ITEM 11. A.

ORDINANCE NO. 334

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MOORPARK, CALIFORNIA, AMENDING TITLE 16 (SUBDIVISIONS) OF THE MOORPARK MUNICIPAL CODE AND REPLACING IN ITS ENTIRETY AND AMENDING AND INCORPORATING PARKS AND RECREATION FACILITIES OF CHAPTER 2, SUBDIVISION, ADOPTED BY ORDINANCE NO. 6 AS CHAPTER 16.44 OF TITLE 16 AND RESCINDING ALL OTHER SECTIONS OF ORDINANCE NO. 6

WHEREAS, each year the State Legislature makes changes to the Subdivision Map Act (Map Act), the guiding state statute for the division, sale and leasing of land in California; and

WHEREAS, cities should periodically examine the state revisions and make appropriate changes to their local subdivision ordinances to keep current with the requirements of state law, and the City of Moorpark Subdivision Ordinance has not been fully updated since incorporation; and

WHEREAS, at its meeting of May 3, 2006, the City Council conducted a hearing on this ordinance for amendments of Title 16 of the Moorpark Municipal Code related to the subdivision of land, received public testimony, and after receiving oral and written public testimony reached a decision; and

WHEREAS, the City Council concurs with the Community Development Director's determination that this project is exempt from the provisions of the California Environmental Quality Act by the general rule that CEQA only applies to projects that may have a significant effect on the environment.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MOORPARK DOES ORDAIN AS FOLLOWS:

SECTION 1. Title 16 of the Moorpark Municipal Code is hereby amended, in its entirety, as shown in Exhibit A.

SECTION 2. Section 8297-4, Parks and Recreation Facilities, of Chapter 2, Subdivisions, adopted by Ordinance No. 6 on September 21, 1983, is hereby updated and amended for format and to provide references to the current agencies, departments, and municipal code sections and incorporated herein as Chapter 16.44 of Exhibit A, with all other sections of Ordinance No. 6 to be rescinded upon the effective date of this ordinance.

SECTION 3. If any section, subsection, sentence, clause, phrase, part or portion of this ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council declares that it would have

adopted this ordinance and each section, subsection, sentence, clause, phrase, part or portion thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses, phrases, parts or portions be declared invalid or unconstitutional.

SECTION 4. This ordinance shall become effective thirty (30) days after its passage and adoption.

SECTION 5. The City Clerk shall certify to the passage and adoption of this ordinance; shall enter the same in the book of original ordinances of said City; shall make a minute of the passage and adoption thereof in the records of the proceedings of the City Council at which the same is passed and adopted; and shall, within fifteen (15) days after the passage and adoption thereof, cause the same to be published once in the Moorpark Star a newspaper of general circulation, as defined in Section 6008 of the Government Code, for the City of Moorpark, and which is hereby designated for that purpose.

PASSED AND ADOPTED this 17th day of May, 2006.

_____
Patrick Hunter, Mayor

ATTEST:

_____
Deborah S. Traffenstedt, City Clerk

Exhibit A: Title 16 of the Moorpark Municipal Code

EXHIBIT A

Title 16

SUBDIVISIONS

Chapters:

16.04 General provisions
16.08 Streets
16.12 Alleys and easements
16.16 Improvements
16.20 Lot line adjustments and consolidations
16.24 Tentative maps
16.28 Vesting tentative maps
16.32 Final maps and parcel maps
16.36 Security and improvements
16.40 Maps for financial and/or conveyance purposes
16.44 Public parkland dedication and/or fees
16.48 Other dedications and reservations
16.52 Waiver of parcel maps
16.56 Merger of contiguous parcels

Chapter 16.04

GENERAL PROVISIONS

Sections:

16.04.010. Statutory authority.
16.04.020. Definitions.
16.04.030. Alley and Easement Variances
16.04.040. Dedication of streets, easements, etc.
16.04.050. Required improvements generally.

16.04.010. Statutory authority.
Pursuant to the authority of the Subdivision Map Act of the State (Government Code § 66410 et seq.), the provisions of this Title are supplemental to those of the Act, and shall apply to all divisions of land into two or more lots hereafter made when such land is entirely or partially within the limits of the City. The City of Moorpark Planning Commission, unless otherwise stated herein, is designated as the advisory agency charged with the duty of making investigations and reports on the design and improvement of proposed subdivisions. The City of Moorpark City Council is the approving authority and is authorized to approve, conditionally approve or disapprove tentative maps of subdivisions prepared and filed according to this Title and the Subdivision Map Act.

16.04.020. Definitions.
Terms used in this Title shall be as defined in the State Subdivision Map Act and those additions as indicated below.

"Advisory Agency" means the City of Moorpark Planning Commission, unless stated otherwise.

"Approving Authority" means the City of Moorpark City Council, unless stated otherwise.

"City Council" means the City Council of the City of Moorpark.

"City Engineer" means the City Engineer/Public Works Director of the City of Moorpark.

"City" means the City Manager of the City of Moorpark or his/her designee.

"Development Review Committee" means a staff committee comprised of representatives from the Community Development Department, City Engineer/Public Works Department, Fire District and other Agencies and Departments involved in development.

"Director" means the Community Development Director of the City of Moorpark.

"Local Agency" means the City of Moorpark, unless stated otherwise.

"Lot" means a lot, parcel and other designation of a portion of property.

"Subdivision Map Act" means Sections 66410 through 66499.58 of the California Government Code, and any additional Sections as may be added by the Legislature.

"Tentative Map" refers to a map made for the purpose of showing the design and improvement of a proposed subdivision and the existing conditions in and around it and need not be based upon an accurate or detailed final survey of the property.

"Vesting Tentative Map" refers to a map which meets the requirements of a Vesting Tentative Map as defined in the Subdivision Map Act.

16.04.030. Alley and easement variances
Variances to the provisions of Chapter 16.08, Streets, and Chapter 16.12, Alleys and Easements of this Title may be approved by the City Council concurrently with or after the consideration of the tentative map or tentative parcel map when the required findings under Title 17, Chapter 17.44 can be made. An application for a Variance shall be on the prescribed forms by the Director and shall be accompanied by submittal requirements. Fees for a Variance application shall be the same fee as for a Variance of any provision of Title 17.

16.04.040. Dedication of streets, easements, etc.
Every street, alley, right-of-way, easement or other public place shown on any subdivision map of land within the City shall be offered for dedication to the City for public use, but this provision shall not apply to private parks and playgrounds which may be appropriated to the exclusive use of owners of lots in the subdivision.

16.04.050. Required improvements generally.
(a) Any and all streets adjacent to and within the proposed subdivision as well as any other improvements which the City Council has determined to be necessary by conditions of approval, in order to comply with the latest adopted City Council Policies, General Plan and Zoning Ordinance of the City of Moorpark shall be installed by the developer. Installation of the required improvements shall be in accordance with plans and specifications reviewed and approved by the City Engineer.
(b) When all improvements including utilities, as required by this Chapter and conditions of approval of the subdivision, associated with any lot(s) have been satisfactorily completed in the opinion of the City Engineer, the City Engineer with the approval of the Director, may authorize occupancy of the lot(s). The decision of the City Engineer may be appealed to the City Council upon the submission of the required appeal fee. The City Council may authorize occupancy of the lots where it finds that the strict enforcement of the conditions of approval and/or

complete installation of improvements may cause undue hardship. The City Council may, in its discretion, temporarily waive the full installation of improvements or strict enforcement of the conditions of approval, in whole or in part.

Chapter 16.08

STREETS

Sections:

16.08.010. Conformance to master plan and existing streets.
16.08.020. Minor streets and cul-de-sacs.
16.08.030. Street names.
16.08.040. Street dedication.

Section 16.08.010. Conformance to General Plan and existing streets.
A subdivision shall at all times substantially conform to the Moorpark General Plan. In the absence of such a plan, the street system in a proposed subdivision shall relate to the existing streets in the area adjoining the subdivision as approved by the City Council. All streets in subdivisions shall conform to the latest standards approved by the City Council.

Section 16.08.020. Minor streets and cul-de-sacs.
The right-of-way for minor and cul-de-sac streets in subdivisions shall be not less than 56-feet in width and cul-de-sacs shall not be more than 800-feet in length, except where special conditions might justify a lesser width or greater length. The City Council may approve minor streets and cul-de-sac streets, which do not conform to these standards, only when they are a part of a planned development application. All minor and cul-de-sac streets in subdivisions shall conform to standard accepted engineering practice and the requirements of the City Council as adopted in its latest street standards.

Section 16.08.030. Street names.
Every street in a subdivision, which is a prolongation or approximate prolongation of an existing street, shall be given the same name as the existing street, except where so doing will create a hindrance to delivery of emergency services. Street naming shall be in conformance with City Council policy. Street names for subdivisions shall be approved by the City Council prior to the recordation of the final map, parcel map or record of survey.

Section 16.08.040. Street dedication.
The City Council may require, as a condition of approval, the dedication, irrevocable offer of dedication, and/or waiver of vehicular access rights to any or all streets, parkways, sidewalks, bicycle lanes, and public service easements within a subdivision. All street dedication shall be in conformance with adopted City Council policies.

Chapter 16.12

ALLEYS AND EASEMENTS

Sections:

16.12.010. Alleys.
16.12.020. Utility easements.

Section 16.12.010. Alleys.
In all subdivisions of property, the City may approve alleys if the alley is a continuation of an existing alley or provides safer traffic circulation. The alley shall be offered for dedication by the subdivider and improved in accordance with the latest standards approved by the City Council.

Section 16.12.020. Utility easements.
Easements in any subdivision for access, construction, and maintenance of all water pipes, gas pipes, storm and sanitary sewer pipes, telephone lines, electric lines and other public utilities shall be dedicated not less than 15-feet in width and shall be entirely upon one parcel or lot. The easements shall be laid out and dedicated in accordance with the determination of the public utility involved and in accordance with the latest adopted City standards and City Council policies. All poles or other surface obstructions placed in dedicated easements of subdivisions shall be placed not further than 4-feet from one side of the easement. Where alleys exist or are proposed in a subdivision, the subdivider may place the utilities within the alley when such utilities are located on one side of the alley. Section 12.120.190 of the Moorpark Municipal Code requires the undergrounding of all overhead electrical lines of sixteen thousand (16,000) volts or less, telephone, C.A.T.V. and similar service wires or cable which provides direct service to the property being developed.

Chapter 16.16

IMPROVEMENTS

Sections:

Article I. Cost of Bridges or Major Thoroughfares

16.16.010. Conditions.
16.16.020. Compliance with general plan.
16.16.030. Public hearing required.
16.16.040. Establishment of area of benefit.
16.16.050. Written protests.
16.16.060. Disposition of fees.
16.16.070. Interest-bearing indebtedness--Other funds.

Article II. Reimbursements

16.16.080. Supplemental improvements required.
16.16.090. Reimbursement agreement.
16.16.100. Method of reimbursement.
16.16.110. Reimbursement for bridges or major thoroughfares.

Article I. Cost of Bridges or Major Thoroughfares

Section 16.16.010. Conditions.

Pursuant to Sections 66484 and 66489 of the Subdivision Map Act, the city may require the payment of a fee as a condition of approval of a final subdivision map or as a condition of issuing a building permit, for purposes of defraying the actual or estimated cost of constructing bridges over waterways, railways, freeways and canyons or constructing major thoroughfares, upon compliance with the procedure and conditions set forth in this title.

Section 16.16.020. Compliance with General Plan.

Such construction shall comply with the Circulation Element of the General Plan and, in the case of bridges, to the transportation or flood control provisions thereof which identify railways, freeways, streets, streams or canyons for which bridge crossings are required on said General Plan or local roads and in the case of major thoroughfares, to the provisions of such circulation element which identify those major thoroughfares whose primary purpose is to carry through traffic and provide a network connecting to the state highway system; provided, such circulation element, transportation or flood control provisions have been adopted by the city at least thirty (30) days prior to the filing of the map or the application for the building permit.

Section 16.16.030. Public hearing required.

Payment of a fee shall not be required nor made a condition for approval of a subdivision map nor made a condition for the issuance of a building permit until the area benefited shall be determined by the City Council. There shall be a public hearing held by the City Council for each area benefited.

A. Notice of the hearing before the City Council shall be given pursuant to Government Code Section 65091 at least ten (10) calendar days before the hearing date.

B. Such notice shall also contain preliminary information related to the boundaries of the area of benefit, estimated cost of construction, and method of fee apportionment. The area of benefit may include land or improvements in addition to the land or improvements which are the subject of any map or building permit application considered at such proceedings.

Section 16.16.040. Establishment of area of benefit.

A. If there is no majority protest at the conclusion of the public hearing, the City Council by resolution shall establish the boundaries of the area of benefit, the cost, whether actual or estimated, of construction and a fair method of allocating the cost to the area of benefit and fee apportionment. A certified copy of such resolution shall be recorded by the City Clerk with the county recorder of Ventura County.

B. The term "construction" includes design, acquisition of right-of-way, administration of construction contracts and actual construction.

C. The method of fee apportionment, in the case of major thoroughfares, shall not provide for higher fees on land which abuts the proposed improvement except where the abutting property is provided direct usable access to the major thoroughfare.

D. Payment of fees with respect to a major thoroughfare shall not be required unless the major thoroughfare is in addition to, or a reconstruction of, any existing major thoroughfares serving the area at the time of the adoption of the boundaries of the area of benefit.

E. Payment of fees with respect to a bridge facility shall not be required unless the planned bridge facility is an original bridge serving the area or an addition to any existing bridge facility serving the area at the time of the adoption of the boundaries of the area of benefit. Such fees shall not be expended to reimburse the cost of existing bridge facility construction.

F. Such apportioned fees shall be applicable to all property within the area of benefit and shall be payable as a condition of approval of a final map or as a condition of issuing a building permit for such property or portions thereof. Where the area of benefit includes lands not subject to the payment of fees pursuant to this section, the City Council shall make provision for payment of the share of improvement costs apportioned to such lands from other sources.

Section 16.16.050. Written protests.

A. Written protests against the proposed improvement, the requirement of payment of fees, the apportionment of the fees or the determination of the boundaries of the area of benefit may be filed with the City Clerk at any time prior to the hour set for the public hearing. If written protests are duly filed by the owners of more than one-half (1/2) of the

area of the property to be benefited and sufficient protests are not withdrawn in writing by protesting owners prior to the conclusion of the public hearing so as to reduce the area represented to less than one half (1/2) of that to be benefited, then the proposed proceedings shall be abandoned, and the City Council shall not, for one (1) year from the filing of that written protest, commence or carry on any proceedings for the same improvement or acquisition under the provisions of this section.

B. If the majority protest is directed against only a portion of the improvement, then all further proceedings under the provisions of this section to construct that portion of the improvement so protested against shall be barred for a period of one (1) year, but the City Council may commence new proceedings not including any part of the improvement or acquisition so protested against.

C. Nothing in this section shall prohibit the City Council, within the one (1) year period, from commencing and carrying on new proceedings for the construction of a portion of the improvements so protested against if it finds, by the affirmative vote of four-fifths (4/5) of its members, that the owners of more than one-half (1/2) of the area of the property to be benefited are in favor of going forward with such portion of the improvement or acquisition.

D. Nothing in this section shall preclude the processing and recordation of maps in accordance with other provisions of the law and ordinances relating to maps if the proceedings are abandoned.

Section 16.16.060. Disposition of fees.

A. Fees paid pursuant to this section shall be deposited in a planned bridge facility or major thoroughfare fund. A fund shall be established for each planned bridge facility project or each planned major thoroughfare project. If the benefit area is one in which more than one (1) bridge is required to be constructed, a fund may be so established covering all of the bridge projects in the benefit area. Money in the fund shall be expended solely for the construction or reimbursement for construction of the improvement serving the area to be benefited and from which the fees comprising the fund were collected, or to reimburse the City for the cost of constructing the improvement.

B. In lieu of the payment of fees, the City may accept other considerations which it deems equivalent.

C. The fees collected shall be paid to the City or the subdivider constructing the bridge facility or major thoroughfare, and the City may enter into a reimbursement agreement with the subdivider.

D. The City may advance money from its general fund or road fund to pay the cost of constructing improvements and may reimburse the general fund or road fund for any advances from planned bridge facility funds or major thoroughfare funds established to finance the construction of those improvements.

Section 16.16.070. Interest-bearing indebtedness--Other funds.

A. The City, when imposing fees pursuant to this section, may incur an interest-bearing indebtedness for the construction of such bridge facilities or major thoroughfares; provided that the sole security for repayment of such indebtedness shall be moneys in the planned bridge facility or major thoroughfare funds.

B. Nothing in this section shall preclude the City from providing funds for the construction of bridge facilities or major thoroughfare in order to defray costs not allocated to the area of benefit.

Article II. Reimbursements

Section 16.16.080. Supplemental improvements required.

The City Council may require that improvements installed by the subdivider for the benefit of the subdivision shall contain supplemental size, capacity, number or length for the benefit of property not within the subdivision and that such improvements shall be dedicated to the public. Supplemental length may include minimum sized offsite sewer lines necessary to reach a sewer outlet in existence at that time.

Section 16.16.090. Reimbursement agreement.

The City shall enter into an agreement with the subdivider to reimburse the subdivider for that portion of the cost of such supplemental improvements, including an amount attributable to interest, in excess of the construction required for the subdivision. The amount of the reimbursement shall be determined by the following procedure:

A. The subdivider shall submit three (3) bids from licensed contractors, approved by the City Engineer, estimating the cost of constructing the improvements with supplemental size, capacity, number or length, as well as the cost of the improvements for the subdivision only.

B. The amount of the reimbursement shall be the lowest difference on the submitted bids between the estimate with supplemental size, capacity, number or length and the estimate of the improvements for the subdivision only. The bid upon which the determination is made need not be the bid chosen by the developer for construction of the improvements.

Section 16.16.100. Method of reimbursement.

In order to pay the costs as required by the reimbursement agreement, the City may:

A. Collect from other persons, including public agencies, using such supplemental improvements for the benefit of real property not within the subdivision, a reasonable charge for such use.

B. Contribute to the subdivider part of the cost of the improvements that is attributable to the benefit of real property outside the subdivision and levy a charge upon the real property benefited to reimburse itself for such cost, together with interest thereon, if any, paid to the subdivider.

C. Establish and maintain local benefit districts for the levy and collection of such charge or costs from the property benefited.

Section 16.16.110 Reimbursement for bridges or major thoroughfares.

The City Council may establish an area of benefit pursuant to Section 16.08.010 and may impose a reasonable charge on property within the area which, in the opinion of the City Council, is benefited by the construction of the bridge or major thoroughfare. The charge collected shall be paid to the City or subdivider constructing the bridge or major thoroughfare, and the City may enter into a reimbursement agreement with the subdivider.

Chapter 16.20

LOT LINE ADJUSTMENTS AND CONSOLIDATIONS

Sections:

16.20.010. Lot line adjustment and consolidation.
16.20.020. Certificate of Compliance required.

Section 16.20.010. Lot line adjustment and consolidation.
A tentative map, parcel map or final map shall not be required for any conveyance or agreement made solely for the purpose of correcting, confirming or relocating a boundary common to abutting lots or parcels of land, provided that the approval of the Advisory Agency is obtained pursuant to Government Code Section 66412(d). In the case of a modification of the lot lines that affect more than four (4) parcels under common ownership within a subdivision even if submitted as separate lot line adjustments, a parcel map, or tract map will be required, unless specifically allowed under conditions of approval by the City Council. The Director shall act as the Advisory Agency in this matter. Approval shall be based upon the submittal of an application established by the Director, a processing fee established by City Council resolution and based upon the following findings:

(a) The lots or units of land are existing legal lots.

(b) The resulting lots or parcels of land shall conform to the provisions of the applicable zoning and building ordinances of the City of Moorpark; provided, however, that the Director may approve modifications of legal nonconforming lots where the modifications do not affect the public health and safety with the concurrence of the Building Official of the City of Moorpark. The Director may approve a Lot Line Adjustment for a legal nonconforming lot(s) only when the Director determines there will be no increase in the nonconformity in accordance with the requirements of Title 17.

(c) No additional lot or unit of land is created.

(d) If the lot line adjusted is between lots or parcels created by deed or by a record map, the applicant shall provide evidence to the City:

  (1) Documentation that taxes have been paid as specified in Chapter 8 of Chapter 4 of Division 2 of Title 7 of the Government Code, commencing with section 66492.

  (2) A deed or deeds reflecting the approved adjustment, signed by all required parties and notarized, together with recording fees and documentary transfer tax, if any. In the case where a record map created the lots or parcels a plat shall be attached showing the approved modification, signed by a registered civil engineer or a licensed land surveyor.

  (3) Documentation from a title company of the applicant's choice verifying that any deed of trust affected is partially reconveyed or modified to reflect the lot line adjustment and to prevent the creation of any additional lot or parcel.

(e) No record of survey shall be required unless required by Section 8762 of the Business and Professions Code. If a record of survey is prepared to show the lot line modification, recording of a plat is not required pursuant to subsection (4b) above.

(f) All requirements of approval shall be met within 36-months from the date of approval or the approval will be considered null and void. Evidence shall be submitted to the Director, prior to the expiration of approval, that all requirements of approval have been met. Deeds and plats (if required) shall be submitted to the City Engineer for checking and approval prior to recordation.

Section 16.20.020. Certificate of Compliance required.

Upon approval of an adjustment or conveyance, the Director shall cause a Certificate of Compliance to be prepared and recorded. The Certificate shall contain the property description describing the reconfigured parcel or parcels. Prior to the recordation of the Certificate, all deeds exchanging property between the affected parcels or consolidating the affected parcels and other pertinent information required by the Director, shall be submitted to the Director and reviewed and approved by the City Engineer. All deeds and other documents submitted to the City shall be signed by the appropriate parties and notarized in accordance with applicable law. Once the Director is satisfied that all requirements of approval have been met, the Director shall cause the deeds, Certificate and other documents to be recorded.

Chapter 16.24

TENTATIVE MAPS

Sections:

16.24.010. Preparation and contents.
16.24.020. Soils report required.
16.24.030. Design to Include Provision of Telephone and Cable Television Service.
16.24.040. Review required by the development review committee.
16.24.050. Consideration by Planning Commission.
16.24.060. Appeals and final action.
16.24.070. Term of Tentative Map Approvals.

Section 16.24.010. Preparation and contents.
Preparatory to the subdivision of any land in the City, the subdivider shall file with the Director copies of a tentative map of the subdivision, prepared by a California registered civil engineer or California licensed land surveyor. The Director shall establish the application and filing requirements for the submittal of a tentative map and make those requirements available to the public. The tentative map, along with a completed universal application shall be submitted meeting the written submittal requirements of the Director. The application fee and other associated fees, as established by resolution of the City Council, shall be paid at the time of submittal of the tentative map application to the Director. The application may be rejected if the subdivision, as proposed, is not consistent with the Subdivision Map Act, this Title, Title 17, or the Moorpark General Plan.

Section 16.24.020. Soils report required.
A preliminary soils report, prepared by a California registered civil engineer and based upon adequate field explorations and lab analyses, shall be required for every subdivision submitted to the City. With respect to the soils report, the following apply:

(a) The City Engineer may waive the requirement for a preliminary soils report if the City Engineer determines that, due to the knowledge he/she has as to the soils qualities of the soils of the subdivision, no preliminary analysis is required.

(b) After review of the preliminary soils report, the City Engineer may require additional information or reject the report if it is found to be incomplete, inaccurate, or unsatisfactory.

(c) If the preliminary soils report indicates the presence of critically expansive soils or other soils problems which, if not corrected, would lead to structural defects, a soils investigation of each lot in the subdivision may be required.

(d) If the preliminary soils report indicates the presence of rocks or liquids containing deleterious chemicals which, if not corrected, could cause construction materials such as concrete, steel, and ductile or cast iron to corrode or deteriorate, a soils investigation of each potential affected lot in the subdivision may be required.

(e) Any soils investigation required pursuant to this title shall be done by a California registered civil engineer, who shall recommend the corrective action which is likely to prevent structural damage to each structure proposed to be constructed in the area where the soils problem exists.

(f) The City may approve a subdivision where soils problems described in (c) and (d) above exist only if the City Engineer determines that the recommended action is likely to prevent structural damage to each structure to be constructed, and if the recommended actions are incorporated into the project as conditions of approval which must be completed prior to the issuance of any building permit.

Section 16.24.030. Design to Include Provision of Telephone and Cable Television Service.

The design of any subdivision resulting in the creation of lots smaller than 5 acres within the City shall provide for the availability of individual household telephone service to each residential parcel in the subdivision. The design shall also provide for the opportunity for at least one cable television system to construct, install, and maintain any equipment necessary to extend cable television services to each residential parcel in the subdivision.

Section 16.24.040. Review required by the development review committee.

Prior to a hearing by the Planning Commission, the application shall be reviewed by the Development Review Committee. The review is a check of the subdivision plans for compliance with this Title, Title 17, and other relevant Titles of the Moorpark Municipal Code, the Uniform Fire Code, the California Building Code, the Moorpark General Plan, the latest standards approved by the City Council, and other applicable local, state, and federal plans and laws.

Section 16.24.050. Consideration by Planning Commission and City Council.

After determining the application for the tentative map to be complete and after compliance with the California Environmental Quality Act, the Director will prepare or cause to be prepared a staff report describing the tentative map and the Director's recommendation to the Planning Commission. The requirements and time frames for review by the Director and consideration by the Planning Commission shall be as set forth in the Subdivision Map Act. If the Planning Commission can make the statutory findings required by the Subdivision Map Act and this Title, then it shall recommend approval of the tentative map to the City Council, which shall consider the map, and if such findings can be made, shall approve or conditionally approve it. If the statutory findings cannot be made and conditions cannot be added to the tentative map that would allow for the findings to be made, the Planning Commission shall recommend denial of the tentative map. If the City Council cannot make the statutory findings, the City Council shall deny the tentative map and indicate its findings for denial.

Section 16.24.060. Appeals and final action.

Action by the City Council is final and not subject to appeal.

Section 16.24.070. Term of Tentative Map Approvals.
The expiration of tentative map approvals shall conform to the requirements of the Subdivision Map Act. Extensions of tentative maps shall be in increments of one (1) year, and the process for the granting of such extensions shall conform to the requirements of the Subdivision Map Act except that the application for time extension shall be filed with the Director at least sixty (60) calendar days prior to the expiration date of the tentative map. The request for extension shall be filed with the Director and shall be accompanied by the required fee, as adopted by the latest applicable fee resolution of the City Council. The Director shall be the Approving Authority for extensions of tentative map approvals.

Chapter 16.28

VESTING TENTATIVE MAPS

Sections:

16.28.010. Purpose of provisions.
16.28.020. Additional submittals.
16.28.030. Development rights conferred.
16.28.040. Amendments.
16.28.050. Expiration of approval--Initial time period.
16.28.060. Fees.

Section 16.28.010. Purpose of provisions.

A. The purpose of this Chapter is to establish procedures for the implementation of the vesting tentative map statute.

B. Any person requesting approval of a vesting tentative map pursuant to the provisions of the Subdivision Map Act shall comply with and be subject to the applicable provisions of the Subdivision Map Act and this title as it specifically applies to tentative maps, and shall also comply with and be subject to the additional provisions of this title. At the time a vesting tentative map is filed it shall have printed conspicuously on its face the words "Vesting Tentative Map."

Section 16.28.020. Additional submittals.

In residential zones other than RPD (residential planned development), additional submittals similar to those required in the RPD zone may be required, depending upon the size, location, terrain and other factors as determined by the Community Development Director. The application shall not be deemed complete until all such submittals have been received. The submittals include, but may not be limited to any or all of those listed in this section:

A. Grading and drainage plans;
B. Traffic analysis;
C. Height, size and location of buildings;
D. Architectural plans;
E. Landscape treatment;
F. Tree analysis;
G. Percolation tests; and
H. Engineering geological and geotechnical engineering reports.

Section 16.28.030. Development rights conferred.

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 as described in Section 66474.2 of the Subdivision Map Act, or if that section is repealed, as described in Section 66498.1(b).

B. An approved or conditionally approved vesting tentative map shall not limit the city from imposing reasonable conditions in required approvals or permits necessary for

the development.

Section 16.28.040. Amendments.

After approval or conditional approval of a vesting tentative map, amendments can be made only by following procedures for the original approval or conditional approval. Approvals or permits which depart from the vesting tentative map may only be granted based upon an amendment to the vesting tentative map, as approved by the City Council. No amendments shall be granted so as to modify or delete any public improvements and site development requirements and conditions approved in the first instance, including, but not limited to grading, drainage facilities and structures. This section shall not be construed to prevent the city from denying or placing any conditions upon approval of a final map pursuant to Section 66498.1(c) of the Subdivision Map Act.

Section 16.28.050. Expiration of approval--Initial time period.

A. The approval or conditional approval of a vesting tentative map shall expire at the end of the same time period established by this title for the expiration of the approval or conditional approval of a tentative map, including opportunities for extensions.

B. The rights conferred by a vesting tentative map shall last for an initial time period of one (1) year beyond the recordation of the final map. Developers may apply for a one (1) year extension of this initial period, as set forth in subsection D of this section. Where several final maps are recorded in various phases of a project covered by a single vesting tentative map, this initial time period shall begin for each phase when the final map for that phase is recorded.

C. The initial time period set forth in subsection B of this section shall be automatically extended by any time used for processing a complete application for a grading permit or for design or architectural review, if such processing exceeds thirty (30) days, from the date a complete application is filed.

D. A subdivider may apply to the City Council for a maximum one (1) year extension at any time before the initial time period set forth in subdivision B of this section expires. The City Council shall be the Approving Authority for extensions of vesting tentative maps.

Section 16.28.060. Fees.

A. The applicable fees associated with a development and a vesting tentative map therefore shall be paid at the rate governing at the time the various applications, filings, plan checks and permits are made.

B. In addition to any other fees associated with a development, there shall be paid to the city a fee as established from time to time by resolution of the City Council, to reimburse the city for the filing and processing of a vesting tentative map application.

Chapter 16.32

FINAL MAPS AND PARCEL MAPS

Sections:

16.32.010. Content and filing of final map or parcel map.
16.32.020. Approval of final map or parcel map.
16.32.030. Amending of final map or parcel map.

Section 16.32.010. Content and filing of final map or parcel map.
The content and form for the preparation and filing of a Final Map or a Parcel Map shall conform to the requirements of the State Subdivision Map Act and any additional items required by the conditions of approval of the tentative map or tentative parcel map. In some instances the City Council may require, by condition of approval, that certain notations or information be contained, filed, or recorded with the Final Map or Parcel Map. When such information is required it shall be presented with the Final Map or Parcel Map in accordance with the requirements of the State Subdivision Map Act. The Final Map or Parcel Map shall be filed with the City Engineer in the form specified by the State Subdivision Map Act and the City Engineer and in quantities specified by the City Engineer.

Section 16.32.020. Approval of final map or parcel map.
The City Council shall have the authority to approve or disapprove final maps or parcel maps. The City Council shall approve any final or parcel map which conforms to all requirements of the Subdivision Map Act, this title, and any conditions of approval imposed upon the tentative map and applicable City Council policies. If the map does not conform, the City Council shall disapprove the map.

Section 16.32.030. Amending of final map or parcel map.
Amendment of final maps or parcel maps shall take place by the filing of an amending map, pursuant to the requirements of the Subdivision Map Act. The amending map shall be filed with the City Engineer and shall be accompanied by the required fee, as adopted by the latest applicable fee resolution of the City Council.

CHAPTER 16.36

SECURITY AND IMPROVEMENTS

Sections:

16.36.010. Contract and bond securing performance.
16.36.020. Street improvements.
16.36.030. Required improvements generally.

Section 16.36.010. Contract and bond securing performance.

(a) Prior to the approval by the City Council of any final map or the acceptance of the dedication of any of the streets, alleys or other public places shown thereon, the owner or subdivider shall enter into a contract with the City, in a form acceptable to the City Engineer and City Attorney, whereby the owner or subdivider agrees to construct the required improvements, within one year after the approval of the final map. The contract shall be secured by an improvement security as set forth in Section 66499 et. seq. of the Subdivision Map Act. The improvement security shall be as required by Section 66499 et. seq. in an amount to be fixed by the City Council but not less than the City Engineer's estimate of the cost of installing such improvements.

(b) If the owner or subdivider, within the time and in the manner provided in this title or in the contract, does not install and complete all improvements required by City ordinance and/or conditions of approval of the tentative map to the approval of the City Engineer, all money deposited or the penal sum of any bond posted as provided in this title shall be forfeited to the City, and thereupon the City Council shall order such improvements installed or completed, as the case may be.

(c) When it has been determined by the City Engineer that the owner or subdivider has fully completed the required improvements as provided in the contract in accordance with City Council policy, said City Engineer shall recommend to City Council that the public improvements be accepted by the City, and that the surety be reduced to 10% for a one year warranty period.

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Section 16.36.020. Street improvements.

The subdivider shall be required, as a condition of approval of the final map or parcel map, to improve any and all streets adjacent to such subdivision in the following manner:

(a) Construct and install curbs, gutters and sidewalks on the proximate side to the satisfaction of the City Engineer and in accordance with the latest standards approved by the City Council.

(b) Grade and pave all required streets from the curb to existing pavement; or, if the street is unpaved, paving shall be to the centerline thereof in accordance with the latest standards approved by the City Council.

Section 16.36.030. Required improvements generally.

(a) Improvements shall be required in and upon the streets, alleys and other public places within the limits of the subdivision and as required by Section 16.36.02. The improvements shall consist of the following:

(1) Grading or filling the street, alley or other public place to the grade established or approved by the City Engineer and constructing all necessary grade crossings, culverts, bridges, drains and other works necessary to put the streets, alleys and other public places in a condition for public use and travel to the approval of the City Engineer.

(2) Constructing and installing all storm drains, drainage culverts and drainage conveyance devices in conformity with the plans and specifications approved by the City Engineer as provided in Section 16.36.010, or which may be found by the City Council, pursuant to a report of the City Engineer, to be necessary to protect all lots in the subdivision from flood or overflow by stormwaters or floodwaters.

(3) Constructing and installing concrete curbs, gutters and sidewalks on both sides of each street wholly within the subdivision, and on the proximate side of each street along the exterior boundaries of the subdivision and abutting thereon, whether or not such last-mentioned streets already exist or are dedicated in whole or in part by the subdivision map. The curbs and gutters shall be located parallel to the property line. All streets shall be constructed in accordance with the standards and policies adopted by the City Council.

(4) Laying water and sewer mains as follows:

a. Water and sewer mains, of the size prescribed by the purveyor of water and sewer services, and gas mains shall be laid in streets, alleys or easements adjacent to and so as to serve each lot in the subdivision. All water mains, gas mains, sewer mains and sewer laterals laid in any street of the subdivision shall be laid before the street is paved. Installation of water and sewer mains shall be in accordance with adopted City Council ordinances, standards and policies and adopted standards and policies of the water purveyor and sewer service.

(5) Installing utility lines as follows:

a. Utility lines, including but not limited to electric, communications, street lighting and cable television lines, shall be placed underground. The subdivider is responsible for complying with the requirements of this subsection, and he/she shall make the necessary arrangements with the utility companies for the installation of such facilities. For the purpose of this subsection, appurtenances and associated equipment such as but not limited to surface-mounted transformers, pedestal-mounted terminal boxes and meter cabinets and concealed ducts in an underground system may be placed above ground. All installation of utility lines shall be done in accordance with the Moorpark Municipal Code and in accordance with City Council adopted standards and policies. The

City Council may waive the requirements of this subsection if topographical; soil or any other conditions make such underground installations unreasonable or impractical.

b. The City Council shall determine whether this subsection shall apply to utility lines beyond the immediate area being subdivided.

(6) Paving each street or portion of street within and dedicated by the subdivision and in accordance with the latest standards adopted by the City Council.

(7) Planting street trees of the variety and at intervals approved by the City.

(8) Furnishing and installing fire hydrants at locations designated by the Ventura County Fire Protection District.

(9) Furnishing and installing street name signs of the type and at locations approved by the City Engineer.

(10) Installing street lighting in accordance with the latest standards approved by the City Council.

(b) No person shall occupy all or any part of any subdivision without the express approval of the City Engineer.

(c) No municipal or private utility shall be connected to or serve any lot in any subdivision, and no prefabricated structure, including but not limited to a mobile home, shall be placed on any lot in any subdivision without the express approval of the City Engineer.

(d) When, in the opinion of the City Engineer, all improvements, as required by this title, adjacent to any lot have been satisfactorily completed, the City Engineer may authorize occupancy of the lot, if the City Engineer has first determined that sufficient improvements throughout the subdivision, as required by this title, have been completed to ensure the health, safety and welfare of the occupant.

(e) When, in the opinion of the City Council, the strict enforcement of the provisions set forth in subsections (b), (c) and (d) of this section may cause undue hardship, the City Council may, in its discretion, waive such provisions, in whole or in part.

Chapter 16.40

MAPS FOR FINANCIAL AND/OR CONVEYANCE PURPOSES

Sections:

16.40.010. Purpose.
16.40.020. Preparation and contents.
16.40.030. Review required by the Development Review Committee.
16.40.040. Approval by the Planning Commission.
16.40.050. Approval Criteria.
16.40.060. Appeals.

Section 16.40.010. Purpose.
The purpose of this Chapter is to set forth the process for the approval of tentative financial maps and final maps and parcel maps for financing and/or conveyances on sites, which already have approved tentative maps or tentative parcel maps. The financial map shall not create any legal building site(s); a future final map or parcel map shall be processed in order for any development to occur.

Section 16.40.020. Preparation and contents.
Preparation and contents of the tentative financial map shall be identical to those described in Chapter 16.24.

Section 16.40.030. Review required by the Development Review Committee.
Prior to a hearing by the Planning Commission, the application shall be reviewed by the Development Review Committee. The review is a check of the subdivision plans for compliance with this Title, Title 17, and other relevant titles of the Moorpark Municipal Code, the Uniform Fire Code, the Uniform Building Code, the General Plan, and other applicable local, state, and federal policies, plans and laws and adopted City Council standards and policies.

Section 16.40.040. Approval by the Planning Commission.
The Planning Commission shall follow the same tentative map procedures as outlined in Chapter 16.24 except that the Planning Commission shall be the approving authority. The additional criteria listed below shall also apply in the approval:

(a) The proposed parcel lines shall not conflict with any public easements;
(b) There shall not be any physical constraints or other issues, which may affect the feasibility of future development on the site (e.g., vehicular access, utility service extensions);
(c) The proposed parcels shall have access from a public road, or access shall be feasible and required by conditions of approval of the tentative map;
(d) The proposed parcels shall meet the minimum size requirements of the zone.

Section 16.40.050. Approval Criteria.
The following conditions of approval shall be required, at a minimum, of any financial

map. Additional conditions, which, in the opinion of the Planning Commission, are necessary to ensure the purpose of this Chapter and of this title, may also, be required:

(a) This map is approved for financing and land conveyance purposes only. No applications for building permits or grading permits shall be submitted for the parcels/lots created by this map until approval of subsequent final maps or parcel maps for development purposes.

(b) Supplemental information/technical studies may be required to evaluate subsequent mapping.

(c) No bonding or surety shall be required if no improvements are required as part of the financial map.

Section 16.40.060. Appeals.

The action of the Planning Commission is final unless appealed to the City Council in accordance with the Section 17.44.090 of the Moorpark Municipal Code.

Chapter 16.44

PUBLIC PARKLAND DEDICATIONS AND/OR FEES

Sections:

16.44.010. Parks and recreation facilities.
16.44.020. Relation of land required to population density.
16.44.030. Determination of population density.
16.44.040. Land dedication formula.
16.44.050. Amount of fee in lieu of land dedication.
16.44.060. Credit for private open space.
16.44.070. Choice and method of dedication of land and/or payment of fees.
16.44.080. Conveyance of land.
16.44.090. Time of commencement of development.
16.44.100. Limitation on use of land and fees.

16.44.010. Parks and recreation facilities.

A. As a condition of the subdivision of land, the subdivider shall dedicate a portion of such land and/or pay a fee for the purpose of providing park and recreational facilities to serve the future residents of the property being subdivided. This requirement shall apply to all subdivisions except those which:

1. Are exempted by Section 66477 of the Subdivision Map Act; or
2. Are a redivision of four (4) or less existing contiguous parcels or lots, which does not result in the creation of a greater number of parcels or lots than existed immediately prior to such redivision; or
3. Will not result in the creation of any parcel or lot which, under the zoning regulations applicable at the time the tentative map is approved, and without the prior issuance of a conditional use permit or other discretionary entitlement, could be developed so as to increase the total number of dwelling units on such parcel or lot; provided, however, that this exemption shall not apply to condominium projects or stock cooperatives which consist of the subdivision of air-space in an existing apartment building which is less than five (5) years old.

B. If the proposed subdivision contains fifty (50) parcels or less, the subdivider shall not dedicate any land for park and recreational purposes but shall pay a fee equal to the fair market value of land which would otherwise be dedicated plus improvement costs as determined in accordance with the provisions of this Chapter.

16.44.020. Relation of land required to population density.

Based upon the principles and standards of the Moorpark Open Space, Conservation and Recreation Element, it is hereby found and determined that the public interest, convenience, health, welfare and safety require that five (5) net acres of property for each one-thousand (1,000) persons residing within the City be devoted to local park and recreational purposes as defined in the Moorpark Open Space, Conservation and Recreation Element, exclusive of and in addition to:

A. School lands used cooperatively for recreational purposes, and

B. Lands purchased and/or developed for park purposes as defined in the Moorpark Open Space, Conservation and Recreation Element.

16.44.030. Determination of population density.

Population density, for the purposes of park and recreational requirements, shall be determined for single-family detached dwellings, multi-family dwellings, and mobilehomes in accordance with the population density from the latest California State Department of Finance data.

The basis for determining the total number of each type of dwelling unit shall be the number of new dwelling units proposed by the subdivider for the property being subdivided. The term "new dwelling units" does not include dwelling units lawfully in place prior to the date on which the tentative map is approved or dwelling units which, under the zoning regulations applicable at the time the tentative map is approved, could be built on the property without the prior issuance of a conditional use permit or other discretionary entitlement.

16.44.040. Land dedication formula.

The amount of land required to be dedicated by a subdivider for park and recreational purposes shall be based upon the additional population expected to be generated by the proposed subdivision, and shall be computed on the basis of five (5) net acres for each one thousand (1,000) persons. The amount of additional population expected shall be determined by multiplying the number of new dwelling units proposed for the gross area within the subdivision by the number of persons anticipated to reside within each new dwelling unit as specified in Section 16.44.030. The number of additional persons expected to reside within the subdivision according to the above computation shall be divided by one thousand (1,000) and the result shall be multiplied by five (5)to determine the amount of acreage to be dedicated.

In the event the area to be dedicated is bounded or abutted by existing or proposed street frontage, the subdivider shall, at the time of approval of the tentative map, obligate himself/herself by condition to said map to provide curbs, gutters, sidewalk, drainage facilities, street lighting, stop lights, street signs, matching pavement and street trees to full City standards, to stub-in requested utility line services to the park facility, to provide all standard improvements required by the City plus initial on-site grading required for developing the park facility; provided, however that, with the approval of the City Council, and in lieu of making said improvements, the subdivider may pay a sum equal to 20 percent of the fair market value of the dedicated land to cover the cost of said improvements. Fair market value shall be determined, as of the date on which the parcel or final map is filed, in the manner set forth in Section 16.44.050.

16.44.050. Amount of fee in lieu of land dedication.

When a fee is to be paid in lieu of land dedication, the amount of such fee shall be based upon the fair market value of the amount of usable park land which would otherwise be required to be dedicated pursuant to Section 16.44.040, and shall be determined in accordance with the following formula:

The number of acres of land which would otherwise be required to be dedicated multiplied by the average fair market value of an acre of usable park land within the subdivision. The term "usable park land" means land having a terrain of less than four percent slope. Fair market value shall be determined, as of the date on which the parcel or final map is filed, as follows:

A. The City Manager or his/her designee and the subdivider may agree to the fair market value; or

B. If the City Manager or his/her designee and the subdivider are unable to agree to the fair market value, either party may, at the subdivider's expense, obtain an appraisal of the property by an impartial qualified real estate appraiser approved by the City Manager or his/her designee, which appraisal shall be considered by the City Manager or his/her designee in reaching a decision as to fair market value. The City Manager or his/her designee decision shall be final and conclusive.

In addition to the fee to be paid in lieu of land dedication, the subdivider shall also pay an amount equal to 20 percent (20%) of the in lieu fee to provide curbs, gutters, drainage facilities, street lighting, stop lights, sidewalks, street signs, matching pavement and street trees to full City standards, stubbing-in of requested utility line services to the park facility, all standard improvements required by the City, and initial on-site grading required for developing the park facility. If plans have been established for a park site to be purchased totally or in part with said funds, this additional contribution may, at the discretion of the City Manager or his/her designee and the City Council consist of development of the planned site on a pro rata basis in the same ratio as the cash paid in lieu of dedication bears to the total cost of the planned park.

Where the City Council, and the subdivider all so agree, all or part of the in lieu fee and any additional improvement fee may, instead of being paid in cash, be paid by making improvements of equivalent value to existing or projected parks either inside or outside of the subdivision. The estimated cost of such improvements shall be determined in the manner provided in Chapter 16.16 of this Title for estimating the cost of improvements to a subdivision, and such estimated cost, less the 10 percent increment for contingencies, shall be deemed to be the value of such improvements for the purposes of offsetting fees pursuant to this Section. Such improvements shall be provided for by an improvement agreement and improvement security meeting the requirements of Chapter 16.16 of this Title.

16.44.060. Credit for private open space.

Where usable private open space for park and recreational purposes is provided in a proposed subdivision and such space is to be privately owned and maintained by the future residents of the subdivision, up to a maximum of 50 percent of such private open space may be credited against the requirement of land dedication or payment of fees in lieu thereof if the City Council finds that it is in the public interest to do so and that all of the following standards are met:

A. That yards, setbacks, and other open areas required to be maintained by the zoning and building provisions of this Code shall not be included in computing the amount of such private open space; and

B. That the private ownership and maintenance of the open space shall be adequately provided for in writing; and

C. That the use of the private open space shall be restricted for park and recreational purposes by recorded covenants which run with the land in favor of the future owners of the property within the subdivision and which cannot be eliminated without the consent of the City; and

D. That the proposed private open space is reasonably adaptable for use for park and recreational purposes, taking into consideration such factors as size, shape, space, topography, geology, access, and the location of the private open space; and

E. That the facilities proposed for the private open space are in substantial compliance with the provisions of the Moorpark Open Space, Conservation and Recreation Element.

The City Council shall determine what percentage of credit, up to the maximum of 50 percent that shall be allowed in the particular subdivision to which the map pertains.

16.44.070. Choice and method of dedication of land and/or payment of fees.

The procedure for determining whether a subdivider is to dedicate land, pay a fee in lieu thereof, or do both shall be as follows:

A. At the time of filing a tentative map for approval, the subdivider of the property shall, as a part of the filing, indicate whether he desires to dedicate property for park and recreational purposes or whether he desires to pay a fee in lieu thereof. If the subdivider desires to dedicate land for such purposes, the subdivider shall propose the area thereof on the tentative map as submitted or, if the land lies outside of the subdivision, the subdivider shall submit a legal description of such land together with the tentative map.

B. For a subdivision requiring the approval of a tentative and a parcel map, the City Manager or his/her designee and the City Council shall determine whether to require dedication of land, the payment of a fee in lieu thereof, or a combination of both. The dedication of land lying outside of the subdivision may be required only if the subdivider has indicated that the subdivider desires to dedicate such land. In the event that a dedication of land is required, the City Council shall determine prior to approval of the tentative map the location of the dedication. In the event that in lieu fees are to be required, the City Council shall determine prior to approval of the tentative map the amount of land for which in lieu fees are to be accepted. For a subdivision requiring the approval of a tentative and a final map, the City Council shall determine whether to require dedication of land, the payment of a fee in lieu thereof, or a combination of both. The dedication of land lying outside of the subdivision may be required only if the subdivider has indicated that the subdivider desires to dedicate such land. In the event that a dedication of land is required, the City Council shall determine, prior to approval of the tentative map, the location of the dedication. In the event that in lieu fees are to be required, the City Council shall determine prior to approval of the tentative map the amount of land for which in lieu fees are to be accepted.

C. When land dedication is required it shall be accomplished in accordance with the provisions of the Subdivision Map Act and of Section 16.44.80. When fees are required, they shall be deposited with the City prior to recordation of the parcel or final map, except as otherwise provided in Section 16.44.050 with respect to fees paid by making improvements to existing or projected parks rather than by paying cash. If a subdivision covered by a tentative map is recorded in phases, the in lieu fees shall be

allocated pro rata amongst the various phases according to the relative area covered by the parcel or final maps constituting such phases. All fees so deposited shall be held until such time as the parcel or final map is approved, rejected, or withdrawn by the subdivider. If the parcel or final map is rejected or withdrawn, the fees so deposited shall be returned without interest to the subdivider. Open space covenants for private park or recreational facilities must be approved by the City Manager or his/her designee upon the advice of the City Attorney prior to approval of the parcel or final map, and shall be recorded concurrently with the parcel or final map.

D. The determination whether to require a land dedication, the payment of a fee in lieu thereof, or a combination of both, shall be made upon consideration of the following factors:

1. The Moorpark Open Space, Conservation and Recreation Element of the General Plan;
2. The topography, geology, access and location of the land available for dedication;
3. The size and shape of the subdivision and the land available for dedication;
4. The location of existing or proposed park sites and trails; and
5. The desirability of developing the land proposed for dedication for park and recreational purposes as determined by review and a schematic site plan submitted by the subdivider.

16.44.080. Conveyance of land.

Real property dedicated under the provisions of Section 16.44.050 et seq. of this Chapter shall be conveyed by grant deed in fee simple absolute to the City of Moorpark by the subdivider free and clear of all encumbrances except those which will not interfere with use of the property for park and recreational purposes and which the City of Moorpark agrees to accept. Required deeds shall be deposited with the City of Moorpark prior to recordation of the parcel or final map. If the subdivision covered by a tentative map is recorded in phases, said deeds covering all the land to be dedicated on account of such subdivision shall be so deposited prior to recordation of the parcel or final map constituting the first phase. If the parcel or final map is rejected or withdrawn, the deeds shall be returned to the subdivider. The subdivider shall provide all fees and instruments required to convey the land plus title insurance in favor of the City of Moorpark in an amount equal to the value of the property being conveyed.

16.44.090. Time of commencement of development.

Any fees collected pursuant to Section 16.44.050 et seq. of this Chapter shall be committed within the time limits specified in Section 66477 of the Subdivision Map Act or, if not so committed, shall be distributed as provided in said Section 66477.

16.44.100. Limitation on use of land and fees.

The land and fees received under Section 16.44.050 et seq. of this Chapter shall be used only for the purpose of providing park and recreational facilities, and the amount and location of land to be dedicated, the fees to be paid in lieu thereof, or any combination of dedication and fees shall bear a reasonable relationship to the use of park and recreational facilities by the future inhabitants of the subdivision.

Chapter 16.48

OTHER DEDICATIONS AND RESERVATIONS

Sections:

16.48.010. Dedication of transit facilities.
16.48.020. Dedication of land for elementary school.
16.48.030. Reservation of land for certain public facilities.

Section 16.48.010. Dedication of transit facilities.
Where deemed appropriate by the Director, the City may require by conditions of approval the dedication, or irrevocable offer of dedication, of land for local transit facilities, such as bus turnouts, benches, shelters, landing pads, and similar items that directly benefit the residents of a subdivision, pursuant to Section 66475.2 of the Subdivision Map Act.

Section 16.48.020. Dedication of land for elementary school.
Where deemed appropriate by the Director, whether or not at the request of the Moorpark Unified School District, the City may require by conditions of approval the dedication, or irrevocable offer of dedication, of land for elementary schools in an amount sufficient to assure the residents of the subdivision adequate public school service, pursuant to Section 66478 of the Subdivision Map Act.

Section 16.48.030. Reservation of land for certain public facilities.
The City may require a reservation of land within any subdivision for public facilities such as parks, libraries, recreational facilities, fire stations, or other public uses, subject to the conditions enumerated in Section 66479 of the Subdivision Map Act. Following reservation of land within a subdivision, an agreement shall be executed between the subdivider and the public agency benefited by the reservation to acquire the reserved land, as specified in Section 66480 of the Subdivision Map Act. Termination of such reservations shall occur as specified in Section 66481 of the Subdivision Map Act.

Chapter 16.52

WAIVER OF PARCEL MAPS

Sections:

16.52.010. Advisory agency.
16.52.020. Required findings.
16.52.030. Determination of the City Engineer.

Section 16.52.010. Advisory agency.
The City Engineer is hereby designated as the advisory agency for the implementation of this Chapter.

Section 16.52.020. Required findings.
The requirement for a parcel map imposed by the State Subdivision Map Act (Government Code § 66410 et seq.) may be waived when the City Engineer makes the following findings:

(a) The subdivider files a written request with the City Engineer and a statement indicating the existence of monuments and the extent of public improvements.

(b) The submitted material conforms to the requirements of the City Engineer as to form and content.

(c) The subdivider has filed a tentative map in accordance with Title 16 of the Moorpark Municipal Code, showing each of the parcels to be created.

(d) The proposed division of land complies with the requirements of this title, Title 17, the adopted Moorpark General Plan, any applicable adopted specific or community plan, the California Environmental Quality Act, and the latest standards approved by the City Engineer.

(e) All conditions of approval shall be met within 24-months from the date of approval or the approval will be considered null and void. Evidence shall be submitted to the City Engineer, prior to the expiration of approval, that all conditions of approval have been met.

Section 16.52.030. Determination of the City Engineer.
If the City Engineer makes the required findings in Section 16.52.020, then the parcel map may be waived. If the City Engineer cannot make the required findings, then the tentative map shall be forwarded to the Planning Commission for consideration.

Chapter 16.56

MERGER OF CONTIGUOUS PARCELS

Sections:

Article I: Merger requested by owner.
16.56.010. General requirements.
16.56.020. Application.
16.56.030. Recording of certificate of merger.
16.56.040. Filing fee.

Article II: Merger required by the City.
16.56.050. General Requirements.
16.56.060. Notification, Hearing, and Determination.

Article I: Merger Requested by Owner

Section 16.56.010. General requirements.
The owners of contiguous parcels of land may request merger of conforming parcels without reverting to acreage or filing a parcel map upon compliance with the following requirements:

(a) All owners of record of the contiguous parcels to be merged must join in the application.
(b) All lienholders of record of the contiguous parcels to be merged must join in the application.
(c) The merger must be in compliance and must be consistent with all applicable laws and ordinances.

Section 16.56.020. Application.
Application for merger pursuant to this Chapter shall be made in the form prescribed by the City Engineer and Director.

Section 16.56.030. Recording of certificate of merger.
Upon compliance with the provisions of this Chapter and the requirements of the State Subdivision Map Act, the City Engineer shall cause the certificate of merger to be recorded as prescribed by law.

Section 16.56.040. Filing fee.
A filing fee for applications for mergers under this Chapter shall be the same fee as is collected for the filing of a tentative parcel map, as may be prescribed from time to time by resolution of the City Council.

Article II: Merger Required by the City

Section 16.56.050. General Requirements.
When determined necessary by the Director, the City may require merger of a parcel with a contiguous parcel held by the same owner if any one of the contiguous parcels held by the same owner does not conform to the standards for minimum parcel size under Title 17 of this Code and if all of the following requirements are satisfied:

(a) At least one of the affected parcels is undeveloped by any structure for which a building permit was issued or for which a building permit was not required at the time of construction, or is developed only with an accessory structure or accessory structures, or is developed with a single structure, other than an accessory structure, that is also partially sited on a contiguous parcel.

(b) With respect to any affected parcel, one or more of the following conditions exists:

(1) Comprises less than 5,000 square feet in area at the time of a determination of merger.
(2) Was not created in compliance with applicable laws and ordinances in effect at the time of its creation.
(3) Does not meet the current standards for sewage disposal and domestic water supply.
(4) Does not meet slope stability standards.
(5) Has no legal access which is adequate for vehicular and safety equipment access and maneuverability.
(6) Its development would create health and safety hazards.
(7) Is inconsistent with the applicable general plan and any applicable specific plan, other than minimum lot size or density standards.

Exceptions to this subsection are enumerated in Section 66451.11(A)-(E) of the Subdivision Map Act.

(c) The owner of the affected parcels has been notified of the merger proposal pursuant to Section 66451.13 of the Subdivision Map Act, and is afforded the opportunity for a hearing pursuant to Section 66451.14 of the Subdivision Map Act.

Section 16.56.060. Notification, Hearing, and Determination.
Procedures for required notification of merger, requests for hearing, hearing procedure, and determination of merger shall be as specified by Sections 66451.12 through 66541.17, inclusive, of the Subdivision Map Act.