AN ORDINANCE AMENDING CHAPTER 26 OF THE SOLANO COUNTY CODE TO ABOLISH THE SUBDIVISION REVIEW COMMITTEE AND TRANSFER THE SUBDIVISION REVIEW COMMITTEE'S DECISION MAKING AUTHORITY TO THE ZONING ADMINISTRATOR AND THE SUBDIVISION REVIEW COMMITTEE'S ADVISORY AUTHORITY TO THE DEVELOPMENT REVIEW COMMITTEE

The Board of Supervisors of the County of Solano, State of California ordains as follows. All sections and subsections not amended by this ordinance shall remain as they currently exist:

SECTION I

Based on the recommendations of the Organizational & Operational Analysis Report prepared by Zucker Systems, the Board of Supervisors finds it appropriate to consolidate the Subdivision Review Committee with the Development Review Committee and to transfer the decision making authority of the Subdivision Review Committee to the Zoning Administrator.

SECTION II

Chapter 26 is amended as follows:

Sec. 26-11. Definitions

(a) (1) Tentative Parcel Maps. The Zoning Administrator shall constitute the approving body for tentative parcel maps.

(a) (2) Parcel Maps. The Zoning Administrator shall constitute the approving body for parcel maps.

(d) Development Review Committee means the body comprised of the Program Manager of the Planning Division, the Transportation Director, the Program Manager of Environmental Health Services Division, the Building Official from the Building Division, and County Counsel or their designee and may include other affected departments, agencies and districts.

(l) Zoning Administrator means Zoning Administrator as defined under Section 28-61 (a) of the Solano County Code.
Section 26-12. Maps: General.

(a) (5) A lot line adjustment between two or more adjacent parcels where the land taken from one parcel is added to an adjacent parcel and where a greater number of parcels than an adjacent parcel and where a greater number of parcels than originally existed is not thereby created; provided, the lot line adjustment is approved by the Zoning Administrator upon review and recommendation of the Development Review Committee.

(b) The Lead County Department shall determine environmental matters as concerns such project or projects and upon its recommendation, the Zoning Administrator shall, upon making the findings required in Government Code Section 66428, waive the necessity of filing a parcel map for any of the following subdivisions:

Section 26-13. Public Hearing Required; Notice Thereof.

(a) The Zoning Administrator shall hold at least one public hearing on a tentative parcel map of any minor subdivision processed under this chapter.

Sec. 26-22. Tentative parcel map--Form; content.

(a) The tentative parcel map shall be filed with the Planning Department, together with the required number of copies. The Planning Department shall examine such application, any accompanying data and maps for compliance with this chapter, and shall accept the same only when all requirements as to form have been met. The date of receipt of the subdivision information shall be at least ten days prior to the meeting of the Zoning Administrator at which consideration of the same is desired. The tentative parcel map, and application for filing, shall be filed with two copies of a preliminary title report dated within sixty days preceding the filing of the tentative parcel map.

(b) (7) Such other information as deemed necessary by the Development Review Committee.

(c) (10) Such other information as deemed necessary by the Development Review Committee, including maps of adjoining land which may have been previously divided.

Sec. 26-23. Tentative parcel map; conditions of approval--Generally.

(a) The Zoning Administrator may approve, or conditionally approve, the tentative parcel map only when the following minimum conditions are found. The Development Review Committee shall review the tentative parcel map and make recommendations to the Zoning Administrator.

(7) Use is made of public sewerage and water facilities when available. Availability shall be determined by the Zoning Administrator in accordance with the
following criteria: rational engineering design; policy of the public agency providing the sewerage and/or water facilities; such other information deemed by the Zoning Administrator, to be necessary to reach its decision.

Sec. 26-23.1. Tentative Parcel Map; Basis for Denial.

(a) The Zoning Administrator shall deny approval of a tentative parcel map if it makes any of the following findings:

Sec. 26-24. Additional conditions for approval of tentative parcel map affecting properties zoned RR-2 ½, R-E, R-S, R-D, and R-M.

(a) In addition to the conditions set forth in Section 26-203, Zoning Administrator may approve, or conditionally approve, a tentative parcel map affecting properties zoned R-R2 ½, R-E, R-S, R-D and R-M, established pursuant to Chapter 28 of the Solano County Code, only when the following minimum conditions are found:

(2) The proposed subdivision shall provide that each parcel to be created thereby shall abut an existing county road within the maintained mileage system or about a state highway which affords access to the subdivision or abut a proposed county road. All such proposed county roads shall provide for a direct connection to an existing county road within the maintained mileage system or state highway. All proposed county roads shall be dedicated and offered for acceptance by the subdivider to the County of Solano. As a condition precedent to the acceptance of any such road, the Zoning Administrator shall require reasonable off-site and on-site improvements for the parcels being created in accordance with improvements standards established by Solano County Standard Subdivision Conditions. The nature, extent and requirements for the construction of such improvements shall be noticed by a certificate on the parcel map, or by separate instrument, and shall be recorded on, concurrently with, or prior to, the parcel map filed for record.

(3) In the event any parcel proposed to be created by the subdivision abuts or is provided access by a county road within the maintained mileage system, substandard with respect to width improvement or repair, such county road shall be required to be improved and repaired and sufficient additional rights-of-way or easements shall be dedicated and offered for acceptance by the subdivider to the County of Solano. As a condition precedent to the acceptance of such additional rights-of-way or easements and approval of the tentative map, the Zoning Administrator shall require reasonable off-site and on-site improvements for the parcels being created in accordance with improvement standards established by Solano County Standard Subdivision Conditions. The nature, extent and requirements for the construction of such improvements shall be noticed by a certificate on the parcel map, or by separate instrument, and shall be recorded on, concurrently with, or prior to, the parcel map being filed for record.

(5) If, in the judgment of the Zoning Administrator, a proposed road cannot
serve more than four potential parcels, the proposed road may be a private road constructed pursuant to private road standards adopted by the Board of Supervisors.

(a) (7) The proposed subdivision shall provide for dedication of drainage easements and the construction of drainage improvements at the expense of the subdivider to the extent deemed reasonable by the Zoning Administrator to protect public and private improvements from the possible damages from a flood that could be expected to occur once in one hundred years on the average.

(b) Fulfillment of any repair, installation, or construction requirements established pursuant to Paragraph (a) herein shall be completed at the time of, and as a prerequisite to issuance of any zoning-building permit, or at such other time as may be determined by the Zoning Administrator. The parcel map shall be endorsed to the effect that said construction or repairs shall be completed as provided above unless, at the time of filing of the parcel map, the subdivider shall be required by the Zoning Administrator to complete said construction or repairs within a reasonable time following the approval of the parcel map because the same are necessary for reasons of public health and safety, or are required as a necessary prerequisite to the orderly development of the surrounding area.

Sec. 26-25. Additional Conditions for Approval of Tentative Parcel Map Affecting Properties Zoned R-R5 and R-R10

(a) In addition to the conditions set forth in Section 26-203, Zoning Administrator may approve, or conditionally approve, a tentative parcel map affecting properties zoned R-R5 and R-R10 established pursuant to Chapter 28 of the Solano County Code only when the following minimum conditions are found:

(6) The proposed subdivision shall provide for dedication of drainage easements and the construction of drainage improvements at the expense of the subdivider to the extent deemed reasonable by the Zoning Administrator to protect public and private improvements from the possible damage from a flood that could be expected to occur once in one hundred years on the average.

(b) Fulfillment of any repair, installation, or construction requirements established pursuant to Paragraph (a) herein shall be completed at the time of, and as a prerequisite to, issuance of any zoning-building permit, or at such other time as may be determined by the Zoning Administrator. The parcel map shall be endorsed to the effect that said construction or repairs shall be completed as provided above unless, at the time of filing of the parcel map, the subdivider shall be required by the Zoning Administrator to complete said construction or repairs within a reasonable time following the approval of the parcel map because the same are necessary for reasons of public health and safety, or are required as a necessary prerequisite to the orderly development of the surrounding area.

(a) In addition to the conditions set forth in Section 26-203, the Zoning Administrator may approve or conditionally approve a tentative parcel map affecting properties zoned T, A, A-L, P, C-H, C-N, C-G, C-S, C-o, M-L, M-G, I-WD, W and MP established pursuant to Chapter 28 of the Solano County Code only when the following conditions are found:

(3) The proposed subdivision shall provide for dedication of drainage easements and the construction of drainage improvements, at the expense of the subdivider, to the extent deemed reasonable by the Zoning Administrator to protect public and private improvements from the possible damage from a flood that could be expected to occur once in 100 years on the average.

Sec. 26-26.1. Additional conditions for approval of tentative parcel map affecting properties adjoining certain canals and channels.

(a) In addition to other conditions set forth in this code, the Zoning Administrator may not approve, or conditionally approve, a tentative parcel map if the proposed subdivision adjoins, or is crossed by, open channel canals and/or constructed storm drain channels having a depth of three feet or more unless the proposed subdivision provides for installation or construction of fencing along the outside boundaries of all easements containing the open channel canals, and constructed storm drain channels. The construction standard for fencing shall be determined by the subdivision committee on an individual basis. This requirement may be waived by the Zoning Administrator when each parcel created by the division has a gross area of forty-one acres or more, or when the parcel or parcels are found to have unique characteristics which render fencing unreasonable under the circumstances.

Sec. 26-27. Improvement Security.

(a) If construction or repairs are required as a condition of approval of the tentative parcel map, the construction or repairs shall be completed at the time of, and as a prerequisite to, issuance of any zoning-building permit or at such other time as may be determined by the Zoning Administrator. The parcel map shall be endorsed to the effect that the construction or repairs shall be completed as provided above, unless, at the time of filing of the parcel map, the subdivider shall be required by the Zoning Administrator to complete the construction or repairs because the same are necessary for reasons of public health and safety, or are required as a necessary prerequisite to the orderly development of the surrounding area.

(b) When construction or repairs are allowed at a time other than at issuance of the zoning-building permit, the Zoning Administrator shall require either the subdivider, owner of record, or applicant for the zoning-building permit to enter into one of the following agreements as specified by the County:

(b) Extension. The person filing the tentative parcel map may request an extension of the tentative parcel map approval, or conditional approval, by written application to the Zoning Administrator, such application to be filed at least thirty days before the approval, or conditional approval, is due to expire. The application shall state the reasons for requesting the extension; new conditions may be imposed and existing conditions may be revised.

Sec. 26-29. Minor revisions of tentative parcel map.

(a) Minor revisions not constituting a substantial alteration in the tentative parcel map or any element thereof may be reviewed and approved by the Zoning Administrator. Each application for a minor revision shall be accompanied by a fee as may be set by the Board of Supervisors, pursuant to Section 11-110.4 of this Code. No part of said fee or fees shall be refundable.

Sec. 26-30. Parcel Maps Required on all Parcels: Exceptions.

(a) Except as otherwise provided herein, a parcel map shall be filed and recorded for any subdivisions for which a tentative map and final map are not required by the Subdivision Map Act; except that a parcel map shall not be required for: (1) subdivisions of a portion of the operating right-of-way of a railroad corporation, defined as such by Section 230 of the Public Utilities Code, which are created by short-term leases (terminable by either party on not more than 30-days notice in writing); or (2) land conveyed to or from a governmental agency, public entity, public utility, or for land conveyed to a subsidiary of a public utility, or for land conveyed to a subsidiary of a public utility for conveyance to such public utility for rights-of-way; provided, however, that upon a showing made to the Zoning Administrator, in individual cases based upon substantial evidence that public policy necessitates such a map, this exception shall not apply.

Sec. 26-60. Soils report.

(a) A preliminary soils report, prepared by a civil engineer registered in this state and based upon adequate test borings shall be submitted to the County Director of Public Works for every major subdivision and may be required for a minor subdivision in the discretion of the Zoning Administrator.

Sec. 26-70. Park and recreation lands.

(a) Purpose. Pursuant to the authority granted by Government Code Section 66477, this Section is enacted to enable the County Planning Commission, or the Zoning Administrator, in the case of every subdivision, to require the subdivider to provide suitable areas or payment in lieu thereof for the parks and other recreational building sites that will be necessary for the use of the population which is intended to occupy the subdivision and the proposed land uses therein.
(d) Dedication of Sites. The subdivider may be required to dedicate land, pay a fee in lieu thereof, or comply with a combination of both, at the option of the County, for park or recreational purposes in accordance with such conditions as may be recommended by the County recreational advisory committee, and made part of approval of the tentative map by the Planning Commission or the Zoning Administrator, and pursuant to standards hereinafter set forth, which standards shall be used as a guide in the determination.

Sec. 26-90. Appeals.

(a) The subdivider or any interested party who is adversely affected may appeal from any action of the Zoning Administrator to the Planning Commission.

Such appeal shall be filed with the secretary of the Planning Commission within ten days after the action of the Zoning Administrator, and shall be accompanied by such fee or fees as may be set by the Board of Supervisors pursuant to Section 11-110.4 of this Code. No part of said fee or fees shall be refundable, except that the Planning Director may waive the fee of a nonprofit social service organization, including a church. Upon the filing of an appeal, the Planning Commission shall set the matter for hearing within thirty days after the date of the filing of the appeal. The Planning Commission shall, within ten days following the conclusion of the hearing, render its decision on appeal.

Sec. 26-101. Reversion to acreage; final map.

(b) Proceedings to revert subdivided property to acreage may be initiated by petition of all of the owners of record of the property. The petition shall be in the form prescribed by the Planning Director and filed with him. The petition shall contain the information required by the Development Review Committee.
SECTION III

This ordinance shall take effect thirty (30) days after its adoption.

SECTION IV

A summary of this ordinance will be published once within fifteen (15) days after its adoption in the Fairfield Daily Republic, a newspaper of general circulation.

Passed and adopted by the Solano County Board of Supervisors at its regular meeting on May 11, 1999, by the following vote:

AYES: Supervisors Kondylis, Kromm, Thomson, and Chairman Silva

NOES: Supervisors None

ABSTAINED: Supervisors None

ABSENT: Supervisors Carroll

John F. Silva, Chairman
Board of Supervisors

ATTEST:
Michael D. Johnson, Clerk
of the Board of Supervisors

By: Deputy Clerk