

ARTICLE VIII. PROCESSING OF TENTATIVE MAPS

(Ord. No. 1419, §1; Ord. No. 1575, §2)

Sec. 26-91. Determination of completeness or incompleteness

When the required number of copies of a tentative map and accompanying reports has been received by the Planning Services Division, the application shall be examined by staff of the Planning Services Division and other appropriate County departments, in light of the requirements of the Solano County Improvement Standards and Specifications and of this Code, to determine whether it contains all of the required information and is complete for the purposes of Section 65943 of the Government Code. No later than 30 days following the submittal of the application, the applicant shall be notified in writing whether it is complete or incomplete. If the application is determined to be incomplete, the applicant shall be notified in writing of the reasons therefore and informed of the information still needed to make the application complete.

(Ord. No. 1608, §2)

Sec. 26-92. Termination of Incomplete applications

Upon written notification to the applicant, processing of an incomplete application may be terminated if no reasonable effort has been made by the applicant to complete the application for a period of six months from the date of notification of incompleteness. All unused fees shall be refunded to the applicant. The Director of Environmental Management on written request by the applicant showing good cause may grant an extension of this six-month period.

(Ord. No. 1608, §2)

Sec. 26-93. CEQA requirements and filing date

The applicant shall provide such information as may be necessary to comply with CEQA and, when the appropriate environmental document has been prepared and approved pursuant to Section 66452.1 of the Subdivision Map Act, the tentative map shall be filed as specified in Section 26-21.13 of this Code.

(Ord. No. 1608, §2)

Sec. 26-94. Reports and recommendations

Any staff report or recommendation on a tentative map to the Advisory Agency or Board of Supervisors shall be in writing and a copy thereof shall be served on the subdivider or his or her representative and, in the case of a proposed conversion of residential property to a condominium, community apartment or stock cooperative project, on each tenant of the parent parcel at least three days prior to any hearing or action on such map by the Advisory Agency or Board of Supervisors.

(Ord. No. 1608, §2)

Sec. 26.95. Notice, hearings, and decisions:

Sec. 26-95.1. Notice of public hearings

(a) Whenever this Article requires a public hearing, notice shall be given as provided in this section. The notice shall include the date, time, and place of the hearing, the identity of the hearing body or officer, a general explanation of the matter to be considered, a general description of the location of the subdivision, a notice of the environmental determination under consideration, and a statement that the person to whom the notice is addressed has a right to appear and be heard. The notice shall be given by publication at least one time in at least one newspaper of general circulation within the County and, in addition, by mail or delivery to the following:

- (1) The owner of the subject real property or the owner's duly authorized agent;
- (2) The project engineer or surveyor;
- (3) The project applicant;
- (4) Each local agency expected to provide essential services or facilities to the project (schools, water, sewage, roads, etc.) whose ability to provide those services may be significantly affected;
- (5) All owners of real property, as shown on the latest equalized assessment roll, within 300 feet (100 meters) of the property subject to the hearing; provided that, if the number of owners exceeds 1000, a one-eighth-page advertisement in a newspaper of general circulation within the County may be substituted for the direct mailing or delivery;
- (6) If the proposed subdivision is a conversion of residential property to a condominium, community apartment, or stock cooperative project, each tenant of the parent parcel; and
- (7) Other persons whose property rights may be significantly or substantially affected by the proposed subdivision.

(b) Such publication, mailing or delivery shall occur at least 10 days before the hearing. Any interested person may appear at such a hearing and present testimony.

(Ord. No. 1608, §2)

Sec. 26-95.2. Tentative final maps

With respect to any subdivision for which a tentative map and final map is required, the Planning Commission (as Advisory Agency authorized to make recommendations only) shall hold a public hearing on the tentative map, recommend the content of required findings, recommend approval, conditional approval or disapproval of the tentative map, and report its actions in writing to the Board of Supervisors within 50 days after the

tentative map is filed with the clerk of the Advisory Agency, unless the applicant consents to a longer period of time. At the next regular meeting of the Board of Supervisors following receipt of the Planning Commission's report, the Board (as the legislative body) shall fix the meeting date at which the tentative map will be considered by it at a public hearing, which date shall be within 30 days thereafter, and the Board shall make all findings required by this Chapter and the Subdivision Map Act, and shall approve, conditionally approve or disapprove the tentative map within such 30 day period; provided, however, that if legally sufficient notice thereof has been given the Board may hold the required public hearing at any regular meeting within 30 days following filing of the Planning Commission's report, in which case the Board shall approve, conditionally approve or disapprove the tentative map at the conclusion of such hearing. The Board may continue the public hearing on the tentative map to another date with the consent of the applicant.

(Ord. No. 1608, §2)

Sec. 26-95.3. Tentative parcel maps

With respect to any subdivision for which a tentative map and a parcel map is required, the Zoning Administrator (as Advisory Agency) shall hold a public hearing on the tentative parcel map, make all findings required by this Chapter and the Subdivision Map Act, and shall approve, conditionally approve or disapprove the tentative map within 50 days after the tentative map is filed with the clerk of the Advisory Agency, unless the applicant consents to a longer period of time.

(Ord. No. 1608, §2)

Sec. 26-95.4. Deferral of decisions

The Zoning Administrator may defer to the Planning Commission a decision on a tentative parcel map for any subdivision described in subdivisions (a) through (e). The Planning Commission shall then hold the public hearing and make all required findings and decisions as provided in Section 26-95.3 of this Code. Decisions on the following subdivisions may be deferred:

- (a) Subdivisions which may result in significant adverse environmental impacts which cannot be mitigated to less than significant levels;
- (b) Subdivisions that involve substantial controversy;
- (c) Subdivisions which are in conflict with County policies;
- (d) Subdivisions which may be precedent setting;
- (e) Subdivisions that the Zoning Administrator determines should be reviewed by the Planning Commission in order to best protect the public welfare.

(Ord. No. 1608, §2)

Sec. 26-95.5. Findings

The Advisory Agency or the Board of Supervisors shall deny approval of a tentative map if it makes any of the following findings, based on information submitted at the public hearing:

- (a) The proposed map is not consistent with applicable general and specific plans as specified in Section 65451 of the Government Code;
- (b) The design or improvement of the proposed subdivision is not consistent with applicable general and specific plans;
- (c) The site is not physically suitable for the type of development;
- (d) The site is not physically suitable for the proposed density of development;
- (e) The design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injury fish or wildlife or their habitat, provided that the Advisory Agency or Board of Supervisors as appropriate may approve the tentative map if an environmental impact report was prepared with respect to the subdivision, and the Advisory Agency or Board of Supervisors also finds that specific economic, social or other considerations make infeasible the mitigation measures or project alternative identified in the environmental impact report;
- (f) The design of the subdivision or type of improvements is likely to cause serious public health problems;
- (g) The design of the subdivision or the type of improvements will conflict with easements which are of record or are established by judgment of a court of competent jurisdiction and which have been acquired by the public at large for access through or use of property within the proposed subdivision; provided that the Advisory Agency or Board of Supervisors as appropriate may approve the tentative map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public;
- (h) The discharge of waste from the proposed subdivision into an existing community sewer system would result in, or add to, a violation of existing requirements prescribed by a California Regional Water Quality Control Board pursuant to Division 7 (commencing with Section 13000) of the Water Code;
- (i) The property fronts on any public waterway, public river, public stream, coastline, shoreline, publicly owned lake or publicly owned reservoir and the proposed subdivision does not provide, or have available, reasonable public access by fee or easement from a public highway to that portion of the bank of the waterway, river, stream, lake or reservoir bordering or lying within the proposed subdivision, or to land below the ordinary high-water mark on any bay shoreline within the subdivision; provided that the

Advisory Agency or Board of Supervisors as appropriate may approve the tentative map if it finds that alternate reasonable public access is available within a reasonable distance from the subdivision;

(j) The proposed subdivision fronts along a public waterway, public river or public stream and does not provide for a dedication of a public easement along a portion of the bank of the waterway, river or stream bordering or lying within the subdivision, which easement is defined so as to provide reasonable public use and maintenance of the waterway, river or stream consistent with public safety;

(k) The parent parcel or a portion thereof is subject to a contract entered into pursuant to the California Land Conservation Act of 1965 and the proposed lots to be created from the parent parcel or portion thereof and subject to the contract are not consistent with the minimum residential building site requirements under the Policy and Uniform Regulations Governing Administration of Agricultural Preserves in Solano County;

(l) The proposed subdivision is not consistent with applicable provisions of the County Hazardous Waste Management Plan; or

(m) The proposed subdivision is located within a special studies zone established pursuant to the Alquist-Priolo Special Studies Zone Act (Public Resources Code Section 2621 et seq.) and is not in accordance with the policies and criteria established by the State Mining and Geology Board pursuant to that Act.

(Ord. No. 1608, §2)

Sec. 26-96. Appeals:

Sec. 26-96.1. Application

Except as otherwise specified, decisions of any County agency, officer or employee exercising powers pursuant to this Chapter may be appealed by an aggrieved party within 10 calendar days after any such decision has been made. Only filing an appeal application addressed to the clerk or secretary of the appropriate appeal board may commence an appeal. No appeal application shall be accepted for processing unless it contains all information, data and papers prescribed by the forms supplied by the clerk or secretary of the appeal board and are accompanied by payment of the fee, if any, specified by the Board of Supervisors.

(Ord. No. 1608, §2)

Sec. 26-96.2. Appeal Board

Appeals of decisions made by the Planning Services Division, Zoning Administrator or the Director of Environmental Management shall be heard by the Planning Commission, which shall hold a public hearing. Appeals of decisions made by the Planning Commission, including those on appeals, shall be heard by the Board of Supervisors,

which shall hold a public hearing.

(Ord. No. 1608, §2)

Sec. 26-96.3. Time for hearing

Appeals shall be heard and decided upon within 30 days after submittal, or within such longer period of time as may be consented to by the appellant and, if the appellant is not the applicant, by the applicant.

(Ord. No. 1608, §2)

Sec. 26-97. Modifications:

Sec. 26-97.1. Application

Following the approval of, but before expiration of a tentative map, requests for modification may be made by the applicant. The Zoning Administrator shall determine whether the request for modification of an approved tentative map, including changes to map phasing, should be processed as a major modification or as a minor modification and that determination shall not be appeal able. The request shall be processed as a minor modification if it meets all of the following criteria:

- (a) It would not affect the quantity or quality of the required dedications;
- (b) It would not increase the total number of proposed lots;
- (c) It would not significantly alter the configuration of the proposed lots;
- (d) It would not reasonably be expected to change any of the findings adopted by the Advisory Agency or Appeal Board when the tentative map was approved;
- (e) It is not being made pursuant to Section 66474.2 or Section 66498.2 of the Subdivision Map Act for the purpose of securing a vested right to proceed with changed ordinances, policies or standards; and
- (f) It will not alter the conclusions of the environmental document prepared pursuant to CEQA.

(Ord. No. 1608, §2)

Sec. 26-97.2. Processing

If it is determined that the request should be processed as a minor modification, the Zoning Administrator shall hold a public hearing and shall thereafter grant or deny the request. If it is determined that the request should be processed as a major modification, it shall be processed in the same manner as the original tentative map.

(Ord. No. 1608, §2)

Sec. 26-98. Expiration of tentative maps:

Sec. 26-98.1. Expiration

An approved or conditionally approved tentative map shall expire 24 months from the date it was approved or conditionally approved. Unless a final map is filed with the legislative body or a parcel map is filed with the County Surveyor prior to expiration of the corresponding tentative map, all proceedings shall terminate upon such expiration, and any subdivision of the land shall require the filing and processing of a new tentative map. Said application shall be identified as a previously approved, but now expired map. A final map and a parcel map may be filed for record after the expiration date of the tentative map if said final or parcel map was filed with the legislative body or the County Surveyor, respectively, prior to the expiration date.

(Ord. No. 1608, §2)

Sec. 26-98.2. Extension

At any time prior to the expiration of an approved or conditionally approved tentative map, the subdivider may submit to the Planning Services Division an application for an extension of the 24-month initial time period, pursuant to Section 66452.6(e) of the Subdivision Map Act, for the tentative map and, if the application is timely, the Advisory Agency that approved or conditionally approved the subdivision may grant the extension. There shall be no other extensions of the time period for the tentative map except as required by Section 66452.6 or Section 66463.5 of the Subdivision Map Act.

(Ord. No. 1608, §2)

Sec. 26-98.3. Modification

Approval of a minor or major modification of a previously approved or conditionally approved tentative map shall not affect the expiration date of a tentative map.

(Ord. No. 1608, §2)

Sec. 26-99. Expiration of development rights of vesting tentative map

(a) If a final map or parcel map for which a vesting tentative map has been approved is timely filed and recorded, the development rights conferred with respect to the subdivision by operation of Chapter 4.5 (commencing with Section 66498.2) of the Subdivision Map Act shall last for an initial period of 12 months beyond the date on which the final or parcel map is recorded. The initial period shall be extended by any time used by the County for processing a complete application for a grading permit or for design or architectural review if the time used by the County to process the application exceeds 30 days from the date the complete application is filed. At any time during the initial period the subdivider may submit to the Planning Services Division, on a form approved by the Director of Environmental Management, an application for an extension pursuant to Section 66452.6(g) of the Subdivision Map Act, and if the application is timely, the Advisory Agency that approved or conditionally approved the

subdivision may grant the extension.

(b) If the subdivider submits a complete application for a building permit during the periods of time specified above, the rights conferred by Chapter 4.5 (commencing with Section 66498.1) of the Subdivision Map Act shall continue until the expiration of that permit, or any extension of that permit granted by the County.

(Ord. No. 1608, §2)