manual, or other City standards, or a utility company or other agency being affected, utility distribution lines shall be placed underground within the public right-of-way, and a six foot (6') by six foot (6) public utility easement for equipment enclosure shall be required adjacent to lot sideline and street right-of-way line intersection, excepting corner lots.

B. The sidelines of all easements shall be shown by fine dotted lines. If any easement already of record cannot be definitely located, a statement of the existence, the nature thereof and its recorded reference must appear on the title sheet. Distances and bearing on the sidelines of lots which are cut by an easement must be arrowed or so shown that the map will indicate clearly the actual lengths of the lot lines. The widths of all easements and sufficient ties thereto definitely to locate the same with respect to a tract map must be shown. For parcel maps, easements shall be shown substantially in the correct location in relation to the corners of the property being divided, however when such easement is not being dedicated the ties to the easement need not be shown on the map. A recorded reference must be given for all easements shown on the map if already of record. If an easement is being dedicated by the map, it shall be set out in the owner's certificate of dedication. All notes and figures pertaining to easements shall be considerably smaller and lighter than those relating to the subdivision itself.

C. The City shall prohibit the approval of any parcel map, final map, or project which shows potentially conflicting easements and/or rights-of-way, except on condition that the City's street use

easement/right-of-way is deemed to be first in time and first in priority with respect to any potentially conflicting easement and/or right of way.

- D. The City shall not accept any dedication of property and/or off-site public improvements in which a previous easement exists, in conjunction with any parcel map, final map, or project which shows potentially conflicting easements and/or rights of way, except on condition that the City's street use easement/right-of-way is deemed to be first in time and first in priority with respect to any potentially conflicting easement and/or right of way.

**10-5-13 BLOCK; LENGTHS AND WIDTHS:**

- A. Block Length: Blocks shall not exceed seven hundred feet (700') in length between street lines, except where previous adjacent streets by nature of the alignment of those streets, requires longer blocks or when resubdivisions justify or require, by finding of the Council, a variation from this requirement.
- B. Block width: The width of each block shall be sufficient for a layout of at least two (2) tiers of lots including alleys, provided however, that the surrounding layout lines of ownership justify or make necessary a variation from this requirement.

**10-5-14: LOTS:**

- A. Lot Sizes: All lots or parcels shall be of such size and dimension as required by the Land Use Classification of the General Plan, Specific Plan, or zoning district in which they are located.
- B. Lot Depth: The minimum depth for residential lots shall be sufficient to permit full conformity with the requirements of the Land Use Classification of the City's General Plan, Specific Plan or zoning district in which said lots are located. Consideration may be given for a topographical location and other physical conditions of the proposed subdivision by the Council.
- C. Lot Lines: The street side sidelines of all corner lots, so far as possible, shall be at right angles to the street(s) which the lot faces, or radial or approximately radial if the street is curved.
- D. Divided Lots: No lot shall be divided by the city boundary line. Each such boundary line shall be made a lot line.
- E. Double Frontage Lots: Double frontage lots shall not be approved

except where the conditions permit no other reasonable form of platting. Where land abuts a major or secondary street, double frontage lots may be permitted when the council deems it to be reasonable due to such controlling factors as traffic, safety, appearance and setback.

- 10-5-15: PEDESTRIAN WAY:** Except in the case of any reversion to acreage map, or boundary line map, a transverse pedestrian-way of adequate width may be required through the approximately middle of each block having a length of more than seven hundred feet (700').
- 10-5-16: UNDERGROUND UTILITIES:** All utility distribution facilities (including, but not limited to, electric, communication and cable television lines) installed in and for the purpose of supplying service to any residential or commercial subdivision shall be placed underground except equipment appurtenant to underground facilities. The subdivider is responsible for complying with the requirements of this subsection, and shall make the necessary arrangements with the utility companies involved for the installation of said facilities. Industrial subdivisions may be excluded from the provisions of this section upon a showing that such under grounding is not financially feasible. Services from public utilities shall be made in such a manner to eliminate, as much as possible, the necessity for disturbing the street pavement, gutter, culvert and curb.
- 10-5-17: WAIVER OF PRELIMINARY SOILS REPORT:** A preliminary soils report requirement may be waived, when the City Engineer finds that due to the knowledge the City has as to the soil qualities of the soils in the subdivision, no preliminary analysis is necessary.
- 10-5-18: MAILBOXES IN PUBLIC RIGHT OF WAY:** When post office regulations prohibit delivery of mail to mailboxes which are not located adjacent to curb lines, the subdivider shall install, as a part of the required improvements, mailboxes for each individual dwelling unit to be located within the subdivision. Wherever possible, the subdivider shall install uniformly designed mailboxes no closer than six inches (6") from the face of the curb and at a height of four feet (4') above the curb. The supports shall be of durable material, either concrete, brick, or metal set into the ground a minimum of twenty four inches (24"), and secured with concrete. The box should be wood or metal. Colors, design, and material of the mail boxes should reflect the character of the development and shall be subject to approval by the Postmaster and the Project Assistance Team. Where post office requirements dictate the installation of collective mail boxes in centralized locations, the design and location of said collective mail boxes shall be subject to approval by the Project Assistance Team and the Postmaster prior to issuance of a final inspection by the Building Official.

## **CHAPTER 6 IMPROVEMENTS**

Section 10-6- 1:	Completion of Improvements
Section 10-6- 2:	Improvement Security
Section 10-6- 3:	Form of Bonds
Section 10-6- 4:	Amount of Improvement Security
Section 10-6- 5:	Release of Improvement Security
Section 10-6- 6:	Forfeiture of Improvement Security
Section 10-6- 7:	Improvements within Subdivisions
Section 10-6- 8:	Plans and Profiles; Filing
Section 10-6- 9:	Wye Branch Map
Section 10-6-10:	Survey Requirements; Monuments
Section 10-6-11:	Subdivision Standards

**10-6-1: COMPLETION OF IMPROVEMENTS:** Improvements required as a condition of approval shall be completed at the subdivider's expense prior to filing of a final map with the Kern County Recorder unless a completion agreement on terms mutually agreeable to the Council and the subdivider has been entered into and the improvement security has been posted as provided in this chapter.

**10-6-2: IMPROVEMENT SECURITY:** The completion agreement referred to in Section 10-6-1 shall be secured by one of the following:

- A. A bond or bonds by one or more duly authorized corporate sureties.
- B. A deposit, either with the City or a responsible escrow agent or trust company selected by the City, or cash, negotiable bonds or letter of credit of the kind approved for securing deposits of public moneys.
- C. An irrevocable instrument of credit from one or more responsible financial institutions regulated by the state or federal government and pledging the funds are on deposit and guaranteed for payment on demand by the City.

**0-6-3: FORM OF BONDS**

- A. The form of bond to secure the faithful performance of the completion agreement shall be in substantially the same form as provided for in section 66499.1 of the Government Code of the State, except the City may add other provisions if it so desires.

- B. The form of bond for the security of laborers and material men shall be in substantially the same form as provided for in section 66499.2 of the Government Code of the State except the City may add other provisions if it so desires.
- C. Appropriate modifications shall be made in such form if the bond is being furnished for the performance of an act not provided for by agreement.

**10-6-4:** **AMOUNT OF IMPROVEMENT SECURITY:** Security to guarantee the performance of any act or agreement shall be in the following amounts:

- A. One hundred percent (100%) of the total estimated cost of the improvement or act to be performed conditioned upon the faithful performance of the act or agreement.
- B. An additional amount of fifty percent (50%) of the total estimated cost of the improvement or act to be performed securing payment to the contractor, the subcontractors and to person furnishing labor, materials or equipment to them for the improvement of the performance of the required act.
- C. The amount determined by the Council necessary to guarantee or warranty the work for a period of one year following completion or acceptance thereof against any defective work or labor done, or defective materials furnished.
- D. If the imp improvement security is other than a bond or bonds furnished by duly authorized corporate surety, an additional amount shall be included as determined by the Council as necessary to cover the cost, reasonable expenses and fees, including reasonable attorney's fees, which may be incurred by the City in successfully enforcing the obligation secured. The improvement shall also secure the faithful performance of any changes or alterations in the work to the extent that such changes or alterations do not exceed ten percent (10%) of the original estimated cost of the improvement

**10-6-5:** **RELEASE OF IMPROVEMENT SECURITY:** The security furnished by the subdivider shall be released in whole or in part in the following manner:

- A. Security given for faithful performance of any act or agreement shall be released upon the final completion and acceptance of the required act or work by the Council subject to the provisions of subsection (B) hereof.

- B. The City Engineer may release a portion of the security in conjunction with the acceptance of the performance of the required act or work as it progresses upon application therefore by the subdivider; provided, however, that no such release shall be for an amount more than ninety percent (90%) of the total improvement security given for faithful performance of the act or work and that the security shall not be reduced to an amount less than ten percent (10%) of the total improvement security given for faithful performance until final completion of the required act or work and acceptance of the required act or work by the Council. In no event shall the Council authorize a release of improvement security which would reduce such security to an amount below that required to guarantee the completion of the act or work and any other obligation imposed by this chapter, the Map Act or the improvement agreement.
  
- C. Security given to secure payment to the contractor, his subcontractors and to persons furnishing labor, materials or equipment, shall, six (6) months after the completion of the required act or work and acceptance of said required act or work by the Council, be reduced to an amount equal to the amount of all claims therefore filed and of which notice has been given to the Council, plus an amount reasonably determined by the City Engineer to be required to assure the performance of any other obligations secured thereby. The balance of the security shall be released upon the settlement of all such claims and obligations for which the security was given.
  
- D. No security given for the guaranty or warranty of a required act or work shall be released until the expiration of the period thereof.

**10-6-6: FORFEITURE OF IMPROVEMENT SECURITY:** Upon the failure of the subdivider to complete any improvement, acts or obligations within the time specified, the Council may, upon notice in writing of not less than ten (10) days served upon the person responsible for the performance thereof or upon notice in writing of not less than twenty (20) days, served certified mail addressed to the last known address of such person, determine that the subdivider is in default and may cause the improvement security or such portion thereof as is necessary to complete the required work or act or any other obligations of the subdivider secured thereby to be forfeited to the City.

**10-6-7:**

**IMPROVEMENTS WITHIN SUBDIVISIONS:**

- A. The Council in its determination to require or not require any of such improvements within parcel maps shall consider the following factors:
  - 1. Whether the installation of any such improvements would be premature in relation to the public needs of the present and the immediate future.
  - 2. Whether the omission of all or any part of such improvements would be materially detrimental to the public welfare, safety, health or convenience.
  - 3. Whether the omission of all or any part of such improvements would be injurious to property or improvements in the area.
  - 4. The extent to which the improvements are desirable to fulfill public needs emanating from the subdivider's proposed use or possible use.
  - 5. The extent to which the community may need protection against potentially bad effects of the proposed use or possible use.
  
- B. Improvement required in a subdivision for which a final map is required shall be installed to permanent line and grade to the satisfaction of the City Engineer' in accordance with standard specification of the City on file in the office of the Public Works Director and in accordance with all applicable provisions of Chapter 5 of this Title entitled Standards and Design.
  
- C. The following improvements may be required by the Commission for all parcel maps of four (4) parcels or less and by the Council for all other tentative subdivision maps and if so required, shall be furnished at the subdivider's expense; all to be constructed in accordance with the City's Subdivision & Engineering Design Manual.
  - 1. Grading, curbs and gutters, drainage and drainage structures necessary to the proper use and drainage of streets, highways, alleys and ways and to the public safety.
  - 2. Installation and surfacing of streets, highways, alleys and ways.
  - 3. Sidewalks.
  - 4. Sanitary sewer facilities and connections for each parcel or lot created.

5. Water system with mains of sufficient number of outlets to furnish adequate domestic water supply for each parcel or lot created and to provide adequate fire protection to meet local neighborhood needs.
6. Street trees of a type, size, spacing and planting at the time specified by the Commission or Council as may be appropriate.
7. Street name signs.
8. A fence or wall six feet (6') in height between any subdivision and the right of way line of any irrigation canal or natural drainage channel.
9. Street lighting where and as required by the Commission or Council as may be appropriate

**10-6-8: PLANS AND PROFILES; FILING:** Plans, specifications and profiles of all improvements required under the provisions of this Chapter, as well as other improvements proposed to be installed and constructed by the subdivider in, over, or under any street or right of way, easement, lot or parcel of land where improvements are required or proposed, shall be filed with the Public Works Director.

**10-6-9: WYE BRANCH MAP:** Prior to the time of filing of the notice of completion and acceptance of sewers with the subdivision, the subdivider shall file with the Public Works Director an as built map drawn to a scale of one inch (1") equal to one hundred feet (100'), showing the location of all wye branches or house lateral sewers constructed or to be constructed in the subdivision. The map shall be drawn on sheets measuring twelve (12) inches by eighteen (18) inches having a one (1) inch border and one (1) inch binding margin on the twelve (12) inch edge. The subdivider shall furnish to the City the original tracing and two (2) prints of each sheet of the map. The original drawing shall be on tracing cloth or polyester base film

**10-6-10: SURVEY REQUIREMENTS; MONUMENTS**

- A. In all cases where a parcel map is required, such map shall be based upon a field survey made in conformity with the Land Surveyors Act or be compiled from recorded or filed data when sufficient survey information exists on filed maps to locate and retrace the exterior boundary lines of the parcel map if the

location or at least one of these boundary lines can be established from an existing monument line.

- B. In all cases where a final map is required, such map shall be based upon a survey. All survey and mathematical information and data necessary to locate all monuments and to locate and retrace any interior and exterior boundary lines appearing thereupon shall be shown, including bearings and distances of straight lines and radii, the central angle and arc length for all curves, and such information as may be necessary to determine the location of the centers of curves and ties to existing monuments used to establish the subdivision boundaries.
- C. At the time of making the survey for the final subdivision map, the engineer or surveyor shall set sufficient durable monuments to conform with the standards described in section 8711 of the Business and Profession Code so that another engineer or surveyor may readily retract the survey.
- D. Such engineer or surveyor shall set the following monuments as follows:
  - 1. Set City standard monuments where practical at all angle and curve points on the exterior boundary and all intersections of street centerlines, the beginning and ending of all curves on street centerlines within a subdivision, except the exterior boundary of parcel maps compiled from recorded data. Where standard monuments are not set, two (2) inch iron pipe (minimum length 24 inches) shall be substituted, mortar filled and with the identification tag centered. No wood filling will be permitted.
  - 2. Such monuments will be so set as to ensure an unobstructed sight between adjacent monuments, whenever feasible, and in no case shall the distance between such monuments exceed one thousand (1,000) feet, unless prior approval is obtained from the city engineer.
  - 3. All such monuments are to be permanently marked with the certificate number of the engineer or surveyor setting it, preceded by letters, "R.E." or "LS." respectively, as the case may be.
  - 4. Pre-cast concrete monuments shall be set on all new streets, alleys, or public ways which are to have a permanent type of pavement. The pre-cast concrete monuments shall be set in a City standard monument

encasement with frame and cover. All other monuments may be two (2) inch pipe.

5. Precast concrete monuments shall be set no less than eight (8) inches or more than twelve (12) inches below finished grade and iron pipe monuments shall be set not less than six (6) inches or more than eighteen (18) inches below finished grade.
6. When any of the above described boundary points fall in a concrete sidewalk curb, wall, coping, etc., such points shall be marked with a lead plug, copper or brass nail and a metal tag marked with the certificate number as described above for concrete monuments.
7. On all curved streets a sufficient number of monuments shall be set forth so that the connecting chords shall be wholly within the street roadway between the curb lines.
8. The character, type and position of all monuments and covers shall be noted on the final subdivision map. If any shortage or excess of distance is found on the ground between existing monuments, compared with the original record, division of the total must bear its proportion of such shortage or excess.
9. A traverse of the boundaries of the tract, and of all lots and blocks must close within a limit of error not in excess of one (1) foot in ten thousand (10,000) feet.
10. All distances must be expressed on the map to the nearest one-hundredth (0.01) of a foot, except that when the sum of a series must equal an overall distance, each distance in the series may be expressed to the third decimal place.
11. The engineer or surveyor making the survey for any subdivision for which a final map is required shall set a durable monument at each angle and curve point on the boundary of each lot, which angle and curve point is not covered above. Such monument shall consist of a two (2) inch by two (2) inch redwood stake, eighteen (18) inches in length, centered with copper or brass nail and metal tag properly marked as previously described; provided that whenever a point marking any of the above described lot locations occurs in improved

areas, such as concrete sidewalk, curb, wall, coping, etc., such points shall be marked with lead plug, copper or brass nail and said metal tag properly marked as previously described. A cross cut shall be placed on top of the curb on the extension of side lot lines for each lot in a subdivision.

12. If in the opinion of the City Engineer any of those points which are mentioned in subsection (D).11 of this section are inaccessible, then reference point shall be set in a manner which will comply with the intent of said subsection (D).11 of this section.
13. After all surface improvements have been completed, the engineer or surveyor shall arrange with the City Engineer for an inspection of the work as provided for. The engineer or surveyor or representative of said engineer or surveyor, doing said work shall be present during the time of said inspection. All monuments and stakes as required by this section shall be exposed and plainly visible at the time of inspection, or if not exposed, the engineer or surveyor shall file a certification with the City Engineer that all monuments and stakes have been installed as required by this section.
14. Any monuments or stakes disturbed by the improvements shall be reset. Where no streets are to be improved, the subdivider shall post a faithful performance bond to guarantee the setting of all the above stakes and monuments.
15. Vertical datum for all improvements within a subdivision shall be based on U.S. coast and geodetic survey data and at least two (2) permanent bench marks shall be established within the boundaries of a subdivision and within public right-of-way.

**10-6-11: SUBDIVISION STANDARDS:** Subdivision improvement standards shall be in accordance with the Subdivision & Engineering Design Manual, adopted by resolution of the Council, and with any other City adopted ordinances, resolutions, or standards that are consistent with section 66462 (b) of the Government Code.

## CHAPTER 7

### OPTIONAL DESIGN AND IMPROVEMENT STANDARDS

- Section 10-7-1: Subdividers Intent
- Section 10-7-2: Letter of Justification
- Section 10-7-3 Improved Design Based on Density Control
- Section 10-7-4: Exception in Lot Size
- Section 10-7-5: review and Decision
- Section 10-7-6: Maintenance of undedicated Improvements
- Section 10-7-7 Requirements

**10-7-1: SUBDIVIDERS INTENT:** Where a subdivider signifies his intent to enhance the livability, convenience and appearance of modern site planning techniques in the arrangements of lots, circulation pattern and in the provision of permanent open space and appropriate means of access to blocks, schools, shopping centers and other uses, which do not literally comply with the requirements of these subdivision regulations but which serve to facilitate the ultimate development of the land in the manner that will be commensurate with contemporary living patterns and technological progress, that subdivider may be permitted exceptions provided the subdivision complies with the provisions of the following sections of this Chapter.

**10-7-2: LETTER OF JUSTIFICATION:** At a time no later than the time of filing of the tentative map with the City, the subdivider, in order to qualify for the optional design provisions of this chapter, shall, by a memorandum in writing, supported and accompanied by tentative plans, justify the exercise of such option by a showing that:

- A. The plan of development has been devised to make a better use of undeveloped property than that which would result from proceeding on a lot-to-lot basis and thereby produce a more desirable and livable community than would be effected by compliance with all standards and requirements.
- B. The reservation of green or open spaces in a manner differing from the conventional front or back yard for detached single family dwellings that is part of a planned development as set forth in Section 6.3.10, Chapter 3, Title VI of the Municipal Code, will result in more efficient and aesthetic use of the property than would be possible if inflexible rules were applied to individual lots.
- C. The buildings, structures and landscaping will be in harmony with other structures and improvements in the general area.

D. The control of density in the development will substantially comply with the Land Use Element of the City's General Plan.

**10-7-3: IMPROVED DESIGN BASED ON DENSITY CONTROL:** As incentive to creating better overall communities and to producing an environment of stable, desirable character, the standards and requirements set forth in Chapters 5 and 6 of this title, may be varied, consistent with the provision of Title VI (Zoning Ordinance of the Municipal Code).

**10-7-4: EXCEPTION IN LOT SIZE:** The Commission or the Council, whichever may apply, may authorize exceptions in lot size consistent with the provisions set forth in Title VI (Zoning Ordinance) of the Municipal Code

**10-7-5: REVIEW AND DECISION:** The Commission shall review any letter of justification, as set forth in Section 10-7-2 of this Chapter, as it relates to a proposed subdivision, at the same time it reviews the tentative map and the recommendations of City staff, and shall transmit to the subdivider its decision and findings no later than the time when the tentative map is transmitted to the Council

**10-7-6: MAINTENANCE OF UNDEDICATED IMPROVEMENTS:** Where a residential subdivision has been approved by Council under the provisions of this Title, full and adequate provisions acceptable to the City shall be made for the preservation and maintenance of all commonly owned land, improvements and facilities which are not dedicated to and accepted by the City for public use. Such provision may be satisfied by a Declaration of Covenants, Conditions and Restrictions duly signed and acknowledged by the owner; article of incorporation, forming a homeowner's association or some other legal entity, which shall include provisions empowering the entity created to own and maintain all the properties within its jurisdiction and to exercise the powers and duties of the entity to be set forth in the Declaration; and bylaws setting forth rules of membership, fees and assessments; and forms of deeds incorporating the Declaration by reference to its recording data. All documents must be referred to the City Attorney for review and have the approval of the Council as to their sufficiency to accomplish their purpose. The owners of the individual lots shall, as a condition of ownership of said lots, be required to participate in the legal entity so formed and be responsible to said legally formed entity for the cost of performing the necessary maintenance. Any failure to so maintain shall be, and the same is hereby declared to be unlawful and a public nuisance endangering the health, safety, and general welfare of the public.

**10-7-7: REQUIREMENTS:** When a subdivision has been approved by the Council under the provisions of this title, then such approved building sites, coverage and yards under such subdivision shall be considered as the requirement of this chapter.

**CHAPTER 8**  
**FINAL SUBDIVISION MAP**

Section 10-8-1:	Filing with Council
Section 10-8-2:	Improvements Completed or Completion Agreement
Section 10-8-3:	Title Sheet
Section 10-8-4:	Information of Final Subdivision Maps
Section 10-9-5:	Commission Review of final Subdivision
Section 10-8-6:	Maps; City Engineer Review of Final
Section 10-8-7:	Subdivision Maps; Filing of Final Map
Section 10-8-8:	Maps
Section 10-8-9:	Taxes and Assessments

**10-8-1: FILING WITH COUNCIL:** The subdivider shall file with the City Clerk one (1) complete set of original tracings and three (3) complete sets of black and white or blue line prints of the final map or parcel map. Within three (3) working days after the filing of the final map, the City Clerk shall transmit the tracings and two (2) prints thereof to the City Engineer and one print to the Secretary of the Commission. A copy of the deed restrictions applicable to the subdivision shall be filed with the City Clerk at the time of filing the final map

**10-8-2: IMPROVEMENTS COMPLETED OR COMPLETION:** Agreement: If, at the time of approval of a final map by the Council, any public improvements required by the City pursuant to the provisions of this Title have not been completed and accepted in accordance with standards established herein, applicable at the time of the approval or conditional approval of the tentative map, the Council, as a condition precedent to the approval of the final map, shall require the subdivider to enter into an improvements completion agreement upon mutually agreeable terms to thereafter complete such improvements at the subdivider's expense. The City shall require that performance of such agreement be guaranteed by the security specified in Chapter 6 of this Title.

**10-8-3: TITLE SHEET:**

- A. The map number and the tract name, if any, shall comprise the title.
- B. Below the title shall be a subtitle consisting of a general description of all the property being subdivided, by reference to subdivisions or to sectional surveys.

- C. References to subdivisions shall be worded identically with original records, with references to the books and pages if the subdivisions are recorded.
- D. Affidavits, certificates, acknowledgements, endorsements, acceptances or dedication and notary's seals required by law and by this chapter shall appear on the title sheet.
- E. The title sheet shall show the basis of bearings.
- F. A key map showing the proposed subdivision and its relationship to the closet surrounding subdivisions and streets in all directions together with the area encompassed by each sheet of the final subdivision map shall appear on the title sheet.
- G. Where the size of a subdivision permits, in lieu of a title sheet, the information prescribed in subsections (A) through (F) of this section may be shown on the same sheet as the final subdivision map.

**10-8-4: INFORMATION ON FINAL SUBDIVISION MAPS:** The final map shall show the following:

- A. The tract number and the tract name, if any, or parcel map number, date of preparation, north point and scale.
- B. The scale of the map shall be a minimum of the one inch (1") equals one hundred feet (100') or as approved by City Engineer.
- C. The locations and names of streets, without abbreviations, the width of the portion of the street being dedicated and the width of existing dedication, if any.
- D. The locations and widths of pedestrian ways.
- E. The locations and dimensions of public areas and the net acreage, to the nearest one-hundredth ( $\frac{1}{100}$ ) of an acre, if more than one acre, or in square feet if less than an acre.
- F. The center lines, widths and side lines of all easements to which the lots are subject, the date on which the easement was created, and the book and page number of the County Recorder's Records in which the easement appears. If the easement is not definitely located of record, a statement as to the easement shall be made. Easements for storm drains, sewers and other similar purposes shall be denoted by broken lines. Easements shall be clearly labeled and identified and if already of record, precise reference to the records

given. Easements being dedicated shall be so indicated in the certificate of dedication. For parcel maps, easements shall be shown substantially in the correct location in relation to the corners of the property being divided, however, when such easement is not being dedicated the ties to the easement need not be shown on the map.

- G. Locations and width of drainage channels.
- H. Locations and widths of utilities rights-of-way
- I. Locations and widths of railroad rights-of-way
- J. Limitations on rights or access to and from streets and lots and other parcels of land.
- K. Location and widths of reserve strips.
  - l. Locations of City boundary lines within five hundred (500) feet.
- M. The net dimensions of each lot. No ditto marks shall be used.
- N. Sufficient data shall be shown to determine readily the bearing and length of each lot line. The final subdivision map shall show net acreage to the nearest one-hundredth ( $1/100$ ) of an acre, if more than one (1) acre and in square feet if less than one (1) acre.
- O. The following surveying data:
  - 1. A complete and accurate survey of the land to be subdivided by a civil engineer or surveyor registered to practice in the State in accordance with the standard practices of land surveying.
  - 2. The traverse of the exterior boundaries of a proposed subdivision and of each block and lot with an error of closure before adjustment not exceeding one(1) in ten thousand (10,000) except by permission of the City Engineer when extreme terrain makes such accuracy unusually difficult to obtain. Traverse sheets shall be provided showing closure of the perimeter and centerline of streets, and any irregular lots.
  - 3. All sources of information shown or used on plat shall be noted on plat. If a recorded course is different from a field course, both should be noted in proper notation,
  - 4. Dimensions in feet and decimals of a foot to the nearest one-hundredth ( $1/100$ ) of a foot, and bearings to the nearest second of all lot lines, subdivision perimeters, and of the centerline of streets. If a course is a curve, the radius, length of curb, tangent

distance and central angle shall be shown. If the ends of a curve are not tangent to the preceding or following course, the radial of the end of the curve with its bearing shall be shown. No ditto marks will be allowed. The width of each street right of way shall be shown, indicating the widths on each side of the centerline. The width of the original right of way and the right of way offered for dedication.

5. Suitable primary control points including section corners and monuments existing outside the proposed subdivision.
  6. The location of all permanent monuments within the proposed subdivision.
  7. Ties to and names of adjacent subdivisions.
  8. Ties to any city and county boundary lines involved.
- P. Building line setbacks for each lot in the subdivision used for residential, commercial, or industrial uses.
- Q. Basis of bearing shall be taken from a line between two (2) monuments. An assumed basis of bearings may not be used. The bearing shall be obtained from one of the following sources:
1. A record map or record of survey.
  2. County surveyor's records.
  3. An astronomical observation.
  4. California Coordinate System.

**10-8-5: COMMISSION REVIEW OF FINAL SUBDIVISION MAPS:**

- A. If the map conforms to the tentative map as approved by the Commission and no changes have been made which have not been approved by the Commission, the secretary of the Commission shall certify the original tracing of the map on behalf of the Commission. If the map does not so conform, the secretary of the Commission shall report such fact and the nature of the nonconforming features to the City Engineer and the secretary of the Commission shall not certify the map on behalf of the Commission until the Commission specifically authorizes him to do so.
- B. The secretary shall certify:

1. The Commission approved or conditionally approved the tentative map and the date such action was taken.
2. The subdivision, as shown on the map, is substantially the same as it appeared on the tentative map and in accordance with any conditions approved by the Commission.

**10-8-6: CITY ENGINEER REVIEW OF FINAL SUBDIVISION MAPS:**

- A. The City Engineer shall examine the print of the map and determine the sufficiency of affidavits and acknowledgments, the correctness of surveying data, mathematical data and computations, and determine whether the provisions of the Map Act and this title have been complied with. One copy of the map shall be returned to the subdivider with notations as to errors or omissions or a statement by the City Engineer that the map is correct.
- B. The subdivider shall provide traverse sheets and work sheets, accurate and complete electronic computation, or method approved by the City Engineer, showing the closure of the exterior boundaries of the subdivision and of all lots, blocks and centerlines of streets
- C. Plans, profiles and specifications of proposed improvements shall be submitted to the city Engineer for approval at the time the prints of the map are submitted for checking. Such plans and profiles shall show the full details of the proposed improvements, and the improvements shall comply with standards and specification of the Subdivision & Engineering Design Manual as approved by the City Engineer and Council.
- D. If the map is found to be correct, the matters shown thereon are sufficient and all applicable provisions of the Map Act and this title have been complied with, the City Engineer shall certify his approval of the original tracing of the map.

**10-8-7: FILING OF FINAL SUBDIVISION MAPS:** After the final map has been checked and approved, as provided in sections 10-8-5 and 10-8-6 of this Chapter, and when all the certificates which appear on the final subdivision map, except the approval certificates of the Council and the Kern County Recorder, have been signed and, where necessary acknowledged, the City Engineer shall file the final map with the City Clerk for Council approval.

**10-8-8:** **TAXES AND ASSESSMENTS:** Prior to the filing of the final map with the Council, the subdivider shall file such certificates and such security and make such payments as are required by sections 66494 and 66493 of the Map Act and shall comply fully with such provisions of law.

**10-8-9:** **ACTION BY COUNCIL:** At its first regular meeting following the filing of the final map with the City Clerk, the Council shall consider said map, the plan of subdivision and the offers of dedication in accordance with the requirements of this Title. The Council may reject any or all offers of dedication. If Council determines that said map is in conformity with the requirements of this Title, it shall approve said map. When the subdivider shall have filed with the City Clerk the completion agreement and improvement security described in Section 10-6-2 of this Title, and when such completion agreement and improvement security shall have been approved by the City Attorney as to form and by the City Engineer and Council as to sufficiency, the City Clerk shall transmit the map to the Kern County Recorder. If the Council shall determine that said map is not in conformity with the requirements of this Title, it shall disapprove said map specifying its reason or reasons for such disapproval. Within thirty (30) days after the Council has disapproved any map, the subdivider may file with the City Engineer a map altered to meet the approval of Council. In such case, the subdivider shall conform to all the requirements imposed upon him by this Title when filing of the first final map with the City Engineer. No map shall have any force or effect until the same has been approved by the Council and no title to any property described in any offer of dedication shall pass until the recordation of the final subdivision map.

**CHAPTER 9**  
**SCHOOL SITE DEDICATION**

- Section 10-9-1: Requirements  
Section 10-9-2: Procedure  
Section 10-9-3: Payment to Subdivider for School Site Dedication  
Section 10-9-4: Exemptions

**10-9-1: REQUIREMENTS:** As a condition of approval of a final map, a subdivider who develops or completes the development of one or more subdivisions within the City, may be required to dedicate to the affected school district such lands as the Council shall deem to be necessary for the purpose of construction thereon schools necessary to assure the residents of the subdivision adequate school service; provided, however, that the Council has adopted an ordinance to do so consistent with the provisions of section 66478 of the Map Act..

**10-9-2: PROCEDURE:** The requirement of dedication shall be imposed at the time of approval of the tentative map. If within thirty (30) days after the requirement of dedication is imposed by the City and the school district does not offer to enter into a binding commitment with the subdivider to accept the dedication, the requirement shall be automatically terminated. The required dedication may be made any time before, concurrently with, or up to sixty (60) days after the filing of the final subdivision map on any portion of the subdivision.

**10-9-3: PAYMENT TO SUBDIVIDER FOR SCHOOL SITE DEDICATION:** The school district shall, if it accepts the dedication, repay to the subdivider or his successors the original cost to the subdivider of the dedicated land, plus a sum equal to the total of the following amounts:

- A. The cost of any improvements to the dedicated land since acquisition by the subdivider
- B. The taxes assessed against the dedicated land from the date of the school district's offer to enter into the binding commitment to accept the dedication.
- C. Any other cost incurred by the subdivider in maintenance of such dedicated land, including interest costs incurred on any loan covering such land

**10-9-4:**       **EXEMPTIONS:** The provisions of this Chapter shall not be applicable to a subdivider who has owned the land subdivided for more than ten (10) years prior to the filing of the tentative maps.