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MARIPOSA COUNTY ORDINANCE NO. 654

AMENDING TITLE 16, SUBDIVISION, BY ADDING PROVISIONS FOR PROCESSING VESTING TENTATIVE MAPS, APPROVAL OF PARCEL MAPS, AND ACCEPTANCE OF DEDICATIONS BY THE COUNTY ENGINEER, AND PROVISIONS REGARDING DEVELOPMENT ON DESIGNATED REMAINDER.

WHEREAS, California Government Code Section 66498.1 through 66498.8 requires the adoption of provisions for processing vested tentative maps and the County of Mariposa is obligated to enact legislation which amends the subdivision provisions of the county, and

WHEREAS, Mariposa County has determined that it is in the public interest to amend the subdivision provisions of the County to facilitate the acceptance of offers of dedication on parcel maps for public utility purposes, and

WHEREAS, the Board of Supervisors, upon recommendation of the Planning Commission, proposes to enact provisions relative to the development and sale of designated remainders as defined by California Government Code Section 66424.6,

NOW THEREFORE, the Board of Supervisors of Mariposa County, a political subdivision of the State of California, hereby ordains as follows:

SECTION I: Section 16.08.140 is added to Chapter 16.08, entitled Definitions as follows:

16.08.140 Vesting Tentative Map shall mean a "tentative map" or "tentative parcel map" for a residential subdivision as defined in this title, and shall have printed conspicuously on its face the words "Vesting Tentative Map" at the time it is filed in accordance with Section 16.10.050 and processed in accordance with the applicable provision of this title and California State law.

1 SECTION II: Chapter 16.10 entitled "Vesting Tentative
2 Maps" is hereby added to Chapter 16 as follows:

3 CHAPTER 16.10

4 VESTING TENTATIVE MAPS

5 SECTIONS:

6 16.10.010 Citation and Authority

7 16.10.020 Purpose and Intent

8 16.10.030 Consistency

9 16.10.040 Application

10 16.10.050 Filing and Processing

11 16.10.060 Fees

12 16.10.070 Expiration

13 16.10.080 Vesting on Approval of Vesting Tentative Map

14 16.10.090 Development Inconsistent with Zoning-
15 Conditional Approval

16 16.10.100 Applications Inconsistent with Current Policies.

17 16.10.110 Amendment

18 16.10.010 Citation and Authority. This chapter is
19 enacted pursuant to the authority granted by Chapter 4.5 (commen-
20 cing with Section 66498.1) of Division 2 of Title 7 of the Govern-
21 ment Code of the State of California (hereinafter referred to as
22 the Vesting Tentative Map Statute), and may be cited as Vesting
23 Tentative Maps.

24 16.10.020 Purpose and Intent. It is the purpose of this
25 chapter to establish procedures necessary for the implementation
26 of the Vesting Tentative Map Statute, and to supplement the pro-
27 visions of the Subdivision Map Act and this title. Except as
28 otherwise set forth in the provisions of this title, the Subdivision

1 regulations of the County shall apply to the Vesting Tentative
2 Maps.

3 To accomplish this purpose, the regulations outlined in
4 this chapter are determined to be necessary for the preservation
5 of the public health, safety and general welfare, and for the
6 promotion of orderly growth and development.

7 16.10.030 Consistency. No land shall be subdivided and
8 developed pursuant to a vesting map for any purpose which is incon-
9 sistent with the General Plan and any applicable specific plan or
10 not permitted by zoning or other applicable provisions of the
11 County Code.

12 All other definitions set forth in this title are
13 applicable.

14 16.10.040 Application.

15 A. This chapter shall apply only to residential develop-
16 ments. Whenever a provision of the Subdivision Map Act, as imple-
17 mented and supplemented by this title, requires the filing of a
18 tentative map or tentative parcel map for a residential development,
19 a vesting tentative map may instead be filed, in accordance with
20 the provisions hereof.

21 B. If a subdivider does not seek the rights conferred
22 by the Vesting Tentative Map Statute, the filing of a vesting
23 tentative map shall not be a prerequisite to any approval for any
24 proposed subdivision, permit for construction or work preparatory
25 to construction.

26 16.10.050 Filing and Processing. A vesting tentative
27 map shall be filed in the same form and have the same contents,
28 accompanying data and reports and shall be processed in the same

1 manner as set forth in this title for a tentative map, or tentative
2 parcel map, except as hereinafter provided:

3 A. At the time a vesting tentative map is filed it shall
4 have printed conspicuously on its face the words "Vesting Tentative
5 Map".

6 B. At the time a vesting tentative map is filed a sub-
7 divider shall also supply the following information:

- 8 - height, size, and location of buildings,
- 9 - sewer, water, and storm drains,
- 10 - circulation details including roads and pedestrian
11 access,
- 12 - information on the uses to which the building will be
13 put,
- 14 - detailed grading plans,
- 15 - geological studies,
- 16 - flood control information,
- 17 - architectural plans,
- 18 - street and security lighting,
- 19 - other studies as may be required by the County.

20 C. The Planning Commission may waive the requirement for
21 the submittal of information identified in section 16.10.050 (B)
22 based upon a specific finding that the information is not necessary
23 due to the type or design of the proposed subdivision.

24 16.10.060 Fees. Upon filing a vesting tentative map,
25 the subdivider shall pay fees in accordance with the adopted fee
26 schedule provided for in Chapter 16.24 of this title for tentative
27 maps or tentative parcel maps as appropriate.

28 16.010.070 Expiration. The approval or conditional

1 approval of a vesting tentative map shall expire at the end of the
2 same period, and shall be subject to the same extensions established
3 by this title for the expiration of the approval or conditional
4 approval of a tentative map or tentative parcel map.

5 16.010.080 Vesting on Approval of Vesting Tentative Map

6 A. The approval or conditional approval of a vesting
7 tentative map shall confer a vested right to proceed with develop-
8 ment in substantial compliance with the ordinances, policies, and
9 standards described in Government Code Section 66474.2.

10 However, if Section 66575.2 of the Government Code is
11 repealed, the approval or conditional approval of a Vesting Tenta-
12 tive Map shall confer a vested right to proceed with development
13 in substantial compliance with the ordinances, policies, and stan-
14 dards in effect at the time the vesting tentative map is approved
15 or conditionally approved.

16 B. Notwithstanding subdivision (A), a permit, approval,
17 extension, or entitlement may be made conditional or denied if any
18 of the following are determined:

19 1. A failure to do so would place the residents of
20 the subdivision or the immediate community, or both,
21 in a condition dangerous to their health or safety,
22 or both.

23 2. The condition or denial is required, in order to
24 comply with state or federal law.

25 C. The rights referred to herein shall expire if a final
26 map is not approved prior to the expiration of the vesting tentative
27 map as provided in Section 16.10.070 of this chapter. If the final
28 map is approved, these rights shall last for the following periods

1 of time:

2 1. An initial time period of one year.

3 Where several final maps are recorded on various
4 phases of a project covered by a single vesting tenta-
5 tive map, this initial time period shall begin for
6 each phase when the final map for that phase is
7 recorded.

8 2. The initial time period set forth in 16.10.080
9 (C) (1) above shall be automatically extended by any
10 time used for processing a complete application for
11 a grading permit or for design or architectural re-
12 view, if such processing exceeds 30 days, from the
13 date a complete application is filed.

14 3. A subdivider may apply for a one-year extension
15 at any time before the initial time period set forth
16 in 16.10.080 (C)(1) expires. If the extension is
17 denied, the subdivider may appeal that denial to the
18 Board of Supervisors.

19 4. If the subdivider submits a complete application
20 for a building permit during the periods of time
21 specified in subdivision (1)-(3) above, the rights
22 referred to herein shall continue until the expira-
23 tion of that permit, or any extension of that permit.

24 16.10.090 Development Inconsistent with Zoning-Condi-
25 tional Approval. Whenever a subdivider files a vesting tentative
26 map for a subdivision whose intended development is inconsistent
27 with the zoning ordinance in existence at that time, that incon-
28 sistency shall be noted on the tentative map. The County shall

1 deny such a vesting tentative map or approve it conditioned on the
2 subdivider, or his or her designee, obtaining the necessary change
3 in the zoning ordinance to eliminate the inconsistency. If the
4 change in the zoning ordinance is obtained, the approved or condi-
5 tionally approved vesting tentative map shall, notwithstanding
6 Section 16.10.080(A), confer the vested right to proceed with the
7 development in substantial compliance with the change in the zoning
8 ordinance and the map, as approved.

9 B. The rights conferred by this section shall be for
10 the time periods set forth in Section 16.10.080(C).

11 16.10.100 Applications Inconsistent with Current Policies.

12 Notwithstanding any provision of this chapter, a property owner
13 or his or her designee may seek approvals or permits for develop-
14 ment which depart from the ordinances, policies, and standards
15 described in Sections 16.10.080(A) and 16.10.090 and local agencies
16 may grant these approvals or issue these permits to the extent that
17 the departures are authorized under applicable law.

18 16.10.110 Amendments. Approved vesting tentative maps
19 may be amended, as provided in Government Code Section 66498.2,
20 according to the following provisions:

21 A. An amended vested tentative map will be processed in
22 accordance with Section 16.10.050 of this chapter.

23 B. An amended vested tentative map shall replace the
24 original vested tentative map upon approval of the amended map.
25 At that time, the original vested tentative map shall no longer
26 confer a vested right except as provided by the approved or condi-
27 tionally approved amended vested tentative map.

28 C. An amended vested tentative map shall be processed

1 in accordance with the standard in effect at the time that the
2 amended map is submitted for processing.

3 SECTION III: Chapter 16.12.315 is added to Chapter 16.12
4 as follows:

5 16.12.315 Approval of Parcel Maps.

6 A. It shall be the responsibility of the County Engineer
7 to approve all parcel maps prior to recordation in the official
8 records. The County Engineer shall ensure compliance with the
9 following requirements prior to approving a parcel map for record-
10 ation.

11 1. Compliance with all conditions applied to the
12 tentative parcel map by the Planning Commission.

13 2. Payment of property taxes on the subdivided
14 property in accordance with Section 16.12.395 of
15 this title.

16 3. Find the parcel map is in substantial compliance
17 with the tentative parcel map approved by the Plan-
18 ning Commission.

19 4. Compliance with all surveying, mapping, and other
20 requirements established by the Subdivision Map Act
21 and this title.

22 B. The County Engineer shall have the authority to
23 accept offers of dedication on behalf of the County for dedications
24 provided by Certificates on a parcel map. Acceptance of such dedi-
25 cations shall take place in accordance with policies established by
26 the Board of Supervisors by resolution.

27 SECTION IV: Chapter 16.040.030 is added to Chapter
28 16.040 as follows:

1 16.040.030 Designation of Remainders.

2 A. The following provisions shall apply to any major
3 subdivision or minor subdivision map which contains an area of
4 property designated as a remainder, as defined by the California
5 Government Code.

6 1. A development permit shall not be issued to a
7 designated remainder until a valid Certificate of
8 Compliance is issued to the remainder. The Planning
9 Commission shall apply all standards of the General
10 Plan, and this title, including, but not limited to,
11 parcel size, access and terrain, and surveying of
12 boundaries to the Certificate of Compliance or Condi-
13 tional Certificate of Compliance on the designated
14 remainder. The standards applied to the designated
15 remainder shall be the same as the standards applied
16 to the subdivision map which created the designated
17 remainder.

18 2. A statement shall be placed upon the face of all
19 subdivision maps designating a remainder as follows:
20 "A Certificate of Compliance must be obtained prior
21 to the issuance of a development permit on the desig-
22 nated remainder in accordance with Section 16.040.030
23 of Mariposa County Code."

24 3. A statement shall be placed upon all Certificates
25 of Compliance issued to remainder parcels as follows:
26 "The described property is a designated remainder
27 approved for development in accordance with California
28 Government Code Section 66424.6 and is not a parcel

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created in conformance with the Subdivision Map Act and County Subdivision Ordinance."

4. The provisions of this section shall become effective on all maps recorded after May 5, 1986, and shall not apply to designated remainder parcels created before this effective date. Such designated remainder parcels created by recorded maps before the effective date of this section shall remain subject to all State laws and County Code provisions in effect at the time of their creation and shall not be deemed parcels for the purpose of sale, lease or finance.

SECTION V: This ordinance shall become effective thirty days from the date of final passage pursuant to Government Code Section 25123.

PASSED AND ADOPTED by the Mariposa County Board of Supervisors this 6th day of May, 1986 by the following vote:

- AYES: BARRICK, DALTON, ERICKSON, RADANOVICH, TABER
- NOES: NONE
- EXCUSED: NONE
- ABSTAINED: NONE

Beverly Barrick
BEVERLY BARRICK, Chairman
Board of Supervisors

ATTEST:
Gerald McCarthy
GERALD MC CARTHY, County Clerk
and Ex-officio clerk of the Board

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:
Jeffrey G. Green
JEFFREY G. GREEN, County Counsel