

ORDINANCE NO.157

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AMENDING TITLE 8, DIVISION 3, CHAPTER 4, ARTICLE 1 SECTION 83.040110(a) AND (b) AND ADDING NEW SUBSECTION 83.040110(e) OF THE COUNTY OF SAN BERNARDINO CODE AS ADOPTED BY THE TOWN OF YUCCA VALLEY RELATING TO REVIEW PROCEDURES FOR LAND DIVISIONS (DCA-01-04)

The Town Council of the Town of Yucca Valley, California, does ordain as follows:

SECTION 1. Code Amended

1.1 Title 8, Division 3, Chapter 4, Article 1 Section 83.040110(a) and (b) of the San Bernardino County Code as adopted by the Town of Yucca Valley is hereby amended as follows:

"83.040110 Review and Approval Procedures.

(a) Vesting Tentative Map Procedures.

(1) **Procedure:** The following procedures shall apply:

(A) **Submittal:** The submittal of a formal application with all supporting materials and fees.

(B) **Preliminary Review.** Preliminary review of the application by the Development Review Committee to determine completeness of the project application and to prepare preliminary conditions.

1. Section 65943 of the California Government Code requires that an application for a development permit be accept as complete or rejected as incomplete in writing within thirty (30) days after receipt of the application.

(C) **Public Hearing:** Public notice of the hearing shall be given pursuant to Section 66451.3 of the Subdivision Map Act.

(D) **Reviewing Authority:**

1. The Planning Commission shall consider whether the tentative subdivision map is consistent with the provisions of the Subdivision Map Act, the Development Code, General Plan and any applicable Specific Plan. Upon that basis, the Planning Commission may forward to the Town Council a recommendation on the proposed tentative subdivision map.

2. The Town Council shall consider the recommendation of the Planning Commission and following the close of public hearing may modify or delete any of the conditions of approval as recommended. The Town Council may also add additional requirements as a condition of its approval.
3. The decision of the Town Council shall be considered final and written notice of such decision shall be sent within ten (10) working days.

(b) **Tentative Tract and Parcel Map Procedures.**

(1) **Procedure:** The following procedures shall apply:

(A) **Submittal:** The submittal of a formal application with all supporting materials and fees.

(B) **Preliminary Review.** Preliminary review of the application by the Development Review Committee to determine completeness of the project application and to prepare preliminary conditions.

1. Section 65943 of the California Government Code requires that an application for a development permit be accept as complete or rejected as incomplete in writing, within thirty (30) days after receipt of the application.

(C) **Public Hearing:** Public notice of the hearing shall be given pursuant to Section 66451.3 of the Subdivision Map Act.

(D) **Reviewing Authority:**

1. The Planning Commission shall approve, conditionally approve or deny any application following the close of a public hearing on the matter. Such decision shall include findings in accordance with the provisions of this Chapter, except that for Tract or Parcel maps filed concurrently with a General Plan Amendment, Planned Development, or Specific Plan, the reviewing authority shall be the Town Council in accordance with Section 83.040110(a)(1)(D).
2. Based on complexity/scope of the project, location, or controversy, the subdivision map may be forwarded to the Town Council for approval.
3. The decision of the Planning Commission shall be final upon approval of the motion containing its determination unless an appeal is filed pursuant to Section 83.040110(e).

1.2 A new subsection Section 83.040110(e) relating to appeal procedures is hereby added to the Code to read as follows:

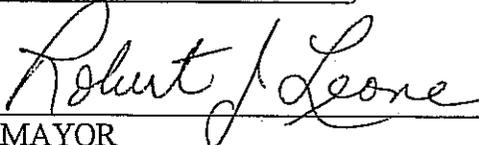
(e) **Appeal**

- (1) Any decision of the Planning Commission made pursuant to this section shall be subject to appeal to the Town Council.
- (2) The applicant or any other person may appeal from such decision by filing a written notice of the appeal accompanied by the fee established by resolution with the Town Clerk within ten (10) days after the action by the Planning Commission.
- (3) Upon the filing of an appeal, the Town Council shall set the matter for hearing. The hearing shall be held within thirty (30) days after the date of the filing of the appeal or the next available Council agenda.
- (4) The Town Council may reverse, affirm wholly or in part, modify or attach other or additional conditions to the decision appealed. The decision of the Town Council on any such appeal shall be final."

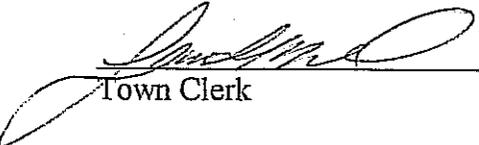
SECTION 2. NOTICE OF ADOPTION. Within fifteen (15) days after the adoption hereof, the Town Clerk shall certify to the adoption of this Ordinance and cause it to be published once in a newspaper of general circulation printed and published in the County and circulated in the Town pursuant to Section 36933 of the Government Code.

SECTION 3. EFFECTIVE DATE. This Ordinance shall become effective thirty (30) days from and after the date of its adoption.

APPROVED AND ADOPTED by the Town Council and signed by the Mayor and attested by the Town Clerk this 16th day of September, 2004.


MAYOR

ATTEST:


Town Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

STATE OF CALIFORNIA

COUNTY OF SAN BERNARDINO

TOWN OF YUCCA VALLEY

I, Janet M. Anderson, Town Clerk of the Town of Yucca Valley, California hereby certify that the foregoing Ordinance No. 157 as duly and regularly introduced at a meeting of the Town Council on the 2nd day of September, 2004, and that thereafter the said ordinance was duly and regularly adopted at a meeting of the Town Council on the 16th day of September, 2004, by the following vote, to wit:

Ayes: Council Members Cook, Earnest, Mayes, Neeb and Mayor Leone

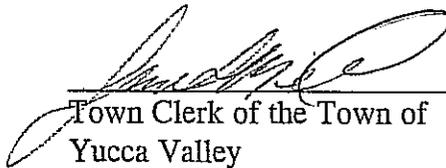
Noes: None

Absent: None

Abstain: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Town of Yucca Valley, California, this 20th day of September, 2004.

(SEAL)


Town Clerk of the Town of
Yucca Valley