

Chapter 16.124**SUBDIVISION REGULATIONS:
GENERAL PROVISIONS****Sections:**

- 16.124.010 Title and Purpose.**
- 16.124.020 Statement of Policy.**
- 16.124.030 Authority.**
- 16.124.040 Planning Commission Powers and Duties.**
- 16.124.050 Compliance.**
- 16.124.060 Lot Corners.**
- 16.124.070 Centerline Monuments.**
- 16.124.080 Monument Identification.**
- 16.124.090 Monument Inspection.**
- 16.124.100 Section and Quarter Section Corner Monuments.**
- 16.124.110 Lot Requirements.**
- 16.124.120 Soils Report.**
- 16.124.130 Geotechnical Reports.**
- 16.124.140 Surface and Subsurface Contamination Report.**
- 16.124.150 Resubdivision .**
- 16.124.160 Subdivisions Adjacent to Major Streets.**
- 16.124.170 Flood Plain Protection.**
- 16.124.180 Nonannexed Property**
- 16.124.190 Division of Existing Buildings**
- 16.124.200 Improvement Agreement and Securities**

16.124.010 Title and Purpose.

This, and the following Chapters are the Subdivision Regulations. The purpose is to govern the subdivision of property in the City of Ripon and to effect the following purposes:

A. Plan Implementation. To implement the General Plan, any Specific Plan, and the provisions of this Title and the Ripon Municipal Code; and

B. Orderly Process. To establish reasonable standards of design and reasonable procedures for subdivision and resubdivision of property and to further the orderly layout and use of land and ensure

proper legal descriptions for subdivided land. (Ord. 606, 1999; Ord. 758 §2 (part), 2007)

16.124.020 Statement of Policy.

It is the policy of the City of Ripon regarding subdivisions that:

A. City Control. The subdivision and subsequent development of land shall conform to the adopted General Plan, any Specific Plan, or any agreements of the City of Ripon, and the other provisions of this Title;

B. Safety of Development. All subdivided land must be of such character that it can be used safely for building purposes by future holders of title without unreasonable danger to health, or peril from fire, flooding, or other menace:

C. Facilities and Services. Following General Plan policies, provision shall be made for drainage, sewerage disposal, water, schools, parks, recreation, streets, roads, highways, and other public facilities and services. (Ord. 606, 1999; Ord. 758 §2 (part), 2007)

16.124.030 Authority.

Authority for these chapters is found in Title 7, Division 2 of the Government Code, commencing with Section 66410, known as the Subdivision Map Act. In addition to any regulations provided by law, the regulations provided by these chapters shall apply to subdivisions and parts of subdivisions made entirely or partially within the City. These Chapters of the Development Title may be known as the Subdivision Regulations or the Subdivision Ordinance. (Ord. 606, 1999; Ord. 758 §2 (part), 2007)

16.124.040 Planning Commission Powers and Duties.

The Planning Commission is designated as the advisory agency with respect to subdivisions as provided in the Subdivision Map Act.

The Planning Commission shall have all the powers and duties regarding tentative maps, parcel maps, final maps, and the procedures relating thereto, that

are specified by law and the Subdivision Ordinance. After the Planning Commission has examined and made its recommendations on all Tentative Subdivision Maps, the City Council shall have the right of final approval. (Ord. 606, 1999)

16.124.050 Compliance.

No land shall be used, nor any building be constructed, on any lot or parcel not in conformance with these regulations. No permit for the construction of a building or the use of land shall be issued on a parcel of land that does not comply with the provisions of the General Plan, this Title and the Subdivision Map Act. At the time of issuance of a permit, the applicant shall submit evidence the parcel of land complies with this Title and the mandatory provisions of the current Subdivision Map Act. (Ord. 606, 1999; Ord. 758 §2 (part), 2007)

16.124.060 Lot Corners.

All lot corners must be marked with an iron pipe not less than three quarters (3/4) inch inside diameter and twenty-four (24) inches long or marked by another monuments or reference crosses as approved by the City Engineer. (Ord. 606, 1999)

16.124.070 Centerline Monuments.

Centerline monuments shall be located as set forth in this section.

A. Location of Monuments. Road, street, alley and way centerline monuments must be set to mark the intersections of streets, intersections of streets with alleys or ways, intersections of alleys with alleys or ways at the intersection of any street, alley or way with a tract boundary. Street centerline monuments must also be set to mark the beginning and end of curves or the points of intersection of tangents thereof. Such centerline monuments shall not be less than three-quarters (3/4) inch diameter iron pin, at least thirty (30) inches long, and set in the subgrade. A monument box and cover in conformance with City of Ripon standards must be

set above the monument, with the top of the box flush with the finished grade.

B. Alternative Locations. In the event that, due to the construction of subdivisions improvements or the location of trees or other physical features, the monuments specified above cannot be located at the points specified, a reference monument or monuments must be set subject to the approval of the City Engineer. Notes as to the location of the monument or monuments with reference to the referenced points must be furnished to the City Engineer. (Ord. 606, 1999)

16.124.080 Monument Identification.

All monuments set as required herein will be permanently marked or tagged with the registration or license number or surveyor under whose supervision the survey was made. (Ord. 606, 1999)

16.124.090 Monument Inspection.

All monuments are subject to inspection and approval by the City Engineer. (Ord. 606, 1999)

16.124.100 Section and Quarter Section Corner Monuments.

Whenever a section corner or quarter-section corner is to be used as a controlling element of a field survey, the engineer or surveyor responsible for the survey must construct, reconstruct, or rehabilitate the monument corner, and accessories to the corner, so that the same will be left by him in a physical condition that it remains as permanent a monument as is reasonably possible and so that it is reasonably expected it can be located with facility at all times in the future. Monuments must be not less than a three-quarter (3/4) inch diameter iron pin, thirty (30) inches long, or other monuments as approved by the City Engineer. (Ord. 606, 1999)

16.124.110 Lot Requirements.

Lots must comply with the following requirements:

A. Areas and Widths of Lots. The area and width of lots or parcels in a Subdivision Map must conform to the particular zoning district in which the property is located;

B. Relation of Depth to Width. The depth to width ratio of a lot in a subdivision must conform to the particular zoning district in which the lot is situated when new lots are created by subdivision, except where physical conditions make such limitation of depth to width ratio impractical;

C. Division of Jurisdiction. No lot or parcel shall be permitted to be divided by a city, county or district boundary line;

D. Angle of Lot Side Line. Lot or parcel side lines shall be approximately normal to the street right-of-way lines; and

E. Exception. This Section shall not apply to:

1. Any lot or parcel which the Subdivider offers to dedicate to the City or any public agency or district, and

2. Any subdivision map that redesigns an existing subdivision in which the density of lots is not increased. (Ord. 606, 1999)

16.124.120 Soils Reports.

Soils reports shall be provided as required by this Section.

A. Major Subdivision. A preliminary soils report, prepared by a state-registered civil engineer and based upon adequate test borings, shall be submitted to the building official for every Major Subdivision at the time of tentative map submittal.

B. Waiver of Report. A preliminary soils report may be waived if the city engineer or building official finds that, due to the knowledge the City possesses relative to the quality of the soils in this subdivision, no preliminary analysis is necessary.

C. Soils Investigation. If the required preliminary soils report indicates the presence of critically expansive soils or other soil problems which, if not corrected, would lead to structural defects, the Subdivider must provide for and submit

the findings of a soil investigation of each lot in the subdivision. The soil investigation must be prepared by a state-registered civil engineer and shall recommend corrective action likely to prevent structural damage to each dwelling to be constructed. Prior to issuance of the building permit, any recommended action approved by the building official shall be incorporated into the construction of each dwelling. (Ord. 606, 1999; Ord. 758 §2 (part), 2007)

16.124.130 Geotechnical Reports.

Geotechnical reports shall be provided to address geologic hazards as required by this section.

A. Major Subdivision. A preliminary geotechnical report, prepared by a state-registered geotechnical engineer or state-registered geologist and based upon adequate test borings, must be submitted to the city engineer and building official for every major subdivision at the time of tentative map submittal. The preliminary geotechnical report shall include estimates of expected peak ground accelerations during maximum credible earthquake potentially affecting the site.

B. Waiver of Report. A preliminary geotechnical report may be waived if the building official finds that, due to the knowledge the City possesses relative to the quality of the soils in this subdivision, no preliminary analysis is necessary.

C. Geotechnical Investigation. If the required preliminary geotechnical report indicates the presence of geologic hazards (such as slope instability, subsidence, adverse soil conditions, seismic hazards) which, if not corrected, would lead to structural defects, the Subdivider shall provide for and submit the findings of a geotechnical investigation for each lot in the subdivision. The geotechnical investigation shall be prepared by a state-registered geotechnical engineer or state-registered geologist and shall recommend corrective action likely to prevent structural damage to each dwelling to be constructed. Prior to issuance of the building permit, any recommended action

approved by the building official shall be incorporated into site preparation and construction of each dwelling. (Ord. 606, 1999; Ord. 758 §2 (part), 2007)

16.124.140 Surface and Subsurface Contamination Report.

A. Report. A surface and subsurface contamination report is required at the time of the tentative map submittal. The surface and subsurface contamination report must be prepared by a qualified environmental professional to identify any potential source of surface or subsurface contamination caused by past or current land uses. The report must include evaluation of nonpoint source of hazardous materials, including agricultural chemical residues, as well as potential point sources, such as fuel storage tanks, septic systems, or chemical storage areas.

B. Waiver of Report. The surface and subsurface contamination report may be waived if the City Council finds that, due to the knowledge the City possesses relative to the possible contamination of soils in this subdivision, no preliminary analysis is necessary. A recommendation from the DRC (Development Review Committee) shall accompany the waiver request.

C. Corrective Action. If the report indicates there are surface and subsurface contamination, corrective action must be taken, as recommended in the report and concurred with the San Joaquin County Public Health Services Environmental Health Division prior to issuance of the building permit. (Ord. 606, 1999; Ord. 758 §2 (part), 2007)

16.124.150 Resubdivision

In the event an existing subdivision is resubdivided such that the street alignment, lot design or drainage shall be changed, then the area constitutes a new subdivision and the procedures for filing a tentative and final map as outlined in this chapter apply. (Ord. 606, 1999)

16.124.160 Subdivisions Adjacent to Major Streets.

When a subdivision is developed bordering a freeway, expressway or major street as shown on the General Plan, the City may, in its discretion, require the developer to dedicate and improve a frontage road, open-ended cul-de-sacs, or circular driveways to provide access to adjacent lots. Access may also be provided by the use of varied lot sizes and setbacks or any other method acceptable to the Planning Commission. Reciprocal easements to limit access may be used for commercial and professional office uses. (Ord. 606, 1999; Ord. 758 §2 (part), 2007)

16.124.170 Flood Plain Protection.

Urban areas developed in a flood plain area shall not be permitted. (Ord. 758 §2 (part), 2007)

16.124.180 Nonannexed Property.

Any proposed Tentative Subdivision Map or Tentative Parcel Map pertaining to the development of any real property which has not been annexed to the City shall first be submitted to the City Council for its consideration and determination as to whether the proposed tentative map shall be accepted by the Planning Commission for review. (Ord. 606, 1999)

16.124.190 Division of Existing Buildings.

Prior to the recording of a Final or Parcel Map which will result in the division of any existing building or buildings into separate units or parts, the Subdivider shall secure certification by the Chief Building Official that any building or buildings to be divided will, after division, meet current code standards for new construction. As used in this Section, the phrase current code standards refers to all standards in the current editions of the Building Code, Electrical Code, Plumbing Code, Mechanical Code and Fire Code of the City. (Ord. 606, 1999)

16.124.200 Improvement Agreement and Securities.

A. Prior to the approval by the City Council of a Parcel or Final Map, the Subdivider shall execute an agreement between himself/herself and the City, specifying the period within which he/she shall complete all improvement work to the satisfaction of the City Engineer, and providing that if he/she shall fail to complete such work within such period, the City may complete the same and recover the full cost and expense thereof from the Subdivider. The agreement shall also provide for inspection of all improvements by the City Engineer, and reimbursement of the City by the Subdivider for the cost of such inspection.

1. Such agreement may also provide:

a. For the construction of the improvement in units;

b. For extension of time under conditions therein specified;

c. For partial release of the improvement securities upon the acceptance by the City council of the work as it progresses;

d. For the financing and construction of any or all of such improvements under an appropriate special assessment act proceeding, the Subdivider shall agree, in writing, to initiate, and so far as may be in his/her power, to consummate such proceedings, within such time as may be prescribed by the City Council;

e. Any other fees required by the City.

B. The Subdivider shall also file with the agreement two (2) improvement securities, each to be in an amount based upon the total estimated cost of the improvements as determined by the City Engineer. One (1) improvement security shall secure faithful performance of the agreement and shall be in an amount equal to one hundred percent (100%) of the estimated cost of the improvements. The second improvement security shall secure the obligations set forth in Section 66499.2 of the Government Code, for payment of the contractor, his/her subcontractor(s) and to persons renting

equipment or furnishing labor or materials to them for the improvements, and shall be in an amount equal to one hundred percent (100%) of the total estimated cost of the improvements. Such improvement securities shall be in one of the following forms:

1. A cash deposit or deposits;

2. A bond or bonds issued by one or more duly authorized corporate sureties;

3. An instrument or instruments of credit from one or more financial institutions subject to regulations by the State or Federal government pledging that the funds necessary to meet the performance are on deposit and guaranteed for payments and agreeing that the funds designated by the instrument shall become trust funds for the purposes set forth in the instrument;

4. Any other form of improvement security authorized by the Subdivision Map Act and acceptable to the City Attorney, including the deposit, with a responsible escrow agent or trust company approved by the City Council, or money or negotiable bonds of the kind approved for securing deposits of public money.

C. The required security shall be an amount determined by the City Engineer as sufficient to cover the cost of the improvements, engineering, inspection, fees and incidental expenses. The required improvement security shall be approved by the City Administrator as to sufficiency and by the City Attorney as to form.

D. In the event the Subdivider shall fail to complete all improvement work in accordance with the provisions of this Chapter and the City shall have to complete the same, or if the Subdivider shall fail to reimburse the City for the cost of inspection, engineering, fees and incidental expenses, the City shall call on the surety for reimbursement, or shall appropriate from any cash deposits, or instruments of credit, funds for reimbursement. In any case, if the amount of the surety bond, instrument of credit, or cash in deposit shall exceed all cost and expenses incurred by the City, it shall release the remainder of

such bond, instrument of credit or cash deposit. If the amount of surety bond, instrument of credit or cash deposit shall be less than the cost and expense incurred by the City, the Subdivider shall be liable to the City for such difference.

E. Improvement securities may be released or reduced, in whole or in part, only in the time and manner prescribed in Section 66499.7 of the Government Code, as it now exists or is hereafter amended, and only after certification by the City Engineer that the work covered thereby has been satisfactorily complete and upon approval of the City Council.

F. In addition to the improvement securities specified above, a one (1) year maintenance

guarantee is required to repair any defective work or labor done, or defective materials furnished during construction of the improvements. Once the City Engineer has determined that the improvements were completed in substantial compliance with the plans and specifications, the City Engineer will recommend that the City Council accept the improvements. Prior to this recommendation, the Subdivider shall deliver to the City Engineer a one (1) year maintenance guarantee in the amount specified in the Subdivision Improvement Agreement, and in a form so stated in the agreement. (Ord. 606, 1999; Ord. 758 §2 (part), 2007)