

ORDINANCE NO. 798

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SONORA – PARCEL MAP STREAMLINING

Amending Sonora Municipal Code Sections 16.03.080 (B-E), 16.03.100(C)(10), 16.03.110(F), and 16.04.010; Adding new Sections 16.03.082, 16.03.084, and 16.03.086 to: Retain a mandatory public hearing before the Sonora Planning Commission for considering approval, denial, extension and amendment of minor subdivision maps; Eliminate the mandatory public hearing before the Sonora City Council for approval, denial, extension or amendment of minor subdivision maps excepting in cases of appeal or for minor subdivisions involving extension or construction of a new city-maintained street, a subdivision agreement, or bonding; and Authorizing the City Engineer to accept dedications for privately-maintained streets and utilities by deed or map and sign certificates of acceptance or deeds of dedication for minor subdivisions

The City Council of the City of Sonora does hereby ordain as follows:

SECTION ONE: Amend Sections 16.03.080 (B-E) and add new Sections 16.03.082, 16.03.084, and 16.03.086 to the Sonora Municipal Code to read as follows:

Chapter 16.03
SUBDIVISION MAP APPLICATION PROCESSES

SECTIONS

16.03.010	PURPOSE (No Change)
16.03.020	ENVIRONMENTAL REVIEW (No Change)
16.03.030	GENERAL PLAN CONSISTENCY (No Change)
16.03.040	PRELIMINARY DEVELOPMENT PLAN – ADVISORY OPINION (No Change)
16.03.050	MAJOR SUBDIVISION-FIVE OR MORE LOTS/UNITS (No Change)
16.03.060	MINOR SUBDIVISION—FOUR OR LESS LOTS/UNITS (No Change)
16.03.070	TENTATIVE MAPS—FORM AND CONTENT (No Change)
16.03.080	TENTATIVE MAP—SUBMITTAL AND REVIEW PROCESS
16.03.082	TENTATIVE MAP—PUBLIC HEARING AND APPEALS: MINOR SUBDIVISIONS
16.03.084	TENTATIVE MAP—PUBLIC HEARING: MAJOR SUBDIVISIONS
16.03.086	TENTATIVE MAP—FINDINGS FOR APPROVAL, FINDINGS FOR DENIAL, EXPIRATIONS, EXTENSIONS, AMENDMENTS
16.03.090	VESTING TENTATIVE MAPS
16.03.100	FINAL MAPS—FORM, CONTENT AND FILING
16.03.110	PARCEL MAPS—FORM, CONTENT AND FILING

16.03.080 TENTATIVE MAP, SUBMITTAL AND REVIEW—PROCESS.

A. Application Submittal. (No Changes)

B. Application Review.

1. Review by Affected Persons or Agencies (No Changes)

2. Notice of Public Hearing (No Changes)
 3. Staff Report (No Changes)
 4. Public Hearing (Deleted and Replaced)
 5. Action (Deleted and Replaced)
- C. Action by City Council (Deleted and Replaced)
- D. Actions Upon Tentative Map Application (Deleted and Replaced by 16.03.086)
- E. Expiration, Extensions & Amendments (Deleted, and Replaced by 16.03.086)

16.03.082 TENTATIVE MAP: MINOR SUBDIVISIONS—PUBLIC HEARING AND APPEALS

- A. Public Hearing and Action by Planning Commission.
 Within forty-five (45) calendar days of the date of receipt of the requested number of complete copies of the tentative map application for a minor subdivision, pursuant to Subdivision A-4 of Section 16.03.080 the Planning Commission shall conduct a public hearing to review, formally and publicly, the tentative map application for a minor subdivision. The Planning Commission shall cause all written comments received concerning the project to be read into the record of the public hearing as well as any comments put forth by members of the public in attendance. The forty-five day time period for such public hearing may be extended not to exceed one year in the event that a negative declaration or an environmental impact report is required. At the conclusion of the hearing, the Planning Commission shall approve, conditionally approve, or deny the tentative map as prescribed in Section 16.03.086 except as otherwise provided in Section 16.04.010 (requiring City Council approval for minor subdivision maps that include the extension or construction of a new city-maintained street, a subdivision agreement, or bonding).
- B. Appeal.
 The decision of the Planning Commission may be appealed to the City Council in accordance with Sonora Municipal Code Section 17.62.100 within 10 days after the date of the Planning Commission decision.
- C. Public Hearing Notice
 Notice of public hearings pursuant to this Section shall be as provided by Section 16.03.080(B)(2) of this title.

16.03.084 TENTATIVE MAP: MAJOR SUBDIVISIONS --PUBLIC HEARING

- A. Public Hearing by Planning Commission.
 Within forty-five (45) calendar days of the date of receipt of the requested number of complete copies of the tentative map application for a major subdivision pursuant to Subdivision A-4 of Section 16.03.080, the Planning Commission shall approve, conditionally approve or deny the tentative map as prescribed in Section 16.03.086 and report its decision to the City Council, the applicant, and the property owner. The forty-five day time period for action upon the tentative map for a major subdivision may be extended not to exceed one year in the event that a negative declaration or an environmental impact report is required.
- B. Action by City Council.
 Within sixty (60) calendar days, or at its next regular meeting following the Planning Commission's action, whichever is longer, the City Council shall schedule the tentative map for a major subdivision for a public hearing. Said public hearing shall be conducted prior to the City Council taking final action on a tentative map for a major subdivision. The sixty day time period for action upon the tentative map for a major subdivision may be extended not to exceed one year in the event that a negative declaration or an environmental impact report is required.
- C. Public Hearing Notice
 Notice of public hearings pursuant to this Section shall be as provided by Section 16.03.080(B)(2) of this title.

16.03.086 TENTATIVE MAP: MINOR AND MAJOR SUBDIVISIONS—FINDINGS FOR APPROVAL, FINDINGS FOR DENIAL, EXPIRATIONS, EXTENSIONS, AMENDMENTS

- A. Approval--Findings

If the Planning Commission or City Council approves or conditionally approves the tentative map, it shall do so on the basis of listed findings of fact. At a minimum, such listed findings of fact shall include the following:

1. That the project is in conformance with the City of Sonora General Plan, and
2. That state required environmental review has been completed.

The Planning Commission or City Council may place conditions upon approval of the tentative map as deemed necessary to fulfill standards and requirements of the City's General Plan, of this or other City ordinances or resolutions, to mitigate identified environmental impacts, to ensure subdivision design is compatible with surrounding land uses and to otherwise fulfill the requirements of the State Subdivision Map Act. No final map or parcel map of all or any portion of the real property included within such tentative map shall be filed until all conditions for approval have been fulfilled.

B. Denial--Findings

If the Planning Commission or City Council denies the tentative subdivision map it shall do so on the basis of listed findings of fact. Such findings of fact may include specific areas of non-conformance with adopted City ordinances or the State Subdivision Map Act.

The Planning Commission or City Council shall deny approval of the tentative map if it makes any of the following findings:

1. That the proposed map is not consistent with the City of Sonora General Plan or any specific plans adopted by the City Council; or
2. That the design or improvement of the proposed subdivision is not consistent with the General Plan and any applicable specific plans; or
3. That the site is not physically suitable for the type of development; or
4. That the site is not physically suitable for the proposed density of development; or
5. That the design of the subdivision or the proposed improvements is likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat; or
6. That the design of the subdivision or the type of improvements is likely to cause serious public health problems, or
7. That the design of the subdivision or the type of improvements will conflict with easements acquired by the public at large for access through, or use of, property within the proposed subdivision. In this connection, the governing body may approve a 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. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.

C. Expiration.

The approval or conditional approval of a tentative subdivision map shall expire thirty-six (36) months from the date of the approval or conditional approval of the map by the City Council or Planning Commission, as applicable. An extension to the expiration date may be approved as provided in Section 16.03.086(D).

The period of time specified above shall not include any period of time during which a lawsuit has been filed and is pending in a court of competent jurisdiction involving the approval or conditional approval of a tentative map only if a stay of the time period is approved by the City Council. Within ten (10) days of the service of the initial petition or complaint upon the City, the subdivider shall, in writing to the City Council,

request a stay in the time period of the tentative map. Within forty (40) days after receiving such request, the City Council shall either stay the time period for up to five (5) years or deny the requested stay. The request for the stay shall be a public hearing with notice to the subdivider and to the appellant, and upon conclusion of the hearing, the City Council shall, within ten (10) days, declare its findings.

The period of time specified above shall also not include any period of time during which a development moratorium, imposed after approval of the tentative map, is in existence. However, the length of the moratorium shall not exceed five (5) years. Once a moratorium is terminated, the map shall be valid for the same period of time as was left to run on the map at the time that the moratorium was imposed. However, if the remaining time is less than 120 days, the map shall be valid for 120 days following the termination of the moratorium.

Expiration of an approved or conditionally approved tentative map shall terminate all proceedings and no final map or parcel map of all or any portion of the real property included within such tentative map shall be filed without first processing a new tentative map. Delivery to the City Engineer of the approved final map pursuant to Section 16.03.100(E) shall be deemed a timely filing for the purposes of this section.

D. Extensions.

1. Request by Subdivider.

The applicant or property owner may request an extension of the expiration date of the approved or conditionally approved tentative subdivision map by written application to the Planning Commission (for minor subdivisions) or to the City Council (for major subdivisions). The application shall be filed not less than forty-five (45) days before the map is to expire and shall state the reasons for requesting the extension.

2. City Council or Planning Commission Action.

The Planning Commission (for minor subdivisions) or the City Council (for major subdivisions) shall process the request for extensions in accordance with Section 16.03.080(B) and hold a public hearing for approval or denial. An action by the Planning Commission or City Council approving an extension shall specify the new expiration date of the tentative subdivision map.

3. Time Limit of Extension.

The approved extension or combined extensions shall not exceed three (3) years. The approved extended expiration date shall not be more than six (6) years beyond the date of the action by the Planning Commission (for minor subdivisions) or City Council (for major subdivisions) originally approving or conditionally approving the tentative subdivision map.

E. Amendments to Approved Tentative Map.

Minor changes or amendments to the tentative map may be approved by the Planning Commission (for minor subdivisions) or City Council (for major subdivisions) upon application by the applicant or property owner or on its own initiative provided:

1. No lots, units or building site are added.
2. Such changes are consistent with the intent and spirit of the original tentative map approval.
3. There are no resulting violations of other City ordinances or state laws.

All proposed minor changes or amendments of the tentative map shall be presented to the Planning Commission or City Council, as applicable; for approval. Processing shall be in accordance with Section 16.03.080(B). Any approved amendment shall not alter the expiration date of the tentative map unless an extension is also approved.

SECTION TWO: Amend Sections 16.03.100(C)(10), 16.03.110(F), and 16.04.010 of the Sonora Municipal Code to read as follows:

16.03.100 FINAL MAPS—FORM, CONTENT, FILING

- A. Generally (No Changes)
- B. Form (No Changes)
- C. Contents
 - 1. Boundary (No Changes)
 - 2. Title (No Changes)
 - 3. Certificates (No Changes)
 - 4. Scale, North Point and Basis of Bearings (No Changes)
 - 5. Linear, Angular and Radial Data (No Changes)
 - 6. Monuments (No Changes)
 - 7. Lot Numbers (No Changes)
 - 8. Adjoining Properties (No Changes)
 - 9. Street Names (No Changes)
 - 10. Dedication of Easements

Easements for roads or streets, paths, drainage, sanitary sewers, electrical or other public use as may be required, shall be dedicated to the public for acceptance by the City or other public agency, and the use shall be specified on the map. If at any time the final map is approved, any streets, paths, alleys or drainage easements are not accepted by the City Council or City Engineer, the offer of dedication shall remain open and the City Council may, by resolution at any later date, accept and open the streets, paths, alleys or storm drainage easements for public use, which acceptance shall be recorded in the office of the County Recorder.

All easements of record shall be shown on the map, together with the name of the grantee and sufficient recording data to identify the conveyance, e.g., recorder's serial number and date, or book and page of Official Records.

Easements not disclosed by the records or in the office of the County Recorder and found by the surveyor or engineer to be existing, shall be specifically designated on the map identifying the apparent dominant tenements for which the easement was created.

The sidelines of all dedicated easements of record shall be shown by dashed lines on the final map with the widths, lengths and bearings of record. The width and location of all easements shall be approved by the City Engineer.

- D. City Approval of Final Map (No Changes)
- E. Filing Final Maps (No changes)

16.03.110 PARCEL MAPS (MINOR SUBDIVISIONS)—FORM, CONTENT, DEDICATIONS AND FILING

- A. Generally (No changes)
- B. Survey Required (No changes)
- C. Form (No changes)
- D. Contents (No changes)
- E. Preliminary Prints and Data (No changes)
- F. Filing Parcel (Minor Subdivision) Maps, Offers of Dedication

- 1. Minor subdivisions involving offers of dedications for a city-maintained street or where a subdivision agreement or bonding is required shall require City Council approval in accordance with Section 16.03.084. Filing of such maps shall be in accordance with Section 16.03.100(E).
- 2. Where no offers of dedications as described in the preceding paragraph (F)(1) are required or made by the final map, the City Engineer is authorized to approve (and file) the map after review of the map by

the Community Development Director. Upon receipt of the Director's approval, a Final Map Guarantee, executed tax collector certificate, tax separation forms, recording fees, and other forms required by the County Recorder, the City Engineer shall transmit the final map to the County Recorder for recording along with other documents.

3. The City Engineer is authorized to accept dedications for privately-maintained streets and utilities by deed or map and is authorized to sign certificates of acceptance or deeds of dedication for minor subdivisions.

G. Waiver of Parcel Map Requirements (No Changes)

Chapter 16.04
DEDICATIONS AND IMPROVEMENTS

SECTIONS

16.04.010	PURPOSE (No Changes)
16.04.020	LOTS OR PARCELS (No Changes)
16.04.030	ACCESS (No Changes)
16.04.040	STREETS, WALKWAYS AND ALLEYS (No Changes)
16.04.050	SITE GRADING AND DRAINAGE (No Changes)
16.04.060	SEWER AND WATER (No Changes)
16.04.070	OTHER UTILITY REQUIREMENTS (No Changes)
16.04.080	LANDSCAPING (No Changes)
16.04.090	OTHER REQUIRED DEDICATIONS OR FEES (No Changes)
16.04.100	NON-RESIDENTIAL SUBDIVISIONS (No Changes)
16.04.110	IMPROVEMENT PLANS (No Changes)
16.04.120	IMPROVEMENT AGREEMENTS (No Changes)
16.04.130	CONSTRUCTION STANDARDS (No Changes)
16.04.140	CONSTRUCTION INSPECTION (No Changes)
16.04.150	AS-BUILT PLANS (No Changes)
16.04.160	IMPROVEMENT SECURITY (No Changes)

16.04.010 PURPOSE

This Chapter is intended to apply to major subdivisions. This Chapter applies to minor subdivisions only where such subdivisions will result in the extension or construction of a new city-maintained street, or where a subdivision agreement or bonding is required. Any minor subdivision resulting in the extension or construction of a new city-maintained street or where a subdivision agreement or bonding is required shall require City Council approval in accordance with Section 16.03.084. All major subdivisions shall require City Council approval in accordance with Section 16.03.084.

All subdivision and tentative maps thereof, must conform to the City of Sonora General Plan (*...retain all existing language, no further changes*).

This Ordinance shall take effect thirty (30) days after its passage and shall be published within (15) days after its final passage as required by law.

Said Ordinance was introduced at a regular meeting of the City Council of the City of Sonora held on May 2, 2011, and passed and adopted as an Ordinance of

said City at a regular meeting of said Council held on May 16, 2011, by the following vote:

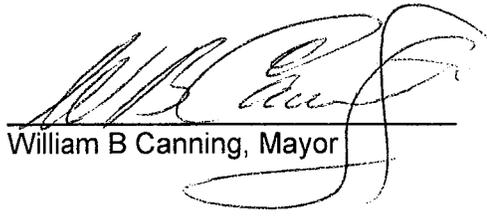
AYES: William Canning, Ronald Stearn, Hank Russell, Matt Hawkins and
David Sheppard

mc NOES: None

ABSENT OR ABSTAIN: None

Signed and approved on: May 16, _____, 2011

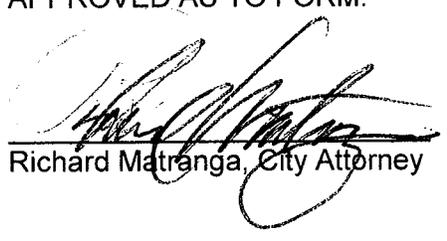
Publication Date: 5/26 _____, 2011 - The Union Democrat, Sonora, CA



William B Canning, Mayor

ATTEST: Marijane Cassinetta

Marijane Cassinetta, City Clerk

APPROVED AS TO FORM:


Richard Matranga, City Attorney