ORDINANCE NO. 1263

ORDINANCE ADDING ARTICLE XII TO CHAPTER 26
OF THE SOLANO COUNTY CODE CONCERNING VESTING
TENTATIVE MAPS

The Board of Supervisors of the County of Solano does ordain as follows:

SECTION I.

Article XII is added to Chapter 26 of the Solano County Code to establish regulations for vesting tentative maps for residential subdivisions.

Article XII. Vesting Tentative Maps.

Sec. 26-1200. Citation and Authority.

This article 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.

Sec. 26-1201. Purpose and Intent.

It is the purpose of this article to establish procedures necessary for the implementation of the Vesting Tentative Map Statute, and to supplement the provisions of the Subdivision Map Act and the Solano County Subdivision Ordinance. Except as otherwise set forth in the provisions of this article, the provisions of the Subdivision Ordinance shall apply to Vesting Tentative Maps.

To accomplish this purpose, the regulations outlined in this article 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.

Sec. 26-1202. 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 not permitted by the zoning ordinance or other applicable provisions of the County Code.

Sec. 26-1203. Definitions.

(a) A "vesting tentative map" shall mean a "tentative map" or a "tentative parcel map" for a residential subdivision that shall have printed conspicuously on its face the words "Vesting
Tentative Map" at the time it is filed in accordance with Sec. 
26-1205 and is thereafter processed in accordance with the provi­
sions hereof.

(b) All other definitions set forth in the Solano County 
Subdivision Ordinance are applicable.

Sec. 26-1204. Application.

(a) This article shall apply only to residential develop­
ments. Whenever a provision of the Subdivision Map Act, as im­
plemented and supplemented by the Solano County Subdivision Or­
dinance, requires the filing of a tentative map or tentative par­
cel map for a residential development; a vesting tentative map 
may instead be filed, in accordance with the provisions hereof.

(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 pro­
posed subdivision, permit for construction, or work preparatory 
to construction.

Sec. 26-1205. 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 Sections 26-201; 
26-202; 26-400 and 26-401 of this chapter except as hereinafter 
provided:

(a) At the time a vesting tentative map is filed it shall 
have printed conspicuously on its face the words "Vesting Tenta­tive Map."

Sec. 26-1206. Fees.

Upon filing a vesting tentative map, the subdivider shall pay 
the same fees established by the Board of Supervisors pursuant to 
Section 1-18 of the County Code which are required for tentative 
parcels maps or tentative maps.

Sec. 26-1207. Expiration.

The approval or conditional approval of a vesting tentative 
map shall expire at the end of the same time period; and shall be 
subject to the same extensions, established by this chapter for 
the expiration of the approval or conditional approval of a ten­
tative map or a tentative parcel map.

Sec. 26-1208. Vesting on Approval of Vesting Tentative Map

(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 S 66474.2.
However, if Section 66474.2 of the Government Code is repealed; 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 in effect at the time the vesting tentative map is approved or conditionally approved.

(b) Notwithstanding subdivision (a); a permit; approval; extension; or entitlement may be made conditional or denied if any of the following are determined:

(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.

(2) The condition or denial is required; in order to comply with state or federal law.

(c) The rights referred to herein shall expire if a final map is not approved prior to the expiration of the vesting tentative map as provided in Sec. 26-1207. If the final map is approved; these rights shall last for the following periods of time:

(1) 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 initial time period shall begin for each phase when the final map for that phase is recorded.

(2) The initial time period set forth in (c)(1) shall be automatically extended by any time used for processing a complete application for a grading permit or for design or architectural review; if such processing exceeds 30 days; from the date a complete application is filed.

(3) A subdivider may apply for a one-year extension at any time before the initial time period set forth in (c)(1) expires.

(4) If the subdivider submits a complete application for a building permit during the periods of time specified in subdivisions (1) - (3); the rights referred to herein shall continue until the expiration of that permit; or any extension of that permit.

Sec. 26-1209. Development Inconsistent with Zoning -- Conditional Approval

(a) Whenever a subdivider files a vesting tentative map for a subdivision whose intended development is inconsistent with the zoning ordinance in existence at that time; that inconsistency shall be noted on the map. The County shall deny such a vesting tentative map or approve it conditioned on the subdivider; or his or her designee; obtaining the necessary change in the zoning
ordinance to eliminate the inconsistency. If the change in the zoning ordinance is obtained, the approved or conditionally approved vesting tentative map shall, notwithstanding Sec. 26-1208(a), confer the vested right to proceed with the development in substantial compliance with the change in the zoning ordinance and the map, as approved.

(b) The rights conferred by this section shall be for the time periods set forth in S 3-1{(c).

Sec. 26-1210. Applications Inconsistent with Current Policies

Notwithstanding any provision of this ordinance, a property owner or his or her designee may seek approvals or permits for development which depart from the ordinances, policies, and standards described in Sections 26-1208(a) and 26-1209 and local agencies may grant these approvals or issue these permits to the extent that the departures are authorized under applicable law.

SECTION II.

This Ordinance shall be published once before the expiration of fifteen (15) days after its final passage in the Daily Republic, a newspaper of general circulation, printed and published in Solano County, State of California, and shall be in full force and effect thirty (30) days after its passage.

DON PIPPO, Chairman
Board of Supervisors

ATTEST:

LINDA TERRA, Clerk of the Board of Supervisors
I, LINDA TERRA, Clerk of the Board of Supervisors, County of Solano, State of California, do hereby certify that the foregoing Ordinance was regularly introduced, passed and adopted by said Board at a regular meeting held November 26, 1985, on Motion of Supervisor Davis, Seconded by Supervisor Brann, by the following vote:

AYES: SUPERVISORS Brann, Davis, Hewitt, Sturn and Chairman Pippo

NOES: SUPERVISORS None

ABSTAINED: SUPERVISORS None

ABSENT: SUPERVISORS None

WITNESS my hand and Seal of said Board this 26th day of November, 1985.

LINDA TERRA, Clerk of the Board of Supervisors

Linda Terra