ORDINANCE NO. 604

AN ORDINANCE REGULATING DIVISIONS OF LAND IN THE UNINCORPORATED AREAS OF SOLANO COUNTY, STATE OF CALIFORNIA, WHICH ARE NOT DEFINED AS A SUBDIVISION BY THE STATE SUBDIVISION MAP ACT OR THE COUNTY SUBDIVISION ORDINANCE

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

Section 1. TITLE

a. This ordinance shall be known and may be cited as the "Land Division Ordinance of Solano County".

Section 2. ADOPTION

a. Regulations for the control of certain land divisions, which do not constitute a subdivision as defined by the Subdivision Map Act of the Business and Professions Code of the State of California or by the Subdivision Ordinance of Solano County, are hereby adopted.

Section 3. PURPOSE

a. This ordinance is adopted for the purpose of preserving and promoting the public health, safety, peace, convenience and welfare; furtherance of the County General Plan; and in order to eliminate:

1. The creation of parcels of inadequate size and poor design.
2. The creation of building sites in areas where topography, flooding or other factors will prevent orderly and beneficial land development.
3. The creation of roads of improper width, alignment, grade and improvements.
4. Hazards to life or property from sewage or inadequate drainage.
5. Damage to property values and loss of opportunity for satisfactory overall development of neighborhoods caused by successive uncontrolled and haphazard land divisions.

Section 4. APPLICABILITY

a. This ordinance shall apply in the unincorporated area of Solano County to any land division as herein defined.

b. "Land Division" refers to any real property, improved or unimproved, consisting of a single unit or two or more contiguous units under one ownership divided subsequent to the adoption of this ordinance for purpose of sale, conveyance, transfer, lease or financing whether immediate or future except that "Land Division shall be deemed not to include the following:

1. Any division of land which is required under the terms of the State of California Subdivision Map Act or the Solano County Subdivision Ordinance to be reviewed as a subdivision.
2. Any division of land which conforms in all respects to a subdivision or record of survey map approved by the Solano County Planning Commission subsequent to November 24, 1936 and established pursuant to the State Subdivision Map Act or the County Subdivision Ordinance, and which further conforms in all respects to the County Zoning Ordinance.
3. Any division of land which is created by action of a body having the power of eminent domain.
4. Any sale of mineral, oil or gas rights.
6. The conveyance or transfer of land made or required by Court decree or the InTestate or testamentary disposition of the land.
7. The Conveyance, transfer, creation or establishment of an easement for sewer, water, gas, electricity and telephone services or similar purposes.
8. Any conveyance or transfer of land in which a division of land is completely utilised to increase the area of contiguous ownerships or parcels without creating a new building site.
9. The division of land into parcels, each of which contain a gross area of 40 acres or more.
10. That portion of land division containing parcels of 40 gross acres or more in area in cases where any combination of parcels both greater and less than 40 gross acres in area are created.

Section 5. LAND DIVISION COMMITTEE

a. There is hereby created a Land division Committee to consist of the County
Engineer-Road Commissioner, the County Planning Director and the County Director of Sanitation or their authorized assistants. The County Planning Director or his authorized assistant shall act as the coordinator and secretary to the Committee. All members of the Committee shall constitute a quorum for the transaction of business.

b. The Land Division Committee shall act in a technical capacity for the Advisory Agency hereby designated as the Solano County Planning Commission.

SECTION 6. TENTATIVE MAP-APPLICATION

A. The applicant of a land division application shall offer such application for filing on forms prescribed by the Planning Director to the Planning Commission Office together with at least six (6) copies of the Tentative Map of the proposed land division. The Planning Commission office shall examine said application, any accompanying data and maps for compliance with this ordinance and shall accept the same only when all requirements, as to form, have been met. The date of receipt of the land division information shall be at least ten days prior to the meeting of the Land Division Committee at which consideration of the same is desired.

b. The fee for filing of each land division application shall be fifteen ($15.00) dollars, no part of which shall be refundable.

c. The land division application information shall include:

1. The name, address and telephone number of the applicant and the name, address and telephone number of the land owners, if he is not the applicant.

2. A copy of the County Assessor's map with the property of the proposed land division delineated.

3. The source, name of supplier, quality and estimate of the available quantity of domestic water.

4. The method of sewage disposal and the name of the sewerage agency, if any.

5. The propose use of the parcels.

6. The existing zoning designation of the land number of the applicable Sectional District Map of the County Zoning Ordinance.

7. The signature of the applicant and the date of the application.

8. Such other information as deemed necessary by the Land Division Committee.

The Tentative Map of the proposed land division shall be clearly and legibly drawn on sheets 18" x 26" in size using an engineer's scale in all cases. A marginal line shall be drawn around each sheet leaving a blank margin of one inch. The said map shall show:

1. The boundaries of the land proposed to be divided with dimensions and the net area exclusive of roads.

2. The existing or proposed right - of - way lines of county streets or roads within or abutting the land and the location and width of pavement, curbs, gutters and sidewalks, both existing and proposed.

3. The existing and proposed parcel lines with dimensions and area of each parcel.

4. The locations of drainage provisions, water courses and area subject to flooding.

5. The location, with dimensions, and the use of any existing structures or improvements on the land or underground including wells, sewerage, etc.

6. An existing or proposed easement which may have influenced the proposed parcel line location or may influence the locations of buildings.

7. The name and address of the person who prepared the map and the date of preparation.

8. The northpoint and scale.

9. Such other information as deemed necessary by the Land Division Committee including maps of adjoining land which may have been previously divided.

Section 7. REFERRAL TO COMMITTEE

a. The Tentative Map and accompanying data shall be considered by the Land Division Committee in a meeting held within ten days after the date of acceptance of the application and map by the Planning Commission office. The date of filing the map shall be the date of the Committee meeting at which the map is first considered.

SECTION 8. COMMITTEE REPORTS

a. The Engineer-Road Commissioner shall report on the effect each proposed division would have on drainage, public improvements and such matters as he may deem necessary to secure compliance with this ordinance and other laws regulating land division.
c. The Director of Sanitation shall report on the adequacy of the proposed water supply for domestic purposes, the adequacy of the proposed sewerage and any other matter affecting the public health. The applicant of each land division application may be required to make percolation tests as deemed necessary by the Director of Sanitation.

SECTION 9. COMMITTEE ACTION

a. The Land Division Committee shall approve, conditionally approve or disapprove the Tentative Map by a majority vote of the Committee within thirty (30) days after the filing date unless by mutual agreement of the applicant and the Committee such time limitation is extended.

b. The Land Division Committee may required, as conditions of approval of the final Parcel Map, such dedications and improvements in the land division as it deems reasonable and necessary.

c. The estimated construction costs of any improvements required to be dedicated to the County shall be approved by the County Engineer-Road Commissioner and shall be secured by faithful performance bond, cash deposit or certified check.

d. The Secretary of the Land Division Committee shall supply the applicant and each member of the Committee with a written statement of action taken by the Committee on the Tentative Map.

SECTION 10. MINIMUM REQUIREMENTS

a. The Land Division Committee may approve or conditionally approve the Tentative Map only when the following minimum conditions are found:

1. The information or basis for information shown on the map is accurate.

2. The proposed divisions as related to other intended or existing divisions would not constitute a subdivision as defined in the state and county subdivision laws.

3. All parcels of the map and intended use thereof will meet use, minimum building site area, site width, yard areas and access requirements of the County Zoning Ordinance for the zoning district within which the parcels lie.

4. Adequate access to all of the parcels will be provided.

5. Requirements of the County Health Department will be observed in development of the parcels.

6. Drainage, grading and improvements, pursuant to county regulations, would be provided so as not to adversely affect parcels of the land division, county roads or the neighborhood.

7. Use is made of public sewerage and water facilities when available.

8. Applications for the formation of districts or annexations thereto will be made to the Local Agency Formation Commission of Solano County as required by law.

SECTION 11. APPEALS

a. The Solano County Planning Commission is hereby designated as the appeal board and shall have the power to hear and decide appeals when it is alleged by the appellant that there is error in any order, requirement, decision or determination made by the Land Division Committee or any member thereof in the administration or enforcement of this ordinance.

b. Any person, firm or corporation aggrieved or affected by any action in the administration or enforcement of this ordinance may within ten (10) days file an appeal in writing with the Planning Commission Secretary. The reasons of the appeal shall be outlined. Upon receipt of such appeal, the Commission Secretary shall schedule consideration of the appeal by the Planning Commission within thirty-five (35) days thereafter and so advise the applicant and the appellant, if the latter is other than the applicant.

c. The Commission shall find that the decision appealed from shall be affirmed, reversed or modified within sixty (60) days of receipt of the appeal unless mutual agreement is reached to extend such period by the Commission and the applicant of the Tentative Map. Notice of the Commission's decision shall be mailed forthwith to the applicant and the appellant.

d. Any person, firm or corporation aggrieved or affected by the decision of the Planning Commission may within ten (10) days appeal in writing to the Board of Supervisors. A copy of such appeal shall be submitted by the appellant through the registered mail to the Planning Commission and the applicant, if the latter is other than the appellant. The Board of Supervisors shall render its decision within sixty (60) days after receipt of such appeal unless the application of the Tentative Map is agreeable to an extension.
Section 12. FINAL MAP - PARCEL MAP

a. After the approval or conditional approval of the Tentative Map, a Final Map shall be prepared in conformity with the approved or conditionally approved Tentative Map and in the form of a Parcel Map produced by a licensed land surveyor or registered civil engineer pursuant to the State of California Subdivision Map Act in any case where the division of land creates four or less parcels. Said map may be compiled from record data available when sufficient survey information exists on filed maps and when the location of any boundary of the Parcel Map, either by monuments or possessory lines is certain.

b. A certificate on the Parcel Map signed by the Planning Director as acknowledgement that the map is in accord with the approved or conditionally approved Tentative Map shall be required in addition to the other certifications required by State Law.

c. The land division shall be deemed complete when the approved Parcel Map thereof is filed in the office of the County Recorder.

d. Failure to file the Parcel Map within one (1) year after approval or conditional approval of the Tentative Map shall nullify all approvals granted pursuant to this ordinance relative to such land division except that such time limitation may be extended by the Land Division Committee for a period not to exceed one (1) year. Only one such extension may be granted.

Section 13. EFFECT

a. No Zoning-Building Permit shall be issued pursuant to the County Zoning Ordinance or County Building Code authorizing any buildings or structures proposed to be placed on any parcel which is divided and created subsequent to the adoption of this ordinance and which constitutes a land division as defined herein unless the said parcel and conditions of approval thereof are in full accord with a Parcel Map approved, certified and filed pursuant to this ordinance.

b. All departments, officials and public employees of the County of Solano, which are vested with the duty or authority to issue permits or licenses, shall conform to the provisions of this ordinance and shall issue no such permits or licenses for uses, building or purposes where the same would be in conflict with the provisions of this ordinance. Any such permits or licenses, if issued in conflict with the provisions of this ordinance, shall be null and void.

Section 14. ENFORCEMENT AND PENALTIES

a. It shall be the duty of the District Attorney to enforce the provisions of this ordinance pertaining to land divisions in the unincorporated territory of the County of Solano.

b. Any person, firm, or corporation, whether as principal, agent, employee, or otherwise, violating or causing or permitting the violation of any of the provisions of this ordinance, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than five hundred ($500) dollars or by imprisonment in the county jail of said county for a term not exceeding six (6) months, or by both fine and imprisonment.

Such persons, firm, or corporation shall be deemed to be guilty of a separate offense for each and every day during any portion of which any violation of this ordinance is committed, continued, or permitted by such person, firm, or corporation, and shall be punished as herein provided.

c. Any land division or any use of any land divided contrary to the provisions of this ordinance shall be and the same is hereby declared to be unlawful and a public nuisance and the district attorney shall, upon order of the Board of Supervisors, immediately commence action in the manner prescribed by law.

d. The remedies provided for herein shall be cumulative and not exclusive.

Section 15. CONFLICT

All ordinances and parts of ordinances of the County of Solano in conflict with this ordinance, to the extent of such conflict and no further, are hereby repealed.

Section 16. VALIDITY

If any section, sub-section, sentence, clause or phrase of this ordinance is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, sub-section, sentence, clause, and phrase thereof, irrespective of the fact any one or more sections, sub-sections, sentences, clauses or phrases be declared invalid.

Section 17. ENACTMENT

This ordinance shall be published once in the TIMES-HERALD, a newspaper of general circulation in the County of Solano, not later than fifteen (15) days after the date of its passage and adoption and shall take effect thirty (30) days from and after its passage.

ATTEST: Larry Ball
County Clerk and Ex-officio Clerk of Said Board of Supervisors.

S/s J. ELLIS GODFREY
Chairman of the Board of Supervisors
of the County of Solano, State of California.
Continuation of Ord. 604

I, Larry Ball, County Clerk and Ex-officio Clerk of the Board of Supervisors of the County of Solano, State of California, hereby certify that the above and foregoing ordinance was regularly introduced, passed and adopted at a meeting of said Board held on the 14th day of December, 1965, by the following vote:

AYES: SUPERVISORS BRADLEY, BRAZELTON, CHURCH, KILBY, GODFREY
NOES: SUPERVISORS NONE
ABSENT: SUPERVISORS NONE

WITNESS my hand and official seal as such Clerk this 14th day of December, 1965.

LARRY BALL, Clerk
By Deputy Clerk

ORDINANCE No. 605

AN ORDINANCE AMENDING ORDINANCE NO. 440,
THE SOLANO COUNTY ZONING ORDINANCE

The Board of Supervisors of the County of Solano, State of California, do ordain,
as follows:

SECTION 1. Ordinance No. 440, the Solano County Zoning Ordinance,
is hereby amended by amending Section District Map No. 4-Ell, which said
Amended Sectional District Map is attached hereto and made a part of
this ordinance.

SECTION 2. All ordinances and parts of ordinances in conflict herewith
are hereby repealed.

SECTION 3. This ordinance shall be published once in the VALLEJO TIMES
HERALD, a newspaper of general circulation in the County of Solano, not
later than fifteen (15) days after the date of its passage and adoption
and shall take effect thirty (30) days from and after its passage.

J. ELIS GODFREY
Chairman of the Board of Supervisors
of the County of Solano, State of Cal-
ifornia.

ATTEST: LARRY BALL
County Clerk and Ex-officio Clerk
of said Board of Supervisors

I, Larry Ball, County Clerk and Ex-officio Clerk of the Board of Supervisors of the
County of Solano, State of California, hereby certify that the above and foregoing ordinance
was regularly introduced, passed and adopted at a meeting of the said Board held on the 14th
day of December, 1965, by the following vote:

AYES: SUPERVISORS BRADLEY, BRAZELTON, CHURCH, KILBY, GODFREY
NOES: SUPERVISORS NONE
ABSENT: SUPERVISORS NONE

WITNESS my hand and official seal as such Clerk this 14 day of December, 1965

LARRY BALL, CLERK
By Deputy Clerk