

## Chapter 16.100

### MINOR SUBDIVISION

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#### **16.100.010 Purpose.**

It is the purpose of this Chapter to provide a method for reviewing minor subdivision (parcel map) applications. (Ord. 606, 1999)

#### **16.100.020 Requirements for Application.**

A. A minor subdivision application may be initiated by the property owner(s) or the property owner's authorized agent. Applications are filed with the Planning Department. The application must include a tentative map or, at the option of the applicant, a vesting tentative map and other maps or documents required by the City.

B. Required information on the tentative subdivision map site plan diagram (twenty [20]copies) at 18" x 24" folded to approximately 8 ½" x 11" and an 8½"x11" reduction shall include the following information:

1. A key or location map that shows the general area, including adjacent property, subdivisions and roads;
2. The tract name or number, date, north point, scale and sufficient description to define location and boundaries of the proposed tract;
3. Name and address of recorded owner or owners;
4. Name and address of the subdivider;
5. Name and business address of the person

who prepared the map;

6. Acreage of the proposed tract to the nearest tenth of an acre;

7. Sufficient elevations or contours to determine the general slope of the land and the high and low point of the site, which includes verification that any portion of the project used for habitable structures, is not in the 100 year flood plain;

8. The locations names, widths, and grades of all roads, street, highways, and ways in the proposed subdivision or to be offered for dedication;

9. The locations, names and existing widths of all adjoining and contiguous highways, streets, and ways;

10. The widths, locations and purpose of all existing easements;

11. Lot layout, dimensions of each lot and lot numbers;

12. City limit lines occurring within the general vicinity of the subdivision;

13. Bearings and distances to quarter section bounds within the general vicinity of the subdivision;

14. Boundaries of any units within the subdivision if the subdivision is to be recorded in stages;

15. Names and owners of land immediately adjacent to the subdivision.

16. The Outline of any existing buildings to remain in place and their location in relation to existing or proposed street and lot lines;

17. Location of all trees proposed to remain in place, standing within the boundaries of proposed public right-of-way;

18. Location of all areas subject to inundation or storm water overflow and the location, width and direction of flow of all watercourses.

C. Additional information and documents required as follows:

1. Vicinity map (8 ½" x 11")
2. Legal description

Council is required with the application.

E. Before application, the applicant should request a preapplication conference with the Planning Department. (Ord. 606, 1999; Ord. 758 §2 (part), 2007)

**16.100.030 Review Procedures.**

Minor subdivision applications shall be reviewed by the Planning Commission using the public hearing review procedure specified in Section 16.08.040 with the following modifications:

A. Action with Negative Declaration or Notice of Exemption. If a Negative Declaration or Notice of Exemption is certified in connection with the project, the final action on the application must be rendered within sixty (60) calendar days after it is accepted as complete.

B. Action with EIR. If an Environmental Impact Report is required, the final action on the application must be rendered within one hundred eighty (180) calendar days after certification of the Environmental Impact Report.

C. Appeals. Appeals of any Planning Commission decision must be heard by the City Council within thirty (30) calendar days, or an authorized extension thereof, after the conclusion of the hearing before the City Council.

D. Notice of Hearing. Notification of any public hearing must include publication in the newspaper of general circulation in the City at least ten days (10) days before the hearing. (Ord. 606, 1999; Ord. 758 §2 (part), 2007)

**16.100.040 Findings.**

Before approving an application for a minor subdivision, the Planning Commission shall find that all of the following are true:

A. Plan Consistency. The proposed subdivision is consistent with the goals, policies, standards, and maps of the General Plan and any other applicable plan or agreement adopted by the City;

B. Design and Improvements. The design and improvement of the proposed subdivision is consistent with the General Plan and any applicable specific plan, special purpose plan, or any agreement;

C. Type of Development. The site is physically suitable to the type of development proposed, which includes verification that any portion of the project used for habitable structures, is not in the 100 year flood plain;

D. Density of Development. The site is physically suitable for the proposed density of development;

E. Fish and Wildlife. Neither the design of the subdivision nor the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat;

F. Public Health. The design of the subdivision or type of improvement is not likely to cause significant public health problems;

G. Access. The design of the subdivision or type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision;

H. Dedications. Any land or improvements to be dedicated to the City is consistent with the General Plan, and applicable specific plan and special purpose plan, and any other applicable plan or agreement adopted by the City;

I. Energy. The design of the subdivision provides, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision. (Ord. 606, 1999; Ord. 758 §2 (part), 2007)

**16.100.050 Expiration Date.**

A minor subdivision application that has been approved shall expire twenty-four (24) months after the date of its approval, unless a parcel map has been filed with the County Recorder or on the expiration date of an associated Development

Agreement, whichever is later Upon application of the subdivider, filed before the expiration of the approved tentative map, the time at which the map expires may be extended by the Planning Commission or City Council for a period or periods as provided in the State Subdivision Map Act. (Ord. 606, 1999; Ord. 758 §2 (part), 2007)

#### **16.100.060 Vested Rights.**

An approved minor subdivision application that includes a vesting tentative map shall confer rights as set forth in this section.

A. Vested Rights. The approval of the minor subdivision application shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies, and standards described in Section 66498.1 of the Government Code.

B. Exceptions. Notwithstanding Subsection (a), a permit, approval, extension, or entitlement may be conditioned or denied if either of the following is determined:

1. Failure to do so would place the residents of the subdivision, the immediate community, or both in a condition dangerous to their health, safety, or both; or

2. Condition or denial is required in order to comply with state or federal law.

C. Time Periods. The vested rights referred to in Subsection (a) shall expire if a final map is not approved before the expiration of the approved minor subdivision application. If the final map is approved, vested rights shall continue as follows:

1. Vested rights shall remain in effect for an initial time period of one (1) year. Where several final maps are recorded on various phases of a project covered by a single vesting tentative map, this one (1) year initial time period shall begin for each phase when the final map for that phase is recorded. All of said final maps must be recorded within the time period set forth in Section 16.96.050, or the vested rights expire for those parcels for which final maps are not timely

recorded.

2. This one (1) year initial time period set forth in Subsection (c) (1) shall be automatically extended by any time used for processing a complete application for a grading permit, if one is required, or for any required design or architectural review, if such processing exceeds thirty (30) days from the date a complete application is filed.

3. If the subdivider submits a complete application for a building permit during the periods of time specified in Subsections 16.100.060.C.1 and 16.100.060.C.2 above or during any approved time extensions of the initial one (1) year time limit period specified in Subsection 16.100.060.C.1 above, the vested rights referred in this section shall continue until expiration of that building permit, or extension of that building permit. In the event of amendments to the Subdivision Map Act which expressly modify the time frames set forth herein, the provisions of the Subdivision Map Act shall prevail.

D. Development Agreement. Vesting Tentative Maps will not be allowed to be submitted with a Development Agreement.

E. Subsequent Conditioning. Consistent with Subsection (a), an approved or conditionally approved vesting tentative map shall not limit the Planning Commission or City Council from imposing reasonable conditions on subsequent approvals or permits necessary for the development. (Ord. 606, 1999; Ord. 758 §2 (part), 2007)

#### **16.100.070 Subdivisions in Flood Hazard Zones - Required Findings**

Subdivisions located in Flood Hazard Zones as defined in Chapter 8.01 shall not be approved until the applicable findings required in Chapter 16.10 have been made. (Ord. 853 §5, 2016)