

**Chapter 9.14****LAND DIVISIONS****Sections:**

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**Section 9.14.010 Authority**

- A. This Chapter is adopted pursuant to the provisions of the Subdivision Map Act.
- B. All land divisions in the City of Moreno Valley as hereinafter defined are subject to all of the applicable provisions of the Subdivision Map Act and this Chapter.

*[Amended by Ordinance 386, effective 3/11/93]*

- C. *[Repealed by Ordinance 386, effective 3/11/93]*

**Section 9.14.020 Standards of Land Division****A. Conformance**

1. All land division shall conform to the Comprehensive General Plan of the City of Moreno Valley, with all applicable specific plans, and with the requirements of this Development Code except as hereinafter provided.
2. The requirements set forth in this Chapter are minimum standards and requirements, and the City Engineer may establish additional policies to implement said standards and requirements, which the City Engineer finds necessary for proper and effective division of property and necessary to implement applicable General Plan policies.
3. Exceptions from the requirements of this ordinance relating to the design or improvement of land divisions shall be granted only when it is determined that there are special circumstances applicable to the property, such as, but not limited to, size, shape or topographical conditions or existing road alignment and width, and that the granting of the modification will not be detrimental to the public health, safety or welfare or be damaging to other property in the vicinity.
4. Applications for such exceptions shall be made in writing, stating fully the reasons and justification for the requested exception and shall be filed with the tentative map to be acted upon when the tentative map is considered for approval, conditional approval or denial.

5. A Tentative Map shall be required of all applications for all land divisions for which a parcel map is required pursuant to Section 66428 of the Subdivision Map Act. The requirement for a tentative map may also be waived by the Community and Economic Development Director where a request for a waiver of a parcel map meets with approval pursuant to Section 9.14.090-L.

*[Added by Ordinance 386, effective 3/11/93]*

**B. General Street Design**

1. The street system in the proposed land division shall be related, in general, to the existing streets in the area adjoining the proposed land division.
2. The proposed street system shall give consideration to the future land division of adjoining undivided property.

*[Amended by Ordinance 386, effective 3/11/93]*

3. All streets shall be designed to serve the proposed use of the abutting land.
  4. When improvements are required, part-width boundary streets in a land division adjacent to undivided land shall have a minimum half-width right-of-way.
  5. When no improvements are required, part-width boundary streets shall have a minimum right-of-way width of 30 feet.
  6. Concrete rolled curbs in conformance with City Standards may be permitted in place of standard curbs on non-dedicated streets upon the determination of the City Engineer that the streets are adequate to handle drainage, and that an adequate maintenance program is provided in the covenants, conditions, and restrictions of the subdivision or otherwise assured to the satisfaction of the City Engineer.
  7. When consistent with existing development, access to residential property along freeways, expressways, arterial highways, major highways and flood control channels shall be provided by one of the following:
    - a. A frontage road or service road; or
    - b. A street separated by a tier of lots.
  8. Design of streets shall make provision for railroads, parkways, expressways, grade separations, flood control channels, prevailing geological conditions and local drainage facilities.
  9. Whenever lots of a proposed land division are located more than 660 feet, in any area, from a publicly maintained circulatory road, a secondary access shall be provided. Documentation and improvement for such access shall be established as part of the tentative map review.
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10. Dead-end and part-width streets shall not be permitted if it is determined that adjacent land use or topographical features will not permit the extension or widening of such streets. Dead-end streets shall be so designed that access to abutting property shall be physically possible.
11. On land divisions where improvements are not required, the centerline alignment of the street right-of-way shall be so located that future improvements shall be feasible and in accordance with City standards and ordinances.
12. Concrete rolled curbs are not permitted in streets offered for dedication to the public.

**C. Private Streets**

1. Private streets may be permitted when it is determined that there is adequate provisions for their construction and continued maintenance, that the welfare of the occupants of the development will be adequately served and that it will not be detrimental to the public health, safety and general welfare.
2. Private streets shall not be offered for dedication to public use. All private streets shall meet the width requirements set by the City Engineer and shall be constructed in accordance with City Standards.
3. All streets that are permitted to be private may provide for access control by land division design, posting or gating. Gating shall meet the approval of the Fire Prevention Bureau.
4. Interior streets of a planned residential development shall be constructed to minimum widths as determined by the City Engineer and in accordance with City Improvement Standards.
5. When a special design for a cul-de-sac, length of a street terminating in a cul-de-sac, landscaped median, or any other improvement design is proposed and is not provided for in this Chapter or in the City Improvement Standards, the design shall be submitted to the City Engineer for approval.
6. Concrete rolled curbs in conformance with City Standards may be permitted in place of standard curbs on non-dedicated streets upon the determination of the City Engineer that the streets are adequate to handle drainage, and that an adequate maintenance program is provided in the covenants, conditions, and restrictions and/or otherwise assured to the satisfaction of the City Engineer.
7. Sidewalks shall be required to be constructed in conjunction with private streets unless it is determined by the approving body to be unnecessary, considering the design of the development. Sidewalk construction shall be in accordance with the City Improvement Standards.
8. Improvement plans, agreements and bonds shall be required for private streets in accordance with the applicable provisions of this Chapter.

**D. Street Grade**

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1. Street grades for local streets may exceed 12% only when engineering design shows that the grade proposed is safe and that the lesser grade would deny access to land appropriate for use subject to the approval of the Fire Prevention Bureau.
2. Street grades of less than 1.0% may be approved only when engineering design shows that local drainage provisions are adequate and steeper gradients cannot be obtained. The minimum acceptable grade shall be 0.50% unless a written request is made of, and written approval is granted by the City Engineer. The utilization of combinations of steep and minimum gradelines as a means of generating embankment materials for on-site tract grading to the detriment of street maintenance and good engineering design will not be approved. Every effort shall be made to design street grades which will be in conformance with the existing terrain.

*[Amended by Ordinance 386, effective 3/11/93]*

#### **E. Street Alignment**

1. All street intersections shall be at right angles, plus or minus 5 degrees, unless otherwise approved by the city Engineer.
2. Centerline offsets of less than 200 feet shall not be permitted, except that in special design cases offsets of less than 5 feet may be used when approved by the City Engineer.
3. Curb Returns:
  - a. A minimum curb return radius of 25 feet shall be provided at intersecting streets designated as collector or local streets;
  - b. A minimum curb return radius of 35 feet shall be provided when one or both of the intersecting streets is designated as a minor arterial street or greater;
  - c. In hillside areas, the curb return radius may be modified if required because of the topography.
4. Corner cutbacks shall be established as provided in City Standards.
5. Frontage road connections providing access to the main highway shall incorporate an intersection design in conformance with City Standards.
6. Median openings or crossovers between opposing lanes of a divided highway shall be located only at approved intersections and other locations as approved by the City Engineer.

#### **F. Alleys**

1. Improved alleys not less than 20 feet in width may be approved at the rear of all lots intended for industrial, commercial, and multiple family uses.

2. Alley intersections shall have minimum corner cutbacks of 25 feet.
3. Dead-end alleys shall provide an adequate turnaround for emergency vehicles as required by the Municipal Code.

**G. Lots**

1. Lot size shall be not less than the minimum required by the zoning classification applicable to the subject property, and shall be consistent with the General Plan for the City of Moreno Valley.
2. When lots are crossed by major public utility easements, each lot shall have a net usable area of not less than 3600 square feet, exclusive of the utility easement.
3. Side lot lines shall be at right angles to the street center line, except where terrain or other restrictions make such design impractical.
4. No lot shall be divided by a city, county, school district or other taxing agency boundary line.
5. The minimum lot frontage on a knuckle or cul-de-sac street shall be 35 feet measured along the property line unless otherwise specified in the development standards of the zoning classification.
6. Lot frontage along curvilinear streets may be measured at the building setback line in accordance with development standards of the zoning classifications.
7. When a lot includes an access corridor, the access corridor shall be not less than 35 feet in width. In no case shall the length of the access corridor exceed 500 feet. When the access portion abuts a dead-end street or cul-de-sac, the combined length of the street and the access strip shall be no more than the maximum length of a cul-de-sac as defined herein.

**H. Exclusions**

1. Any contiguous property that is owned by the land divider shall be included within the boundaries of a land division when necessary or desirable in the design or improvement of the land division.
2. Any contiguous property that is owned by the land divider, but not included within the boundaries of the land division, shall be of such size and shape as to conform to the provisions of this code, the General Plan of the City of Moreno Valley, or any applicable specific plan; otherwise it shall be included within the boundaries of the land division.

**I. Required Access**

1. No land division final map shall be recorded unless public access is provided from each parcel of the land division to a city, county, county service area, community service district, state or federal road that is maintained for public use. Public access to a road maintained by a property owner's association may be allowed if the City Council determines that there is no other feasible means of guaranteeing maintenance
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of the road for public use, and if the association has the unqualified right to maintain the road pursuant to recorded conditions, covenants and restrictions which require the association to maintain the road and such requirement cannot be amended or terminated without the consent of the City of Moreno Valley.

2. The requirement for public access may be waived under the following circumstance:
  - a. If a parcel map creates 4 or less parcels and public access over intervening lands cannot be offered for dedication, an appurtenant private easement for ingress, egress, roadway, and public utility purposes may be approved, provided:
    - (1) The land to be divided is not zoned for commercial, industrial or multiple-residential use; and
    - (2) No parcel under one acre in size is created unless only one additional parcel is being created; and
    - (3) If no improvements are required, the private easement is no less than 24 feet in width, and is duly recorded, is perpetual in duration, and is not subject to liens and encumbrances which might impair or defeat its purpose. If improvements are required, a minimum of 40 feet is required; and  
*[Amended by Ordinance 386, effective 3/11/93]*
    - (4) The access easement owned by the land divider is not an exclusive easement or specifically written to prohibit further division of the land.
  - b. If a subdivision map has been previously recorded that permitted private streets without the requirement of offering the streets for dedication, a private road easement may be approved provided said easement grants the new lots unrestricted access rights to the existing private streets.
3. Public Access is not required if each parcel created is 40 acres or more or is a quarter of a quarter section.

#### **J. Design of Subdivision to Provide for Future Passive or Natural Heating or Cooling Opportunities**

In order to provide for future passive or natural heating and/or cooling opportunities in a subdivision, the following considerations shall be taken into account: subdivision lot design, size, configuration or structure, orientation in an east-west direction, local climate, contour, configuration of the parcel to be divided, and other design and improvement requirements. Such provision shall not result in reducing allowable densities or the percentage of lot which may be occupied by a building or structure under applicable planning and zoning in force at the time the tentative map is filed.

These requirements do not apply to condominium projects which consist of the subdivision of airspace in an existing building when no new structures are added.

#### **Section 9.14.030 Tentative Maps - General**

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**A. Tract Numbers**

1. Prior to the filing of a tentative map for a land division, a tract number shall be obtained from the Riverside County Road Department or other proper authority.
2. When the tentative map is a parcel map division, this shall be so indicated thereon.
3. The City Engineer shall maintain a permanent record of all tract numbers within the City limits.
4. When applying for a tract number, the land divider shall certify that he is the 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 required by the City Engineer.
5. When a number has been assigned by the County 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 County.

**B. Preliminary Corner Stakes**

At the request of staff, the land divider may be required to 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 ground and be identified with a number and owner description.

**C. Application**

1. Prior to filing a tentative map, the land divider shall obtain an application for land division, which form shall be furnished by the Community and Economic Development Department and completed by the divider.
2. The application shall be for the purpose of:
  - a. Providing and clarifying the information required to be shown on, or to accompany, the tentative map;
  - b. Determining whether the land division conforms to all the requirements of this and other City ordinances; and
  - c. Expediting the processing of the tentative map.

**D. Division of Land**

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1. No person shall make any land division, as herein defined, of real property located in the City of Moreno Valley, except in accordance with the provisions of the Subdivision Map Act, Land Surveyors Act, this Title and other appropriate laws.
2. 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 by the appropriate approving authority.

**Section 9.14.040 Tentative Maps - Information Required****A. Tentative Subdivision Maps**

1. The following information shall be shown on and verified or accompany tentative subdivision maps with any other supplementary information that the Community and Economic Development Department or City Engineer may deem necessary and reasonable:
    - a. Tract number, title of map, Assessor's parcel number and legal description of property, not including tract name;
    - b. Name, address and telephone number of owner and land divider, and name, address and telephone number of person preparing map;
    - c. Ownership information on additional property owned adjacent or contiguous to the land to be subdivided;
    - d. Approximate total acreage of property and lot size, net and gross for a typical lot and for each irregular lot, overall dimensions, north arrow, scale and date;
    - e. Subdivision boundary line and detailed vicinity map showing relationship to surrounding community;
    - f. Names, location, right-of-way, widths, and improvements of adjacent streets, alleys, railroads, transmission lines, pipelines, sewers and existing structures, both above and below ground;
    - g. Names, locations, widths of right-of-way for proposed streets, alleys and easements, and the approximate grades of proposed and existing streets and approximate street centerline radii of curves;
    - h. Streets, alleys and right-of-way providing legal access to the property;
    - i. If private streets are proposed, they shall be so noted on the tentative map;
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- j. Names of utility purveyors, locations and widths of existing and proposed public utility easements:
  - (1) When specific areas for subsurface disposal are required, those areas shall be delineated; and
  - (2) Any known existing wells on the property or within 200 feet of the subdivision boundary shall be indicated on the tentative map;
- k. Water courses, channels, existing culverts and drain pipes, including existing and proposed facilities for control of storm waters;
- l. Land areas subject to overflow, inundation or flood hazard;
- m. Any land or right-of-way to be dedicated for public use;
- n. Identify common areas and open spaces;
- o. Proposed lot lines and approximate dimensions;
- p. Adjoining property and lot lines;
- q. Maximum contour interval shall be as required by the City Engineer. The contour lines shall extend 300 feet beyond the exterior boundaries of the property when adjacent property is unimproved or vacant unless otherwise determined by the City Engineer. Copies of the U.S.G.S. topographic maps are acceptable when approved by the City Engineer. County Flood Control and County Road Department base maps may be acceptable;

*[Amended by Ordinance 386, effective 3/11/93]*

- r. Site Grading:
  - (1) Whenever any area of the proposed subdivision has a gradient of 5% or more, as measured between natural contours, the following information shall be shown on, or accompany, the tentative map:
    - (a) The proposed cuts and fills in the subdivision:
      - 1) All cut and fill slopes or combination thereof shall be made no steeper than 2:1 (two horizontal to one vertical), and their height shall be no greater than ten feet. Exceptions to these standards may be permitted as follows:

Cut slopes - Slope ratios steeper than 2:1 and slope heights in excess of ten feet vertically shall be considered if they are recommended to be safe in a slope feasibility report written by either a registered geotechnical engineer or a registered engineering geologist. The slope stability report must also include recommendations for erosion control and landscaping of the proposed grading;

Fill Slopes - Fill slopes with heights in excess of ten feet vertically (on a slope of 2:1) may be allowed if they are recommended to be safe in a slope stability report written by a registered geotechnical engineer. The slope stability report must also include recommendations for erosion control and landscaping of the proposed grading;

Based on the slope stability report, fill slopes greater than ten feet may need to be constructed at a more gentle slope ratio (e.g. 3:1 or 4:1), in order to achieve stability.

- 2) Cuts and fills in areas of subsurface sewage disposal shall be in accordance with the sewage disposal feasibility report recommendations.
    - (b) The elevations of all individual building pads in the subdivision;
    - (c) The elevations at the perimeter of the subdivision;
    - (d) The relationship to adjoining land and development.
  - (2) Where grading will tie into adjacent natural terrain, final manufactured slopes shall be blended into the existing terrain.
  - s. Existing use and zoning of property immediately surrounding tract;
  - t. Existing zoning, and proposed land use of property within the proposed tract (single-family, multiple-family, commercial, industrial); and
  - u. A list of the names and addresses of the owners of real property located within 300 feet of the exterior boundaries of the property to be considered, as shown on the latest equalized assessment roll, and any update issued by the County Assessor.
2. Reports and written statements on the following matters shall accompany the tentative map:
    - a. Proposed method of control of storm water, including data as to amount of runoff, and the approximate grade and dimensions of the proposed facilities;
    - b. A written statement (Land Division Form SAN 53) from the Health Officer stating that:
      - (1) A water purveyor under permit has agreed in writing to serve all lots in the land division; and
    - c. A written statement (Land Division Form SAN 53) from the Health Officer stating the type of sewage disposal that will be permitted. To aid in this determination a sewer feasibility letter or a sewage disposal feasibility report and Regional Water Quality Control Board clearance or other pertinent information shall be required.
  3. If the land division lies within a special zone shown on the map prepared by the State Geologist pursuant to the Alquist-Priolo Geologic Hazard Zone Act, a geologic report or waiver thereof pursuant to the provisions of this Title shall accompany the tentative map.
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4. A program for control of soil erosion in conformity with this Chapter shall be submitted for land division in blow sand areas.

**B. Tentative Parcel Maps**

1. The following information shall be shown and verified or accompany all tentative parcel maps and any other information that the Community and Economic Development Department or City Engineer may deem necessary and reasonable:
    - a. Parcel Map identification number, Assessor's parcel number, title of map, and legal description of property but not including tract name;
    - b. Name and address of owner and land divider and name and address of person preparing map;
    - c. Approximate total acreage of property and lot size net and gross for a typical lot and for each irregular lot, overall dimensions, north arrow, scale and date;
    - d. Land division boundary line and vicinity map showing relationship to surrounding community;
    - e. Assessor's Map book and page numbers of adjoining land divisions;
    - f. Names, locations, right-of-way, width and improvements of existing adjacent streets, alleys, railroads, and existing structures, both above and below ground;
    - g. Names, location, widths of rights-of-way or proposed streets, alleys and easements, and the approximate grades of proposed streets and approximate street centerline radii of curves;
    - h. Streets, alleys and right-of-way providing legal access to the property;
    - i. If private streets are proposed, it shall be so noted on the tentative map;
    - j. Names of utility purveyors, location and width of existing and proposed known public utility easements:
      - (1) When specific areas for subsurface sewage disposal systems are required, the location and width of the disposal areas is required.
      - (2) Any known existing wells on the property or within 200 feet of the subdivision boundary shall be indicated on the tentative map.
    - k. Water courses, channels, existing culverts and drain pipes, including existing and proposed facilities for control of storm waters;
    - l. Land areas subject to overflow, inundation or flood hazard;
    - m. Any land or right-of-way to be dedicated for public use and right-of-way for railroads and other
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- uses;
- n. Identify common areas and open spaces;
  - o. Proposed lot lines and approximate dimension;
  - p. Adjoining property and lot lines;
  - q. Maximum contour interval shall be as required by the City Engineer. The contour lines shall extend 300 feet beyond the exterior boundaries of the property when adjacent property is unimproved or vacant unless otherwise determined by the City Engineer. Copies of U.S.G.S. topographic maps are acceptable only when other information is not available. County Flood Control and County Road Department base maps may be acceptable;

*[Amended by Ordinance 386, effective 3/11/93]*

- r. Existing use and zoning of property immediately surrounding tentative map;
- s. Existing zoning and proposed land use of property within the parcel map (single-family, multi-family, commercial, or industrial);
- t. A statement as to whether the tentative map includes the entire contiguous ownership of the land divider or only a portion thereof; and
- u. A list of the names and addresses of the 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, and any update issued by the County Assessor.

v. Site Grading:

- (1) Whenever any area of the proposed subdivision has a gradient of 5% or more, as measured between natural contours, the following information shall be shown on, or accompany, the tentative map:

- (a) The proposed cuts and fills in the subdivision:

- 1) All cut and fill slopes or combinations thereof shall be made no steeper than 2:1 (two horizontal to one vertical), and their height shall be no greater than ten feet. Exceptions to these standards may be permitted as follows:

Cut Slopes - Slope ratios steeper than 2:1 and slope heights in excess of ten feet vertically shall be considered if they are recommended to be safe in a slope stability report written by either a registered geotechnical engineer or a registered engineering geologist. The slope stability report must also include recommendations for erosion control and landscaping of the proposed grading.

Fill Slopes - Fill slopes with heights in excess of ten feet vertically (on a slope of 2:1) may be allowed if they are recommended to be safe in a slope stability report written by a registered geotechnical engineer. The slope stability report must also include recommendations for erosion control and landscaping of the proposed grading.

Based on the slope stability report, fill slopes greater than ten feet may need to be constructed at a more gentle slope ratio (e.g. 3:1 or 4:1), in order to achieve stability.

- 2) Cuts and fills in areas of subsurface sewage disposal shall be in accordance with the sewage disposal feasibility report recommendations.
    - (b) The elevations of all individual building pads in the subdivision;
    - (c) The elevations at the perimeter of the subdivision;
    - (d) The relationship to adjoining land and development.
  - (2) Where grading will tie into adjacent natural terrain, final manufactured slopes shall be blended into the existing terrain.
2. Reports and written statements on the following matters shall accompany the tentative map:
    - a. Proposed method of control of storm water, including data as to amount of runoff, and the approximate grade and dimensions of the proposed facilities;
    - b. A written statement (Form SAN 53) from the Health Officer, stating the type of sewage disposal and water supply that will be permitted shall be submitted for all commercial and industrial parcel maps.
  3. If the land division lies within a special studies zone shown on the map prepared by the State Geologist, pursuant to the Alquist-Priolo Geologic Hazard Zone Act, a geologic report or waiver thereof pursuant to the provisions of this title shall accompany all tentative parcel map.
  4. Request to waive the final map for any parcel map division shall be filed at the time of the filing of the tentative parcel map.

### **Section 9.14.050 Processing of Tentative Maps**

#### **A. Filing of Tentative Map**

1. Action Following Filing: For purposes of this Section, the 50-day limitation for action after filing of the tentative map shall commence after certification of the Environmental Impact Report, adoption of a Negative Declaration, or a determination that the project is exempt from the requirements of Division 13
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(commencing with Section 21,000) of the Public Resources Code.

2. Submittal Requirements: All tentative maps shall be submitted to the Community and Economic Development Department and shall be accompanied by the appropriate fee as set by the City Council and shall comply with this Chapter.
3. Additional Information: Within 30 days of the date on which the map is submitted, the Community and Economic Development Department shall determine whether any additional information is required, and the applicant or representative shall be so notified. Once the information required to complete the review of the tentative map is provided, the Community and Economic Development Department shall accept the map as complete for filing.

Additional information which may be required shall include, but is not limited to, data necessary to complete environmental review, flood and drainage studies, sewage disposal information, and circulation studies.

**B. Fee for Flood Protection Study**

1. A flood protection study fee as set forth by City Council shall be paid upon the submittal of the tentative map if required by the City Engineer.
2. No charge shall be made for a flood protection study on a revised tentative map filed within two years of the original filing.
3. There shall be no flood protection study fee for reverting subdivided lands to acreage.

**C. Map Distribution**

Upon the submittal of the tentative map to the Community and Economic Development Department, one copy thereof shall be forwarded to each member of the appropriate Advisory Agency and to each of the following:

1. City Engineer/Public Works Department
  2. Fire Department
  3. School District(s)
  4. California Department of Transportation (If Applicable)
  5. Flood Control District (If Applicable)
  6. Eastern Municipal Water District and local sewer/water servers as applicable to the property involved
  7. Riverside County Health Department
  8. Police Department
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