

TITLE III

DIVISION 2 - SUBDIVISION REGULATIONS

CHAPTER 3.5

VESTING TENTATIVE MAPS

323.5-1. CITATION AND AUTHORITY.

This chapter is enacted pursuant to the authority granted by Chapter 4.5 (commencing with Section 66498.1) of Division 2 of Title 7 of the Government Code of the State of California (hereinafter referred to as the Vesting Tentative Map Statute), and may be cited as the Vesting Tentative Map Ordinance. (Ord. 1905, § 1, 07/10/1990)

323.5-2. PURPOSE AND INTENT.

It is the purpose of this chapter to establish procedures necessary for the implementation of the Vesting Tentative Map Statute, and to supplement the provisions of the Subdivision Map Act and this Division. To accomplish this purpose, the regulations outlined in this chapter are determined to be necessary for the preservation of the public health, safety and general welfare, and for the promotion of orderly growth and development. (Ord. 1905, § 1, 07/10/1990)

Except as otherwise set forth in this chapter, the provisions of this Division shall apply to vesting tentative maps. (Ord. 1905, § 1, 07/10/1990)

323.5-3. CONSISTENCY.

No land shall be subdivided and developed pursuant to a vesting tentative map for any purpose which is inconsistent with the General Plan and any applicable specific plan or which is not permitted by this Division or other applicable provisions of this code. (Ord. 1905, § 1, 07/10/1990)

323.5-4. DEFINITIONS.

(a) A "vesting tentative map" means a "tentative subdivision map", as defined in Chapter 1 of this Division, that has printed conspicuously on its face the words "Vesting Tentative Map" at the time it is filed in accordance with § 323.5-6, and is thereafter processed in accordance with the provisions of this chapter. (Ord. 1905, § 1, 07/10/1990)

(b) All other definitions set forth in this Division are applicable. (Ord. 1905, § 1, 07/10/1990)

323.5-5. APPLICATION.

(a) Whenever a provision of the Subdivision Map Act, as implemented and supplemented by this Division, requires the filing of a tentative map, a vesting tentative map may instead be filed, in accordance with the provisions of this chapter. (Ord. 1905, § 1, 07/10/1990)

(b) If a subdivider does not seek the rights conferred by the Vesting Tentative Map Statute, the filing of a vesting tentative map shall not be a prerequisite to any approval for any proposed subdivision, permit for construction, or work preparatory to construction. (Ord. 1905, § 1, 07/10/1990)

323.5-6. FILING AND PROCESSING.

A vesting tentative map shall be filed in the same form and have the same contents, accompanying data and reports, and shall be processed in the same manner as set forth in this Division for a tentative map, except as hereinafter provided: (Ord. 1905, § 1, 07/10/1990)

(a) At the time a vesting tentative map is filed it shall have printed conspicuously on its face the words "Vesting Tentative Map." (Ord. 1905, § 1, 07/10/1990)

(b) At the time a vesting tentative map is filed a subdivider shall also supply the following information: (Ord. 1905, § 1, 07/10/1990)

(1) Plot plans as required by the provisions of § 316-22 of this code. (Ord. 1905, § 1, 07/10/1990)

(2) Detailed grading and engineering plans and specifications for the improvement and development of the proposed subdivision. (Ord. 1905, § 1, 07/10/1990)

(3) Building plans, including heights, size and architectural specifications. (Ord. 1905, § 1, 07/10/1990)

(4) Soil and geologic studies and any other studies or reports that would normally be deferred to the building permit stage for the proposed development of the particular subdivision. (Ord. 1905, § 1, 07/10/1990)

323.5-7. FEES.

Upon filing of a vesting tentative map, the subdivider shall pay the fees required by resolution of the Board of Supervisors for the filing and processing of a tentative map. (Ord. 1905, § 1, 07/10/1990)

323.5-8. EXPIRATION.

The approval or conditional approval of a vesting tentative map shall expire at the end of the same period, and shall be subject to the same extensions, as provided by this Code for the expiration of the approval or conditional approval of a tentative map. (Ord. 1905, § 1, 07/10/1990)

323.5-9. DEVELOPMENT RIGHTS - VESTING ON APPROVAL.

(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 § 66474.2. However, if § 66474.2 of the Government Code is repealed, the approval or conditional approval of a vesting tentative map shall confer a vesting 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. (Ord. 1905, § 1, 07/10/1990)

(b) Notwithstanding subsection (a) a permit, approval, extension, or entitlement may be made conditional or denied if any of the following are determined: (Ord. 1905, § 1, 07/10/1990)

(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. (Ord. 1905, § 1, 07/10/1990)

(2) The condition or denial is require, in order to comply with state or federal law. (Ord. 1905, § 1, 07/10/1990)

(c) The rights referred to in this chapter shall expire if a final map or parcel map is not approved to the expiration of the vesting tentative map as provided in § 323.5-8. If the final map or parcel map is approved, these rights shall last for the following periods of time: (Ord. 1905, § 1, 07/10/1990)

(1) An initial time period of 12 months beyond the recording of the final map or parcel map. Where several final maps are recorded on various phases of a project covered by a single vesting tentative map, this initial time period shall begin for each phase when the final map for that phase is recorded. (Ord. 1905, § 1, 07/10/1990)

(2) The initial time period set forth in subsection (c)(1) of this section shall be automatically extended by any time used for processing a complete application for a grading permit or for design or architectural review, if the time used to process the application exceeds 30 days from the date a complete application is filed. (Ord. 1905, § 1, 07/10/1990)

(3) A subdivider may apply for a one-year extension at any time before the expiration of the initial time period set forth in subsection (c)(1) of this section. If the extension is denied by the Advisory Agency, the subdivider may appeal that denial to the Board of Supervisors within 10 working days. (Ord. 1905, § 1, 07/10/1990)

(4) If the subdivider submits a complete application for a building permit during the periods of time specified in subsections (c)(1), (c)(2), or (c)(3), the rights referred to herein shall continue until the expiration of that permit, or any extension of that permit. (Ord. 1905, § 1, 07/10/1990)

323.5-10. DEVELOPMENT INCONSISTENT WITH ZONING.

Whenever a subdivider files a vesting tentative map for a subdivision whose intended development is inconsistent with the zoning ordinance in existence at the time, the subdivider shall also apply for the necessary change in the zoning ordinance to eliminate the inconsistency. Until the change in the zoning ordinance is obtained, the vesting tentative map shall not be approved. The approval or conditional approval of the vesting tentative map may be granted only simultaneously with or after the necessary changes in the zoning ordinance. (Ord. 1905, § 1, 07/10/1990)

323.5-11. APPLICATIONS INCONSISTENT WITH CURRENT POLICIES.

Notwithstanding any provision of this Chapter, a subdivider may apply for permits or other grants of approval for development which depart from the ordinances, policies and standards described in subsection (a) of 323.5-9 and § 323.5-10. The county may grant these permits or other approvals to the extent that the departures are authorized under applicable law. Approval of the vesting tentative map be granted only simultaneously with or after the grant of the permits or other approvals applied for. (Ord. 1905, § 1, 07/10/1990)

323.5.12. CONDITIONS ON SUBSEQUENT REQUIRED APPROVALS.

Consistent with subsection (a) of § 323.5-9, an approved or conditionally approved vesting tentative map shall not limit the County from imposing reasonable conditions on subsequent required approvals or permits necessary for the development and authorized by the ordinances, policies, and standards described in subsection (a) of § 323.5-9. (Ord. 1905, § 1, 07/10/1990)

323.5-13. AMENDMENT TO VESTING TENTATIVE MAP.

If the ordinances, policies, or standards described in subsection (a) of § 323.5-9 are changed subsequent to the approval or conditional approval or a vesting tentative map, the subdivider, or his or her assignee, at any time prior to the expiration of the vesting tentative map pursuant to § 323.5-8, may apply for an amendment to the vesting tentative map to secure a vested right to proceed with the changed ordinances, policies, or standards. An application shall clearly specify the changed ordinances, policies, or standards for which the amendment is sought. (Ord. 1905, § 1, 07/10/1990)