

**CHAPTER 16.96****MAJOR SUBDIVISIONS****Sections:**

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**16.96.010 Purpose.**

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

**16.96.020 Requirements for Application.**

A. A major subdivision application may be initiated by the property owner(s) or the property owner's authorized agent. Applications shall be 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 8 ½" x 11" 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 1/2" x 11")
2. Legal description
3. Executed Development Agreement (at discretion of the Director)
4. Preliminary title report, dated within ten (10) days of filing the application.

D. A fee, as specified by resolution of the City 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)

#### **16.96.030 Review Procedures.**

Major subdivision applications shall be reviewed using the public hearing review procedure specified in Section 16.08.030 with the following modifications:

A. Planning Commission. At the conclusion of the public hearing, the Planning Commission shall recommend approval/denial of the application by the City Council.

B. City Council. The City Council shall hold a public hearing to review the Planning recommendation and take final action.

C. Action With No EIR. If an Environmental Impact Report is not required, the final action on the application must be rendered within fifty (50) calendar days after it accepted as complete.

D. Action With EIR. If an Environmental Impact Report is required, the final action on the application must be rendered within forty-five (45) calendar days after certification of the environmental impact report.

E. Notice of Hearing. Notification of any public hearing must include publication in the newspaper of general circulation in the City at least ten (10) days before the hearing.

F. Notice of Phased Final Maps. If the applicant intends to file phased maps, the applicant must inform the Planning Department of such intention at the time of filing the application. (Ord. 606, 1999; Ord. 758 §2 (part), 2007)

#### **16.96.040 Findings.**

Before approving an application for a major subdivision, the planning commission shall find that all of the following are true:

A. Plan Consistency. The proposed subdivision

is consistent 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 of natural heating or cooling opportunities in the subdivision. (Ord. 606, 1999; Ord. 758 §2 (part), 2007)

#### **16.96.050 Expiration Date.**

A tentative subdivision map, that has been approved, shall expire either thirty-six (36) months

after the date of its approval, unless a final map has been filed with the County Recorder, or on the expiration date of an associated development agreement. 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 City Council for a period or periods as provided in the State Subdivision Map Act. (Ord. 606, 1999)

**16.96.060 Written Statement.**

A written statement shall be presented by the subdivider with the tentative map when it is presented. The statement must contain information on improvements, public utilities, drainage, sewerage, water supply, street lighting and justification for any exceptions to the provisions of this Title. A copy of any restrictive covenants must be attached to the statement. (Ord. 606, 1999; Ord. 758 §2 (part), 2007)

**16.96.070 Vested Rights.**

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

A. Vested Rights. The approval of the major 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 the their health, safety, or both; or
2. Conditions of 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 major 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 16.96.070.C.1 and 16.96.070.C.2 above or during any approved time extensions of the initial one (1) year time limit period specified in Subsection 16.96.070.C.1 above, the vested rights referred in this section shall continue until expiration of that building permit, or extension of that building permit.

D. Development Agreement. Vesting tentative maps will not be allowed to be submitted with a development agreement.

E. Subsequent Conditioning. Consistent with Subsection 16.96.070.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)