

Chapter 16.12

TENTATIVE MAP

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Sec. 16.12.010 Applicability

For every division of property, except a quarter-quarter waiver, the subdivider shall file with the County Planning Department a tentative map prepared in accordance with the provisions of this Chapter. For divisions of a complex nature, it is especially recommended that a preliminary map be prepared by the subdivider and submitted to the County Planning Department for general distribution and comment prior to the filing of the tentative map.

Sec. 16.12.020 Application Requirements

The tentative map shall contain the following information in addition to such information as is required by the Subdivision Map Act.

- A. A location map at a minimum scale of one (1) inch equals one (1) mile.
- B. Names and addresses of owner, subdivider and person who prepared the map.
- C. Date map was prepared.
- D. North arrow and scale.

- E. Proposed layout, approximate dimensions, and approximate area of all parcels. Sufficient data to define the Boundaries of the land to be subdivided.
- F. Adjoining properties with names and assessor parcel numbers.
- G. Approximate widths, locations and purposes of all existing and proposed easements.
- H. Approximate locations, widths, names and indications of public or private status of all existing or proposed roads lying within or adjacent to the land to be subdivided.
- I. Arrows or contours indicating direction of slope and percent of gradient. (If less than 20%, or greater than 30%, gradient may be approximated.)
- J. Unless sewage systems already exist on all parcels, or unless both public water and public sewage systems are proposed to serve the parcels, the following features shall be shown to the extent necessary to determine the amount of "useable parcel area" (as defined in Section 16.48.122):
 - 1. Approximate boundaries of areas with slopes greater than thirty (30) percent.
 - 2. Approximate boundaries of areas subject to a 10-year flooding event, or landslide hazard.
 - 3. Approximate average yearly high water limits of lakes, ponds, reservoirs, rivers, streams, and swampy ground. Location of springs and wells.
 - 4. Approximate boundaries of gravel bars, dredge tailings, and rock outcrops.
 - 5. Indicate the amount of useable acreage under the acreage shown for each parcel.
- K. Locations of soil percolation test holes, soil profile pits, and test wells. (Each shall be clearly marked on the site.)
- L. The location of existing buildings, fences, wells, sewage disposal systems, culverts, drains, underground structures, overhead structures, major excavations, and mine shafts.
- M. All proposed parcels numbered or lettered consecutively throughout the division.

- N. The boundaries of the property to be subdivided shall be indicated with distinctive lines on the map, and proposed parcels shall be readily identifiable on the ground.
- O. Existing use of the property.
- P. Proposed use of the property.
- Q. Proposed source of domestic water for each parcel.
- R. Proposed method of sewage disposal for each parcel.
- S. Proposed means of access to each parcel and proof of access.
- T. The approximate boundaries of any areas within the proposed subdivision which are subject to overflow, inundation or flood hazard shall be shown. A 100-year storm shall be used for determining such areas and must be designated by the land surveyor or the engineer who prepared the map. A note shall be placed on the map which indicates how the boundaries were arrived at.
- U. Any other such information as determined by the Planning Commission as being necessary to process the tentative map.

Sec. 16.12.031 Acceptance of Applications

- A. An application shall be deemed to be accepted as complete when the Planning Director, or his designee, has determined that all required information has been provided and the application is certified as complete to initiate environmental review.
- B. Any application for any project for which the Planning Director has determined that there is a categorical exemption pursuant to the California Environmental Quality Act shall be deemed to be certified as complete if, within ten (10) days after the submittal of an application and payment of fees, the Planning Director has not determined that additional information is necessary and unless the Planning Director has provided, or has attempted to provide, written notice to the applicant of the requirements for such additional information.
- C. Within thirty (30) days after the submittal of an application and payment of initial filing fees, the Planning Director shall determine if additional information is necessary and shall provide, or attempt to provide, written notice to the applicant of the requirement for such additional information or shall inform the applicant that the application is complete. Should the Planning Director not attempt to provide the applicant with notice of incompleteness or

completeness of the application, then the application shall be deemed complete.

- D. An application shall not be certified as complete while an appeal of any decision by the Commission or Planning Director related to the project is pending. The time limits established pursuant to paragraphs (B) and (C) of this section shall be suspended from the date upon which such an appeal is filed to the date eleven (11) working days after a final decision is made on the appeal.

Sec. 16.12.032 Requests for Additional Information - Withdrawal of Application

- A. If the Planning Director determines that further information is required, he shall so inform the applicant specifying the information requested.
- B. An applicant shall provide requested information to the Planning Director within thirty (30) days after such information has been requested unless a different time period has been mutually agreed to between the applicant and the Planning Director. After an application has been certified as complete, the Planning Director shall not extend the period beyond the thirty (30) day period unless the applicant agrees to waive or extend the one-year time limit provided by Government Code 65950 for the number of days that the information period is extended beyond thirty (30) days.
- C. Any application shall be deemed withdrawn and all filing fees forfeited if the information requested has not been provided within the time specified in subsection (B) above; provided, however, that within ten (10) days of such action the applicant may appeal to the Commission.
- D. The Commission may grant an extension of time if it determines there are unusual circumstances, beyond the control of the applicant, which have precluded timely compliance with the request.
- E. The commission may relieve an applicant from providing information requested by the Director if it determines that the information is not necessary or relevant to the decisions to be made and issues to be considered by the County with respect to the project.
- F. If an applicant has provided information responding to a request pursuant to this section and the Planning Director has not requested further information or determined the information to be unsatisfactory within twenty (20) days after receipt of the information, the application shall be deemed to be certified as complete.
- G. At any time after an application has been certified as complete, the Planning Director may request further information pursuant to this section based upon any change in the project, any change in the circumstances applicable to the project or if so directed by the Commission, Board of Supervisors, or any other governmental body having jurisdiction by law over the project. The

foregoing application withdrawal provisions shall also apply to requests for information pursuant to this section.

Sec. 16.12.033 Decisions - Denial for Inadequate Information

- A. Notwithstanding any other provision of this Ordinance to the contrary, it shall be the responsibility of the applicant to insure that the decision-making authorities receive all information relevant to their decisions. If a decision-making authority determines that it lacks sufficient information with respect to any aspect of a project over which it has jurisdiction, such project application shall be denied; provided, however that the action may be continued if the applicant agrees, in writing, to provide such information within the specified time and to waive any time limit within which the project application must be acted upon by the County, and to waive any limitations on the County's authority to require additional information.

Sec. 16.12.034 Fees

- A. Each applicant shall pay in advance an initial filing fee as established in the County Fee Resolution. The initial filing fee shall include a staff processing charge and, if applicable, hearing fees. In the event that the actual cost of processing an application exceeds the staff processing component of the initial filing fee, the applicant shall pay an additional fee equal to this excess cost after receipt of written notice from the Planning Director specifying the additional amount due.
- B. An applicant shall have no right to file an appeal with either the Planning Commission or the Board of Supervisors on the issue of the amount or propriety of any fee.
- C. An application shall be deemed withdrawn when an applicant has received written notice that an additional fee is due, and has not paid the full amount of such additional fee prior to noon on the first Subdivision Review Committee, Planning Commission, or Board of Supervisors hearing date scheduled for the application following the applicant's receipt of written notice that the additional fee is due.

Section 16.12.060 Distribution

The Planning Director shall transmit copies of the tentative map and, where applicable, copies of drawings, statements and other data required to accompany the tentative map or required subsequent to the filing of the tentative map, to members of the Subdivision Review Committee and to such other public or private agencies or departments as he determines may be affected by the proposed subdivision for report and recommendation to the Advisory Agency. He transmittal shall include notification of the Subdivision Review Committee meeting date at which it will consider the proposed

subdivision, together with a request for written reports and recommendations on the proposed subdivision from each Subdivision Review Committee member.

Sec. 16.12.080 Subdivision Review Committee Meeting

The Subdivision Review Committee shall advise the Advisory Agency on the conformance of the tentative map, together with the provisions of these regulations, to the standards, rules and regulations adopted by the Commission pursuant to these regulations, and to the requirements of all applicable Specific Plans and Ordinances of the County. The Committee shall also advise the Advisory Agency on the requirements, if any, of other County departments and the applicable requirements of the special districts, state and other public and private agencies affected by the proposed subdivision.

At the time of submission of his report to the Advisory Agency, the Planning Director shall incorporate within his report the recommendations made by the Subdivision Review Committee. A copy of this report shall be served on the subdivider by mail or personal delivery at least three (3) days prior to date set for consideration of the proposed map by the Advisory Agency.

Sec. 16.12.090 Advisory Agency Action

The Advisory Agency shall base its action on the conformity of the tentative map with all requirements and on the quality of the proposed subdivision.

The Advisory Agency shall have the power and authority to approve, conditionally approve, or disapprove Tentative Maps of four (4) or fewer lots, Lot Line Adjustments, or Lot Line Mergers, and shall make recommendation for approval, with or without conditions, or denial to the Board of Supervisors on Tentative Maps consisting of five (5) or more lots and reversions to acreage.

Sec. 16.12.091 Board of Supervisors Action

The Board of Supervisors shall have the power and authority to approve, conditionally approve, or deny subdivision maps consisting of five (5) or more lots and reversions to acreages as well as appeals of the Advisory Agency's determinations.

Sec. 16.12.110 Withdrawal of Tentative Map

Requests for withdrawal of any tentative map shall be submitted to the Advisory Agency, in writing, unless made at the public hearing on the tentative map. Upon receipt of such request, the Advisory Agency shall notify all concerned parties of the withdrawal. No refund of the filing fee shall be made for any such withdrawn map unless such withdrawal request is made prior to distribution to the Subdivision Review Committee.

Sec. 16.12.120 Tentative Map Revision

Any revised tentative map shall be deemed a new tentative map and shall be processed in conformance with the requirements of the regulations in effect at the time such revised map is filed, including any changes in improvement standards which have become effective since the original tentative map was filed. The approval or conditional approval of any revised tentative map shall void all prior approved tentative maps.

Sec. 16.12.140 Hearing Requirements

Prior to approving, conditionally approving, or disapproving the tentative map, the Advisory Agency or other duly authorized body, shall hold a public hearing. Notice of the hearing shall be published in a newspaper of general circulation at least ten (10) days prior to the hearing. In addition, all persons owning property within three hundred feet of the proposed subdivision shall be sent written notice of the hearing by mail or other means at least ten (10) days prior to the hearing.

Sec. 16.12.150 Conditions for Approval

The Advisory Agency or otherwise duly authorized hearing body may approve the tentative map if it finds that all the following conditions exist:

- A. The map is complete and complies with the Subdivision Improvement Standards;
- B. The proposed subdivision is consistent with the General Plan and applicable Specific Plans, and meets the requirements of the Subdivision Improvement Standards and relevant provisions of the County Zoning Ordinance, excepting subsection "L" of this Section;
- C. The site of the proposed subdivision is physically suitable for the type of development and density proposed;
- D. The design of the subdivision and proposed improvements are not likely to cause substantial environmental damage, substantially and avoidably injure fish or wildlife or their habitat, or cause public health problems;
- E. The design of the subdivision and the 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, or, if such conflict does exist, that alternate easements will be provided and that these will be substantially equivalent to ones previously acquired by the public. ("Easements," as used in this subsection, shall refer only to easements of record or to easements established by judgment of a court of competent jurisdiction.)

- F. If the waste from the proposed subdivision is to be discharged into an existing community sewer system, such discharge will not result in violation of existing requirements of a Regional Water Quality Control Board;
- G. If the subdivision is a land project, there exists a Specific Plan for the land to be subdivided;
- H. If the preliminary soils report required by the Subdivision Improvement Standards indicates the presence of critically expansive soils or other soil problems which, if not corrected, would lead to structural defects, the action recommended by the civil engineer preparing the soils report is likely to prevent structural damage to each structure to be constructed;
- I. If the subdivision fronts on a lake owned entirely or in part by a public agency, or on a public waterway, reasonable public access by fee or easement from a public highway to that portion of the bank of the river, stream, or lake bordering or lying within the proposed subdivision is available, either through or across the subdivision itself, or within a reasonable distance from the subdivision;
- J. If the subdivision fronts on a public waterway a public easement providing reasonable public access along a portion of the bank of the river or stream bordering or lying within the proposed subdivision has been or will be dedicated or a finding has been made that such access is not in the best interest of the general public and the landowner.
- K. If the subdivision is to be created by the conversion of residential real property into a condominium project or a community project or a community apartment project, the findings required by Section 66427.1 of the Government Code have been made. If all the above conditions do not exist, then the Planning Commission may conditionally approve the map subject to satisfying the above conditions or may disapprove the map. In addition, the Planning Commission may condition approval of the map on such measures as will promote and protect the public health, safety, comfort, convenience, and general welfare. The Planning Director shall inform the subdivider of the Commission's decision. (Ord. 352.-, Sec. 5, 1977; Ord. 652, Sec 5(K), 1975)
- L. Whenever a subdivider files a tentative map for a subdivision whose intended development is inconsistent with the Zoning Ordinance in existence at that time, that inconsistency shall be noted on the map. The County may deny such a tentative map or approve it conditioned on the subdivider, or his or her designee, obtaining the necessary change in the Zoning Ordinance to eliminate the inconsistency. If, in the case of vesting tentative maps only the change in the Zoning Ordinance is obtained, the approved or conditionally approved tentative map shall confer the vested right to proceed with the

development in substantial compliance with the change in the Zoning Ordinance and the map, as approved.

Sec. 16.12.160 Special Conditions for Vesting Tentative Maps

- A. The approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies, and standards described in Government Code Sec. 66474.2

However, if Section 66474.2 of the Government Code is repealed, the approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies, and standards in effect at the time the vesting tentative map is approved or conditionally approved.

- B. Notwithstanding Subsection A, a permit, approval, extension, or entitlement may be made conditional or denied if any of the following are determined:
1. A failure to do so would place the residents of the subdivision or the immediate community, or both, in a condition dangerous to their health or safety, or both.
 2. The condition or denial is required in order to comply with state or federal law.
- C. The rights referred to herein shall expire if a final map is not approved prior to the expiration of the vesting tentative map as provided in Section 16.16.04. If the parcel or final map is approved, these rights shall last for the following periods of time.
1. An initial time period of one (1) year;
 2. A subdivider may apply for a one year extension at any time before the initial time period expires;
 3. If the subdivider submits a complete application for a building permit during the periods specified in subsection 1 and 2 the rights referred to herein shall continue for an additional month.