

# **City of Menifee Municipal Code**

**Title 7, Subdivisions  
Articles 1 through 5**

**FINAL DRAFT**

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# ARTICLE 1: GENERAL PROVISIONS

Adopted  
Date  
Effective  
Date

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## CHAPTER 7.01: PURPOSE AND APPLICABILITY

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#### 7.01.010 Title

This Title is known as the Subdivision Ordinance of the City of Menifee, hereinafter referred to as the Title.

#### 7.01.020 Purpose and Intent

The purpose of this Title is to provide the City with legal authority for the review of the design and improvement of subdivisions and the processing of any proposed division, consolidation, and/or reconfiguration of land within the city.

#### 7.01.030 Authority

This Title is adopted pursuant to the authority reserved to the City by Article XI, Section 7, of the California Constitution and the authority granted to the City by Section 66411 of the Government Code to supplement and implement the California Subdivision Map Act, Section 66410 et seq. of the Government Code, as may be amended from time to time, hereinafter referred to as the Map Act.

#### 7.01.040 Applicability

This Title shall apply to any division, consolidation, and/or reconfiguration of land within the city, except as identified in Section 7.01.050 (Exceptions), and shall govern the preparation, processing, and approval of all tentative maps, final maps, parcel maps, lot line adjustments, parcel mergers, reversions to acreage, and waivers and all other actions regulated hereby. Any other matter not regulated by this Title shall be regulated by the Map Act.

#### 7.01.050 Exceptions

The following are excepted from Division 2 of Title 7 of the Government Code. These exceptions are described more fully in Government Code Section 66412 et seq.:

- A. The financing or leasing of apartments, offices, stores, or similar space within apartment buildings, industrial buildings, commercial buildings, mobile home parks, or trailer parks.
- B. Mineral, oil, or gas leases.
- C. Land dedicated to cemetery purposes under the Health and Safety Code.

- D. Lot line adjustments between four or fewer existing adjacent parcels, where the land taken from one parcel is added to an adjacent parcel and where no new parcels are created, provided that subject to the provisions of Map Act Section 66412(d), the lot line adjustment or parcel merger is approved pursuant to Chapter 7.45 (Lot Line Adjustments) of this Title.
- E. Boundary line or exchange agreements to which the State Lands Commission or a local agency holding a trust grant of tide and submerged lands is a party.
- F. Any separate assessment under Section 2188.7 of the Revenue and Taxation Code.
- G. The conversion of a community apartment project (Government Code Section 66412(g)).
- H. The conversion of a stock cooperative (Government Code Section 66412(h)).
- I. The financing or leasing of any parcel of land, or any portion thereof, in conjunction with the construction of commercial or industrial buildings on a single parcel, unless the project is not subject to review under other City ordinances regulating design and improvement.
- J. The financing or leasing of existing separate commercial or industrial buildings on a single parcel.
- K. The financing or leasing of dwelling units pursuant to Section 65852.1 or accessory dwelling units pursuant to Section 65852.2 of the Government Code; however, this Title shall apply to the sale or transfer, but not the leasing, of those units.
- L. Leasing of agricultural land for agricultural purposes, meaning the cultivation of food or fiber, or the grazing or pasturing of livestock.
- M. Subdivisions of four parcels or less for construction of removable commercial buildings having a floor area of less than 100 square feet.
- N. The leasing or licensing of a portion of a parcel or the granting of an easement, use permit, or similar right for the purpose of financing, erection, sale, or lease of:
  - 1. Wind-powered electrical generation facilities (Government Code Section 66412(i));
  - 2. Cellular radio transmission facilities (Government Code Section 66412(j));
  - 3. Solar electrical generation facilities (Government Code Section 66412(l)); or
  - 4. Certain agricultural waste projects (Government Code Section 66412(m)).
- O. Conveyance of land to or from a government agency, public entity, or public utility, unless a showing is made in individual cases based on substantial evidence that public policy necessitates a parcel map.
- P. Conveyance of land to a subsidiary of a public utility for conveyance to that public utility for rights-of-way, unless a showing is made in individual cases based on substantial evidence that public policy necessitates a parcel map.



### 7.01.060 Consistency with the General Plan

No division, consolidation, and/or reconfiguration of land within the city pursuant to this Title is to be approved for processing under this Title unless it is consistent with the General Plan. In the event of any conflict between this Title and the General Plan, the General Plan shall prevail. In the event this Title becomes inconsistent with the General Plan by reason of an amendment thereto or an element thereof, this Title shall be amended within a reasonable time so that it is consistent with the General Plan as amended.

### 7.01.070 Conflicting Requirements

The provisions of this Title shall not be deemed or construed to repeal, amend, modify, alter, or change any other City ordinance or provision of law not specifically repealed, amended, modified, altered, or changed herein. In the event the provisions of this Title conflict with any other City ordinance or provision of law, the more restrictive of any such provision shall apply, except as follows:

- A. **Specific Plans.** Where a specific plan has been adopted containing specific use, development, design, and/or improvement standards, the standards and provisions contained in this Title shall not apply to the degree that they are not consistent with the use, development, design, and/or improvement standards contained in the specific plan.
- B. **Development Agreements.** Where a development agreement has been adopted containing specific use, development, design, and/or improvement standards, the use, development, design, and improvement standards contained in this Title shall not apply to the degree that they are not consistent with the use, development, design, and/or improvement standards contained in the development agreement.

### 7.01.080 Status of Covenants and Agreements

The provisions of this Title are not intended to abrogate any legally adopted easements, covenants, or other agreements which are more restrictive than the provisions of this Title.

### 7.01.090 Severability

Should any section, chapter, paragraph, phrase, or any portion of this Title be declared unconstitutional or invalid or set aside by any court of competent authority, such action shall not affect other sections, chapters, paragraphs, phrases, or parts hereof as adopted or amended.

## CHAPTER 7.05: ADMINISTRATIVE RESPONSIBILITIES

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### 7.05.010 Purpose

The purpose of this chapter is to establish and describe the respective administrative responsibilities of City officials and bodies (e.g., City Engineer, Community Development Director, Planning Commission, City Council) for purposes of this Title.

### 7.05.020 Responsibilities and Authorities

The functions identified by this Title shall be carried out by the authorities as designated in Table 7.05.020-1 (Designated Authority for Approvals) or as specified in this Title.

**Table 7.05.020-1: Designated Authority for Approvals**

Approval Type (Chapter)	Type of Action	Designated Authority <sup>1</sup>			
		City Engineer	Community Development Director	Planning Commission	City Council
Tentative Map (7.20)	Discretionary		R	A	
Tentative Parcel Map (7.20)	Discretionary		A		
Vesting Tentative Map (7.25)	Discretionary		R	R	A
Vesting Tentative Parcel (7.25)	Discretionary		R	R	A
Common Interest Subdivision Conversions (7.30)	Discretionary		R	A	
Final Map (7.35)	Ministerial	R			A
Parcel Map (7.35)	Ministerial	R			A
Parcel Map Waiver (7.35)	Discretionary		A		
Certificate of Compliance (7.40)	Ministerial	A			
Lot Line Adjustment (7.45)	Ministerial	A			
Lot Merger (7.50)	Discretionary	A			
Reversion to Acreage (7.55)	Discretionary	R			A

<sup>1</sup> A = Approving Authority; R = Recommending Authority

### 7.05.030 Fees and Deposits

All applicants submitting applications required by this Title shall pay all applicable fees and/or deposits as adopted by City Council ordinance or resolution.

### 7.05.040 Grading and Erosion Control

All division, consolidation, and/or reconfigurations of land pursuant to this Title shall conform to those grading and erosion control standards set forth Chapter 8.26 (Grading Ordinance).

## CHAPTER 7.10: RULES OF INTERPRETATION

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#### 7.10.010 Purpose

The purpose of this chapter is to specify the authority, procedures, and rules for clarification of ambiguity in the regulations of this Title in order to ensure the consistent interpretation and application of the Title.

#### 7.10.020 Interpretation of Code Provisions

- A. **Authority to Interpret.** Where uncertainty exists regarding the interpretation of any provision of this Title or its application to a specific site, the Community Development Director, in consultation with the City Engineer as appropriate, shall have the authority and responsibility to interpret such terms, provisions, and requirements, unless specifically stated otherwise.
- B. **Record of Interpretation.** Code interpretations shall be made in writing and shall state the facts upon which the Director relied to make the determination. The Department shall keep a record of interpretations made pursuant to this chapter on file for future reference.
- C. **Applicability of Interpretation.** Code interpretations shall be applied in all future cases, provided that any interpretation may be superseded by a later interpretation when the Director determines that the earlier interpretation was in error or is no longer applicable under the current circumstances.

#### 7.10.030 Rules of Interpretation

The following rules of interpretation shall be used in the application of the terms, provisions, and requirements of this Title.

- A. **Abbreviations.** The following phrases, personnel, and document titles are shortened as follows:

1. Title 7 (Subdivisions) = Title = Subdivision Ordinance
2. Map Act = California Subdivision Map Act
3. County Recorder = County of Riverside Recorder
4. Director = Community Development Director
5. Engineer = City Engineer
6. Fire Department = Fire Marshal

- B. **Terminology.** The following rules apply to all provisions in this Title:

1. *Language.* The words “shall,” “will,” “is to,” and “are to” and similar words and phrases are always mandatory. “Should” is not mandatory but is strongly recommended, and “may” is permissive.

2. *Tense and number.* The present tense includes the past and future tense, and the future tense includes the present. The singular number includes the plural, and plural numbers include the singular, unless the natural construction of the word indicates otherwise.
  3. *Conjunctions.* “And” indicates that all connected items or provisions shall apply. “Or” indicates that the connected items or provisions may apply singly or in any combination. “Either...or” indicates that the connected items and provisions shall apply singly but not in combination. “Includes” and “including” shall mean “including but not limited to.”
- C. **Number of Days.** Whenever a number of days is specified in this Title, or in any permit, approval, condition of approval, or notice issued or given as provided in this Title, the number of days shall be construed as calendar days, unless business days are specified. Time limits will extend to the following business day where the last of the specified number of days falls on a day that the City is not open for business.
- D. **Minimum Requirements.** All provisions of this Title are considered to be minimum requirements, unless specifically stated otherwise.

## CHAPTER 7.15: ENFORCEMENT

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#### 7.15.010 Purpose

The purpose of this chapter is to identify prohibitions for the division or conveyance of land and to identify remedies where such prohibited actions have been made.

#### 7.15.020 Applicability

This chapter does not apply to any parcel or parcels of subdivision offered for sale or lease, contracted for sale or lease, or sold or leased in compliance with or exempt from any law, including this Title, regulating the design and improvement of subdivisions in effect at the time the subdivision was established.

#### 7.15.030 Prohibition

- A. No person shall sell, lease, or finance any parcel or parcels of real property or commence construction of any building for sale, lease, or financing thereon, or allow occupancy thereof, for which a final map or parcel map is required by the Map Act or this Title, until such a map, in full compliance with the provisions of the Map Act and this Title, and has been filed for record by the County Recorder.
- B. Conveyances of any part of a division of real property for which a final or parcel map is required by the Map Act or this Title shall not be made by parcel or block number, letter, or other designation, unless and until such map has been filed for record by the County Recorder.
- C. Nothing contained in this section shall be deemed to prohibit an offer or contract to sell, lease, or finance real property or to construct improvements thereon where such sale, lease, or financing, or the commencement of such construction, is expressly conditioned upon the approval and filing of a final map or parcel map, as required under the Map Act or this Title.

#### 7.15.040 Remedies

- A. Any deed of conveyance, sale, or contract to sell real property which has been divided, or which has resulted from a division in violation of the provisions of the Map Act or this Title, is voidable at the sole option of the grantee, buyer, or person contracting to purchase, or any heirs, personal representative, or trustee in insolvency or bankruptcy thereof, within one year after the date of discovery of such violation in accordance with Government Code Section 66499.32(a).
- B. Any grantee, or successor in interest thereof, of real property which has been divided, or which has resulted from a division in violation of the provisions of the Map Act or this Title, may, within one year of the date of discovery of such violation, bring an action in the Superior Court of California, County of Riverside, to recover any damages suffered by reason of such division of property. The action may be brought against the person who so divided the property and against any successors in interest who

so divided the property and against any successors in interest who have actual or constructive knowledge of such division of property in accordance with Government Code Section 66499.32(b).

- C. The provisions of this section shall not apply to the conveyance of any parcel of real property identified in a certificate of compliance, final map, or parcel map filed by the County Recorder, from and after the date of recording.
- D. The provisions of this section shall not limit or affect, in any way, the rights of a grantee or successor in interest under any other provision of law.
- E. This section does not bar any legal, equitable, or summary remedy to which the City or other public agency, or any person, firm, or corporation may otherwise be entitled, and the City or other public agency, or such person, firm, or corporation may file a suit in the Superior Court to restrain or enjoin any attempted or proposed subdivision or sale.
- F. The City shall not issue a permit or grant any approval necessary to develop any real property which has been divided or which has resulted from a division in violation of the provisions of the Map Act or this Title if it finds that development of such real property is contrary to the public health or the public safety. The authority to deny or approve such a permit shall apply whether the applicant therefor was the owner of record at the time of such violation or whether the applicant therefor is either the current owner of record or a vendee thereof with, or without, actual or constructive knowledge of the violation at the time of the acquisition of an interest in such real property.
- G. If the City issues a permit or grants approval for the development of any real property illegally subdivided under the provisions of subsection A of this section, the City may impose those additional conditions which would have been applicable to the division of the property at the time the current owner of record acquired the property. If the property has the same owner of record as at the time of the initial violation, the City may impose conditions applicable to a current division of the property. If a conditional certificate of compliance has been filed for recordation in accordance with the provisions of Chapter 7.45 (Certificates of Compliance), only those conditions stipulated in that certificate shall be applicable in accordance with Government Code Section 66499.34.

# ARTICLE 2: MAPS REQUIRED

Adopted
Date
Effective
Date

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## CHAPTER 7.20 TENTATIVE MAPS

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#### 7.20.010 Applicability

The procedures set forth in this chapter shall be applicable to tentative maps and tentative parcel maps. The provisions of this chapter comply with the requirements of Government Code Section 66410 et seq.

#### 7.20.020 Tentative Map Form and Content

- A. Before any tentative map, or request for extension of time of a tentative map, is accepted for filing, the subdivider shall file a completed application form on a City application designated for the specific request, pay all applicable fees, and submit the required number of copies of the tentative map and all supporting materials and documents to the Community Development Director. The Director may, from time to time, amend the official application form and the map submittal requirements. Tentative maps shall be prepared in a size, form, and manner acceptable to the Director and shall be prepared by a registered civil engineer or licensed land surveyor. The tentative map shall be clearly and legibly drawn using a scale not less than 100 and shall contain all information required by the official application form.
- B. The Director may require other drawings, data, reports, or information deemed necessary to accomplish the purposes of the Map Act, the California Environmental Quality Act (CEQA), and this Title.
- C. The applicant shall prepare a conceptual landscape master plan (CLMP) that delineates proposed landscape improvements to include parks, paseos, trails, open space, parkways, medians, common areas, and slopes. The CLMP shall be prepared at a scale suitable to show in detail all proposed improvements in conceptual form. Sections shall be included as needed to provide additional detail.
- D. Except as provided in Section 7.40.050(A), the subdivider shall indicate the intent to submit phased final maps at the time of application for the tentative map.



- E. The subdivider should indicate the intent to request a parcel map waiver at the time of application for tentative map.
- F. Vesting tentative maps shall conform to Chapter 7.25 (Vesting Tentative Maps) of this Title.

### 7.20.030 Compliance with the General Plan and the Development Code

All divisions of land pursuant to this Title shall conform to the City of Menifee General Plan and to the development standards set forth in the Development Code for the zone in which the property to be divided is located at the time the application for the tentative map is determined complete.

### 7.20.040 Geotechnical, Geologic, and Soils Report

- A. **Soils Report.** The subdivider shall provide a preliminary soils report, based upon adequate subsurface exploration, test borings, and laboratory tests, with application of the tentative map or parcel map. In the event the preliminary soils report indicates the presence of collapsible or expansive soils, liquefaction, or other soil problems, which if not corrected could result in structural defects, a geotechnical investigation of each lot or parcel in the subdivision shall be undertaken, and a report shall be submitted recommending corrective action which is likely to prevent structural damage to each structure proposed to be constructed in the area where such soils problems exist. The subdivision or any portion thereof where such soils problems exist may be approved if it is determined that the recommended corrective action is likely to prevent structural damage to each structure to be constructed and that the issuance of any Building Permit shall be conditioned to include this recommended corrective action with the construction of each affected structure. The report may be waived if, in the exercise of his or her professional judgment, the City Engineer finds that sufficient knowledge exists as to the qualities of the soils within the proposed subdivision.
- B. Geologic and geotechnical reports shall be required, with application of the tentative map or parcel map, when a subdivision involves any of the following:
  - 1. The subdivision is within any zone requiring special study by the State Geologist or the City Engineer.
  - 2. The subdivision proposes to dispose surface water through the use of dry wells or other subsurface facilities.
  - 3. The site of the subdivision contains hillside areas where the existing gradient equals or exceeds 25 percent.
  - 4. The development of the subdivision requires excavation into bedrock.
- C. Geotechnical, geologic, and soils reports, as required herein, shall be prepared by an engineer or geologist based on guidelines determined by the City Engineer, as applicable, who is authorized or licensed to practice and prepare the reports by the State of California. Such reports shall be reviewed and approved by the City Engineer. If public improvement plans or grading plans are required as part of the tentative map approval process, the review and approval of the geotechnical, geologic, or soils reports shall be required prior to approval of public improvement plans or grading plans. The City Engineer may waive these requirements for parcel maps at his or her discretion, in the exercise of his

or her professional judgment. The City Engineer shall make a copy of all approved reports available to the public.

### **7.20.050 Flood Management**

Prior to approval of any tentative map or tentative parcel map, the subdivider shall demonstrate, to the satisfaction of the City Engineer, that the design of the subdivision is such that it conforms with Chapter 4.2 (Floodplain Management for Noncoastal Communities) of the Menifee Municipal Code. The City Engineer may require studies, mapping, easements, design, and construction as part of the final map or parcel map processing to ensure that this requirement is met. Unless otherwise permitted by this Title, no final map shall be recorded if additional studies, engineering design, acquisition of easements, or construction of flood control facilities is required for issuance of any Building Permit for the subdivision. The City Engineer shall make a copy of all approved studies available to the public. Such studies shall be prepared under the direction of a registered civil engineer.

### **7.20.060 Determination of Application Completeness**

The Community Development Director shall notify the applicant of its determination of completeness of the subdivision application in accordance with Government Code Section 65943. The applicant shall have the right to appeal a decision that an application is incomplete to the Planning Commission pursuant to Government Code Section 65943(c), through the appeal process set forth in Section 9.30.100 (Appeals).

### **7.20.070 Tentative Map Review and Distribution Procedures**

The review and distribution procedures for tentative map applications filed with the Community Development Director shall comply with the applicable common application processing procedures of Chapter 9.30 (Common Application Processing Procedures), except where modified as follows:

- A. **Distribution of Maps and Receipt of Comments.** Within five business days after an application has been determined to be complete, the Community Development Director shall send notice of this determination to affected school districts pursuant to Government Code Section 66455.7. The Director may, if applicable, distribute copies of the proposed tentative subdivision map to other affected, advisory, or requesting agencies.

### **7.20.080 Time Frames for Action on Tentative Maps**

- A. The approving authority shall hold a public hearing on the map, and upon making all findings required in Section 7.20.090 (Findings of Approval for Tentative Maps), shall approve or conditionally approve the tentative map. If such findings are not made, the approving authority shall deny the tentative map. The approving authority shall render a decision within 50 days of certification of an environmental impact report, adoption of a negative declaration, or a determination that the project is exempt from CEQA, in accordance with Government Code Sections 66452.1 and 66452.2:
- B. The time frames noted above may be extended as provided by prevailing statutory law or court decisions.
- C. In the event that action on a tentative map application is not taken in a timely manner and the application is deemed approved by operation of law, pursuant to Government Code Section 66452.4,

the standard conditions of approval prepared by the City that are in effect at the time the application was deemed complete shall automatically be applied to the tentative map.

### 7.20.090 Findings of Approval for Tentative Maps

Any tentative map shall be approved, or conditionally approved, if all the following findings are made:

- A. The proposed subdivision and the design and improvements of the subdivision is consistent with the Development Code, General Plan, any applicable specific plan, and the Menifee Municipal Code.
- B. The tentative map does not propose to divide land which is subject to a contract entered into pursuant to the California Land Conservation Act of 1965, or the land is subject to a Land Conservation Act contract but the resulting parcels following division of the land will be of an adequate size to sustain their agricultural use.
- C. The site is physically suitable for the type and proposed density of development proposed by the tentative map.
- D. The design of the subdivision and the proposed improvements, with conditions of approval, are either:
  1. Not likely to cause significant environmental damage or substantially and avoidably injure fish or wildlife or their habitat; or
  2. Subject to an environmental impact report under which a finding has been made pursuant to Public Resources Code Section 21081(a)(3) that specific economic, social, or other considerations make infeasible mitigation measures or project alternatives identified in the environmental impact report.
- E. The design of the subdivision and the type of improvements are not likely to cause serious public health problems.
- F. The design of the subdivision provides for future passive or natural heating or cooling opportunities in the subdivision to the extent feasible.
- G. The design of the subdivision and the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision, or the design of the alternate easements which are substantially equivalent to those previously acquired by the public will be provided.
- H. The subdivision is consistent with the City's parkland dedication requirements (per the Quimby Act), as applicable, in accordance with Chapter 7.75 (Parkland Dedication and Fees).

### 7.20.100 Tentative Map Procedures

- A. **Tentative Map.** For subdivisions resulting in five or more residential lots:
  1. The designated approving authority as specified in Section 7.05.020 (Responsibilities and Authorities) may approve or conditionally approve any tentative map if it can make the findings listed in Section 7.20.090 (Findings of Approval for Tentative Maps), and may place reasonable

conditions on filing of multiple final or parcel maps. In making findings in support of the approval or disapproval, the approving authority shall apply all applicable City standards in effect at the time the application was deemed complete; provided, however, that such other City standards which may be applicable under the provisions of Government Code Section 66474.2(b) and (c) shall also be applied.

2. The approving authority may deny a tentative map on any of the grounds set forth in the Map Act or this Title, and shall deny the tentative map if it cannot make all of the findings listed in Section 7.20.090.

**B. Tentative Parcel Map.** For subdivisions resulting in four or fewer residential lots and for commercial or industrial subdivisions as described in Government Code Section 66426:

1. The designated approving authority as specified in Section 7.05.020 (Responsibilities and Authorities) may approve or conditionally approve any tentative map if he/she can make the findings listed in Section 7.20.090 (Findings of Approval for Tentative Maps), and may place reasonable conditions on filing of multiple final or parcel maps. In making findings in support of the approval or disapproval, the approving authority shall apply all applicable City standards in effect at the time the application was deemed complete; provided, however, that such other City standards that may be applicable under the provisions of Government Code Section 66474.2(b) and (c) shall also be applied.
2. The approving authority may deny a tentative map on any of the grounds set forth in the Map Act or this Title, and shall deny the tentative map if he/she cannot make all of the findings listed in Section 7.20.090.

### 7.20.110 Appeals

A subdivider or any other interested party may appeal a decision of the Director or the Planning Commission by using the procedures set forth in Section 9.30.100 (Appeals).

### 7.20.120 Expiration of a Tentative Map

An approved or conditionally approved tentative map shall expire 36 months after its approval by the designated authority as outlined in Table 7.05.020-1. The expiration of an approved or conditionally approved map shall terminate all proceedings and no final map or parcel map of all or any portion of the real property included on the tentative map shall be filed without first processing a new tentative map.

### 7.20.130 Extensions of Time for Tentative Maps

Notwithstanding Section 7.20.120 (Expiration of a Tentative Map), the initial 36-month term of approved or conditionally approved tentative maps may be extended as follows:

- A. Request by the Subdivider.** Prior to the expiration of the tentative map, the subdivider may apply for an extension of time. The subdivider shall file with the Community Development Director a completed application form, pay all applicable fees, and submit the required number of copies of the tentative map and all supporting materials and documents required on the City's official application form, including, but not limited to, environmental analysis pursuant to CEQA.

- B. Provided no changes are being requested by the subdivider, the Director may approve one or more extensions not to exceed a total of six years, and may impose additional conditions of approval on a future related action to maintain the public health, safety, and welfare and/or to comply with current City standards and ordinances, and State or federal requirements to the extent allowed by law.
- C. If, as part of the request for extension of the term of a tentative map, the subdivider requests changes or amendments to the tentative map or the conditions of approval for that map, the project shall be reviewed in accordance with Section 7.20.140 (Modifications of Tentative Maps) and the City may require amendments to the tentative map or the conditions of approval.
- D. If a subdivider is required to expend the amount specified in Government Code Section 66452.6 to construct, improve, or finance the construction or improvement of public improvements outside the property boundaries of the tentative map, excluding improvements of public rights-of-way which abut the boundary of the property to be subdivided and which are reasonably related to the development of that property, each filing of a final map authorized by Government Code Section 66456.1 shall extend the expiration of the approved or conditionally tentative map by 36 months from the date of its expiration or the date of a previously filed final map, whichever is later. The extensions shall not extend the term of the tentative map more than 10 years from its date of original approval.

### 7.20.140 Modifications of Tentative Maps

- A. Approved tentative maps and/or their conditions of approval may be amended upon application by the subdivider or, with consent of the subdivider, by action initiated by the Community Development Director, City Engineer or the Public Works Director, pursuant to this section. The applicant shall file a letter with the Community Development Director requesting that a determination be made regarding the project. The City shall respond within 30 days with its decision. Additional exhibits may be required at the discretion of the City.
- B. **Minor Modifications.** Minor modifications to an approved or conditionally approved map shall be processed as follows:
  - 1. *Applicability.* A minor modification includes changes that are consistent with the intent of the original map approval, do not affect off-site properties, and result in no violations of this Title or the Development Code. The following modifications are considered minor:
    - a. Modifications to less than 10 percent of the total number of lots in the subdivision, provided that the basic design concept is retained and there is no increase in the total number of lots within the subdivision.
    - b. Modifications to the horizontal alignment of 10 feet or less, or vertical alignment of 5 feet or less, of any cul-de-sac or local or collector roadway when such modification does not affect off-site property, and design integrity of the roadways.
    - c. Modifications to a condition of approval that is no longer appropriate or necessary.
    - d. Any other changes which in the opinion of the Director do not involve substantial changes to the map or the conditions of approval and which do not affect off-site properties.
  - 2. *Review.* Minor modifications are processed administratively without notice or public hearing.

- C. **Major Modifications.** Major modifications to an approved or conditionally approved map shall be processed as follows:
1. *Applicability.* A major modification includes changes that exceed the thresholds listed in Subsection 7.20.140.B.
  2. *Review.*
    - a. The Community Development Director shall make a written recommendation to the original reviewing and/or approving authority for the approved or conditionally approved map. A public hearing notice shall be provided unless the original map approval did not previously require such a hearing.
    - b. The reviewing or approving authority may take action on the matter when it first appears on the agenda, or it may continue the matter with or without the consent of the subdivider.
- D. The approval or conditional approval of any modified tentative map shall not be construed as extending the time within which the final map shall be filed unless such time extension is specifically granted by the approving authority upon application by the subdivider pursuant to Section 7.20.130 (Extensions of Time for Tentative Maps)
- E. Any other amendment not meeting the criteria as listed in Subsection 7.20.140.B or Subsection 7.20.140.C of an approved or conditionally approved map shall be processed as a revised map, following procedures set forth in this chapter for tentative map approval.

### 7.20.150 Effect of Annexation on Maps

When any area for which a subdivision or proposed subdivision subject to a tentative map or final map has been filed but a tentative map or final map has not been approved, or for which a parcel map is required by this Title but the final act required to make the parcel map effective has not been taken, is annexed to the city, the subdivider shall process all necessary applications and revise any portion of the map that is not in conformance with the City standards that were in effect as of the effective date of the annexation. The subdivider shall submit the required applications and/or make the necessary revisions within 36 months of the effective date of the annexation, prior to expiration of the tentative map, or prior to complete and timely filing of a final map, whichever occurs first. The City may require the subdivider to attend a pre-application meeting with the Community Development Director to determine the extent of any required modifications. Any tentative map that is not brought into conformance with the City's policies, rules, and regulations that were in effect as of the effective date of the annexation in accordance with the time frame specified above will be considered expired, and no final map shall be processed by the City.

## CHAPTER 7.25 VESTING TENTATIVE MAPS

### SECTIONS

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#### 7.25.010 Purpose

The purpose of this chapter is to establish procedures for the review, approval, and administration of vesting tentative maps. The provisions of this chapter comply with the requirements of Government Code Section 66410 et seq.

#### 7.25.020 Applicability

Whenever this Title requires the filing of a tentative map, a vesting tentative map may instead be filed in accordance with the provisions of this chapter. As used in this chapter, “vesting tentative maps” shall include vesting tentative maps for all subdivisions, without regard to the number or type of lots being created.

#### 7.25.030 Filing and Processing of Vesting Tentative Maps

A vesting tentative map shall be filed in the same form, shall have the same content and accompanying data and reports, and shall be processed in the same manner described for tentative maps in Chapter 7.20 (Tentative Maps), except as modified by this chapter. The designated approval authorities for vesting tentative maps and vesting tentative parcel maps shall be as specified in Section 7.05.020 (Responsibilities and Authorities).

#### 7.25.040 Application Materials

At the time a vesting tentative map is filed, it shall have printed conspicuously on its face the words “Vesting Tentative Map.” The application shall be submitted in accordance with Section 7.20.020 (Tentative Map Form and Content), accompanied by the following additional materials:

- A. Details on the height, size, and location of proposed buildings.
- B. Architectural elevations, schematic plans, and materials board for proposed building.
- C. Other application requirements as are deemed necessary by the City.

### 7.25.050 Development Rights

- A. The approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies, and standards described in Government Code Section 66474.2. However, if Government Code Section 66474.2 is repealed, the approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies, and standards in effect at the time the vesting tentative map is approved or conditionally approved.
- B. The above notwithstanding, a permit, approval, extension, or entitlement may be made conditional or may be denied if either of the following are determined:
  - 1. Failure to do so would place the residents of the subdivision or the immediate community, or both, in a condition dangerous to their health or safety, or both.
  - 2. The condition(s) or denial is required in order to comply with state or federal law.
- C. The provisions of this section shall not:
  - 1. Limit the City from imposing reasonable conditions on subsequently required approvals or permits necessary for the development and authorized by the ordinances, policies, and standards described in subsection A of this section.
  - 2. Diminish or alter the City's power to impose conditions on a development to protect against a condition dangerous to the public health or safety.
- D. If a final map or a parcel map is approved prior to the expiration of the vesting tentative map and is subsequently recorded, the tentative map vesting rights for the final map area or parcel map area shall last for the periods listed below:
  - 1. An initial time period of 2 years following recordation of the final map or parcel map. Where several final maps or parcel maps are recorded on phases of a project covered by a single vesting tentative map, the 2-year time period for each final map or parcel map shall begin on the date of recordation of that map.
  - 2. The initial time period set forth in the above paragraph shall be automatically extended by any time used by the City for processing a complete application for a Grading Permit or for design or architectural review, if such processing exceeds 30 days; provided, however, that such extension shall only be for the number of days in excess of 30 days, and provided further that such extensions shall not be cumulative.
  - 3. If, during the 2-year period following recording of a final map or parcel map, the City receives a complete application for a Building Permit and the subdivider has satisfied all requirements for the issuance of a Building Permit, the right to proceed with development in accordance with the vesting tentative map shall continue until the expiration of the Building Permit.

### 7.25.060 Mandatory Findings for Approval

The City shall approve a vesting tentative map only if the approving authority makes findings in accordance with Section 7.20.090 (Findings of Approval for Tentative Maps).



### **7.25.070 Expiration of a Vesting Tentative Map**

An approved or conditionally-approved vesting tentative map shall expire 36 months after its approval. The expiration of an approved or conditionally approved vesting tentative map shall terminate all proceedings and no final map or parcel map of all or any portion of the real property included on the vesting tentative map shall be filed without first processing a new map.

### **7.25.080 Extensions of Time for Vesting Tentative Maps**

Notwithstanding Section 7.25.070 (Expiration of a Vesting Tentative Map), the initial 36-month term of approved or conditionally-approved vesting tentative maps may be extended in the manner as tentative maps as outlined in Section 7.20.130 (Extensions of Time for Tentative Maps), except that the approval authority may deny an extension if it makes any of the following findings:

- A. The extension will place the residents of the subdivision and/or the immediate community in a condition dangerous to their health and/or safety.;
- B. The map fails to comply with State or federal law; or
- C. Any of the findings required by Section 7.20.090 (Findings of Approval for Tentative Maps) cannot be made.

### **7.25.090 Modifications to Vesting Tentative Maps**

At any time prior to the expiration of a vesting tentative map, the subdivider, his or her successor, or his or her assignee, may apply for a modification to such map. The approval authority shall hold a public hearing on any application involving a modification to the vesting tentative map or to the development related thereto, following procedures set forth for the modification of tentative maps in Section 7.20.140 (Modifications of Tentative Maps). Approval of a modification to a vesting tentative map or to the development related thereto shall not alter the expiration date of the vesting tentative map.

## CHAPTER 7.30 FINANCE MAPS

### SECTIONS

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#### 7.30.010 Purpose

The purpose of this chapter is to establish procedures for the division of land solely for the purposes of financing without authorizing new development of the land or any portion thereof.

#### 7.30.020 Applicability

A map prepared pursuant to this Chapter shall be referred to as a “Finance Map,” may be submitted under any of the following circumstances:

- A. The land to be subdivided is, at the time of submittal, developed in accordance with an approved and valid land use entitlement or permit; or
- B. The land to be subdivided is not developed and will be used for non-residential purposes; or
- C. The land to be subdivided is not developed, is located within a previously approved specific plan or tentative map and will be used for residential purposes. Development of the land shall be consistent with the previously approved specific plan or tentative map or with a future subdivision map, as well as with any other land use entitlement or permit that may be required for the development.

Land subdivided pursuant to subsections (A) or (B) of this section shall be subject to a future subdivision map or land use entitlement or permit prior to any development. A finance map shall not be considered to be a vesting map.

#### 7.30.030 Finance Map Procedure

- A. Review, processing, and approval of finance maps shall be processed in accordance with the provision of Chapter 7.20 (Tentative Maps), including the requirement for submittal of a tentative map and a final or parcel map, as applicable. The Director may waive certain submittal requirements and standards not applicable to the review, processing, and approval of finance maps.
- B. Each sheet of the finance map shall clearly state the following: “For finance purposes only. A future subdivision map or land use entitlement or permit shall be required prior to development of this property. This map does not remove any conditions of approval for separate land use entitlements or permits or tentative maps approved for this land.”
- C. The language contained in subsection (B) of this section shall also be recorded via separate instrument in a manner approved by the City Attorney.

- D. Any development of the land shall require the approval of a subdivision map or a land use entitlement or permit or any combination thereof in accordance with applicable City ordinances and/or the Map Act.

### **7.30.040 Minimum Requirements**

- A. All lots meet the minimum lot size requirements provided in the applicable zone to ensure compliance with all applicable development standards.
- B. All lots have acceptable legal access either by lot configuration or by a separate recorded document. A conceptual engineering design shall be submitted to provide assurance that access can be designed and constructed.
- C. There are no physical constraints which may affect the feasibility of future development on the land.
- D. Conditions of approval related to public safety and zoning compliance may be imposed.

## CHAPTER 7.35 COMMON INTEREST SUBDIVISION CONVERSIONS

### SECTIONS

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#### 7.35.010 Applicability

This chapter shall apply to all conversions of existing residential real property to condominiums, community apartments, or stock cooperative projects or any other form of ownership except conversion projects for which a final map or parcel map has been approved by the City Council prior to the effective date of the ordinance codified in this chapter, or where the conversion involved a limited equity housing cooperative as defined in Section 33007.5 of the Health and Safety Code. All provisions, conditions, and further definitions of condominium development as approved included in the California Civil Code, Government Code, Revenue and Taxation Code, and Business and Professions Code shall apply to the divisions of real property as permitted herein.

#### 7.35.020 Development Review Required

In addition to the limitations and restrictions contained in this chapter, the Map Act, and the applicable building and fire regulations, no residential apartment unit shall be converted for sale, transfer, or conveyance as a community apartment project, stock cooperative project, or condominium without concurrently obtaining approval of a Conditional Use Permit.

#### 7.35.030 Application Requirements

In addition to such other application requirements as are deemed necessary by the City, an application for conversion of a residential unit shall not be accepted or considered complete unless the application includes all of the following information in a form acceptable to the Community Development Director, except where such requirement is waived or modified by the Director:

- A. **Physical Elements Report.** A report prepared by a registered engineer or architect or licensed qualified contractor describing the physical elements of all structures and facilities, sound transmission levels between units, mechanical equipment, parking facilities, and appliances.

Regarding each such element, the report shall state, to the best knowledge or estimate of the applicant, when such element was built, the condition of each element, the cost of replacing the element, and any variation or noncompliance of the element from the Development Code in effect at the time the application is filed with the City and from the Building Code in effect on the date that the

last Building Permit was issued for the subject structure. The report shall identify any defective or unsafe elements and set forth the proposed corrective measures to be employed.

- B. A report from a licensed structural pest control operator, approved by the City, on each structure and each unit within the structure.
- C. A report on soil and geological conditions regarding soil deposits, rock formations, faults, groundwater, and landslides in the vicinity of the project and a statement regarding any known evidence of soil problems relating to the structures. Reference shall be made to any previous soils reports for the site and a copy submitted with the report.
- D. A statement of repairs and improvements to be made by the subdivider necessary to refurbish and restore the project to achieve a level of appearance and safety consistent with applicable codes and ordinances, as specified in subdivision A of this section.
- E. A declaration of covenants, conditions, and restrictions (CC&Rs) in draft or outline form which would be applied to any and all owners of condominium units within the project. The declaration shall include, but not be limited to, the conveyance of units; the assignment of parking; an agreement for common area maintenance, including facilities and landscaping, together with an estimate of any initial assessment fees anticipated for such maintenance; a description of a provision for maintenance of all utility lines and services for each unit; and a plan for equitable sharing of communal water metering.
- F. Specific information concerning the demographic characteristics of the project, including but not limited to the following:
  - 1. Square footage and number of rooms in each unit.
  - 2. Rental rate history for each unit for previous 5 years.
  - 3. Monthly vacancy rate for each month during preceding 2 years.
  - 4. Makeup of existing tenants' households, including size, length of residence, age of tenants, and whether receiving federal or state rent subsidies.
  - 5. Proposed sale price of each unit.
  - 6. Proposed homeowners association fee.
  - 7. Financing available.
  - 8. Names and addresses of all tenants.

When the subdivider can demonstrate that such information is not available, this requirement may be modified by the Community Development Director.

- G. Signed copies from each tenant of notice of intent to convert, as specified in Section 7.45.060 (Notice to New Tenants). The subdivider shall submit evidence that a letter of notification was sent to each tenant for whom a signed copy of the notice is not submitted. This requirement shall be deemed satisfied if such notices comply with legal requirements for service by mail.

- H. Any other information which, in the opinion of the Community Development Director, will assist in determining whether the proposed project will be consistent with the purposes of this chapter.
- I. **Submittal of Budget.** The subdivider shall provide the City with a copy of the proposed budget for maintenance and operation of common facilities, including needed reserves, with the tentative map application. The budget shall show estimated monthly costs to the owner of each unit, projected over a 5-year period, or such time as is required by the California Department of Real Estate. Such budget shall be prepared or reviewed and approved by a professional management firm experienced with management of condominium complexes. The management firm shall submit a statement of professional qualifications.
- J. **Copy to Buyers.** The developer shall provide each purchaser with a copy of all submittals (in their final acceptable form) required by subsections A through I of this section prior to such purchaser executing any purchase agreement or other contract to purchase a unit within the project, and the developer shall give the purchaser sufficient time to review the information. Copies of the submittals shall be made available at all times at the sales office, and a notice indicating that such reports are available shall be posted at various locations, as approved by the City, at the project site. Copies shall be provided to the homeowners association upon its formation.
- K. **Final Information Submitted.** Prior to entering into escrow on the first unit, the subdivider shall submit the following information to the Community Development Department:
1. Name, address, and phone number of homeowners association.
  2. Actual sales price of units.
  3. Actual homeowners association fee.
  4. Number of prior tenants who intend to purchase units.
  5. Number of units purchased with intent to be used as rentals.

The final form of the physical elements report and other documents shall be as approved by the City. The reports in their acceptable form shall remain on file with the Community Development Department for review by any interested persons until the conclusion of the conversion process. The report shall be referenced in the subdivision report to the Planning Commission.

### 7.35.040 Physical Standards for Condominium Conversions

- A. **Adequate Physical Condition.** To achieve the purpose of this chapter, the Planning Commission shall require that all condominium conversions conform to the Menifee Development Code in effect at the time of tentative map approval, except as otherwise provided in this chapter. In making the determination that the project is in conformance with the Development Code and other applicable provisions of the Municipal Code, the following will be required:
1. Prior to scheduling the tentative map for a public hearing, an inspection shall be conducted by the Code Enforcement Division and/or Community Development Department staff to determine project-wide conformance with Title 9 and other applicable provisions of the Municipal Code. A

report of any violations shall be included in the staff report to the Planning Commission. The subdivider shall be responsible for the payment of any fees related to the inspection of the project.

2. Prior to the approval of the final map or parcel map, a physical inspection of the project site, including each individual unit, shall be made by the City Building & Safety Department and Community Development Department. Such inspection shall be made to ensure compliance with all applicable conditions of approval as specified in the tentative map and Conditional Use Permit approval. All such corrections shall be made prior to the approval of the final or parcel map. The subdivider shall be responsible for the payment of any fees related to the inspection of the project.

**B. Specific Physical Standards.** The Planning Commission shall require conformance with the standards of this subsection in approving the map.

**C. Building Regulations.** The project shall conform to the applicable standards of the Uniform Building Code, Uniform Plumbing Code, and Uniform Electrical Code in effect on the date that the last Building Permit was issued for the subject structure or structures except as herein provided.

**D. Health and Safety.** Each bathroom in each living unit shall be provided with ground fault circuit interrupters.

**E. Fire Prevention.**

1. **Smoke Detectors.** Each living unit shall be provided with approved detectors of products of combustion other than heat, conforming to the latest code standards as adopted by the City.
2. **Maintenance of Fire Protection Systems.** All fire hydrants, fire alarm systems, portable fire extinguishers, and other fire protective appliances shall be properly installed and maintained in an operable condition at all times.

**F. Parking.** Each unit shall be provided parking in accordance with Chapter 9.215 (Parking and Loading Standards).

**G. Sound Transmission.**

1. **Shock Mounting of Mechanical Equipment.** All permanent mechanical equipment such as motors, compressors, pumps, and compactors which is determined by the City to be a source of structural vibration or structure-borne noise shall be shock mounted with inertia blocks or bases and/or vibration isolators in a manner approved by the Chief Building Official.
2. **Noise Standards.** The structure shall conform to all interior and exterior sound transmission standards of the Uniform Building Code. In such cases where present standards cannot reasonably be met, the Planning Commission may require the applicant to notify potential buyers of the noise deficiency currently existing within these units.

**H. Utility Metering.** Each dwelling unit shall be separately metered for water, gas, and electricity, and each unit shall have a separate lateral connection to a trunk sanitary sewer. Alternatively, the

subdivider shall develop a plan for equitable sharing of these utilities prior to final map or parcel map approval, which shall be included in the covenants, conditions, and restrictions.

- I. **Private Storage Space.** Each unit shall have at least 150 cubic feet of enclosed weatherproof and lockable private storage space in addition to guest, linen, pantry, and clothes closets customarily provided. Such space may be provided in any location approved by the Planning Commission but shall not be divided into two or more locations.
- J. **Laundry Facilities.** A laundry area shall be provided in each unit; or if common laundry areas are provided, such facilities shall consist of not less than one automatic washer and one dryer of equivalent capacity for every five units with two or more bedrooms, and for every seven units with one bedroom.
- K. **Landscape Maintenance.** All landscaping shall be restored as necessary and maintained in accordance with approved landscape plans. If a significant amount of new landscaping is required, the subdivider shall prepare revised/new landscape plans for review and approval by the Community Development Department as part of the Conditional Use Permit application. Such plans shall be subject to all applicable City ordinances including but not limited to Chapter 9.195 (Landscaping Standards) of the Development Code.
- L. **Condition of Equipment and Appliance.** The developer shall provide a warranty to the buyer of each unit at the close of escrow that any dishwashers, garbage disposals, stoves, refrigerators, hot water tanks, and air conditioners that are provided have a useful life of at least 1 year. At such time as the developer relinquishes control over management of the development, pursuant to the covenants, conditions, and restrictions, the developer shall provide a warranty to the association that any pool and pool equipment (filter, pumps, chlorinator) and any appliances and mechanical equipment to be owned in common by the association have a useful life of 1 year. Prior to final map or parcel map approval, the developer shall provide the City with a copy of warranty insurance covering equipment and appliances pursuant to this subsection.
- M. **Refurbishing and Restoration.** All main buildings, structures, fences, patio enclosures, carports, accessory buildings, sidewalks, driveways, landscaped areas, and additional elements as required by the Community Development Department shall be refurbished and restored as necessary to achieve a degree of appearance, quality, and safety consistent with applicable City standards. The developer shall provide to the homeowners association and/or purchaser a 1-year warranty on all physical improvements required under this subsection. If substantial restoration is required, the design plans shall be subject to Planning Commission approval.
- N. **Long-Term Reserves.** Prior to approval of the final map or parcel map, the developer shall provide satisfactory evidence to the City that a long-term reserve fund for replacement and repair has been established in the name of the homeowners association. Such fund shall equal at least two times the estimated monthly homeowners' assessment for each dwelling unit, or an amount otherwise required by law.



### 7.35.050 Tenant Provisions

- A. **Notice of Intent.** As provided in Government Code Section 66427.1(a)(2)(A), a notice of intent to convert shall be delivered by the subdivider to each tenant at least 60 days prior to submitting an application for the tentative map and Conditional Use Permit. The written notices to tenants required by this section shall be deemed satisfied if such notices comply with the legal requirements for service by mail. The form of the notice shall be in the form outlined in Government Code Section 66452.9 and approved by the Community Development Department and shall inform the tenants of all rights provided under this chapter and state law.
- B. **Notice of Public Report.** As provided in Government Code Section 66427.1(a)(2)(B), each tenant shall receive 10 days' written notice that an application for a public report will be or has been submitted to the California Department of Real Estate and that such report will be available on request from the Community Development Department. The written notices to tenants required by this section shall be deemed satisfied if such notices comply with the legal requirements for service by mail.
- C. **Notice of Subdivider's Report.** As provided in Government Code Section 66427.1(a)(2)(C), each tenant shall receive written notification that the subdivider has received the public report from the California Department of Real Estate. This notice shall be provided within five days after the date that the subdivider receives the public report from the Department of Real Estate.
- D. **Notice of Final Map Approval.** As provided in Government Code Section 66427.1(a)(2)(D), each tenant shall receive written notification within 10 days of approval of a final map for the proposed conversion. The written notices to tenants required by this section shall be deemed satisfied if such notices comply with the legal requirements for service by mail.
- E. **Notice of Intention to Convert.** As provided in Government Code Section 66427.1(a)(2)(E), each tenant shall receive 180 days written notice of intention to convert prior to termination of tenancy due to the conversion or proposed conversion, but not before the local authority has approved a tentative map for the conversion.
- F. **Tenant's Right to Purchase.** As provided in Government Code Section 66427.1(a)(2)(F), any present tenant shall be given notice of an exclusive right to contract for the purchase of his or her respective unit and upon the same terms and conditions that such unit will be initially offered to the general public or terms more favorable to the tenant. The right shall run for a period not less than 90 days from the date of the issuance of the subdivision public report unless the tenant gives prior written notice of his or her intention not to exercise the right. Evidence of receipt by each tenant shall be submitted prior to approval of the final map. The written notices to tenants required by this section shall be deemed satisfied if such notices comply with the legal requirements for service by mail.
- G. The developer shall provide suitable alternate housing to tenant households, at no additional cost to the tenant, whose unit undergoes substantial remodeling or rehabilitation during conversion, if the unit being remodeled or rehabilitated is not habitable. The final determination of habitability and suitability shall be made by the City Building & Safety Department.

### 7.35.060 Notice to New Tenants

After submitting the tentative map and development plan applications to the City, the developer shall notify any prospective tenants in writing of the intent to convert prior to leasing or renting any unit. The form of the notice shall be as follows:

To the prospective occupant(s) of \_\_\_\_\_ Address

The owner(s) of this building/project, at (address), has/have filed an application for a tentative map and Conditional Use Permit with the City of Menifee to convert this building to a (condominium, community apartment, or stock cooperative project). No units may be sold in this building unless and until the City approves the conversion and subsequently a public report is issued by the California Department of Real Estate. If you become a tenant of this building, you shall be given notice of each hearing for which a notice is required pursuant to California Government Code Sections 66451.3 and 66452.5, and you have the right to appear and the right to be heard at such hearing.

\_\_\_\_\_  
(Signature of owner's agent)

\_\_\_\_\_  
(Dated)

I have received notice on \_\_\_\_\_(date)

\_\_\_\_\_  
Prospective tenant or tenants signature(s)

### 7.35.070 Findings

Prior to approval of the tentative map and conditional use permit, the Planning Commission shall hold a public hearing. Notice of the hearing shall be given in accordance with Government Code Section 65090 and Menifee Development Code Section 9.35.080 (Public Hearing and Notice). A copy of any staff report shall be served by the developer on each tenant of the subject property at least 3 days prior to the hearing, either by personal service or by posting the report on the front door of the unit and mailing it to the tenant. The Planning Commission shall not approve a tentative map for conversion of apartment units unless the Planning Commission finds that:

- A. All provisions of this chapter are met.
- B. The proposed conversion is consistent with the goals, objectives, policies, general land uses, and programs specified in the Menifee General Plan, including the Housing Element, and with any applicable specific plan.
- C. The proposed conversion will conform to the Menifee Municipal Code in effect at the time of tentative map and development plan approval, except as otherwise provided in this chapter.

- D. The overall design, physical condition, and amenities of the condominium conversion are consistent with those associated with condominium developments throughout the city and such elements achieve a high degree of appearance, quality, and safety.
- E. The proposed project will not convert, during the current calendar year, more than 5 percent of the potentially convertible rental units in Menifee for the current calendar year, except as otherwise provided in this chapter.
- F. There is no evidence in the public hearing record to indicate that vacancies in the project were intentionally increased for the purposes of preparing the project for conversion.
- G. There is no evidence in the public hearing record to indicate that tenants have been coerced to publicly support or approve the conversion, or to refrain from publicly opposing it, or to forgo any assistance to which they may be entitled.

## CHAPTER 7.40 FINAL MAPS AND PARCEL MAPS

### SECTIONS

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#### 7.40.010 General

The form, contents, accompanying data, and filing of the final map or parcel map shall conform to the provisions of the Map Act, this Title, and applicable standards imposed by the County of Riverside for maps filed with the Office of the County Recorder. The final map or parcel map and any accompanying data or additional information shall be prepared by or under the direction of a registered civil engineer or licensed land surveyor authorized to practice in the state of California. The provisions of this chapter comply with the requirements of Government Code Section 66410 et seq.

#### 7.40.020 Accompanying Data and Additional Information

The filing of accompanying data and additional information shall be required with the filing of the final tract map or final parcel map, in accordance with Chapter 7.40.050 (Complete and Timely Filing).

#### 7.40.030 Survey and Monuments Required

- A. An accurate and complete survey of the land to be subdivided shall be made by a registered civil engineer or licensed land surveyor authorized to practice land surveying by the State of California, pursuant to the requirements of the City Engineer. All information required by City standards shall be incorporated into the survey.
- B. At the time of making the survey for the final map or parcel map, or within 2 years from the complete and timely filing of the final map or parcel map, whichever occurs first, the civil engineer or surveyor shall set sufficient durable monuments to conform with the standards of the Map Act and City standards.
- C. The City Engineer may waive the requirements in subsections A and B of this section for parcel maps at his or her discretion.

#### 7.40.040 Submission and Review

Final map and parcel map submittal and review procedures shall be pursuant to this chapter and applicable City standards. The City Engineer shall review all final map and parcel map submittals for

conformance with the provisions of this Title and may deem them incomplete and return all or portions of a submission for reasons including but not limited to the following: incomplete submission or filing; untimely submission or filing; nonconformance with the tentative map; nonconformance with the conditions of approval applied to the tentative map; nonconformance with this Title; nonconformance with City standards; or errors or omissions on the final map or parcel map, on any accompanying data, or on any additional information.

### **7.40.050 Complete and Timely Filing**

A. Prior to the expiration of an approved or conditionally-approved tentative map, the subdivider may file with the City a final map of the land to be subdivided. The subdivider may file multiple or phased final maps with the City provided that either of the following has occurred:

1. The subdivider, upon submittal of the tentative map, informed the City of his or her intent to file multiple or phased final maps; or
2. After filing of the tentative map, the City Engineer concurs in writing to a written request from the subdivider to allow the filing of multiple or phased final maps.

Nothing in this section shall limit the authority of the City to impose reasonable conditions related to access, dedications, improvements, or fees on each final map so submitted.

B. If the subdivider did not inform the City of his or her intent to file multiple or phased final maps upon submittal of the tentative map and the City Engineer does not concur in writing to a written request from the subdivider to allow the filing of multiple or phased final maps, an approved or conditionally approved tentative map must be resubmitted for review and approval in accordance with the provisions of Chapter 7.20 (Tentative Maps).

C. The City Engineer shall determine that a complete and timely final map filing has been made if he or she determines that, at a minimum, the following items have been received, prior to the expiration of the tentative map:

1. Improvement plans.
2. Complete and accepted public improvements or acceptable subdivision improvement agreement(s) and securities.
3. Proof of payment of all applicable fees.
4. Will-serve letters from all applicable utilities and agencies.
5. Noninterference letters from all applicable easement or title interest holders.
6. Original and copies of all sheets of the final map in their required form and content.
7. Proof of ownership of all affected properties. Title reports not older than 30 days from the scheduled filing for recordation of the final map shall be provided to confirm ownership, easements and other information that may affect the recordation of the final map.
8. Subdivision guarantee from a title company, less than 60 days old.
9. Letter from all affected property owners requesting approval of the final map.

10. Small-scale map of the proposed subdivision.
  11. Written clearance from all affected City departments.
  12. Written clearance from all affected public agencies.
  13. All applicable agreements or documents to be approved by the City Council or filed or recorded concurrently with the map, including CC&Rs.
  14. Proof that all additional requirements of Chapter 7.20 (Tentative Maps) and Chapter 7.25 (Vesting Tentative Maps) have been satisfied.
  15. The City's parkland dedication requirements of Chapter 7.75 (Parkland Dedication and Fees) have been satisfied.
  16. Other items as may be required by the City upon filing.
- D. Upon finding all statements and submissions complete and satisfactory in accordance with this section, the City Engineer shall sign the appropriate statements, in accordance with Government Code Section 66442(a)(1) through (4), after which the subdivider shall request the final map be placed on the next available regular agenda for City Council action. The original map, and any other items requiring City Council approval, shall be transmitted to the City Clerk, with a recommendation of map approval.

#### **7.40.060 Final Map Approval**

- A. The date the final map or parcel map is deemed filed with the City Council shall be the date of the next regularly scheduled meeting of the City Council following the date on which the City Clerk receives the recommendation for map approval from the City Engineer. The City Council shall consider approval of the subdivision improvement agreement and improvement security and any other required agreements in conjunction with the approval of the map. If any of the items requiring City Council approval are deemed unacceptable by the Council, the City Council shall instruct the City Engineer to secure corrections, according to their direction.
- B. The City Council shall approve or disapprove the subdivision improvement agreement, improvement security, and final map or parcel map at the meeting at which it receives the map or at the next regular meeting following the meeting at which it received the map. If the City Council does not approve or disapprove the map within this time period, or any authorized extension thereof, and the map conforms to all requirements and rulings, it shall be deemed approved. The City Clerk shall certify or state its approval thereon.
- C. The City Council shall not postpone or refuse approval of a final map or parcel map because the subdivider has failed to meet a tentative map condition requiring construction or installation of off-site improvements on land which neither the subdivider nor the City has sufficient title or interest to permit the improvements to be made. However, in such case, prior to final map or parcel map approval, the subdivider shall be required to enter into an agreement with the City to complete such improvements pursuant to Government Code Section 66462 upon acquisition of such title and interest by the City. Upon entering into such agreement, the City shall acquire the subject property interest in accordance with the provisions of Government Code Section 66462.5. Failure of the

subdivider to execute such an agreement shall be cause by the City Council to refuse approval of the final map or parcel map.

#### 7.40.070 Limitation on Map Denial

The City Council shall not deny approval of a final map or parcel map if the City has previously approved a tentative map for the proposed subdivision and if the City Council finds that the final map or parcel map is in compliance with the requirements of the Map Act, this Title, and the approved tentative map.

#### 7.40.080 Filing with the Office of the County Recorder

- A. Upon City Council approval of the final map or parcel map and subdivision improvement agreement, the City Clerk shall execute the appropriate statement on the statement sheet and shall, subject to the provisions of Government Code Section 66464, transmit the map, or cause the City Engineer to transmit the map, to the County of Riverside Recorder's Office for filing. The final map or parcel map and any separate documents (if required) shall be filed concurrently.
- B. If, for any cause of the subdivider, the final map or parcel map is not recorded by the Riverside County Recorder's Office within 180 days from the date the City Council approved the final or parcel map, then the City Council's approval of the final map or parcel map shall be automatically rescinded, and all bonds or sureties will be returned to the subdivider. If the tentative map has expired, the unit of land previously affected by the final map or parcel map will automatically revert to its pre-map configuration. If the tentative map has not yet expired, the tentative map will be considered in effect, except that such action shall not alter the expiration date of the tentative map.

#### 7.40.090 Waiver of Parcel Map

- A. **Applicability.** The Community Development Director is authorized to waive parcel maps without City Council approval for:
  1. Subdivisions resulting in four or fewer residential lots;
  2. Commercial or industrial subdivisions as described in Government Code Section 66426 that comply with the requirements of this section.
- B. **Written Request for Waiver.** A written request for such a waiver should be submitted to the Community Development Director at the time of tentative map application.
- C. **Findings for Approval.** No waiver to the requirement for processing a parcel map shall be approved unless the Community Development Director finds that all of the following findings are made:
  1. No dedications, easements, restrictions, or fee title is being granted to the City or any other public agency as a function of the parcel map;
  2. No public improvements are required as part of the subdivision;
  3. No agreements involving the City, CC&Rs, or maintenance entities are required as part of the conditions of approval of the parcel map;
  4. All parcels created front on existing maintained public roads improved in accordance with current City standards;

5. All parcels created are serviced by sanitary sewer facilities in accordance with current City standards;
  6. Adequate water supply is available to all parcels;
  7. The proposed land division will not have an adverse impact on existing drainage facilities;
  8. No mitigation measures are required as part of the conditions of approval of the parcel map;
  9. It has been determined to the satisfaction of the City Engineer that sufficient monumentation of the parcels exists so as not to justify an additional land survey.
- D. Conditions of Approval.** A parcel map waiver may be conditioned to provide for payment of applicable fees by the subdivider.
- E. Timeframe for Action.** The parcel map waiver request shall be approved, conditionally approved, or denied within the time frames established by Government Code Section 66451.7.
- F. Filing with the Recorder and Distribution of Copies.** Upon approval of a parcel map waiver pursuant to this section, the Community Development Director shall:
1. File with the Office of the County Recorder a certificate of compliance, or conditional certificate of compliance, for the land to be divided and a plat map, showing the division. The certificate shall include a certificate by the County Tax Collector in accordance with Article 8 of Chapter 4 of the Subdivision Map Act.
  2. Distribute copies of the certificate of compliance and waiver of the parcel map to the Building & Safety Department.
- G. Appeals.** Actions by the Community Development Director approving or denying parcel map waivers may be appealed to the Planning Commission under the provisions of Section 9.30.100 (Appeals).

#### **7.40.100 Certificate of Correction**

- A. After a final map or parcel map is filed in the Office of the County Recorder, it may be amended by a certificate of correction for any of the following purposes:
1. To correct an error in any course or distance shown on the map.
  2. To show any course or distance that was omitted from the map.
  3. To correct an error in the description of the real property shown on the map.
  4. To indicate monuments set after the death, disability, retirement from practice, or replacement of the engineer or surveyor charged with responsibilities for setting monuments.
  5. To show the proper location or character of any monument that has been changed in location or character, or originally was shown at the wrong location or incorrectly as to its character.
  6. To correct any other type of map error or omission as approved by the City Engineer that does not affect any property right. Errors and omissions may include, but are not limited to, lot numbers, acreage, street names, and identification of adjacent record maps. Error does not



include changes in courses or distances from which an error is not ascertainable from the data shown on the final map or parcel map.

- B. **Form and Content of Correction.** The certificate of correction shall be prepared and signed by a registered civil engineer or licensed land surveyor. The form and contents of the amending map shall conform to the requirements of Chapters 7.20 (Tentative Maps) and 7.40 (Final Maps and Parcel Maps). The certificate of correction shall set forth in detail the corrections made and show the names of the present fee owners of the property affected by the correction.
- C. **Submittal and Approval.** The certificate of correction, complete as to final form, shall be submitted to the City Engineer for review and approval. The City Engineer shall examine the certificate of correction and if the only changes made are those set forth in Subsection 7.40.100.B, this fact shall be certified by the City Engineer on the certificate of correction.
- D. **Filing with the County Recorder.** The certificate of correction certified by the City Engineer shall be filed or recorded in the Office of the County Recorder.

### **7.40.110 Effect of Annexation on Maps**

When any area for which the Riverside County Board of Supervisors has approved a final map is annexed to the City of Menifee, the final map and agreements relating to the subdivision shall continue to govern the subdivision.

# ARTICLE 3: CERTIFICATES, ADJUSTMENTS, AND MERGERS

Adopted

Date

Effective

Date

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## CHAPTER 7.45 CERTIFICATES OF COMPLIANCE

### SECTIONS

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#### 7.45.010 Purpose

Certificates of compliance provide a means for conferring legal status to parcels of land that were not created by legal means or for confirming the legal status of parcels of land that were created by legal means. The provisions of this chapter comply with the requirements of Government Code Section 66499.35.

#### 7.45.020 Applicability

This chapter applies to parcels of land for which there is no final map, parcel map, official map, or approved certificate of exception that would otherwise establish legal status for the parcels.

#### 7.45.030 Application and Required Fees

Requests for certificates of compliance shall be submitted to the Engineering Department on an approved City application form and shall be accompanied by all the required application materials and applicable fees.

#### 7.45.040 Approving Authority

The designated approval authority as specified in Section 7.05.020 (Responsibilities and Authorities) shall review the application and shall issue a certificate of compliance or a conditional certificate of compliance or deny issuance of a certificate of compliance or a conditional certificate of compliance.

#### 7.45.050 Criteria for Issuance

In making a determination of issuance, the approval authority shall use the following criteria:

- A. A certificate of compliance shall be issued for any parcel created prior to March 4, 1972, that meets the following criteria:
  - 1. The parcel resulted from a division of the land in which fewer than five parcels were created; and
  - 2. No record of survey has been processed and recorded for the parcel; and
  - 3. At the time of creation of parcels, there was no local ordinance regulating the division of land.
- B. A certificate of compliance shall be issued for any real property that has been approved for development pursuant to Government Code Section 66499.34.

- C. A certificate of compliance or a conditional certificate of compliance shall be issued for any parcel which does not, or at the time of creation did not, comply with the provision of state or local ordinances regulating the division of land. A conditional certificate of compliance may include the following conditions:
1. If the subdivider was not the owner of record at the time of the initial land division, the conditional certificate of compliance may impose conditions which would have been applicable to a division of land on the date the subdivider acquired the property.
  2. If the subdivider was the owner of record at the time of the initial land division and currently owns one or more of the parcels involved in the land division, the conditional certificate of compliance may impose conditions which would be applicable to a current division of land.
- D. A certificate of compliance may be issued for divisions of real property or interests therein created by probate, partition, or other civil judgments or decrees, when the division is not otherwise required to comply with other provisions of this Title.

### **7.45.060 Filing of Certificate of Compliance**

The City shall file the completed certificate of compliance or conditional certificate of compliance with the Riverside County Recorder's Office.

## CHAPTER 7.50 LOT LINE ADJUSTMENTS

### SECTIONS

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#### 7.50.010 Purpose

This chapter establishes procedures for adjusting the boundary lines between parcels when no new parcels are created. The provisions of this chapter comply with the requirements of Government Code Section 66412(d).

#### 7.50.020 Applicability

Lot line adjustments may be used to reconfigure the sizes and/or shapes of between two and four adjoining lots, inclusive.

#### 7.50.030 Application and Required Fees

Requests for lot line adjustments shall be submitted to the Engineering Department on an approved City application form and shall be accompanied by all the required application materials and applicable fees.

#### 7.50.040 Approving Authority

The designated approval authority as specified in Section 7.05.020 (Responsibilities and Authorities) is authorized to approve or deny applications for a Lot Line Adjustment.

#### 7.50.050 Processing Procedures

- A. Once a verified complete application, and fees have been accepted for processing, the City Engineer shall distribute the lot line adjustment application for review and comment to the Public Works Engineering Department, Community Development Department, and other appropriate departments or agencies.
- B. Within 30 days of acceptance of a complete application and payment of applicable fees, the City Engineer shall either approve, approve with conditions, or deny the lot line adjustment.
- C. If the lot line adjustment will result in the location, relocation, establishment, reestablishment, or retracement of one or more points or lines not shown on any subdivision map, official map, or record of survey, the positions of which are not ascertainable from an inspection of the subdivision map, official map, or record of survey, a new record of survey shall be required, in accordance with Business and Professions Code Section 8762. The processing of the record of survey shall be subject to applicable separate fees and can be processed concurrently with the lot line adjustment application.

- D. The applicant shall provide the City with new grant deeds reflecting the approved lot line adjustment. The City shall review and approve the new grant deeds and, shall record the deeds immediately upon approval of the lot line adjustment but no later than six months from the date of approval. The City shall provide copies to the applicant.

### **7.50.060 Findings for Approval**

Prior to approving an application for a Lot Line Adjustment, the approving authority shall make all the following findings:

- A. All original lots involved were legally created or are conforming lots.
- B. The adjustment does not create a greater number of parcels than originally existed.
- C. The resulting lot(s) conform with the City's General Plan, Development Code, and adopted building codes.
- D. The adjustment does not cause existing uses of the property to be out of compliance with any provisions of the Municipal Code.

### **7.50.070 Prohibited Conditions**

- A. A record of survey shall not be required for a lot line adjustment unless required by Section 8762 of the California Business and Professions Code.
- B. No tentative map, parcel map, or final tract map shall be required as a condition to the approval of a lot line adjustment.

## CHAPTER 7.55 LOT MERGER

### SECTIONS

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#### 7.55.010 Purpose

The purpose of this chapter is to provide procedures by which the City may require or provide for the merger of contiguous parcels under common ownership. The provisions of this chapter comply with Government Code Section 66451.11 and with the provisions of Government Code Sections 66451.10 through 66451.21 inclusive, which provides the City with authority for the merger of contiguous parcels.

#### 7.55.020 Applicability

The City Engineer may initiate the merger of up to four contiguous parcels meeting the requirements of Section 7.55.050 (Merger Requirements). The City Engineer, Community Development Director, Planning Commission, or City Council may require the owner of any contiguous parcel to merge any or all contiguous parcels in conjunction with the approval of any entitlement required by Title 9 (Development Code) of the Menifee Municipal Code.

#### 7.55.030 Approving Authority

The designated approval authority as specified in Section 7.05.020 (Responsibility and Authorities) is authorized to approve or deny applications for a Lot Merger.

#### 7.55.040 Processing Procedures

Once a verified complete application, and fees have been accepted for processing, the City Engineer shall distribute the lot merger application for review and comment to the Public Works Engineering Department, Community Development Department, and other appropriate departments or agencies.

#### 7.55.050 Merger Requirements

The merger of a parcel with a contiguous parcel(s) may only occur if all the following requirements are satisfied:

- A. Any contiguous parcels are held by the same owner or owners.
- B. That at least one of the affected parcels is undeveloped and does not contain a structure for which a Building Permit was issued or contains a structure for which a Building Permit was not required at the

time of construction or is developed only with an accessory structure or other structure which is sited or partially sited on a contiguous parcel.

- C. That one or more of the following conditions applies to any affected parcel:
1. At least one of the parcels involved comprises less than 5,000 square feet in area at the time of the determination of merger.
  2. The parcel was not legally created in compliance with all applicable laws and ordinances in effect at the time of its establishment.
  3. The parcel does not meet slope stability standards.
  4. The parcel does not meet current standards for sewage disposal and domestic water supply.
  5. The parcel has no legal access which is adequate for motor vehicles or safety equipment.
  6. The development of the parcel would create health and safety hazards.
  7. The parcel is inconsistent with the City's General Plan, any approved specific plan, or the provisions of the City's Development Code.
  8. A lot line passes through a structure within a development project that has been approved pursuant to the Development Code.
- D. That the parcels when merged will not:
1. Be inconsistent with or create a conflict with the City Development Code or General Plan or any approved specific plan;
  2. Create a conflict with the location of any existing structures;
  3. Deprive a parcel of access or restrict access to a parcel; or
  4. Create new lot lines.

### **7.55.060 City-Initiated Merger**

- A. Prior to merging any contiguous parcels, the City Engineer shall, by certified mail to the record property owner(s) at the address shown on the latest available assessment roll of the County of Riverside, mail a notice of intent to merge which notifies the owner(s) that the affected parcels may be merged pursuant to the provisions of this section. The notice shall include the statement that the owner(s) will be given the opportunity to request a hearing and to present evidence that the proposed contiguous parcel merger does not meet the criteria for a merger. For the purpose of this Title, a property owner is any person holding any portion of the title for any involved property.
- B. The notice of intent to merge shall be recorded with the Riverside County Recorder on the date that the notice is given to all property owner(s) of record.



- C. Within 30 days of the recordation of the notice of intent to merge, the owner(s) of the affected property must file a request for a hearing regarding the proposed merger with the planning department.
1. If the owner of the affected property does not file a request for a hearing within the 30-day time period specified above, the City Engineer shall, within 90 days of the recordation of the notice of intent to merge, determine whether or not to merge the contiguous parcels. To merge contiguous parcels, the City Engineer shall make the following findings:
    - a. The merged parcel complies with the appropriate provisions of the Map Act and all applicable City requirements for the merging of contiguous parcels.
    - b. The merged parcel does not adversely affect the purpose and intent of the City's General Plan or the public health, safety, and welfare.
  2. If the owner of the affected property requests a hearing on the merger, the Planning Commission shall, after a hearing, make the determination whether the affected parcels are or are not to be merged.
- D. The City Clerk shall set a time, date, and location for the hearing upon receiving a request for a hearing from the property owner of the affected property or on the 31st day following the recordation of the notice of intent to merge. The hearing shall be conducted within 60 days following the receipt of the owner's request but may be continued by the mutual consent of the Planning Commission and the property owner. Notice of the hearing shall be given to the property owner(s) by certified mail.
- E. At the hearing, the property owner shall be given the opportunity to present evidence that the affected property does not meet the merger requirements set forth in Section 7.55.050 (Merger Requirements). At the conclusion of the hearing, the Planning Commission shall make a determination as to whether the affected parcels are to be merged. To merge contiguous parcels, the Planning Commission shall make the following findings:
1. The merged parcel complies with the appropriate provisions of the Map Act and all applicable City requirements for the merging of contiguous parcels.
  2. The merged parcel does not adversely affect the purpose and intent of the City's General Plan or the public health, safety, and welfare.
- F. If the Planning Commission determines that the subject parcels are to be merged, the Commission shall cause the notice of merger to be recorded set forth in Government Code Section 66451.12. If notification cannot be made at the time of the hearing to the parcel owner in person, notification shall be made by certified mail. The Commission shall notify the owner of its determination no later than 5 working days after the conclusion of the hearing.
- G. An appeal of the Planning Commission's determination to merge continuous parcels to the City Council shall be made in accordance with the appeal provisions contained in Section 9.30.100 (Appeals) of the Development Code

- H. If the Planning Commission determines that the parcels should not be merged, the Commission shall instruct the City Engineer to record a notice of release of the notification of intent to merge and mail a copy of the release to the property owner.

### **7.55.070 Effective Date of Merger**

The merger of any contiguous parcels shall become effective upon recordation of the notice of merger with the Riverside County Recorder. The notice of merger shall specify the date of the City Engineer's determination, or that of the Planning Commission or the City Council as may be the case, the names of the record owners, and a legal description of the properties as merged.

### **7.55.080 Unmerged Parcels**

A property owner may apply to the City for a determination that any parcels or units of land for which a notice of merger had not been recorded on or before January 1, 1984 are deemed not to have been merged under Government Code Section 66451.30. If the City Engineer determines that the parcels meet the standards specified in Section 66451.30, the City shall issue to the owner, and record with the County Recorder, a notice of the status of the parcels and a declaration that the parcels are not merged.

## CHAPTER 7.60 REVERSION TO ACREAGE

### SECTIONS

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#### 7.60.010 Purpose

Property subdivided by parcel map or final map may be reverted to acreage pursuant to the provisions of Government Code Section 66499.11 et seq. and this chapter.

#### 7.60.020 Initiation of Proceedings

- A. **By the Owners.** Proceedings to revert subdivided property to acreage may be initiated by petition (in a form prescribed by the City Engineer) of all the owners of record of the property.
- B. **By the City Council.** The City Council may, by resolution, initiate proceedings to revert property to acreage. The City Council shall direct the City Engineer to obtain the necessary information to initiate and conduct the proceedings and to notify all property owners affected.

#### 7.60.030 Filing of Reversion to Acreage

- A. Requests for petition shall be filed with the Engineering Department on an approved City application form and pay the necessary processing fee.
- B. The application shall contain, but not be limited to, the following:
  - 1. Evidence of title to the real property.
  - 2. Evidence of the consent of all of the owners of an interest in the property.
  - 3. Evidence that none of the improvements required to be made has been made within 2 years from the date the final or parcel map was filed for record, or within the time allowed by agreement for completion of the improvements, whichever is later.
  - 4. Evidence that no lots shown on the final or parcel map have been sold within 5 years from the date such final or parcel map was filed for record.
  - 5. A final map or parcel map, in the form prescribed by Chapter 7.40 (Finals Maps and Parcel Maps) delineating dedications that will not be vacated, and dedications required as a condition to reversion. Final maps or parcel maps shall be conspicuously designated with the title, "The Purpose of This Map is a Reversion to Acreage."

### **7.60.040 Submittal of Petition to City Engineer**

The final map or parcel map for the reversion, together with all other data as required by this chapter, shall be submitted to the City Engineer for review. Upon finding that the petition meets all the requirements of the Map Act and this chapter, the City Engineer shall submit the final map or parcel map, together with a report and recommendations of approval or conditional approval of the reversion to acreage, to the City Council for its consideration.

### **7.60.050 City Council Approval**

- A. The City Council shall hold a public hearing for all proposed reversions to acreage. Notice of the public hearing shall be given as provided in Section 9.30.080 (Public Hearing and Notice) of the Development Code.
- B. The City Council may approve a reversion to acreage only if it finds and records by resolution all of the following:
  1. Dedications or offers of dedication to be vacated or abandoned by the reversion to acreage are unnecessary for present or prospective public purposes.
  2. Either:
    - a. All owners of an interest in the real property within the subdivision have consented to reversion; or
    - b. None of the improvements required to be made has been made within 2 years from the date the final or parcel map was filed for record, or within the time allowed by agreement for completion of the improvements, whichever is later; or
    - c. No lots shown on the final or parcel map or portion thereof have been sold within 5 years of the date such map was filed for record.
- C. The City Council may require as conditions of the reversion:
  1. That owners dedicate or offer to dedicate streets, public rights-of-way, or easements, including easements or fee interest for flood control facilities;
  2. That all or a portion of previously paid subdivision fees, deposits, or improvement securities be retained if the same are necessary to accomplish any of the purposes for provisions of this article; or
  3. Such other conditions of reversion as are necessary to accomplish the purposes or provisions of this chapter or to protect the public health, safety, or welfare.

### **7.60.060 Filing with the County Recorder**

Upon approval of the reversion to acreage, the City Clerk shall transmit the final map or parcel map to the Riverside County Recorder for recordation. Reversion shall be effective upon the final map or parcel map being filed for record by the County Recorder. Upon filing, all dedications and offers of dedication not shown on the final map or parcel map for reversion shall be of no further force or effect.

# ARTICLE 4: DESIGN, DEDICATION, AND IMPROVEMENTS

Adopted

Date

Effective

Date

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## CHAPTER 7.65 DESIGN STANDARDS

### SECTIONS

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#### 7.65.010 Purpose

The purpose of this chapter is to establish design standards for subdivisions in accordance with the allowances of the Subdivision Map Act.

#### 7.65.020 Applicability

The provisions of this chapter shall apply to all subdivisions of land, unless specifically stated otherwise in the Subdivision Map Act.

#### 7.65.030 Street and Lot Layout Requirements

- A. The widths, alignments, and geometric designs of streets and highways shall conform to City standards and to the following requirements, unless otherwise specified in State or federal standards and requirements:
1. All streets, as far as practicable, shall relate to the alignment of the existing adjacent streets or their proper projection in the general conformity with the City's General Plan.
  2. The proposed street plan shall give consideration to the future division of adjoining and undivided property.
  3. All streets shall be designed to serve the proposed use of the abutting land.
  4. On part-width boundary streets abutting undivided land, the subdivider shall provide the prescribed half-width street and shall acquire additional dedications as necessary. The minimum overall required right-of-way shall be determined by the City Engineer based on the applicable road classification, traffic study, safety study, or other information that is available in making this determination.
  5. Additional right-of-way or easements shall be provided where necessary to accommodate roadway slopes, drainage facilities, trails, transit facilities, and other facilities related to land division improvements.
- B. Street improvements fronting a proposed development shall extend a minimum of 12 feet past the centerline unless determined otherwise by the City Engineer.
- C. Special Street Design.

1. Design of streets shall make provisions as necessary for railroads, parkways, grade separations, prevailing geological conditions, local drainage facilities, hillside property, water quality, pedestrian mobility, and equestrian trails.
  2. Cul-de-sacs.
    - a. The maximum cul-de-sac length in residential, commercial, or industrial subdivisions shall be 600 feet unless a longer cul-de-sac is approved by the Fire Department.
    - b. Cul-de-sacs and knuckles shall be constructed in accordance with city standard plans and specifications. All lots fronting on a cul-de-sac, a knuckle, or a curved street shall be designed to meet City standards.
    - c. A cul-de-sac that does not meet the requirements of this section shall not be constructed, unless a waiver has been granted by the City Engineer and the Fire Department.
  3. Other than as provided in this section, no dead-end streets shall be allowed. A dead-end street shall not exceed 600 feet in length and shall only be permitted as an interim condition to facilitate phased construction of a final map based on an approved or conditionally approved tentative map. The Fire Department shall review and comment on all requests for dead-end streets.
  4. The approving authority may require greater street widths and improvements on streets serving multifamily residential, commercial, or industrial divisions of land.
  5. Where a proposed subdivision abuts or contains an existing or proposed urban arterial or expressway, the approving authority may require frontage streets or reverse frontage with non-access easements along the urban arterial or expressway, or such other treatment as may be justified for the protection of residential properties from the nuisance and hazard of high-volume traffic and to preserve the function of the urban arterial or expressway.
  6. Developments adjacent to existing frontage streets, as determined by the City, shall provide full street improvements unless determined otherwise by the City Engineer.
- D. Private streets may be used for only those streets serving property within the subdivision and which access by the public is controlled by the subdivision design by either posting or gating. Private streets may be used with the approval and consent of the Planning Commission when the Commission finds that:
1. There is adequate provision for their construction and continued maintenance.
  2. The welfare of the occupants of the development will be adequately served.
  3. The public welfare will not be impaired.
- E. The grades of highways, streets, and alleys shall not be less than one percent and shall not exceed the grades established on approved City standard. The desirable grades are between one percent and 6 percent. Grades of less than one percent and greater than the maximum established by approved City standard may be approved only when conclusive evidence shows that a lesser or steeper grade respectively is impractical, and that no adverse effects such as excessive ponding will occur as a result. The high cost of excavating and/or importing borrow fill material, making the development of a

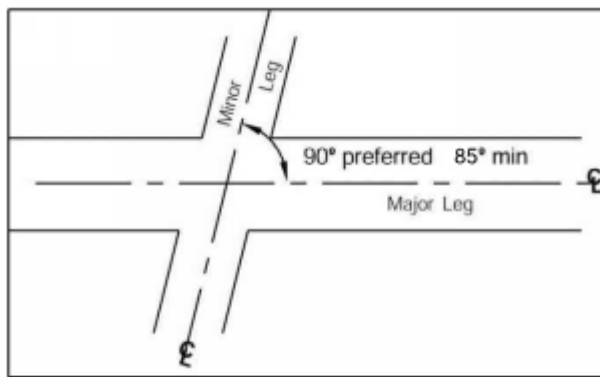
particular parcel of ground uneconomical, shall not be considered as conclusive evidence nor valid justification for a departure from the established minimum or maximum grade.

F. Street Alignment.

1. Curves in streets shall have as large a centerline radius as determined by the City Engineer, with a minimum length of curve of 150 feet. The desirable minimum centerline radius for residential streets is 500 feet. The minimum centerline radius for residential streets on comparatively level terrain shall be 300 feet and on steep hillside terrain shall be 150 feet.
2. The minimum centerline radius for other types of streets classifications shall be compatible with the street classification, anticipated usage, speed, and shall be designed in accordance with the California Department of Transportation Highway Design Manual.

G. Intersections.

1. All street intersections shall be within 5 degrees of the perpendicular as measured at the intersection of the centerlines, unless otherwise approved by the City Engineer.



2. Street-to-street centerline offsets shall be less than 5 feet or more than 200 feet, except in special design cases and as approved by the City Engineer.
3. A minimum curb return radius of 25 feet shall be provided at intersecting streets designated as General Local roads or a lesser standard unless determined otherwise by the City Engineer. A minimum curb return radius of 35 feet shall be provided when one or both of the intersecting streets is designated as a Collector road or greater unless determined otherwise by the City Engineer. The property line return radius shall be so set as to maintain a uniform parkway width or provide a uniform transition into the intersecting parkway. The property line radius shall be designed so as not to reduce the parkway width below the City standard.
4. Median openings or crossovers between opposing lanes of a divided highway or street shall be located only at approved intersections at intervals of not less than 500 feet unless determined otherwise by the City Engineer.

H. Alleys.

1. Alleys shall be required in the rear of all lots used or intended to be used for business, commercial, or industrial uses, unless adequate off-street parking areas and service loading and unloading



areas to serve such properties are securely reserved for such use and are shown upon the map and approved by the City in the manner set forth in this Title.

2. Alleys shall be required in the rear of all lots fronting directly on a street designated as a secondary roadway or greater unless determined through site plan review procedure that the requirement for alleys does not exist.
3. The minimum paved width for alleys shall be 25 feet, unless determined otherwise by the City Engineer.
4. A minimum curb return radius of 15 feet shall be provided at the alley and intersecting street.
5. Where a dead-end alley is designed, an adequate turning area shall be provided to accommodate a truck having a 35-foot turning radius. The radius shall be such that the truck is able to turn around with only one backing movement. This turnaround shall be eliminated only under the circumstances of a previously adopted specific plan of record providing for the alley extension. All turning areas shall be reviewed and approved by the Fire Department.

### 7.65.040 Lots

- A. All lots created in a division of land shall conform to the minimum requirements of the Development Code and the General Plan as adopted by the City for the particular zone district, use, and classification in which the development is being constructed.
- B. Lot Sizes.
  1. All lots shall meet the area, frontage, width, depth, and building setback requirements of the zone district within which the lots are located, unless otherwise permitted through the provisions of Title 9; provided, however, that in its consideration of any land division, the approving authority may determine that a greater than minimum lot size is necessary:
    - a. For the proper protection of the public health, safety, and general welfare;
    - b. To be consistent with the general pattern established in the vicinity;
    - c. To maintain the value of property in the vicinity; or
    - d. To provide sufficient pad area for buildings and usable open space.
  2. When lots or parcels twice the required area or width or more are shown on a division of land, the approving authority may require such lots or parcels to be so established as to make practical a further division into allowable building sites, without injury to adjoining property.
  3. Lot sizes and arrangement shall be compatible with lots in the surrounding area, subject to the preceding two provisions.
- C. Side Lot Lines.
  1. Sidelines of lots shall be at approximately right angles to the street lines, except where terrain or street design makes such lot lines impractical.

2. Side and rear lot lines shall be located along the top of slopes instead of at the toe of slopes or at intermediate locations. Exceptions may be reviewed and approved by the City Engineer or the applicable approval authority, when not the City Engineer or Community Development Director.

D. Lot Frontage.

1. All lots shall have frontage upon a public or private street, which shall be open to and usable by vehicular traffic. The width of such streets shall be determined in accordance with this Title.
2. Double frontage lots shall be avoided, except where essential to provide separation of residential development from traffic arteries, or where required by unusual or excessive topographic conditions. When double frontage lots are permitted, access rights shall be dedicated to the City along the street designated by the approving authority.

- E. Wherever practicable, subdivisions of property abutting rights-of-way for freeways, expressways, railroads, transmission lines, and flood control channels shall be so designed as to create lots that back up to the rights-of-way or are separated from the rights-of-way by a street or frontage street, as applicable.

- F. No lot shall be divided by a city, county, school district, or other taxing agency boundary line.

G. Blocks.

1. Blocks shall not be less than 250 feet in length.
2. Blocks shall not be over 1,350 feet in length, except along major highways or where topographical conditions or previous highway or street layouts require a different length.

### 7.65.050 Access to Lots

- A. Any land division shall provide vehicular access to all homes within a land division for purposes of police and fire protection. The layout of the tract shall be such that blocks of thirty-five or more homes shall have access by two or more streets.

- B. Access for lots not fronting on a public street (flag lots). When a land division is proposed to create any lot(s) other than one(s) fronting directly on a public street or highway, access shall be provided of a width not less than as specified below as being the minimum width necessary to serve the maximum number of lots.

1. Minimum Access Width per Potential Number of Lots. Minimum access widths shall be provided in accordance with Table 7.65.050-1.

**Table 7.65.050-1: Minimum Access Widths**

Maximum Number of Potential Lots	Minimum Access Width (feet)	Maximum Ultimate Access Length (feet)
One	24	150
Two to four	40	150

2. Access Surfacing. Prior to final inspection for occupancy of any building or structure relocated, erected, or constructed on any lot not fronting directly on a public street or highway, the full

length of any required access shall be improved with concrete or asphaltic concrete surfacing, in accordance with City engineering standards and requirements, at a width of not less than 24 feet.

### **7.65.060 Energy Conservation**

The design of a subdivision shall be in conformance with Government Code Section 66473.1, with respect to passive or natural heating or cooling opportunities in the subdivision, and with the requirements of California Code of Regulations of Title 24.

### **7.65.070 Environmental Constraints Sheet Required**

When an environmental constraint sheet is required, a note shall be placed below the surveyor's notes on the tract map in 0.25-inch-high bold block letters, stating:

"ENVIRONMENTAL CONSTRAINT NOTE: Environmental constraint sheet affecting this map is on file in the Office of the Riverside County Surveyor in E.C.S. Book\_\_\_\_\_, Page\_ \_ . This affects Lot Nos. \_\_\_\_\_ or Parcel No. \_ \_."

## CHAPTER 7.70 DEDICATIONS AND FEES

### SECTIONS

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#### 7.70.010 Dedications Generally

- A. Right-of-way dedications, irrevocable offers of dedication, and grants of easements required upon a final or parcel map shall either be accepted, consented for recordation, accepted subject to improvement, or rejected at the time the final or parcel map is approved. Acceptance of the dedication or easement shall serve to transfer the appropriate interest to the City, subject to the terms of the offer and the acceptance certificate. Rejection of the dedication or easement shall reserve the City's ability to accept all or part of the dedication or easement in accordance with state law. The City Engineer shall determine whether the dedication, irrevocable offer of dedication, or easement shall be accepted, accepted subject to improvement, or rejected pursuant to City standards. No utility easement or other rights-of-way shall be granted within proposed street dedications subsequent to the date of filing of a preliminary tentative map. Necessary right-of-way outside of the subdivision boundary shall be processed by separate instruments.
- B. Fee title shall be granted by the subdivider when in the opinion of the City Council in consultation with the City Engineer, it is necessary to carry out policies and requirements of the General Plan and any City ordinance, resolution, or standard.
- C. The types of dedications, easements, or grants of fee title that a subdivision may be subject to may include, but not be limited to, streets, alleys, access rights, drainage, public utility, landscape, slope, sewer, and parkland dedication or in lieu fees. Dedication of land or payment of fees in lieu of dedication of parkland shall be pursuant to the provisions contained in Chapter 7.75 (Parkland Dedication and Fees).
- D. Whenever a subdivider is required to dedicate roadways to the public, he or she may also be required to dedicate such additional land as may be necessary and feasible to provide bicycle paths for the use and safety of the residents of the subdivision, if the subdivision, as shown on the final map or parcel map thereof, contains 200 or more parcels.
- E. The subdivider shall offer a dedication or an irrevocable offer of dedication of land within the subdivision for local transit facilities such as bus turnouts, benches, shelters, landing pads and similar items which directly benefit the residents of a subdivision if (a) the subdivision as shown on the tentative map has the potential for 200 dwelling units or more if developed to the maximum density shown on the adopted general plan or contains 100 acres or more, and (b) the approving authority finds that transit services are or will within a reasonable time period be made available to such subdivision.

#### 7.70.020 Fees Generally

Development impact fees shall be paid as described in Section 7.80.010.B.

## CHAPTER 7.75 PARKLAND DEDICATION AND FEES

### SECTIONS

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#### 7.75.010 Purpose

This chapter establishes criteria for the dedication of land or payment of in-lieu fees for the development of new, or rehabilitation or enhancement of existing community parks or recreational facilities in accordance with Government Code Section 66477 and other applicable law.

#### 7.75.020 Applicability

As a condition of approval of a final map or parcel map, the subdivider shall dedicate land, pay a fee in lieu thereof, or both, at the option of the City, for neighborhood and community park or recreational purposes in accordance with the standards herein, the General Plan, the Trails, Parks, Open Space & Recreation Master Plan, and the formulas contained in this section.

#### 7.75.030 General Standard

The City Council finds that the amount of existing neighborhood and community park areas exceeds 3 acres per 1,000 persons residing in the city, and that the public interest, convenience, health, welfare, and safety require that 5 acres of property for each 1,000 persons residing in Menifee be devoted to neighborhood and community park recreational purposes.

#### 7.75.040 General Dedication Requirements

- A. Whenever a tentative map that is subject to the provisions of this section is submitted to the City, the developer shall consult with the Director of Community Services to determine whether parkland, in-lieu fees, or a combination of both shall be dedicated for parks and recreational purposes.
- B. The conditions of approval of a tentative map subject to the provisions of this section shall require the dedication of land, the payment of in-lieu fees, or a combination of both for parks and recreational purposes at the discretion of the City pursuant to Section 7.75.020 (Applicability). If the land is to be dedicated, conceptual plans for the park improvements shall be reviewed by the Director of Community Services, and the proposed dedication shall be identified on the tentative map as a separate numbered lot.
- C. The amount and location of the property to be dedicated and/or the amount of any fees to be paid shall be determined by the Director of Community Services pursuant to the provisions of this chapter.

- D. Whenever subsequent development occurs on property for which fees have already been paid or land dedicated, no additional fees or dedications shall be required except as to any additional lots or dwelling units that were not subject to a prior fee or dedication requirement.
- E. If parkland is to be dedicated, park improvement plans shall be reviewed and approved by the Director of Community Services and the City Engineer prior to final map approval. An agreement and securities shall be posted prior to approval of the final map to guarantee construction of the park to City standards.
- F. Upon completion of the park improvements to City standards and acceptance by the City Council, land to be dedicated shall be conveyed in fee to the City by grant deed and accepted by resolution, if not already indicated for dedication on the final map. Such parkland shall be free and clear of all encumbrances except those that the City accepts in writing. An environmental site assessment report shall be required for all park areas to determine that the land is free from toxic or hazardous materials. The subdivider shall provide all fees and instruments necessary to convey the land and shall include a preliminary title report and title insurance in favor of the City in an amount approved by the City.
- G. Unless otherwise specified through conditions or approval or other agreement, whenever fees are to be paid pursuant to this chapter, the fees shall be paid prior to recordation of the final map, or in the instance of maps consisting of four or fewer parcels, prior to issuance of Building Permits, as determined by the City. If the payment of fees is deferred to Building Permit, the City shall determine whether the fees shall be paid on a pro rata basis for each dwelling unit prior to the issuance of a building permit, or on a pro rata basis for certain percentages of the dwelling units prior to the issuance of Building Permits.
- H. Whenever land has been conveyed or fees paid to the City and a final map is never recorded or, if recorded, is reverted to acreage, the City shall, at its option, either reconvey all land dedicated to it, repay all fees paid pursuant to this chapter without interest, allow the developer a credit for any land dedicated or fees paid to be applied only to a new subdivision on the same property, or make other arrangements with the subdivider.

### **7.75.050 Determination of Land or Fee**

In considering whether the City accepts land dedication or elects to require payment of a fee in lieu thereof, or a combination of both, the analysis shall consider the following:

- A. The minimum park size acceptable for dedication to the City as a provision of this section shall be 3 usable acres, unless approved by the Director of Community Services.

Usable acreage for parklands is defined as follows: Proposed parkland must have a maximum slope of 3 percent over 90 percent of the total area of the park. The remaining 10 percent may contain slopes greater than 3 percent if approved by the Director of Community Services. The proposed park must have a length to width ratio no greater than 2:1. A minimum of two sides of the park must abut public streets. Sewer, water, electricity, and storm drain connections must be available at the park. The Director of Community Services must approve any deviation from these standards.

- B. The natural features, access, and location of the proposed park site within the subdivision available for dedication that are compatible with the location of existing proposed park sites and trail ways and

the compatibility of dedication with the City’s General Plan and the Trails, Parks, Open Space & Recreation Master Plan.

- C. For subdivisions containing 50 parcels or fewer, the City may allow the subdivider to only pay fees; provided, however, that when a condominium project, stock cooperative, or community apartment project exceeds 50 dwelling units, the dedication of land may be required even though the number of parcels may be fewer than 50. Nothing herein shall prevent the City from accepting the voluntary dedication of land by a subdivider for a subdivision containing fewer than 50 parcels if the dedication meets the other requirements of this section.
- D. Whenever the actual amount of land to be dedicated is less than the amount of land required to be dedicated, the subdivider shall pay fees for the value of any additional land that otherwise would have been required to be dedicated.
- E. Nothing in this section shall be interpreted to prohibit, or limit in any manner, the City from determining the location and configuration of land to be dedicated. The determination of the City Council as to whether land shall be dedicated, or whether a fee shall be charged, or a combination thereof, shall be final and conclusive.

### 7.75.060 Formula for Dedication of Land

Where a park or recreation facility has been designated and is to be located in whole or in part within the proposed subdivision to serve the immediate and future needs of the residents of the subdivision, the subdivider shall dedicate land for a local park sufficient in size and topography that bears a reasonable relationship to serve the present and future needs of the residents of the subdivision. The amount of land to be provided shall be determined pursuant to the following formula:

$$\text{Average number of persons per unit} \times 0.005 \text{ acre} = \text{acreage of parkland required per unit}$$

Example for a single-family detached dwelling unit (DU):  $3.12 \times 0.005 = 0.0156$  acres/DU

Parkland Dedication Formula*	
Type of Dwelling	Average Population per Unit
Single-family residential (detached garage)	3.12
Single-family residential (attached garage)	2.85
Multifamily attached (two to four units)	2.48
Multifamily attached (five or more units)	2.43
Mobilehomes	2.00
*Established pursuant to Government Code Section 66477(a)	

The subdivider, in addition to the dedicated land required by this section, may be conditioned to provide park improvements, as determined by the City. In return for park improvements, the developer shall receive fee credits against the overall park land dedication requirements of this section and/or the parks and recreation component of the City’s development impact fees equal to the cost of such improvements.

The land to be dedicated and the improvements to be made pursuant to this section shall be subject to the approval of the Director of Community Services and shall conform to the City’s guidelines for park dedications.

### **7.75.070 Criteria for Requiring Payment of In-Lieu Fees**

Whenever a fee is to be paid in lieu of the dedication of land, the following provisions shall apply:

- A. The fee shall be based either on the fair market value of the land that would otherwise be required or on a fixed in-lieu rate established by the City Council. If no fixed in-lieu fee rate has been established, the fee shall be determined by multiplying the number of acres of land required to be dedicated pursuant to this section by the per acre fair market value of the improved value of the subdivision.
- B. The fair market value shall be determined and agreed to by the City and the subdivider. However, if an agreement on the fair market value cannot be reached, the subdivider may, at his or her own expense, obtain an appraisal of an acre of land within the subdivision based on the value of the land as a recorded map. If the City does not accept the subdivider's appraisal, it may cause an appraisal to be made of the land by an MAI appraiser, for which the subdivider pays, which appraisal shall be final and conclusive.
- C. Whenever fees are paid pursuant to this section, the City shall deposit the fees into a separate account applicable to the project. Money in the account, including accrued interest, shall be expended solely for development of parkland or improvements related thereto or the rehabilitation of existing park or recreational facilities within the subdivision except as provided in Government Code Section 66477(a)(3)(B). If the final map is withdrawn or rejected, the fees shall be returned without interest to the subdivider.
- D. The City shall commit the uses of the collected fees for parks or recreational purposes to serve residents of the subdivision within 5 years upon receipt of payment or within 5 years after the issuance of Building Permits on one half of the lots created by the subdivision, whichever occurs later. If the fees are not so committed, they shall be distributed and paid to 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 in the subdivision.
- E. The Director of Community Services shall report to the City Council at least annually on income, expenditures, and status of the subdivision park account.

### **7.75.080 Credit for Private Parks and Recreation Areas**

Where private park areas for active recreational purposes are proposed within a subdivision to be privately-owned and -maintained, the subdivider may receive up to a 50 percent credit against the requirement of land dedication or payment of in-lieu fees as follows:

- A. Yards, court areas, setbacks, and other open space areas required by the Community Development Department shall not be included in the computation of such private open space.
- B. Use of the private park or recreational area is restricted for park and recreation purposes by recorded covenants which run with the land in favor of the future owners of the property which cannot be eliminated without the consent of the City and which are submitted to the City prior to the approval of the final map.



- C. The private park or recreation area is reasonably adaptable for use for park and recreation purposes, taking into consideration such factors as size, shape, topography, geology, access, and location.
- D. The private park and recreation facilities shall be owned by the developer or a homeowners association composed of all property owners in the subdivision and incorporated as a nonprofit mutual benefit organization, operated under recorded land agreements through which each lot owner, renter, or lessee is automatically a member, and each lot is subject to a charge for a proportionate share of expenses for maintaining the facilities.
- E. Active recreational purposes shall mean, for purposes of this section:
  - 1. Park areas for active recreational pursuits, such as sports fields, court games, swimming pools, children's play areas, picnic areas, and open lawn areas having a maximum 10 percent slope.
  - 2. Recreational buildings and facilities designed for the recreational needs of the residents within the development.
- F. Active recreational uses do not include natural open space, nature study areas, open space or buffer areas, steep slopes, riding and hiking trails, scenic overlooks, water courses, drainage areas, or water bodies.

### **7.75.090 Exemptions**

This chapter shall not apply to the following land divisions:

- A. Commercial or industrial subdivisions.
- B. Subdivisions containing fewer than five parcels and not used for residential purposes; provided, however, that a condition shall be placed on the approval of a tentative parcel map that if a Building Permit is requested for construction of a residential structure or structures on one or more of the parcels within 4 years after the map is approved, a fee may be required to be paid by the owner of each parcel as a condition to the issuance of such Building Permit.
- C. Condominium projects or stock cooperatives which consist of the subdivision of airspace in an existing apartment building which is more than 5 years old when no new dwelling units are added.

## CHAPTER 7.80 IMPROVEMENTS

### SECTIONS

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### 7.80.010 Improvements Required

- A. The subdivider shall construct all required improvements both on-site and off-site in accordance with the standards approved by City Council resolution and applicable City standards as provided by this Title. Except as provided herein, the subdivider shall be required to install all improvements that are required as conditions of approval to the tentative map, and to install all improvements that are required by City ordinance or resolution.
- B. The applicant shall pay all impact fees, pursuant to the applicable impact fee ordinances, in the amount that is in effect at the time such fees are due, unless a different amount applies as follows:
  - 1. Projects subject to a vesting tentative map or vesting tentative parcel map.
  - 2. Projects subject to a development agreement.

### 7.80.020 Off-Site Improvements

- A. If the subdivider of a tentative map is required to construct off-site improvements on land in which neither the subdivider nor the City has sufficient title or interest to allow construction, one the following shall apply:
  - 1. The subdivider shall acquire all off-site interests in property required and provide written evidence to the City of such acquisition.
  - 2. If the subdivider, after a good faith effort, is unable to acquire the property, the City shall, within 120 days of filing of the final map, acquire by negotiation or commence condemnation of the land, in substantial compliance with the procedures set forth in Government Code Section 7260, or the City shall waive the condition for the off-site construction.
- B. Notwithstanding subsection (A) of this section, should the City Engineer find, based on substantial evidence, that the subdivision design incorporates an alternative that would comply with City standards in the absence of the off-site improvement, the acquisition of off-site property shall not be required.

### 7.80.030 Deferred Improvements

- A. The approving authority, at its discretion, may approve any request for deferred construction of on-site and off-site improvements for tentative maps at the time of approval of the tentative map. Any

improvements that are deferred by the approving authority shall be noted on the final or parcel map, and a deferred improvement agreement shall be filed with the City Engineer prior to or concurrent with the filing of the final map or parcel map.

- B. The City Attorney shall approve the form and content of all deferred improvement agreements prior to the City accepting the document.

### **7.80.040 Design of Improvement Plans and Standards**

- A. Standards for design and construction of subdivision improvements shall be in accordance with the applicable City standards, the conditions of approval of the tentative map, and the requirements established by the City Engineer.
- B. Public improvement plans shall be acted on by the City Engineer within the time frame set forth in Government Code Section 66456.2, and the projects conditions of approval
- C. Public improvement plans shall be prepared under the direction of a registered civil engineer and other professionals as required by the City Engineer, and shall be reviewed and approved by the City Engineer, if he or she can make the following findings:
  - 1. The plans are signed and stamped by a registered civil engineer and all other registered professionals trades as required by the improvement plans (e.g., Geotechnical Engineer, Electrical Engineer, Structural Engineer, Landscape Architect).
  - 2. The plan designs are consistent with the tentative map, the conditions of approval, and applicable City standards, with the exception of minor errors or incompleteness that do not materially affect the design or the plan constructability thereof.
  - 3. All reports and studies required to evaluate the facility design and the completeness of the plans have been prepared by a registered civil engineer and have been reviewed and approved by the City Engineer.
  - 4. All conditions of approval relative to public improvement requirements have been addressed to the satisfaction of the reviewing authority and the City Engineer.
  - 5. All title and interest has been obtained by the subdivider for off-site property interest, except as otherwise provided for in Section 7.70.020.B.
  - 6. All cost estimates have been approved by the City Engineer, and payment of all applicable fees has been received.
  - 7. Approval of designs and plans have been obtained from all other applicable agencies.
- D. All improvement plans shall be prepared in accordance with the following City standards:
  - 1. Those ordinances, policies, and standards in effect at the time the final map is submitted.
  - 2. Those ordinances, policies, and standards in effect at the time the application for the vesting tentative map is deemed complete. However, the City Engineer may modify those City standards under the following conditions:

- a. When failure to do so would place the residents of the subdivision or the immediate community, or both, in a condition dangerous to their health or safety, or both
  - b. When needed to comply with state or federal laws.
  - c. When, in the opinion of the City Engineer, with the consent of the subdivider, a new standard or requirement is needed which will not materially affect the intent of the subdivider or the conditions of approval. This shall include the adoption of other agency standards for use by the City Engineer.
- E. Approval by the City Engineer of any public improvement plans, or any grading plans that are required as part of the approval of the final map or parcel map, shall expire upon the expiration of any applicable subdivision improvement agreement, or 2 years from the date the City Engineer approves the plans, whichever is later. Upon expiration of those plans, new approvals from the City Engineer, together with the payment of new plan review fees, shall be required for any portions of the subdivision for which grading and improvements have not been completed.

### **7.80.050 Subdivision Improvement Agreements and Security**

Pursuant to the Map Act, if any public improvement required as part of the approval of the subdivision will not be completed and accepted in accordance with Section 7.80.060 (Completion of Improvements) prior to approval of the final map, the subdivider, at his expense, shall be required to enter into a subdivision improvement agreement with the City to complete such public improvements in accordance with Section 7.80.060 (Completion of Improvements). Performance of the agreement shall be guaranteed by the security specified in this section.

- A. The form and content of subdivision improvement agreements shall be approved by the City Attorney. The agreement shall include, but not be limited to, the following minimum terms and conditions:
- 1. Construction of all improvements as set forth in the approved plans and specifications.
  - 2. The maximum period within which all improvements shall be completed to the satisfaction of the City Engineer.
  - 3. Provisions for inspection of all improvements by the City Engineer and payment of fees by the subdivider for the cost of such inspection and all other incidental costs incurred by the City in enforcing the agreement.
  - 4. A provision that if the subdivider fails to complete the work within the specified period of time, or any extended period of time that may have lawfully been granted to the subdivider, the City may, at its option, complete the required improvement work and the subdivider and his surety shall be firmly bound, under a continuing obligation, for payment of the full cost and expense incurred or expended by the City in completing such work, including interest from the date of notice of the cost and expense until paid.
  - 5. A provision that, in the event of litigation occasioned by a default of the owner or subdivider, his successors or assignees, the owner or subdivider, his successors or assignees will pay all costs

- involved, including reasonable attorneys' fees, and that the same may be recovered as part of a lien against the real property.
6. Additional terms or provisions, as may be necessary, pertaining to the forfeiture, collection, and disposition of improvement security upon the failure of the contracting party to comply with the terms and provisions thereof or with the terms and provisions of this Title.
- B. Subdivision improvement agreements shall be valid for a period specified in the agreement, but not to exceed 2 years from the effective date of the agreement. The City Engineer may, in his/her discretion, extend the term of the subdivision improvement agreement. The agreement shall not only bind the present subdivider, but also his heirs, successors, executors, administrators, and assignees, so that the obligation runs with the real property. All agreements shall be executed by all those parties executing the final map or parcel map, with all signatures acknowledged before a notary public, and shall be transmitted by the City Clerk to the Riverside County Recorder concurrently with the final map or parcel map. The agreement shall be recorded upon the title of said real property, in the Office of the County Recorder, at the expense of the subdivider.
- C. Improvement securities shall be required to be posted as a guarantee of the performance of any act, improvement, or obligation required as a condition of approval of any final tract map, parcel map waiver, lot line adjustment, or lot merger. Unless otherwise provided herein, all such improvement securities shall be provided in one of the following forms, subject to the approval of the City Engineer and the City Attorney:
1. A bond or bonds by one or more duly authorized corporate sureties substantially in the form prescribed in the Map Act and subject to the approval and acceptance of the City Attorney and City Council.
  2. A deposit with the City of either immediately negotiable bonds or a letter of credit.
  3. Any other form of security, including a lien or other security interest in real property, which the City Engineer and the City Attorney may, in their discretion, allow, provided they determine that it is equivalent to the foregoing forms of security in terms of security and liquidity.
  4. Any written contract or document creating security interest established pursuant to subsection (C)(3) of this section shall be recorded in the Office of the County Recorder. From the time of recordation, a lien shall attach to the real property described therein, which lien shall have the priority of a judgment lien in the amounts specified.
- D. The subdivider shall provide as security to the City:
1. For performance and guarantee: an amount determined by the City Engineer equal to 100 percent of the total estimated cost of the improvement to be performed, including grading monumentation. The estimated cost of improvement shall include a 10 percent contingency and a 10 percent increase for projected inflation computed to the estimated mid-point of construction.
  2. For payment: an amount determined by the City Engineer equal to 50 percent of the total estimated cost of the improvement to be performed, excluding grading and monumentation.

- E. Improvement security may be released in whole or in part upon the completion and acceptance of all or part of the act or work by the City Council or the authorized official; provided, however, such release shall not apply to the amount of security deemed necessary by the City Engineer for the guarantee and warranty period, nor to costs and reasonable expense fees, including reasonable attorneys' fees, incurred by the City in enforcing any improvement agreement. The subdivider shall not be entitled to any reduction in security until all improvements have been completed to the satisfaction of the City Engineer.

### **7.80.060 Completion of Improvements**

- A. Public improvements required as a condition of approval shall be completed in accordance with this Title, unless they are deferred pursuant to Section 7.80.030 (Deferred Improvements). The City Engineer shall review and approve any improvement agreement, conduct an inspection, and approve any constructed public improvement necessary to satisfy this provision, with the City Council providing final approval of any agreement or acceptance of any completed public improvement.
- B. Once begun, public improvements for a final map, or for a parcel map when required, shall be constructed to completion without interruption. The subdivider shall exercise due diligence to ensure that this provision is met to the satisfaction of the City Engineer. Construction and inspection of public improvements shall be governed by City standards and the requirements of any applicable permit.
- C. The City Engineer may release in whole or in part an amount of the applicable securities upon determination that the relevant public improvement is complete.
- D. Notwithstanding any applicable agreement, the ownership of and responsibility for the construction and maintenance of any public improvement is held by the subdivider and shall remain so until such time as the City Council accepts the completed public improvements.
- E. Upon acceptance of a public improvement, a notice of completion for that public improvement shall be filed, and the City Council shall authorize the City Engineer to release applicable securities in whole or in part for that public improvement. This action shall serve to transfer ownership and maintenance responsibility of the public improvement from the subdivider to the City, and to provide full acceptance of the applicable dedication or easement, which acceptance had been contingent upon completion and acceptance of public improvements within said dedication or easement, subject to the terms of any applicable agreement.
- F. Upon acceptance of a public improvement, the public improvement shall be considered to have entered the warranty period. The warranty period shall be a minimum of 1 year or such period as necessary to ensure that the public improvements are suitable for public ownership and maintenance responsibility, as determined by the City Engineer and accepted by the City Council. A minimum of 10 percent of the securities shall be retained for the duration of the warranty period.
- G. Public park facilities shall be completed in accordance with the provisions of this Title and to the satisfaction of the Director of Community Services. The City Council shall provide final approval and acceptance of public park facilities and other fee title interests.

# ARTICLE 5: DEFINITIONS

Adopted  
Date  
Effective  
Date

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**CHAPTER 7.85: DEFINITIONS ..... 7-67**

## CHAPTER 7.85: DEFINITIONS

### SECTIONS

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#### 7.85.010 Purpose

This chapter provides definitions of terms and phrases used in this Subdivision Ordinance that are technical or specialized, or that may not reflect common usage. If any of the definitions in this chapter conflict with definitions in other provisions of the Municipal Code, these definitions shall control for the purposes of this Subdivision Ordinance. If a word is not defined in this chapter, or other provisions of the Municipal Code, the Community Development Director shall determine the most appropriate definition in compliance with Chapter 7.10 (Rules of Interpretation). State law definitions, as they may be amended from time to time, control over the definitions in this section.

#### 7.85.020 Definitions

**Alley.** A public way for pedestrian, equestrian, or vehicle use which affords only a secondary means of access to abutting properties.

**Approved.** When used to refer to tentative map or other subdivision or reconfiguration action means having received the consent, endorsement, or permission of the city or any advisory agency and includes those maps or actions which have been conditionally approved.

**Block.** The smallest area of land within a subdivision entirely bounded by any streets (other than alleys), freeways, railroad rights-of-way, natural barriers, or the exterior boundaries of the subdivision.

**CEQA.** The California Environmental Quality Act of 1970 as amended.

**Consistent.** Free from variation or contradiction. State law requires consistency between a general plan and implementation measures such as the subdivision ordinance.

**County.** The County of Riverside.

**CMLP.** Conceptual Landscape Master Plan.

**Design.** (1) Street alignments, grades, and widths; (2) drainage and sanitary facilities and utilities, including alignments and grades thereof; (3) location and size of all required easements and rights-of-way; (4) fire roads and firebreaks; (5) lot size and configuration; (6) traffic access; (7) grading; (8) land to be dedicated for park or recreational purposes; (9) such other specific physical requirements in the plan and configuration of the entire subdivision as may be necessary to incur consistency with, or implementation of the general plan or any applicable specific plan; and (10) the linking of components of the built environment, thereby establishing a sense of order and organization to what otherwise can be perceived as disjointed or haphazard development.

**Development Code.** Title 9 of the city of Menifee Municipal Code, including all text and maps, as it may be amended from time to time. See also *Zoning Ordinance*.



**Finance Map.** A map resulting in the division of land solely for the purposes of financing without authorizing new development of the land or any portion thereof.

**Frontage Street.** A street that is parallel and adjacent to a higher-speed, limited-access road but is separated from it by a physical barrier, and provides access to abutting properties.

**Improvement.** Any street work and utilities to be installed, or agreed to be installed, by the subdivider on the land to be used for public or private streets, highways, ways, and easements, as are necessary for the general use of the lot owners in the subdivision and local neighborhood traffic and drainage needs as a condition precedent to the approval and acceptance of the final map. It also means any 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 of them, is necessary to ensure consistency with, or implementation of the general plan or any applicable specific plan.

**Lot.** A parcel of real property with a separate and distinct number or other designation shown on an approved map such as a final tract map, parcel map, record of survey, other plot, or described as a separate and distinct lot by a metes and bounds description, which is filed in the office of the county recorder.

**MAI Appraiser.** An appraiser that is a member of the Member of the Appraisal Institute.

**Net Area.** Excludes area on a lot or lots identified or designated for utilization as dedications and easements for access to ingress to or egress from property easements for streets or pedestrian/equestrian purposes irrespective of whether such easements are public or private.

**Public Improvement.** Traffic controls, streets, roads, highways, freeways, bridges, over crossings, street interchanges, transit facilities, trails, flood control or storm drain facilities, sewer and water facilities, and lighting facilities.

**Reversion to Acreage.** A process to combine previously subdivided properties in accordance with the provisions of this Title.

**Section.** A section of this Title, unless some statute or other ordinance is referred to.

**Subdivider.** The landowner or the owner's designee.

**Subdivision Map Act.** Section 66410 et seq. of the Government Code.

**Tentative Map.** A map resulting in five or more parcels prepared in accordance with the provisions of this Title and for the purpose of showing the design and improvement of a proposed subdivision and the existing conditions in and around it. It need not be based upon an accurate and detailed final survey of the property.

**Tentative Parcel Map.** A map resulting in four or fewer parcels prepared in accordance with the provisions of this Title and for the purpose of showing the design and improvement of a proposed subdivision and the existing conditions in and around it. It need not be based upon an accurate and detailed final survey of the property.

**Vesting.** A right or privilege to enjoy such requirements based on policies, ordinances or standards at a fixed point in time.

**Vesting Tentative Map.** A tentative map prepared in accordance with the provisions of this Title that shall have printed conspicuously on its face the words “Vesting Tentative Map” at the time it is filed.

**Vesting Tentative Parcel Map.** A tentative parcel map prepared for in accordance with the provisions of this Title that shall have printed conspicuously on its face the words “Vesting Tentative Parcel Map” at the time it is filed.

**Zoning Ordinance.** Title 9 of the city of Menifee Municipal Code, including all text and maps, as it may be amended from time to time. See also *Development Code*.