

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BEAUMONT, CALIFORNIA, AMENDING TITLE 16 OF THE BEAUMONT MUNICIPAL CODE ENTITLED SUBDIVISIONS INCLUDING AMENDMENTS TO CHAPTER 16.04, SECTION 16.04.020 TO CLARIFY THAT THE PLANNING COMMISSION HAS THE AUTHORITY TO APPROVE TENTATIVE MAPS AND THE CITY COUNCIL HAS THE AUTHORITY TO APPROVE FINAL MAPS; AMENDMENTS TO SECTION 16.04.030 TO UPDATE THE NAME AND REPRESENTATIVES THAT MAKE UP THE DEVELOPMENT REVIEW COMMITTEE, AMENDMENTS TO CHAPTER 16.08 TO UPDATE AND ADD CERTAIN DEFINITIONS, AMENDMENTS TO CHAPTER 16.24 TENTATIVE MAPS – PROCESSING, AND AMENDMENTS TO CHAPTERS 16.16, 16.32, 16.36, 16.40, 16.60, 16.61, 16.64, 16.66, AND 16.68 TO MAKE NON-SUBSTANTIVE HOUSEKEEPING CHANGES**

\_\_\_\_\_ WHEREAS, The City Council is responsible for implementing the Subdivision Map Act (Government Code § 66410 et seq.), which requires local agencies to adopt procedures governing the review and approval of subdivision maps; and

\_\_\_\_\_ WHEREAS, Title 16, Chapter 16.04, Section 16.04.020, is being amended to clarify that the Planning Commission has the authority to approve tentative maps, and the City Council has the authority to approve final maps. In addition, Chapter 16.04, Section 16.04.030, is being amended to update the name and representatives that make up the Design Review Committee; and

WHEREAS, public rights-of-way, whether improved or unimproved, constitute public assets intended to implement circulation, infrastructure, access, and connectivity goals of the general plan; and

WHEREAS, proposals for development standards variances and requests to abandon, remove, or vacate dedicated public rights-of-way in conjunction with a tentative subdivision map may affect circulation patterns, emergency access, utility corridors, pedestrian and bicycle connectivity, and long-range planning objectives; and

WHEREAS, it is in the public interest to ensure that any proposed development standards variance and abandonment, removal, or vacation of a dedicated and unimproved public right-of-way associated with a tentative map is evaluated for general plan consistency prior to consideration of tentative map approval and that the Planning Commission retains authority to make recommendations to the City Council on tentative maps proposing development standards variances and abandonment, removal, or vacation of a dedicated and unimproved public right-of-way; and

\_\_\_\_\_ WHEREAS, Title 16, Chapter 16.08 – Definitions, is being amended to update and add certain definitions; and

\_\_\_\_\_ WHEREAS, Title 16, Chapter 16.24 – Tentative Maps, establishes local regulations for processing tentative maps. Chapter 16.24 is being amended to streamline the application process,

reduce ambiguity in the Code, and improve public understanding of the review and approval process; and

WHEREAS, Title 16, Chapters 16.16, 16.32, 16.36, 16.40, 16.60, 16.61, 16.64, 16.66, and 16.68, are being amended to make non-substantive housekeeping changes to ensure that the Code is accurate and up to date.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEAUMONT, RIVERSIDE COUNTY, STATE OF CALIFORNIA AS FOLLOWS:

**SECTION 1. Incorporation of Recitals.** The recitals reflected above are true and correct and incorporated herein by this reference as the cause, purpose, and foundation for the action taken by the City Council through this Ordinance.

**SECTION 2. CEQA.** The City Council finds that the actions contemplated by the adoption of this Ordinance will not result in a direct or reasonably foreseeable indirect physical change in the environment and therefore is not subject to CEQA pursuant to section 15060(c)(2) of the CEQA Guidelines. The activity is not a “project” as defined in section 15378 because it has no potential for resulting in physical change to the environment, directly or indirectly, pursuant to section 15060(c)(3). In addition, the actions contemplated by the adoption of this ordinance are exempt from the California Environmental Quality Act (CEQA) pursuant to 15061(b)(3), CEQA review is not required because there is no possibility that this Ordinance may have a significant effect upon the environment, the proposed text amendments constitute a minor alteration in a land use limitation under CEQA Guidelines Section 15305, and such a land use limitation is a permissible exercise of the City's zoning powers.

**SECTION 3. Severability.** The City Council hereby declares that if any provision, section, paragraph, sentence, or word of this Ordinance is rendered or declared to be invalid or unconstitutional by any final court action in a court of competent jurisdiction, or by reason of any preemptive legislation, such invalidity shall not affect the other provisions, sections, paragraphs, sentences, or words of this Ordinance, and to this end the provisions of this Ordinance are severable. The City Council declares that it would have adopted this Ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed, and the balance of the Ordinance enforced.

**SECTION 4. Prosecution of Prior Ordinances.** Neither the adoption of this Ordinance nor the repeal of any other ordinance of this City shall in any manner affect the prosecution of any violation of any City ordinance or provision of the City of Beaumont Municipal Code, committed prior to the effective date hereof, nor be construed as a waiver of any penalty or the penal provisions applicable to any violation thereof.

**SECTION 5. Findings.** The City Council hereby finds that the City is responsible for implementing the State Subdivision Map Act (Government Code §66410 et seq.), which requires local agencies to adopt procedures governing the review and approval of subdivision maps.

Certain portions of Title 16 lack clarity regarding procedural steps, timelines, and decision-making authority, and therefore, the proposed updates are necessary to provide consistency with the Map Act, ensure transparency for applicants, confirm that the Beaumont Planning Commission is the designated decision-making authority on tentative subdivision maps unless otherwise specified by state law, and to make non-substantive housekeeping changes to ensure the Code is accurate and up to date.

**SECTION 6. Approval.** The City Council hereby approves Ordinance \_\_\_ amending the City of Beaumont Municipal Code as set forth below.

**SECTION 7. Amendment of Beaumont Municipal Code Chapter 16.04.** Chapter 16.04 is hereby amended as follows (new language in red, deletions in strikeout):

**16.04.010 - Authority.**

A.

This title is adopted pursuant to the provisions of the Subdivision Map Act of 1975 with current amendments.

B.

All land divisions in the incorporated area of the City, as defined in this title, are subject to all of the applicable provisions of the Subdivision Map Act and this title.

C.

The provisions of this title are adopted to promote orderly growth and development of the City; to protect existing and future citizen rights; to develop a harmonious and workable relationship between the citizens of the City, employees of the City and applicants for land division; and to provide a means whereby the process, from submission to approval, is completed in a minimum time frame.

(Ord. 547 §1.1, 1983)

**16.04.020 - Advisory agencies.**

The City Planning Commission is designated as the "advisory agency" charged with the duty of making investigations and reports on the design and improvement of all proposed parcel maps, land divisions, and tentative subdivision maps in the City. The Planning Commission is authorized to conditionally approve or disapprove all tentative parcel maps and tentative subdivision maps and land divisions, ~~and submit to~~ the Planning Commission is authorized to submit its recommendation on a final map to the City Council for consideration. ~~The City Council is the approving authority for all final maps approval.~~

(Ord. 547 §1.2, 1983)

**16.04.030 - ~~Land Division~~Development Review Committee.**

There is created a ~~Land Division~~Development Review Committee to act in an advisory capacity ~~on~~for all land divisions to the designated advisory agencies.

A.

The ~~Land Division Committee~~Development Review Committee shall consist of representatives from the following departments and districts:

1.

~~Planning-Community Development~~ Department;

2. ~~Engineering Department~~ Economic Development Department;
3. ~~Department of Building and Safety~~ Parks and Recreation Department;
4. Public Works Department;
5. Riverside County Flood Control and Water Conservation District;
6. Fire Department;
7. Finance Department;
8. Police Department;
9. Transit Department;
10. Wastewater Department;
11. Beaumont-Cherry Valley Water District;
12. Beaumont Unified School District.

B. ~~The~~ A representative from the ~~Planning–Community Development~~ Department shall be the chairman and shall coordinate recommendations from the other departments and districts.

C. The ~~Land Division Committee~~ Development Review Committee shall consider all land division maps and report its findings and recommendations on subdivision maps and parcel maps to the advisory agency that has jurisdiction over the map.

D. The ~~Land Division Committee~~ Development Review Committee shall meet at least once each month and shall hold such additional meetings as may be required.

~~(Ord. 547 §1.3, 1983)~~

**16.04.040 - Appeal Board.**

The City Council is established as the Appeal Board to which the land divider or any interested person may appeal from any action of the advisory agency with respect to tentative parcel maps and tentative ~~subdivision tract~~ subdivision maps.

~~(Ord. 547 §1.4, 1983)~~

**SECTION 78. Amendment to Beaumont Municipal Code Chapter 16.08.** Chapter 16.08 is hereby amended as follows (new language in red, deletions in strikeout):

**Chapter 16.08 - DEFINITIONS**

**I. - GENERAL DEFINITIONS**

**16.08.010 - Generally.**

In this title, unless the context otherwise requires, the words set out in this chapter shall have the meanings set out in Sections 16.08.020 through ~~16.08.540~~ 16.08.570.

~~(Ord. 547 §2.1(part), 1983)~~

**16.08.020 - Advisory agency.**

"Advisory agency" means the Planning Commission for all tentative subdivision maps, including parcel maps.

(Ord. 547 §2.1(A), 1983)

**16.08.030 - Building ~~Director~~Official.**

"Building ~~Director~~Official" means the Director of Building and Safety of the City or designee.

~~(Ord. 547 §2.1(B), 1983)~~

**16.08.040 - City Engineer.**

"City Engineer" means the Engineer of the City or designee.

~~(Ord. 547 §2.1(C), 1983)~~

**16.08.050 - Community Development Department Director.**

"Community Development Department Director" means the Director of the Community Development Department of the City or designee.

**16.08.0560 - Department of Transportation.**

"Department of Transportation" means the Department of Transportation of the State or designee.

~~(Ord. 547 §2.1(E), 1983)~~

**16.08.0670 - Flood Control Engineer.**

"Flood Control Engineer" means the Chief Engineer of the Riverside County Flood Control and Water Conservation District or designee.

~~(Ord. 547 §2.1(F), 1983)~~

**16.08.0780 - Health Officer.**

"Health Officer" means the Health Officer of the County or designee.

~~(Ord. 547 §2.1(G), 1983)~~

**16.08.080090 - Land use ordinance.**

"Land use ordinance" means the ordinance codified in Title 17 of this Code.

~~(Ord. 547 §2.1(M), 1983)~~

**~~16.08.090 - Planning Director.~~**

~~"Planning Director" means the Planning Director of the City.~~

~~(Ord. 547 §2.1(H), 1983)~~

**16.08.100 - Public Works Director.**

"Public Works Director" means the Director of Public Works of the City or designee.

~~(Ord. 547 §2.1(I), 1983)~~

**16.08.110 - Recorder.**

"Recorder" means the Recorder of the County.

(Ord. 547 §2.1(J), 1983)

**~~16.08.120 - Road Commissioner.~~**

~~"Road Commissioner" means the Road Commissioner and County Surveyor of the County.~~

~~(Ord. 547 §2.1(K), 1983).~~

**16.08.1320 - Staff.**

"Staff" means the employees of the City of Beaumont.

**16.08.130 - Surveyor.**

"Surveyor" means the surveyor of the City of Beaumont ~~of Riverside~~ or designee.

~~(Ord. 547 §2.1(L), 1983)~~

**II. - TECHNICAL DEFINITIONS**

**16.08.140 - Contiguous units.**

"Contiguous units" means adjacent parcels of land which shall be considered contiguous even if separated by roads, streets, utility easements, or railroad rights-of-way.

(Ord. 547 §2.2(A), 1983)

**16.08.150 - Design.**

"Design" means:

A.

Street alignments, grades, and widths;

B.

Drainage and sanitary facilities and utilities, including alignments and grades thereof;

C.

Location and size of all required easements and rights-of-way;

D.

Fire roads and firebreaks;

E.

Lot size and configuration;

F.

Traffic access;

G.

Grading;

H.

Land to be dedicated for park or recreational purposes;

I.

Such other specific requirements in the plan and configuration of the entire land division as may be necessary or convenient to insure conformity ~~to~~with or implementation of the general plan of the City or any adopted specific plan.

~~(Ord. 547 § 2.2(B), 1983)~~

**16.08.160 - General plan.**

"General plan" means the general plan of the City including the elements thereof, as required by Section 65300 et seq. of the Government Code as adopted by the City Council.

(Ord. 547 §2.2(C), 1983)

**16.08.170 - Improvement.**

"Improvement" means such street work, surveys and monuments and utilities to be installed, or agreed to be installed, by the land divider on the land to be used for public or private street, highways, ways, and easements as are necessary for the general use of the lot owners in the subdivision and local neighborhood traffic needs as a condition precedent to the approval and acceptance of the final map thereof. "Improvement" also means such other specific improvements or types of improvements, the installation of which, either by the land divider, by public agencies, by private utilities, by any other entity or by any combination thereof, is necessary or convenient to insure conformity and implementation of the conditions of approval of the tentative map and the general plan of the City and any adopted specific plan.

(Ord. 547 §2.2(E), 1983)

**16.08.180 - Improvement standards.**

*"Improvement standards"* means the standards set forth in the ordinance codified in this title and other ordinances related to the development of land as a subdivision or parcel map division.

(Ord. 547 §2.2(F), 1983)

**16.08.190 - Land division.**

*"Land division"* means both subdivision and parcel map divisions of land as defined in this section:

A.

"Subdivision" means the division of any unit or units of improved or unimproved land, or any portion thereof, shown on the latest equalized county assessment roll as a unit or as contiguous units, for the purpose of sale, lease, gift or financing, whether immediate or future, except the land divisions described in subsection B of this section shall qualify as parcel map divisions.

B.

"Parcel map division" means the division of any unit or units of improved or unimproved land, or any portion thereof, shown on the latest equalized county assessment roll as a unit or as contiguous units, for the purpose of sale, lease, gift, or financing, whether immediate or future, if any of the following conditions prevail:

1.

The land is divided into four or lessfewer parcels;

2.

The whole parcel before division contains lessfewer than five acres, each parcel created by the division abuts upon a fully improved maintained public street or highway, and no dedication or improvements as normally required under this title are required for the land division;

3.

Each parcel created by the land division has a gross area of not lessfewer than 20 acres up to 40 acres and each parcel has an approved access to a maintained public street or highway;

4.

The land consists of a parcel or parcels of land having approved access to a public street or highway; is part of a tract of land zoned for industrial or commercial development; and is approved as to street alignment and width;

5.

Each parcel created by the "land division" has a gross area of 40 acres and more, or each of which is not less than a quarter of a quarter section.

B.

"Land division" does not include:

1.

The financing or leasing of apartments, offices, stores or similar space within apartment buildings, industrial buildings, commercial buildings, mobile home parks, or trailer parks;

2.

Agricultural, gas, oil, or mineral leases;

3.

Land dedicated for cemetery purposes under the California Health and Safety Code;

4.

The division of land caused by the acquisition of a property interest by a public utility for operating public utility purposes, or the conveyance of land by a public utility to a contiguous ownership;

5.

A lot line adjustment solely for the purpose of increasing or adjusting the size of an adjacent lot or parcel; provided, that the lot line adjustment does not reduce the original parcels below the zoning development standards applicable to the land, no additional parcels are created and the adjustment is approved by the ~~Planning Director~~[Community Development Department Director](#) in accordance with Section [16.68.010](#).

~~(Ord. 547 S2.2(D), 1983)~~

**16.08.200 - Land project.**

"*Land project*" means a land division as defined in Section 11000.5 of the Business and Professions Code.

(Ord. 547 §2.2(G), 1983)

**16.08.210 - Minor change.**

"*Minor change*" means a modification of an approved tentative map that involves a change of lot lines, lot shape, lot dimensions, street alignment width or grade, grading proposals or other elements that do not change the basic design or improvements required in the approved tentative map and the conditions thereof.

(Ord. 547 § 2.2(H), 1983)

**16.08.220 - Planned residential development.**

"*Planned residential development*" means residential development including, but not limited to, statutory and non-statutory condominiums, cluster housing, townhouses and community apartments, that is permitted reduced lot area, width and depth requirements and building setback requirements, by integrating into the overall development open space and outdoor recreational facilities, and which may include recreational and public assembly buildings intended for the use of the residents of the project, within the development.

(Ord. 547 §2.2(M), 1983)

**16.08.230 - Public access.**

"*Public access*" means:

A.

A dedication to public use to the City, or to the County to the required width for road purposes.

B.

A permanent written easement for road purposes to the required width from the State or Federal Government.

C.

An access road as defined in this title that has been open to the public without posting for five years or more, provided adequate evidence thereof is submitted to and approved by the City Engineer.

(Ord. 547 §2.2(L), 1983)

**16.08.240 - Revised tentative map.**

"*Revised tentative map*" means a modification of an approved tentative map wherein the design of the land division is changed from the approved tentative map, but there is no substantial change in concept from the original approved map.

(Ord. 547 §2.2(I), 1983)

**16.08.250 - ~~Specification~~[Specific Plan](#).**

"*Specific plan*" means a plan adopted by the Council that is based upon the general plan of the City, as provided in Section 65450 et seq. of the Government Code.

~~(Ord. 547 §2.2(J), 1983)~~

**16.08.260 - Storm frequency of one in 100 years.**

"Storm frequency of one in 100 years" means a storm that will probably be equaled or exceeded on the average of once every 100 years. It does not follow, however, that such a storm will be equaled or exceeded once in every 100-year period, or that, having occurred once, it will not occur again for 100 years. It may occur several times in a 100-year period but over a sufficient length of time the average is expected to be once in 100 years.

(Ord. 547 §2.2(K), 1983)

**III. - STREET AND HIGHWAY DEFINITIONS**

**16.08.270 - Access road.**

"Access road" means a road with a minimum right-of-way of 60 feet, or a part-time street having a minimum right-of-way of 40 feet, which provides access to a division of land from an existing maintained highway. If the land division is a parcel map creating four or ~~less~~fewer parcels, the minimum right-of-way for a part-width street may be reduced to 30 feet. Use of an access road for new land divisions is permitted only where there is a reasonable probability of full road improvements being made in the foreseeable future.

(Ord. 547 §2.3(A)(10), 1983)

**16.08.280 - Alley.**

"Alley" means a secondary means of access to ~~property and is located at~~ the rear or side of the property, not intended for general traffic circulation or primary access to any lot or parcel of land or dwelling and the m-Minimum right-of-way width shall be 20 feet.

(Ord. 547 §2.3(A)(11), 1983)

**16.08.290 - Arterial highway.**

"Arterial highway" means a divided highway primarily for through traffic to which access from abutting property shall be kept at a minimum. Intersections with other streets or highways shall be limited to approximately one-quarter mile intervals. Minimum rights-of-way width shall be 110 feet.

(Ord. 547 §2.3(A)(3), 1983)

**16.08.300 - Barrier strip.**

"Barrier strip" means a strip of land one foot or more in width dedicated to the City for street purposes and access control at the end of a dead-end street or along the side of a part-width dedicated street or other public right-of-way.

(Ord. 547 §2.3(B)(1), 1983)

**16.08.310 - Bicycle way.**

"Bicycle way" means an area either within or outside the right-of-way of a dedicated street where bicycle travel is the designated use.

(Ord. 547 §2.3(B)(2), 1983)

**16.08.320 - Collector street.**

"Collector street" means a street which is intended to serve intensive residential land use, multiple-family dwellings, or to convey traffic through a subdivision to roads of equal capacity or greater. Minimum right-of-way width shall be 66 feet.

(Ord. 547 §2.3(A)(6), 1983)

**16.08.330 - Cul-de-sac street.**

"*Cul-de-sac*" means a road open at one end only, with special provisions for turning around and which may be further extended in adjoining property.

(Ord. 547 §2.3(A)(13), 1983)

**16.08.340 - Dead-end street.**

"*Dead-end street*" means open at one end only, without provisions for turning around and which may be further extended in adjoining property.

(Ord. 547 §2.3(A)(14), 1983)

**16.08.350 - Downtown street.**

"Downtown street" means streets serving the Beaumont Downtown Area Plan.

**16.08.3560 - Expressway.**

"*Expressway*" means a highway for through traffic to which access from abutting property is restricted. Intersections with other streets or highways shall be limited to approximately one-half mile intervals.

~~(Ord. 547 §2.3(A)(1), 1983)~~

**16.08.3670 - Freeway.**

"*Freeway*" means a highway upon which the abutter's rights of access is controlled, and which provides separated grades at intersecting streets.

~~(Ord. 547 §2.3(A)(2), 1983)~~

**16.08.3780 - Frontage road or service road.**

"*Frontage road or service road*" means a local street auxiliary to and adjacent to freeways, expressways, arterial highways, major highways, and secondary highways. Minimum right-of-way width shall be 52 feet.

~~(Ord. 547 §2.3(A)(12), 1983)~~

**16.08.3890 - General local street.**

"*General local street*" means a through street serving 100 or more single-family lots with at least one end terminating at a road of greater capacity. Minimum right-of-way width shall be 60 feet.

~~(Ord. 547 §2.3(A)(7), 1983)~~

**16.08.400 - Golf cart way.** "Golf cart way" means an area either within or outside the right-of-way of a dedicated street where golf cart travel is a permitted use.

**16.08.39410 - Highway or street.**

"*Highway*" or "*street*" means a right-of-way within which improvements are constructed for the conveyance of vehicular traffic and includes all highways, streets, roads, and alleys. Said rights-of-way and improvements shall be in conformity with City Engineering Department Standards and Specifications as set forth in Resolution No. 1980-35.

~~(Ord. 547 §2.3(A)(part), 1983)~~

**16.08.4020 - Major highway.**

"*Major highway*" means a highway intended to serve property zoned for major industrial and commercial uses, or to serve through traffic. Intersections with other streets or highways shall be limited to approximately one-eighth mile intervals. Minimum rights-of-way width shall be 100 feet.

~~(Ord. 547 §2.3(A)(4), 1983)~~

**16.08.4130 - Median.**

"*Median*" means that portion of a divided highway separating the traveled-way for traffic in opposite directions.

~~(Ord. 547 §2.3(B)(3), 1983)~~

**16.08.4240 - Multilane demand.**

"Multilane demand" means that projected traffic volume will exceed the nominal capacity of a two-lane street section when such projected traffic volume is determined by a rational method of traffic generation employing land use techniques and traffic engineering principles.

~~(Ord. 547 §2.3(B)(3), 1983)~~

**16.08.4350 - Outer separation.**

"Outer separation" means the area between the ~~traveled way~~traveled way of a highway for through traffic and a frontage road or service road.

~~(Ord. 547 §2.3(B)(5), 1983)~~

**16.08.4460 - Part-width street.**

"Part-width street" means any street, the improved width of which, is less than the width necessary for a normal full-width street.

~~(Ord. 547 §2.3(B)(6), 1983)~~

**16.08.4570 - Pedestrian way/sidewalk.**

"Pedestrian way/sidewalk" means a right-of-way designed for use by pedestrians and not intended for use by motor vehicles of any kind. A pedestrian way may be located within or without a street right-of-way.

~~(Ord. 547 §2.3(B)(7), 1983)~~

**16.08.4680 - Private street.**

"Private street" means a street for which access control is permitted by land division design, posting or gating.

~~(Ord. 547 §2.3(A)(15), 1983)~~

**16.08.4790 - Restricted local street.**

"Restricted local street" means a local street where, due to unusual conditions, it is impractical to provide for a wider right-of-way. Minimum right-of-way width shall be 50 feet.

~~(Ord. 547 §2.3(A)(9), 1983)~~

**16.08.480500 - Right-of-way.**

"Right-of-way" means the entire width of property for the use of highways, flood and drainage works, overhead and underground utilities, or any related improvements.

~~(Ord. 547 §2.3(B)(8), 1983)~~

**16.08.490510 - Roadside strip.**

"Roadside strip" means the area adjoining the outer edge of the roadbed, extending to the right-of-way line in which sidewalks, plantings, utilities, bank slopes, and related facilities may be located.

~~(Ord. 547 §2.3(B)(9), 1983)~~

**16.08.5020 - Roadway.**

"Roadway" means that portion of the highway including roadbed, all slopes, side ditches, channel, waterways, and all other related facilities which are located within a road right-of-way.

~~(Ord. 547 §2.3(B)(10), 1983)~~

**16.08.5130 - Roadbed.**

"Roadbed" means that portion of the roadway extending from curb face to curb face or to outside line of improved shoulders. Divided highways shall be considered as having two roadbeds.

~~(Ord. 547 §2.3(B)(11), 1983)~~

**16.08.540 - Secondary frontage.**

"Secondary frontage" means frontage for streets similar to arterial roadways for lower speeds and reduced right-of-way to reflect adjacent land uses.

**16.08.5250 - Secondary ~~highway~~street.**

"Secondary ~~highway~~street" means a ~~highway~~street intended to serve property zoned for multiple residential, secondary, industrial, or commercial uses, or to serve through traffic. Minimum right-of-way width shall be 88 feet.

~~(Ord. 547 §2.3(A)(5), 1983)~~

**16.08.5360 - Short local street.**

"Short local street" means a residential street limited by subdivision design to serve ~~less~~fewer than 100 single-family dwellings. Minimum right-of-way width shall be 60 feet.

~~(Ord. 547 §2.3(A)(8), 1983)~~

**16.08.5470 - Traveled way.**

"Traveled way" means that portion of the roadway for the movement of vehicles, exclusive of shoulders and auxiliary lanes.

~~(Ord. 547 §2.3(B)(12), 1983)~~

**SECTION 89. Amendment to Beaumont Municipal Code Chapter 16.16.** Chapter 16.16 is hereby amended as follows (new language in red, deletions in ~~strikeout~~):

**16.16.010 - Tract number.**

A.

Prior to the filing of a tentative map for a land division, a tract number shall be obtained from the ~~Road Commissioner~~County of Riverside. Any number that is not used within two years from the date it is issued shall become null and void. The land divider shall pay the fee required as set forth in the ordinance codified in this title, and on file in the City Clerk's Office.

B.

When the tentative map is a parcel map division, this shall be so indicated thereon.

C.

The ~~Road Commissioner~~County of Riverside and the Surveyor shall maintain a permanent record of all tract numbers.

D.

When applying for a tract number, the land divider shall certify that he is a record owner of the property, or that the record owner consents to the filing of the map, or the land divider shall submit such proof of ownership or consent of the owner as shall be necessary for the ~~Road Commissioner~~County of Riverside and the Surveyor.

E.

When a number has been assigned by the ~~Road Commissioner~~County of Riverside for a particular parcel or contiguous parcels of land, the land divider shall place the tract number upon each tentative map of the land division and neither the number nor the area of the parcel of land for which the number is issued shall thereafter be changed or altered in any manner upon the tentative map of the land division unless and until a new number has been assigned by the ~~Road Commissioner~~County of Riverside.

F.

The ~~Road Commissioner~~[County of Riverside](#) shall not issue tract numbers to different persons for the same parcel of land or any portion thereof without first obtaining a release of the number from the person previously issued such number.

~~(Ord. 547 §4.1, 1983)~~

**16.16.020 - Preliminary corner stakes.**

Prior to filing a tentative map, the land divider shall place a conspicuous stake identified with a number or corner description and flag at each approximate corner of the property to be divided. The stake shall extend at least three feet above the ground and be identified with a number and corner description. Detailed vicinity maps may be provided in lieu of corner stakes if approved by staff. Failure to place the required stakes or provide detailed maps may cause discontinuance or delay of the processing of the tentative map.

(Ord. 547 §4.2, 1983)

**16.16.030 - Application.**

A.

Prior to filing a tentative map, the land divider shall obtain an application for a land division, which form shall be furnished by the ~~Planning Director~~[Community Development Department Director](#) and be completed by the land divider.

B.

The application shall be for the purpose of:

1.

Providing and clarifying the information required to be shown on, or to accompany, the tentative map;

2.

Determining whether the land division conforms to all the requirements of this and other City ordinances;

3.

Expediting the processing of the tentative map.

~~(Ord. 547 §4.3, 1983)~~

**16.16.040 - Division of land.**

A.

No person shall make any land division, as defined in this title, of real property ~~City~~ located in the incorporated area of the City, except in accordance with the provisions of the Subdivision Map Act and this title.

B.

When a tentative map has been submitted, no grading or construction work shall be performed until the tentative map, and the improvement plans for such work have been approved.

~~(Ord. 547 §4.4, 1983)~~

**16.16.050 - Optional procedure.**

Prior to filing of a tentative map, a land divider may, without payment of fee, discuss the proposed land division with the ~~Planning~~[Community Development](#) Department staff.

~~(Ord. 547 §4.5, 1983)~~

**16.16.060 - Date of filing.**

The date of filing of a tentative map shall be the date on which the map and information required by the Subdivision Map Act and this title have been filed; the fees have been paid; all procedures required by the City of Beaumont Rules Implementing the California Environmental Quality Act

to hear a matter have been completed; and, if the land division is within a special study zone for geological hazards when all procedures under Riverside County Ordinance No. 547 have been completed. The time limitations for processing a tentative map shall not begin to run until the tentative map is deemed finally filed upon completion of all requirements during the preliminary filing stage.

(Ord. 547 §4.6, 1983)

**SECTION 8910. Amendment to Beaumont Municipal Code Chapter 16.24.** Chapter 16.24 is hereby amended as follows (new language in red, deletions in strikeout):

**16.24.010 - Filing of tentative maps.**

A.

Preliminary filing shall be as follows: All tentative maps shall be filed with the ~~Planning Director~~Community Development Department Director on a preliminary filing basis and shall be accompanied by a fee as set forth in the ordinance codified in this title, and on file in the City Clerk's Office. During the preliminary filing period, the 50-day time limit for processing tentative maps shall not commence to run. ~~Not less than 15 copies of a tentative map shall be filed, which~~ ~~maps~~ shall be drawn to an engineer's scale appropriate to clearly present necessary details, ~~and shall be on pages not less than eighteen inches by 26 inches.~~

B.

During the time that the tentative map is considered preliminarily filed:

1.

The land divider shall comply with the City of Beaumont Rules to ~~Implement the Provisions of the California Environmental Quality Act (C-E-Q-A)~~ including the preparation of an Environmental Impact Report if one is required.

2.

The land divider shall comply with Riverside County Ordinance No. 547 and all the requirements of the Alquist-Priolo Geologic Special Studies Zone Act. The land divider shall obtain clearance from the Beaumont-Cherry Valley Water District for all requirements relating to water.

C.

Actual filing of tentative map: When all requirements of the preliminary filing stage are completed, the ~~Planning Director~~Community Development Department Director shall notify the land divider and the tentative map shall then be accepted for filing upon the payment of the required fees as set forth in the ordinance codified in this title, and on file in the City Clerk's Office.

~~(Ord. 547 §6.1, 1983)~~

**16.24.020 - Fee for flood protection study.**

A.

A flood protection study fee shall be paid at the time of actual filing of a tentative map as set forth in the ordinance codified in this title, and on file in the City Clerk's Office.

B.

When the fee is collected, it shall be paid to the Flood Control District that performs the flood protection study.

C.

No charge shall be made for a flood protection study on a revised tentative map filed within two years of the original filing unless additional lots have been added. If a resubmitted map has additional lots proposed, a supplemental payment of the normal lot fee multiplied by the additional number of lots will be required. After two years the fee shall be the same as the original fee.

D.

There shall be no flood protection study fee for reverting subdivided lands to acreage.

E. Deemed Complete Status. Upon receipt of a tentative map application, the Community Development Department Director or designee shall determine completeness pursuant to Government Code §65943. Written notification shall be provided to the applicant identifying completeness or required corrections.

~~(Ord. 547 §6.2, 1983)~~

**16.24.030 - Map distribution.**

Upon the actual filing of the tentative map with the ~~Planning Director~~Community Development Department Director, one copy thereof shall be forwarded to each member of the appropriate advisory agency and to each of the following as may be concerned:

A.

California Department of Transportation;

B.

City of Banning;

C. County of Riverside;

~~D.~~

The Flood Control District or person designated who will perform flood control and drainage studies;

~~E.~~

Any City, Community Services District, school, or other authorized district requesting a copy;

~~F.~~

Any utility purveyor serving the area with its facilities;

G.

Any others as may be appropriate.

~~(Ord. 547 §6.3, 1983)~~

**16.24.040 - Review by ~~Land Division Committee~~Development Review Committee.**

A.

Upon determination of completeness, tentative map applications shall be routed to the Development Review Committee for interdisciplinary review. All tentative maps shall be reviewed by the appropriate section of the ~~Land Division Committee~~Development Review Committee. The land divider and his representative shall be notified of the date and time of the meeting, at which time the land divider may review his proposed map with the committee.

B.

CEQA Review. The City shall evaluate the tentative map in accordance with the California Environmental Quality Act (CEQA) and applicable local procedures.

C.

Upon the completion of its review, the ~~Land Division Committee~~Development Review Committee shall prepare a report and recommendations and shall transmit a copy to the appropriate advisory agency. The report shall be in writing and a copy thereof served on the land divider and ~~his~~its representative at least five days prior to any hearing or action on the map by the advisory agency.

D.

**Public Hearing Required.** A public hearing shall be scheduled before the Planning Commission once DRC comments have been addressed and CEQA review has been completed or appropriately documented.

E.

**Notice.** Public notices shall be issued in accordance with Government Code §65090 and §66451.3. (~~Ord. 547 §6.4, 1983~~)

**16.24.050 - Consideration by the advisory agency.**

A.

**Planning Commission Authority.** The Planning Commission shall serve as the final decision-making body for all tentative maps unless as otherwise noted below, an appeal is filed or authority is otherwise mandated by state law.

B.

**Findings Required.** Prior to approving, conditionally approving, or denying a tentative map, the Commission shall make findings required by the Subdivision Map Act and this title.

1. Prior to recommendation of approval of a tentative map proposing abandonment, removal, or vacation of a public right-of-way, the planning commission shall report that the proposed vacation is consistent with the Beaumont General Plan pursuant to Government Code Sections 65402 and 66473.5.
2. In making this determination, the planning commission shall consider, at minimum:
  - a. Consistency with the Beaumont General Plan Mobility Element, including roadway classification, connectivity, and traffic flow;
  - b. Impacts to emergency vehicle access and public safety;
  - c. Impacts to public utilities and infrastructure corridors;
  - d. Consistency with pedestrian, bicycle, and multimodal access policies;
  - e. Long-term public access needs and future planned improvements; and
  - f. Whether the right-of-way is necessary for present or prospective public use.
3. If the planning commission cannot make the required general plan consistency finding, it shall require modification of the proposal or recommend denial of the tentative map.
  - a. The Planning Commission shall adopt a resolution and action on the tentative map shall constitute a recommendation to the city council when a variance or an abandonment, removal, or vacation of public right-of-way is involved.
    - i. The City Council retains exclusive authority to approve, conditionally approve, or deny tentative maps requesting variances or the abandonment, removal, or vacation of any public right-of-way and may condition approval of the vacation upon reservation of public service easements, public access easements, utility easements, or other rights deemed necessary to protect the public interest pursuant to the Streets and Highway Code.
    - ii. If the City council denies or disapproves the proposed variance or abandonment, removal, or vacation, the tentative map shall be deemed denied or disapproved unless revised to eliminate the need for proposed variance, abandonment, removal, or vacation.

C.

Conditions of Approval. Conditions may be imposed to ensure compliance with the general plan, municipal code, Streets and Highway Code and the California Subdivision Map Act.

D.

Within 50 days after the date of actual filing of a tentative map, a public hearing on the map shall be held before the advisory agency. Notice of the hearing shall be given at least ten days before the hearing by U.S. mail, postage prepaid, to owners of real property located within 300 feet of the exterior boundaries of the property to be considered, as shown on the last equalized assessment roll of the County and any update issued by the County Assessor and by publication once in a newspaper of general circulation in the City. After closing the hearing, the advisory agency shall file a written report with the City Council ~~recommending approval, approving with conditions or disapproving the tentative subdivision or parcel map~~, and report its actions directly to the land divider and his authorized agent.

BE.

The advisory agency, upon the request of the land divider, may waive the requirement that a final parcel map be recorded if the advisory agency finds that the proposed land division complies with the requirements as to:

1.

Area;

2.

Improvement and design;

3.

Flood water drainage control;

4.

Appropriate improved public roads;

5.

Sanitary disposal facilities;

6.

Water supply availability;

7.

Environmental protection;

8.

Adequate existing survey control;

9.

Other provisions of this and other applicable ordinances of the City and the Subdivision Map Act.

~~(Ord. 547 §6.5, 1983)~~

**16.24.060 - Appeal of actions of advisory agency.**

The land divider or any interested party may appeal the decision of the advisory agency on a tentative subdivision or parcel map, to the City Council within 15 days after the decision of the advisory agency. The appeal shall be filed in the City ~~Manager~~Clerk's Office, stating in writing the basis for the appeal and accompanied by the fee set forth in the ordinance codified in this title, and on file in the City Clerk's Office. All appeals shall be heard by the Council at a public hearing, on a date within 30 days after the date of the filing of the appeal and notice of public hearing shall be given in the same manner as was given for the original hearing. Upon the conclusion of the hearing, the Council shall render its decision on the appeal within 20 days.

~~(Ord. 547 §6.6, 1983)~~

**16.24.070 - Extension of the time for processing.**

All the time limits specified in this title for reporting and acting on tentative maps may be extended by the mutual consent of the land divider and the advisory agency or the Council.  
(Ord. 547 §6.7, 1933)

**SECTION 101. Amendment to Beaumont Municipal Code Chapter 16.32.** Chapter 16.32 is hereby amended as follows (new language in red, deletions in strikeout):

**16.32.010 - Revised tentative maps.**

A.

Any revised tentative map shall comply with all of the provisions of the Subdivision Map Act and this title in effect at the time the revised map is approved.

B.

Proceedings on a revised tentative map shall be conducted in the same manner as for the original approval of a tentative map except those procedures that are not applicable. The approval or conditional approval of a revised tentative map shall annul approval of the previous tentative map, but the approval thereof shall not extend the time within which the final map may be filed.

(Ord. 547 §8.1, 1983)

**16.32.020 - Minor changes.**

A.

A request for approval of a minor change to an approved tentative map shall be filed with the ~~Planning Department~~Community Development Department, accompanied by the fee specified by the ordinance codified in this title, and on file in the City Clerk's Office, and referred to the ~~Land Division Committee~~Development Review Committee. The request shall be reviewed by the ~~Land Division Committee~~Development Review Committee, which committee shall make a written recommendation thereon to the advisory agency.

B.

The advisory agency shall consider the matter, review the recommendation of the ~~Land Division Committee~~Development Review Committee, and make a decision on the request. An appeal of the advisory agency's decision may be made to the City Council. The decision of the Council on the minor change shall be final.

C.

A minor change shall not require a noticed public hearing; however, the advisory agency or the City Council may, at their discretion, allow testimony to be given on the proposed change. The advisory agency or Council may make a final decision on the matter when it initially appears on its agenda, or it may continue the matter without the consent of the land divider. The approval by the advisory agency or Council of a minor change shall not affect the time period within which the land divider must prepare and file the final map.

~~(Ord. 547 §8.2, 1983)~~

**16.32.030 - Division into units.**

A.

If a land divider proposes to file a final map on only a portion of land shown on an approved tentative map, he shall file an application with the ~~Planning Director~~Community Development

Department Director accompanied by the fee as set forth in the ordinance codified in this title, and on file in the City Clerk's Office.

B.

The ~~Planning Director~~Community Development Department Director shall refer the application to the ~~Land Division Committee~~Development Review Committee for its review.

C.

No unit map shall be approved unless it is complete and in compliance with all of the provisions of this title, including fire protection, flood control, traffic circulation, access, and environmental considerations and with all conditions of approval of the tentative tract.

D.

The unit will be identified by the approved tentative map number with a dash number designating said unit. The unit number shall be obtained from the ~~Road Commissioner~~County of Riverside upon payment of the fee specified in the ordinance codified in this title, and on file in the City Clerk's Office. Units shall be recorded in the order as indicated by the unit number. The last unit within a tentative map to be recorded will not bear a unit number.

~~(Ord. 547 §8.3, 1983)~~

#### **16.32.040 - Expiration of approved tentative maps—Extension of time.**

A.

*Tentative Subdivision Maps.* An approved or conditionally approved tentative subdivision map shall expire 24 months after such approval unless within that period of time a final map shall have been approved and filed with the County Recorder. Prior to the expiration date, the land divider may apply in writing for an extension of time. Each application shall be made to the advisory agency 30 days prior to the expiration date of the tentative map and shall be accompanied by the fee set forth by the ordinance codified in this title, and on file in the City Clerk's Office. The advisory agency shall forward to the Council an approval or denial of the application. The Council may extend the date on which the map expires for one year.

B.

*Tentative Parcel Maps.* An approved or conditionally approved tentative parcel map shall expire 24 months after such approval, unless within that period of time a final map shall have been approved and filed with the County Recorder. Prior to the expiration date, the land divider may apply in writing for an extension of time period. Each application shall be made to the advisory agency 30 days prior to the expiration date of the tentative map, and shall be accompanied by the fee set forth in the ordinance codified in this title, and on file in the City Clerk's Office. The advisory agency may extend the date on which the map expires for one year. The advisory agency shall report its action directly to the land divider.

C.

An extension of time shall not be granted unless the land division conforms to the general plan and is consistent with zoning and with the applicable schedule of improvements in effect at the time an extension is granted.

~~(Ord. 547 §8.4, 1983)~~

**SECTION 121. Amendment to Beaumont Municipal Code Chapter 16.36.** Chapter 16.36 is hereby amended as follows (new language in red, deletions in strikeout):

#### **16.36.010 - General.**

After the approval or conditional approval of the tentative map and prior to the expiration of such map, the subdivider may cause the real property included within the map, or any part thereof, to be surveyed and a final map thereof prepared in accordance with the approved or conditionally approved tentative map.

(Ord. 547 §547 § 9.1, 1983)

**16.36.020 - Subdivision boundary plat requirements.**

A.

Surveys made in preparation of final land division maps shall be in accordance with standard practices and principles of surveying and all applicable provisions of the Subdivision Map Act.

B.

Before the final map of a subdivision will be accepted by the City Engineer for checking, the land divider shall submit and obtain approval by the ~~Read-Commissioner~~advisory agency of a map showing:

1.

A boundary survey of the land division, including all courses and distances to compute a closure;

2.

Sufficient data to prove the method by which the boundary was determined, including a description of all corners found or set, adjoining maps or property lines of record;

3.

The map shall be drawn on 18 inches by 26 inches minimum sheets of reproducible material.

C.

The City Engineer may waive the boundary plat if sufficient survey information is of record.

D.

Wherever the City Engineer has established the centerline of a street, that data shall be considered in making the surveys and in preparing the final map, and all monuments found shall be indicated and public record, relating to the monuments. If the points were reset by ties, that fact shall be stated. The final map shall show City boundaries adjoining the division of land.

~~(Ord. 547 §9.2, 1983)~~

**16.36.030 - Preliminary filing of final subdivision map.**

A.

When a boundary survey map is approved or waived by the City Engineer, the subdivider may then file his final map for preliminary checking in the office of the City Engineer. Five positive prints shall be filed with the City Engineer to be distributed as follows:

1.

Two to the City Engineer;

2.

One to the ~~Planning Department~~Community Development Department;

3.

One to the appropriate flood control agency.

B.

The final map shall be accompanied by the following: map checking fees as set forth in the ordinance codified in this title, and on file in the City Clerk's Office.

C.

Improvement plans shall be accompanied by the following: Two sets of prints of plans of the proposed improvements together with the plan checking fee as set forth in the ordinance codified in this title, and on file in the City Clerk's Office.

D.

Prior to the recordation of the final map, the following items shall be provided and approved:

1.

A copy of the approved Conditions, Covenants and Restrictions (CC & R's) that are to be recorded with the final map;

2.

Evidence of title in the form of a current preliminary title report issued by a California title company, showing the names of persons having any record title interest in the land to be divided, together with the nature of their respective interests therein. In the event that any dedication is to be made for public use of any property shown on a final land division map, a subdivision guarantee shall be issued by a California title company. The consent of the owner or owners of any contingent reversionary interest in the lands to be subdivided is not necessary and need not be named in the guarantee of title.

3.

All ~~request~~requests for waivers of signatures as proved in the Subdivision Map Act shall be required.

4.

Utility plans required shall be as follows:

a.

An original and three positive prints of each map showing the proposed water distribution and sewage collection systems, signed by the purveyors and a registered civil engineer; each system shall comply with all applicable State, County and City regulations. The City Fire Department shall also sign the water plan when conditions include fire protection.

b.

Letters from other utility purveyors that will serve the land division certifying that satisfactory provisions have been made with each of the said public utility purveyors as to location of their facilities and construction thereof.

~~(Ord. 547 §9.5, 1983)~~

#### **16.36.040 - Preliminary filing of final parcel map.**

After a tentative parcel map is approved, the land divider may cause a final parcel map to be prepared and submitted to the City Engineer. The land divider shall submit the following:

A.

Two prints of the final parcel map with the plan checking fee as required in the ordinance codified in this title, and on file in the City Clerk's Office.

B.

Two prints each of any required improvement plans with plan checking fee as required in the ordinance codified in this title, and on file in the City Clerk's Office.

C.

Evidence of title in the form of a current preliminary title report issued by a California title company showing the names of persons having any record title interest in the land to be divided, together with the nature of their respective interests therein. In the event that any dedication is to

be made for public use of any property shown on a final parcel map, a subdivision guarantee shall be issued by a California title company.

(Ord. 547 §9.4, 1983)

**16.36.050 - Data required—Final land division maps.**

A.

Final subdivision and parcel maps shall conform to all of the following provisions:

1.

Each map shall be legibly drawn, printed or reproduced by a process guaranteeing a permanent record in black on tracing cloth or good quality polyester base film, including certificates, except that such certificates may be legibly stamped or printed upon the map with opaque material when recommended by the City Engineer and authorized by the County Recorder. If ink is used on polyester base film, the ink surface shall be coated with a suitable substance to assure permanent legibility. The size of each sheet shall be 18 inches by 26 inches. A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of one inch.

2.

Each map shall bear the number ~~as~~ assigned by the [Road Commissioner County of Riverside](#) which shall be followed by a subtitle consisting of a general description of all the property being divided by reference to record maps, and to section surveys or ranchos. Reference shall be spelled out and worded identically with original records, with complete reference to proper book and page of record.

3.

All sheets shall be numbered, the relation of one sheet to another clearly shown, and the number of sheets used shall be set forth on each sheet. An adequate number of sheets shall be submitted to clearly present all pertinent data.

4.

When required by the City Engineer, a location map shall be placed on the final map which indicates the location of the proposed land division and its relationship to existing streets and highways.

5.

Prior to recording, the certificates and acknowledgments required by the Subdivision Map Act shall appear on the maps.

6.

The Recorder's certificate shall be placed in the upper ~~right hand~~[right-hand](#) corner of the first sheet only on multi-sheet maps.

7.

The surveyor's or engineer's certificate shall state that the survey was made by him or under his direction, that the survey is true and complete as shown, that all monuments are of the character and occupy the positions indicated and are sufficient to enable the survey to be retraced, that the map conforms to the approved tentative map and conditions of approval thereof, and that all provisions of the applicable State and local ordinances have been complied with.

8.

The number, scale, north point and sheet number shall be shown on each sheet of map. The map shall be drawn at a suitable engineer's scale to identify and describe all essential details clearly. If

no more than two map sheets are used, an index showing the division of land with lots numbered as shown on the map, shall be shown. A boundary survey shall be shown on one sheet.

9.

A land division name shall not be shown on the map.

10.

The exterior boundary of the land within a land division shall be indicated by a distinctive delineation and clearly designated.

11.

A statement labeled "Map Notes" shall be shown on one sheet of the map. The statement shall include the basis of bearings; the monuments that were found; the monuments and points that were set, with reference to Resolution No. 1980-35 standards; and a key to the symbols and abbreviations and such other information required by the City Engineer.

12.

Lots shall be numbered consecutively, commencing with the number "1," with no omissions or duplications. Each lot shall be shown in its entirety on one sheet. Lots used for streets, alleys, or barrier strips shall be lettered. Easements shall be clearly identified.

13.

Where a part-width street is shown on a map, the centerline of the improvements shall be monumented and shown correctly, as related to the full future width of the street.

14.

Preparation of maps shall conform to County standards, as found in policies and ordinances, except as modified by the City Engineer and approval of the City Council.

15.

For each centerline intersection monument set, the engineer or surveyor under whose supervision the survey has been made, shall furnish the City Engineer a set of notes showing clearly four reference monuments.

B.

The following data shall be shown on each final subdivision and parcel map:

1.

Dates of survey and the name of the registered civil engineer or licensed surveyor responsible for the preparation of the maps;

2.

Locations and names, without abbreviations, of all adjoining, existing and proposed streets, and the location of alleys. Proposed public areas and easements shall also be identified;

3.

Gross area of land division, and the net acreage, computed to nearest 0.01 acres, on all lots containing one acre or more. Lot lines shall be shown by solid lines;

4.

Centerlines of all streets and lengths, tangent, radius and central angle or radial bearings on all points on curves and the bearings of radial lines to each lot corner on a curve; the width of each street, the width of the portion being dedicated and the width of existing dedications; and the widths of rights-of-way of railroads, flood control or drainage channels and other easements appearing on the map;

5.

Sufficient data to determine readily the bearing and length of each line. Recorded survey data as required by the City Engineer;

6.

Sufficient primary survey control points;

7.

Ties to and recording references to adjacent record maps and to section corners, quarter section corners and also to section lines and quarter section lines when adjacent or within the map;

8.

Centerline data and width of all easements to which the division of land is subject. If the easements are not definitely located by record, a statement as to the easement shall appear on the title sheet of the land division map. Distances and bearings on the side lines of lots which are cut by an easement shall be so shown as to indicate clearly the actual location. Alignment data alongside lot lines of easements shall be provided when not controlled by paralleling lines or centerline. The easement shall be clearly labeled and identified and, if already on record, proper reference to the records given. Easements dedicated in land divisions shall be included in the owners' Certificate of Dedication. Easements shall be shown on the map by broken lines.

9.

Clear indication of stakes, monuments or other evidence found on the ground to determine the boundaries of the tract, data to determine physical description, size, ground position, tag number, and record reference of survey markers. Untagged monuments accepted as control shall be tagged or replaced by the surveyor or engineer making the survey;

10.

No setback lines shall appear on the final map;

11.

New street names shown on a land division map must be approved by the City Engineer;

12.

Any required conditions related to geologic hazard.

~~(Ord. 547 §9.5, 1983)~~

#### **16.36.060 - Parcel maps compiled from recorded data.**

A parcel map of four or ~~less~~ fewer parcels may be compiled from recorded or filed data, if such data is acceptable to the City Engineer. Parcel maps compiled from record data must be part of a recently recorded tract or parcel map that was not compiled from recorded data.

~~(Ord. 547 §9.6, 1983)~~

#### **16.36.070 - Filing of final land division maps.**

After the preliminary final land division map is determined to be correct, the City Engineer shall notify the land divider to prepare and submit the original final map together with all required agreements for improvements and securities and all other required documents as may be necessary for Council consideration of the final map. If the final land division map or documents are not determined complete by the City Engineer, they shall be returned to the land divider for corrections.

(Ord. 547 §9.7, 1983)

#### **16.36.080 - Action by the City Engineer.**

When the final land division map and all agreements, securities and other required documents have been submitted and found to be in correct form, the City Engineer shall, within 20 days thereof, file the final map and documents with the City Council and certify that:

A.

He has examined the map.

B.

The land division as shown is substantially the same as it appeared on the tentative map and any approved alterations thereof.

C.

All provisions of the Subdivision Map Act and all City ordinances applicable at the time of approval of the tentative map have been complied with.

D.

He is satisfied that the map is technically correct.

E.

In the certificate, the City Engineer shall state the date of approval of the tentative map and the date of expiration.

(Ord. 547 §9.8, 1983)

**16.36.090 - Action by the City Council.**

The City Council shall, at the meeting at which it receives the map or, at its next regular meeting after the meeting at which it receives the map, approve the map if it conforms to all the requirements of the Subdivision Map Act and this title applicable of the tentative map and any rulings made thereunder or, if it does not so conform, disapprove the map; provided, however, the final map shall not be disapproved due to technical or inadvertent errors which can easily be corrected and, in the opinion of the City Engineer, do not materially affect the validity of the map.

(Ord. 547 §9.9, 1983)

**16.36.100 - Survey and monuments.**

A.

At the time of making the survey for a final land division map, the engineer or surveyor shall set sufficient durable monuments to conform to the standards described in Section 8771 of the Business and Professions Code and also comply with the requirements of Resolution 1980-35 and the City Engineer.

B.

When five or more lots are shown on the final map, final monuments need not be set at the time the map is recorded if the engineer or surveyor certifies on the map that the monuments will be set on or before a specified later date, and if the land divider enters into a secured agreement guaranteeing the setting of the monument.

C.

When four or lessfewer lots are shown on the final map, monuments shall be set prior to the recordation of the final map.

(Ord. 547 §9.10, 1983)

**16.36.110 - Delivery of final map to the Recorder.**

A.

The final land division map shall be presented by the City Clerk to the Recorder for filing within five days of the action approving the final map by the City Council.

B.

The land developer shall present to the Recorder evidence that, at the time of the filing of a final land division map, the parties consenting to the filing are all of the parties having a record title interest in the real property being divided whose signatures are required, as shown by the records in the office of the Recorder; otherwise, the map shall not be filed.

C.

The Recorder shall have not more than ten days within which to examine the final land division map and either accept or reject it for filing.

D.

If the Recorder accepts the map for filing, such acceptance shall be certified on the face thereof.

E.

Within ten days following the filing of the final subdivision map or parcel map by the County Recorder, the land divider shall make a polyester type film duplicate of the original recorded map and deliver the same to the City Engineer who shall retain custody thereof.

(Ord. 547 §9.11, 1983)

**16.36.120 - Certificate of compliance—Waiver of final parcel map.**

When a final parcel map has been waived, upon completion of all requirements of the Subdivision Map Act, this title and the conditions required for waiver of the final map, the [Planning Director](#)~~Community Development Department Director~~ shall file a certificate of compliance with the Recorder upon payment of the fee set forth in the ordinance codified in this title, and on file in the City Clerk's Office.

~~(Ord. 547 §9.12, 1983)~~

**SECTION 132. Amendment to Beaumont Municipal Code Chapter 16.40.** Chapter 16.40 is hereby amended as follows (new language in red, deletions in strikeout):

**Chapter 16.40 - LAND DIVISION DEDICATIONS, IMPROVEMENTS, FEES AND RESERVATIONS**

**16.40.010 - Dedications.**

A.

All streets, highways and alleys, and other parcels of land intended for public use including, but not limited to, access road easements required for flood control and utilities intended for public use, shall be offered for dedication to the public by owners' certificate as a part of a final land division map. No utility easement or other rights-of-way shall be granted within proposed street dedications subsequent to the date of filing of a preliminary tentative map. Necessary rights-of-way outside of the tract boundary must be processed by separate instruments.

B.

Whenever a limited access highway is eighty-eight feet or greater in right-of-way width as shown on the circulation element of the general plan of the City or as provided by this title, adjoins or passes through a division of land, access rights to the highway may be required to be offered for dedication to the City. In such event, the note "ACCESS RIGHTS RESTRICTED" shall be shown along the highway right-of-way. Access rights may be restricted when ~~necessary~~[necessary](#), where the ultimate right-of-way width is 88 feet or greater, except for approved access openings.

~~(Ord. 547 §10.1, 1983)~~

**16.40.020 - Land division improvements.**

A.

Improvements installed in land divisions shall be constructed in conformance to the provisions of Resolution No. 1980-35.

B.

In the absence of a standard for an improvement, the City Engineer may establish a standard in keeping with good construction and engineering practices.

C.

When asphalt-concrete dikes are permitted and drainage is required to cross at intersecting streets, concrete curb returns and cross-gutters shall be installed.

D.

Structural roadbed section shall be designed using recognized design methods, employing engineering soils analysis and determination of traffic evaluations.

E.

The street pattern in the land development shall not landlock adjacent or preclude access to public land.

F.

When located under the pavement, utility mains and utility services shall be installed before the final street surfacing is installed.

G.

Asphalt-concrete dikes shall be waived when it is determined that they are unnecessary for drainage purposes.

(Ord. 547 §10.2, 1983)

**16.40.030 - Improvement plans required.**

A.

All improvements constructed or installed in land divisions shall be in accordance with detailed plans and specifications as approved in writing by the City Engineer prior to commencement of said improvement work.

B.

All plans shall be submitted to the City Engineer and shall be approved by him before submitting a final land division map to the Council.

C.

All improvements constructed or installed in land divisions, other than rough grading for physical access, whether such work is required by the City or is done at the option of the land divider, shall be ~~in~~ accordance with plans and specifications as approved by the City Engineer.

D.

Improvement plans shall be required for all improvements, whether installed before or after recordation of the final map.

E.

Contractors shall secure an encroachment permit for all work done in connection with land division projects within public right-of-way.

F.

The improvement plans shall show the location of all existing improvements, gas, and any other service facilities.

G.

Improvements proposed or required on State Highway rights-of-way shall be included in the improvement plans and designed to Department of Transportation standards. Prior to approval by the City Engineer, the land divider's engineer shall acquire the Department of Transportation's approval of such improvements.

~~(Ord. 547 §10.3, 1983)~~

**16.40.040 - Improvement for subdivisions.**

The minimum improvements which a land divider shall install, or enter into an agreement to install, for subdivisions shall be as set forth in Schedules A and B in Sections [16.40.050](#) and [16.40.060](#).

(Ord. 547 §10.4, 1983)

**16.40.050 - Schedule A subdivision.**

Any division of land into five or more parcels, where any parcel is less than 18,000 square feet in net area, shall be defined as a Schedule A subdivision. The minimum improvements for a Schedule A subdivision shall be as follows:

A.

*Streets.* The minimum improvements for streets are established as follows:

1.

*Arterial Highways.* Eighty-six feet in width, designed and constructed in conformance with Riverside County Ordinance No. 461, Standard No. 100;

2.

*Major Highways.* Seventy-six feet in width, designed and constructed in conformance with Riverside County Ordinance No. 461, Standard No. 101;

3.

*Secondary Highways.* Sixty-four feet in width, designed and constructed in conformance with Riverside County Ordinance No. 461, Standard No. 102;

4.

*Collector Streets.* Forty-four feet in width, designed and constructed in conformance with Riverside County Ordinance No. 461, Standard No. 103, Section A;

5.

*General Local Streets.* Forty feet in width, designed and constructed in conformance with Riverside County Ordinance No. 461, Standard No. 104, Section A;

6.

*Short Local Streets.* Forty feet in width, designed and constructed in conformance with Riverside County Ordinance No. 461, Standard No. 104, Section A;

7.

*Restricted Local Streets.* Thirty-two feet in width, designed and constructed in conformance with Riverside County Ordinance No. 461, Standard No. 106, Section A;

8.

*Access Road.* Twenty-six feet in width, designed and constructed in conformance with Riverside County Ordinance No. 461, Standard No. 107;

9.

*Frontage Road.* Thirty-six feet in width, designed and constructed in conformance with Riverside County Ordinance No. 461, Standard No. 109, Section A;

10.

*Cul-de-sac Streets.* These streets shall be designed and constructed in conformance with Riverside County Ordinance No. 461, Standard No. 800. The various street widths shall be compatible with the adjacent land uses;

11.

*Alleys.* Twenty feet in width, designed and constructed in conformance with Riverside County Ordinance 461, Standard No. 500;

12.

*Part-width Streets.* Twenty feet in width, designed and constructed in conformance with Riverside County Ordinance 461, Standard No. 110, Section A, except when a part-width street serves as an access to the interior subdivision street network, the minimum width shall be one-half of the required improvement, but not less than 28 feet;

13.

*Street Name Signs.* Type and placement shall conform with Riverside County Ordinance 461, Standard No. 461, No. 815 or 816;

14.

Barricades shall be placed at the end of dead-end streets in accordance with Riverside County Ordinance 461, Standard No. 810;

15.

Sidewalks shall be required to be constructed unless they are determined by the approving body to be unnecessary considering the design of the development. Sidewalk construction shall be in accordance with the Improvement Standards of Riverside County Ordinance 461, Standard Nos. 400 or 401.

B.

*Domestic Water.* The minimum requirement for domestic water supply and distribution system is as follows:

1.

*Water Supply.* Three hundred gallons per day per single-family lot and 450 gallons per day per lot for all other lots, in all cases deliverable in a four-hour period;

2.

Piped water systems;

3.

*Service Connections.* Single-family residence lot, five-eighths of an inch; multiple-family residence lot; one inch.

C.

*Fire Protection.* The minimum requirement for fire protection facilities in residential zones that do not allow multifamily residential uses shall be as follows:

1.

Type of fire hydrant and connection as approved by the City Fire Department;

2.

Hydrants located one at each street intersection to conform to City Code [Chapters 15.04](#) and [15.20](#) and Riverside County Ordinance 546, and not greater than 500 feet apart in any direction;

3.

Minimum flow of water which a system shall be capable of delivering at any hydrant; 500 gallons per minute at 20 pounds per square inch flowing pressure above the average daily domestic consumption;

4.

For the purposes of this section, 50 gallons per minute is established as the average daily domestic consumption rate for the area served by one fire hydrant. In zones that allow multifamily residential uses, the minimum fire protection shall be set forth in City Code [Chapters 15.04](#) and [15.20](#) and Riverside County Ordinance 546.

D.

*Sewage Disposal.* The minimum requirement for sewage disposal shall be as follows: Connection to an existing collection system is required.

E.

*Electrical and Communication Facilities.* Minimum requirement for electrical and communication facilities shall be as follows: Electrical and communication facilities shall be installed in conformity with the provisions of Section [16.52.010](#).

~~(Ord. 547 §10.5, 1983)~~

**16.40.060 - Schedule B subdivision.**

Any division of land into five or more parcels, where any parcel is not less than 18,000 square feet in net area, shall be defined as a Schedule B subdivision. The minimum improvements for a Schedule B subdivision shall be as follows:

A.

*Streets.* width of asphalt paving required shall be determined as a part of the approval of the tentative map in accordance with the following factors:

1.

*Design.*

a.

The intensity of the use permitted by the zoning on the property;

b.

The nature of the developed street improvements in the surrounding area;

c.

The topography of the parcel and surrounding area;

d.

Drainage, erosion, and similar factors.

2.

*Width.* The maximum width of paving shall be as required for Schedule A streets, and the minimum width of paving required shall be as follows:

a.

*Arterial Highway.* Forty-four feet in width, designed and constructed in conformance with Riverside County Ordinance No. 461, Standard No. 100;

b.

*Major Highways.* Forty-four feet in width, designed and constructed in conformance with Riverside County Ordinance No. 461, Standard No. 101;

c.

*Secondary Highways.* Forty-four feet in width, designed and constructed in conformance with Riverside County Ordinance No. 461, Standard No. 102;

d.

*Collector Streets.* Thirty-two feet in width, designed and constructed in conformance with Riverside County Ordinance No. 461, Standard No. 103, Section B;

e.

*General Local Streets and Short Local Streets.* Twenty-six feet in width, designed and constructed in conformance with Riverside County Ordinance No. 461, Standard No. 104, Section B;

f.

*Restricted Local Streets.* Twenty-six feet in width, designed and constructed in conformance with Riverside County Ordinance No. 461, Standard No. 106, Section B;

g.

*Access Roads.* Twenty-six feet in width, designed and constructed in conformance with Riverside County Ordinance No. 461, Standard No. 107;

h.

*Frontage Roads.* Twenty-six feet in width, designed and constructed in conformance with Riverside County Ordinance No. 461, Standard No. 109, Section B;

i.

*Cul-de-sac Streets.* These streets shall be designed and constructed in conformance with Riverside County Ordinance No. 461, Standard No. 800;

j.

*Part-width Streets.* Twenty feet in width, designed and constructed in conformance with Riverside County Ordinance No. 461, Standard No. 110, Section C, except when a part-width street serves as an access to an interior subdivision street network the minimum width shall be one-half of the required improvement, but not less than 28 feet;

k.

*Street Name Signs.* Type and placement shall conform with Riverside County Ordinance No. 461, Standard Nos. 815 or 8161;

l.

Barricades shall be placed at end of dead-end streets in conformance with Riverside County Ordinance No. 461, Standard No. 810.

B.

*Domestic Water.* The minimum requirement for a domestic water supply and distribution system is as follows:

1.

*Water Supply.* Three hundred gallons per day per single-family lot, and 450 gallons per day per lot for all other lots, in all cases deliverable in a four-hour period;

2.

Piped water systems;

3.

*Service Connection.* Single-family residence lot, five-eighths of an inch multiple-family residence lot, one inch.

C.

*Fire Protection.* The minimum requirement for fire protection facilities in residential zones that do not allow multifamily residential uses shall be as follows:

1.

Type of fire hydrant and connection as approved by the agency providing fire protection;

2.

Hydrants located one at each street intersection, but not greater than permitted by City Code [Chapters 15.04](#) and [15.20](#) and Riverside County Ordinance 546, in any direction;

3.

Minimum flow of water which system shall be capable of delivering at any hydrant; 500 gallons per minute, at 20 pounds per square inch following pressure above the average daily consumption rate;

4.

For the purpose of this section, 50 gallons per minute is established as the average daily domestic consumption rate for the area served by one fire hydrant in zones that allow multifamily residential uses, the minimum fire protection shall be as set forth in City Code [Chapters 15.04](#) and [15.20](#) and Riverside County Ordinance 546.

D.

*Sewage Disposal.* The minimum requirement for sewage disposal shall be as follows:

1.

Connection to an existing collection system is required ; or

2.

If an existing collection system is not available and if it is determined that satisfactory individual disposal systems cannot be proved because of soil conditions, determined by percolation tests in conformity with the standards of the "Ludwig Modification," and finding that the conditions and requirements of the health department and Regional Water Quality Control Board cannot be met, then a package treatment plant and collector system shall be required.

E.

*Fences.* Minimum fencing requirements shall be as follows: Six-foot chain-link galvanized wire fences shall be installed along any canal, drain, expressway or other feature deemed to be hazardous.

F.

*Electrical and Communication Facilities.* Minimum requirement for electrical and communication facilities shall be as follows: Electrical and communication facilities shall be installed in conformity with the provisions of Section [16.52.010](#).

~~(Ord. 547 §10.6, 1983)~~

#### **16.40.070 - Schedule C parcel map division.**

Any division of land into two or more parcels in commercial or industrial zones, regardless of parcel size, shall be defined as a Schedule C subdivision. The minimum improvements for a Schedule C subdivision shall be as follows:

A.

*Streets.* The minimum improvements for streets are established as follows:

1.

All streets shall be constructed in accordance with Schedule A, except:

a.

No street shall be less than 64 feet in width, designed and constructed in conformance with Riverside County Ordinance No. 461, Standard No. 102;

b.

No part-width street shall be less than 32 feet in width;

c.

Concrete curb and gutter shall be required in all cases.

2.

Sidewalks shall be required to be constructed unless they are determined by the approving body to be unnecessary considering the design of the development. Sidewalk construction shall be in accordance with the Improvement Standards of Riverside County Ordinance No. 461, Standard Nos. 400 or 401.

B.

*Domestic Water.* The minimum requirement for domestic water supply and distribution system is as follows:

1.

*Water Supply.* Four hundred fifty gallons per day per lot, and in all cases deliverable in a four-hour period;

2.

Piped water system;

3.

*Service Connections.* Service connections shall be one and one-half inches.

C.

*Fire Protection.* The minimum fire protection requirements shall be as provided in City Code [Chapters 15.04](#) and [15.20](#) and Riverside County Ordinance 546.

D.

*Sewage Disposal.* The minimum requirement for sewage disposal shall be as follows:

1.

Connection to an existing collection system is required; or

2.

If an existing collection system is not available and if it is determined that satisfactory individual disposal systems cannot be provided because of soil conditions, determined by soil percolation tests in conformity with the standards of the "Ludwig Modification" arid finding that the conditions and requirements of the health department and the Regional Water Quality Control Board cannot be met, a package treatment plant and collector system shall be required.

E.

*Fences.* Minimum requirement for fencing shall be as follows: Six-foot chain-link galvanized wire fence shall be installed along any canal, drain, expressway or other feature deemed to be hazardous.

F.

*Electrical and Communication Facilities.* The minimum requirements for electrical and communication facilities shall be as follows: Electrical and communication facilities shall be installed in conformity with the provisions of Section [16.52.010](#).

~~(Ord. 547 §10.7, 1983)~~

**16.40.080 - Schedule D parcel map division.**

Any division of land into four or ~~less~~fewer parcels, where any parcel is less than 18,000 square feet in net area, shall be defined as a Schedule D parcel map division. The minimum improvement for a Schedule D parcel map division shall be the same as those required for Schedule A subdivisions in accordance with Section [16.40.050](#).

~~(Ord. 547 §10.8, 1983)~~

**16.40.090 - Schedule E parcel map division.**

Any division of land into four or ~~less~~fewer parcels, where any parcel is not less than 18,000 square feet in net area, shall be defined as a Schedule E parcel map division. The minimum improvements for a Schedule E parcel map division shall be the same as those required for Schedule B subdivisions in accordance with Section 16.40.060.

~~(Ord. 547 §10.9, 1983)~~

**16.40.100 - Drainage fees.**

A.

This section is adopted pursuant to Section 66483, et seq. of the Government Code which provides for the payment of fees for the construction of drainage facilities, as a condition to the division of land.

B.

Whenever land that is proposed to be divided lies within the boundaries of an area drainage plan, a drainage fee in the amount required by the plan for the area, as adopted or thereafter amended, shall be required as a condition of approval of the division of land in that drainage area.

C.

The area drainage plan shall be adopted by resolution of the City Council, pursuant to the provisions of Government Code Section 66483 et seq.; shall cover a particular drainage area; shall contain an estimate of the total cost of constructing the drainage facilities required by the plan; and shall include a map of the area that shows the boundaries of the drainage area and the location of the required facilities serving the drainage area. As a part of the adoption of a plan, the Council shall find and determine that the subdivision and development of land within the plan area will require construction of the facilities described in the plan. The Council shall further find and determine that the drainage fees are fairly apportioned within the local drainage area, on the basis of benefits conferred on property proposed for subdivision or on the need for local drainage facilities created by the proposed subdivision and development of other properties within the adopted drainage area, and may provide for varying fees; provided, however, the fee as to any property proposed for subdivision within a drainage area shall not exceed the pro rata share of the amount of the total actual or estimated costs of all facilities within the area which would be assessable on such property if the costs were apportioned uniformly on a per acre basis.

D.

Drainage fees shall be paid at the time of the filing of the final map or parcel map, or as a condition of the waiver of the filing of a parcel map; provided, however, at the option of the land divider the fee may be paid, in pro rata amounts, at the time of the issuance of grading permits for the approved parcels or at the time of issuance of building permits if no grading permits are issued for the parcels. The amount of the drainage fee required to be paid shall be in the amount that is in effect for the particular area drainage plan at the time of actual payment of the fee. If the land divider elects to have payment made at the time of issuance of a grading or building permit, the recorded final map or parcel map or certificate of compliance evidencing the waiver of the filing of a parcel map shall specifically state that payment of a drainage fee is required to be paid prior to issuance of a grading permit or building permit for the parcels that have been created by the land division. In addition, a separate instrument shall be recorded by the land divider in the office of the County Recorder at the time of the filing of the final map or parcel map or certificate of compliance evidencing the waiver of the parcel map, which gives notices that a drainage fee is required to be paid by any person that owns such parcels prior to issuance of a grading or building permit.

E.

If the drainage fee is paid at the time of the filing of the final map or parcel map or certificate of compliance evidencing the waiver of the parcel map, it shall be paid to the City Engineer. If the drainage fee is paid at the time of issuance of a grading or building permit, it shall be paid to the building director. All fees that are collected shall thereafter be deposited into a local drainage facilities fund maintained under the jurisdiction of the Riverside County Flood Control and Water Conservation District. A separate fund shall be established by the district for each adopted local drainage area. Money in such funds shall be expended for construction or reimbursement for construction, including acquisition of right-of-way necessary for construction of the drainage facilities serving the drainage area for which the fees are collected, or to reimburse the district for the cost of engineering and administrative services to design and construct and acquire any necessary right-of-way for the facilities.

F.

In the discretion of the Council considerations such as dedications of right-of-way, actual construction, or design work by a civil engineer may be accepted in lieu of the payment of drainage fees, upon a determination that the alternative is acceptable and is equal to or greater in value than the required fee.

G.

Money may be advanced by the Riverside County Flood Control and Water Conservation District to design or construct drainage facilities or to acquire necessary right-of-way within an adopted drainage area; therefore, money so advanced may be reimbursed to the district from the fund for the local drainage area in which the facilities are located.

H.

When required for the implementation of an adopted area plan, an agreement may be entered into between a developer and the Riverside County Flood Control and Water Conservation District whereby the developer may advance money for the construction of facilities, or design or construct facilities within a local drainage area; provided, that the sole security to the developer for repayment of money or other consideration advanced shall be money subsequently accruing to the local drainage facilities fund for the drainage area in which the facilities are located. Reimbursement shall be for the amount agreed upon in advance only and shall not include interest or other charges. The agreement shall expire 15 years after the date it was entered into, and any subsequent money paid into the fund shall accrue to the fund without obligation to developers whose agreements have expired.

I.

The drainage plan area, the required facilities and the drainage fee in an adopted plan may be amended by the Council at any time upon a determination that it is necessary to do so in order to correctly reflect the drainage area, the required facilities or estimated cost of the facilities.

(Ord. 547 §10.10, 1983)

**16.40.110 - Bridge and major thoroughfare fees.**

A.

*Purpose.* This chapter is adopted pursuant to Section 66484 of the Government Code of the State which provides for the payment of fees to defray the actual or estimated costs for the construction of bridges over waterways, railways, freeways and canyons and/or major thoroughfares as a condition of approval of a final map or as a condition of issuing a building permit.

B.

*Major Thoroughfare and Bridge Fees.* A subdivider, as a condition of approval of a final map for property within an area of benefit, or a building permit applicant, as a condition of issuance of a building permit for property within an area of benefit, shall pay a fee as hereinafter established to defray the cost of constructing bridges over waterways, railways" freeways and canyons, and/or constructing major thoroughfares. No property shall be assessed a fee under this section for both a final map and a building permit.

C.

*Definitions.*

1.

"*Area of benefit*" means a specified area wherein it has been determined that the real property located therein will benefit from the construction of a bridge and/or major thoroughfare.

2.

"*Bridge facilities*" means those locations identified in the transportation element of the general plan of the City (the "general plan") requiring construction of or addition to a bridge spanning a waterway, railway, freeway, or canyon that is part of a major thoroughfare.

3.

"*Construction*" means and includes formation and preliminary studies, design, acquisition of right-of-way, administration of construction contracts and actual construction.

4.

"*Major thoroughfares*" means those roads designated as arterial, major or secondary highways, as defined by Section [16.08.290](#) and reflected in the circulation element of the general plan, the primary purpose of which is to carry through traffic and provide a network connecting to or which is part of the State highway system.

5.

The singular number includes the plural, and the plural the singular.

D.

*General Plan Requirement.* The provisions in this section for payment of fees shall apply to a parcel located within the boundaries of the areas of benefit if the bridge and/or major thoroughfare has been included in an element of the general plan adopted by the City Council at least 30 days prior to the filing of a final map or application for a building permit on the parcel location within the boundaries of the area of benefit.

E.

*Major Thoroughfares.* Payment of fees shall not be required unless a major thoroughfare is in addition to or a widening or reconstruction of any major thoroughfares serving the area at the time of the adoption of the boundaries of the area of benefit.

F.

*Bridge Facilities.* Payment of fees shall not be required unless any planned bridge facility is a new bridge serving the area or an addition to an existing bridge facility serving the area at the time of the adoption of the boundaries of the area of benefit.

G.

*Proceedings to Establish.*

1.

Action to establish an area of benefit may be initiated by the City Council upon its own motion or upon the recommendation of the City Manager, or Community Development [Department](#) Director.

2.

The City Council will set a public hearing for each proposed area benefited. Notice of the time and place of the hearing, including preliminary information related to the boundaries of the area of benefit, estimated costs of construction and the method of fee apportionment, shall be given pursuant to Section 65091 of the Government Code.

H.

*Public Hearing and Protest.*

1.

At the public hearing, the City Council will consider the preliminary report that sets forth the area for inclusion within the area of benefit, designates the major thoroughfares and/or bridge facilities to be constructed, estimates the cost of construction of each improvement, and describes the method of fee apportionment within the area of benefit. The Council will also consider testimony from interested persons, written protests and other evidence submitted. Within a reasonable time after the conclusion of the public hearing, the City Council may, unless a majority written protest is filed and not withdrawn, determine to establish an area of benefit. If established, the City Council shall adopt a resolution describing the boundaries of the area of benefit, setting forth the cost, whether actual or estimated, and the method of fee apportionment. A certified copy of such resolution shall be recorded with the County Recorder.

2.

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 shall make provisions for payment of the share of improvement cost apportioned to such lands from other sources. The designation of such alternate funding need not be addressed in the resolution establishing the area of benefit.

3.

Written protests will be received by the City Clerk at any time prior to the close of the public hearing. Each written protest must be filed by a person or entity owning property within the proposed boundaries of the area of benefit and must describe the property with sufficient specificity so that the parcel may be identified. If the person or entity filing the protest is not shown on the last equalized assessment roll as the owner of the parcel, the protest must contain or be accompanied by documentary evidence establishing ownership. If written protests are filed by the owners of more than one-half of the area of the property to be benefited by the improvement, and sufficient protests are not withdrawn so as to reduce the area represented by the protests to less than one-half of the area to be benefited, then the proposed proceedings shall be abandoned and the City Council shall not, for one year from the filing of the written protests, commence or carry on any proceedings for the same improvement under the provisions of this section. Any protest may be withdrawn in writing by the owner making the same, at any time prior to the close of the public hearing.

4.

If any 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 year, but the City Council shall not be barred from commencing new proceedings not including any part of the improvement so protested

against. Such proceedings shall be commenced by a new notice and public hearing as set forth in subsection G of this section.

5.

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

I.

*Amendments.* The resolution establishing an area of benefit may be amended from time to time by the City Council to reflect modifications in either the bridge and/or major thoroughfare facilities to be constructed or the property to be included within the area of benefit due to alterations in land use and to reflect adjustments in the fees schedule necessitated by any such modifications. The amendment(s) shall be adopted in the same manner as the original resolution.

J.

*Periodic Review.* The City Council shall review the costs designated for construction of the bridge and/or major thoroughfare facilities from time to time and shall make modifications to such costs and corresponding adjustments to the fees as are necessary to ensure that the bridge and/or major thoroughfare facilities can be constructed from accumulated funds and fees remaining to be collected from the property in the area of benefit.

K.

*Payment of Fees.*

1.

Fees shall be paid prior to the recordation of a final subdivision or parcel map except that fees may be paid as described in subdivision 2 of this subsection. Fees paid shall be based on the fee schedule in effect on date of payment.

2.

At the option of the subdivider of property within the area of benefit on which a subdivision or parcel map with four lots or [lessfewer](#) is recorded, the payment of fees may be deferred to the issuance of a building permit for each approved parcel.

3.

If a parcel or lot has been created prior to the adoption of the resolution establishing the area of benefit, the fees shall be paid prior to the issuance of a building permit for each approved parcel or lot.

4.

Notwithstanding the provisions of subdivisions 1, 2 and 3 of this subsection, payment of fees shall not be required for the following:

a.

An application for building permit for alteration or enlargement of an existing building or structure;

b.

Accessory buildings and structures, as follows: private garages, barns, children's playhouse, or buildings accessory to one-family or two-family dwellings

c.

Outdoor advertising structures;

d.

Wells.

L.

*Funds.* Fees paid pursuant to this section shall be deposited in a planned bridge facility and/or major thoroughfare fund. A fund shall be established for each planned bridge facility project and/or each planned major thoroughfare project. If the benefit area is one in which more than one bridge and/or major thoroughfare is required to be constructed, a separate fund may be established covering all of the bridge projects and/or major thoroughfares in the benefit area. Moneys in such 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 costs of construction of the improvement.

M.

*In-lieu Construction.* The City Council may approve the acceptance of considerations in lieu of the payment of fees established in this section.

N.

*Advances.* The City Council may approve the advancement of money from the general fund to pay the costs of constructing the major thoroughfare and/or bridge improvements covered in this section and may reimburse the general fund for such advances from the bridge facility and/or major thoroughfare funds established pursuant to subsection L of this section.

O.

*Debt Incurred.* The City may incur an ~~interest-bearing~~interest-bearing indebtedness for the construction of bridge facilities or major thoroughfares, provided that the sole security for repayment of such indebtedness shall be money in the bridge facility or major thoroughfare funds.

P.

*Reimbursement.* If a subdivider, as a condition of approval of a subdivision, is required or desires to construct a bridge and/or major thoroughfare, the City Council may enter into a reimbursement agreement with the subdivider. Such agreement may provide for payments to the subdivider from the bridge facility and/or major thoroughfare fund covering that specific project to reimburse the subdivider for costs not allocated to the subdivider's property in the resolution establishing the area of benefit. If the bridge and/or major thoroughfare fund covers more than one project, reimbursement shall be made on a pro rata basis, reflecting the actual or estimated costs of the projects covered by the fund.

~~(Ord. 631 §1, 1986)~~

**SECTION 143. Amendment to Beaumont Municipal Code Chapter 16.60.** Chapter 16.60 is hereby amended as follows (new language in red, deletions in strikeout):

## **Chapter 16.60 - REVERSION TO ACREAGE**

### **16.60.010 - Reversion.**

Divided real property may be reverted to acreage pursuant to the provisions of this title and the Subdivision Map Act. Reversion to acreage proceedings may be initiated by the City Council on its own motion, or by petition of all owners of record of real property that is proposed to be reverted to acreage.

(Ord. 547 §15.1, 1983)

**16.60.020 - Procedures for filing.**

To revert divided lands to acreage, a tentative map shall be filed as follows:

A.

A tract number shall be obtained from the ~~Road Commissioner~~County of Riverside upon payment of the fee, set forth in the ordinance codified in this title, and on file in the City Clerk's Office.

B.

Fifteen copies of the tentative map shall be filed with the ~~Planning Director~~Community Development Department Director, accompanied by the fee as set forth in the ordinance codified in this title, and on file in the City Clerk's Office. The fee shall be paid by the owners filing the tentative map, or, if the reversion to acreage is initiated by the Council upon request of the owners of the property, the fee shall be paid by the person making the request to the Council.

C.

The tentative map prepared in the form required by Chapter 16.20 shall show all relevant details of the land division proposed to be reverted, its relationship to existing sheets, dedications and adjoining lands, and configurations of the proposed reversion.

D.

Proof of ownership of the real property proposed to be reverted to acreage shall be submitted with the tentative map.

~~(Ord. 547 §15.2, 1983)~~

**16.60.030 - Review of tentative map.**

The tentative map shall be distributed by the ~~Planning Director~~Community Development Department Director to all interested and affected agencies and utilities. Thereafter, the tentative map shall be considered by the ~~Land Division Committee~~Development Review Committee, which committee shall report and recommend to the advisory agency.

~~(Ord. 547 §15.3, 1983)~~

**16.60.040 - Consideration by the advisory agency.**

The advisory agency shall consider the report and recommendation of the ~~Land Division Committee~~Development Review Committee on the tentative map, and shall forward a report and recommendation to the Council for approval, conditional approval or disapproval of the proposed reversion to acreage. A copy of the advisory agency report and recommendations shall be mailed to the applicant or the authorized agent.

~~(Ord. 547 §15.4, 1983)~~

**16.60.050 - Consideration by the Council.**

A.

After receipt of the report and recommendations of the advisory agency, the Council shall set the matter for public hearing. Notice of the time and place of the public hearing before the Council, including a general description of the location of the property proposed to be reverted to acreage, shall be given at least ten days before the public hearing by publication once in a newspaper of general circulation that is published and circulated in the City.

B.

Divided real property may be reverted to acreage only if the Council finds that:

1.

Dedications or offers of dedication to be vacated or abandoned by the reversion to acreage are unnecessary for present or prospective public purposes; and

2.

Either:

a.

All owners of an interest in the real property within the land division have consented to the reversion, or

b.

None of the improvements required to be made have been made within two years from the date the final land division map was filed for record, or within the time allowed by agreement for completion of the improvements, whichever is ~~the~~ later, or

c.

No lots shown on the final land division map have been sold within five years from the date such map was filed for record.

C.

The following shall be required as conditions to approval of a reversion:

1.

Dedications necessary for a logical street pattern for access to any lands not proposed for reversion or as may be necessary for drainage or utilities;

2.

Retention of all previously paid fees;

3.

Retention of any necessary improvement security or deposit.

~~(Ord. 547 §15.5, 1983)~~

**SECTION 154. Amendment to Beaumont Municipal Code Chapter 16.61.** Chapter 16.61 is hereby amended as follows (new language in red, deletions in strikeout):

**16.61.010 - Authority for merger of contiguous parcels.**

Notwithstanding Section 16.08.190, except as is otherwise provided for in this Chapter, two or more contiguous parcels or units of land which have been created under the provisions of the Subdivision Map Act, or any prior law regulating the division of land, or a City ordinance enacted pursuant thereto, or which were not subject to those provisions at the time of their creation, shall not be deemed merged by virtue of the fact that the contiguous parcels or units are held by the same owner, and no further proceeding under the provisions of this Chapter shall be required for the purpose of sale, lease, or financing of the contiguous parcels or units, or any of them.

(Ord. 677 §1, 1989)

**16.61.020 - Owner initiated mergers of contiguous lots or parcels.**

The owner of any two or more contiguous lots may request a merger of said lots by filing with the ~~Community Development Director~~Community Development Department Director an Application for Owner Initiated Merger and Waiver of Parcel Map, on a form provided by the Community Development Department in conformance with Section 16.64.010 of the Beaumont Municipal Code. The Application shall be processed and the request approved, disapproved and/or appealed

in accordance with the provisions of [Chapter 16.64](#) (Lot Line Adjustments) of the Beaumont Municipal Code.

(Ord. 677 §1, 1989)

**16.61.030 - City initiated mergers of contiguous lots or parcels.**

Pursuant to authority granted by Government Code Sections 66451.10 et seq., the Community Development [Department](#) Director shall, by taking the steps outlined in Section [16.61.040](#), initiate the process to merge into a single parcel any two or more contiguous parcels or units of land including those which have been created pursuant to this Ordinance, the Subdivision Map Act or prior law, Municipal, County or State, which are held by the same owner, prior to any land use approval pursuant to Beaumont Municipal Code ~~Chapters 17.70, 17.80 and/or 17.90~~ [Title 17](#) or the issuance of any building permits if no land use approval is required, when the following requirements are satisfied:

A.

Anyone or more of the following conditions apply:

1.

Anyone of the contiguous parcels or units held by the same owner does not conform to standards set forth in Title 17 for minimum parcel size;

2.

One or more of the parcels or units is developed or will be developed with a single structure that is also partially sited on a contiguous parcel or unit;

3.

Merger is required by the City as a condition of any land use approval or for the issuance of any permit;

B.

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 or unit.

C.

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 the 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 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 or safety hazards.

7.

Is inconsistent with the General Plan and any applicable specific plan, other than minimum lot Size or density standards.

D.

The contiguous lots were not created by the recording of a Final Map or Parcel Map approved by the City of Beaumont.

~~(Ord. 677 §1, 1989)~~

**16.61.040 - Notice of intention to determine status.**

Prior to recording a notice of merger, the Community Development [Department](#) Director shall cause to be mailed by certified mail to the then current record owner of the property a notice of intention to determine status, notifying the owner that the affected parcels may be merged pursuant to standards specified in the merger ordinance, and advising the owner of the opportunity to request a hearing on determination of status and to present evidence at the hearing that the property does not meet the criteria for merger. The notice of intention to determine status shall be filed for Record with the Riverside County Recorder on the date that notice is mailed to the property owner.

~~(Ord. 677 §1, 1989)~~

**16.61.050 - Request for hearing on determination of status.**

At any time within 30 days after recording of the notice of intention to determine status, the owner of the affected property may file with the Community Development [Department](#) Director a request for a hearing on determination of status.

~~(Ord. 677 §1, 1989)~~

**16.61.060 - Hearing: Time, place, date; notification of owner and procedure.**

A.

Upon receiving a request for a hearing on determination of status from the owner of the affected property pursuant to Section [16.61.050](#), the Community Development [Department](#) Director shall fix a time, date, and place for a hearing to be conducted by the Planning Commission, and shall notify the property owner of that time, date, and place for the hearing by certified mail.

B.

The hearing shall be conducted not more than 60 days following the Community Development [Department](#) Director's receipt of the property owner's request for the hearing, but may be postponed or continued with the mutual consent of the Community Development [Department](#) Director and the property owner.

C.

At the hearing, the property owner shall be given the opportunity to present any evidence that the affected property does not meet the standards for merger specified in Section [16.61.030](#).

D.

At the conclusion of the hearing, the Planning Commission shall make a determination that the affected parcels are to be merged or are not to be merged and shall so notify the owner of its determination within ten days of the hearing.

E.

A determination of merger shall be recorded as provided for in Section [16.61.030](#) within 30 days after conclusion of the hearing or within 30 days after conclusion of the hearing before the City Council if the Planning Commission decision is appealed pursuant to Section [16.61.100](#).

~~(Ord. 677 §1, 1989)~~

**16.61.070 - Failure to request hearing; determination and time of recordation.**

A.

If, within the 30-day period specified in Section [16.61.050](#), the owner does not file a request for a hearing in accordance with Section [16.61.060](#), the Planning Commission may, at any time thereafter, make a determination that the affected parcels are to be merged or are not to be merged.

B.

The determination shall appear as an item on the regularly noticed agenda of the Planning Commission without public hearing.

C.

A determination of merger shall be recorded as provided for in Section [16.61.030](#) no later than 90 days following the mailing of notice required by Section [16.61.040](#).

~~(Ord. 677 §1, 1989)~~

**16.61.080 - Determination of non-merger discretionary.**

A determination of non-merger may be made pursuant to Section [16.61.060](#) or [16.61.070](#) whether or not the affected property meets the standards for merger specified in Section [16.61.030](#).

~~(Ord. 677 §1, 1989)~~

**16.61.090 - Release of notice of intention to determine status.**

If, in accordance with Section [16.61.060](#) or [16.61.070](#), the Planning Commission determines that the Subject property shall not be merged, it shall cause to be recorded in the manner specified in Section [16.61.210](#) a release of the notice of intention to determine status, recorded pursuant to Section [16.61.040](#), and shall mail a clearance letter to the then current owner of record.

~~(Ord. 677 §1, 1989)~~

**16.61.100 - Appeals.**

A determination made by the Planning Commission may be appealed to the City Council following procedures outlined in Section 17.70.005(e). A determination on appeal by the City Council shall be final.

(Ord. 677 §1, 1989)

**16.61.150 - Non-applicability.**

The provisions of this Chapter relating to City initiated mergers shall not apply if one of the following conditions exist:

A.

On or before July 1, 1981, one or more of the contiguous parcels or units of land is enforceably restricted open-space land pursuant to a contract, agreement, scenic restriction, or open-space easement, as defined and set forth in Section 421 of the Revenue and Taxation Code.

B.

On July 1, 1981, one or more of the contiguous parcels or units of land is timberland as defined in subdivision (f) of Section 51104, or is land devoted to an agricultural use as defined in subdivision (b) of Section 51201.

C.

On July 1, 1981, one or more of the contiguous parcels or units of land is located within 2,000 feet of the site on which an existing commercial mineral resource extraction use is being made, whether or not the extraction is being made pursuant to a use permit issued by the local agency.

D.

On July 1, 1981, one or more of the contiguous parcels or units of land is located within 2,000 feet of a future commercial mineral extraction site as shown on a plan for which a use permit or other permit authorizing commercial mineral resource extraction has been issued by the local agency. For purposes of paragraphs C and D of this subdivision, "mineral resource extraction" means gas, oil, hydrocarbon, gravel, or sand extraction, geothermal wells, or other similar commercial mining activity.

(Ord. 677 §1, 1989)

**16.61.200 - Time of determination of ownership.**

For purposes of determining whether contiguous parcels are held by the same owner under this Chapter, ownership shall be determined as of the date that the notice of intention to determine status is recorded.

(Ord. 677 §1, 1989)

**16.61.210 - Notice of merger.**

A merger of parcels becomes effective when the Community Development Department Director causes to be filed for Record with the Riverside County Recorder a notice of merger specifying the names of the record owners and particularly describing the real property.

~~(Ord. 677 §1, 1989)~~

**16.61.220 - Forms and fees.**

The Community Development Department Director is authorized and directed to prepare application and notice forms to implement the procedures of this Chapter and to determine a fee to be paid by the property owner for services rendered by the City in completing the procedures of this Chapter for each merger initiated, prior to initiation of the procedure. The fee may be waived if the City initiates the procedure and there has been no land use approval or building permit requested by the property owner.

~~(Ord. 677 §1, 1989)~~

**16.61.230 - Conflict with Government Code.**

This Ordinance is enacted pursuant to Title 7, Division 2, Chapter 3, Article 1.5 (Section 66451.10 et seq.), Section 66499.20-3/4 and Section 66412(d) of the Government Code. Any conflict between this Chapter and said provisions as ~~amended,~~amended shall be resolved by conforming the procedures herein to those required by said provisions.

(Ord. 677 §1, 1989)

**SECTION 165. Amendment to Beaumont Municipal Code Chapter 16.64.** Chapter 16.64 is hereby amended as follows (new language in red, deletions in strikeout):

**16.64.010 - Submission of application to ~~Planning Director~~Community Development Department Director.**

An application for a lot line adjustment shall be made to the ~~Planning Director~~Community Development Department Director and shall be accompanied by the ~~items as follows~~following items:

A.

The application shall be made on a form provided by the ~~Planning Department~~Community Development Department;

B.

Copies of the current assessor's map page showing the involved parcels and delineating the proposed adjustment;

C.

The fee set forth in the ordinance codified in this title, and on file in the City Clerk's Office;

D.

An application for a certificate of compliance as set forth in Section [16.68.020](#).

~~(Ord. 547 §16.1(A), 1983)~~

**16.64.020 - Review and determination of application.**

Upon receipt of completed application, the ~~Planning Director~~[Community Development Department Director](#) shall review the matter and shall then submit the application to the ~~Land Division Committee~~[Development Review Committee](#) at one of its regular meetings for its report and recommendations. Within 50 days after receipt of the completed application, the ~~Planning Director~~[Community Development Department Director](#) shall make a final determination as to whether or not the real property complies with the applicable provisions of the Subdivision Map Act and this title, including the following requirements:

A.

The adjustment involves adjacent parcels;

B.

No new parcels are created;

C.

The parcels involved are not reduced below the zoning development standards applicable to the land.

~~(Ord. 547 §16.1(B), 1983)~~

**16.64.030 - Recordation of certificate of compliance.**

The ~~Planning Director~~[Community Development Department Director](#) shall cause the certificate of compliance to be recorded following the approval of the lot line adjustment.

~~(Ord. 547 §16.1(C), 1983)~~

**16.64.040 - Appeal—Decision on appeal.**

The applicant or any interested party may appeal the decision of the ~~Planning Director~~[Community Development Department Director](#) on the action to the advisory agency within 15 days after the decision. The appeal shall be filed in the ~~Planning Department~~[Community Development Department](#), stating in writing the basis for the appeal and accompanied by the fee set forth in the ordinance codified in this title, and on file in the City Clerk's Office. All appeals shall be heard by the advisory agency on a date within 30 days after the date of the filing of the appeal. This is not a public hearing. Upon the conclusion of the hearing, the advisory agency shall render its decision on the appeal within 20 days.

~~(Ord. 547 §16.1(D), 1983)~~

**SECTION 176. Amendment to Beaumont Municipal Code Chapter 16.66.** Chapter 16.66 is hereby amended as follows (new language in red, deletions in strikeout):

**16.66.000 - Authority, purpose, and intent.**

This chapter is enacted pursuant to the authority granted by California Government Code section 66477 (the "Quimby Act") which specifically authorizes the City to require dedication of parkland

or the payment of fees in-lieu of such dedication in set amounts to meet the needs of the citizens of the community for parkland and to further the health, safety and general welfare of the community. The purpose of this chapter is to establish the procedures for requiring the dedication of land, the payment of fees in-lieu thereof (or a combination of both) to serve new subdivisions in accordance with the requirements of the City's General Plan, and applicable portions of the City of Beaumont Development Fee Impact Fee Study dated September 28, 2017, or any amended or subsequent fee study and the requirements of the Quimby Act.

(Ord. No. 1099, § 2(Exh. A), 1-16-2018)

#### **16.66.010 - Definitions.**

For the purpose of this chapter, unless otherwise apparent from the context, the following terms, phrases, words, and their derivations shall have the meanings respectively ascribed to them by this section:

"Act" means the Quimby Act, Government Code Section 66477.

"Common interest development" means the type of development project defined at section 4000 et seq of the California Civil Code.

"Community park" means a park that generally services an area within a ~~five-mile~~five-mile radius and is usually 20 acres or larger. This type of park will generally allow for a greater variety of passive and active recreation opportunities and areas or buildings for community festivals and civic events, as well as for organized indoor sport and athletic competitions.

" Dwelling unit " means each single-family dwelling, each dwelling unit in a duplex, apartment house or dwelling, condominium, mobile home unit, and any other place designed, occupied, or intended for occupancy as a separate living quarter by one or more persons for living, sleeping, cooking, and eating.

"Fair market value" means the fair market value of undeveloped residential real property as applicable for the density classifications established by the City Council for the implementation of this chapter.

"Neighborhood park" means a park that generally services an area within a one and one-half mile radius and is generally five to ten acres. This type of park is designed for a variety of active and passive recreation opportunities.

"Park" means a parcel or contiguous parcels of land that provides recreational land and facilities for the benefit and enjoyment of the residents and visitors of the City.

"Recreational facilities" means those improvements to parks which provide a recreational opportunity for the user, including, but not limited to, ball fields, lighting, swimming pools, tennis courts, picnic shelters, trails, play/tot lots, and community buildings.

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

"Subdivision" means that definition contained in Government Code Section 66424 and shall include any division of land governed by the provisions of the Subdivision Map Act (commencing with Government Code Section 66410).

(Ord. No. 1099, § 2(Exh. A), 1-16-2018)

#### **16.66.020 - Applicability; exceptions.**

A.

Every subdivider who subdivides land for residential purposes shall dedicate a portion of such land, pay a fee, or a combination of both, at the option of the City as set forth in this chapter.

B.

The provisions of this chapter do not apply to industrial and commercial subdivisions, or to condominium projects or stock cooperatives that consist of the subdivision of air space in an existing apartment building that is more than five years old when no new dwelling units are being added.

C.

The provisions of this chapter do not apply to subdivisions containing ~~less~~fewer than five parcels and not used for residential purposes; provided however, that a condition may be placed on the approval of a parcel map, that if a building permit is requested for the construction of a residential structure, or structures, on one or more of the parcels, within four years, the fee may be required to be paid by the owner of each such parcel as a condition to the issuance of the permit.

~~(Ord. No. 1099, § 2(Exh. A), 1-16-2018)~~

**16.66.030 - Park acreage standard.**

The public interest, convenience, health, welfare, and safety require that 3.35 net acres of useable parkland for each 1,000 persons residing within a subdivision shall be devoted to parks.

~~(Ord. No. 1099, § 2(Exh. A), 1-16-2018)~~

**16.66.040 - Subdivider's notice to dedicate land, pay in-lieu fee, or both.**

A.

At the time of filing a tentative tract map or parcel map subject to this ordinance, the subdivider of the property shall indicate whether he or she desires to dedicate property for park and recreational purposes, pay the in-lieu fee or a combination of both dedication and payment.

B.

If the subdivider desires to dedicate land within the subdivision pursuant to this chapter, the location of the land proposed to be dedicated shall be indicated on the map.

C.

If the subdivider desires to dedicate land outside of the subdivision pursuant to this chapter, at the time of filing the tentative tract or parcel map, the subdivider of the property shall submit the following to the City:

1.

An environmental assessment for the land proposed to be dedicated prepared in compliance with the California Environmental Quality Act and as required by the ~~Planning Director~~Community Development Department Director.

2.

A schematic site plan, which shall include but not be limited to, identifying the boundaries of the dedicated land, site access and improvements.

~~(Ord. No. 1099, § 2(Exh. A), 1-16-2018)~~

**16.66.050 - Dedication of land or payment of fees or a combination of both.**

A.

Upon consideration of a tentative parcel map or a tentative tract map involving 50 or fewer parcels, a condition of approval shall be placed on the map that the subdivider shall pay an in-lieu fee for park or recreational purposes pursuant to this chapter.

B.

Upon consideration of a tentative tract map involving more than 50 parcels, a condition of approval shall be placed on the map that the subdivider shall do one of the following:

1.

Dedicate land for park or recreational purposes pursuant to this chapter;

2.

Pay an in-lieu fee for park or recreational purposes pursuant to this chapter; or

3.

Both dedicate land and pay an in-lieu fee for park or recreational purposes pursuant to this chapter.

C.

The ~~Planning Director~~Community Development Department Director shall base his or her recommendation under this section upon the following:

1.

The requirements of the Quimby Act.

2.

The City's General Plan;

3.

The topography, geology, access, and location of the land in the subdivision available for dedication;

4.

The size and shape of the subdivision and the land available for dedication;

5.

The location of existing or proposed park sites and recreational facilities; and

6.

The desirability of developing the land proposed for dedication for park and recreational purposes as determined by a schematic site plan submitted by the subdivider.

D.

The determination of the ~~Planning Director~~Community Development Department Director as to whether the subdivider shall dedicate land, pay the in-lieu fee or a combination thereof, shall be final and conclusive but may be appealed pursuant to the appeals procedure contained in Section [16.24.060](#).

~~(Ord. No. 1099, § 2(Exh. A), 1-16-2018)~~

**16.66.060 - Timing, standards, and formula for land dedication; required improvements.**

The following shall apply when a subdivider is conditioned to dedicate land pursuant to this chapter.

A.

As condition of approval of a final subdivision tract map or final parcel map, the subdivider shall dedicate all required lands and improvements to the City pursuant to Section [16.66.070](#). The amount of land to be dedicated by a subdivider shall be determined as follows:

1.

The ~~Planning Director~~Community Development Department Director shall determine the number of dwelling units per gross acre to be constructed. The City shall determine the average number of persons per dwelling unit, which shall be based upon the average household size for the dwelling units to be constructed, as disclosed by the most recent available Federal census figures.

2.

The amount of land to be dedicated shall be computed by multiplying the product of (i) the number of proposed dwelling units, (ii) the average number of persons per dwelling unit within the density classification appropriate for the subdivision in question, and (iii) the park acreage standard of 3.35 net acres per 1,000 residents of the subdivision.

3.

The following formula demonstrates the method of calculating the amount of land to be dedicated:

Number of Dwelling Units Based on Proposed Map	×	Average Number of Persons Per Dwelling	×	3.35 Acres [per] 1,000 residents of the subdivision	=	Number of acres to be dedicated
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B.

The conditions of approval for land dedication under this chapter shall be based on the following:

1.

The natural features of the area, including the topography and geology;

2.

The availability of access;

3.

The location;

4.

The size and shape of the subdivision;

5.

The land available to dedication and the feasibility of dedication;

6.

The availability of park sites for acquisition, development, improvement, or rehabilitation, in case land dedication is considered not feasible;

7.

The location of existing and proposed park sites;

8.

The suitability for patrol, supervision, and maintenance; and

9.

The compatibility of dedication with the City's general plan and other adopted plans pertaining to parks and recreation.

C.

When the ~~Planning Director~~ [Community Development Department Director](#) has required the dedication of land pursuant to this chapter, the subdivider shall, without credit, as a further condition of such approval, construct and install the following public improvements within the dedicated land and adjoining public rights-of-way, which are in addition to any parks and recreation facilities and improvements impact fees imposed upon the project:

1.

Full street improvements and utility connections including, but not limited to, curbs, gutters, relocation of existing public utility facilities, street paving, traffic control devices, street trees, and sidewalks to the dedicated land.

2.

Fencing consistent with City improvement standard along the property lines that are contiguous to the park.

3.

Improve the drainage through the park site.

4.

Minimal physical improvements, not including recreational facilities, building or equipment, which the City determines are necessary for acceptance of the land for park and recreational purposes.

5.

Access from the park and recreational facilities to an existing or proposed public street, unless the city determines that such access is unnecessary for maintenance of the park area or use of the park.

6.

Water, sewer, grading, and drainage improvements, in addition to those grading, drainage, irrigation and planting improvements required under other City ordinances.

7.

Any other public improvements that the City determines are necessary in order to make the dedicated land suitable for development as a park or recreation facility.

~~(Ord. No. 1099, § 2(Exh. A), 1-16-2018)~~

#### **16.66.070 - Dedication of land.**

A.

The dedication of land to the City pursuant to this chapter shall be accomplished in accordance with the provisions of the Subdivision Map Act.

B.

Real property dedicated to the City pursuant to the provisions of this chapter shall be:

1.

Conveyed by grant deed in fee simple or irrevocably offered for dedication to the City by the subdivider free and clear of all encumbrances, except those which are not monetary liens, those which will not interfere with the use of the property for park and recreational purposes and which the City agrees to accept;

2.

Restricted to park and recreational purposes; and

3.

Permanently devoted or dedicated to use by the general public, unless a satisfactory substitute is approved by the ~~Planning Director~~ Community Development Department Director. Where fees are required, they shall be deposited with the City at the time prescribed by Section 16.66.080, paragraph A.

~~(Ord. No. 1099, § 2(Exh. A), 1-16-2018)~~

#### **16.66.080 - Timing, standards, and formula for payment of in-lieu fee.**

The following shall apply when a subdivider is conditioned to pay the in-lieu fee proposed by this chapter.

A.

As a condition of approval of a final subdivision tract map or final parcel map, the subdivider shall pay the full amount of the in-lieu fee.

B.

The amount of the fee the subdivider shall pay shall be determined as follows:

Number of Dwelling Units Based on Proposed Map	×	Average Number of Persons per Dwelling	×	3.35 Acres per 1,000 residents of the subdivision	×	Land acquisition costs per acre	=	Total in-lieu fees
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([Ord. No. 1099](#), § 2(Exh. A), 1-16-2018)

**16.66.090 - Timing, standards, and formula for combination of dedication of land and payment of in-lieu fee for subdivisions of 50 or more parcels.**

When only a portion of the land needed to satisfy the dedication requirement meets the minimum park standards and is acceptable to the City as a park site and is located within the proposed subdivision, such portion shall be dedicated for park purposes and a fee, computed pursuant to Section [16.66.080](#) shall be paid for the additional land that would have been required to be dedicated pursuant to Section [16.66.070](#).

([Ord. No. 1099](#), § 2(Exh. A), 1-16-2018)

**16.66.100 - Use of dedicated land and in-lieu fees; development schedule.**

A.

Land dedicated to and accepted by the City pursuant to this chapter shall be used for the purpose of developing parks and recreational facilities which serve the residents of the subdivision in accordance with a development schedule adopted by the City Council. Said schedule shall specify how and when such land will be used for the development of neighborhood or community park facilities.

B.

In-lieu fees paid pursuant to this chapter shall be used for the acquisition of land suitable for park and/or recreational use and the development of new and existing park and recreational facilities.

([Ord. No. 1099](#), § 2(Exh. A), 1-16-2018)

**16.66.110 - Refunds.**

Fees paid to the City and deposited into the park acquisition and development fund shall be committed within five years after payment of such fees or the issuance of building permits on one-half of the lots created by the subdivision, whichever occurs later. If the fees are not committed, they shall be distributed and paid without any deductions to the then record owners of the subdivision in the same proportion as the size of their lot bears to the total area of all lots within the subdivision.

([Ord. No. 1099](#), § 2(Exh. A), 1-16-2018)

**16.66.120 - Disposition of proceeds—Fund created.**

A.

All proceeds from the fees collected under this chapter shall be paid into a special fund of the City entitled "Park Acquisition and Development Fund" which fund is hereby created. All sums collected pursuant to the provisions of this chapter, together with any interest income earned thereon, shall be used only for the purpose of acquiring, building, improving, expanding, and/or developing City parks in accordance with the requirements of this chapter.

B.

In the event that bonds or similar debt instruments are issued for the advanced provision of park and recreational facilities for which in-lieu fees may be expended, such fees may be used to pay debt service on such bonds or similar debt instruments to the extent that the facilities provided are of the type to which the fees involved relate.

C.

Funds may be used to provide refunds as described in Section [16.66.110](#).

D.

The Director of Finance shall maintain records specifically identifying the origin of the funds used for any project or improvement funded, in whole or in part, by the Park Acquisition and Development Fund. Such records shall enable the Director of Finance to trace the fees from new residential subdivisions to specific projects funded by each subdivision. Any interest accruing on account of time deposit of the fund, or otherwise, shall be deposited to the credit of the fund.

E.

Upon receipt of a written application from the ~~Planning Director~~[Community Development Department Director](#) for disbursement of monies from the Park Acquisition and Development Fund on account of expenditures made or proposed for the benefit or use of parks or recreational facilities, the Director of Finance shall immediately advise the City Manager (or his or her designee) and provide him or her with copies of any accompanying documents or papers that might have been submitted in support of the application. Within ten days after receipt of such notice, the City Manager shall advise the Director of Finance whether the disbursement made or proposed is consistent with this chapter. If the City Manager fails to so certify within ten days, it shall be presumed that he or she has made a positive finding therein. Within five days thereafter, the Director of Finance shall, if a positive finding has been made or presumed, approve payment as requested.

~~(Ord. No. 1099, § 2(Exh. A), 1-16-2018)~~

#### **16.66.130 - Controlling state law.**

The provisions of this chapter and any resolution adopted pursuant hereto shall at all times be subject and subordinate to the provisions of the Quimby Act, as the same presently exists or may hereafter be amended from time to time, to the extent the same are applicable. In the event of any conflict between the provisions of this chapter and state law, the latter shall control.

~~(Ord. No. 1099, § 2(Exh. A), 1-16-2018)~~

#### **16.66.140 - Implementation of dedications and fees.**

The fees and dedications required by this Chapter shall be implemented by the City Council through the adoption of an appropriate resolution.

~~(Ord. No. 1099, § 2(Exh. A), 1-16-2018)~~

**SECTION 187. Amendment to Beaumont Municipal Code Chapter 16.68.** Chapter 16.68 is hereby amended as follows (new language in red, deletions in strikeout):

### **Chapter 16.68 - ENFORCEMENT AND PENALTIES**

#### **16.68.010 - Denial of permits.**

No building permit, grading permit or any other permit or approval necessary to develop real property shall be granted or issued for any parcel of real property which has been divided, or which has resulted from a division, in violation of the provisions of the Subdivision Map Act or this title

that were applicable at the time such division occurred, unless the ~~Planning Director~~[Community Development Department Director](#), as provided in this title, and on file in the City Clerk's Office, finds that development of such real property is not contrary to the public health, welfare or safety. A permit or approval shall be denied whether the applicant was the owner of the real property at the time of the violation or whether the applicant is the current owner of the real property with, or without, actual or constructive knowledge of the violation at the time of acquisition of the real property. Whenever a permit or approval is sought to develop such real property, the department from which the permit is sought shall notify the applicant that the permit cannot be granted because of the illegal division of land, and the ~~Planning Director~~[Community Development Department Director](#) for a determination as to whether the development of the property would not be contrary to public health or safety and for the possible issuance of the certificate of compliance.

~~(Ord. 547 §18.1, 1983)~~

#### **16.68.020 - Certificate of compliance.**

A.

*Application.* Any owner of real property, including owners denied a permit, may file an application for certificate of compliance. Application for a certificate shall be made to the ~~Planning Director~~[Community Development Department Director](#), accompanied by the fees set out in the ordinance, codified in this title, and on file in the City Clerk's Office, as follows:

1.

A map shall be submitted, drawn on a form provided by the ~~Planning Department~~[Community Development Department](#). The map shall be legibly drawn, in ink, to an engineer's scale, with the scale shown on the map. It shall show the subject property with dimensions and the gross and net area, and it shall show the location, width and names of all streets and roads adjacent to land providing access to the property.

2.

The map shall show the location and use of all structures on the property, with the distances from the structures to the parcel boundaries and distances between structures and all existing utilities and easements.

3.

A ~~small-scale~~[small-scale](#) vicinity map shall be shown with distances (in feet or tenths of a mile) to the nearest street intersections.

4.

The map shall show the name, address, telephone number, and signature of the current owner of the property.

5.

The map shall show the current zoning on the property and the current assessor's parcel number.

6.

The application shall also include:

a.

A legible copy of the current owner's grant deed or contract of sale;

b.

A map and copies of deeds of all other property owned by the applicant that is contiguous to the subject real property.

c.

Documentation of recorded access to the subject property unless abutting a public street.

d.

A legal description for the subject property to be typed on plain white paper, eight and one-half inches by 11 inches, with one-inch margins at the top, sides, and bottom. This legal description shall be reproducible so as to yield a legible copy that can be used as a part of a recorded certificate of compliance.

e.

A lot book report that shows transactions of the subject property for the previous four years.

B.

*Processing.* Upon receipt of a completed application, the ~~Planning Director~~Community Development Department Director shall review the matter and shall then submit the application to the ~~Land Division Committee~~Development Review Committee at one of its regular meetings for its report and recommendations. Within 50 days after receipt of the completed application, the ~~Planning Director~~Community Development Department Director shall make a final determination as to whether or not the real property complies with the applicable provisions of the Subdivision Map Act and this title, or whether the proposed development of the real property can be approved as not contrary to the public health, welfare and safety.

C.

*Issuance.*

1.

If the ~~Planning Director~~Community Development Department Director determines that the real property was divided in compliance with the provisions of the Subdivision Map Act and this title that were applicable at the time the property was divided, he shall cause a certificate of compliance to be filed for record with the County Recorder.

2.

If the ~~Planning Director~~Community Development Department Director determines that the property was illegally divided, but that a proposed development may be approved as being not contrary to the public health, welfare or safety, he may issue a certificate of compliance, which certificate may be contingent upon the completion of specified conditions. The ~~Planning Director~~Community Development Department Director may impose, as conditions, any requirements that would have been applicable to the division of property at the time the current owner of record acquired the property.

a.

When the ~~Planning Director~~Community Development Department Director imposes conditions, he shall file for record with the County Recorder a conditional certificate of compliance.

b.

The conditions may be fulfilled and implemented by the owner who has applied for the certificate of compliance or any subsequent owner.

c.

Compliance with such conditions shall not be required until such time as a permit or other grant of approval for the development or use of the property is issued by the City unless the property is thereafter included as a part of a legal division of the property pursuant to the provisions of this title.

d.

Upon completion of the conditions, the owner shall notify the ~~Planning Director~~Community Development Department Director. If the conditions are satisfactorily completed, the ~~Planning Director~~Community Development Department Director shall then issue and record a final certificate of compliance.

D.

*Ineligible.* A person that has caused land to be illegally divided shall not be eligible to file for a certificate of compliance for such land, but shall, instead, be required to file an application for a land division pursuant to the provisions of this title.

E.

*Appeal to Planning Commission.* The decision of the ~~Planning Director~~Community Development Department Director regarding a certificate of compliance may be appealed to the Planning Commission within ten calendar days after the date of the decision by the ~~Planning Director~~Community Development Department Director. Upon receipt of a completed appeal, the ~~Planning Director~~Community Development Department Director shall set the matter for hearing before the Planning Commission, not less than 15 days nor more than 60 days thereafter, and shall give written notice of the hearing, by mail, to the appellant. The Planning Commission shall render its decision within 30 days following the close of the hearing on the appeal, and a copy thereof shall be mailed to the appellant.

~~(Ord. 547 §18.2, 1983)~~

#### **16.68.030 - Notice of violation.**

Whenever the ~~Planning Director~~Community Development Department Director has knowledge that real property has been divided in violation of the provisions of the Subdivision Map Act or of this title, he shall cause to be filed for record with the County Recorder notice of intention to record a notice of violation, describing the real property in detail, naming the owners thereof, describing the violation and stating that an opportunity will be given to the owner to present evidence. Upon recording a notice of intention to record a violation, the ~~Planning Director~~Community Development Department Director shall mail a copy of such notice, by certified mail, to the owner of such property. The notice shall specify a time, date, and place at which the owner may present evidence to the advisory agency why such notice should not be recorded. If, after the owner has presented evidence, it is determined that there has been no violation, the ~~Planning Director~~Community Development Department Director shall file a release of the notice of intention to record a notice of violation with the County Recorder. If, after the owner has presented evidence, the advisory agency determines that the property has, in fact, been illegally divided, or if within 60 days of receipt by the owner of the involved real property of a copy of the notice of intention to record a notice of violation, the owner of the real property fails to inform the advisory agency as to why the involved real property has not been illegally divided, the advisory agency shall record the notice of violation with the County Recorder. The notice of intention to record a notice of violation and the notice of violation, when recorded, shall be deemed to be constructive notice of the violation to all successors in interest in such property. The County Recorder shall index the names of the fee owners in the general index.

~~(Ord. 547 §18.3, 1983)~~

#### **16.68.040 - Prohibition.**

A.

No person shall offer to sell, or lease, to contract to sell, or lease, to sell or lease, or to finance any parcel or parcels of real property or commence construction of any building for sale, lease or financing thereof, or allow occupancy thereof, for which a final subdivision map is required by this title, except model homes, until such map thereof, in full compliance with the provisions of this title, has been filed for record by the Recorder.

B.

No person shall sell, lease or finance any parcel or parcels of real property or commence construction of any building for sale, lease or financing thereon, or allow occupancy thereof, for which a final parcel map is required by this title, except model homes, until such map thereof in full compliance with the provisions of this title has been filed for record by the Recorder.

C.

Conveyances of any part of a division of real property for which a final subdivision or parcel map is required by this title, shall not be made by parcel or block number, initial or other designation until such map has been filed for record by the Recorder.

D.

This section does not apply to any parcel or parcel of a division offered for sale, lease, or finance, contracted for sale, lease or finance, sold, leased, or financed in compliance with or exempt from this title at the time the land division was established.

E.

Nothing contained in subsections A and B of this section shall be deemed to prohibit an offer or contract to sell, lease or finance real property or to construct improvements thereon where such sale, ease or financing, or the commencement of such construction, is expressly conditioned upon the approval and filing of a final subdivision map or parcel map, as required under this division.

F.

Nothing in this section shall in any way modify or affect the provisions of Section 11018.2 of the Business and Professions Code.

(Ord. 547 §18.4, 1983)

**16.68.050 - Violation—Penalty.**

Any person violating any of the provisions of this title shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punishable by a fine not to exceed \$500.00 or by imprisonment in the County Jail for a term not exceeding six months, or by both such fine and imprisonment.

(Ord. 547 §18.5, 1983)

**16.68.060 - Cumulative penalties.**

All remedies provided for in this title shall be cumulative and not exclusive. The conviction and punishment of any person under this title shall not relieve such person from the responsibility of correcting prohibited conditions or removing prohibited buildings, structures, or improvements, nor prevent the enforced correction or removal thereof.

(Ord. 547 §18.6, 1983)

**SECTION 9198. Effective Date and Publication.** The Mayor shall sign and the City Clerk shall certify to the passage of this Ordinance and cause the same or a summary thereof to be published within 15 days after adoption in accordance with Government Code Section 36933. This Ordinance shall become final and effective thirty (30) days after the adoption of this Ordinance by the City Council.

