

MORAGA SUBDIVISION ORDINANCE

(A compilation of the (1) County Subdivision Ordinance as adopted by Reference with Amendments, Additions and Deletions adopted by Ordinances Nos. 57, 74, 81 and 92 of the Town of Moraga and (2) the Parkland Dedication Ordinance as adopted by Ordinance No. 77, which superseded Ordinance No. 70.)

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Ordinance No. 92 adopted February 1, 1984

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Chapter 92-2

TITLE, PURPOSE AND SCOPE

Sections:

92-2.002	Title (amended)
92-2.004	Purpose
92-2.006	Scope (amended)
92-2.008	General Plan Conformance; Time for or Waiver of Report (added)
92-2.010	Tentative Map Required for Parcel Map (added)
92-2.012	Environmental Impact Report Required (added)
92-2.014	Grading and Erosion Control (added)

Chapter 92-4 Definitions

Sections:

92-4.002	General
92-4.004	Advisory agency (amended)
92-4.006	Arterial street (amended)
92-4.008	Block
92-4.010	Building Inspection Department (amended)
92-4.011	Civil Engineer
92-4.012	Collector street
92-4.014	County (not adopted)
92-4.016	Critically expansive soils
92-4.018	Cul-de-sac
92-4.020	Dwelling Unit
92-4.021	Engineering Geologist
92-4.022	Final Map
92-4.024	Flood Control District (amended)
92-4.026	Flood Hazard
92-4.028	Freeways
92-4.030	Frontage
92-4.032	Frontage improvements
92-4.034	Frontage road (amended)
92-4.035	Geologic hazard or potentially hazardous soil condition
92-4.036	Health Department (amended)
92-4.038	Improvement plan
92-4.040	Improvements
92-4.042	Industrial street
92-4.044	Inundation
92-4.046	Lot
92-4.048	Major drainage channels or conduits
92-4.056	Minor street
92-4.058	Minor subdivision
92-4.060	Ordinance specifications
92-4.062	Parcel
92-4.064	Parcel map
92-4.066	Path

92-4.068 Planning Department (amended)
92-4.070 Ponding of local storm water
92-4.072 Preliminary soil report
92-4.074 Private road
92-4.076 Public street (amended)
92-4.078 Public Works Department (amended)
92-4.080 Secondary drainage channels or conduits
92-4.082 Sheet overflow
92-4.084 Soil engineer
92-4.086 Street
92-4.088 Subdivider
92-4.090 Subdivisions (amended)
92-4.092 Tentative map
92-4.094 Thoroughfares (amended)

Chapter 92-6
Exceptions

Sections:

92-6.002 Advisory agency findings
92-6.004 Advisory agency conditions
92-6.006 Modification of requirements (amended)

Chapter 92-8
Conformance

Sections:

92-8.002 Conformance to code (amended)
92-8.004 Compliance with specifications

Chapter 92-10
Administration and Enforcement

Sections:

92-10.002 Action by interested persons
92-10.004 Time Limits

Chapter 92-12
Notices of Violation and Merger and
Certificates of Compliance

Article 92-12.2

General

Sections:

92-12.202 Purpose (amended)

Article 92-12.4 Notices of Violation and Merger

Sections:

92-12.402 Knowledge (amended)
92-12.404 Tentative violation recordation
92-12.406 Violation hearing notice
92-12.408 Merger notice recordations
92-12.410 Merger hearing
92-12.412 Planning commission hearing
92-12.414 Board of supervisors hearing (amended)
92-12.416 Violation action (amended)

Article 92-12.6 Certificates of Compliance

Sections:

92-12.602 Application
92-12.604 Fees
92-12.606 Decision
92-12.608 Denial-action
92-12.610 Map compliance

Division 94
Maps

Chapters:

94-2 Tentative Maps
94-4 Final Maps and Parcel Maps

Chapter 94-2
Tentative Maps

Article 94-2.2 General

Sections:

94-2.202 Tentative map
94-2.204 Information required (amended)
94-2.206 Data to accompany tentative map
94-2.208 Site development concept (added)
94-2.210 Solar orientation (added)

Article 94-2.4 Design Objectives (reserved)

Article 94-2.6 Filing

Sections:

94-2.602 General (amended)
94-2.604 Referral to interested agencies (amended)
94-2.606 Subdivision conference (amended)
94-2.608 Requests for exceptions and variances (amended)
94-2.610 Expiration - Extension (amended)

Article 94-2.8 Action by Advisory Agency

Sections:

94-2.802 Approval of tentative map (amended)
94-2.804 Approval of exception and variance applications
94-2.806 Findings (not adopted)

Article 94-2.10

Appeal

Sections:

94-2.1002 Appeal procedure (amended)

Chapter 94-4

Final Maps and Parcel Maps

Article 94-4.2

Form and Contents

Sections:

94-4.202 Final and parcel maps - general (amended)
94-4.204 Boundary designation
94-4.206 Lot designation
94-4.208 Title sheet (amended)
94-4.210 Affidavits, certificates, dedications, etc. (amended)
94-4.212 Scale, north point and basis of bearings
94-4.214 Easements (amended)
94-4.216 Linear, angular and radial data
94-4.218 Adjoining corners of adjoining subdivisions
94-4.220 City boundaries
94-4.222 Monument location
94-4.224 Soil report certificate
94-4.226 Printing or lettering

Article 94-4.4

Supplementary Documents

Sections:

94-4.402 Approval of supplementary documents - final maps
and parcel maps
94-4.404 Subdivision agreement (amended)
94-4.406 Cash deposit and performance security (amended)
94-4.408 Payment security (amended)
94-4.410 Fee payment evidence (amended)
94-4.412 Deed for easements or rights-of-way
94-4.414 Joint use of right-of-way agreement
94-4.416 Supplementary documents - final maps only
94-4.418 Tax letter - security
94-4.420 Soil report

Article 94-4.6

Checking

Sections:

94-4.602 Prints required and fees (amended)
94-4.604 Error of closure in traverse
94-4.606 Public Works Department action (amended)

Article 94-4.8

Approval

Sections:

94-4.802 Approval and filing of maps (amended)
94-4.804 Time limit for recording (amended)
94-4.806 Evidence of title
94-4.808 Filing by units

Division 96
Improvements

Chapters:

96-2 Plans
96-4 Construction Work
96-6 Street Lighting
96-8 Sidewalks and Paths
96-10 Underground Utilities
96-12 Curbs and Gutters
96-14 Miscellaneous

Chapter 96-2
Plans

Article 96-2.2

Forms and Contents

Sections:

96-2.202 General
96-2.204 Contents
96-2.206 Sewer plans
96-2.208 Plans and profiles

Article 96-2.4 Action by Public Works Department

Sections:

96-2.402 Improvement plan review (amended)
96-2.404 Corrected plan
96-2.406 Review of revisions
96-2.408 Review prerequisite for final map or parcel map approval (amended)
96-2.410 Supplementary plans and documents

Article 96-2.6

Appeal

Sections:

96-2.602 Appeal (amended)

Chapter 96-4
Construction Work

Article 96-4.2

Inspection

Sections:

96-4.202 General
96-4.204 Right of entry
96-4.206 Work prior to inspection
96-4.208 Fee (amended)

Article 96-4.4

Completion

Sections:

96-4.402 General
96-4.404 Penalty for delay in completion (amended)

Article 96-4.6

Acceptance

Sections:

96-4.602 Recommendation by Public Works Department (amended)
96-4.604 Resolution of acceptance (amended)

Chapter 96-6
Street Lighting

Article 96-6.2

Facilities

Sections:

96-6.202 General
96-6.204 Near school sites (not adopted)
96-6.206 R-12 or higher density districts (amended)
96-6.208 Areas zoned for multiple family, business or commercial uses
96-6.210 Existing public streets
96-6.212 Construction plans
96-6.214 Size and location designation
96-6.216 Intersections
96-6.218 Review of plans (amended)
96-6.220 Service rates (amended)
96-6.222 Street light ownership (amended)

Article 96-6.4

Standards

Sections:

96-6.402 Placement (amended)
96-6.404 Underground wiring
96-6.406 Electrolier installation (amended)
96-6.408 Ornamental poles (amended)
96-6.410 Conformance to standards

Article 96-6.6 Street Lighting Maintenance and Assessment Districts

Sections:

96-6.602 Request for street lighting service (amended)
96-6.604 Legal description

Article 96-6.8

Energizing Costs

Sections:

96-6.802 Deposit required (amended)
96-6.804 Disposition of deposit
96-6.806 Unexpended deposit

Chapter 96-8
Sidewalks and Paths

Article 96-8.2

Paths

Sections:

96-8.202 Along rear or side line of lots
96-8.204 Easements
96-8.206 Surfacing

Article 96-8.4

Sidewalks

Sections:

96-8.402 Locations
96-8.404 Width and thickness
96-8.406 Obstruction restriction
96-8.408 Relationship to curbs
96-8.410 Relationship to right-of-way line

Chapter 96-10
Underground Utilities

Sections:

96-10.002 Exceptions
96-10.004 Responsibility of subdivider
96-10.006 Application of chapter

Chapter 96-12
Curbs and Gutters

Article 96-12.2

General

Sections:

96-12.202 Conditions requiring curbs (amended)
96-12.204 Block requirements
96-12.206 Minimum grade (amended)
96-12.208 Designation on improvement plans
96-12.210 Minimum elevations

Article 96-12.4

Turn-Arounds

Sections:
96-12.402 Cul-de-sac
96-12.404 Radii for curb returns
96-12.406 Private road turn-around

Article 96-12.6

Driveways

Sections:
96-12.602 Encroachment permit required

Chapter 96-14
Miscellaneous

Sections:
96-14.002 Improvement of town streets (amended)
96-14.004 Fire hydrants (amended)

Division 98
Streets

Chapters:
98-2 General
98-4 Width
98-6 Grades
98-8 Pavement
98-10 Street Trees

Chapter 98-2
General

Sections:
98-2.002 Conformance to general plan
98-2.004 Reserve strips
98-2.006 Designation on final map or parcel map
98-2.008 Angle of intersection
98-2.010 Centerlines
98-2.012 Distance between streets
98-2.014 Block length
98-2.016 Street name approval
98-2.018 Street name signs
98-2.020 Conditions requiring grade separation
98-2.022 Classification
98-2.024 Traffic safety devices
98-2.026 Intersections
98-2.028 Waiver of direct access to streets (added)

Chapter 98-4
Width

Sections:

98-4.002 Minimum requirements (amended)
98-4.004 Measurement
98-4.006 Exceptions

Chapter 98-6
Grades

Sections:

98-6.002 Maximum limits (amended)
98-6.004 Minimum limits (amended)
98-6.006 Pavement across intersection
98-6.008 Street entering intersection
98-6.010 Vertical curves
98-6.012 Minimum length of vertical curve
98-6.014 Earth slopes in cuts or embankments (amended)
98-6.016 Horizontal curves

Chapter 98-8
Pavement

Article 98-8.2

Design

Sections:

98-8.202 General (amended)
98-8.204 Soil tests
98-8.206 Thickness of base material and surfacing (amended)
98-8.208 Crown

Chapter 98-10
Street Trees

Sections:

98-10.002 Removal (amended)
98-10.004 Approval of species and planting (amended)
98-10.006 Encroachment permit required

Division 912
Survey Monuments

Chapters:

912-2 General Provisions

Chapter 912-2
General Provisions

Sections:

912-2.002 Conformance to approved standards
912-2.004 Allowable error
912-2.006 Establishment of survey measurements
912-2.008 Drainage easements

Division 913
Bridge Crossings and Major Thoroughfares

Chapters:

913-2 General
913-4 Requirements
913-6 Procedures
913-8 Financial Provisions

Chapter 913-2
General

Article 913-2.2 General Provisions

Sections:

913-2.202 Purpose
913-2.204 Regulations

Article 913-2.4 Definitions

Sections:

913-2.402 General
913-2.404 Area of benefit
913-2.406 Bridge
913-2.408 Building inspector
913-2.410 Circulation element
913-2.412 Construction
913-2.414 General Plan
913-2.416 Major thoroughfares
913-2.418 Public works director

Chapter 913-4
Requirements

Article 913-4.2 Fees Required

Sections:

913-4.202 Subdivisions
913-4.204 Building permits

Article 913-4.4

Exceptions

Sections:

913-4.402 Existing roads/bridges
913-4.404 Existing buildings
913-4.406 No double payment

Article 913-4.6

Reduction of Fee

Sections:

913-4.602 In lieu considerations
913-4.604 In lieu dedication
913-4.606 Fee added condition

Chapter 913-6
Procedures

Sections:

913-6.002 Report
913-6.004 Contents
913-6.006 Method of fee apportionment
913-6.008 Apportionment. - Major thoroughfares
913-6.010 Fee applicable to all property
913-6.012 Exempted property
913-6.014 Notice of hearing
913-6.016 Protest
913-6.018 Withdrawal of protest
913-6.020 Majority protest
913-6.022 Partial protest
913-6.024 Hearing
913-6.026 Recording resolution

Chapter 913-8
Financial Provisions

Sections:

913-8.002 Establishment of fund
913-8.004 Deposit of fees
913-8.006 Use of money
913-8.008 Advance by county
913-8.010 Debts
913-8.012 County funds

Division 914
Drainage

Chapters:

914-2 Minimum Requirements
914-4 Appurtenances in Public Rights-of-Way
914-6 Open channels and Conduits

914-8 Levees (not adopted)
914-10 Easements
914-12 Miscellaneous

Chapter 914-2
Minimum Requirements

Sections:

914-2.002 Protection from surface waters
914-2.004 Adequate storm drainage facilities
914-2.006 Surface water flowing from subdivision
914-2.008 Surface water flowing to subdivision
914-2.010 Storm water disposal restrictions
914-2.012 Runoff quantity determination
914-2.014 Drainage facilities - Minimum capacities
914-2.016 Closed conduit requirements
914-2.018 Channel design standards

Chapter 914-4
Appurtenances in Public Right-of-Way

Article 914-4.2 Culverts

Sections:

914-4.202 Under driveway culverts
914-4.204 Street crossing culverts
914-4.206 Culverts outside the roadway

Article 914-4.4 Roadside Ditches

Sections:

914-4.402 Discharge to roadside ditches
914-4.404 Roadside ditch sections
914-4.406 Purpose of Roadside ditches
914-4.408 Roadside ditch gradients

Article 914-4.6 Miscellaneous

Sections:

914-4.602 Piping requirements
914-4.604 Storm drain inlets
914-4.606 Drainage structure to allow for tidal action and
flood stage

Chapter 914-6
Open Channels and Conduits

Sections:

914-6.002 Earth channels - Maximum design velocities
914-6.004 Earth channels - Minimum velocities
914-6.006 Earth channels - Side slopes

Division 916
Water and Sewers

Chapters:

916-2 Water
916-4 Sewers

Chapter 916-2
Water

Sections:

916-2.002 Adequate Supply

Chapter 916-4
Sewers

Article 916-4.2 Sewerage

Sections:

916-4.202 Sewerage requirements

Article 916-4.4 Sanitary Sewers and Sewage Treatment Plants

Sections:

916-4.402 Sewer system and sewage treatment plant construction

Division 918
Fences

Chapters:

918-2 General Provisions

Chapter 918-2
General Provisions

Sections:

918-2.002 Required by hazardous conditions
918-2.004 Required where street crosses watercourses or
 drainage structures
918-2.006 Required along outside boundaries of open lined
 channel easements

Division 920
Park Dedications *

*Division 920 of the County Ordinance Code comprising sections 920-2.002 - 920-12.014 have been superseded by sections 8-6201 - 8-6258 of the Moraga Municipal Code as adopted by Ordinance No. 70 adopted May 19, 1982.

Article 1

General

Sections:

8-6201 Authority
8-6202 Compliance with general plan
8-6203 Supplemental regulations
8-6204 Parks and recreation commission and planning
commission areas of interest

Article 2

Requirements

Sections:

8-6210 Subdivisions
8-6211 Single parcel development

Article 3

Standard for Area and Fees

Sections:

8-6220 General standard
8-6221 Dedication of land
8-6222 Amount of fee
8-6223 Adjustment of fee
8-6224 Combination of fee and dedication

Article 4

Credit

Sections:

8-6230 Partial credit for private parks and recreation
facilities
8-6231 Standards
8-6262 Credit for public facilities and/or open space areas

Article 5

Use and Time Limits

Sections:

8-6240 Use of land and fees
8-6241 Establishment and development time
8-6242 Distribution of fees not committed

Article 6

Procedures

Sections:

8-6250 General
8-6251 Decision - factors
8-6252 Final determination of council
8-6253 Prerequisite for approval of final map, parcel map,
or building permit
8-6254 Incremental payment of fees
8-6255 Development of facilities - specific schedule
8-6256 Trust - administration
8-6257 Maintenance and liability
8-6258 Refunds
8-6259 Exemptions

Division 924
Reversion to Acreage by Map

Chapters:

924-2 Planning Commission Authority
924-4 Procedure

Chapter 924-2
Planning Commission Authority

Sections:

924-2,002 Map approval

Chapter 924-4
Procedure

Article 924-4.2

Maps

Sections:

924-4.202 Filing
924-4.204 Street and easement designation
924-4.206 Bond, fee required
924-4.208 Hearing
924-4.210 Planning commission action
924-4.212 Certification
924-4.214 Filing for resubdivision

Division 92

GENERAL PROVISIONS

Chapters:

92-2	Title, Purpose and Scope
92-4	Definitions
92-6	Exceptions
92-8	Conformance
92-10	Administration and Enforcement
92-12	Notices of Violation and Merger and Certificates of Compliance

Chapter 92-2

TITLE, PURPOSE AND SCOPE

Sections:

92-2.002	Title (amended)
92-2.004	Purpose
92-2.006	Scope (amended)
92-2.008	General Plan Conformance; Time for or Waiver of Report (added)
92-2.010	Tentative Map Required for Parcel Map (added)
92-2.012	Environmental Impact Report Required (added)
92-2.014	Grading and Erosion Control (added)

92-2.002 Title. This title may be known as "Subdivision Ordinance" of the Town of Moraga.

92-2.004 Purpose. This title is enacted for the purpose of adopting subdivision regulations in accordance with the Subdivision Map Act, Division 2 of Title 7 of the Government Code of the State of California, and repeals all other regulations of the county in conflict with this title; provided, however, that such repeal shall not affect any agreement, contract, or bond executed pursuant to such regulations or any rights of action accruing thereunder.

92-2.006 Scope. Under Division 2 of Title 7 of the Government Code, State of California (the Subdivision Map Act) and in addition to any other regulation provided by law, this Title applies to subdivisions hereafter made entirely or partially within the Town.

92-2.008 General Plan Conformance; Time for a Waiver of Report.

(a) A report as to conformity to the General Plan, as required for a proposed division of land by section 65402 of the Government Code, may be included as part of and at the same time as the action taken by the Advisory Agency on such division of land.

(b) The report in (a) of this section is not required if the Planning Commission expressly finds, for a proposed subdivision involving (1) disposition of the remainder of a larger parcel which was required and used in part for street purposes, (2) acquisition, disposition or abandonment for street widening, or (3) street alignment, that the projects involved in such a proposed subdivision are of a minor nature.

92-2.010 Tentative Map required for Parcel Map. Whenever a parcel map is required by this ordinance or the County Ordinance Code as adopted by reference, a tentative parcel map shall first be filed. The map shall meet all the requirements for tentative subdivision and final parcel maps provided by the Subdivision Map Act, this ordinance and the County Ordinance Code as adopted by reference.

92-2.012 Environmental Impact Report Required. No parcel or tentative map filed may be approved until an environmental impact analysis is prepared, processed and considered in accordance with the provision of law. The subdivider shall provide such additional data and information and deposit and pay such fees as may be required for the preparation and processing of environmental review documents.

92-2.014 Grading and Erosion Control. Every map approved shall be conditioned on compliance with the requirements for grading and erosion control, including the prevention of sedimentation or damage to off-site property, set forth in the Moraga Municipal Code, the County Ordinance Code as adopted by the Town and rules, regulations, standards and directives issued thereafter.

Chapter 92-4

DEFINITIONS

Sections:

92-4.002	General
92-4.004	Advisory agency. (amended)
92-4.006	Arterial street. (amended)
92-4.008	Block.
92-4.010	Building inspection department. (amended)
92-4.011	Civil engineer.
92-4.012	Collector street.
92-4.014	County. (not adopted)
92-4.016	Critically expansive soils.
92-4.018	Cul-de-sac.
92-4.020	Dwelling unit.
92-4.021	Engineering geologist.
92-4.022	Final map.
92-4.024	Flood control district. (amended)
92-4.026	Flood hazard.

92-4.028	Freeways.
92-4.030	Frontage.
92-4.032	Frontage improvements.
92-4.034	Frontage road. (amended)
92-4.035	Geologic hazard or potentially hazardous soil conditions.
92-4.036	Health department. (amended)
92-4.038	Improvement plan.
92-4.040	Improvements.
92-4.042	Industrial street.
92-4.044	Inundation.
92-4.046	Lot.
92-4.048	Major drainage channels or conduits.
92-4.050	Marginal strip.
92-4.052	Median.
92-4.054	Minor drainage channels or conduits.
92-4.056	Minor street.
92-4.058	Minor subdivision.
92-4.060	Ordinance specifications.
92-4.062	Parcel.
92-4.064	Parcel map.
92-4.066	Path.
92-4.068	Planning department. (amended)
92-4.070	Ponding of local storm water.
92-4.072	Preliminary soil report.
92-4.074	Private road.
92-4.076	Public street. (amended)
92-4.078	Public works department. (amended)
92-4.080	Secondary drainage channels.
92-4.082	Sheet overflow.
92-4.084	Soil engineer.
92-4.086	Street.
92-4.088	Subdivider.
92-4.090	Subdivision. (amended)
92-4.092	Tentative map.
92-4.094	Thoroughfares. (amended)

92-4.002 General. As used in this title, the following words shall have the meanings set forth in this chapter.

92-4.004 Advisory agency. The planning commission is designated as the advisory agency with respect to tentative maps relating to subdivisions and shall have all powers and duties with respect to said maps and the procedures relating thereto which are specified by law and by this title.

The planning department is designated as the advisory agency for purposes of reviewing and approving a tentative map pursuant to Article 94-2.202 of this title.

92-4.006 Arterial street. "Arterial street" is a street or road passing through or adjacent to a subdivision which carries the major flow of traffic. The term includes an arterial street shown on the general plan as now or hereafter amended.

Town of Moraga Subdivision Ordinance

92-4.008 Block. "Block" means the length of the frontage along the property line between consecutive streets intersecting the frontage; and may also mean that area bounded on all sides by the adjacent streets, rights-of-way, railroads, public areas, or subdivision boundary, and includes one or more lots or parcels.

92-4.010 Building Inspection Department. The "Building Inspection Department is the agency which serves in an advisory capacity to appropriate advisory agencies and the Town Council concerning topography and soil conditions and their effect on the design and development of the subdivision.

92-4.011 Civil Engineer. "Civil Engineer" means a professional engineer in the branch of civil engineering holding a valid certificate of registration issued by the State of California.

92-4.012 Collector Street. "Collector Street" is any street within a subdivision or adjacent thereto which, because of its location with reference to other streets or other sources of traffic, carries or will carry traffic from minor streets to the major system of arterial streets; and includes the principal entrance streets for residential developments and streets for circulation of traffic within such developments and serves, or will serve, twenty-four or more dwelling units.

92-016 Critically Expansive Soils. "Critically Expansive Soils" or other soil problems are soil conditions which can cause damage to improvements, including streets, structures and buildings. They shall be tested by acceptable procedures to provide data suitable for making adequate designs for the improvements.

92-4.018 Cul-de-sac. "Cul de sac" is a street which connects to another street only at one end, and serves sixteen dwelling units or less, with a maximum length of seven hundred feet.

92-4.020 Dwelling Unit. "Dwelling Unit" is a building or a portion thereof, or a mobile home, designed for residential occupation by one person or a group of two or more persons living together as a domestic unit.

92-4.021 Engineering Geologist. "Engineering Geologist" means a professional geologist in the branch of engineering geology holding a valid certificate of registration as an engineering geologist in the state.

92-4.022 Final Map. "Final Map" is a map prepared in accordance with the provisions of this title and the Subdivision Map Act, which map is designed to be filed in the office of the recorder of Contra Costa County.

92-4.024 Flood Control District. The "Contra Costa County Water Conservation and Flood Control District," hereinafter referred to as the "Flood Control District", which serves in an advisory capacity to appropriate agencies relating to drainage and flood control matters.

92-4.026 Flood hazard. "Flood hazard" is possible occurrence of overflow storm water causing flooding of lands or improvements, or having sufficient velocity to transport or deposit debris, to scour the surface soil, to dislodge or damage buildings, or to cause erosion of the banks of channels.

92-4.028 Freeways. "Freeways" are those highways which are defined in Section 23.5 of the Streets and Highways Code of the state, and which, because of their design and location with reference to the county highway system and state highway system, are or will be used primarily for fast, heavy, or dense traffic and for which right of access from abutting property or streets along the right-of-way boundaries will be prohibited or limited.

92-4.030 Frontage. "Frontage" is the width of the lot or block measured along the property line adjacent to the street.

92-4.032 Frontage improvements. "Frontage improvements" consist of curb, longitudinal drainage, sidewalks, street lighting, planting and paving, or any combination thereof.

92-4.034 Frontage Road. "Frontage Road" is a street or road adjacent to an arterial or thoroughfare which provides access to abutting properties and protection from the through traffic on the more heavily traveled street.

92-4.035 Geologic hazard or potentially hazardous soil conditions. "Geologic hazard or potentially hazardous soil conditions" includes but is not limited to conditions such as slope stability, ground water seepage, erosion hazards, expansive soil, fault-related hazards, and liquefaction potential.

92-4.036 Health department. The "health department" of the county, acting through the county health officer or his representative, which serves in an advisory capacity to appropriate agencies concerning matters of sanitation and public health.

92-4.038 Improvement plan. "Improvement plan" is a plan prepared under the direction of a civil engineer, registered by the state, showing the location and construction details of all improvements required for the subdivision.

92-4.040 Improvements. "Improvements" refers to such street work, drainage facilities, utilities, and other facilities required to be installed by the subdivider on the land to be used for public or private streets, highways, ways, and easements as a condition precedent to the approval and acceptance of a final or parcel map thereof. "Improvements" also refers to such other specific improvements or types of improvements, the installation of which, either by the subdivider, by public agencies, by private utilities, by any other entity approved by the local agency or by a combination thereof, is necessary or convenient to insure conformity to or

implementation of the general plan or any specific plan adopted pursuant to Division 1 of Title 7 of the Government Code.

92-4.042 Industrial street. "Industrial street" is a street serving traffic within an industrial development.

92-4.044 Inundation. "Inundation" is used to indicate ponded storm water or storm water in motion of sufficient depth to damage property due to the mere presence of water or the depositing of silt.

92-4.046 Lot. "Lot" means that portion of a parcel of land which is delineated or described as a single integral unit on the subdivision map.

92-4.048 Major drainage channels or conduits. "Major drainage channels or conduits" are those channels or conduits which serve a drainage area of four square miles or more.

92-4.050 Marginal strip. "Marginal strip" is the area between the edge of the traveled roadway or curblin, and the adjacent property line.

92-4.052 Median. "Median" is the area separating two roadways within the right-of-way.

92-4.054 Minor drainage channels or conduits. "Minor drainage channels or conduits" are those channels or conduits which serve a drainage area of one square mile or less.

92-4.056 Minor street. "Minor street" is any street which serves traffic for not more than twenty-four dwelling units.

92-4.058 Minor subdivision. "Minor subdivision" refers to a subdivision of four or less lots.

92-4.060 Ordinance specifications. "Ordinance specifications" refers to the ordinance specifications as approved by resolution of the board of supervisors, in effect at the time of filing the parcel map or final map of the subdivision, three copies of which are filed with the clerk of the board of supervisors.

92-4.062 Parcel. "Parcel" is all land which is contiguous and under one ownership.

92-4.064 Parcel map. "Parcel map" is a map prepared in accordance with the provisions of this title and the Subdivision Map Act.

92-4.066 Path. "Path" is a right-of-way designated for use only by pedestrians and not intended for use as a way for motor-driven vehicles. Public paths are rights-of-way offered for

dedication by a final or parcel map or deeded to and accepted by the governing body of the county. Private paths are for the benefit of the owners of lots designated on the final or parcel map.

92-4.068 Planning department. "Planning department" is the technical staff of the planning commission and is one of the divisions of town government. "Planning department" also includes the clerk of the advisory agency for purposes of receiving tentative maps and clerk of the appeals board and legislative body for purposes of filing appeals as provided in the Subdivision Map Act.

92-4.070 Ponding of local storm water. "Ponding of local storm water" is standing storm water in local depressions. As distinguished from sheet overflow water, this water originates on or in the vicinity of the subdivision, and due to the condition of the ground surface, does not reach a drainage channel or conduit.

92-4.072 Preliminary soil report. "Preliminary soil report" means a report prepared by a soil engineer based upon adequate test borings or excavations in accordance with the provisions of this title and the Subdivision Map Act.

92-4.074 Private road. "Private road" means any parcel of land or nonexclusive easement not owned by the county, cities, or the state, which is used or intended to be used for access to a lot or parcel.

92-4.076 Public street. "Public street" is a street for which the fee title or right-of-way is owned by the town, or offered for dedication to the public and accepted by the town.

92-4.078 Public works department. The "public works department" is the person or agency which serves in an advisory capacity concerning streets, drainage and engineering.

92-4.080 Secondary drainage channels or conduits. "Secondary drainage channels or conduits" are those channels or conduits which serve a drainage area less than four square miles and more than one square mile.

92-4.082 Sheet overflow. "Sheet overflow" indicates water of minor depths either quiescent or flowing at velocities less than those necessary to produce serious scour.

92-4.084 Soil engineer. "Soil engineer" is a civil engineer who is experienced in soil mechanics, who investigates and reports on the stability of existing or proposed slopes, who controls the installation and compaction of fills, who recommends soil bearing values, and who provides design criteria and calculations for special earth structures such as buttress fills.

92-4.086 Street. "Street" is a way, excluding a path or alley, for pedestrian and vehicular traffic.

92-4.088 Subdivider. "Subdivider" means a person, firm, corporation, partnership or association who proposes to divide, divides or causes to be divided real property into a subdivision for himself or for others.

92-4.090 Subdivision. "Subdivision" means the division, by any subdivider, of any unit or units of improved or unimproved land, or any portion thereof, shown on the latest equalized county assessment roll as a unit or as contiguous units, for the purpose of sale, lease or financing, whether immediate or future except for leases of agricultural land for agricultural purposes. Property shall be considered as contiguous units, even if it is separated by roads, streets, utility easement or railroad rights-of-way. "Subdivision" includes a condominium project, as defined in section 1350 of the Civil Code, a community apartment project, as defined in section 11004 of the Business and Professions Code, or the conversion of five or more existing dwelling units to a stock cooperative, as defined in section 11003.2 of the Business and Professions Code. Any conveyance of land to a governmental agency, public entity or public utility shall not be considered a division of land for purposes of computing the number of parcels. As used in this section, "agricultural purposes" means the cultivation of food or fiber or the grazing or pasturing of livestock.

92-4.092 Tentative map. "Tentative map" refers to a map for the purpose of showing the design of a proposed subdivision and the existing conditions on and around the proposed subdivision.

92-4.094 Thoroughfares. "Thoroughfares" are those roads of general importance which are designated as thoroughfares, either existing or proposed, on the general plan of roads.

Chapter 92-6

EXCEPTIONS

Sections:

- 92-6.002 Advisory agency findings.
- 92-6.004 Advisory agency conditions.
- 92-6.006 Modification of requirements. (amended)

92-6.002 Advisory agency findings. Subject to the Subdivision Map Act, the advisory agency may authorize exceptions to any of the requirements and regulations set forth in this title. Application for such exception shall be made by the subdivider, stating fully the grounds for the application and the facts relied upon, and the subdivider shall grant such additional time as may be required by the advisory agency for the consideration of the

exception. Before granting any such exception, the advisory agency shall find:

(1) That there are unusual circumstances or conditions affecting the property;

(2) That the exception is necessary for the preservation and enjoyment of a substantial property right of the applicant;

(3) That the granting of the exception will not be materially detrimental to the public welfare or injurious to other property in the territory in which the property is situated.

92-6.004 Advisory agency conditions. In granting any such exception, the advisory agency shall designate the conditions under which the exception is granted.

92-6.006 Modification of requirements. The standards and requirements of these regulations may be modified by the Planning Commission for a Planned Development application in varying the development standards provided in Section 92-6.002, the authority to do so may only be used so as to be consistent with the intent of the general plan to permit remaining land holdings to be developed primarily as conventional detached single family subdivision.

Chapter 92-8

CONFORMANCE

Sections:

92-8.002 Conformance to code. (amended)
92-8.004 Compliance with specifications

92-8.002 Conformance to Code. Each subdivision subject to this Title shall conform to the codes, ordinances and regulations of the town.

92-8.004 Compliance with specifications. All construction materials, methods, tests, and workmanship shall comply with the requirements of the ordinance specifications.

Chapter 92-10

ADMINISTRATION AND ENFORCEMENT

Sections:

92-10.002 Action by interested persons.
92-10.004 Time limits.

92-10.002 Action by interested persons. (a) When any provisions of the Subdivision Map Act or this title requires the execution of any certificate or affidavit or the performance of

any act by a person in his official capacity, who is also a subdivider or an agent or employee thereof, such certificate or affidavit shall be executed or such act performed by some other person duly qualified therefor and designated so to act by the board of supervisors.

(b) All legal forms and notes used in certificates, acknowledgments, dedications, and other matters shall be subject to approval by the county counsel.

92-10.004 Time limits. The time limits specified in this title may be extended by mutual consent of the parties concerned.

Chapter 92-12

NOTICES OF VIOLATION AND MERGER AND CERTIFICATES OF COMPLIANCE

Article 92-12.2 General

Sections:

92-12.202 Purpose. (amended)

Article 92-12.4 Notices of Violation and Merger

Sections:

92-12.402 Knowledge (amended)
92-12.404 Tentative violation recordation..
92-12.406 Violation hearing notice.
92-12.408 Merger notice recordations.
92-12.410 Merger hearing.
92-12.412 Planning commission hearing.
92-12.414 Board of supervisors hearing. (amended)
92-12.416 Violation action. (amended)

Article 92-12.6 Certificates of Compliance

Sections:

92-12.602 Application.
92-12.604 Fees.
92-12.606 Decision.
92-12.608 Denial - Action.
92-12.610 Map compliance.

Article 92-12.2 General

92-12.202 Purpose. This chapter supplements Government Code Sections 66424.2, 66499.34, 66499.35 and 66499.36 (Subdivision Map Act), pertaining to notices of merger and violation and certificates of compliance. The development of real property in the town which has been divided or has resulted from a division in violation of the Subdivision Map Act and this title is contrary to the public health, safety and welfare.

Article 92-12.4
Notices of Violation and Merger

92-12.402 Knowledge. A town official having knowledge of a possible violation of, or the merger of parcels of land under the Subdivision Map Act or this title, shall convey that information to the director of planning.

92-12.404 Tentative violation recordation. If the director of planning, either on his own initiative or upon investigation of information received, determines that real property has been divided in violation of the provisions of the Subdivision Map Act or of this title, he may cause a notice of intention to record a notice of violation, setting forth the information prescribed by Government Code Section 66499.36, to be recorded with the county recorder.

92-12.406 Violation hearing notice. After recording the notice of intention to record a notice of violation, and at least sixty calendar days prior to the recording of a notice of violation, the director of planning shall advise the owner of the real property, by mail, of the intention to record a notice and specifying a time, date and place at which the owner may present evidence to the planning commission why such notice should not be recorded. The director shall also mail a copy of the recorded notice of intention to the owner.

92-12.408 Merger notice recordations. If the director of planning, either on his own initiative or upon investigation of information received, determines that contiguous parcels of land have merged pursuant to the provisions of the Subdivision Map Act or of this title, he may cause a notice of merger, setting forth the information prescribed by Government Code Section 66424.2, to be recorded with the county recorder.

92-12.410 Merger hearing. At least thirty calendar days prior to the recording of a notice of merger, the director of planning shall advise the owner of the parcels or units of land to be affected by the merger, in writing, of the intention to record a notice of merger and specifying a time, date and place at which the owner may present evidence to the planning commission why such notice should not be recorded.

92-12.412 Planning commission hearing. Upon the noticed hearing the planning commission may wholly or partially affirm, reverse or modify the decision of the director of planning and his recordation of the notice of intention to record a notice of violation or noticed intention to record a notice of merger. If the planning commission determines that no violation of, or merger pursuant to the Subdivision Map Act or this title has occurred, it may direct the director of planning to issue and file for recordation a release of the notice of intention to record a notice of violation or not to file a notice of merger.

92-12.414 Town council hearing. A hearing before the town council of an appeal from the planning commission as to the recordation of a notice of intention to record a notice of violation or proposed recordation of a notice of merger shall be conducted in accordance with the provisions pertaining to such appeals before the commission.

92-12.416 Violation action. Each department, official, and employee of the town vested with the duty or authority to issue permits necessary to develop real property shall conform to this title, and shall not willfully issue a permit or license for use, construction or other purpose in conflict with this title or the Subdivision Map Act. A permit or license issued in conflict therewith is null and void. Nothing in this chapter requires the recording of a notice of violation or merger as a condition precedent to the enforceability of a provision of this title.

Article 92-12.6 Certificates of Compliance

92-12.602 Application. Requests for issuance of a certificate of compliance shall be submitted, in legible and readily reproducible writing, to the planning department, on its standardized form accompanied by a plot plan and such supporting information as may be deemed necessary by the director of planning to determine compliance herewith.

92-12.604 Fees. Upon requesting issuance of a certificate of compliance, the applicant shall deposit with the director of planning for payment to the treasurer of the county, cash or check in a sufficient sum to cover the fee for issuance and recording of the certificate of compliance. The schedule of fees will be that recommended by the director of planning and adopted by the board of supervisors from time to time by resolution.

92-12.606 Decision. Within fifteen calendar days after filing of the request, the director of planning shall review the request and determine whether the property or the division thereof complies with the provisions of the Subdivision Map Act and this title, and shall determine whether a certificate of compliance should be issued or denied or a conditional certificate of compliance issued and recorded. Any certificate of compliance or conditional certificate of compliance issued shall set forth the information prescribed by Government Code Section 66499.35 and shall be filed for record with the county recorder by the director of planning. If the director of planning determines that such property could be brought into compliance by fulfillment of certain conditions, he shall so state in his decision of denial or the conditional certificate of compliance issued and recorded.

92-12.608 Denial - Action. Upon denial of any request for a certificate of compliance by the planning director, the applicant may still apply to the appropriate division of the county's planning agency in accordance with the provisions of this title for approval of a final or parcel map for his property.

92-12.610 Map compliance. A recorded final map or parcel map shall constitute a certificate of compliance with respect to the parcel of real property described therein.

Division 94

Maps

Chapters:

94-2 Tentative Maps
94-4 Final Maps and Parcel Maps

Chapter 94-2

TENTATIVE MAPS

Article 94-2.2 General

Sections:

94-2.202 Tentative maps
94-2.204 Information required (amended)
94-2.206 Data to accompany tentative map
94-2.208 Site development concept (added)
94-2.210 Solar orientation (added)

Article 94-2.4 Design Objectives (reserved)

Article 94-2.6 Filing

Sections:

94-2.602 General (amended).
94-2.604 Referral to interested agencies (amended)
94-2.606 Subdivision conference (amended)
94-2.608 Requests for exceptions and variances (amended)
94-2.610 Expiration-Extension (amended)

Article 94-2.8 Action by Advisory Agency

Sections:

94-2.802 Approval of tentative map (amended)
94-2.804 Approval of exception and variance
94-2.806 Findings (not adopted)

Article 94-2.10 Appeal

Sections:

94-2.1002 Appeal procedure (amended)

Article 94-2.2

General

94-2.202 Tentative map. A tentative map shall be submitted for approval preceding the submission of the final map or parcel map for a subdivision. If all of the following conditions are met by the application and tentative map, the zoning administrator (or staff) may approve the tentative map:

✓ (1) No more than two lots are proposed to be created and each of such lots cannot be further divided under the existing zoning classifications;

✓ (2) Both lots, after division, will front on a public or dedicated street;

✓ (3) Dedication is not required for widening, extending or creating a street;

? (4) The lots created will, in all other respects, comply with legal requirements.

94-2.204 Information required. The tentative map shall be clearly and legibly drawn on one sheet, unless prior written approval of the planning department is given for more than one sheet, and shall contain the following information:

(1) The title, which shall contain the subdivision number assigned by the planning department and the type of subdivision, and may contain such name as may be selected by the subdivider;

(2) Names and addresses for:

(A) Legal owner of property,

(B) Subdivider, and

(C) Person or persons who prepared the map;

(3) A topographical map accurately showing contours and other features of the existing terrain within the subdivision, existing drainage channels, roads, culverts, overhead and underground utility lines which may affect the design of the subdivision, wells and springs, major structures, irrigation ditches, utility poles, and other improvements in their correct location. Elevations shall be in accord with U. S. Geological Survey (1929 Sea Level Datum).

The map shall be drawn to an engineer's scale large enough to show all information clearly. The parcel shall be oriented on the map sheet such that the north arrow shall point toward the top of the sheet. Contour interval shall not be greater than two feet if the ground slope is less than ten percent nor larger than five feet for ground slopes greater than ten percent; and at such intervals that the contour lines will not be spread more than one hundred fifty feet (ground distance) apart. The map shall show:

(A) The outline of any geologic or potentially hazardous soil condition, and areas subject to inundation or ponding,

(B) The edges of pavement of existing streets, private roads, driveways and other paved areas,

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

(D) The proposed lot and street layout with scaled dimensions of each lot. Lot dimensions shall conform to the Zoning Ordinance as to size and dimensions.

Lots, where not served by public sewers, shall not be smaller in area than the health department shall approve for septic tanks and drain field installation.

Side lot lines shall be substantially at right angles or radial to street lines.

Each lot shall be identified by (a) lot numbers, beginning with number "1" in each subdivision requiring a final map; or (b) lot letters, beginning with letter "A" in each subdivision requiring a parcel map. Numbers or letters shall be consecutive with no omissions or duplications.

The subdivider shall show the area of each lot on the tentative map. The area shall be exclusive of the portion lying in the street,

(E) The location of all proposed easements for drainage and access,

(F) The location and species of all trees or, if massed, the outline of the tree mass. Trunk diameter shall be noted of all trees six (6) inches or more in diameter or if multiple trunks a total of 40" or more in diameter measured 3' above the natural grade.

(G) Street names, width of streets and easements, approximate grade, and radius of curves along property lines of each street,

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

(I) Areas to be used for public purposes,

(J) Location, approximate grade, direction of flow and type of facility of existing drainage channels and storm drains,

(K) A vicinity map showing roads, adjoining subdivisions, towns, creeks, railroads, and other data sufficient to locate the proposed subdivision and show its relation to community development,

(L) North arrow, scales for maps and contour interval,

(M) Boundary lines of existing land use zones shall be delineated,

(N) Statement or plan as to proposed plans for draining the area subject to flooding or inundation by waters flowing into or from the subdivision,

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

94-2.206 Data to accompany tentative map. The tentative map shall be accompanied by the following data, which shall be submitted at the time the map is filed with the planning department:

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

(A) Existing use or uses of property,
(B) A description of the proposed subdivision, including the number of lots, their average and minimum size, and nature of development,

(C) Source of water supply,

(D) The method of sewage disposal proposed,

(E) Other improvements proposed;

(2) Two copies of a preliminary geologic and/or soils reconnaissance report, as required by the planning department. Each report of a geological investigation shall be prepared and signed by an engineering geologist. Each report of a soil investigation shall be prepared and signed by a soil engineer. The required report should be based on the latest grading plan for the subject development and shall reference the date of that grading plan. The format for required reports shall generally follow the guidelines for geologic/seismic reports required by the planning department. All reports shall include the following:

(A) A detailed geologic map showing the location and extent of any geologic hazard or potentially hazardous soil condition within or immediately adjoining the subject property which warrants special management and/or further evaluation.

(B) Recommendations outlining an exploration program to fully define and delineate any geologic hazard or potentially hazardous soil condition, and to accurately identify developable areas,

(C) Conclusions regarding the effect of any geologic hazard or potentially hazardous soil condition within or immediately adjoining the project site on the design of the proposed subdivision,

(D) Recommendations for redesign of the subdivision and/or recommendations for construction procedures to mitigate potentially hazardous conditions, if warranted.

The requirement for a preliminary geologic or soils reconnaissance report may be waived if the planning department determines that there are no apparent hazardous geologic or soils conditions within, adjacent to, or affecting the subdivision, based upon the geotechnical knowledge the department possesses.

For subdivisions of four lots or less there is no mandatory requirement for a preliminary geologic or soils reconnaissance report. Such a report may be required if the planning department determines that there are apparent hazardous geologic or soils conditions within, adjacent to, or affecting the subdivision.

An engineering geologist, within or retained by Contra Costa County, shall evaluate the reports required herein and advise the body having jurisdiction and authority. Supplemental reports and data may be required if deemed necessary;

(3) When a tentative map is filed on an area which is a part of a larger single ownership which may be subdivided in the future, the planning department may require a development plan showing the proposed future development;

(4) Four copies of a preliminary grading and site development plan, including drainage, when required by the planning department.

(5) Development concept information as required by Section 94-2.208, if applicable,

(6) Solar orientation information as required by Section 94-2.210.

(7) Conceptual building elevations for each building site, unless upon the applicant's request this requirement is waived by the Design Review Board before the tentative map is filed. The planning department shall refer the conceptual building elevations to the Design Review Board. The Design Review Board shall make its recommendations to the planning commission within the time required for the planning commission to act on the Tentative Subdivision Map.

94-2.208 Site development concept. (a) Purpose: The purpose of this section is to promote optimum living environments by the conceptual and well conceived siting of principal and accessory structures, on steeply sloping land consistent with site constraints.

(b) Submittal required: For a proposed subdivision having an average slope in excess of fifteen (15) percent, the submittal shall define the development concept. The concept shall delineate the building envelope and the structures and accessory facilities that may ultimately be sited within the envelope.

(c) Design review: The design review board shall review and comment on each development concept before planning commission action on the tentative map.

94-2.210 Solar orientation. (a) Purpose: It is the purpose of this section to assure that proper consideration is given to the design of lots in subdivisions in order to provide for the reasonable utilization of solar energy.

(b) Submittal requirements & review. Each subdivision application shall include a description of the allowable height and shape of an envelope zone for structures and evergreen vegetation designed to minimize shading of adjacent properties during the winter. The submittal shall include a diagram of the shading pattern cast by the envelope on December 21 from 10:00 a.m. to 2:00 p.m. The envelope zone for the property and the shading from adjacent lots are to be included with the property deed. The restrictions on building height and evergreen vegetation can be included as easements or covenants that run with the property.

(c) Design review: Each proposed subdivision shall be reviewed by the design review board to advise and comment upon the proposed envelope zone for each lot.

Article 94-2.4
Design Objectives
(Reserved)

Article 94-2.6
Filing

Section 94-2.602. General. The subdivider shall file with the planning department twenty-five (25) prints of the tentative map of the subdivision for all subdivisions of five (5) lots or

more. For subdivisions of four (4) lots or less, the subdivider shall file twelve (12) prints of the tentative map. The time of filing a tentative map and the required accompanying statement is when the planning department accepts them as complete. The planning department within thirty (30) calendar days after the tentative map has been received, shall examine the map and accept it for filing if it appears to substantially comply in form and content to the requirements of this chapter and other applicable Town Ordinances and Resolutions, or shall return it to the subdivider with a written statement of the reason. The tentative map is not considered as filed until all Town EIR processing requirements are completed. 1.

1. Adopted February 1, 1984 - Ordinance 92.

94-2.604 Referral to interested agencies. The planning department, within seven calendar days after the filing of the map, shall forward copies to the public works department, the health officer, flood control district, building inspection department, the chief engineer of a sanitary district if the subdivision lies within a sanitary district, the chief of the local fire district, the serving school district, the utility companies serving the area, the state department of transportation, and other interested state and regional agencies. Each of the agencies, within twenty-five calendar days after receipt of the map, may forward to the planning department its findings and recommendations thereon.

94-2.606 Subdivision Conference. Within forty-five working days after the filing of a tentative map in compliance with section 94-2.602, the planning department may hold a subdivision conference on the tentative map. Written notice of such conference shall be given to all interested agencies. At such conference the recommendations of the planning department and the other affected agencies may be considered and correlated. Following the conference, a written report of the recommendations shall be presented to the appropriate advisory agency prior to final action of the advisory agency. The written report will be served on the subdivider at least three calendar days prior to any final action of the advisory agency. A revised tentative map may be submitted at least one week prior to any final action of the advisory agency.

94-2.608 Requests for exceptions and variances. The subdivider may submit a written request for exceptions as to street improvements, widths, grades, and other subdivision matters or variances from zoning requirements, subject to the approval of the advisory agency. The request must justify why each exception should be granted.

94-2.610 Expiration - Extension. The approval or conditional approval of a tentative map expires twenty-four months after its original approval. The expiration of the approval or conditional approval terminates all proceedings and no final map or parcel map of all or any portion of the real property included within the tentative map shall be filed without first processing a new tentative map. Upon application of the subdivider filed before the expiration date of the approval or conditional approval of the tentative map, the time at which the map expires may be extended by the advisory agency which originally approved the tentative map for a period or periods not exceeding a total of two years.

Article 94-2.8 Action by Advisory Agency

94-2.802 Approval of tentative map. (a) The advisory agency shall hold a public hearing on the tentative map. ~~Notice of the time and place of the hearing and a general description of the~~

location of the proposed subdivision shall be given by publication once in a newspaper of general circulation and circulated in the town.

(b) The advisory agency shall approve, conditionally approve, or disapprove the map, and shall report such action in writing direct to the subdivider, the public works department and such other agencies as requested. The advisory agency shall hear it and within fifty (50) days after filing render a decision unless the time limit is extended by mutual consent of the applicant and the advisory agency's report shall set forth the basis of its action and identify the requirements or conditions which have not been met or performed.

(c) If an environmental impact report is prepared for the tentative map, the fifty (50) day period specified in this section is not applicable and the advisory agency shall render its report or decision within forty-five (45) days after certification of the environmental impact report.

94.2.804 Approval of exception and variance applications. The advisory agency shall also approve or disapprove the application of the subdivider for exceptions and variances.

Article 94-2.10 Appeal Procedure

94-2.1002 Appeal procedure. (a) The subdivider may appeal from any action of the planning commission with respect to a tentative map to the town council as provided by Government Code Section 66452.5. Such appeal by the hearing thereon shall be conducted in the manner provided by Government Code Section 66452.5 (a) and (b), and Sections 8-401 - 8-512 of the Municipal Code.

(b) An interested person adversely affected by a decision of the planning commission may file a complaint with the town council within fifteen (15) days after the action which is the subject of the complaint. The town council may, in its discretion reject the complaint within fifteen (15) days or set the matter for public hearing. If the town council rejects the complaint, the complainant shall be notified of such action. If the matter is set for hearing, the hearing shall be conducted and notice thereof given as provided by sections 8-401 - 8-512 of the Municipal Code.

(c) Notwithstanding subsections (a) and (b), an interested person may appeal a decision of the planning commission relative to the provisions of Government Code sections 66473.5, 66474, 66474.1 and 66474.6 to the town council. The appeal and the hearing shall be conducted in the manner provided by Government Code section 66452.5(a) and (b), and sections 8-401 - 8-512 of the Municipal Code.

(d) The fee for an appeal under this section shall be as fixed by resolution by the town council.

Chapter 94-4

FINAL MAPS AND PARCEL MAPS

Article 94-4.2 Form and Contents

Sections:

94-4.202	Final and parcel maps - general. (amended)
94-4.204	Boundary designation.
94-4.206	Lot designation.
94-4.208	Title sheet. (amended)
94-4.210	Affidavits, certificates, dedications, etc. (amended)
94-4.212	Scale, north point and basis of bearings.
94-4.214	Easements. (amended)
94-4.216	Linear, angular and radial data.
94-4.218	Adjoining corners of adjoining subdivisions.
94-4.220	City boundaries.
94-4.222	Monument location.
94-4.224	Soil report certificate.
94-4.226	Printing or lettering.

Article 94-4.4 Supplementary Documents

Sections:

94-4.402	Approval of supplementary documents - final maps and parcel maps.
94-4.404	Subdivision agreement. (amended)
94-4.406	Cash deposit and performance security. (amended)
94-4.408	Payment security. (amended)
94-4.410	Fee payment evidence. (amended)
94-4.412	Deeds for easements or rights-of-way.
94-4.414	Joint use of right-of-way agreement.
94-4.416	Supplementary documents - final maps only.
94-4.418	Tax letter - security.
94-4.420	Soil report.

Article 94-4.6 Checking

Sections:

94-4.602	Prints required and fees. (amended)
94-4.604	Error of closure in traverse.
94-4.606	Public works department action. (amended)

Article 94-4.8 Approval

Sections:

94-4.802	Approval and filing of maps. (amended)
94-4.804	Time limit for recording (amended)
94-4.806	Evidence of title.
94-4.808	Filing by units.

Article 94-4.2
Form and Contents

94-4.202 Final and parcel maps - general. A final map shall be submitted for approval for all subdivisions, stock cooperatives, condominiums as defined in section 783 of the Civil Code, or a community apartment project containing five or more lots, except as provided in Government Code section 66426. A parcel map shall be submitted for approval for all subdivisions as to which a final map is not otherwise required by this title, except those created by short-term leases (terminable by either party on not more than 30 days' notice in writing) of a portion of the operating right-of-way of a railroad corporation defined as such by section 230 of the Public Utilities Code, unless a showing is made in individual cases, upon substantial evidence, that public policy necessitates such a parcel map. The form and contents of the final map or parcel map shall be in conformance with the Subdivision Map Act and this title.

94-4.204 Boundary designation. The boundary of the subdivision shall be designated by a solid black line one-sixteenth inch wide.

94-4.206 Lot designation. On final maps, each lot shall be numbered, beginning with number "1" and continuing consecutively with no omissions or duplications.

On parcel maps, each lot shall be lettered, beginning with letter "A" and continuing consecutively with no omissions or duplications.

All figures shall be conspicuous and solid. Circles or other designs shall not be drawn around the lot numbers or letters. Each lot must be shown entirely on one sheet of the map. Dimensions of lots shall be given as the net dimensions to the boundaries of adjoining streets.

94-4.208 Title sheet. The title sheet shall contain the subdivision number, conspicuously placed at the top of the sheet, and the location of the property being subdivided with reference to maps which have been previously recorded, or by reference to the plat of a United States survey. A subdivision name may be added below the subdivision number. The subdivision number shall be larger print and dominant to any name title. If partly in unincorporated territory and partly within an incorporated city, the following words shall be used: "Lying within the County of Contra Costa and partly within the Town of Moraga".

94-4.210 Affidavits, certificates, dedications, etc. Each affidavit, certificate, acknowledgement, endorsement, acceptance of dedication, and the notarial seal required by law and this title shall appear only once on the title sheet. It may be printed with opaque ink and by photographic reproduction. Black ink shall be used for each signature and seal. If more than three sheets are used, a key diagram shall be included on the first sheet. Where

recommended by the public works department and approved by the town council the requirements for owner's certificates on a parcel map may be waived.

94-4.212 Scale, north point and basis of bearings. There must appear on each map sheet the scale, the north point, and the basis of bearings. The scale shall be forty feet, fifty feet, or sixty feet to the inch or as approved by the public works department. The basis of bearings shall be that approved by the public works department and the map shall show the equation of bearing to the true north. All bearings shall be based on the California Coordinate System, Zone III.

94-4.214 Easements. (a) Easements for roads or streets, scenic highway landscaping, paths, storm water drainage, sanitary sewers or other public use as may be required by a public agency, shall be dedicated to the public for future acceptance by a public agency, and the use shall be specified on the map.

(b) Easements for an existing or proposed utility installation for the use of a private or nongovernmental agency shall not be shown on the map unless there is a recorded conveyance to such individual or corporation, except as provided in subsection (d).

(c) All easements of record shall be shown on the map, together with the name of the grantee and sufficient recording data to identify the conveyance, e.g., recorder's serial number and date, or book and page of official records.

(d) Easements not disclosed by the records in the office of the county recorder and found by the surveyor or engineer to be existing, shall be specifically designated on the map, identifying the apparent dominant tenements for which the easement was created.

(e) The sidelines of all easements of record shall be shown by dashed lines on the map with the widths, lengths and bearings of record.

94-4.216 Linear, angular and radial data. Sufficient linear, angular, and radial data shall be shown to determine the bearings and lengths of the boundary lines of the subdivision and of the boundary lines of every lot and parcel which is a part thereof. Length, radius, and total central angle or radial bearings of all curves shall be shown.

94-4.218 Adjoining corners of adjoining subdivisions. The adjoining corners of all adjoining subdivisions shall be identified by subdivision number, or name when not identified by official number, and reference to the book and page of the filed map showing such subdivision; and if no such subdivision is adjacent, then by the name of the owner and reference to the recorded deed by book and page number for the last recorded owner of such adjacent property.

94-4.220 City boundaries. City boundaries which cross or join the subdivision shall be clearly designated.

94-4.222 Monument location. The location and description of all existing and proposed monuments shall be shown. Adequacy of monumentation shall be determined by the public works department.

94-4.224 Soil report certificate. When a soil report has been prepared, the certificate required by section 94-4.420 shall be noted on the map.

94-4.226 Printing or lettering. All printing or lettering on the map shall be of one-eighth inch minimum height and of such shape and weight as to be readily legible on prints and other reproductions made from the original drawings. No ditto marks shall be used in the dimensions and data shown on the map.

Article 94-4.4 Supplementary Documents

94-4.402 Approval of supplementary documents - final maps and parcel maps. The final map or parcel map shall be accompanied by the documents designated in sections 94-4.404 through 94-4.414, which shall be approved by proper authorities before the final map or parcel map is approved. A soil report conforming to the requirements of section 94-4.420 of this title may be required by the advisory agency as a condition of approval of the tentative map for a subdivision of four lots or less.

94-4.404 Subdivision agreement. A subdivision agreement shall be executed by the subdivider or his agent guaranteeing the completion of construction of and payment for improvements within a specified time. The subdivision agreement shall guarantee that all street and storm drain improvements and equipment considered necessary for the use of the subdivision or the proper drainage of it and including, but not limited to, street surfacing, sidewalk, curbs, culverts, bridges, and storm drains shall be free from defects of material or workmanship and shall perform satisfactorily for a period of at least two years from and after the town council declares the improvements are complete.

The subdivider shall agree to repair at his own expense any defect in the improvements which cannot be repaired and which occurs or becomes evident within the two-year period.

The two-year guarantee period does not apply to the improvement of a private road which is to remain a private road.

94-4.406 Cash deposit and performance security. A cash deposit, equal to one percent (1%) of the estimated cost of construction of the improvements, but not less than one thousand dollars (\$1,000) is required, together with such additional security in the form of cash deposit, acceptable surety bond, or acceptable instrument of credit equivalent to the estimated cost of the improvement or the act to be performed, minus the cash deposit, guaranteeing performance of all work and repair of any defect in the improvements which occurs within two (2) years of the acceptance of the work as complete, as set forth in the subdivision agreement. When there are no public improvements involved

and the total cost of the private road improvements is less than one thousand dollars (\$1,000), the agreement shall be secured by a cash deposit in the full amount of the estimated cost. Upon acceptance of the work as complete, a new acceptable security guaranteeing the repair of defective work may be substituted for the performance security. The new security shall include the cash deposit described above and shall be not less than the cash deposit or fifteen percent (15%) of the estimated cost of the construction of the improvements, whichever amount is greater. The security shall be retained for the two (2) year guarantee period.

94-4.408 Payment security. Security in the form of cash deposit, acceptable surety bond, or acceptable instrument of credit equivalent to fifty percent (50%) of the estimated cost of the improvement or the performance of the required act is required to secure payment to the contractor, his subcontractors and to persons furnishing labor, materials or equipment to them for the improvement or the performance of the required act. Six (6) months after the acceptance of the work as complete, the payment security may be reduced to an amount not less than the total of all claims on which an action has been filed and notice given in writing to the town. If no such actions have been filed, the security may be released in full.

94-4.410 Fee payment evidence. The subdivider shall provide evidence of cash payment of all fees imposed.

94-4.412 Deed for easements or rights-of-way. Easements or rights-of-way required for road or drainage purposes which have not been dedicated on the final map or parcel map shall be deeded. Written evidence acceptable to the county in the form of rights of entry or permanent easements across private property outside of the subdivision permitting or granting access to perform necessary construction work and permitting the maintenance of the facility shall be required.

94-4.414 Joint use of right-of-way agreement. Agreements, acceptable to the county, executed by all owners of all utility and other easements within proposed rights-of-way, consenting to the dedication of the road or consenting to the joint use of the right-of-way, as may be required by the county for the public use and convenience of the road, shall be required.

94-4.416 Supplementary documents - final maps only. In addition to those documents specified in sections 94-4.402 through 94-4.414, the final map shall be accompanied by the documents designated in sections 94-4.418 and 94-4.420, which shall be approved by appropriate authorities before the final map is approved.

94-4.418 Tax letter - security. A letter from the tax collector showing that all payable taxes and special assessments have been paid and giving his estimate of taxes and assessments not yet payable and, as applicable, an acceptable surety bond or acceptable

instrument of credit for their payment (where required) by Government Code section 66492) shall be filed with the clerk of the board of supervisors.

94-4.420 Soil report. Two copies of a preliminary soil investigation report to the building inspection department shall be required unless waived because the building inspection department has determined that, due to the knowledge it has of the soil qualities within the subdivision, no preliminary analysis is necessary.

The report shall indicate the presence of any critically expansive soils or any other soil problems which, if not corrected, may lead to defects in structures, buildings or other improvements. If the report indicates such soil problems, it shall further report on an investigation of each lot of the subdivision, including recommended corrective action which is likely to prevent structural damage to each building, structure, or improvement to be constructed.

It shall also report on the suitability of the earth material for construction of stable embankments and excavation slopes, including those necessary for any artificial or natural drainage channel; recommendations for construction procedures to obtain required stability; maximum design velocities for any natural or artificial drainage channel; and any other geologic features, slides, unstable soil conditions, springs and seepage conditions, erosion control planting, or drainage facilities to enable proper development of the subdivision.

The "preliminary soil report" shall be prepared on eight and one-half inch by eleven inch paper of durable quality and any map or document which accompanies the report shall be of a convenient size and scale to fold to eight and one-half inches by eleven inches.

If the building inspector, or his designated representative, determines that the report is complete and that the recommended action and procedures contained in the report are likely to prevent structural damage to buildings, structures or improvements to be constructed within the subdivision, he shall approve the report and shall certify on the final map or parcel map that a preliminary soil investigation report has been prepared, together with the date of the report and the name of the soil engineer preparing the report and shall state that the report has been approved and is on file in the building inspection department. The recommended actions and procedures contained in the report shall become a condition of approval and shall be incorporated in the development of the subdivision.

Article 94-4.6 Checking

94-4.602 Prints required and fees. The subdivider shall submit three sets of prints of the map and certificate sheet to the public works department for checking purposes before the certificates on the original tracings are executed. The preliminary

prints shall be accompanied by (1) a current preliminary title report, furnished by the applicant and acceptable to the public works department (2) traverse sheets prepared by the subdivider's engineer, showing the mathematical closure of the subdivision's exterior boundaries and (3) a checking fee as established by the town council.

94-4.604 Error of closure in traverse. The error of closure in traverse around the subdivision and around the interior lots or blocks shall not exceed one part in twenty thousand.

94-4.606 Public works department action. The public works department, within fifteen calendar days, shall note the required corrections, if any, on one set of the preliminary prints and return them to the engineer or surveyor for revision of the maps.

Article 94-4.8 Approval

94-4.802 Approval and filing of maps. The original tracing and one set of prints of the revised map prepared in accordance with the Subdivision Map Act and this title and corrected to its final form, and signed by all parties required by the Subdivision Map Act and this title to execute the certificates on the map, together with all supplementary documents and fees, shall be presented to the public works department for filing. If the map, all documents and fees are determined to be satisfactory, the public works department, within ten calendar days following receipt, shall present them to the town council for approval. The town council, within a period of ten calendar days after the filing of the final map or parcel map with the public works department, or at its next regular meeting after the meeting at which it receives the map, whichever is later, shall approve the map if it conforms to all requirements of law and this title. The town council shall not approve the map unless it finds that the proposed subdivision, together with its design and improvement, is consistent with the applicable general and specific plans required by law. If the final or parcel map is disapproved, the town council shall set forth the basis of its action and identify the requirements or conditions which are not met or performed. At the time of its action the town council shall accept, accept subject to improvements, or reject each offer of dedication of streets and other easements.

On approval of a final map or parcel map, the clerk shall release the map to the subdivider's title company for transmittal to, and filing with, the county recorder. In addition to the original tracings, the subdivider's title company shall provide the county recorder with a blue line print on linen of each sheet.

94-4.804 Time limit for recording. The time limit for recording the final map or parcel map is twenty-four months, beginning with the approval of the tentative map by the advisory agency, unless an extension of time is granted pursuant to section 94-2.610

94-4.806 Evidence of title. The subdivider shall present to the recorder the evidence of title required by the Subdivision Map Act and this title.

94-4.808 Filing by units. The subdivider may elect to file a final map for all or part of the approved tentative map in the sequence of units approved by the planning commission. Each final map which constitutes a part, or unit, of the approved tentative map shall have a separate subdivision number. The subdivision agreement to be executed by the subdivider shall provide for the construction of such improvements as may be required to constitute a logical and orderly development of the whole subdivision by units.

Division 96

IMPROVEMENTS

Chapters:

96-2	Plans
96-4	Construction Work
96-6	Street Lighting
96-8	Sidewalks and Paths
96-10	Underground Utilities
96-12	Curbs and Gutters
96-14	Miscellaneous

Chapter 96-2

PLANS

Article 96-2.2. Form and Contents

Sections:

96-2.202	General
96-2.204	Contents
96-2.206	Sewer plans
96-2.208	Plans and profiles

Article 96-2.4 Action by Public Works Department

Sections:

96-2.402	Improvement plan review (amended)
96-2.404	Corrected plans
96-2.406	Review of revisions
96-2.408	Review prerequisite for final map or parcel map approval (amended)
96-2.410	Supplementary plans and documents

Article 96-2.6 Appeal

Sections:

96-2.602	Appeal procedure (amended)
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Article 96-2.2
Form and Contents

96-2.202 General. Following approval of the tentative map, the subdivider shall prepare and submit to the public works department for review, complete construction plans for the improvements required by this title.

96-2.204 Contents. The plans shall be prepared under the direction of a registered civil engineer, licensed by the state, and shall show the complete plans, profiles and details for all street work, drainage channels and structures, retaining walls or other improvements to support cut slopes and embankments, bridges, the location of underground utilities which may control the location and elevation of storm drains and culverts, the location of fire hydrants, street monuments, curbs, gutters, and sidewalks, fences required by this title, gates, driveways, if constructed in conjunction with subdivision improvements, structures and drainage facilities to control slides, location of street lights, sanitary sewers and other improvements which may be required to complete the work. If the plans include three or more streets, a key map showing the streets, lots, street names, storm drains, the area covered by each sheet of the plans, and a list showing the sheet numbers of the plans and their contents shall be included on the first sheet of the plans.

96-2.206 Sewer plans. If the sanitary sewers are not under county jurisdiction, the review of the improvement plans shall not be construed as approval of the sewer plans.

96-2.208 Plans and profiles. The plans and profiles shall be submitted on uniform size sheets, twenty-four inches by thirty-six inches overall dimension. A border shall be provided with one and one-half inches along the twenty-four-inch dimension on the left-hand side of the sheet, and a one-half inch border on the other three sides. The sheets shall be provided with a suitable title block in the lower right-hand corner. The scales for various portions of the drawings and the north point where applicable, shall be shown on all sheets. Reference may be made to county standard details in lieu of duplicating the drawings thereon. The quality of the drawings shall be such that high contrast microfilm reproductions may be made from them. All printing or lettering on the improvement plans shall be of one-eighth-inch minimum height and of such shape and weight as to be readily legible on prints and microfilm reproductions.

Article 96-2.4
Action by Public Works Department

96-2.402 Improvement plan review. The subdivider shall submit four sets of improvement plans and a preliminary cost estimate to the public works department for review together with

a review fee established by the town council. Upon completion of this review, one set of the preliminary plans together with the required revisions, if any indicated thereon, and a written statement will be returned to the subdivider's engineer. The fee is payable to the town.

96-2.404 Corrected plans. Six sets of the corrected plans and any additional sets requested by the public works department for distribution to interested public agencies and utilities shall then be submitted to the public works department. One set of the plans reviewed by the public works department with the review and date noted thereon shall be returned to the subdivider's engineer.

96-2.406 Review of revisions. Requests by the subdivider for review of revisions appearing necessary or desirable during construction shall be submitted to the public works department and processed in accordance with sections 96-2.402 and 96-2.404 of this division.

96-2.408 Review prerequisite for final map or parcel map approval. When improvements are required, the completion of the review of the improvement plans by the public works department shall be a condition precedent to the approval of the final map or parcel map for the subdivision by the town council.

96-2.410 Supplementary plans and documents. Supplementary plans and documents shall include grading plans, hydrology, hydraulic computations and structural computations as required.

Article 96-2.6 Appeal

96-2.602 Appeal. An appeal of a condition stated by the public works department relative to the improvement plans and not agreed to by the subdivider shall be filed with the town council within 15 working days of the date the public works department imposes it.

Chapter 96-4

CONSTRUCTION WORK

Article 96-4.2 Inspection

Sections:

96-4.202	General
96-4.204	Right of entry
96-4.206	Work prior to inspection
96-4.208	Fee (amended)

Article 96-4.4 Completion

Sections:

- 96-4.402 General
- 96-4.404 Penalty for delay in completion (amended)

Article 96-4.6 Acceptance

Sections:

- 96-4.602 Recommendation by public works department (amended)
- 96-4.604 Resolution of acceptance (amended)

Article 96-4.2

Inspection

96-4.202 General. All work done in constructing the improvements and all materials furnished shall be subject to the inspection of the public works department.

96-4.204 Right of entry. The public works department, the building inspection department and the flood control district shall have access to the work at all times during its construction and shall be furnished with every reasonable facility for ascertaining that the materials used and the workmanship are in accordance with the requirements of this title.

96-4.206 Work prior to inspection. If any of the work on improvements is done by the subdivider prior to the completion of review of the improvement plans and payment of the inspection fee, or prior to the inspection of the improvements as required by the public works department, such work may be rejected and shall be deemed to have been done at the risk and peril of the subdivider.

96-4.208 Fee. Before beginning construction, the subdivider shall pay to the town the cost for the inspection of the working and checking and testing of the materials to the extent not previously paid for improvement plan review. If a portion of the work has been done before the time of depositing the fee, the subdivider shall pay to the town all necessary costs plus fifteen percent (15%) of the cost for the inspection and testing required to verify the quantity and quality of the work done.

Article 96-4.4

Completion

96-4.402 General. The subdivider shall prosecute the work to completion without undue delay except for inclement weather or other reasonable causes.

96-4.404 Penalty for delay in completion. Delay in completion of the work beyond the period stated in the subdivision agreement, unless an extension is approved by the public works

department or town council and the surety may result in forfeiture of the cash deposit or security, or a portion of it for the completion of the work. The public works department may approve a one (1) year extension. Any further extension can only be approved by the town council. The public works department shall review the sufficiency of the security and remaining work to be done before an extension is granted.

Article 96-4.6 Acceptance

96-4.602 Recommendation by public works department. When the improvement work required by the improvement plans is complete to the satisfaction of the public works department, it shall notify the town council that the work is complete and recommend its acceptance.

96-4.604 Resolution of acceptance. Upon completion and acceptance of the work required to meet the requirements of this title, the town council shall file a resolution of acceptance.

Chapter 96-6

STREET LIGHTING

Article 96-6.2 Facilities

Sections:

- 96-6.202 General
- 96-6.204 Near school sites (not adopted)
- 96-6.206 2 DU or higher density districts (amended)
- 96-6.208 Areas zoned for multiple family, business or commercial uses
- 96-6.210 Existing public streets
- 96-6.212 Construction plans
- 96-6.214 Size and location designation
- 96-6.216 Intersections
- 96-6.218 Review of plans (amended)
- 96-6.220 Service rates (amended)
- 96-6.222 Street light ownership (amended)

Article 96-6.4 Standards

Sections:

- 96-6.402 Placement (amended)
- 96-6.404 Underground wiring
- 96-6.406 Electrolier installation (amended)
- 96-6.408 Ornamental poles (amended)
- 96-6.410 Conformance to standards

Article 96-6.6 County Service Areas (Street Lighting)

Sections:

- 96-6.602 Request for street lighting service (amended)
- 96-6.604 Legal description

Article 96-6.8 Energizing Costs

Sections:

- 96-6.802 Deposit required (amended)
- 96-6.804 Disposition of deposit
- 96-6.806 Unexpended deposit

Article 96-6.2 Facilities

96-6.202 General. To promote public health, safety and welfare, especially traffic safety and crime deterrence, the subdivider shall provide street lighting facilities for proposed subdivisions to be located as set forth in sections 96-6.204 through 96-6.218. The provisions of this chapter shall be applicable only in public streets, or streets intended and designed to become public streets, and to public street lighting facilities.

96-6.206 2 DU or higher density districts. Street lighting facilities shall be provided along all streets where the area is zoned 2 DU or in land use districts having a higher density.

96-6.208 Areas zoned for multiple family, business or commercial uses. Street lighting facilities shall be provided along all streets within any portion of a subdivision zoned for multiple family, business or commercial land uses.

96-6.210 Existing public streets. The requirements set forth in sections 96-6.202 through 96-6.208 apply to the portions of any existing public street abutting the subdivision.

96-6.212 Construction plans. Following approval of the tentative map, the subdivider shall prepare and submit for approval as part of the improvement plans for the subdivision, construction plans for the street lighting improvements required by this title.

96-6.214 Size, type and location designation. The improvement plans shall show the size, type and location of each public street light, and shall bear the written approval by the public utility which proposes to serve the lighting system.

96-6.216 Intersections. The public works department may require upgrading of existing or proposed lights at intersections where deemed necessary to prevent a hazard to traffic or pedestrians.

96-6.218 Review of plans. When street lighting facilities are required, the public works department's review of the street lighting part of the improvement plans is a condition precedent to the approval of the final map or parcel map for the subdivision by the town council.

96-6.220 Service rates. The public works director shall select the appropriate lighting rate from the current street lighting rates established by the California Public Utilities Commission, and determine the appropriate fee. The fee is payable to the town.

96-6.222 Street light ownership. Each street lighting system shall be owned and operated by the town under the jurisdiction of and is provided for by the California Public Utilities Commission, unless other adequate arrangements are approved by the planning commission. Neither the town nor a street lighting maintenance or assessment district is bound or obligated for the cost of procurement or erection of ornamental street lighting standards, or for the cost of equipment or installation of any underground wiring system.

Article 96-6.4 Standards

96-6.402 Placement. Whenever possible, street light poles and other street lighting facilities shall be placed on lot lines and at intersections in accordance with the minimum requirements regarding spacing and lamp size for all new street lighting as established by the town council on the recommendation of the public works department. Street lighting shall be installed only within the right-of-way dedicated to the public and designed to be accepted for maintenance by the town.

96-6.404 Underground wiring. Wiring for street lighting purposes shall be installed underground and shall conform to the standards of the county and the public utility which proposes to serve the street lighting systems.

96-6.406 Electrolier installation. When the subdivider requests installation of street lighting, electroliers must be furnished and installed in accordance with the requirements of the town and the serving utility company before acceptance per section 96-4.602

96-6.408 Ornamental poles. Residential and commercial street lighting poles may be of an ornamental type acceptable to the town council when they meet the current standards of the town and the serving public utility company.

96-6.410 Conformance to standards. All electrical equipment and installation shall conform to the applicable standards of the following, as they now exist or may hereafter be amended:

- (1) Electrical safety orders of the Division of Industrial Safety, Department of Industrial Relations, State of California;
- (2) Rules for Overhead Electric Line Construction, General Order No. 95 of the California Public Utility Commission;
- (3) Standard Specifications of the serving public utility company.

Article 96-6.6

Street Lighting Maintenance and Assessment Districts

96-6.602 Request for street lighting service. Before approval of the final map or parcel map of any subdivision in which the installation of street lighting facilities is required, the subdivider shall file a request with the town for approval of annexation of the subdivision to a street lighting maintenance or assessment district for the purpose of financing the street lighting, maintenance and replacement costs, unless the subdivision is already contained within the boundaries of a street lighting maintenance or assessment district authorized to supply street lighting.

96-6.604 Legal description. The request shall be accompanied by a legal description of the exterior boundaries and map showing the boundaries of the area to be annexed with sufficient bearings and distances to correctly describe the boundary. The map shall give such supplementary information as is necessary to accurately locate the area in relation to local streets, city boundaries, or adjacent subdivision.

Article 96-6.8

Energizing Costs

96-6.802 Deposit required. Before approval of the final map or parcel map, the subdivider shall deposit money with the town sufficient in amount to cover annexation proceedings, assessment district engineering expenses and costs to energize, de-energize, re-energize, and maintain for one year the lights shown on the public street lighting part of the improvement plans.

96-6.804 Disposition of deposit. The one-year lighting deposit shall be used to pay the cost of energizing, de-energizing, re-energizing and/or maintaining the lights from the acceptance of the road and from fifty percent occupancy of the subdivision until revenues are available to defray such costs.

96-6.806 Unexpended deposit. Any unexpended deposit shall be deposited to the credit of the lighting service area to which the subdivision was annexed.

Chapter 96-8

SIDEWALKS AND PATHS

Article 96-8.2 Paths

Sections:

96-8.202	Along rear or side line of lots
96-8.204	Easements
96-8.206	Surfacing

Article 96-8.4 Sidewalks

Sections:

96-8.402	Locations
96-8.404	Width and thickness
96-8.406	Obstruction restriction
96-8.408	Relationship to curbs
96-8.410	Relationship to right-of-way line

Article 96-8.2 Paths

96-8.202 Along rear or side line of lots. Where paths are established along the rear or side lines of lots, the path shall be entirely within the lot and contiguous to the rear line or side line of the lot, and the path shall be shown in dashed lines.

96-8.204 Easements. Easements not less than six feet wide shall be provided for pedestrian paths when required for the public convenience.

96-8.206 Surfacing. Pedestrian paths shall be surfaced with the same material of the same thickness specified below for sidewalks and for a width of at least five feet.

Article 96-8.4 Sidewalks

96-8.402 Locations. Portland cement concrete sidewalks shall be provided at the following locations within the subdivision:

- (1) Along all thoroughfares;
- (2) Along all arterials, collector and minor streets which serve as direct access to schools within one mile of an existing school or school site approved by the local school board. The one-mile distance shall be measured along the shortest pedestrian route available or planned, measured from the closest boundary of the school site and subdivision;
- (3) Along all streets wherein the area is zoned R-12 or in land use districts having a higher density;
- (4) Along all streets within any portion of a subdivision zoned for multiple family, business, or commercial land uses.

96-8.404 Width and thickness. Sidewalks shall be at least four feet wide, exclusive of curbs, and not less than three and five-eighths inches thick.

96-8.406 Obstruction restriction. Sidewalks less than six feet in width shall not be obstructed by utility installations, mailboxes or by planting.

96-8.408 Relationship to curbs. Sidewalks adjacent to curbs shall be monolithic with curb if curbs did not exist prior to commencement of work included under the subdivision agreement. Sidewalks shall be adjacent to curbs unless the conditions of approval of the tentative map provide otherwise.

96-8.410 Relationship to right-of-way. Sidewalks shall be fully within the street right-of-way.

Chapter 96-10

UNDERGROUND UTILITIES

Sections:

96-10.002	Exceptions
96-10.004	Responsibility of subdivider
96-10.006	Application of chapter

96-10.002 Exceptions. All utility distribution facilities, including but not limited to electric, communication and cable television lines, within any residential or commercial subdivision shall be placed underground, except as follows:

(1) Equipment appurtenant to underground facilities, such as surface-mounted transformers, pedestal-mounted terminal boxes and meter cabinets, and concealed ducts;

(2) Metal poles supporting street lights.

96-10.004 Responsibility of subdivider. The subdivider is responsible for complying with the requirements of this chapter and shall make the necessary arrangements with the utility companies involved for the installation of the facilities. The advisory agency may grant exceptions as provided in Chapter 92-6 if topographical, soil, or other conditions make underground installation of the facilities unreasonable or impractical.

96-10.006 Application of chapter. These requirements apply to those portions of any existing public streets abutting the subdivision.

Chapter 96-12

CURBS AND GUTTERS

Article 96-12.2 General

Sections:

96-12.202	Conditions requiring curbs (amended)
96-12.204	Block requirements

96-12.206 Minimum grade (amended)
96-12.208 Designation on improvement plans
96-12.210 Minimum elevations

Article 96-12.4 Turnarounds

Sections:

96-12.402 Cul-de-sac
96-12.404 Radii for curb returns
96-12.406 Private road turnaround

Article 96-12.6 Driveways

Sections:

96-12.602 Encroachment permit required

Article 96-12.2 General

96-12.202 Conditions requiring curbs. Curbs shall be required under any of the following conditions:

(1) The subdivision is within a one dwelling unit per acre residential district, a 1-PD district or a district having a smaller lot size;

(2) The grade of the street is less than one percent or more than six percent;

(3) The street frontage between adjacent sections of curb is less than five hundred feet;

(4) The subdivision is for commercial or industrial purposes.

96-12.204 Block requirements. If curbs are required in any portion of a block within the subdivision, the entire frontage along that block shall be curbed.

96-12.206 Minimum grade. The minimum grade for curbs and gutters shall be no less than two percent. However, the public works department may authorize a reduction.

96-12.208 Designation on improvement plans. Improvement plans shall show curb profiles, including profiles for all curb returns and cul-de-sacs.

96-12.210 Minimum elevations. Minimum top of curb elevations shall conform to Chapter 914-8.

Article 96-12.4 Turnarounds

96-12.402 Cul-de-sac. A paved turnaround shall be provided at the ends of cul-de-sac streets. The radius for the edge of pavement, or curb line, shall be thirty-five feet.

96-12.404 Radii for curb returns. Curblines at street intersections and turnarounds shall be constructed on a curve having a radius equal to that shown below:

Standard Radius for Curb Returns

- (1) All residential street intersections, twenty feet;
- (2) Cul-de-sac turnaround, thirty-five feet;
- (3) Industrial street intersections, thirty feet.

96-12.406 Private road turnaround. A paved turnaround area shall be provided at the end of any private road serving more than two lots. The radius for the edge of the pavement shall be thirty-five feet. Alternate turnaround provisions may be approved if adequate paved area is provided to accommodate normal residential traffic.

Article 96-12.6
Driveways

96-12.602 Encroachment permit required. An encroachment permit shall be obtained from the public works department before construction of any driveway.

Chapter 96-14

MISCELLANEOUS

Sections:

- 96-14.002 Improvement of town streets (amended)
96-14.004 Fire hydrants

96-14.002 Improvement of town streets. Frontage improvements shall be provided on all existing town streets adjacent to a subdivision to the standards required by this title and the general plan. The subdivider shall provide frontage improvements and pavement widening on the side of each roadway adjacent to the subdivision, including the adjustment of existing public utilities owned and operated by public jurisdictions.

96-14.004 Fire hydrants. The subdivider shall arrange for the installation of fire hydrants at locations designated by the local fire district and shall pay all costs in connection therewith. In those areas outside of the East Bay Municipal Utility District, the subdivider shall pay to the public works department an amount equal to two years' rental for fire hydrant service, which shall be forwarded through the auditor-controller to the serving fire protection district or fire district.

Division 98

STREETS

Chapters:

- 98-2 General
98-4 Width

98-6	Grades
98-8	Pavement
98-10	Street Trees

Chapter 98-2

GENERAL

Sections:

98-2.002	Conformance to general plan
98-2.004	Reserve strips
98-2.006	Designation on final map or parcel map
98-2.008	Angle of intersection
98-2.010	Centerlines
98-2.012	Distance between streets
98-2.014	Block length
98-2.016	Street name approval
98-2.018	Street name signs
98-2.020	Conditions requiring grade separation
98-2.022	Classification
98-2.024	Traffic safety devices
98-2.026	Intersections
98-2.028	Waiver of direct access to streets (added)

98-2.002 Conformance to general plan. The design, layout, width, circulation, and other design aspects of streets in a subdivision shall conform to the locations which may have been shown on the general plan or in all cases shall provide advantageous development for the general planning area within which the subdivision lies.

98-2.004 Reserve strips. Reserve strips controlling the access to streets or other public rights-of-way shall not be approved unless such strips are necessary for the protection of the public welfare or property rights.

98-2.006 Designation on final map or parcel map. The final map or parcel map shall show the monument line of each street, the boundary of each street, including the width of the portion of any fractional street being dedicated, the width of existing road rights-of-way from public records, and the widths on each side of the monument line of whole streets. The widths and locations of adjacent streets shall be shown as determined from public records. Whenever the public works department or a city engineer has established either the centerline or monument line of the street and such information is made a public record, this location and data shall be shown on the final map or parcel map.

98-2.008 Angle of intersection. All streets shall intersect as nearly as possible at right angles.

98-2.010 Centerlines. Streets entering on opposite sides of any given street shall have their centerlines directly opposite each other, or the centerlines shall be offset by at least one hundred fifty feet.

98-2.012 Distance between streets. The minimum distance between streets entering a thoroughfare shall be eight hundred feet.

98-2.014 Block length. Block lengths shall not exceed one thousand feet.

98-2.016 Street name approval. Street names shall be subject to the approval of the planning department.

98-2.018 Street name signs. The subdivider shall furnish and install necessary street name signs in accordance with details approved by the public works department.

98-2.020 Conditions requiring grade separation. If a subdivision borders on, or contains a railroad right-of-way, a limited access freeway, or similar type of facility, the advisory agency may require that the street plan be considered in its relation to the probability of grade separation.

98-2.022 Classification. The classes of streets shall be as follows: thoroughfares, arterials, collectors, minors, industrial streets and private roads.

98-2.024 Traffic safety devices. The subdivider shall furnish and place such traffic safety devices within, or adjacent to, the subdivision as may be specified by the public works department.

98-2.026 Intersections. (a) Street intersections shall be designed to provide reasonable approaches from side streets, and to provide smooth continuous flow of drainage without overflow across the intersection.

(b) Valley gutters shall be provided to carry drainage across intersections only if underground drainage facilities cannot reasonably be provided. Valley gutters shall not be permitted across arterial streets. Valley gutters shall be on a continuous minimum grade of one percent, reduction of which may be approved by the public works department.

98-2.028 Waiver of direct access to streets. The advisory agency may impose a requirement that the dedication of offer of dedication of a street shall include a waiver of direct access rights to such street from property shown on a final map as abutting thereon, and that if the dedication is accepted such waiver shall become effective in accordance with the provision of waiver of direct access.

Chapter 98-4

WIDTH

Sections:

98-4.002	Minimum requirements (amended)
98-4.004	Measurement
98-4.006	Exceptions

98-4.002 Minimum requirements. The minimum width of pavement and rights-of-way of the various classes of streets shall be as shown on the following table:

Class	Width of Pavement		Width of Right of Way
	w/curbs	w/o curbs	
Thoroughfares & arterials			
Two-lane	40'	60'	60'
Four-lane undivided	64'	64'	84'
Four-lane divided	80'		100'
Collector streets	36'	36'	56'
Minor streets	36'	36'	52'
Private roads	36'*	36'*	36'*

*Dimension may be reduced when the planning commission finds that there is adequate off-street parking and the proposed width will permit proper access of fire and life safety apparatus.

98-4.004 Measurement. The width of roadway shall be measured normal to the centerline between the top face of the curbs, or edges of the pavement, not including roadside ditches.

98-4.006 Exceptions. Exceptions to the widths set forth in section 98-4.002, because of terrain conditions in hillside areas, shall be considered on the basis of cross-sections and other evidence to be submitted by the subdivider.

Chapter 98-6

GRADES

Sections:

98-6.002	Maximum limits (amended)
98-6.004	Minimum limits (amended)
98-6.006	Pavement across intersection
98-6.008	Street entering intersection
98-6.010	Vertical curves
98-6.012	Minimum length of vertical curve
98-6.014	Earth slopes in cuts or embankments (amended)
98-6.016	Horizontal curves

98-6.002 Maximum limits. Maximum street grades shall not exceed the following limits:

- (1) Arterial streets, eight percent;
- (2) Collector streets, twelve percent;
- (3) Minor streets, sixteen percent;
- (4) Private road, twenty percent;
- (5) Driveway, twenty-four percent.

98-6.004 Minimum limits. The minimum uniform grade for all classes of streets shall not be less than two percent. However, the public works department may authorize a reduction to not less than one percent.

98-6.006 Pavement across intersection. The grade of the pavement surface across an intersection shall not be more than six percent.

98-6.008 Streets entering intersection. The centerline grade of each street entering an intersection shall not be more than six percent within a distance of thirty feet from the nearest curblines of the intersected street.

98-6.010 Vertical curves. Changes of grade in vertical alignment of streets shall be made with parabolic vertical curves. The design of such curves shall be in accordance with standards outlined in the California Division of Highways "Highway Design Manual."

(a) "Stopping sight distance" shall be provided for the following design speeds:

- (1) Arterial and industrial streets, forty miles per hour;
- (2) Collector streets, thirty miles per hour;
- (3) Minor streets, twenty miles per hour;
- (4) Private roads, fifteen miles per hour.

(b) "Headlight sight distance" shall be provided for sag vertical curves in accordance with these requirements, except where installation of street lights eliminates any sight restriction due to lighting.

98-6.012 Minimum length of vertical curve. The minimum length of a vertical curve shall be fifty feet for minor streets and private roads, one hundred feet for collector streets, and two hundred feet for arterials.

98-6.014 Earth slopes in cuts or embankments. Earth slopes in cuts or embankment sections shall not be steeper than two feet horizontal to one foot vertical, unless steeper slopes have been approved based on a report submitted by a soil engineer. The soil report shall be filed with the public works department.

98-6.016 Horizontal curves. (a) Changes in direction of the streets shall be made with horizontal circular curves, with the edges of the pavement and curblines parallel to and equidistant from the centerline of the right-of-way.

(b) The radius of curvature in the centerline of the street shall not be less than:

- (1) Arterial street, six hundred fifty feet;
- (2) Collector street, two hundred feet;
- (3) Minor street, seventy-five feet;
- (4) Private road, twenty-five feet.

Chapter 98-8

PAVEMENT

Article 98-8.2 Design

Sections:

- | | |
|----------|--|
| 98-8.202 | General (amended) |
| 98-8.204 | Soil tests |
| 98-8.206 | Thickness of base material and surfacing (amended) |
| 98-8.208 | Crown |

Article 98-8.2 Design

98-8.202 General. The structural design of the pavement includes the determination of the thickness and type of subbase, base and surfacing to be placed over the basement soil according to an accepted method used by the public works department. The centerline top of base rock shall equal the top of the curb elevation. The public works department shall specify the structural design for the streets.

98-8.204 Soil tests. The subdivider, at his expense, may make tests of the soil over which the surfacing and base is to be constructed and furnish the test reports to the public works department for use in determining a preliminary structural design of the roadbed. Tests and pavement structural design will be made by the public works department after the payment of the inspection fee.

98-8.206 Thickness of base material and surfacing. The thickness of the base material may not be less than five-tenths of one foot, nor shall the thickness of asphalt concrete surfacing be less than seventeen-hundredths of a foot.

98-8.208 Crown. The pavement crown and geometric design of the street cross-section shall be shown and dimensioned on the improvement plans, and shall conform to accepted design standards. The minimum cross-slope shall be two percent. On street grades over six percent, a five percent cross-slope shall be provided adjacent to the curb and gutter for a distance of not less than ten feet from the face of the curb, reduction of which may be approved by the public works department. Crown requirements are waived for private roads.

Chapter 98-10

STREET TREES

Sections:

- 98-10.002 Removal (amended)
- 98-10.004 Approval of species and planting (amended)
- 98-10.006 Encroachment permit required

98-10.002 Removal. All trees conflicting with the grading, utilities, or other improvements, or overhanging the sidewalk or pavement so as to form a nuisance or hazard, shall be removed or trimmed to eliminate such nuisance or hazard in accordance with sections 12-001 - 12-1035 of the Municipal Code.*

*Reference is to the Town's Tree Ordinance, Ordinance No. 33

98-10.004 Approval of species and planting. Trees to be planted along the street within the right-of-way shall be of such species and be planted in such locations as may be approved by the public works department. A tree planted within the right-of-way must be installed with a root restrictor.

98-10.006 Encroachment permit. An encroachment permit shall be obtained from the public works department for street tree planting.

Division 912

SURVEY MONUMENTS

Chapters:

- 912-2 General Provisions

Chapter 912-2

GENERAL PROVISIONS

Sections:

- 912-2.002 Conformance to approved standards
- 912-2.004 Allowable error
- 912-2.006 Establishment of survey measurements
- 912-2.008 Drainage easements

912-2.002 Conformance to approved standards. The subdivider shall construct permanent survey monuments at the locations specified on the filed subdivision map. The monuments and appurtenances shall conform to approved standards and details prescribed by the public works department.

912-2.004 Allowable error. The allowable field survey error shall not exceed one part in five thousand in distance, or thirty seconds in angular measurement.

912-2.006 Establishment of survey measurements. Establishment of all survey measurements shall be certified to in writing by the engineer to the public works department prior to acceptance of street improvements.

912-2.008 Drainage easements. Along all portions of natural channels or watercourses within or bordering upon the subdivision, all angle points and intersections at lot lines or drainage easements shall be marked on the ground in such a manner as to be readily identified on visual inspection as those which appear upon the final map or parcel map.

Division 913

BRIDGE CROSSINGS AND MAJOR THOROUGHFARES

Chapters;

913-2	General
913-4	Requirements
913-6	Procedures
913-8	Financial Provisions

Chapter 913-2

GENERAL

Article 913-2.2 General Provisions

Sections:

913-2.202	Purpose
913-2.204	Regulations

Article 913-2.4 Definitions

Sections:

913-2.402	General
913-2.404	Area of benefit
913-2.406	Bridge
913-2.408	Building inspector
913-2.410	Circulation element
913-2.412	Construction
913-2.414	General plan
913-2.416	Major thoroughfares
913-2.418	Public works director

Article 913-2.2
General Provisions

913-2.202 Purpose. This division effectuates the Subdivision Map Act (Government Code sections 66410 and following), including future amendments thereto, and constitutes the ordinance referred to in section 66484 therein.

913-2.204 Regulations. The town council, from time to time by resolution, may issue regulations to establish administrative, procedural, interpretative, and policy direction concerning the provisions of this division.

Article 913-2.4
Definitions

913-2.402 General. Unless otherwise specifically provided, or required by the context, the following terms have these meanings in this division; and these terms and all provisions in this division are to effectuate Government Code section 66484 and shall be interpreted and applied accordingly.

913-2.404 Area of benefit. "Area of benefit" means an area, not necessarily contiguous, which is determined by the public works director to be benefited by a proposed bridge or major thoroughfare, and which is established by the town council.

913-2.406 Bridge. "Bridge" means a bridge where the transportation or flood control provisions of the circulation element of the general plan identify railways, freeways, streams or canyons for which bridge crossings are required on general plan or local roads, if the town adopted such provisions effective at least thirty days before the filing of a final map or an application for a building permit.

913-2.408 Building inspector. "Building inspector" means the director of building inspection and includes his duly authorized subordinates.

913-2.410 Circulation element. "Circulation element" means the part of the general plan required and described in Government Code Section 65302(b).

913-2.412 Construction. "Construction" means design, acquisition of right-of-way, administration of construction contracts, and actual construction.

913-2.414 General plan. "General plan" means the statement of development policies adopted pursuant to Article 5 of Chapter 3 of the Planning and Zoning Law Government Code Sections 65300 and following .

913-2.416 Major thoroughfares. "Major thoroughfares" means those major thoroughfares, identified in the circulation element, whose primary purpose is to carry through traffic and provide a network connecting to the state highway system, if the town adopted such circulation element effective at least thirty days before the filing of a final map or an application for a building permit.

913-2.418 Public works director. "Public works director" means the director of public works and includes his duly authorized subordinates.

Chapter 913-4

REQUIREMENTS

Article 913-4.2 Fees Required

Sections:

913-4.202 Subdivisions
913-4.204 Building permits

Article 913-4.4 Exceptions

Sections:

913-4.402 Existing roads/bridges
913-4.404 Existing buildings
913-4.406 No double payment

Article 913-4.6 Reduction of Fee

Sections:

913-4.602 In lieu considerations
913-4.604 In lieu dedication
913-4.606 Fee added condition

Article 913-4.2

Fees Required

913-4.202 Subdivisions. As a condition of approval of a final map, the subdivider of land, any portion of which is located in an area of benefit, shall pay the fee established and apportioned to that land within the area of benefit pursuant to this division for the purpose of defraying the actual or estimated cost of constructing bridges and/or major thoroughfares.

913-4.204 Building permits. As a condition of approval of a building permit, an owner of property, any portion of which is located in an area of benefit, shall pay the fee established and apportioned to that property within the area of benefit pursuant to this division for the purpose of defraying the actual or estimated cost of constructing bridges and/or major thoroughfares.

Article 913-4.4
Exceptions

913-4.402 Existing roads/bridges. Notwithstanding the provisions of Article 913-4.2, payment of fees shall not be required for major thoroughfares unless such major thoroughfares are in addition to, or a reconstruction of, any existing major thoroughfares serving the area at the time of the adoption of the boundaries of the area of benefit, or for bridge facilities unless the planned bridge facility is an original bridge serving the area or an addition to any existing bridge facility serving the area at the time of the adoption of the boundaries of the area of benefit. Such fees shall not be expended to reimburse the cost of existing bridge facility construction.

913-4.404 Existing buildings. Notwithstanding the provisions of Article 913-4.2, payment of such fees shall not be required as a condition of issuing a building permit for the following:

(1) The alteration or enlargement of an existing building or structure, and/or the erection of any building(s) or structure(s) accessory thereto, on the same parcel of land, provided all the following conditions are met:

(A) The total value, as determined by the building inspector, of all such work proposed to be or actually completed within any three-year period does not exceed one-half of the value (as shown on the Assessor's records) of all existing improvements on that parcel of land,

(B) The work does not change the classification of occupancy as defined by Section 501 of the Uniform Building Code, and

(C) The work will not change the potential for traffic generation or traffic attraction;

(2) Any alteration or enlargement of an existing residential building or structure not creating an additional dwelling unit;

(3) Private garages, children's playhouses, radio and television receiving antennas, windmills, silos, tank houses, shops, barns, coops, stables, pools, patios, and other buildings which are accessory to one-family or two-family dwellings;

(4) Outdoor advertising structures;

(5) Agricultural buildings or structures.

913-4.406 No double payment. No property will be assessed a fee under this division for both a final map and a building permit.

Article 913-4.6
Reduction of Fee

913-4.602 In lieu considerations. In its discretion, the town council may accept considerations (such as land, easements, dedications, structures, or construction) in lieu of the payment of fees, if it finds that the considerations are equivalent in value to the fees apportioned under this division and that such in lieu consideration will serve the purpose of this division.

913-4.604 In lieu dedication. The town may require or accept the dedication and/or improvement of right-of-way along a major thoroughfare and may reduce the fees apportioned to a parcel by an amount equal to the value of the right-of-way and improvements, as determined by the public works director, if that value was included in the calculation of the fee.

913-4.606 Fee added condition. Nothing in this division shall relieve a developer from the requirements of this code to dedicate lands for public roads and improve public roads as a condition of approval of a final map, or as a condition of issuing a building permit.

Chapter 913-6

PROCEDURES

Sections:

913-6.002	Report
913-6.004	Contents
913-6.006	Method of fee apportionment
913-6.008	Apportionment - major thoroughfares
913-6.010	Fee applicable to all property
913-6.012	Exempted property
913-6.014	Notice of hearing
913-6.016	Protest
913-6.018	Withdrawal of protest
913-6.020	Majority protest
913-6.022	Partial protest
913-6.024	Hearing
913-6.026	Recording resolution

913-6.002 Report. The directors of public works and planning shall prepare a report for each proposed area of benefit for which a fee under this division is to be imposed, and shall file it with the town clerk. The clerk shall fix a time, date, and place for hearing thereon and for filing objections or protests thereto.

913-6.004 Contents. The report shall contain preliminary information related to the boundaries of the area of benefit, the estimated costs, and the method(s) of fee apportionment. It must be based on a development program for the area adopted by the board.

913-6.006 Method of fee apportionment. The public works director shall compute and apportion the fee by any formula(s) or method(s) which fairly distributes the fee among all subject parcels in proportion to the estimated benefits they will receive from the proposed improvement.

913-6.008 Apportionment - Major thoroughfares. In the case of major thoroughfares, the method of fee apportionment shall not provide for higher fees on land which abuts the proposed improvement, except where the abutting property is provided direct usable access to the major thoroughfare.

913-6.010 Fee applicable to all property. Such apportioned fees shall apply to all property within the area of benefit.

913-6.012 Exempted property. Where the area of benefit includes property not subject to the payment of fees pursuant to this division, the council shall provide for payment of the share of improvement costs apportioned to such property from other sources.

913-6.014 Notice of hearing. The public works director shall mail notice of the hearing, in accordance with the provisions of Government Code Section 65905, at least ten days beforehand, to the owners of each parcel of land, or portion thereof, situated within the area of benefit.

913-6.016 Protest. At any time not later than the hour set for hearing, any owner of property situated within the area of benefit may protest the proposed area of benefit, method of apportioning the fee, or the improvement, or all of them. Such protest must be in writing and must contain a description of the property in which each signer of the protest is interested, sufficient to identify it, and, if the signers are not shown on the last equalized assessment roll as the owners of such property, must contain or be accompanied by written evidence that such signers are the owners of such property. All such protests shall be delivered to the clerk and no other protests or objections shall be considered.

913-6.018 Withdrawal of protest. Any protest may be withdrawn in writing by the owner making it, at any time before the conclusion of a public hearing held under the provisions of this division.

913-6.020 Majority protest. If, within the same time when protests may be filed under the provisions of Section 913-6.016, there is filed a written protest by the owners of more than one-half of the area of the property to be benefited by the improvement, and sufficient protests are not withdrawn so as to reduce the area represented to one-half of that to be benefited, or less, then the proposed proceedings shall be abandoned, and for one year from the filing of that protest the town council shall not commence or carry on any proceedings for the same improvement or acquisition under the provisions of this division. Nothing in this division shall preclude the processing and recordation of maps in accordance with other provisions of this Title 9 if proceedings are abandoned.

913-6.022 Partial protest. If any majority protest is directed against only a portion of the improvement, all further proceedings under the provisions of this division to construct that portion of the improvement so protested against shall be barred for a period of one year, but the town council may begin new proceedings not including any part of the improvement or acquisition so protested against. The town council, within such one-year period, may commence and carry on new proceedings for the construction of a portion of the improvement so protested against if it finds, by the affirmative vote of four-fifths of its members, that the owners of more than one-half of the area of the property to be benefited are in favor of going forward with such portion of the improvement or acquisition.

913-6.024 Hearing. The town council shall hear the matter as scheduled, or as postponed or continued for good cause, and consider any objections or protests. At such hearing, the town council may then adopt, revise, reduce or increase any portion of the report. The town council, by resolution, shall establish the boundaries of the area of benefit, the costs, whether actual or estimated, and a fair method of allocation of costs to the area of benefit and fee apportionment; and the board must find that the road and/or bridge improvements are necessary and desirable within the area of benefit.

913-6.026 Recording resolution. The town clerk shall promptly file a certified copy of this resolution with the county recorder.

Chapter 913-8

FINANCIAL PROVISIONS

Sections:

913-8.002	Establishment of fund
913-8.004	Deposit of fees
913-8.006	Use of money
913-8.008	Advance by town
913-8.010	Debts
913-8.012	Town funds

913-8.002 Establishment of fund. A fund shall be established for each planned bridge facility and each planned major thoroughfare project. If the area of benefit is one in which more than one bridge is required to be constructed, a fund may be established covering all of the bridge projects in the area.

913-8.004 Deposit of fees. Fees paid pursuant to this division shall be deposited in a planned bridge or major thoroughfare fund.

913-8.006 Use of money. Money in such fund shall be expended solely to defray the actual or estimated cost of constructing bridges

over waterways, railways, freeways, and canyons, or constructing major thoroughfares serving the area to be benefited and from which the fees comprising the fund were collected, or to reimburse the county for the cost of constructing those improvements.

913-8.008 Advance by town. The town may advance money from its general fund or road fund to pay the cost of constructing the improvements and may reimburse the general fund or road fund for such advances from planned bridge or major thoroughfares funds established under this chapter.

913-8.010 Debts. The town may incur an interest-bearing indebtedness for the construction of bridges or major thoroughfares; but the sole security for repayment of such indebtedness shall be the money in the planned bridge or major thoroughfares funds.

913-8.012 Town funds. The town may provide funds for the construction of bridges or major thoroughfares to defray the costs not allocated to the area of benefit.

Division 914

DRAINAGE

Chapters:

914-2	Minimum Requirements
914-4	Appurtenances in Public Rights-of-way
914-6	Open Channels and Conduits
914-8	Levees (not adopted)
914-10	Easements
914-12	Miscellaneous

Chapter 914-2

MINIMUM REQUIREMENTS

Sections:

914-2.002	Protection from surface waters
914-2.004	Adequate storm drainage facilities
914-2.006	Surface water flowing from subdivision
914-2.008	Surface water flowing to subdivision
914-2.010	Storm water disposal restrictions
914-2.012	Runoff quantity determination
914-2.014	Drainage facilities - Minimum capacities
914-2.016	Closed conduit requirements
914-2.018	Channel design standards

914-2.002 Protection from surface waters. All portions of the subdivision shall be protected from flood hazard, inundation, sheet overflow and ponding of storm waters, springs and all other surface waters. All finished floors shall be above the water surface of a one-hundred-year frequency storm runoff.

914.2.004 Adequate storm drainage facilities. The design of all improvements within the subdivision shall be such that all surface waters occurring within the subdivision, as well as all surface waters flowing onto and/or through the subdivision, shall be conveyed through the subdivision without damage to any improvement, building site, or dwelling which may be constructed within the subdivision. Storm drainage facilities within the subdivision shall be designed to adequately convey the storm water runoff from the ultimate development of the drainage basin or watershed.

914-2.006 Surface water flowing from subdivision. (a) Surface waters flowing from the subdivision in any form or manner shall be conveyed without damage to any improvement, building, or dwelling to a natural watercourse having a definable bed and banks, or to an existing adequate storm drainage facility. Storm drainage facilities to be constructed outside of the subdivision shall be designed to adequately convey the storm water runoff from the ultimate development of the drainage basin or watershed lying within and above the subdivision.

(b) Wherever surface waters must be conveyed beyond the boundaries of the subdivision in order to discharge into a natural watercourse or to an existing adequate storm drainage facility, the subdivider shall comply with either subsections (c), (d) or (e) of this section, prior to filing of the final map or parcel map.

(c) The subdivider shall deposit with the public works department a copy of a duly recorded drainage release from the adjacent property owners in a form and content acceptable to the town counsel, accepting the flow of surface waters from the subdivision onto and over that property, or the detention and ponding of surface waters upon that property, without liability by the town for damages occurring therefrom. Such releases shall be obtained from all property owners between the boundaries of the subdivision and the point at which the surface waters will enter a natural watercourse having definable bed and banks or an existing adequate storm drainage facility.

(d) The subdivider shall deposit with the public works department a copy of a duly recorded grant of a drainage easement to the town from the property owner(s). Such a document shall be obtained from all property owners between the boundaries of the subdivision and the point at which the surface waters will be discharged into a natural watercourse or an existing adequate storm drainage facility, or the area upon which surface waters will be detained and ponded.

(e) The subdivider shall present written evidence which proves to the satisfaction of the public works department that it is not feasible to obtain by negotiation from the property owner(s) either a drainage release or a grant of drainage easement. The public works department may then authorize the subdivider to institute condemnation proceedings to obtain the easement.

(f) Whenever it shall appear to the subdivider that those heretofore mentioned matters relating to the acquisition of drainage releases and easements, and/or the institution of condemnation proceedings, may be more expeditiously administered by the town, the subdivider may request that the town council direct the public works department to assume the responsibility for proceeding with these matters. The town council, upon such terms and conditions

as they specify, may authorize the department to act on behalf of the subdivider in complying with subsection (b) of this section.

914-2.008 Surface water flowing to subdivision. Whenever surface waters flowing to or onto the subdivision in any form or manner will be detained or ponded on adjacent property(s) as the result of improvements constructed by the subdivider, the subdivider shall comply with section 914-2.006 prior to the filing of the final map or parcel map.

914-2.010 Storm water disposal restrictions. Storm waters flowing from the subdivision in any form or manner shall not be permitted to flow into any water conveyance facility of the Contra Costa Canal, nor into any other water conveyance or impounding facility for domestic water consumption.

914-2.012 Runoff quantity determination. Runoff quantities shall be determined by methods consistent with current engineering practices using basic data supplied by the public works department for the frequency of the average recurrence interval stipulated in section 914-2.014

914-2.014 Drainage facilities - minimum capacities. Drainage facilities directly affecting the subdivision shall have the following minimum capacities:

(1) Major drainage channels and conduits shall have sufficient capacity to contain a fifty-year frequency of average recurrence interval runoff;

(2) Secondary drainage channels and conduits shall have sufficient capacity to contain a twenty-five year frequency of average recurrence interval runoff;

(3) Minor drainage facilities, channels and conduits shall have sufficient capacity to contain a ten-year frequency of average recurrence interval runoff.

914-2.016 Closed conduit requirements. Waters within street areas shall be placed in closed conduits when the maximum depth of computed flow exceeds the capacity of the gutter or creates a traffic hazard or endangers property. Storm water in natural or artificial drainage channels shall be placed in closed conduits or concrete lined channels where the quantity does not exceed eighty cubic feet per second except that the advisory agency may recommend that an existing natural watercourse endowed with significant natural beauty in the form of trees, shrubs, or scenic attraction may be utilized for an open drainage facility with such drainage improvements as may be designated by the public works department. Such areas shall either be dedicated as easements or designated on the final map or parcel map as drainage reserves upon and within which no improvements or structures of any nature shall be constructed without the written consent of the public works department.

914-2.018 Channel design standards. Design of drainage channels, conduits, and appurtenances shall conform with design standards of the public works department.

Chapter 914-4

APPURTENANCES IN PUBLIC RIGHTS-OF-WAY

Article 914-4.2 Culverts

Sections:

- 914-4.202 Under-driveway culverts
- 914-4.204 Street-crossing culverts
- 914-4.206 Culverts outside the roadway

Article 914-4.4 Roadside Ditches

Sections:

- 914-4.402 Discharge to roadside ditches
- 914-4.404 Roadside ditch sections
- 914-4.406 Purpose of roadside ditches
- 914-4.408 Roadside ditch gradients

Article 914-4.6 Miscellaneous

Sections:

- 914-4.602 Piping requirements
- 914-4.604 Storm drain inlets
- 914-4.606 Drainage structure to allow for tidal action and flood stage.

Article 914-4.2 Culverts

914-4.202 Under-driveway culverts. Culverts under driveway entrances for roadside ditches shall be adequate to carry the design flow, but shall not be less than twelve inches inside diameter.

914-4.204 Street-crossing culverts. Culverts crossing the street shall be of a size adequate to carry the design flow, but shall not be smaller than fifteen inches inside diameter for concrete or eighteen inches inside diameter for corrugated metal pipe or aluminum pipe.

914-4.206 Culverts outside the roadway. Culverts for use outside the roadway may be of any approved type and strength to meet field conditions.

Article 914-4.4 Roadside Ditches

914-4.402 Discharge to roadside ditches. No concentrated flow of storm waters from a subdivision shall be discharged into a roadside ditch.

914-4.404 Roadside ditch sections. Roadside ditch sections shall be subject to the approval of the public works department

as to shape, size, gradient, lining, and location within the road right-of-way, and shall have the required hydraulic capacity.

914-4.406 Purpose of roadside ditches. Roadside ditches and gutters shall be provided to carry the drainage from the road and tributary lands without damage to the roadbed or abutting property.

914-4.408 Roadside ditch gradients. The maximum gradient for earth roadside ditches shall not exceed four percent, nor be less than one percent. The minimum gradient for lined roadside ditches shall not be less than one percent.

Article 914-4.6 Miscellaneous

914-4.602 Piping requirements. All corrugated steel and aluminum pipe intended for use within the roadway shall be of the gauge recommended by the manufacturer and approved by the public works department for the cover and service conditions required. Corrugated steel and aluminum pipe shall be bituminous coated where required by the public works department. Additional protective coating or paving of metal pipes may be required for severe service conditions. The gauge of pipe proposed at each location shall be noted on the improvement plans.

914-4.604 Storm drain inlets. Storm drain inlets shall be of a design approved by the public works department. Water shall be directed into the storm drain inlet without a reversal of direction of the flow of the water.

914-4.606 Drainage structures to allow for tidal action and flood stage where applicable. The hydraulic pressure elevation in any storm drainage system shall be at least one and twenty-five-hundredths feet below the top of any inlet grate or manhole.

Chapter 914-6

OPEN CHANNELS AND CONDUITS

Sections:

914-6.002	Earth channels - maximum design velocities
914-6.004	Earth channels - minimum velocities
914-6.006	Earth channels - side slopes
914-6.008	Lined channels - side slopes
914-6.010	Closed conduits - minimum flow line
914-6.012	Closed conduits or lined channels - outlet velocity
914-6.014	Clearance of natural channels

914-6.002 Earth channels - maximum design velocities. Maximum design velocities for natural or artificial earth channels shall be those specified by a soil engineer in the preliminary soil report.

914-6.004 Earth channels - minimum velocities. Minimum velocities at design capacity for earth channels shall be three feet per second.

914-6.006 Earth channels - side slopes. Side slopes for improved earth channels shall be those specified by a soil engineer, but in no instance shall side slopes be steeper than one and one-half horizontal to one vertical.

914-6.008 Lined channels - side slopes. Side slopes for lined channels shall be those specified by a soil engineer.

914-6.010 Closed conduits - minimum flow line. Minimum flow line gradients for closed conduits shall be not less than three one-thousandths foot per foot.

914-6.012 Closed conduits or lined channels - outlet velocity. Where the outlet velocity from a closed conduit or lined channel exceeds the maximum allowable velocity for the earth channels receiving the flow, suitable protective works such as riprap or a stilling basin shall be provided.

914-6.014 Clearance of natural channels. The subdivider shall, within the boundaries of the subdivision, selectively clear all natural channels and watercourses of all structures, trees, brush, and debris which could interfere with or obstruct the flow of storm waters.

Chapter 914-8

LEVEES

Sections:

914-8.002	Compliance requirements (not adopted)
914-8.004	Toe and slope requirements (not adopted)
914-8.006	Top width (not adopted)
914-8.008	Earth embankments (not adopted)
914-8.010	Degree of protection (not adopted)
914-8.012	Approval of design and construction (not adopted)
914-8.014	Control and maintenance (not adopted)

Chapter 914-10

EASEMENTS

Article 914-10.2 Closed Conduits

Sections:

914-10.202	Closed conduits - minimum widths of easements
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Article 914-10.4 Open Channels

Sections:

- 914-10.402 Improved channels - width of easements
- 914-10.404 Improved channels - access easements
- 914-10.406 Unimproved channels - width of easements
- 914-10.408 Unimproved channels - structure setback
- 914-10.410 Structures and landscaping within easements

Article 914-10.6 Levees and Ponding Areas

Sections:

- 914-10.602 Easements for levees and ponding areas

Article 914-10.2
Closed Conduits

914-10.202 Closed conduits - minimum widths of easements. Minimum widths of drainage easements for closed conduits shall be equal to the outside diameter or width of the conduit plus three feet on each side, but in no location less than ten feet. Drainage easements shall not be divided longitudinally by lot lines.

Article 914-10.4
Open Channels

914-10.402 Improved channels - width of easements. The width of drainage easements for excavated earth channels and channels greater than three feet in width that are lined with concrete or other materials, shall contain the full outside top width of channel, including lining and the required adjacent access easements. For lined channels having a top width less than three feet, the minimum width of drainage easement shall be ten feet.

914-10.404 Improved channels - access easements. (a) For excavated earth channels, within the subdivision, access easements shall be provided along the banks as follows:

<u>Channel Top Width (Feet)</u>	<u>Access Easements Minimum Width (Feet)</u>
0-10	12 one side, 3 other side if within subdivision
10-30	15 one side, 3 other side if within subdivision
30-40	18 one side, 3 other side if within subdivision
40-50	21 one side, 3 other side if within subdivision
50-60	15 each side if within subdivision
60-70	18 each side if within subdivision
80 and above	21 each side if within subdivision

(b) For lined channels, access easements shall be provided along the banks as follows:

Channel Lining Top Width (Feet)	Access Easements Minimum Width (Feet)
3-10	3 one side, 6 other side
10-15	6 one side, 12 other side
15-30	6 one side, 15 other side
30-40	6 one side, 18 other side
40-50	6 one side, 21 other side
50 and above	same as earth channels

(c) Access easements shall be graded in a manner so as to be usable by vehicular maintenance equipment but need not be surfaced. Minimum radius of centerline of access easements shall be forty feet. All access easements along channels shall be provided with ingress easements from a public way and be usable by vehicular maintenance equipment. The minimum width of the ingress easements shall be twelve feet. Where trees in place on and adjacent to channel banks are to remain, adequate additional vehicular access easement width shall be dedicated.

914-10.406 Unimproved channels - Width of easements. The width of drainage easements for unimproved channels with side slopes steeper than 2:1 (2 horizontal to 1 vertical) shall be determined by a line measured from the toe of slope a distance of twice the channel depth plus the appropriate top of bank setback as follows:

Channel Depth (Feet)	Top of Bank Setback Minimum Width (Feet)
0- 6	12 each side if within subdivision
6-12	15 each side if within subdivision
12-18	18 each side if within subdivision
18 and above	21 each side if within subdivision

The width of drainage easements for unimproved channels with side slopes flatter than 2:1 (2 horizontal to 1 vertical) shall be the channel top width plus the appropriate top of bank setback.

914-10.408 Unimproved channels - structure setback. For unimproved channels exceeding twenty-one feet in depth, a structure setback line shall be determined by measuring from the toe of slope a distance of three times the channel depth. If the structure setback line falls outside of the drainage easement, the developer shall grant development rights to the town in a form that forbids location of structures, other than drainage structures, within the setback area without approval of the public works department.

914-10.410 Structures and landscaping within easements. No permanent structures of any kind other than drainage structures may be constructed within or over any drainage or access easement. Landscaping including trees and shrubs may be accomplished within easements upon approval by the public works department.

Article 914-10.6
Levees and Ponding Areas

914-10.602 Easements for levees and ponding areas. All levees and all ponding areas shall be completely contained within drainage easements.

Chapter 914-12

MISCELLANEOUS

Article 914-12.2 Ponding Areas

Sections:

914-12.202 Ponding areas - when permitted

Article 914-12.4 Subdrainage

Sections:

914-12.402 Subdrainage - where required

Article 914-12.2
Ponding Areas

914-12.202 Ponding areas - when permitted. Disposal of storm water drainage by means of ponding areas may be permitted only with the approval of the public works department, after study of the proposed disposal basin topography and soil characteristics and only where no other reasonable method of disposal is feasible.

Article 914-12.4
Subdrainage

914-12.402 Subdrainage - where required. Subdrain facilities shall be provided where specified by the soil engineer controlling the work and other areas where deemed necessary by the town to prevent sliding or settlement of the earth surface. Facilities will be required to convey the subdrainage to an approved point of discharge.

Division 916

WATER AND SEWERS

Chapters:

916-2 Water
916-4 Sewers

Chapter 916-2

WATER

Sections:
916-2.002 Adequate supply

916-2.002 Adequate supply. An adequate approved water supply shall be provided to serve all of the proposed subdivision.

Chapter 916-4

SEWERS

Article 916-4.2 Sewerage

Sections:
916-4.202 Sewerage requirements

Article 916-4.4 Sanitary Sewers and Sewage Treatment Plants

Sections:
916-4.402 Sewer system and sewage treatment plan construction

Article 916-4.2 Sewerage

916-4.202 Sewerage requirements. Sewerage shall be provided to the subdivision by a public sanitation district or utility having adequate plant and facilities. If, based on evidence submitted, the advisory agency finds that it is not feasible to construct, install, or connect to a sewerage system, it may refer any request for an alternate means of sewage disposal to the county health department.

Article 916-4.4 Sanitary Sewers and Sewage Treatment Plants

916-4.402 Sewer system and sewage treatment plan construction. In those areas served by a sanitation district under the jurisdiction of the county, as distinguished from a local sanitary district, all sewage treatment facilities and appurtenances shall be constructed in accordance with the requirements of the county public works department and under the inspection of the public works department subsequent to payment of all required fees and charges. Sanitary sewers to be constructed in areas other than those under the jurisdiction of the county shall be submitted to the appropriate agency for review.

Division 918

FENCES

Chapters:
918-2 General Provisions

Chapter 918-2
GENERAL PROVISIONS

Sections:
918-2.002 Required by hazardous conditions
918-2.004 Required where street crosses watercourses or
 drainage structures
918-2.006 Required along outside boundaries of open lined
 channel easements

918-2.002 Required by hazardous conditions. Fences shall be constructed by the subdivider where a condition hazardous to persons or property may exist.

918-2.004 Required where street crosses watercourses or drainage structures. Wherever a street crosses over a watercourse or open channel, fences shall be provided around the head walls, end walls and other appurtenances of bridges or drainage structures, and shall be of a type, height and location as required by the public works department.

918-2.006 Required along outside boundaries of open lined channel easements. Fences shall be installed along the outside boundaries of all easements containing open lined channels having a depth of one and one-half feet or more. Fences shall be of the chain-link type, six feet in height, and provided with gates at appropriate locations.

Division 920

PARK DEDICATIONS
(Omitted)*

*Sections 920-2.002 - 920-12.014 of the County Ordinance Code are omitted. These provisions of the County Ordinance Code have been superseded by sections 8-6201 - 8-6258 of the Moraga Municipal Code as adopted by Ordinance No. 70.

Division 5*
Chapter 62

PARK DEDICATIONS

- Article 1 General
- Article 2 Requirements
- Article 3 Standard for Area and Fees
- Article 4 Credit
- Article 5 Use and Time Limits
- Article 6 Procedures

Article 1

GENERAL

- Section 8-6201 Authority
- Section 8-6202 Compliance with General Plan
- Section 8-6203 Supplemental Regulations
- Section 8-6204 Parks and Recreation Commission
and Planning Commission Areas of Interest

Section 8-6201. Authority.

This section is enacted under Government Code
Section 66477.

Section 8-6202. Compliance with General Plan.

The park and recreational facilities, for which
dedication of land or payment of a fee or both are required,
shall be in accordance with the Recreation, Park and Open Space
Elements of the General Plan.

* Adopted May 18, 1983 - Ordinance No. 77

Section 8-6203. Supplemental Regulations.

The Town Council may from time to time, by resolution, issue regulations to establish administration, procedures, interpretation and policy direction under this chapter.

Section 8-6204. Parks and Recreation Commission and Planning Commission Areas of Interest.

The Parks and Recreation Commission is charged with determining the "adequacy and sufficiency" of Parks and Recreation facilities in relation to credit as provided in Article 4. The Planning Commission is charged with determining the appropriateness of Parks and Recreation facilities in relation to land use and circulation. The Town Council makes the final determination regarding credit or partial credit as specified in Section 8-6252.

Article 2

REQUIREMENTS

Section 8-6210 Subdivisions
Section 8-6211 Single Parcel Development

Section 8-6210. Subdivisions.

As a condition of approval of a tentative map or parcel map (referred to in this chapter as development), the developer of land for residential use, excluding that land which is exempt as provided in the Subdivision Map Act, shall dedicate land, pay a fee in lieu thereof, or do a combination of both, for neighborhood and community park or recreational purposes.

Section 8-6211. Single Parcel Development.

As a condition of approval of a permit to build a principal residential structure, including but not limited to a multiple family structure or mobile home, an owner shall dedicate land, pay a fee in lieu thereof, or do a combination of both, for neighborhood and community park or recreational purposes in accordance with the same standards as if a final map or parcel map were required.

Article 3

STANDARD FOR AREA AND FEES

Section 8-6220	General Standard
Section 8-6221	Standards and Formula for Dedication of Land
Section 8-6222	Standards and Formula for Fees in Lieu of Land Dedication
Section 8-6223	(repealed)
Section 8-6224	Combination of Fee and Dedication

Section 8-6220. General Standard.

The amount of land to be dedicated, or the fees to be paid, shall bear a reasonable relationship to the use of the park and recreation facilities by the future inhabitants of the development.

The amount of land dedicated or fees paid is based upon the residential density, which shall be determined on the basis of the tentative map and the average household size.

The dedication of land, or the payment of fees, or both, shall be the proportionate amount necessary to provide 5 acres of park area per 1,000 persons residing within a subdivision.

No fee or land dedication is required on a parcel for which park dedication requirements have previously been met.

Section 8-6221. Standards and Formula for Dedication of Land.

The amount of land to be dedicated shall be determined according to the following standards and formula:

- (a) The Town requirement of 5 acres per 1,000 persons is the same as .005 acre (or 218 sq. ft.) per person.
- (b) The following table shall be used to establish the average number of persons per dwelling unit for each household classification:

<u>Unit</u>	<u>Avg. Persons Per Dwelling Unit</u>	<u>Average Requirement Per Dwelling Unit</u>
--Single Family, Detached	3.40	.0170 ac. (740.52 sq. ft.)
--Single Family, Attached or Townhouse	2.23	.0111 ac. (483.51 sq. ft.)
--Multiple Family, Duplex, Condominium, mobile home or dormitory room.	1.68	.0084 ac. (365.90 sq. ft.)

(c) The amount of land to be dedicated is determined by the following formula:

$$\begin{array}{l} \text{Amount} \\ \text{of Land} \end{array} = \begin{array}{l} \text{Total \# of} \\ \text{dwelling units} \end{array} \times \begin{array}{l} \text{Average number} \\ \text{of Persons per} \\ \text{Dwelling Unit} \end{array} \times .005 \text{ acre}$$

For example, the area required for dedication for a subdivision of 100 single-family residential units would be

$$100 \times 3.40 \times .005 = 1.70 \text{ acres}$$

(d) The subdivider shall without credit 1) provide full street improvements and utility connections including, but not limited to curbs, gutters, street paving, traffic control devices, street trees, and sidewalks to dedicated land which is dedicated under this section, 2) provide for fencing along the property line of that portion of the subdivision contiguous to the dedicated land, 3) provide improved grading and drainage through the site, and 4) provide other improvements which the Town Council determines to be essential to the acceptance of the land for recreational purposes.

The land to be dedicated and the improvements to be made under this section shall be approved by the Town Council upon recommendation of the Parks and Recreation Commission.

Section 8-6222. Standards and Formula for Fees In Lieu of Land Dedication.

(a) General Formula. When a fee is to be paid in lieu of land dedication, the fee shall be equal to the value of the land prescribed for dedication in Section 8-6221 and in an amount determined in accordance with subsection (b) below.

- (b) Amount of Fee. When a fee is to be paid in lieu of parkland dedication, the amount of the fee shall be based upon the fair market value of the amount of land which would otherwise be required for dedication under Section 6-2221 plus 20% toward costs of off-site improvements (such as those specified in Section 8-6221(d).
- (c) Determination of Fair Market Value. The fair market value shall be determined by the Town with a written appraisal report prepared and signed by an appraiser acceptable to the Town. The appraisal shall be made immediately before the filing of the final map. The subdivider shall notify the Town of the expected filing date at least 90 days before the filing of the final map. If more than one (1) year elapses before filing the final map, the Town will order a new appraisal. The costs of all appraisals shall be borne by the subdivider. For the purposes of this chapter, the determination of the fair market value of a buildable acre, as defined below, shall consider, but not necessarily be limited to, the following:
1. approval of and conditions of the tentative subdivision map;
 2. the general plan;
 3. zoning;
 4. property location;
 5. off-site improvements facilitating use of the property; and
 6. site characteristics of the property.

In this chapter a buildable acre means a typical acre of the subdivision, located in other than an area on which building is excluded because of flooding, topography, easements, or other restrictions.

- (d) Fees in lieu of Land-50 Parcels or Less.
Only the payment of fees, not the dedication of land, may be required in subdivisions containing 50 parcels or less.

However, nothing in this subsection precludes the dedication and acceptance of land for park and recreation purposes in subdivisions of fifty parcels or less, where the subdivider proposes such dedication voluntarily and the land is acceptable to the Town Council.

Section 8-6223. (repealed)

Section 8-6224. Combination of Fees and Dedication.

The Town Council may approve a combination of fee payment and land dedication.

Article 4

CREDIT

Section 8-6230 Partial Credit for Private Open Space and Recreation Facilities
Section 8-6231 Standards
Section 8-6232 Credit for Public Facilities and/or Open Space Areas

Section 8-6230. Partial Credit for Private Open Space and Recreation Facilities.

In planned developments and real estate developments (as defined in Sections 11003 and 11003.1, respectively, of the Business and Professions Code), where private open space or recreational facilities within the development, usable for active recreational uses, is provided and such area is to be privately owned and maintained by the future owner(s) of the development, the Town Council, after recommendations from the Parks and Recreation Commission, may give partial credit, not to exceed 50%, against the requirement of land dedication or payment of fees. An application for partial credit must be made to the Parks and Recreation Commission, with a copy to the Planning Commission, no later than at the time the tentative map is submitted for official Town review. Following action by the Planning Commission on the tentative map, the question of partial credit shall be scheduled for consideration by the Town Council. Partial credit may be given only if the Town Council finds that it is in the public interest to do so and that the standards set forth in Section 8-6231 are met.

Section 8-6231. Standards.

The standards for partial credit are that:

- (1) yards, median strips, setbacks and other open areas or landscaping required to be maintained by the zoning and building ordinances and regulations shall not be included in the computation of such credit; and
- (2) the private ownership and maintenance of the area is adequately provided for by recorded written agreement, covenants or restrictions; and
- (3) the use of the private open space and facilities is restricted for park and recreational purposes by recorded covenants which run with the land in favor of the future owners of the property within the tract and which cannot be amended or eliminated without the consent of the Town, or its successor; and
- (4) the proposed private open space and facilities are reasonably adaptable for use for park and recreational purposes, taking into consideration such factors as size, shape, topography, geology, access and location; and
- (5) those elements proposed for the area are in substantial accordance with the provisions of the Park and Recreation Elements of the General Plan; and
- (6) the open space and/or facility for which credit is given is usable for active recreational uses and satisfies the requirements of (a) or (b) below or a combination thereof:
 - (a) a minimum of two contiguous areas which provide a minimum of four of the elements listed below:

	<u>ITEM</u>	<u>MINIMUM SIZE</u>
(i)	Children's play apparatus area	.50 acre
(ii)	Landscape park-like quiet area	.50 acre
(iii)	Family picnic area	.25 acre
(iv)	Game court area	.25 acre

(v)	Turf playfield	1.00 acre
(vi)	Swim pool (minimum 42 ft. x 75 ft. with adjacent deck and/or lawn area	.25 acre
(vii)	Recreation center building	.15 acre
(viii)	Bicycle trail* (linear feet)	1,000 feet
(ix)	Hiking and/or equestrian trail* (linear feet)	2,000 feet

*These bicycle, hiking and/or equestrian trails refer to neighborhood trails used primarily by residents living inside the proposed subdivision, but which may join a community or regional trail system. (Under California Government Code §664751.5 a developer of over 200 parcels may be required to dedicate bicycle paths.)

- (b) other recreational improvements as agreed to by the Parks and Recreation Commission that meet the specific recreation and park needs of the future residents of the development.

Section 8-6232. Credit for Public Facilities and/or Open Space Areas.

The Town Council upon recommendation from the Parks and Recreation Commission may give full or partial credit against the requirement of land dedication or payment of fees for on and off-site public park and open space projects which the Council finds are of major benefit to the entire community and which are dedicated for public use.

If a subdivider provides park and recreational improvements to the dedicated land which are acceptable to the Parks and Recreation Commission, the value of the improvements shall be a credit against the payment of fees or dedication of land.

The Town Council, upon recommendation from the Parks and Recreation Commission, may give partial credit, not to exceed 50%, for public bicycle, hiking and/or equestrian trails. Public trails as used in this section are those used on a regional or community-wide basis or which serve as a major artery for a community or regional trail system, and which are used primarily by residents living outside the subdivision.

The Town Council, upon recommendation from the Parks and Recreation Commission, shall make the final determination as to credit given under this section. In making its recommendation, the Commission shall evaluate the anticipated

percentage of use from the proposed subdivision and by the general public so that credit may be given to the developer for the percentage of public use.

Article 5

USE AND TIME LIMITS

Section 8-6240 Use of Land and Fees
Section 8-6241 Establishment and Development Time
Section 8-6242 Distribution of Fees Not Committed

Section 8-6240. Use of Land and Fees.

The land or fees or both shall be used only for the purpose of developing new or rehabilitating existing park or recreational facilities which will serve or be available to future residents of the development.

Section 8-6241. Establishment and Development Time.

Before Town approval of a final map, the Parks and Recreation Commission shall provide a schedule specifying how, when and where the Town will use the land or fees, or both, to develop park or recreational facilities to serve the residents of the subdivision.

Section 8-6242. Distribution of Fees Not Committed

All land dedicated or fees paid shall be held by the Town only for the purposes described in Section 8-6240. Fees collected under this chapter shall be committed within five years after the payment of such fees or the issuance of building permits on one-half of the lots created by the subdivision, whichever occurs later. If such fees are not committed, such uncommitted funds shall be distributed among the then record owners of the subdivision in the same proportion that the size of their lot bears to the total area of all lots within the subdivision. For the purposes of this chapter, "committed" means that the fees have been encumbered by contract, conveyed or paid for a specific project, to accomplish a specific purpose within the scope of Section 8-6240.

Article 6

PROCEDURES

Section 8-6250	General
Section 8-6251	Decision - Factors
Section 8-6252	Final Determination of Council
Section 8-6253	Prerequisite for Approval of Final Map, Parcel Map, or Building Permit
Section 8-6254	Incremental Payment of Fees
Section 8-6255	Development of Facilities - Specific Schedule
Section 8-6256	Administration
Section 8-6257	Maintenance and Liability
Section 8-6258	Refunds
Section 8-6259	Exemptions

Section 8-6250. General.

At the time of the submittal of a tentative map for official Town review or application for building permit when no map is required, the developer shall, as part of such filing or application, indicate whether he prefers to dedicate land or facilities or both for park and recreation purposes, or to pay a fee in lieu thereof, or do a combination of these. If the developer prefers to dedicate land, the specific land shall be recommended. The developer must clearly identify those elements for which he is requesting partial credit. Additionally, the developer shall provide evidence as to how the dedicated facilities or land are to be maintained.

Section 8-6251. Decision - Factors.

At the time of approval of a tentative or parcel map, the Town Council, upon recommendations of the Parks and Recreation and Planning Commissions, shall determine whether to require a dedication of land, payment of a fee in lieu thereof, or a combination of both. In making this determination, the Town Council shall consider the following factors:

- (1) Whether or not lands offered for dedication will substantially comply with the Recreation, Parks and Open Space Elements of the General Plan;
- (2) The topography, soils, soil stability, drainage, access, location and general utility of the land in the development available for dedication;

- (3) The size and shape of the development and land available for dedication;
- (4) The potential use of adjacent land (i.e. school playgrounds or public park lands) in combination with dedicated lands for the development of local park and recreation facilities and open space;
- (5) The space or local park and recreation facilities to be privately owned and maintained by future residents of the development; and
- (6) Credit to be given under Article 4 of this chapter.

Section 8-6252. Final Determination of the Council.

The determination of the Town Council to require land dedication, payment of a fee, or a combination of both, and the amount of partial credit to be given, is final and conclusive.

Section 8-6253. Prerequisite for Approval of Final Map, Parcel Map or Building Permit.

- (a) Land. When land is to be dedicated, it shall be offered for dedication in the manner provided for by law for the dedication of streets and other easements. When a recorded covenant concerning the ownership, maintenance or use of private areas and facilities for park and recreational purposes under Section 8-6231(2) or (3) is required, the covenant shall be submitted to the Town for approval before approval of the final map, parcel map or building permit, whichever occurs first. Such covenants shall be recorded at the same time as the final or parcel map, or if there is no map, when the building permit is issued.
- (b) Fees. When a fee is required, it shall be paid to the Park Dedication Fund of the Town of Moraga at the time of the recording of the final map or parcel map or issuance of a building permit, whichever occurs first.

Section 8-6254. Incremental Payment of Fees.

When a development project (as shown on a tentative map) exceeds 75 dwelling units, the developer may pay the Park Dedication Fees in increments as provided in this section.

The incremental payments shall be made as follows:

- (1) The fees for 25% of the dwelling units shown on a final map shall be paid when that final map is approved.
- (2) The fees due on the remaining 75% of the units shall all be paid when the first building permit is applied for.

Section 8-6255. Development of Facilities-Specific Schedule.

At the time the Town approves the final map, parcel map or building permit, the Town shall designate when the developer must begin and complete development of the park and recreational facilities, including either on site or off site improvements. A report of same shall be made to the Planning Commission and Parks & Recreation Commission.

Section 8-6256. Administration.

The fees and interest earned thereon shall be accounted for by the Town until committed by the Town.

Section 8-6257. Maintenance and Liability.

The Parks & Recreation Commission shall make recommendations to the Town Council concerning maintenance and public liability associated with each dedication of land or facilities.

Section 8-6258. Refunds.

- (a) If the land in a final subdivision map or parcel map is reverted to acreage and the fees paid have not been committed, the Town Council may order return of the fees and interest earned thereon, less administration costs, upon written request of the applicant.
- (b) If a building permit is cancelled or voided and the fees have not been committed, the Town Council may order return of the fee and interest earned thereon, less administration costs, upon written request of the applicant.

Division 924

REVERSION TO ACREAGE BY MAP

Chapters:

924-2 Planning Commission Authority
924-4 Procedure

Chapter 924-2

PLANNING COMMISSION AUTHORITY

Sections:

924-2.002 Map Approval

924-2.002 Map approval. The planning commission is the delegated authority to approve or disapprove maps in the form of a final map or a parcel map which provide for the reversion to acreage of land previously subdivided.

Chapter 924-4

PROCEDURE

Article 924-4.2 Maps

Sections:

924-4.202 Filing
824-4.204 Street and easement designation
824-4.206 Bond, fee required
924-4.208 Hearing
924-4.210 Planning commission action
924-4.212 Certification
924-4.214 Filing for resubdivision

Article 924-4.2

Maps

924-4.202 Filing. After a pre-filing conference with the planning department and the public works department, twelve copies of maps providing for reversion to acreage shall be filed with the planning commission and shall be in the form of a final map or parcel map, dependent upon which was used to file the original subdivision.

924-4.204 Street and easement designation. Such a map shall delineate any streets or easements to be left in effect after the reversion to acreage.

924-4.206 Bond, fee required. Any map so submitted shall be accompanied by:

(1) A guarantee of title in the amount of one thousand dollars for the benefit of the county, issued by a recognized title insurance company;

(2) Evidence of nonuse of streets or easements; and

(3) A filing fee as established or adopted by the town council from time to time by resolution, no part of which shall be refundable.

924-4.208 Hearing. The planning commission shall conduct its hearing in accordance with requirements of Government Code Sections 66499.11 through 66499.20-1/2.

924-4.210 Planning commission action. The planning commission shall act upon the map within forty calendar days after its next regular meeting, or such other time as mutually agreed upon by the subdivider and planning commission or the map shall be deemed disapproved unless the planning commission expressly continues the matter.

924-4.212 Certification. The map shall be certified by the county surveyor as required by the Subdivision Map Act. The provisions and fee for map checking as set forth in section 94-4.602 shall be applicable to checking reversion to acreage maps prior to certification.

924-4.214 Filing for resubdivision. A tentative map for resubdivision may be filed concurrently with the aforesaid reversion map.