

TOWN OF YUCCA VALLEY
PLANNING COMMISSION MEETING



The Mission of the Town of Yucca Valley is to provide a government that is responsive to the needs and concerns of its diverse citizenry and ensures a safe and secure environment while maintaining the highest quality of life

TUESDAY
APRIL 09, 2013
6:00 p.m.

YUCCA VALLEY COMMUNITY CENTER, YUCCA ROOM
57090 - 29 PALMS HIGHWAY
YUCCA VALLEY, CALIFORNIA 92284

* * * *

PLANNING COMMISSION MEMBERS

*Tim Humphreville, Chairman
Vickie Bridenstine, Commissioner
Jeff Drozd, Commissioner
Michael Hildebrand, Commissioner
Steve Whitten, Commissioner*

AGENDA

MEETING OF THE TOWN OF YUCCA VALLEY PLANNING COMMISSION 6:00 P.M., TUESDAY, APRIL 09, 2013

The Town of Yucca Valley complies with the Americans with Disabilities Act of 1990. If you require special assistance to attend or participate in this meeting, please call the Town Clerk's office at (760) 369-7209 at least 48 hours prior to the meeting.

If you wish to comment on any subject on the agenda, or any subject not on the agenda during public comments, please fill out a card and give it to the Planning Commission secretary. The Chair will recognize you at the appropriate time. Comment time is limited to 3 minutes.

CALL TO ORDER:

ROLL CALL: Vickie Bridenstine, Commissioner
Jeff Drozd, Commissioner
Michael Hildebrand, Commissioner
Tim Humphreville, Chairman
Steve Whitten, Commissioner

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

Action: Move by _____ 2nd by _____ Voice Vote _____.

PUBLIC COMMENTS

In order to assist in the orderly and timely conduct of the meeting, the Planning Commission takes this time to consider your comments on items of concern, which are not on the agenda. When you are called to speak, please state your name and community of residence. Please limit your comments to three minutes or less. Inappropriate behavior, which disrupts or otherwise impedes the orderly conduct of the meeting, will result in forfeiture of your public comment privileges. The Planning Commission is prohibited by State law from taking action or discussing items not included on the printed agenda.

DEPARTMENT REPORT:

1. STREET VACATION, SV 01-13

A request to vacant approximately approximately sixty feet (60') by one hundred feet (100') easement(s) on both the northwest and northeast corners of Dumosa Avenue @ SR 62
APN 595-371-11

RECOMMENDATION: That the Planning Commission finds that the street vacation, SV-01-13, is consistent with the General Plan and General Plan Circulation Element, and recommends to the Town Council to vacate an approximate 60' x 100' easement at the intersection of SR 62 and Dumosa Avenue, as identified on Exhibit A to this staff report, being a portion of APN 595-371-11, and forwards that recommendation to the Town Council.

Action: Moved by ___ 2nd by _____ Voice Vote

2. DRAFT DEVELOPMENT CODE

RECOMMENDATION: That the Planning Commission reviews the Draft Development Code Articles 4, 5 and 6, and schedules those Articles for Public Hearing

Action: Moved by ___ 2nd by _____ Voice Vote

CONSENT AGENDA:

All items listed on the consent agenda are considered to be routine matters and may be enacted by one motion and a second. There will be no separate discussion of the consent agenda items unless a member of the Planning Commission or Town Staff requests discussion on specific consent calendar items at the beginning of the discussion. Public requests to comment on consent calendar items should be filed with the Deputy Town Clerk before the consent agenda is called.

3. MINUTES-

A request that the Planning Commission approve as submitted the minutes of the meetings held on February 26 and March 26, 2013.

Action: Moved by _____ 2nd by _____ Voice Vote _____.

STAFF REPORTS AND COMMENTS:

- May 28, 2013 Planning Commission meeting
- Planning Commission reorganization

FUTURE AGENDA ITEMS:

- April 23, 2013 Draft Development Code
- May 14, 2013 Draft Development Code
- May 28, 2013 Draft Development Code

COMMISSIONER REPORTS AND REQUESTS:

Commissioner Bridenstine
Commissioner Drozd
Commissioner Hildebrand
Commissioner Whitten
Chairman Humphreville

ANNOUNCEMENTS:

The next regular meeting of the Yucca Valley Planning Commission will be held on Tuesday, April 23, 2013 at 6:00 p.m.

ADJOURN

PLANNING COMMISSION STAFF REPORT

To: Honorable Chairman & Commission
From: Shane Stueckle, Deputy Town Manager
Alex Qishta, Project Engineer
Date: April 2, 2013
For Commission Meeting: April 9, 2013

Subject: Resolution No. 13-
Street Vacation SV-01-13, SR 62 Outer Highway North
SR 62 @ Dumosa Avenue
Approximately sixty feet (60') by one hundred feet (100') easement(s) on
both the northwest and northeast corners of Dumosa Avenue @ SR 62
APN 595-371-11

Prior Commission Review: There has been no prior Commission review of this matter.

Recommendation: That the Planning Commission finds that the street vacation, SV-01-13, is consistent with the General Plan and General Plan Circulation Element, and recommends to the Town Council to vacate an approximate 60' x 100' easement at the intersection of SR 62 and Dumosa Avenue, as identified on Exhibit A to this staff report, being a portion of APN 595-371-11, and forwards that recommendation to the Town Council.

Executive Summary: The Streets and Highway Code Section 8300 et. el. permits the Town to vacate a street easement only upon a finding supported by substantial evidence that the easement is no longer needed for vehicular traffic and that the street is unnecessary for present or prospective public use.

The Planning Commission reviews all requests for street vacations for consistency with the General Plan, Circulation Element and all other Town circulation requirements and forwards a recommendation to the Town Council for their consideration.

Order of Procedure:

Request Staff Report
Request Public Comment
Commission Discussion/Questions of Staff
Motion/Second
Discussion on Motion
Call the Question (Voice Vote)

<input checked="" type="checkbox"/> Department Report	<input type="checkbox"/> Ordinance Action	<input type="checkbox"/> Resolution Action	<input type="checkbox"/> Public Hearing
<input type="checkbox"/> Consent	<input checked="" type="checkbox"/> Minute Action	<input type="checkbox"/> Receive and File	<input type="checkbox"/> Study Session

Discussion: Public agencies are required to obtain right-of-way or easements for construction of public improvements including roadways, flood control facilities and other public works improvements.

Planning for future extensions and expansions of public works projects requires that local agencies acquire right-of-way or easements years in advance of the actual construction projects. There are other situations where right-of-way or easements have been acquired and utilized for their intended purpose, but as the Town grows and roadways are improved and realigned, certain right-of-ways or easements no longer serve their original purpose.

An easement for roadway and utility purposes was granted to the County of San Bernardino in 1962 for SR 62, Outer Highway North, both east and west of Dumosa Avenue. In 1975, the County Board of Supervisors adopted a Resolution approving the vacation of a portion of the easement granted in 1962. It is unknown why a portion of the original 1962 easement was not vacated in 1975. But it is likely that the County was reserving a portion of the original easement for potential intersection improvements for SR 62 @ Dumosa Avenue.

As the Planning Commission is aware, the historical development patterns on the north side of SR 62, between Barberry Avenue and SR 247, have realized the elimination of SR 62, Outer Highway North in a number of locations. This elimination includes properties currently occupied by Carrows Restaurant, Sizzler Restaurant, the Super 8 Motel, the vacant parcel approved for the Senior Housing Project to the south of the Community Center Complex, and the Food 4 Less shopping center. Based upon these historical actions and development patterns, SR 62, Outer Highway North, will not be developed between Barberry Avenue and SR 247. Therefore the remnant easement is not necessary for general access for any property owner, for circulation within the community, or for General Plan or General Plan Circulation Element implementation.

Dedications for the future widening of SR 62 to the adopted General Plan standard of 67' half width have been made at this location, as well as dedications for Dumosa Avenue.

Based upon the Planning Commission's recommendation, the Town Council will set this matter for public hearing at a future Town Council meeting, tentatively scheduled for May 21, 2013.

Alternatives: Staff recommends no alternative actions. All required dedications pursuant to the General Plan and Circulation Element have been granted for SR 62 allowing the construction of public improvements within the 67' half width roadway easement.

Attachments: Resolution 13-
Exhibit A, Proposed Easement Vacation
Minutes-Board of Supervisors 1975
Grant of Easement 1962
Resolution No 05-18, SR 62 Right of Way
Land Survey SR62 and Dumosa Ave

RESOLUTION NO. 13-

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF
YUCCA VALLEY, CALIFORNIA, RECOMMENDING THAT THE
TOWN COUNCIL APPROVES STREET VACATION
SV-01-13, VACATING THAT PORTION OF EASEMENTS ON ASSESSOR'S
PARCEL NO. 596-371-11 AS IDENTIFIED ON EXHIBIT A TO THIS RESOLUTION.

WHEREAS, the Planning Commission is considering the vacation of approximately 60 feet by 100 feet of access right of way on the north west and southeast corners of Dumosa Avenue on APN 595-371-11; and

WHEREAS, the Planning Commission of the Town of Yucca Valley, California, has determined the easements identified are neither necessary for future circulation purposes nor needed for existing or future access by other properties in the surrounding area; and

WHEREAS, the Planning Commission has considered the General Plan and General Plan Circulation Element, and the Planning Commission finds that the easement is not necessary for circulation purposes or for implementation of any portion of General Plan policy; and

WHEREAS, roadway easements consistent with the General Plan and Circulation Element policies, consisting of 67' half width dedications for roadway purposes, are in place for the construction of roadway improvements; and

WHEREAS, the easements granted in 1962, are not necessary for general circulation or access purposes pursuant to the adopted Yucca Valley General Plan.

NOW THEREFORE, THE PLANNING COMMISSION OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, RESOLVES AS FOLLOWS:

Section 1: Street Vacation, SV-0-13, an area measuring approximately 60 feet by 100 feet at the northwest and northeast corners of Dumosa Ave. at SR 62, contained on APN 595-371-11, and as identified in Exhibit A, are recommended to be vacated by the Town Council.

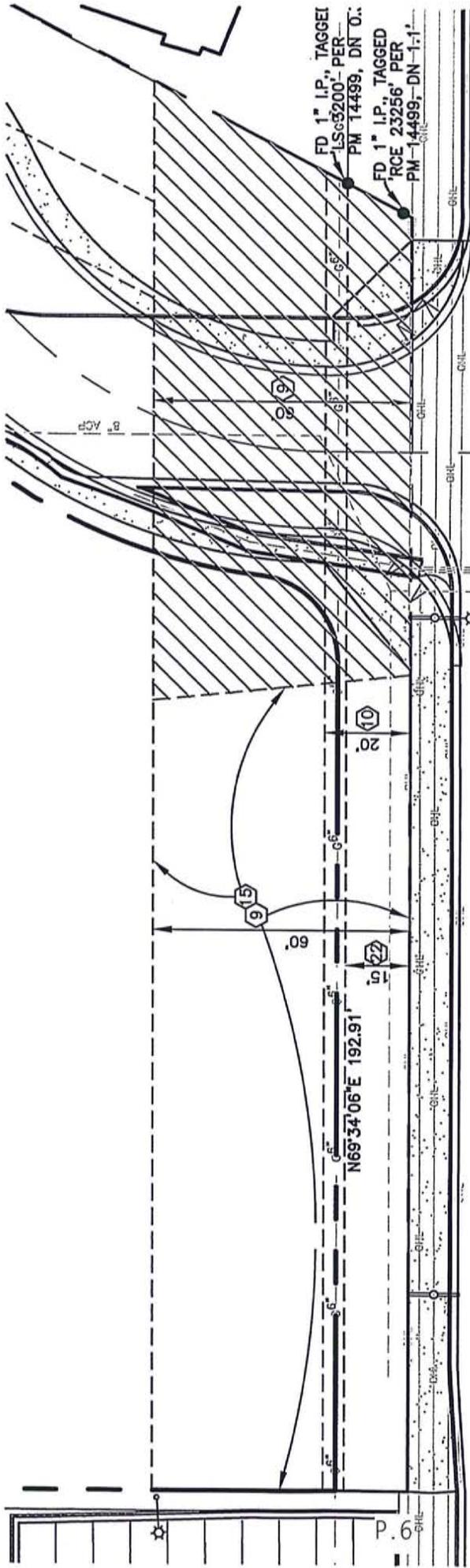
PASSED, APPROVED AND ADOPTED this 9th day of April, 2013.

CHAIRMAN

ATTEST

PLANNING COMMISSION SECRETARY

EXHIBIT A



$N69^{\circ}34'06''E \ 825.00' \ (825.11')$

TWENTYNINE PALMS HIGHWAY
PUBLIC STREET

(CA-62)

FD MAG NAIL,
FLUSH



MINUTES OF THE BOARD OF SUPERVISORS
OF SAN BERNARDINO COUNTY, CALIFORNIA

BOOK 8323 PAGE 642

RE: HIGHWAY; ABANDONMENT; FIRST ROAD DISTRICT; PTN OF 29 PALMS OUTER
HWY NO; APPROVED

The hour of 11:00 a.m. being at hand and this being the time heretofore set for the hearing in the matter of petition for abandonment of a certain highway in the First Road District, and the matter now coming on regularly for hearing and it appearing to the Board that due notice of this hearing has been given as required by law; therefore, on motion of Supervisor Mayfield, duly seconded by Supervisor Townsend, and carried, the following resolution is adopted, and order made:

WHEREAS, a petition signed by more than ten freeholders, two of whom are residents of the road district in which property affected is situate, and who are taxable therein for road purposes, was filed in the office of this Board on the 3rd day of February, 1975 praying that this Board abandon certain highway in the First Road District, the general route of which was described therein as hereinafter set forth; and,

WHEREAS, this Board by order adopted on the 3rd day of February 1975, did fix the 24th day of February, 1975 at the hour of 11:00am as the time for the hearing of said petition and gave notice to all freeholders in said road district of the time and place fixed for the hearing of said petition by publication in the San Bernardino Sun and the Desert Trail newspapers of general circulation, printed and published in the County of San Bernardino, State of California, said notice, as shown by affidavit of publication on file in this office, was so published once a week for at least two successive weeks prior to the day fixed for said hearing; and

WHEREAS, printed copies of said notice were posted conspicuously along the line of the proposed abandonment, as shown by affidavit of posting on file with this Board; and,

WHEREAS, this being the time and place fixed for hearing said petition and no protests having been made or filed with this Board, against granting of same, and it appearing to the satisfaction of this Board that the Road as set up in said petition and as hereinafter described is unnecessary for present or prospective use as a public highway;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED, by the Board of Supervisors of the County of San Bernardino, State of California, that all of the following described road be, and the same is hereby vacated, discontinued and abandoned as unnecessary for present or prospective use, to-wit:

Those portions of Twentynine Palms Outer Highway North in Section 36, Township 1 North, Range 5 East, SAN BERNARDINO MERIDIAN, said portion being described as follows:

PARCEL NO. 1

That portion of the Southwest quarter of Section 36, Township 1 North, Range 5 East, SAN BERNARDINO MERIDIAN, as per United States Government Survey, said portion being more particularly described as follows:

COMMENCING at the Northeast corner of Tract No. 4611, as shown on map thereof recorded in Book 80 of Maps, pages 21 and 22, records of SAN BERNARDINO COUNTY, State of California, at a point on the Westerly line of Barberry Street, 60.00 feet wide; thence North 69° 34' 44" East, along the Northeasterly prolongation of the North line of said Tract No. 4611, a distance of 60.00 feet, to the Southwesterly corner of Lot 22, Tract No. 6501, as per map recorded in Book 83 of Maps, pages 96, 97 and 98, records of said County; thence South 20° 25' 16" East, along the Southerly prolongation of the Easterly line of Barberry Avenue, 60.00 feet wide, as

RECORDED
REQUEST OF
*Note: Return to Clerk of the Board
Via Road Dept R/W*

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Continued

(Continued)

shown on said map of Tract No. 6001, a distance of 196.00 feet to the beginning of a tangent curve, concave Northeasterly and having a radius of 20.00 feet, said point being the TRUE POINT OF BEGINNING; thence Southeasterly along said curve 31.42 feet, through a central angle of 90° 00' 00" to a point of tangency with a line that is parallel with, distant Northwesterly 124.00 feet, from the center line of 29 Palms Highway, as shown on said map of Tract 4611; thence North 69° 34' 44" East, along said parallel line, a distance of 12.00 feet, to the beginning of a tangent curve, concave Southerly, and having a radius of 200.00 feet; thence Northeasterly along said tangent curve, through a central angle of 16° 29' 57", an arc distance of 57.59 feet to a point of reverse curve, (a radial line through said point of reverse curve through said point bears South 3° 55' 19" East); thence Northeasterly along said reverse curve, concave Northwesterly, and having a radius of 140.00 feet, through a central angle of 16° 29' 57", an arc distance of 40.32 feet to a point of tangency with a line that is parallel with and distant 110.00 feet Northwest of said center line of Twentynine Palms Highway; thence North 69° 34' 44" East along said parallel line, a distance of 608.01 feet; thence South 26° 25' 16" East a distance of 60.00 feet to a point on a line parallel with and distant 50.00 feet, Northwesterly from said center line of 29 Palms Highway; thence South 69° 34' 44" West along said parallel line a distance of 742.88 feet, more or less, to a point of intersection with the Southerly prolongation of the Easterly line of said Barberry Avenue; thence North 20° 25' 16" West, along said Southerly prolongation a distance of 94.00 feet to the TRUE POINT OF BEGINNING.

PARCEL NO. 2

That portion of Twentynine Palms Outer Highway North, shown on map of TRACT NO. 4856, as per plat recorded in Book 70 of Maps, pages 94, 95 96 and 97, Records of said County, said portion be described as follows:

BEGINNING at the Southwest corner of Lot 2 of said TRACT NO. 4856, said corner also being the intersection of the Northerly line of said Outer Highway with the West boundary line of said TRACT; thence North 69° 34' 06" East along said Northerly line to the beginning of a tangent curve, concave Northwesterly, and having a radius of 145.00 feet; thence Northeasterly along said curve, through a central angle of 21° 11' 43", an arc distance of 53.64 feet to a point of reverse curve, (a radial line to said point of reverse curve bears South 41° 37' 37" East); thence Northeasterly along said reverse curve, concave Southeasterly and having a radius of 195.00 feet through a central angle of 21° 11' 43", an arc distance of 72.14 feet to a point of reverse curve, (a radial line to said point of reverse curve bears North 20° 25' 54" West); thence Northeasterly along said reverse curve, concave Northwesterly and having a radius of 20.00 feet, through a central angle of 85° 44' 40", an arc distance of 29.93 feet to a point on the Westerly line of Old Woman Springs Road, 100.00 feet wide, (said westerly line also being on the arc of a curve concave, Easterly, and having a radius of 2041.89 feet, a radial line to said point bears South 73° 49' 26" West); thence Southeasterly along said curve and along the prolongation of said Westerly line of Old Woman Springs Road, through a central angle of 2° 40' 48", an arc distance of 95.50 feet; thence South 24° 34' 06" West a distance of 8.69 feet to a point on a line that is parallel with and distant 50.00 feet Northwesterly from the center line of Twentynine Palms Highway; thence South 69° 34' 06" West along said parallel line a distance of 527.43 feet to a point on the West Boundary of said TRACT NO. 4856; thence North 0° 09' 24" West along said West Boundary a distance of 63.96 feet to the POINT OF BEGINNING.

Reserving and excepting from said abandonment, the easement and right at any time, or from time to time to construct, maintain, operate, replace, remove and renew sanitary sewers and storm drains and appurtenant structures, in, upon, over and across any highway or part thereof proposed to be abandoned and pursuant to any existing franchise or renewals thereof, or otherwise, to construct, maintain, operate, replace, remove, renew and enlarge lines of pipe, conduits, cables, wires, poles, and other convenient structures, equipment and fixtures for the operation of gas pipe lines, telegraph and telephone lines, railroad lines

(Continued)

MINUTES OF THE BOARD OF SUPERVISORS
OF SAN BERNARDINO COUNTY, CALIFORNIA

(Continued)

and for the transportation or distribution of electric energy, petroleum and its products, ammonia, water, and for incidental purposes, including access to protect the property from all hazards in, upon, and over the highway or part thereof proposed to be abandoned.

IT IS FURTHER ORDERED that the public easement heretofore existing shall hereinafter cease and determine, and the title to the land previously subject thereto shall revert to the respective owners thereof, free from such public easement; and

IT IS FURTHER ORDERED that the Clerk of this Board be, and she is hereby instructed to record a certified copy of this order under the seal of this Board in the office of the County Recorder.

PASSED AND ADOPTED by the Board of Supervisors of the County of San Bernardino, State of California, by the following vote:

AYES: SUPERVISORS: Mayfield, Townsend, Hansberger
NOES: SUPERVISORS: None
ABSENT: SUPERVISORS: Mikesell, Smith

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RECORDED & INDEXED
SAN BERNARDINO COUNTY, CAL.
V. PEREZ VARDIA
CLERK OF COUNTY

NO FEE
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1975 FEB 25 AM 11 19

SEAL

STATE OF CALIFORNIA
COUNTY OF SAN BERNARDINO

ss.

I, LEONA RAPOPORT, Clerk of the Board of Supervisors of San Bernardino County, California, hereby certify the foregoing to be a full, true and correct copy of the record of the action taken by said Board of Supervisors, by vote of the members present, as the same appears in the Official Minutes of said Board of its meeting of
February 24, 1975

Dated: 2/25/75
cc: Recorder; Petitioner;
Transportation; File

LEONA RAPOPORT
Clerk of said Board.

By Coranne Chaparro
Deputy

<p style="text-align: center;">MAIL TO</p> <p style="text-align: center;">Board of Supervisors</p> <p>This is to certify that the interest in real property conveyed by the within instrument to the County of San Bernardino, State of California, a body corporate and politic, is hereby accepted by order of the Board of Supervisors made on _____ and the grantee consents to the recordation thereof by its duly authorized officer.</p> <p>Dated: _____</p> <p style="text-align: center;">COUNTY OF SAN BERNARDINO</p> <p style="text-align: center;">By _____ Clerk of the Board of Supervisors</p>	<p style="text-align: right;">BOOK 5737 PAGE 606</p> <p style="text-align: center;">(29) RECORDED REQUEST OF</p> <p style="text-align: center;">GRANTEE</p> <p style="text-align: center;">Jul 20 3 39 PM '62</p> <p style="text-align: center;">BOOK 5737 PAGE 606</p> <p style="text-align: center;"><small>OFFICIAL RECORDS SAN BERNARDINO COUNTY, CALIF. REG. REC'D - INSTR. RECORDER</small></p> <p style="text-align: center;"><i>NO PAID</i></p> <p style="text-align: center;">For Recorders Use</p>	
Recording requested by Board of Supervisors	GRANT OF EASEMENT (Road)	When recorded return to Board of Supervisors via Surveyor's Office

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FRED A. STOREY AND EDNA STOREY

_____ hereby grant(s) to the County of San Bernardino, State of California, an EASEMENT for HIGHWAY and ROAD PURPOSES over, under, and across the following described property in said County:

Beginning at the Northeast corner of Tract 4611, as shown on a map thereof recorded in Book 80, Pages 21 and 22 of Maps, records of said County; thence N 69° 34' 44" E along the Northeasterly prolongation of the North line of said Tract 4611, 60.00 feet; thence at right angles thereto S 20° 25' 16" E along a line parallel with and 60.00 feet measured at right angles Easterly from the East line of said Tract 4611, 190.00 feet to the beginning of a tangent curve, concave Northeasterly and having a radius of 20.00 feet; thence Southeasterly along said curve 31.42 feet, through a central angle of 90° 00' 00" to a point of tangency on a line parallel with and 110.00 feet measured at right angles Northwesterly from the centerline of 29 Palms Highway as shown on said map of Tract 4611; thence N 69° 34' 44" E along said parallel line 861.57 feet to a point in the West line of that certain land conveyed to Harold A. Bahr, et. al., recorded in Book 4226, Page 320 of O.R. of said County; thence S 7° 14' 02" W along said West line 67.74 feet to a point in a line parallel with and 50.00 feet measured at right angles Northwesterly from said centerline of 29 Palms Highway; thence S 69° 34' 44" W along said parallel line, 830.13 feet to an Easterly corner of said Tract 4611; thence continuing S 69° 34' 44" W along the boundary of said Tract 4611, 80.00 feet to an angle point therein; thence N 20° 25' 16" W along said boundary of Tract 4611, 290.00 feet to the point of beginning.

Dated: July 9, 1962

Fred A. Storey
Edna R. Storey

State of California }
County of San Bernardino } ss
On July 9, 1962
before me, the undersigned, a Notary Public in and for said County and State, personally appeared Fred A. Storey and Edna R. Storey
_____ known to me to be the person S whose name S are subscribed to the within instrument and acknowledged to me that they executed the same.
WITNESS my hand and official seal.

R. W. Raney
Notary Public in and for said County and State
Print or type name of Notary

~~State of California }
County of _____ } ss
On _____
before me, the undersigned, a Notary Public in and for said County and State, personally appeared _____
known to me to be the _____ President, and
known to me to be the _____ Secretary of the
the Corporation that executed the within and foregoing instrument and known to me to be the persons who executed the within instrument on behalf of the Corporation therein named, and acknowledged to me that such Corporation executed the within instrument pursuant to its by-laws or a resolution of its board of directors.
WITNESS my hand and official seal.

Notary Public in and for said County and State
Print or type name of Notary~~

RESOLUTION

On motion of Supervisor Edna duly seconded by
Supervisor Break, and carried unanimously,
the following resolution is adopted:

BE IT RESOLVED, this 17th day of July, 1962

- by the Board of Supervisors of the County of San Bernardino, State of California, that the
Grant of Easement dated July 6, 1962, executed by Yucca Village, a California corporation, by Fred A. Storey, President and John L. L. Sentesy, Secretary;
- Grant of Easement dated July 10, 1962, executed by Fred A. Storey and Edna Storey;**
- Grant of Easement dated July 9, 1962, executed by Fred A. Storey and Edna R. Storey;**
- Grant of Easement dated July 9, 1962, executed by Fred A. Storey and Edna R. Storey,**

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to the County of San Bernardino, State of California, be, and it is hereby accepted; and

BE IT FURTHER RESOLVED, that a copy of this resolution be attached to said instrument,
and that the same be recorded in the office of the County Recorder of the said County.

STATE OF CALIFORNIA
COUNTY OF SAN BERNARDINO } ss.

I, V. DENNIS WARDLE, County Clerk and ex-officio Clerk of the Board of Supervisors of the
County of San Bernardino, State of California, hereby certify the foregoing to be a full, true, and
correct copy of the action taken by the said Board of Supervisors, by unanimous vote of the mem-
bers present, as the same appears in the Official Minutes of said Board of its meeting of

July 17, 1962

Dated: **July 20, 1962**

V. DENNIS WARDLE
County Clerk and ex-officio
the Clerk of said Board.

SEAL

By [Signature]
Deputy.

RESOLUTION NO 05-18

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, ADOPTION OF GENERAL PLAN AMENDMENT GPA-01-05 AMENDING TO THE LAND USE ELEMENT AND REZONING TO AMEND THE LAND USE DESIGNATION OF SPECIFIC PROPERTIES FROM OPEN SPACE TO RL-1-SP AND RL-1-SP TO PUBLIC, QUASI-PUBLIC (P/QP) FOR PROPERTY LOCATED ON THE SOUTHWEST CORNER OF JOSHUA LANE AND JOSHUA DRIVE, IDENTIFIED AS ASSESSOR PARCEL NUMBERS, 585-071-24 & 23; CG AND RM-10 TO P/QP FOR PROPERTY LOCATED ON THE NORTHEAST CORNER OF SR 62 AND KICKAPOO, IDENTIFIED AS THE PARK AND RIDE FACILITY, IDENTIFIED AS ASSESSOR PARCEL NUMBERS 586-081-05, AND 586-101-06 & 07; RS-5 TO P/QP FOR PROPERTY IDENTIFIED AS PARADISE PARK, IDENTIFIED AS ASSESSOR PARCEL NUMBERS, 601-151-22 AND 601-141-06 THROUGH 09; TO ESTABLISH AN AIRPORT OVERLAY (AP) FOR THE PROPERTIES IDENTIFIED IN THE AIRPORT COMPREHENSIVE LAND USE PLAN, AND TO AMEND THE GENERAL PLAN CIRCULATION ELEMENT ROADWAY CROSS SECTION FOR SR 62 FROM A 110' ULTIMATE RIGHT-OF-WAY WIDTH TO A 134' ULTIMATE RIGHT-OF-WAY WIDTH.

WHEREAS, the Town of Yucca Valley is required to adopt and maintain a General Plan; and

WHEREAS, on February 1, 2005 the Planning Commission considered all public comments and comments from all other Agencies responding to the General Plan Amendment, and after said hearing provided the Town Council with a recommendation for approval; and

WHEREAS, the Town Council conducted a duly noticed public hearing on March 10, 2005 and heard all testimony of any persons wishing to speak on the issue.

NOW THEREFORE BE IT RESOLVED by the Town Council of the Town of Yucca Valley as follows:

Section 1. The Town Council hereby approves General Plan Amendment GPA-01-05, amending the land use designations and amending the Circulation Element based on the following findings:

- a. The impacts of the proposed project on aesthetics, land use compatibility and water resources were adequately addressed in the Environmental Assessment.
- b. The proposed General Plan Amendment GPA-01-05 and Rezone RZ-01-05 does not have the potential to achieve short-term environmental goals, to the disadvantage of long-term environmental goals.
- c. The proposed General Plan Amendment and Change of Zone is consistent with General Plan goals and policies.

d. The General Plan Amendment furthers the public interest and promotes the general welfare of the Town by providing for a logical pattern of land uses that is considered consistent with the surrounding area.

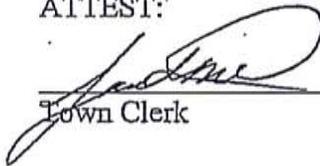
e. The proposed General Plan Amendment amending Table III-1 (*Town of Yucca Valley General Plan Land Use Designations*), establishing an Airport (AP) Overlay will provide the necessary correlation between the General Plan and the Airport Comprehensive Land Use Plan.

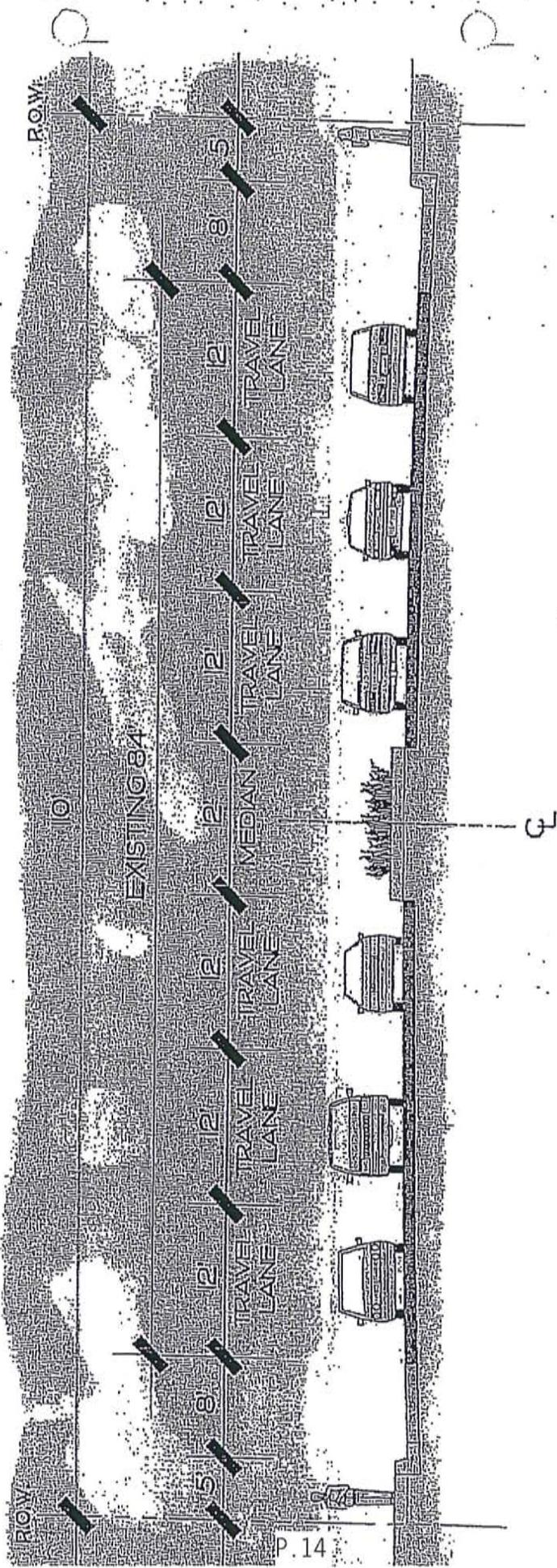
f. The amendment to the Circulation Element of the General Plan for the cross section of SR 62 to a 134 foot wide right-of-way width will provide the opportunity to achieve the desired traffic safety improvement and aesthetic appearance.

APPROVED AND ADOPTED by the Town Council and signed by the Mayor and attested by the Town Clerk this 10th day of March, 2005.


MAYOR

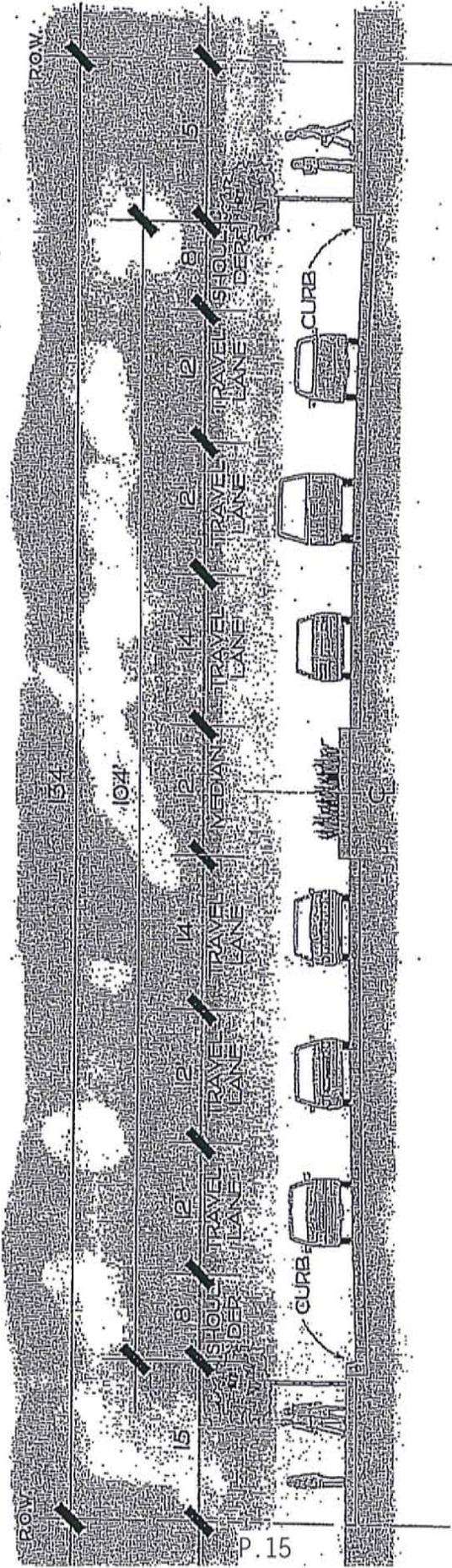
ATTEST:


Town Clerk



P

P



STATE OF CALIFORNIA

COUNTY OF SAN BERNARDINO

TOWN OF YUCCA VALLEY

I, Janet M. Anderson, Town Clerk of the Town of Yucca Valley, California do hereby certify that Resolution No. 05-18 was duly and regularly adopted by the Town Council of the Town of Yucca Valley, California, at a meeting thereof held on the 10th day of March, 2005, by the following vote:

AYES: Council Members Cook, Leone, Luckino, Neeb, and Mayor Mayes

NOES: None

ABSTAIN: None

ABSENT: None



TOWN CLERK

PLANNING COMMISSION STAFF REPORT

To: Chairman & Planning Commission
From: Shane R. Stueckle, Deputy Town Manager
Date: April 4, 2013
For Commission April 9, 2013
Meeting:

Subject: Draft Development Code
Articles 4, 5 & 6
Review and Set For Public Hearing

Prior Commission Review: The Planning Commission was provided an overview of Articles 4, 5, and 6 at the meeting of March 12, 2013.

Recommendation: That the Planning Commission reviews Draft Development Code Articles 4, 5, and 6, and schedules those Articles for Public Hearing.

Order of Procedure:

- Request Staff Report
- Request Public Comment
- Commission Discussion/Questions of Staff
- Motion/Second
- Discussion on Motion
- Call the Question (Voice Vote)

Discussion: Draft Development Code Articles 4, 5, and 6 will be presented to the Planning Commission in detail at the April 9, 2013 Planning Commission meeting. The Articles address the following.

Article 4: Permit Procedures
Article 5: Administration
Article 6: Subdivisions

Staff will be presenting each individual chapter within the separate Articles, and addressing Commission comments, questions, concerns, and requested changes, edits and modifications. Draft Article 7 (Definitions) has been included for reference purposes only for this meeting. As indicated at the March 26, 2013 Commission meeting, Article 7 will be a "work in progress" through the review process.

Two separate documents have been distributed to the Commission for this discussion. These include the Draft Development Code as well as copies of the pertinent sections from the existing Code. This will allow the Commission the ability to compare and contrast the Codes as the review process moves forward.

Alternatives: NA

Fiscal impact: NA

Attachments: Draft Development Code
Portions of Existing Development Code

COUNTY CODE SECTIONS

DIVISION 3

PROCEDURES

CHAPTERS:

1. General Procedures.
2. Policy Development Procedures.
3. Land Use and Design Procedures.
4. Division of Land Procedures.

CHAPTER 1

GENERAL PROCEDURES

ARTICLES:

1. Introduction.
2. Basic Review Procedures.
3. Application Procedures.
4. Time Limitations.
5. Decision by Reviewing Authority.
6. Appeals.

ARTICLE 1

Introduction

The provisions of Division 3 of the Development Code contain the procedures necessary to adopt, implement or amend the San Bernardino County General Plan, Development Code, the Official Land Use Plan, Specific Plans and to process development proposals in any land use district.

Sections:

83.010105 Organization.

83.010105 Organization.

- (a) The Development Code utilizes five (5) basic procedures to review all types of applications: Public Hearing, Design Review, Administrative Review, Staff Review with Notice and Staff Review Without Notice. Chapter 1 describes each of the five (5) procedures and then follows with the application provisions common to each.
- (b) Chapter 2 describes each policy development application type and the provisions of this Title unique to that application type as well as the reviewing authority for each. The types of policy development applications appear in the following order:

- (1) General Plan Amendment.
 - (2) Amendment of Development Code.
 - (3) Specific Plan Adoption and Amendment.
 - (4) Agricultural Preserves/Land Conservation Contract Actions.
- (c) Chapter 3 describes each land use and design application type and the provisions of this Code unique to that application type as well as the reviewing authority for each. The types of land use applications appear in the following order:
- (1) Conditional Use Permit.
 - (2) Planned Development Review.
 - (3) Land Use Compliance Review.
 - (4) Occupancy Verification. (Reserved)
 - (5) Certificate of Land Use Compliance.
 - (6) Special Use Permit.
 - (7) Temporary Use Permit.
 - (8) Sign Location Plan.
 - (9) Variances.
 - (10) Flood Hazard Development Review.
 - (11) Pre-Construction Inspection.
- (d) Chapter 4 describes each division of land application type and the provisions of this Code unique to that application type as well as the reviewing authority for each. The types of land use applications appear in the following order:
- (1) Tentative and Final Map.
 - (2) Parcel Maps and Minor Subdivisions.
 - (3) Vesting Tentative Map.
 - (4) Composite Development Plan.
 - (5) Lot Line Adjustments.

- (6) Lot Mergers.
- (7) Reversions to Acreage.
- (8) Certificate of Subdivision Compliance.
- (9) Official Maps.
- (10) Resident Initiated Mobile Home Park Conversion.

Article 2

Basic Review Procedures.

Sections:

- 83.010205 Public Hearing.
- 83.010210 Development Review.
- 83.010215 Administrative Review.
- 83.010220 Staff Review With Notice.
- 83.010225 Staff Review Without Notice.

83.010205 Public Hearing.

- (a) Public Hearing procedures are distinguished by a formal open forum for public review of a proposal. During the course of the public hearing, the reviewing authority invites public testimony for and against the land use proposal, reviews evidence and then renders its decision.
- (b) Public Hearing procedures shall be used to give all interested parties an opportunity to review the evidence and to state their relative positions in a common public forum before the reviewing authority.

83.010210 Development Review.

- (a) Development review procedures include evaluation of proposals at a scheduled meeting of the Development Review Committee (DRC).
- (b) The DRC meeting allows informal discussions between the applicant, County staff and others regarding the design and proposed conditions for a given proposal. The DRC provides a recommendation to the reviewing authority.

83.010215 Administrative Review.

- (a) Administrative Review procedures are distinguished by a written or published notice given to affected and interested parties followed by a decision by the reviewing authority. The notice shall be designed to insure that all interested parties are aware of the pending decision and are given a chance to comment before the reviewing authority renders its decision.
- (b) Administrative Review procedures shall be used to permit the reviewing authority to render a decision without the delay and expense of a public hearing.

83.010220 Staff Review With Notice.

Staff Review With Notice procedures are distinguished by land use decisions which are based upon specific findings or conditions which limit the discretion of the reviewing authority.

83.010225 Staff Review Without Notice.

- (a) Staff Review Without Notice procedures are distinguished by land use decisions made by the reviewing authority based upon standards that have been adopted by the County as law or as policy.
- (b) Staff Review Without Notice procedures shall be used when sufficient standards have been adopted by the Planning Commission or the Board of Supervisors to allow the reviewing authority to render a decision without giving notice to surrounding property owners and other parties.

ARTICLE 3

Application Procedures.

Sections:

- 83.010305 Applications for Land Use Decisions.
- 83.010310 Environmental Review.
- 83.010315 Concurrent Applications.
- 83.010320 Application Guidelines.
- 83.010325 Preapplication Review.
- 83.010330 Notice of Pending Land Use Decisions.
- 83.010335 Conditions of Approval.
- 83.010340 Revisions.
- 83.010345 Automatic Conditions.
- 83.010350 Voiding of Conditional Land Use Decisions.

83.010305 Applications For Land Use Decisions.

Applications for all land use decisions shall be made at the offices of the reviewing authority on forms supplied by that authority. Each application for a land use decision shall be accompanied by such information and materials deemed necessary to render the requested land use decision before such application is deemed complete and accepted for filing. Any application made under the provisions of the Development Code may be initiated by the Board of Supervisors, or by any interested party unless otherwise indicated in this Title.

83.010310 Environmental Review.

- (a) All land use applications that are subject to the California Environmental Quality Act (CEQA) shall be reviewed by the Office of Planning as provided for in San Bernardino County Environmental Review Guidelines.
- (b) Prior to taking an action to approve a land use application that is subject to CEQA, the Planning Agency shall make one or more environmental findings. The environmental finding(s) is required in addition to the findings specified in this Division for each application type.

83.010315 Concurrent Applications.

When more than one (1) land use decision is required for a single project, all applications may be filed concurrently.

83.010320 Application Forms and Information Packets.

- (a) Each land use application Forms and Information Packet shall include a list of the information and materials required for the application to be considered complete under Section 83.010405, below.
- (b) Any application for a land use decision which does not contain the required information and materials, or which is not accompanied by the appropriate application fee, may be rejected as incomplete by the planning agency as provided in Section 83.010405, below.

83.010325 Preapplication Review.

When the complexity of a land use application warrants it, the designated reviewing authority or the office given responsibility for accepting the land use application may require that the applicant submit materials and attend necessary conferences or hearings to conduct a preliminary review of a development proposal prior to the acceptance of the application.

83.010330 Notice of Pending Land Use Decisions.

- (a) Upon receipt of a request for a land use decision that utilizes the Public Hearing, Administrative Review, Design Review or Staff Review With Notice procedures, the reviewing authority shall cause notice to be given specifying the time and place at least ten (10) calendar days prior to the date of the scheduled land use decision by the following applicable methods:
 - (1) Notice shall be published once in a newspaper of general circulation in the respective community of the proposal for the following land use decisions using the Public Hearing procedure:
 - (A) Subdivisions, where a tentative and final map are required.
 - (B) Development Code amendment.
 - (C) General Plan map amendments.
 - (D) Amendments to the text of the General Plan or a specific plan.

- (2) Notice shall be given by first class mail to any person who has filed a written request for a specific application.
 - (3) Notice shall be given by first class mail or delivery to all surrounding property owners for land use decisions using the Public Hearing, Administrative Review or Development Review procedures.
 - (4) Notice shall be given by first class mail or delivery to all contiguous property owners for land use decisions using the Staff Review With Notice procedures.
 - (5) Notice shall also be given, as required by Section 66451.3 of the California Government Code, in the case of a conversion of residential real property to a condominium project, community apartment project or stock cooperative.
 - (6) Notice may be given in such other manner as is deemed necessary or desirable.
- (b) Said notice shall include sufficient information to give those receiving the notice a reasonable opportunity to evaluate the implications of the proposal and to participate in the decision making process. Furthermore, notices for land use decisions involving subdivisions for which a tentative and final map are required shall inform the recipient of his or her right to request, prior to the noticed land use decision date, that the proposal be reviewed by the County under the Public Hearing procedures.
- (c) A one-eighth (1/8) page legal display advertisement in a newspaper of general circulation may be substituted for individual property owner notice whenever the individual notice would require notification of more than one thousand (1,000) property owners.
- (d) Ownership and addresses of surrounding and contiguous properties shall be determined from the latest equalized tax assessment role or from other records of the County Assessor or County Tax Collector, whichever contains more recent information.

- (e) During the public hearing, items which are continued by the reviewing authority to a specific date, shall not be re-noticed unless specifically requested by the reviewing authority.

83.010335 Conditions Of Approval.

In approving an application for a land use decision, the reviewing authority may establish reasonable conditions to its approval that are found to be necessary to protect the public health, safety and general welfare that are consistent with the County General Plan and the provisions of this Code.

83.010340 Revisions.

Minor modifications of the conditions of approval or project design for a conditionally approved development project may be revised by the Planning Officer through the Staff Review Without Notice procedure. However, should the Planning Officer determine that the modification(s) may be controversial, the requested modification shall be referred back to the reviewing authority who required the condition(s). Those review procedures which were applicable when the conditions requested to be modified were originally imposed, shall be used for such modifications.

83.010345 Automatic Conditions.

Any development project defined in Government Code Sections 65927 and 65928, which is automatically approved pursuant to California Government Code Section 65956, shall be approved subject to the following standard conditions:

- (a) The development project must be a permitted use in the applicable land use district.
- (b) The development project must be consistent with the General Plan.
- (c) The development project must comply with the public health, safety and welfare requirements of other public agencies. These agencies include, but are not limited to, the County Departments of Environmental Health Services, Transportation and Flood Control and the Office of Building and Safety.

Chapter 2

Policy Development Procedures

ARTICLES:

1. General Plan Land Use District Changes.
2. Development Code Amendment.
3. Specific Plan Adoption and Amendment.
4. Agricultural Preserves/Land Conservation Contract Actions.

ARTICLE 1

General Plan Land Use District Changes.

Sections:

- 83.020105 Procedures.
- 83.020110 Findings.

83.020105 Procedures.

Decisions to change the classification of land from one adopted land use district to another land use district shall be reviewed by the Planning Commission and acted upon by the Board of Supervisors. However, a recommendation for denial by the Planning Commission shall terminate any application for a change in district classification unless it is appealed in accordance with the provisions of this Code. Amendments to land use districts constitute an amendment of the County General Plan and shall be adopted by resolution and ordinance.

Procedure:

Public Hearing

Reviewing Authority:

Board of Supervisors with
Planning Commission
recommendation.

83.020110 Findings.

Prior to approving or recommending approval of a General Plan land use district change, the Planning Agency shall find that the following are true:

- (a) The proposed land use district change is in the public interest, there will be a community benefit and other existing and permitted uses will not be compromised.

- (b) The proposed land use district change is consistent with the goals and policies of the General Plan, and will provide a reasonable and logical extension of the existing land use pattern in the surrounding area.
- (c) The proposed land use district change does not conflict with provisions of this Code, or any applicable specific plan.
- (d) The proposed land use district change will not have a substantial adverse effect on surrounding property.

ARTICLE 2

Development Code Amendment.

Sections:

- 83.020205 Procedures.
- 83.020210 Findings.

83.020205 Procedures.

- (a) Amendments to the Development Code shall be reviewed and acted upon in conformance with the laws of the State of California.
- (b) Decisions to adopt changes to the Development Code shall be reviewed at public hearing by the Planning Commission and acted upon at public hearing by the Board of Supervisors.
- (c) Procedure: Public Hearing
 Reviewing Authority: Board of Supervisors with Planning Commission recommendation.

83.020210 Findings.

Prior to approving or recommending approval of a Development Code Amendment, the Planning Agency shall find that the proposed ordinance is consistent with the General Plan and its policies.

ORDINANCE NO. 207

**AN ORDINANCE OF THE TOWN COUNCIL OF THE
TOWN OF YUCCA VALLEY, CALIFORNIA, REPEALING
AND RESTATING TITLE 8, DIVISION 3, CHAPTER 3 OF
THE TOWN OF YUCCA VALLEY DEVELOPMENT CODE
RELATING TO LAND USE DESIGN PROCEDURES**

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

SECTION 1. Code Amended

Title 8, Division 3, Chapter 3, of the County of San Bernardino Development Code as adopted and as amended by the Town of Yucca Valley is hereby amended in its entirety to read as follows

Articles:

- 1. Conditional Use Permit**
- 2. Planned Developments**
- 3. Land Use Compliance Review**
- 4. Special Use Permit**
- 5. Temporary Use Permit**
- 6. Variance Review**
- 7. Site Plan Review**
- 8. Specific Plans**

**Article 1
Conditional Use Permit**

Sections:

- | | |
|-----------|--|
| 83.030105 | Purpose and General Plan Consistency |
| 83.030110 | Applicability |
| 83.030115 | Authority |
| 83.030120 | Application Submittal requirements |
| 83.030125 | Application Fee |
| 83.030130 | Investigation and Report |
| 83.030135 | Action By Review Authority |
| 83.030140 | Required Findings |
| 83.030145 | Minor Modification of Previously Approved
Conditional Use Permits |
| 83.030150 | Lapse of Permits/Permit Expiration |
| 83.030155 | Extension of Time |
| 83.030160 | Revocation/Modification |
| 83.030165 | Development of Property Before Final Decision |
| 83.030170 | Alteration to Nonconforming Use |
| 83.030175 | Surface Mining and Reclamation |

83.030105 Purpose and General Plan Consistency.

The Conditional Use Permit Review procedure allows the Town to evaluate proposed development and determine its consistency with the General Plan, the Development Code and applicable Town ordinances. The Conditional Use Permit Review procedure is intended to protect and enhance the visual appeal, environment, economic stability and property values of the Town's residential, commercial, and industrial areas through the application of the provisions of this Code and the General Plan. Review of such uses is necessary and specific conditions of approval may be necessary to ensure that the uses are developed, operated, and located properly with respect to their effects on surrounding properties and so that any and all potentially adverse impacts are mitigated, and to ensure the general health, safety and welfare of the community through implementation of the General Plan through this Chapter. The Conditional Use Permit Review process is intended to preserve the Town of Yucca Valley's unique character and to implement the General Plan by creating a built environment that is consistent and compatible with the desert environment.

83.030110 Applicability. The provisions of this Article are applicable to:

- (a) All new construction which is listed in the use classification charts for the underlying land use districts that require a Conditional Use Permit Review.
- (b) Expansions which exceed the thresholds of table 1 and are permitted subject to a Conditional Use Permit Review as specified in the use classification charts for the underlying land use district shall require a Conditional Use Permit.

Table 1

SQUARE FOOTAGE OF
EXISTING BUILDING

MAXIMUM SQUARE FOOTAGE

up to 5,000		1250 sq ft
5,001-10,000		2000 sq ft
10,001 +		2500 sq ft

- (c) Projects which fall within the thresholds of the Conditional Use Permit shall comply with the General Plan, the Development Code and applicable Town Ordinances and regulations, including but not limited to:
 - (1) Half-width (1/2) street Improvements (curb, gutter, sidewalk, street lights, and pavement) on all streets fronting the project, except as defined by the parameters of the Town Council policies regarding Street Reconstruction.
 - (2) Onsite water retention of incremental increase

- (3) Dedication of easements for drainage facilities
 - (4) Improvements to drainage facilities except as defined by the parameters of the Town Council policies regarding drainage facilities.
 - (5) Assessment Districts formation (including Landscape and Lighting, Street and Drainage and Public Safety)
 - (6) Utility Undergrounding
 - (7) Landscaping and Landscaping Plan regulations (greater than 500 square feet of landscape area requires approval by Hi Desert Water District)
 - (8) Commercial Design Guidelines
 - (9) Outdoor Lighting regulations
 - (10) Parking and screening requirements
 - (11) Sign regulations
 - (12) All other Development Code regulations
- (d) Expansions which fall within the thresholds specified in Table 1 shall be processed as a Land Use Compliance Review, pursuant to Section 83.030305.

83.030115 Authority.

- (a) Level of Review:

Table 2		
APPLICABILITY	LEVEL OF REVIEW	NOTICE REQUIREMENTS
New structures, including accessory structures and uses;	Planning Commission	Public Hearing, Pursuant to CEQA
Expansion of an existing structure in conformance with Table 1;	Planning Division	CEQA, if applicable
Expansion of an existing structure which exceeds the thresholds in Table 1;	Planning Commission	Public Hearing, if applicable; Pursuant to CEQA
Conversion of an existing structure (i.e. change in use)	Planning Division, unless otherwise determined	Public Hearing, Pursuant to CEQA
Construction or conversion of a structure(s) to allow a mixed-use development.	Planning Commission	Public Hearing, Pursuant to CEQA

Where the review for a Conditional Use Permit is not specified, the Planning Division shall determine the appropriate review authority.

(b) Referral to Next Higher Review Authority. The Planning Division may refer an application for a Conditional Use Permit to the Planning Commission or in the case of the Planning Commission; the Commission may refer an application for a Conditional Use Permit to the Town Council based upon the following criteria:

- (1) Impact upon public services and facilities greater than typical for the type of project proposed;
- (2) Impact upon surrounding properties greater than typical for the type of project proposed;
- (3) Floor or site square footage greater than typically found in the type of project;
- (4) Intensity of use greater than typically found in the type of projects;
- (5) Operating characteristics not typical of the type of project proposed.
- (6) Other factors including but not limited to public opposition to development of the project.
- (7) The need for Town Council interpretation of the General Plan and/or Development Code as related to the project.

(c) General Authority. The Planning Commission is authorized to approve, approve with conditions, or deny applications for Conditional Use Permits in compliance with the procedures established in this Section. In approving an application for a Conditional Use Permit, the Planning Commission may impose conditions to ensure compliance with this Code. Conditions may include, but shall not be limited to:

- (1) Requirements for special structure setbacks;
- (2) Open spaces;
- (3) Buffers;
- (4) Fences;
- (5) Walls and screening;
- (6) Requirements for the installation and maintenance of landscaping and erosion control measures;
- (7) Control of street improvements, other public infrastructure and related dedications;

- (8) Control of vehicular ingress and egress;
 - (9) Control of traffic circulation;
 - (10) Control of signs;
 - (11) Control of hours of operation;
 - (12) Control of potential nuisances;
 - (13) Establishing standards for maintenance of buildings and grounds;
 - (14) Establishing development schedules and development standards;
 - (15) Control of periodic review;
 - (16) Control of architectural and/or building design
 - (17) Any other conditions as may be deemed necessary to ensure the compatibility with surrounding uses, to preserve the public health, safety and welfare, and to enable the Planning Commission to make the findings required by Section 83.030140 of this Chapter, *Required Findings*.
- (d) Performance Guarantee. In order to ensure implementation of conditions attached to a Site Plan Permit, the applicant may be required to furnish a surety in a form of an instrument of credit, money or surety bond in the amount fixed by the authority granting or modifying the Conditional Use Permit.
 - (e) Providing Required Improvements. Whenever a Conditional Use Permit is approved or modified subject to the condition that specified public improvements shall be installed by the applicant to meet Town standards and be accepted by the Town, the applicant may be required to execute an agreement approved by the Town to make such improvements prior to the time/construction events specified in the Conditional Use Permit.
 - (f) Conditions Declared Void. Whenever any final judgment of a court of competent jurisdiction declares one or more of the conditions of a Conditional Use Permit to be unconstitutional or invalid, such decision shall not affect the validity of the approval as a whole, or any portion thereof other than the section so declared
 - (g) Violation of Condition. Whenever a Conditional Use Permit is approved or modified by the Planning Commission subject to a condition(s), non-compliance with such condition(s) shall constitute a violation of this Code. Conditions which are not observed or which are violated may be enforced as provided in Section 81.0210 of this Title or said Conditional Use Permit may be revoked or modified under Section 83.030160 of this Chapter, *Revocation/Modifications*.

83.030120 Application Submittal Requirements.

Applications for Conditional Use Permits shall be filed with and on a form prescribed by the Planning Division and shall contain such information and reports as may be required

by the application submittal package or by other applicable ordinances or by the Town in order for the Planning Commission to make the required findings.

83.030125 Application Fee.

The application shall be accompanied by a fee established by resolution of the Town Council to cover the cost of handling and processing the application as prescribed in this Chapter.

83.030130 Investigation and Report.

The Planning Division shall cause an analysis of each application for a Conditional Use Permit to be made. The level of detail of the analysis shall be appropriate to the type of project proposed and the needs of the Planning Commission. The analysis shall examine the application's consistency with the content, intent and purpose of the General Plan, the Development Code, and any other applicable Town standards or policies. To insure effective implementation of General Plan policies and the provisions of this Code, applications may be reviewed by the Development Review Committee prior to consideration by the Planning Commission. As a result of the analysis, the Planning Division shall cause a report to be completed which shall include a listing of proposed conditions necessary to guarantee the public health, safety and welfare, should the proposed project be approved.

83.030135 Action by Review Authority.

Planning Commission Action. Pursuant to Section 83.030115, the Planning Commission shall review each application for a Conditional Use Permit. The applicant shall be provided with a copy of the Planning Division's report regarding the application prior to the Town's and/or Commission's consideration. The Planning Division and/or Commission shall approve, deny, or conditionally approve applications for a Conditional Use Permit. Decisions by the Planning Commission shall be final unless appealed as provided in Section 83.010605 of this Code, *Appeals*.

83.030140 Required Findings.

Before approving a Conditional Use Permit, the Town and/or Commission shall find that the circumstances established below apply:

- (a) That the location, size, design, density and intensity of the proposed development is consistent with the General Plan, the purpose of the land use district in which the site is located, and the development policies and standards of the Town;
- (b) That the location, size, design and architectural design features of the proposed structures and improvements are compatible with the site's natural landform, surrounding sites, structures and streetscapes;
- (c) That the proposed development produces compatible transitions in the scale, bulk, coverage, density and character of the development between adjacent land uses;

- (d) That the building site and architectural design is accomplished in an energy efficient manner;
- (e) That the materials, textures and details of the proposed construction, to the extent feasible, are compatible and consistent with the adjacent and neighboring structures;
- (f) That the development proposal does not unnecessarily block views from other buildings or from public ways, or visually dominate its surroundings with respect to mass and scale to an extent unnecessary and inappropriate to the use;
- (g) That the amount, location, and design of open space and landscaping conforms to the requirements of the Development Code, enhances the visual appeal and is compatible with the design and functions of the structure(s), site and surrounding area;
- (h) That quality in architectural design is maintained in-order to enhance the visual desert environment of the Town and to protect the economic value of existing structures;
- (i) That there are existing public facilities, services, and utilities available at the appropriate levels and/or that new or expanded facilities, services and utilities shall be required to be installed at the appropriate time to serve the project as they are needed;
- (j) That access to the site and circulation on and off-site is required to be safe and convenient for pedestrians, bicyclists, equestrians and motorists;
- (k) That traffic generated from the proposed project has been sufficiently addressed and mitigated and will not adversely impact the capacity and physical character of surrounding streets;
- (l) That traffic improvements and/or mitigation measures have been applied or required in a manner adequate to maintain a Level of Service C or better on arterial roads, where applicable, and are consistent with the Circulation Element of the Town General Plan;
- (m) That there will not be significant harmful effects upon environmental quality and natural resources including endangered, threatened, rare species, their habitat, including but not limited to plants, fish, insects, animals, birds or reptiles;
- (n) That there are no other relevant or anticipated negative impacts of the proposed use that cannot be mitigated and reduced to a level of non-significance in conformance with CEQA, the California Environmental Quality Act;
- (o) That the impacts which could result from the proposed development, and the proposed location, size, design and operating characteristics of the proposed development, and the conditions under which it would be operated or maintained will not be considered to be detrimental to the public health, safety and welfare of

the community or be materially injurious to properties and/or improvements within the immediate vicinity or be contrary to the General Plan; and

- (p) That the proposed development will comply with each of the applicable provisions of the Development Code, and applicable Town policies, except approved variances.

83.030145 Minor Modification of Previously Approved Conditional Use Permits.

An approved Conditional Use Permit may be modified upon the request of the property owner, or by the Town. Minor Modifications may be approved by the Planning Division if it is determined that the changes would not affect the findings prescribed in Section 83.030140 of this Code, *Required Findings*, and that the subject of the proposed changes were not items of public controversy during the review and approval of the original permit; including modifications to phasing schedules for the project.

83.030150 Lapse of Permits/Permit Expiration.

- (a) Expiration. A Conditional Use Permit approval shall expire three (3) years from the date the permit is approved unless it is otherwise conditioned or unless prior to the expiration of the three (3) years the following have occurred:
 - (1) A building permit is issued and substantial construction is diligently pursued towards completion of the project which was the subject of the Conditional Use Permit application. After construction is commenced, if work is discontinued for a period of two (2) years, the Conditional Use Permit shall require review and reauthorization by the Planning Commission; or
 - (2) A certificate of occupancy is issued for the structure which was the subject of the Conditional Use Permit application.
- (b) Phased Projects. Projects may be built in phases if so approved by the Commission or Planning Division pursuant to Section 83.030145.

83.030155 Extension of Time.

The original review authority (Commission or Planning Division) may, grant a time extension not to exceed three (3) years. Applications shall be made on a form to be provided by the Planning Division. Prior to the granting of an extension, the Planning Division shall review the previously approved project to ensure it is consistent with all current provisions of the General Plan, Development Code and other Town Ordinances and that the findings for approval of a Conditional Use Permit in compliance with Section 83.030140 of this Chapter, *Required Findings*, can be made. Based upon this review, additional Conditions of Approval may be imposed upon the project by the review authority when the Extension of Time is approved.

83.030160 Revocation/Modification.

- (a) Town Council Action. The Town Council shall hold a hearing as provided by State law to revoke or modify a Conditional Use Permit granted in compliance

with the provisions of this Chapter. Ten (10) days prior to the hearing notice shall be delivered in writing to the applicant and/or property owner for which such Conditional Use Permit was granted. Notice shall be deemed delivered two (2) days after being mailed certified postage, to the owner as shown on the current tax rolls of the County of San Bernardino and the project applicant.

- (b) Required Findings. To the extent consistent with law, a Conditional Use Permit may be revoked or modified by the Town Council if any of the following findings can be made:
- (1) That the circumstances have changed so that one or more of the findings contained in Section 83.030140 of this Chapter can no longer be made;
 - (2) That the Conditional Use Permit was obtained by misrepresentation or fraud;
 - (3) That the use for which the Conditional Use Permit was granted has ceased or was suspended for six (6) or more consecutive calendar months;
 - (4) That one (1) or more of the conditions of the Conditional Use Permit have not been met;
 - (5) That the use is in violation of any statute, ordinance, law or regulation; or
 - (6) That the activity permitted by the Conditional Use Permit is detrimental to the public health, safety or welfare, or constitutes a nuisance.

83.030165 Development of Property Before Final Decision.

A building permit shall not be issued for, and no person shall commence to use, any structure until that structure and its accompanying development has received a Conditional Use Permit in compliance with the provisions of this Chapter. In addition, no other permits shall be issued for any use or structure requiring a Conditional Use Permit unless and until the Conditional Use Permit has been approved.

83.030170 Alteration to Nonconforming Uses.

- (a) Procedure: Administrative Review
Reviewing Authority: Planning Division
The Planning Division shall review and act upon requests to alter nonconforming uses.
- (c) An existing nonconforming use may be altered to accommodate a new structure or accessory use, except where it is an existing nonconforming use of land with no structure thereon.

(d) Findings. Before any modification in a nonconforming use may be granted, it shall be found that all of the following conditions shall exist in reference to the alteration being considered:

- (1) The remaining normal life of the existing nonconforming use shall be determined pursuant to provisions specified in this Code prior to consideration of the proposed alteration if in a residential district.
- (2) The proposed alteration shall not prolong the normal life of the existing nonconforming use.
- (3) The alteration of the existing nonconforming use shall not be detrimental to nor prevent the attainment of objectives, policies, general land use and programs specified in the County General Plan.
- (4) The granting of permission to alter the nonconforming use shall not be substantially detrimental to the public health, safety or welfare, or injurious to the property or improvements in the vicinity and district in which the use is located.
- (5) The alteration shall not change the primary use of the land not increase the intensity of that use.
- (6) The existing nonconforming use shall comply with all other existing regulations.
- (7) Any alteration required by governmental or court action shall be exempt from these conditions.

83.030175 Surface Mining And Reclamation.

State law requires a public hearing review for the Surface Mining and Reclamation process. The Mining and Land Reclamation Plan Application combine a Conditional Use Permit and Reclamation Plan into one application.

**Article 2
Planned Developments**

Sections:

- | | |
|-----------|-------------------------------------|
| 83.030205 | Purpose |
| 83.030210 | Reviewing Authority |
| 83.030220 | Findings |
| 83.030225 | Concurrent Subdivision Applications |
| 83.030230 | Development Plans |

83.030205 Purpose

The Planned Development process is intended to facilitate development of properties where greater flexibility in design is desired to provide a more efficient use of land than would be possible through strict application of land use district regulations. This process is also intended to serve as an alternative site planning process that encourages the

more creative and imaginative planning of mixed use multi-phased residential, commercial or industrial development within the framework of a single cohesive development plan.

83.030210 Reviewing Authority

The Planning Commission shall review and the Town Council shall act upon all initial applications for preliminary development plans and significant revisions to previously approved preliminary development plans for Planned Developments. However, a recommendation for denial by the Planning Commission shall terminate any application for a Planned Development, unless it is appealed in accordance with the provisions of this Title. The Planning Commission shall review and act upon all applications for final development plans for Planned Developments. The Development Review Committee shall review all applications for preliminary or final development plans prior to their review by the Planning Commission or Town Council.

83.030220 Findings

Prior to approving a request for a Planned Development, the reviewing authority shall find that all of the following are true:

- (a) The proposed development is consistent with the General Plan and any applicable plan.
- (b) The physical characteristics of the site have been adequately assessed and that the site for the proposed development is adequate in size and shape to accommodate said use and all yards, open spaces, setbacks, walls and fences, parking areas, loading areas, landscaping and other features.
- (c) The site for the proposed development has adequate access, meaning that the site design and development plan conditions consider the limitations of existing streets and highways and provide improvement to accommodate the anticipated requirements of the proposed development.
- (d) Adequate public services and facilities exist, or will be provided in accordance with the conditions of development plan approval, to serve the proposed development and that the approval of the proposed development will not result in a reduction of such public services to properties in the vicinity to be a detriment to the public health, safety and welfare.
- (e) The proposed development, as conditioned, will not have a substantial adverse effect on surrounding property or the permitted use thereof, and will be compatible with the existing and planned land use character of the surrounding area.
- (f) The improvements required per the conditions of development plan approval, and the manner of development adequately address all natural and manmade hazards associated with the proposed development and the project site including, but not limited to, flood, seismic, fire and slope hazards.

- (g) The proposed development carries out the intent of the Planned Development provisions by providing a more efficient use of the land and an excellence of design greater than that which would be achieved through the application of conventional development standards.
- (h) If the development proposes to intermix residential and commercial uses whether done in a vertical or horizontal manner, the residential use is buffered from the commercial use and is provided sufficient amenities to create a comfortable and healthy residential environment and to provide a positive quality of life for the residents. Such amenities may include, but are not limited to, private open space, private or separated entrances, landscaping, etc.

83.030225 Concurrent Subdivision Applications

Applications for a Planned Development shall not constitute an application for subdivision. If a subdivision of land is proposed in conjunction with a Planned Development project, separate application, review and findings shall be made in accordance with the provisions of this Code.

In the event a tentative subdivision map application is concurrently filed with a Planned Development application, expiration of an approved or conditionally approved Planned Development site plan shall terminate all proceedings of any associated land use application. No final subdivision map or parcel map of all or any portion of the real property included within such a Planned Development site plan shall be filed for record without first processing a new Planned Development site plan.

83.030230 Development Plans

A detailed site plan or development plan shall be submitted with all Planned Development proposals. All such development plans shall contain sufficient detail to depict the manner in which the proposed development complies with the provisions of this article and that of Division 8 of this Title.

Planned Development requests for mixed use projects or projects with more than five hundred (500) dwelling units may be submitted in two stages. The first stage shall be referred to as a Preliminary Development Plan and the second stage shall be referred to as a Final Development Plan. Preliminary Development Plans and Final Development Plans are defined as follows:

- (a) Preliminary Development Plan. A preliminary Development Plan (PDP) functions as a development suitability analysis and a comprehensive plan of the proposed developments. The PDP:
 - (1) Identifies and quantifies the constraints and opportunities for development as follows:
 - A. The physical characteristics of the site,
 - B. Available public services and facilities,
 - C. The capacity of the existing circulation system, and

- D. The existing and planned land use of adjacent properties
- (2) Establishes a list of specific limits, parameters and planning objectives to guide development based on the identified development constraints and opportunities.
- (3) Describes one or more potential development schemes derived from the limits, parameters and planning objectives controlling the development. Each proposed development scheme shall describe:
- A. Proposed land uses and approximate distribution of such land uses,
 - B. Proposed density of residential uses,
 - C. Estimated population,
 - D. Estimated service demands,
 - E. The anticipated impact on the existing circulation system,
 - F. The anticipated impact on the adjacent properties,
 - G. The relationship of the plan to the various elements of the General Plan, and
 - H. The anticipated types of commercial and industrial uses.
- (4) Sets forth in the form of a written text, maps and/or diagrams, a detailed plan of development based upon the application of the established limits, parameters and planning objectives controlling development. Said plan shall describe in detail the following:
- A. Proposed land uses and building types, the functional arrangement of such uses and building types and relationship to size, site grading, circulation, lighting, paving, parking, screening, setbacks, recreation and open space areas, and adjacent properties,
 - B. How the established limits, parameters and planning objectives have been adhered to,
 - C. The level of public services and facilities required by the proposed development and the program for providing, operating and maintaining such services and facilities,
 - D. Access and circulation requirements,
 - E. Known man-made and natural hazards and methods for mitigation of such hazards,

- F. Significant natural features and areas to be retained for common open space, and provisions for the preservation, conservation, utilization and maintenance of such areas, and
 - G. How the plan conforms to the objectives of the General Plan and the Planned Development provisions of this Code.
- (b) Final Development Plan. The Final Development Plan is a detailed site plan which sets forth the location and dimensions of all uses and structures in sufficient detail to permit recordation and preparation of construction drawings.

The Final Development Plan shall comply with all approved Preliminary Development Plans. If no such Preliminary Development Plan has been approved, the Final Development Plan shall also meet the requirements for Preliminary Development Plans for the project site.

- (c) Application Procedures for Staged Development:
- (1) An applicant may file the Preliminary with the Final Development Plan, with the consent of the Planning Division.
 - (2) An application for a Preliminary Development Plan shall encompass all the land included within the Planned Development. A Final Development Plan may be for a portion of the land included within the Planned Development or a phase thereof, provided that:
 - A. Each phase shall function as a complete and separate development from the remaining phases, and
 - B. Any densities proposed or open space areas provided within the subject phase shall not result from a transfer of density from adjoining phases.
- (d) Pre-application Conference. Prior to the formal submission of a Planned Development application, the applicant shall meet with the Development Review Committee in order to acquaint the applicant with the procedural requirements of the Planned Development provisions of this Code and to discuss the general acceptability of the plan and its compatibility with applicable policies, issues and development regulations. The pre-application conference shall be required for mixed use, staged development plans only.
- (e) Conformance of Plans. Each Final Development Plan shall substantially conform to the Preliminary Development Plan.

Article 3 Land Use Compliance Review

- (e) Expansions which fall within the thresholds of the Land Use Compliance Review shall not be required the following:
- (1) Half-width ($\frac{1}{2}$) street Improvements (curb, gutter, sidewalk, street lights, pavement) on all streets fronting the project.
 - (2) Onsite water retention of incremental increase
 - (3) Improvements to drainage facilities, except as defined by the parameters of the Town Council policies regarding drainage facilities.
 - (4) Assessment Districts formation(including Landscape and Lighting, Street and Drainage and Public Safety)
 - (5) Utility Undergrounding of transmission, distribution and service lines
 - (6) Additional Landscaping

83.030310 Minor Modification of Previously approved Land Use Compliance Reviews.

An approved Land Use Compliance Review may be modified upon the request of the property owner, or by the Town. Minor Modifications may be approved by the Planning Division if it is determined that the changes would not affect the findings prescribed in Section 83.030740 of this Code, *Required Findings*, and that the subject of the proposed changes were not items of public controversy during the review and approval of the original permit; including modification of the phasing schedule for the project.

83.030315 Lapse of Permits/Permit Expiration.

- (a) Expiration. Land Use Compliance Review approval shall expire three (3) years from the date the permit is approved unless it is otherwise conditioned or unless prior to the expiration of the three (3) years the following have occurred:
- (1) A building permit is issued and substantial construction is diligently pursued towards completion of the project which was the subject of the Land Use Compliance Review application. In addition, if after construction is commenced, work is discontinued for a period of two (2) years, then the Land Use Compliance Review shall become null and void; or
 - (2) A certificate of occupancy is issued for the structure which was the subject of the Land Use Compliance Review.
- (b) Phased Projects. Projects may be built in phases if so approved by the Planning Division or as modified by the Planning Division.
- (1) (c) After a Land Use Compliance Review as been approved and the expansion project is constructed and has received a Certificate of Occupancy by the Building and Safety Division, a subsequent Land Use Compliance Review shall not be approved by the Town for a period of three (3) years.

Should an additional expansion be necessary during the three (3) years following final inspection the applicant or project owner shall present to the Planning Commission those circumstances, facts and issues for special consideration of additional construction within that 3 year time period. If not so approved by the Planning Commission the project will require a Conditional Use Permit or Site Plan Review, consistent to the use classification charts for the appropriate land use district.

83.030320 Extension of Time.

The original review authority (Planning Commission or Planning Division) may grant a time extension not to exceed three (3) years. Applications shall be made on a form to be provided by the Planning Division. Prior to the granting of an extension, the Planning Division shall review the previously approved project to ensure it is consistent with all current provisions of the General Plan, Development Code and other Town Ordinances as applicable. Based upon this review, additional Conditions of Approval may be imposed upon the project by the review authority when the Extension of Time is approved.

83.030325 Revocation/Modification.

(a) Town Council Action. The Town Council shall hold a hearing as provided by State law to revoke or modify a Land Use Compliance Review granted in compliance with the provisions of this Chapter. Ten (10) days prior to the hearing notice shall be delivered in writing to the applicant and/or property owner for which such Land Use Compliance Review was granted. Notice shall be deemed delivered two (2) days after being mailed, certified postage, to the owner as shown on the current tax rolls of the County of San Bernardino and the project applicant.

(b) Required Findings. To the extent consistent with law, a Land Use Compliance Review may be revoked or modified by the Town Council if any of the following findings can be made:

- (1) That the Land Use Compliance Review was obtained by misrepresentation or fraud;
- (2) That the use for which the Land Use Compliance Review was granted has ceased or was suspended for six (6) or more consecutive calendar months;
- (3) That one (1) or more of the conditions of the Land Use Compliance Review have not been met;
- (4) That the use is in violation of any statute, ordinance, law or regulation; or
- (5) That the activity permitted by the Land Use Compliance Review is detrimental to the public health, safety or welfare, or constitutes a nuisance.

**Article 4
Special Use Permit**

Sections:

83.030405 Procedures

83.030405 Procedures

- (a) Planning Division shall review and act upon requests for Special Use Permits subject to the findings and conditions for each use type as cited within the section of this Code that provides for said use.
- (b) Procedure: Planning Division Review With Notice.
Reviewing Authority: Planning Division
- (c) When necessary, Planning Division may hold an advertised meeting to consider evidence and take testimony prior to acting upon an application for a Special Use Permit.

**Article 5
Temporary Use Permit**

Sections:

83.030505 Procedures

83.030505 Procedures

- (a) Planning Division shall review and act upon all requests for Temporary Use Permits (TUP) or extensions thereof, subject to the findings and conditions specified for each use by the section of this Code that provides for said use.
- (b) Temporary Use Permits shall be first issued for a period of time not to exceed twelve (12) months. Extensions to such permits may be granted for additional periods of time, each of which shall not exceed twelve (12) months. A Temporary Use Permit that is extended shall comply with the provisions, procedures, findings and conditions specified by this Code.
 - (1) A Temporary Use Permit shall not be extended by any reviewing authority for any period of time to exceed five (5) years after the date the Temporary Use Permit was first issued.
 - (2) Planning Division may approve such permits or extensions of such permits for shorter periods of time and/or subject to conditions, where required by this chapter or where it is determined reasonable and necessary to do so.
 - (3) Prior to issuing a Temporary Use Permit, extension or renewal for the last allowed period of time (normally between the fourth and fifth year), the permittee shall submit and obtain approval by the Planning Division of a

plan of action to either remove or replace the subject temporary use with a legally established use.

- (4) A temporary use structure which does not have a valid and current permit is hereby declared to be a public nuisance, subject to the enforcement provisions of this Code and other applicable laws.
 - (5) A change of ownership or operator of a use or structure subject to a Temporary Use Permit or change of structure or modification of the structure or use allowed on a parcel subject to a Temporary Use Permit shall not affect the time periods established by this chapter to allow such temporary uses or structures.
 - (6) When the last period of time allowed by this chapter has lapsed, the Temporary Use Permit and any extensions thereof shall be considered void. A temporary use or structure that was allowed on a subject parcel previously by a Temporary Use Permit may not be reinstated by a new Temporary Use Permit for any time period beyond the final period of time that would have been allowed by the original Temporary Use Permit.
- (c) Procedure: Planning Division Review Without Notice
Reviewing Authority: Planning Division
- (d) Cancellation of a Temporary Use Permit. Noncompliance with the conditions set forth in approving the permit shall be grounds for the reviewing authority to cancel and void any Temporary Use Permit. The reviewing authority shall give notice of such an action to the permittee. The permittee may appeal such a decision by filing an appeal as allowed and specified in this chapter.

Article 6 Variance Review

Sections:

83.030605 Procedures

83.030605 Procedures.

- (a) Provisions for Variances (exceptions to standards) set forth in this Code are established to insure that any property, because of special circumstances, such as size, shape, topography, location, or surroundings, shall be accorded privileges commonly enjoyed by the other properties in the same vicinity.
- (b) Planning Division may approve requests for Minor Variances to modify the following requirements of this Code:
 - (1) Parking improvements
 - (2) Up to thirty percent (30%) of parking and loading space requirements, not to exceed two (2) spaces.

- (3) Up to forty percent (40%) of front yard setback requirements, but no closer to the property line than fifteen (15) feet.
 - (4) Up to forty percent (40%) of side yard setback requirements, but no closer than three (3) feet from property line.
 - (5) Up to thirty percent (30%) of rear yard setback requirements, but no closer than ten (10) feet from property line.
 - (6) Up to thirty percent (30%) of area requirements, excluding lot area requirements.
 - (7) Up to thirty percent (30%) of height limitations, except that any height deviation not exceeding two (2) feet in height shall also be considered a Minor Variance.
 - (8) Up to thirty percent (30%) of sign-height and-setback limitations.
 - (9) Up to one hundred percent (100%) of sign number limitations not to exceed four (4) signs.
 - (10) Up to thirty percent (30%) of standards set forth in overlay districts
 - (11) Sign area limitations not to exceed ten percent (10%) of total sign area.
 - (12) Up to fifty percent (50%) of maximum gross floor area requirements.
 - (13) Up to twenty percent (20%) of minimum floor width of single residential design standards.
- (c) Any request for a variance other than a Minor Variance shall be termed a Major Variance and shall be reviewed and acted upon by the Planning Commission.
 - (d) Procedure: Planning Division Review With Notice
Reviewing Authority: Planning Commission
 - (e) When necessary, the reviewing authority may hold an advertised hearing to consider evidence and take testimony prior to acting upon a request for variances and establish any necessary conditions of approval.
 - (f) Prior to approving a request for a variance, the reviewing authority shall find that the following are true:
 - (1) The granting of such variance will not be materially detrimental to other properties or land uses in the area and will not subsequently interfere with the present or future ability to use solar energy systems.
 - (2) There are exceptional or extraordinary circumstances or conditions applicable to the property or to an intended use that do not apply to other properties in the same district or vicinity.

- (3) The strict application of the land use district deprives such property of privileges enjoyed by other properties in the vicinity or in the same land use district.
- (4) The granting of the variance is compatible with the objectives, policies, general land uses and programs in the General Code, the Development Code and any applicable plan or other ordinance.

**Article 7
Site Plan Review**

Sections:

83.030705	Purpose and General Plan Consistency
83.030710	Applicability
83.030715	Authority
83.030720	Application-Submittal requirements
83.030725	Application Fee
83.030730	Investigation and Report
83.030735	Action By Review Authority
83.030740	Required Findings
83.030745	Minor Modification of Previously Approved Site Plan Review Permits
83.030750	Lapse of Permits/Permit Expiration
83.030755	Extension of Time
83.030760	Revocation/Modification
83.030765	Development of Property Before Final Decision

83.030705 Purpose and General Plan Consistency.

The Site Plan Review procedure allows the Town to evaluate proposed development and determine its consistency with the General Plan, the Development Code and applicable Town ordinances. The Site Plan Review procedure is intended to protect and enhance the visual appeal, environment, economic stability and property values of the Town's residential, commercial, and industrial areas through the application of the provisions of this Code and the General Plan. Review of such uses is necessary and specific conditions of approval may be necessary to ensure that the uses are developed, operated, and located properly with respect to their effects on surrounding properties and so that any and all potentially adverse impacts are mitigated, and to ensure the general health, safety and welfare of the community through implementation of the General Plan through this Chapter. The Site Plan Review process is intended to preserve the Town of Yucca Valley's unique character and to implement the General Plan by creating a built environment that is consistent and compatible with the desert environment.

83.030710 Applicability. The provisions of this Article apply to:

- (a) All new construction which is listed in the use classification charts for the underlying land use districts that require a Site Plan Review.

- (b) Expansions which exceed the thresholds of Table 4 and are permitted subject to a Site Plan Review as specified in the use classification charts for the underlying land use district shall require a Site Plan Review.

Table 4

SQUARE FOOTAGE OF
EXISTING BUILDING

MAXIMUM SQUARE FOOTAGE

up to 5,000			1250 sq ft
5,001-10,000			2000 sq ft
10,001 +			2500 sq ft

- (c) Projects which fall within the thresholds of the Site Plan Review shall comply with the General Plan, the Development Code and applicable Town Ordinances and regulations, including but not limited to:
- (1) Half-width ($\frac{1}{2}$) street Improvements (curb, gutter, sidewalk, street lights, and pavement) on all streets fronting the project except as defined by the parameters of the Town Council policies regarding Street Reconstruction.
 - (2) Onsite water retention of the incremental increase
 - (3) Dedication of easements for drainage facilities
 - (4) Improvements to drainage facilities except as defined by the parameters of the Town Council policies regarding drainage facilities.
 - (5) Assessment Districts Formation (including Landscape and Lighting, Street and Drainage and Public Safety)
 - (6) Utility Undergrounding
 - (7) Landscaping and Landscaping Plan regulations (greater than 500 square feet of landscape area require approval by Hi Desert Water District)
 - (8) Commercial Design Guidelines
 - (9) Outdoor Lighting regulations
 - (10) Parking and screening requirements
 - (11) Sign regulations
 - (12) All other Development Code regulations

- (d) Expansions which fall within the thresholds specified in Table 4 shall be processed as a Land Use Compliance Review, pursuant to Section 83.030305.

83.030715 Authority.

- (a) Level of Review:

Table 5		
APPLICABILITY	LEVEL OF REVIEW	NOTICE REQUIREMENTS
New structures, including accessory structures and uses;	Planning Commission	Public Hearing, Pursuant to CEQA
Expansion of an existing structure in conformance with Table 4;	Planning Division	CEQA if applicable
Expansion of an existing structure which exceeds the standards as established in Table 4;	Planning Commission	Public hearing, if applicable; Pursuant to CEQA
Conversion of an existing structure	Planning Division, unless otherwise determined	None
Construction or conversion of a structure(s) to allow a mixed-use development.	Planning Commission	Public Hearing, Pursuant to CEQA

Where the review for Site Plan Review Permits is not specified, the Planning Division shall determine the appropriate review authority.

- (b) Referral to Next Higher Review Authority. The Planning Division may refer an application for a Site Plan Review Permit to the Planning Commission or in the case of the Planning Commission; the Commission may refer an application for a Site Plan Review Permit to the Town Council based upon the following criteria:
- (1) Impact upon public services and facilities greater than typical for the type of project proposed;
 - (2) Impact upon surrounding properties greater than typical for the type of project proposed;
 - (3) Floor or site square footage greater than typically found in the type of project;
 - (4) Intensity of use greater than typically found in the type of projects;

- (5) Operating Characteristics not typical of the type of project proposed.
 - (6) Other factors including but not limited to public opposition to development of the project.
 - (7) The need for Planning Commission and or Town Council interpretation of the General Plan and/or Development Code as related to the project.
- (c) General Authority. The Planning Commission is authorized to approve, approve with conditions, or deny applications for Site Plan Review Permits in compliance with the procedures established in this Section. In approving an application for a Site Plan Review Permit, the Planning Commission may impose conditions to ensure compliance with this Code. Conditions may include, but shall not be limited to:
- (1) Requirements for special structure setbacks;
 - (2) Open spaces;
 - (3) Buffers;
 - (4) Fences;
 - (5) Walls and screening;
 - (6) Requirements for the installation and maintenance of landscaping and erosion control measures;
 - (7) Control of street improvements, other public infrastructure and related dedications;
 - (8) Control of vehicular ingress and egress;
 - (9) Control of traffic circulation;
 - (10) Control of signs;
 - (11) Control of hours of operation;
 - (12) Control of potential nuisances;
 - (13) Establishing standards for maintenance of buildings and grounds;
 - (14) Establishment of development schedules and development standards;
 - (15) Control of periodic review;
 - (16) Control of architectural and/or building design
 - (17) Any other conditions as may be deemed necessary to ensure the compatibility with surrounding uses, to preserve the public health, safety

and welfare, and to enable the Planning Commission to make the findings required by Section 83.030740 of this Chapter, *Required Findings*.

- (d) Performance Guarantee. In order to ensure implementation of conditions attached to a Site Plan Permit, the applicant may be required to furnish a surety in a form of an instrument of credit, money or surety bond in the amount fixed by the authority granting or modifying the Site Plan Permit.
- (e) Providing Required Improvements. Whenever a Site Plan Review Permit is approved or modified subject to the condition that specified public improvements shall be installed by the applicant to meet Town standards and be accepted by the Town, the applicant may be required to execute an agreement approved by the Town to make such improvements prior to the time/construction events specified in the Site Plan Review Permit.
- (e) Conditions Declared Void. Whenever any final judgment of a court of competent jurisdiction declares one or more of the conditions of a Site Plan Review to be unconstitutional or invalid, such decision shall not affect the validity of the approval as a whole, or any portion thereof other than the section so declared
- (f) Violation of Condition. Whenever a Site Plan Review Permit is approved or modified by the Planning Commission subject to a condition(s) non-compliance with such conditions shall constitute a violation of this Code. Conditions which are not observed or which are violated may be enforced as provided in Section 81.0210 of this Title or said Site Plan Review Permit may be revoked or modified under Section 83.030760 of this Chapter, *Revocation/Modification*.

83.030720 Application Submittal Requirements.

Applications for Site Plan Review Permits shall be filed with the Planning Division on a form prescribed by the Planning Division and shall contain such information and reports as may be required by the application submittal package or by other applicable ordinances or by the Town in order for the Planning Commission to make the required findings.

83.030725 Application Fee.

The application shall be accompanied by a fee established by resolution of the Town Council to cover the cost of handling and processing the application as prescribed in this Chapter.

83.030730 Investigation and Report.

The Planning Division shall cause an analysis of each application for a Site Plan Review to be made. The level of detail of the analysis shall be appropriate to the type of project proposed and the needs of the Planning Commission. The analysis shall examine the application's consistency with the content, intent and purpose of the General Plan, the Development Code, and any other applicable Town standards or policies. To insure effective implementation of General Plan policies and the provisions of this Code, applications may be reviewed by the Development Review Committee prior to consideration by the Planning Commission. As a result of the analysis, the Planning Division shall cause a report to be completed which shall include a listing of proposed

conditions necessary to guarantee the public health, safety and welfare, should the proposed project be approved.

83.030735 Action by Review Authority.

Planning Commission Action. Pursuant to Section 83.030715, the Planning Commission shall review each application for a Site Plan Review. The applicant shall be provided with a copy of the Planning Division's report regarding the application prior to the Town's and/or Commission's consideration. The Town and/or Commission shall approve, deny, or conditionally approve applications for Site Plan Review. Decisions by the Planning Commission shall be final unless appealed as provided in Section 83.010605 of this Code, *Appeals*.

83.030740 Required Findings.

Before approving a Site Plan Review Permit, the Planning Division and/or Commission shall find that the circumstances established below apply;

- (a) That the location, size, design, density and intensity of the proposed development is consistent with the General Plan, the purpose of the land use district in which the site is located, and the development policies and standards of the Town;
- (b) That the location, size, design and architectural design features of the proposed structures and improvements are compatible with the site's natural landform, surrounding sites, structures and streetscapes;
- (c) That the proposed development produces compatible transitions in the scale, bulk, coverage, density and character of the development between adjacent land uses;
- (d) That the building site and architectural design is accomplished in an energy efficient manner;
- (e) That the materials, textures and details of the proposed construction, to the extent feasible, are compatible with the adjacent and neighboring structures.
- (f) That the development proposal does not unnecessarily block views from other buildings or from public ways, or visually dominate its surroundings with respect to mass and scale to an extent unnecessary and inappropriate to the use;
- (g) That the amount, location, and design of open space and landscaping conforms to the requirements of the Development Code, enhances the visual appeal and is compatible with the design and functions of the structure(s), site and surrounding area;
- (h) That quality in architectural design is maintained in order to enhance the visual environment of the Town and to protect the economic value of existing structures;

- (i) That there are existing public facilities, services, and utilities available at the appropriate levels and/or that new or expanded facilities, services and utilities shall be required to be installed at the appropriate time to serve the project as they are needed;
- (j) That access to the site and circulation on and off-site is required to be safe and convenient for pedestrians, bicyclists, equestrians and motorists;
- (k) That traffic generated from the proposed project has been sufficiently addressed and mitigated and will not adversely impact the capacity and physical character of surrounding streets;
- (l) That traffic improvements and/or mitigation measures have been applied or required in a manner adequate to maintain a Level of Service C or better on arterial roads, where applicable, and are consistent with the Circulation Element of the Town General Plan;
- (m) That there will not be significant harmful effects upon environmental quality and natural resources including endangered, threatened, rare species, their habitat, including but not limited to plants, fish, insects, animals, birds or reptiles;
- (n) That there are no other relevant or anticipated negative impacts of the proposed use that cannot be mitigated and reduced to a level of non-significance in conformance with CEQA, the California Environmental Quality Act;
- (o) That the impacts which could result from the proposed development, and the proposed location, size, design and operating characteristics of the proposed development, and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety and welfare of the community or be materially injurious to properties or improvements in the vicinity or be contrary to the adopted General Plan;
- (p) That the proposed development will comply with each of the applicable provisions of this code, and applicable Town policies; except approved variances.

83.030745 Minor Modification of Previously Approved Site Plan Review Permits.

An approved Site Plan Review Permit may be modified upon the request of the property owner, or by the Town. Minor Modifications may be approved by Planning Division if it is determined that the changes would not affect the findings prescribed in Section 83.030740 of this Code, *Required Findings*, and that the subject of the proposed changes were not items of public controversy during the review and approval of the original permit; including modifications to phasing schedules for the project.

83.030750 Lapse of Permits/Permit Expiration.

- (a) Expiration. A Site Plan Review Permit approval shall expire three (3) years from the date the permit is approved unless it is otherwise conditioned or unless prior to the expiration of the three (3) years the following have occurred:

- (1) A building permit is issued and substantial construction is diligently pursued towards completion of the project which was the subject of the Site Plan Review Permit application. After construction is commenced, if work is discontinued for a period of two (2) years, the Site Plan Review Permit requires review and reauthorization by the Planning Commission; or
 - (2) A certificate of occupancy is issued for the structure which was the subject of the Site Plan Review Permit application.
- (b) Phased Projects. Projects may be built in phases if so approved by the Commission or Planning Division pursuant to Section 83.030745.

83.030755 Extension of Time.

The original review authority (Commission or Planning Division) may grant a time extension not to exceed three (3) years. Applications shall be made on a form to be provided by the Planning Division. Prior to the granting of an extension, the Planning Division shall review the previously approved project to ensure it is consistent with all current General Plan, Development Code and other Town Ordinances and that the findings for approval of a Site Plan Review Permit in compliance with Section 83.030740 of this Chapter, *Required Findings*, can be made. Based upon this review, additional Conditions of Approval may be imposed upon the project by the review authority when the Extension of Time is approved.

83.030760 Revocation/Modification.

- (a) Town Council Action. The Town Council shall hold a hearing as provided by State law to revoke or modify a Site Plan Review Permit granted in compliance with the provisions of this Chapter. Ten (10) days prior to the hearing notice shall be delivered in writing to the applicant and/or property owner for which such Site Plan Review was granted. Notice shall be deemed delivered two (2) days after being mailed, certified postage, to the owner as shown on the current tax rolls of the County of San Bernardino and the project applicant.
- (b) Required Findings. To the extent consistent with law, a Site Plan Review Permit may be revoked or modified by the Town Council if any of the following findings can be made:
 - (1) That the circumstances have changed so that one or more of the findings contained in Section 83.030740 of this Chapter can no longer be made;
 - (2) That the Site Plan Review was obtained by misrepresentation or fraud;
 - (3) That the use for which the Site Plan Review was granted has ceased or was suspended for six (6) or more consecutive calendar months;
 - (4) That one (1) or more of the conditions of the Site Plan Review have not been met;

- (5) That the use is in violation of any statute, ordinance, law or regulation; or
- (6) That the activity permitted by the Site Plan Review is detrimental to the public health, safety or welfare, or constitutes a nuisance.

83.030765 Development of Property Before Final Decision.

A building permit shall not be issued for, and no person shall commence to use, any structure until that structure and its accompanying development has received a Site Plan Review in compliance with the provisions of this Chapter. In addition, no other permits shall be issued for any use or structure requiring a Site Plan Review unless and until the Site Plan Review has been approved."

**Article 8
Specific Plans**

Sections:

83.030805	Purpose
83.030810	General Plan Consistency
83.030815	General Provisions for a Specific Plan District
83.030820	Application Procedure
83.030825	Required Findings
83.030830	Specific Plan Approval, Denial and Modifications
83.030835	Approval by Ordinance
83.030840	Dedication and Maintenance of Open Space
83.030845	Fees for Subsequent Development Approvals
83.030850	Specific Plan Consistency
83.030855	Environmental Exemption for Subsequent Development

83.030805 Purpose

The purpose of these Specific Plan provisions is:

- (a) To establish procedures for adoption, maintenance and administration of Specific Plans as allowed in accordance with the provisions of Sections 65450, et seq., of the California Government Code and as may be required for the systematic execution of the General Plan;
- (b) To provide a planning framework to guide future public and private developments and to promote flexibility while insuring economic viability and coherent community design;
- (c) To encourage the planned development of discrete neighborhoods and to permit comprehensive site and infrastructure planning and building design;
- (d) To encourage creative approaches to the use of land, through variation in the positioning of buildings and the appropriate mixing of land uses, activities and dwelling types;
- (e) To promote and create public and private open space as an integral part of land development design;

- (f) To reduce, through clustering and master planning, the amounts of public and private improvements normally required by developments;
- (g) To maximize the choice in types of housing and living environments available to Town residents; and
- (h) To allow for the non-sequential development of more remote areas in Yucca Valley provided community facilities, services, and infrastructure are supplied.

83.030810 General Plan Consistency

The General Plan provides for the adoption of Specific Plans in the Town where remoteness, environmental constraints or unique land use concerns require specific land use and/or design controls. All Specific Plans shall be consistent with the provisions of the adopted General Plan. Any proposed Specific Plan which is not consistent with the existing adopted General Plan designation may only be adopted concurrent with the adoption of the appropriate amendments to the General Plan necessary to maintain consistency.

83.030815 General Provisions for A Specific Plan District

The following provisions shall apply to the designation of a Specific Plan District. All other applicable provisions of the Town Development Code shall also apply. Where conflicts in regulations occur, the regulations specified in this Article shall supersede and apply.

- (a) Upon approval of a Specific Plan, the Specific Plan zoning designation shall be applied to the Zoning District Map for the properties included in the Specific Plan.
- (b) Specific Plan districts may provide innovative design and development standards that may vary from adopted Town standards and between Specific Plan Districts.
- (c) Specific Plans may combine several land uses in the development plan. Mixed uses may include any combination of residential, commercial, industrial, open space, and agricultural uses, and may occur among or within buildings as long as the uses are not incompatible with each other and with existing and potential uses surrounding the Specific Plan zone.
- (d) Standards for building coverage, height, orientation, as well as light and air, sign placement and design, site planning, street furniture placement and design, setback requirements, open spaces, off-street parking, screening for Specific Plan uses, and other specified standards, shall be governed by the development standards set forth in the Specific Plan and other applicable codes and ordinances. Standards in an adopted Specific Plan may supersede the same or similar standards in other Town codes and ordinances. Where no standards are provided in a Specific Plan, adopted Town codes and standards shall apply.

- (e) The Specific Plan shall contain criteria providing for any required public and/or private open space and performance standards for the improvement and maintenance of such open space.
- (f) In accordance with Town ordinances, all electrical and telephone facilities, fire alarm conduits, street light wiring, cable television, and other wiring, conduits or facilities shall be placed underground. Underground electric and telephone facilities shall be installed in accordance with standard specifications of the serving utilities.

83.030820 Application Procedure

- (a) General Requirements for a Specific Plan Proposal. Property that is held in single or multiple ownership may be considered for a Specific Plan. The Town, property owner(s), or owner's representative, may initiate the Specific Plan.
- (b) Pre-Submittal and Preparation of Specific Plans. A pre-submittal application and a draft Specific Plan shall be submitted to the Planning Division before filing a formal Specific Plan application. A pre-application conference with Planning Division representatives is required prior to the filing of the formal Specific Plan application.
- (c) Draft Specific Plan. A draft Specific Plan application shall contain text and diagrams which include all of the elements outlined in State Government Code Sections 65451 and 65452. In addition, Specific Plans shall include an inventory of natural resources that are deemed to be significant to the project area and environmentally sensitive habitat areas, an analysis of existing infrastructure, and a proposal for detailed land uses, regulations, conditions, and programs as are necessary or convenient for the systematic implementation of the General Plan and its various elements as may be appropriate. The Town's Planning Section shall make available detailed guidelines for the preparation of Specific Plans. Specifically, a draft Specific Plan shall include the following information:
 - (1) A survey of the property, showing existing features including trees, structures, fences and walls, streets, easements, utility lines, land uses, existing zoning, and existing ownership;
 - (2) An illustrative plan and conceptual site plan of the development of the entire Specific Plan area delineated on one or more maps showing:
 - (A) Project land use, densities, existing and proposed streets, public use areas (schools, parks, fire stations, etc.), and open space and major landscape features;
 - (B) General Plan, regional and sub-regional or area plan land use designations; and
 - (C) Where appropriate, a slope analysis, including the number of acres in each slope category.

- (3) A general outline of the Specific Plan text describing the goals, objectives, and policies/concept; a tabulation of the land area to be devoted to various uses, including open space; a calculation of the overall density and the average densities per net residential acre of the various residential areas; and a summary of development standards for residential, commercial and/or industrial uses when those uses are proposed;
 - (4) The text shall include development standards to be implemented as performance standards for the Specific Plan, including:
 - (A) A statement proposing the method of maintaining common open areas and facilities;
 - (B) A description of the proposed grading program including a topographic map showing areas of major grading;
 - (C) Identification of proposed future ownership and maintenance of streets, driveways, sidewalks, pedestrian ways and open space areas;
 - (D) A brief discussion of the project as it relates to each of the General Plan elements, including Land Use, Circulation, Housing, Open Space/Conservation, Public Facilities, Noise, and Safety. If a regional, sub-regional, or area plan is adopted or pending that includes the project site, the relationship to that plan should also be briefly discussed; and
 - (E) Proposed standards for height, open space, building intensity and public improvements.
 - (F) A statement and detailed description for the method of financing for the installation of any public infrastructure.
 - (5) After reviewing the draft Specific Plan, the Planning Division shall furnish the applicant with written comments regarding the review conference(s), including appropriate recommendations to inform and assist the applicant prior to preparing the final Specific Plan.
- (d) Final Specific Plan. The final Specific Plan shall contain the information contained in the draft Specific Plan and other additional information as determined to be necessary by the Planning Division, Planning Commission, or Town Council. This additional information may include, but shall not be limited to, the following:
- (1) Copies of legal documents required for dedication or reservation of public or private open space, for the creation of homeowners' associations for open space maintenance, or for the creation of financing districts;
 - (2) A fiscal impact analysis as may be required by the Planning Division,

- (3) A market study discussing the viability of the proposed project as may be required by the Planning Division.

83.030825 Required Findings

Before taking any action to approve a Specific Plan, the Planning Commission and Town Council shall find that the proposed Specific Plan conforms to the following criteria:

- (a) The proposed Specific Plan meets all of the following content criteria:
 - (1) Specifies through text and/or diagrams, the distribution, location, and extent of the uses of land, including open space, within the area covered by the plan;
 - (2) Specifies through text and/or diagrams, the proposed distribution, location, and extent and intensity of major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy, and other essential facilities proposed to be located within the area covered by the plan and needed to support the land uses described in the plan;
 - (3) Specifies through text and/or diagrams, the standards and criteria by which development will proceed, and standards for the conservation, development, and utilization of natural resources, where applicable;
 - (4) Specifies a program of implementation measures including regulation, programs, public works projects, and financing measures necessary to carry out Findings (a)(1), (a)(2) and (a)(3) above;
 - (5) Includes a statement of the relationship of the Specific Plan to the General Plan, Development Code, and any other applicable plan or ordinance;
 - (6) Addresses any other subjects which are necessary for implementation of the General Plan.
- (b) The location and design of the proposed development will be consistent with the goals and policies of the General Plan and with any other applicable plan or policies adopted by the Town and with any other applicable provisions of the Development Code.
- (c) The proposed location will allow the development to be well integrated with or adequately buffered from its surroundings, whichever may be appropriate.
- (d) All vehicular traffic generated by the development, either in phased increments or at full build-out, will be accommodated safely and without causing significantly increased congestion upon adjoining streets.
- (e) The final Specific Plan will identify a methodology to allow land uses to be adequately serviced by existing or proposed public facilities and services. In

appropriate circumstances, and as provided elsewhere by this Development Code, the Town may require that suitable areas be reserved for uses such as schools, parks and pedestrian ways; public open spaces may be dedicated or reserved by private covenant for the common use of residents, establishments or operations in the development.

- (f) In accordance with the requirements of the *California Environmental Quality Act* (CEQA), environmental impacts have been reduced to a level of non-significance; or in the case where such impacts remain, a statement of overriding considerations must be adopted to justify the merits of project implementation after certification of the Environmental Impact Report.
- (g) The proposed Specific Plan should contribute to a balance of land uses so that local residents may work and shop in the community in which they live.
- (h) The proposed Specific Plan will not be detrimental to the public health, safety, or welfare of the Town.

83.030830 Specific Plan Approval, Denial and Modifications

- (a) Upon receipt in proper form of a Specific Plan application, or direction of the Town Council, and following Planning Division review as provided for in this Article, public hearings shall be set before the Planning Commission and Town Council.
- (b) The Planning Commission may recommend to the Town Council approval or denial of a proposed Specific Plan, or may recommend approval subject to specified modifications or conditions.
- (c) The Town Council may approve, approve with modifications or conditions, or deny the final Specific Plan provided that, in overruling a Planning Commission recommendation for denial, the Town Council shall make the findings listed in Section 83.030820 of this Article, *Required Findings*.
- (d) Minor changes to an approved final Specific Plan may be made by the Planning Division, provided that such changes are non-significant and consistent with all of the purposes and character of the approved final Specific Plan. Minor changes shall not include:
 - (1) Changes in the densities established in the approved final Specific Plan;
 - (2) Changes to the boundaries of the subject property, or any use as shown on the approved final Specific Plan;
 - (3) Substantial changes in the locations or amounts of land devoted to specific land uses.
- (e) All modifications or amendments to an approved final Specific Plan, other than minor changes as provided for in Subsection 83.030830(d) above, shall be processed as a Specific Plan amendment and shall be subject to all Specific Plan procedures.

83.030835 Approval by Ordinance

Approval of the final Specific Plan and the establishment of Specific Plan (SP) zoning shall be by ordinance. Approval of zoning to the SP district shall include, but not be limited to, the following stipulations:

- (a) Unless otherwise specified in the final Specific Plan, the regulations provided in the Town Development Code shall apply. Approval of the Specific Plan shall not be interpreted as waiving compliance with other provisions of the Town Development Code, except in those instances where the Specific Plan expressly regulates a use.
- (b) The approved final Specific Plan shall be filed in the office of the Town Clerk and in the office of the Planning Division.
- (c) No building within the boundaries of an approved Specific Plan shall be constructed, maintained or used other than for the purpose specified in the approved final Specific Plan.

83.038340 Dedication and Maintenance Of Open Space

- (a) The Planning Commission and Town Council, in conjunction with the Yucca Valley Parks, Recreation and Cultural Commission, may as a condition of approval, require that suitable areas for parks be dedicated or in-lieu fees be paid as determined for the entire Specific Plan area, and in compliance with applicable ordinances and requirements.
- (b) The Planning Commission and Town Council, in conjunction with the Morongo Unified School District, may as a condition of approval, require that land for schools and other public uses be reserved for public use, or be reserved for the owners and residents in the development by deed restrictions.
- (c) Whenever group or common open space is provided, whether required or not, the Planning Commission or Town Council shall, as a condition of approval, require that some provision be made for applicable perpetual maintenance of such open space.
- (d) The form of any instrument used to assure open space maintenance shall be approved by the Town Attorney and Planning Division as to form and content. Agreements and covenants running with the land shall include provisions for charges to be levied for carrying out the specified functions and administrative expenses of such perpetual maintenance. The Town may be party in interest in any such development for purposes of enforcing the provisions of this Chapter, including bringing of any enforcement actions deemed appropriate by the Town.
- (e) To assure that open space is provided within Specific Plan areas, public and open space sites shall be dedicated in advance of development (prior to the issuance of building permits) whenever such dedication is so required, even in those cases when a subdivision map is not required. Other appropriate dedications for street, utility and flood control rights-of-way and for easements

and other public purposes may also be required before the issuance of the first building permit, or when otherwise determined to be appropriate by the Council.

83.030845 Fees for Subsequent Development Approvals

When the Town prepares a Specific Plan for an area, the Town Council may establish a special fee upon applicants seeking approval of development projects which are located within said Specific Plan area. The fees shall be sufficient, in the aggregate, to recover the costs of preparation, adoption, and administration of the Specific Plan. The fees to each applicant shall be a prorated amount in accordance with the applicant's relative benefit derived from the plan.

83.030850 Specific Plan Consistency

No land use application may be approved, no public works projects may be approved, and no land use designation within an adopted Specific Plan may be amended unless it is consistent with the adopted Specific Plan."

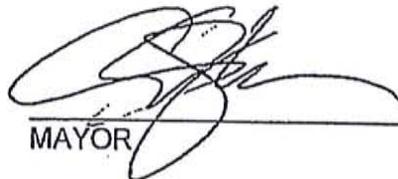
83.030855 Environmental Exemption for Subsequent Development

If a Specific Plan is prepared and receives approval of a Program EIR, then all subsequent development within the boundaries of the Specific Plan are exempt from further environmental review, unless otherwise required by the California Environmental Quality Act.

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 March, 2010.


MAYOR

ATTEST:


TOWN CLERK

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. 207 as duly and regularly introduced at a meeting of the Town Council on the 2nd day of March, 2010, and that thereafter the said ordinance was duly and regularly adopted at a meeting of the Town Council on the 16th day of March, 2010, by the following vote, to wit:

Ayes: Council Members Huntington, Luckino, Neeb, and Mayor Mayes
Noes: None
Abstain: None
Absent: Council Member Herbel

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Town of Yucca Valley, California, this 17th day of March, 2010.

(SEAL)



Town Clerk of the Town of
Yucca Valley

ORDINANCE NO. 210

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, REPEALING AND RESTATING CHAPTER 15 OF DIVISION 1, TITLE 4 OF THE COUNTY OF SAN BERNARDINO CODE AS ADOPTED BY THE TOWN OF YUCCA VALLEY RELATING TO SPECIAL EVENTS

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

SECTION 1. Code Amended

Chapter 15 of Division 1 of Title 4 of the San Bernardino County Code as adopted by the Town of Yucca Valley is hereby amended in its entirety to read as follows:

“Chapter 15

TEMPORARY SPECIAL EVENT PERMIT

Sections:

41.151	Intent.
41.1510	Temporary Special Event Permit
41.1515	Permit Required.
41.1520	Submittal
41.1525	Processing
41.1530	Insurance Requirements.
41.1540	Rules and Regulations
41.1545	Appeals.
41.1550	Referral By The Planning Division
41.1555	Permits/Licenses Nontransferable.
41.1560	Posting.
41.1569	Requests for Law Enforcement Services at Special Events.

41.151 Intent.

The intent of this ordinance is to provide discretionary approvals for certain “temporary special events” as defined in this Chapter to be allowed in certain zones in addition to those uses which are specifically permitted in their respective zone. Temporary special uses shall be established by Special Event Permit granted by the Planning Division pursuant to the procedures contained in this Chapter.

41.1510 Temporary Special Events Permitted.

- (a) Temporary special events shall be permitted with a Temporary Special Event permit

as specified below which indicate each temporary special event permitted, the zones in which the use is allowed, the maximum number of days each use is allowed and the maximum number of occurrences in each calendar year:

Permitted Special Events (With a Special Event permit)	Land Use District Permitted	Maximum Number of Days Per Event	Maximum Number of Events Per Calendar Year
Church tent revival meetings	All Land Use Districts	10	1
Circus, carnival	All "C", "T", and Public/Quasi Public Land Use Districts, all land use districts in Old Town Specific Plan Area	10	2
Fair, concerts, parades, exhibits, festivals, art shows, car shows, street fairs or similar events	All "C", "T", and Public/Quasi Public, all land use districts in Old Town Specific Plan Area	10	12
Farmers Markets	All "C", "T", and Public/Quasi Public, all land use districts in Old Town Specific Plan Area	Two days per week	Permit is valid for one year

(b) Where uncertainty exists regarding the interpretation of any provision of this Chapter or its application to specific special event which may not be listed, the Planning Division shall determine the intent of the provision and or determine whether the proposed event is consistent with the provisions of this Chapter.

(c) Multiple Temporary Special Events maybe combined into a single permit, however Certified Farmers Markets shall comply with the California Code Of Regulations, section 1392 and obtain all required permits from the County of San Bernardino.

41.1515 Permit Required.

Except as otherwise provided by the Town of Yucca Valley or state law, no person or entity shall operate, maintain, conduct, advertise, or provide admission for any temporary special event within the Town of Yucca Valley without possessing an unexpired, unsuspended and unrevoked permit from the Community Development Department for each such temporary special event.

41.1520 Submittal.

(a) An application for a temporary special event shall be filed with the Community Development Department. The following information shall be included in the application:

- (1) The name, address, and telephone number of the applicant or representative.
- (2) The signature of the property owner, address or assessors parcel number of the site at which the activity is to be conducted, authorizing the application to be filed.
- (3) A written description specifying the date (s) of the event is to be held and a brief description of the activity, including the proposal for the preparation and clean up of the site where the activity is to take place.

(b) The charge for the permit shall be set from time to time by resolution of the Town Council. In addition, the applicant shall reimburse the Town for the actual cost of providing any necessary personnel, including but not limited to, police and fire personnel to the applicant for the purpose of assisting in the event.

41.1525 Processing:

Upon the receipt of a completed application and all related fees, the following will occur:

- (a) The processing of a complete Temporary Special Event Permit application will generally vary from one (1) to five (5) working days, depending on the complexity. If such activities interfere with traffic or involve potential public safety hazards, an application may take more than five working days to allow for inter-departmental or agency notification.
- (b) Each application for a Temporary Special Event Permit shall be analyzed at staff level to assure that the application is consistent with this Chapter and any other applicable Town standards or policies. If such activities interfere with traffic or involve potential public safety hazards the application shall be forwarded to the appropriate agencies for comment.

(c) At the completion of the Planning Section's review, a permit may be issued by the Planning Division including a listing of conditions necessary to assure the preservation of public health, safety and welfare.

41.1530 Insurance Requirements.

(a) Before any permit is issued for a church tent revival meeting, circus, large concert, parade, carnival, fair, exhibit, festival, art show, car show, street fair, farmers, market or similar type of event, the applicant shall provide the Town with evidence of a policy of liability insurance issued by an admitted insurer in an amount of not less than \$1,000,000. The policy shall name the applicant and the Town of Yucca Valley, its officers, agents, and employees, as co-insured for protection against any loss, claims, liability, injury, and damage of any nature arising out of or in any way connected to the temporary special event conducted by the applicant. The insurance coverage shall be primary and not contributing with any other insurance of the Town. The certificate shall not be subject to cancellation or modification until after thirty days written notice to the Town. A copy of the certificate shall remain on file.

(b) The applicant shall enter into a hold harmless and indemnification agreement provided by the Town prior to the issuance of any permit.

(c) To ensure cleanup and restoration of the site, an applicant may be required to post a deposit at the time the application is submitted. Upon the completion of the event and inspection of the site by the Town, the deposit may be returned to the applicant if the cleanup and restoration of the site has been determined by the Town to be sufficient.

41.1540 Rules and Regulations.

(a) Change of Date: Upon the request of the applicant, the issuing authority shall have the power, upon a showing of good cause, to change the date for which the permit has been issued provided established limitations are complied with in respect to time and location.

(b) Conditions of Approvals: The conditions of approval shall be based upon the following criteria:

- (1) The health, safety, and welfare of all persons;
- (2) Avoidance of undue disruption of all persons within the affected area;
- (3) The safety of property within the Town;
- (4) Compliance with all other applicable agency regulations.

that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

81.0145 Adoption of Official Land Use Plan.

An Official Land Use Plan for the unincorporated area of the County of San Bernardino, State of California, is hereby adopted and established as is hereafter set forth in this Title, to promote, protect and secure the public health, safety and general welfare; to provide the social and economic advantages resulting from an orderly, planned use of land resources, and to encourage, guide and provide a definite plan for the future growth and development of the said County.

It is recognized that the Official Land Use Plan referred to herein must be periodically reviewed, refined, and maintained, and the Board of Supervisors, in conformity with the State Planning and Zoning Law as amended, and the provisions of this Title, hereby delegates to the Planning Agency of San Bernardino County, the responsibility for conducting necessary studies, surveys and preparing of maps in order to develop detailed land use plans, and the responsibility for processing changes of land use districts for adoption by the Board of Supervisors for the various portions of the unincorporated territory of San Bernardino County as it becomes desirable, practical and practicable so that the result shall be a comprehensive land use plan for the County.

81.0150 Legal Defense Fee Responsibility.

- (a) As a condition of approval of a Land Use application the applicant shall agree to defend, indemnify, and hold harmless the County or its agents, officers and employees from any claim, action, or proceeding against the County or its agents, officers or employees to attack, set aside, void, or annul an approval of the County, an advisory agency, appeal board or legislative body concerning the map or permit or any other action relating to or arising out of such approval when such action is brought within the applicable statute of limitations.
- (b) Any condition of approval imposed pursuant to the provisions of this section shall include a requirement that the County promptly notify the applicant of any claim, action, or proceeding and that the County cooperate fully in the defense. If the county fails to promptly notify the applicant of any claim, action or proceeding, or if the County fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold the County harmless.

- (c) If any provision of this section is found invalid by a court of law the remaining provisions of this section shall remain in full force and effect.

81.0195 Transition Provisions - 1989 General Plan.

The following rules modify the provisions of this Title in order to facilitate an orderly transition during the implementation of the revisions to the General Plan adopted in June, 1989.

- (a) Land use applications other than land use district changes or General Plan Amendments which were (1) approved prior to June 9, 1989, (2) found to be consistent with the then existing General Plan at the time of their approval, and (3) have not expired, shall not be subject to the requirement that the use or uses approved in that permit be allowed in the currently applicable land use district or that the use or uses meet the currently applicable development standards contained in this Title in order to be granted a building permit or other development permit to establish those approved uses. Any substantial modifications to the use or uses approved in the previous application must meet all currently applicable standards in this Title and the modified project must be found consistent with the General Plan then applicable. No building or other development permit shall be granted under this subsection after June 8, 1991, and no permit issued under this subsection may be extended for more than one 180-day period which begins after June 8, 1991.

Notwithstanding the above, no building or grading permits shall be issued under this subsection which are inconsistent with the County open space plan as expressed in the then applicable General Plan.

- (b) Building permits (for other than single family residential uses) for which construction plans had been submitted and fees had been paid prior to June 12, 1989 shall not be subject to the requirement that the use or uses requested be allowed in the current land use district or that the use or uses meet the currently applicable development standards contained in this Title. Provided, however, that the land use proposed must be of the same fundamental land use category (e.g. multiple family residential, commercial, industrial, agricultural) as that designated in the 1989 revised General Plan. Any significant modification of the proposed

ARTICLE 6

Appeals.

Sections:

- 83.010605 Appeal of a Land Use Decision.
- 83.010610 Application for the Appeal of a Land Use Decision.
- 83.010615 Time for Filing an Appeal.
- 83.010620 Notice of Appeal.
- 83.010625 Authority of Appeal Body.
- 83.010630 Withdrawal of Appeal.

83.010605 Appeal of a Land Use Decision.

Prior to its effective date, any land use decision made in accordance with the provisions of this Code by a reviewing authority other than the County Board of Supervisors may be appealed by the applicant or other affected party, as follows:

- (a) The Planning Officer's decision to require preparation of an Environmental Impact Report (EIR) is subject to appeal to the Planning Commission for final decision.
- (b) The Planning Commission or Planning Commission Subcommittee shall consider appeals regarding land use decisions made by any County agency, department, office, official or officer.

The Planning Commission may refer consideration of an appeal to the Board of Supervisors, except for those decisions involving only a variance, determination as to the completeness of an application, or the requirement for preparation of an Environmental Impact Report. In these instances the Planning Commission decision shall be the final and conclusive decision. The Board of Supervisors will not accept nor consider an appeal of these Planning Commission decisions.

- (c) The Board of Supervisors shall consider appeals regarding land use decisions made by the Planning Commission, except as specified above.
- (d) The Board of Supervisors shall only conduct hearings regarding an EIR or other environmental action in conjunction with consideration of the subject land use application and project for which the EIR was prepared or other environmental action proposed.

83.010610 Application For The Appeal Of A Land Use Decision.

Applications for an appeal of a land use decision shall be made on forms supplied by the reviewing authority to which the appeal is being made. Applications for appeals shall be accompanied by a written statement of the grounds upon which the appeal is based. A uniform fee, as established by the Board of Supervisors, shall be paid to the County upon the filing of each appeal. The appeal application shall identify (1) the subject land use application, (2) the specific decision, condition of approval or other matter being appealed, (3) the date of such action, (4) the justification for the appeal and, (5) any remedy or solution for which the appellant petitions. A properly filed application for appeal stays proceedings in the matter appealed until a decision is rendered on the appeal.

83.010615 Time For Filing An Appeal.

The Planning Officer or, in the case of an appeal to the Board, the Clerk of the Board of Supervisors, shall be notified by the appellant of an appeal of a land use application decision prior to the date on which such land use application decision becomes effective. The appellant shall submit at the time of such notification, or on the next County business day following such notification, an application for the appeal.

83.010620 Notice Of Appeal.

Within thirty (30) days of the acceptance of an application for an appeal of a land use decision, the County Office of Planning or the Clerk of the Board of Supervisors shall set the matter for hearing and shall give notice of the date, time and place of the hearing to the appellant, the applicant, and to any other party who has requested in writing to be so notified. In addition, notice shall also be given in the same manner as notice was given for the land use decision being appealed.

83.010625 Authority Of Appeal Body.

Upon hearing the appeal, the appeal body shall consider the record and such additional evidence as may be offered, and may affirm, reverse or modify, in whole or in part, the decision appealed. The appeal body is subjected to all of the criteria, findings, and requirements imposed by this Code upon the original decision maker.

83.010630 Withdrawal Of Appeal.

An appeal may be withdrawn prior to the time that the reviewing authority issues a decision. The applicant or his/her representative must notify the Planning Office in writing that he/she wishes to withdraw the appeal.

CHAPTER 2

VIOLATIONS

Sections:

- 81.0205 Penalty for Violations.
- 81.0210 Enforcement.
- 81.0220 Acts Include Causing, Aiding and Abetting.
- 81.0225 Injunction.
- 81.0230 Cumulative Remedies.
- 81.0235 Statute of Limitations.

81.0205 Penalty For Violations

Unless otherwise provided, any person, firm, partnership, corporation, or other entity violating any provision of this Title shall be guilty of an infraction or misdemeanor as hereinafter specified, and each day or portion thereof such violation is in existence shall be a new and separate offense. In addition, when one or more plants or trees are removed in violation of the provisions of this Title, the removal of each such separate plant or tree shall be a new and separate offense.

Any person so convicted shall be: (1) guilty of an infraction offense and punished by a fine not exceeding one hundred dollars (\$100.00) and not less than fifty dollars (\$50.00) for a first offense; (2) guilty of an infraction offense and punished by a fine not exceeding two hundred dollars (\$200.00) and not less than one hundred dollars (\$100.00) for a second offense. The third and any additional offenses shall constitute misdemeanors and shall be punishable by fines not exceeding one thousand dollars (\$1,000.00) and not less than five hundred dollars (\$500.00) or six (6) months in jail, or both. Notwithstanding the above, a first or second offense may be charged and prosecuted as a misdemeanor. Payment of any fine or service of a jail sentence herein provided shall not relieve a person, firm, partnership, corporation, or other entity from the responsibility of correcting the condition, resulting from the violation. In addition to the above penalties the Court may order that the guilty party reimburse the County for all of its costs of investigating, analyzing and prosecuting the enforcement action against the guilty party; the Court shall fix the amount of any such reimbursement upon submission of proof of such costs by the County.

81.0210 Enforcement.

- (a) The provisions of this Title shall be enforced by the officers and authorized representatives of the County Agencies, Departments, and Offices charged with the responsibility of administering, implementing, and ensuring compliance with the

provisions of this Title. Among these, but not limited to, are the following designated enforcement officers for the provisions of Title 8:

- (1) Assistant Administrative Officer for Environmental Management Group.
 - (2) County Director of Planning.
 - (3) County Director of Building and Safety.
 - (4) County Surveyor.
 - (5) Director of Environmental Health Services Department.
 - (6) Director of County Forestry and Fire Warden Department.
 - (7) Director of Transportation and Flood Control Department.
 - (8) Director of Airports Department.
 - (9) Chief Engineer of the San Bernardino County Flood Control District.
 - (10) Director of Special Districts Department.
 - (11) County Agricultural Commissioner.
 - (12) Director of County Museums.
 - (13) Chino Hills Manager.
 - (14) Flood Plain Management Administrator.
- (b) No person shall stop, impede, or interfere with any officer, employee, contractor or authorized representative of the County or with any person who owns or holds any estate or interest in any land which is subject to a review, study, or compliance inspection process under the provisions of this Title, or with any person to whom such land has been lawfully sold, whenever such officer, employee, contractor, or authorized representative of the County, or person having an interest or estate in such land or purchases, is engaged in the work of conducting a review, study, or compliance inspection process on any such land pursuant to the provisions of this Title or in performing any necessary act preliminary to or incidental to such work as authorized or directed pursuant to this Title.

- (c) Any person, firm, company, corporation or other entity violating the provisions of this Section shall be deemed guilty of a misdemeanor and upon arrest and conviction shall be punished by a fine not in excess of five hundred dollars (\$500) and imprisonment of not more than ninety (90) days or both.
- (d) Whenever the County of San Bernardino institutes a judicial action or proceeding to enforce the land use district regulations of the Development Code, a County enforcement officer may file a Notice of Pendency of the action or proceeding with the County Recorder. The Notice shall be filed at the time of the commencement of the action or proceeding, and upon recordation of such notice as provided in this subsection, shall have the same effect as a notice recorded pursuant to Section 409 of the Code of Civil Procedure of the State of California.
- (1) The County Recorder shall record and index the Notice of Pendency of action or proceeding in the Grantor/Grantee Index.
 - (2) Any Notice of Pendency of action or proceeding filed pursuant to this subsection may, upon motion of a party to the action or proceeding, be vacated upon an appropriate showing of need therefore by an order of a judge of the court in which the action or proceeding is pending. A certified copy of the Order to Vacate may be recorded with the County Recorder, and upon such recordation, the Notice of Pendency of the action or proceeding shall not constitute constructive notice of any of the matters contained therein nor create any duty of inquiry in any person thereafter dealing with the property described therein. Such an Order to Vacate shall not be appealable, but the party aggrieved by such order may, within twenty (20) days after service of written notice of the order, or within such additional time not exceeding twenty (20) days as the court may, within the original twenty (20) days allow, but in no event later than sixty (60) days after entry of the order, petition the proper reviewing court to review such order by Writ of Mandate.

No such Order to Vacate shall be effective, nor shall it be recorded with the County Recorder, until the time within which a petition for the filing of a Writ of Mandate has expired, pursuant to this subsection.

81.0220 Acts Include Causing, Aiding and Abetting.

Whenever in the Development Code any act or omission is made unlawful, it shall include causing, permitting, aiding or abetting such act or omission.

81.0225 Injunction.

*Any building or structure erected or maintained, or any use of property contrary to the provisions of the Development Code or an adopted Specific Plan shall and is hereby declared to be unlawful and a public nuisance. Upon order of the County Planning Commission, Director of Planning, Director of Building and Safety, Director of Environmental Health Services, or other County enforcement officer, an action for injunctive relief shall be commenced for the abatement, removal and enjoinder thereof in the manner provided by law. Application shall be made to such court or courts which have jurisdiction to grant such relief, to abate or remove such building, structure or use, and restrain and enjoin any person from erecting or maintaining such building or structure or using any property contrary to the provisions of the Development Code.

81.0230 Cumulative Remedies.

All remedies provided for herein shall be cumulative and not exclusive. The conviction and punishment of any person hereunder shall not relieve such person from the responsibility of correcting prohibited conditions or removing prohibited buildings, structures or improvements, nor prevent the enforced correction or removal thereof.

81.0235 Statute of Limitations.

Any court action or proceeding to attack, review, set aside, void or annul any land use decision subject to court review (other than those described in Sections 65907 and 66499.37 of the California Government Code and Section 21167 of the California Public Resources Code) or concerning any of the proceedings, acts or determinations taken, done or made prior to such decision, or to determine the reasonableness, legality or validity of any conditions attached thereto, shall not be maintained by any person unless such action or proceeding is commenced and service of summons effected within thirty (30) days after the effective date of such decision. Thereafter, all persons are barred from any such action or proceeding or any defense of invalidity or unreasonableness of such decision or of such proceedings, acts or determinations.

- (2) If the permit requested is for a development project for construction or reconstruction subject to the Permit Streamlining Act (Government Code § 65920 et seq.), the time limits provided in the Permit Streamlining Act shall apply to the Conditional Use Permit approval or denial.
- (3) Upon the filing of an appeal, the Planning Commission or the Board of Supervisors shall render its decision on the appeal within sixty (60) days.

83.010415 Effective Date of Land Use Decisions.

(a) Unless appealed, land use application decisions become effective as follows:

- (1) Unless adopted on an urgency basis or adopted pursuant to California Government Code Section 65858, land use ordinances shall become effective a minimum of thirty (30) days after the second reading of the ordinance. In the case of an ordinance adopted pursuant to California Government Code Section 65962, regarding or affecting land use application fees, ordinances shall become effective no sooner than sixty (60) days after the second reading of the ordinance.
- (2) Land use decisions, made at public hearing by the Planning Agency other than decisions made by the Board of Supervisors shall be effective eleven (11) days after the action of the Planning Agency, except when the tenth (10th) such day is not a County business day. In such instances, the land use decision shall become effective on the second consecutive County business day following such tenth (10th) day.
- (3) Land use decisions not made at a public hearing by a reviewing authority become effective eleven (11) days after the written notice of the land use decision has been deposited in the U.S. mail, except when the tenth (10th) such day is not a County business day. In such instances the land use decision shall become effective on the second consecutive County business day following such tenth (10th) day.

- (4) Decisions regarding a request for the extension of time for a period beyond that granted by an approved land use application shall become effective sixteen (16) days after the written notice of such a decision has been deposited in the U.S. mail or after the action has been taken by the Planning Agency at a public hearing, except when the fifteenth (15th) such day is not a County business day. In such instances, the decision shall become effective on the second consecutive County business day following such fifteenth (15th) day.
- (b) Land use application decisions which are made contingent upon the approval of another application or ordinance requiring legislative action (e.g., General Plan Amendment, ordinance, etc.) shall become effective on the date when the approval of the last such application which they are subject becomes effective.

ARTICLE 5

Decision By Reviewing Authority.

Sections:

83.010505 Referral To Next Succeeding Reviewing Authority.

83.010505 Referral To Next Succeeding Reviewing Authority.

- (a) A reviewing authority may refer a request for a land use decision to the reviewing authority designated as the appeal body for that type of land use application.
- (b) Notwithstanding the provisions of Subsection (a), the Planning Commission shall make its recommendation to the Board of Supervisors or shall state the reasons why it cannot do so.
- (c) An applicant for a land use decision may waive his option for a decision by any reviewing authority other than the Planning Commission and request that his application be reviewed by the appeal body for that type of land use application.
- (d) Any land use decision made by the Planning Commission as a result of a referral in accordance with the provisions of this section shall be made at a public hearing.

- (d) Any automatic approval of a development project shall become null and void unless all conditions imposed by this section have been complied with, and the occupancy, use of the land, and use of the proposed or existing structures authorized by such automatic approval, has taken place within thirty-six (36) months after the date of the automatic approval.

83.010350 Extension and Expiration of Land Use Decisions.

Any conditional land use decision made in accordance with the provisions of this Code shall be subject to the following time limitations:

- (a) Unless all conditions have been complied with and the occupancy, use or division of land authorized by the land use decision has taken place or been recorded within thirty-six (36) months after the day the land use decision becomes effective, the land use decision shall become null and void.
- (b) Planned Development: Notwithstanding the above provisions of this section, a conditionally approved Planned Development for a phased project shall be subject to a time limitation not to exceed that specified by the condition of approval for the Development Plan approval. The applicant, however, shall either record a tract map or obtain building permits for at least one (1) phase of the project within five (5) years of the development plan conditional approval and, as applicable, within each succeeding five (5) year period.
- (c) Where circumstances warrant, the Planning Agency or such other agency, department or person designated by the reviewing authority, may grant an extension of time for a period or periods not to exceed a total of thirty-six (36) months. The findings then required to approve such a permit must be made prior to approving an extension for that permit. All such extensions must be found to be consistent with the provisions of the General Plan and the County Code. This subsection shall not be applied to extend the time limits provided in subsection (b), above, or for Planning Use Permits.

- (d) A request for an extension of time shall be filed at least thirty (30) days and no more than ninety (90) days prior to the expiration date of an application. Any land use application for which an extension request has been filed within this time period shall not expire for sixty (60) days or until an action is taken upon the extension request, whichever occurs first. If approved, an extension shall commence on the expiration date, even if it is not approved until after the expiration date.
- (e) Public projects shall not be subject to a time limitation unless specific time limits are included within conditions placed upon the project's approval. When time limits are placed on the conditional approval of a public project, extensions of time may be granted whenever warranted provided that no single extension shall be greater than twelve (12) months.

ARTICLE 4

Time Limitations.

Section:

- 83.010405 Time Limits for Accepting Land Use Applications As Complete.
- 83.010410 Time Limit For Land Use Review and Decisions.
- 83.010415 Effective Date of Land Use Decisions.

83.010405 Time Limits For Accepting Land Use Applications As Complete.

- (a) Pursuant to California Government Code Section 65943, no later than thirty (30) days after the County has received an application for a development project, the County shall determine, in writing, whether the submitted application materials are complete and shall immediately transmit such determination to the applicant. Upon receipt of any resubmittal of the application, a new thirty (30) day time period shall begin during which time the County is to determine the completeness of the application. If the application, together with these submitted materials are determined not to be complete, the applicant may appeal the decision to require additional information to the Planning Commission Subcommittee. If the final written determination on the appeal is not made within sixty (60) days, the application with the submitted materials shall be deemed complete.

- (b) The Planning Agency and the applicant may mutually agree to a reasonable extension of these time limits.
- (c) Applications which depend on approval of another enabling application (e.g. General Plan Amendments), shall not be considered accepted until the effective decision date for the enabling application(s). Such dependent applications may, however, be accepted for preapplication review to allow concurrent processing and thereby streamline the review process.

CHAPTER 4

DIVISION OF LAND PROCEDURES

Articles:

1. General Provisions.
2. Tentative and Final Map.
3. Parcel Map and Minor Subdivision Plot Plan.
4. Vesting Tentative Map.
5. Composite Development Plan.
6. Lot Line Adjustment.
7. Lot Merger.
8. Reversion To Acreage.
9. Certificate of Subdivision Compliance.
10. Official Map.
11. General Regulations.
12. Enforcement.
13. Resident Initiated Mobilehome Park Conversion.

Article 1

GENERAL PROVISIONS

Sections:

- 83.040105 General Provisions.
- 83.040110 Review Procedures.

83.040105 General Provisions.

The provisions defining and regulating the review and approval of tentative, final, and parcel maps; lot line adjustments; lot mergers; reversions to acreage; certificates of subdivision compliance, and official maps shall be governed by this Division, except as otherwise indicated by this section.

- (a) Authority for Local Regulations. Pursuant to the provisions of California Government Code, Title 7, Division 2, referred to herein as the Subdivision Map Act, and in addition to any regulations otherwise provided by law, the regulations contained in this division shall apply to all subdivisions, parts of subdivisions, lot line adjustments, lot mergers, reversions to acreage, certificates of compliance, and official maps hereafter made entirely or partially within the unincorporated territory of San Bernardino County.

- (b) The designation, establishment, duties, and meeting dates of the reviewing authorities, including the Planning Agency and the Development Review Committee, shall be as specified by Division 2 of this Title.
- (c) Review procedures and findings for approval shall be as specified by this Division.
- (d) Terms used within this Division are defined as specified in Division 12 of this Title.

83.040110 Review Procedures.

(a) Tentative Tract Map and Vesting Tentative Map Procedures

(1) The Planning Officer shall utilize the Administrative Review Procedures, in accordance with the provisions of Subsection 83.010215(b), when acting upon any: Tentative Map proposing five (5) or more lots; all Vesting Tentative Maps; and any Tentative Map which requires a Final Map for recordation. However, when such map is referred to the Planning Commission for action, the Public Hearing Procedures shall be utilized.

(2) Reviewing Authority:

The Planning Officer shall be the decision-making authority except that under any of the following circumstances, the project may be referred to the Planning Commission:

- (A) Where there has been substantial public opposition to the proposal.
- (B) Where the proposal is filed concurrently with an application subject to public hearing review procedures.
- (C) Where any member of the Development Review Committee objects to the proposal.

(B) One of the parcels contains a residence and is subject to Section 428 of the California Revenue and Taxation Code; the residence has existed on the property for at least five (5) years; the landowner has owned the parcels for at least ten (10) years; and the remaining parcels shown on the map are at least ten (10) acres in size, if the land is prime agricultural land; or at least forty (40) acres in size, if the land is not prime agricultural land.

(10) Land Project Determination.

(A) The proposed subdivision is not a land project; or

(B) The proposed subdivision is a land project; a specific plan covering the area proposed to be included within the project has been adopted by the Board of Supervisors; and the proposed subdivision together with the provisions for its design and improvement are consistent with the adopted specific plan.

(d) Notwithstanding Subsection 83.040110(c)(3), the Planning Agency may approve a tentative map, or a parcel map for which a tentative map was not required, if an Environmental Impact Report was prepared with respect to the project and a finding is made pursuant to Subdivision (c) of Section 21081 of the California Public Resources Code that specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the Environmental Impact Report.

(PAGES 80 THROUGH 83 DELETED)

Article 2

TENTATIVE AND FINAL MAP

Sections:

- 83.040201 Filing Criteria for Tentative and Final Maps.
- 83.040205 Tentative Map Format.
- 83.040210 Final Map Format.
- 83.040220 Tentative Maps.
- 83.040225 Final Maps.
- 83.040230 Conditions of Map Approval.

83.040201 Filing Criteria for Tentative and Final Maps.

The provisions of this section and the Subdivision Map Act shall govern the necessity for Tentative and Final Maps.

- (a) Tentative and Final Maps shall be required for all subdivisions creating five (5) or more parcels, five (5) or more condominiums as defined in Section 783 of the California Civil Code, a community apartment project containing five (5) or more parcels, or for the conversion of a multiple dwelling containing five (5) or more dwelling units to a stock cooperative except where:
 - (1) A condominium is constructed or an existing structure is converted to a condominium on a single parcel shown on a Final Map or Parcel Map recorded after January 1, 1960. Provided, however, that the Planning Officer may require a Tentative and Final Map for the purposes of obtaining improvements, additional easements and dedications, or for other circumstances which warrant the filing of a new map; or
 - (2) The land before division contains less than five (5) acres, each parcel created by the division abuts upon a maintained public street or highway, and no dedications or improvements are required by the legislative body; or
 - (3) Each lot created by the division has a gross area of twenty (20) acres or more and has an approved access to a maintained public street or highway; or

- (4) The land consists of a parcel or parcels of land having approved access to a public street or highway which comprises part of a tract of land with a land use district which allows for industrial or commercial development, and which has the approval of the governing body as to street alignments and widths; or
 - (5) Each lot created by the division has a gross area of forty (40) acres or more, or each of which is a quarter of a quarter section or larger.
- (b) A Parcel Map shall be required for those subdivisions described in this Division as being exempt from the requirement for Tentative and Final Maps.
 - (c) Should the subdivider wish to file multiple Final Maps for a development project that will be phased, then one of the following shall be completed:
 - (1) The subdivider, at the time the Tentative Map is filed, shall inform the Planning Agency of the subdivider's intention to file multiple Final Maps on such Tentative Map; or
 - (2) After the filing of the Tentative Map, the Planning Agency and the subdivider concur in the filing of multiple Final Maps.
 - (3) A subdivider filing multiple Final Maps shall show the boundary limits of each phase and designate the sequence of filing to the satisfaction of the Development Review Committee.
 - (d) A Final Map shall be required for a cemetery and shall be recorded only with the approval of the County Surveyor, subject to the requirements imposed by Division 3 Chapter 4 of this Title and Division 8 of the State of California Health and Safety Code.
 - (e) Notices of intention to convert residential real property into a condominium project, a community apartment project, or a stock cooperative project shall be made as required by California Government Code Sections 66427.1, 66452.8 and 66452.9 prior to the filing of such map.

- (f) At the time of filing a map for a subdivision to be created from the conversion of a mobilehome park to another use, the subdivider shall also file a report on the impact of the mobilehome park conversion pursuant to California Government Code Section 66427.4. At least thirty (30) days prior to public hearing for such a conversion, the County shall inform the applicant in writing of the provisions of Section 798.56 of the California Civil Code and all applicable local requirements which impose upon the applicant a duty to notify residents and mobilehome owners of the mobilehome park of the proposed change in use.
- (g) At the time of filing a map for the conversion of a stock cooperative or a community apartment project to a condominium, the subdivider shall submit documents showing that the requirements of California Government Code Section 66452.10 have been met.

83.040205 Tentative Map Format.

The content and form of Tentative Maps shall be governed by the provisions of this section.

- (a) **Standards and Preparation:** The Tentative Map shall be prepared by or under the direction of a registered Civil Engineer licensed to practice surveying or licensed Land Surveyor in accordance with the Subdivision Map Act, the San Bernardino County Code, and any other County ordinance, statute or law, or any amendments thereto, pertaining to the use, sale or lease of land. The Tentative Map shall be prepared in compliance with the officially adopted General Plan, and any applicable specific plan or any amendments thereto, adopted pursuant to the State Planning and Zoning Law and in accordance with the Standard Streets and Highways Plan adopted by the Board of Supervisors, as amended. The Tentative Map shall show the location of streets and property lines bounding the property and shall conform to all of the following provisions and the standards found on record as prescribed by the Office of Planning:

- (1) Each Tentative Map shall be drawn to an engineer's scale and clearly show the details of the plan thereon. Wherever practicable, such scale shall be one (1) inch to one hundred (100) feet or less, and in no case shall the scale be smaller than one (1) inch to two hundred (200) feet.
- (2) The tentative maps shall show or be accompanied by the following information:
 - (A) Development proposed on the subdivision (lot sale or building program).
 - (B) Source, name of supplier, quality and an estimate of available quantity of water, or, if to be served by an established mutual water company or an established public utility, a letter shall be furnished to indicate that satisfactory arrangements have been made or can be made for water supply.
 - (C) Type of street improvements, utilities, and street lights which are proposed to be installed. Pursuant to California Government Code Section 66473.3, and this Title, this information shall include the type of cable television systems to be installed, if any cable television system is available.
 - (D) Proposed Method of Sewage Disposal.

If utilizing sewers, the applicant must furnish a letter from an authorized representative of the entity or agency which will provide such sanitary sewer service, assuring that such entity or agency can and will accept for disposal sewage generated on the land under consideration after its improvement. The Office of Planning shall give written notice to the entity or agency which owns the related sewage treatment plant prior to issuance of the written determination of filing of the proposed subdivision. This filing requirement need not be met when, within fourteen (14) days from the date of providing of the above requirement notice, the entity or agency which owns the related sewage treatment plant has submitted an independently certified engineering

report to the Office of Planning which demonstrates that adequate sewage treatment plan capacity is not available.

- (E) The drainage area tributary to the subdivision and a statement setting forth in detail the manner in which storm runoff will enter the subdivisions, the manner in which it will be carried through the subdivision, and the manner in which disposal beyond the subdivision boundaries will be accomplished.
- (F) Topographical and contour data shall be shown pursuant to adopted County standards.
- (G) The widths and locations of all recorded easements which are to remain.
- (H) Names, addresses and telephone numbers of utilities, school districts, fire protection agencies, and cable television services serving the tract.
- (I) Remainder parcels shall be indicated as a "remainder parcel" and shall be subject to review for design access, water and sewer availability and other such improvements as may be necessary to protect the public health, safety and welfare and are consistent with the intent of this Division. Waiver of improvements may be granted for remainder parcels where the size exceeds five (5) acres.
- (J) When any change is made by the subdivider in the statement given in pursuance of this section, such change or changes shall be submitted in writing to the Planning Agency, and approved prior to the recording of the Final Map.

(K) In the case of a subdivision to convert a mobilehome park to another use, the subdivider shall file a report on the impact of the conversion upon the displaced residents of the mobilehome park to be converted. The report shall discuss the availability of adequate replacement space in mobilehome parks in determining the impact of the conversion on displaced mobilehome park residents. The subdivider shall make a copy of the report available to each resident of the mobilehome park fifteen (15) days prior to the date of the hearing on which the Planning Agency is to take action upon the Tentative Map.

(L) In the case of a Vesting Tentative Map, at the time it is filed it shall have printed conspicuously on its face the words "Vesting Tentative Map."

(3) Tract Number.

Prior to filing a Tentative Map of a subdivision or Reversion to Acreage, a licensed engineer or surveyor shall obtain a tract number or numbers from the County Recorder. When a number has been assigned by the County Recorder for the subdivision of a particular parcel of land, the subdivider shall place this same number upon each Tentative Map of the subdivision, and the number issued shall not thereafter be changed or altered in any manner upon the Tentative Map of the subdivision unless and until a new number shall have been assigned by the County Recorder.

83.040210 Final Map Format.

The content and form of Final Maps shall be governed by the provisions of this subsection.

- (a) Standards and Preparation. The Final Map shall be prepared by, or under the direction of, a registered Civil Engineer licensed to practice land surveying or licensed Land Surveyor; shall be based upon a survey; and shall conform to all of the following provisions; the California Subdivision Map Act and the County Surveyor's standards as adopted by the Board of Supervisors:

- (1) It shall be legibly drawn, printed or reproduced by a process guaranteeing a permanent record in black on tracing cloth or polyester-base film. Certificates, affidavits and acknowledgements may be legibly stamped or printed upon the map with opaque ink. If ink is used on a polyester-base film, the ink surface shall be coated with a suitable substance to assure permanent legibility.
- (2) The size of each sheet shall be eighteen (18) by twenty-six (26) inches. A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of one (1) inch. The scale of the map shall be large enough to show all details clearly, and enough sheets shall be used to accomplish this end. The particular number of the sheet and the total number of sheets comprising the map shall be stated on each of the sheets, and its relation to each adjoining sheet shall be clearly shown.
- (3) All survey and mathematical information and data necessary to locate all monuments, and to locate and retrace any and all interior and exterior boundary lines appearing thereon shall be shown, including bearings and distances of straight lines, and radii and area length or chord bearings and length of all curves, and such information as may be necessary to determine the location of the centers of curves and ties to existing monuments used to establish the subdivision boundaries.
- (4) Each lot shall be numbered. Each street shall be named.
- (5) The exterior boundary of the land included within the subdivision shall be indicated by an opaque ink line three (3) times as wide as the widest line on the map, excluding the border line. The map shall show the definite location of the subdivision, and particularly its relation to surrounding surveys.

- (6) If the map includes a remainder parcel, and the gross area of the remainder parcel or similar named parcel is five (5) acres or less, it shall be surveyed and mapped. If the remainder parcel or similar named parcel is more than five (5) gross acres that parcel shall show record information and parcel size only.
- (7) Proposed public areas and drainage easements shall be shown.
- (8) Additional notes which do not affect record title interests shall not be shown on the Final Map. Where a Composite Development Plan has been required, a prominent note shall be placed below the Surveyor's Notes on the final map in one-quarter (1/4) inch high, bolded block letters, stating:

COMPOSITE DEVELOPMENT PLAN NOTE;
A Composite Development Plan (C.D.P.)
affecting this map is on file in the San
Bernardino County Office of Building and
Safety in C.D.P. Book Page .

- (b) Title Sheets. Prior to filing, those certificates and acknowledgements set forth in this Division shall appear on the title sheet of the Final Map and may be combined where appropriate. The title sheet shall also contain a certificate, signed and acknowledged by all parties having any record title interests in real property subdivided, consenting to the preparation and recordation of the Final Map, and is required except as provided by the Subdivision Map Act.

Each sheet of the Final Map shall also contain a title, consisting of the number of the subdivision and a subtitle consisting of a description of all property being subdivided by reference to such map or maps of the property shown thereon, as shall have been previously recorded or filed with the County Clerk pursuant to a final judgement in any action in partition, or shall have been previously filed in the Office of the County Recorder, or by reference to the plat of any United States Survey. The title sheet shall also show, in a form acceptable to the County Surveyor, such appropriate certificates and acknowledgements as required in the Subdivision Map Act, or any additional certificates as required by the County Surveyor or County standards.

(c) Certificates on Final Maps. The certificates on Final Maps shall be governed by the provisions of the Subdivision Map Act and the Final and Parcel Map standards established by the County Surveyor's Office and as adopted and amended by the Board of Supervisors.

(1) Dedications of, or offers to dedicate interests in real property for specified public purposes shall be made by a certificate on the title page of the Final Map, signed and acknowledged by those parties having any record title interest in the real property being subdivided, subject to the provisions of the Subdivision Map Act.

In the event that any street shown on a subdivision map is not offered for dedication, the certificate may contain a statement to this effect. If such statement appears on the map and if the map is approved by the Board of Supervisors, the use of any such street or streets by the public shall be permissive only.

Any offer of dedication of real property for street or public utility easement purposes shall be deemed not to include any public utility facilities located on or under such real property unless an intent to dedicate such facilities is expressly stated in the certificate, and then only to the extent so stated.

Any dedication or agreements required within the remainder parcel of a Final Map shall be executed by the legal owners of record and any holder in a beneficial interest in a trust deed.

- (2) The Final Map shall contain a certificate for execution by the Clerk of the Board, stating that the Board of Supervisors approved the map and accepted, subject to improvement, or rejected on behalf of the public, any real property offered for dedication or public use in conformity with the terms of the offer of dedication.
- (3) A certificate is required indicating the engineer or surveyor responsible for the survey and Final Map. This certificate shall give the date of the survey, state that the survey and Final Map were made by the engineer or surveyor, and indicate that the survey is true and complete as shown.

The certificate shall also state that all the monuments are of the character and occupy the positions indicated, or that they will be set in such positions on or before a specified later date. The certificate shall also state that the monuments are, or will be, sufficient to enable the survey to be retraced.

At least one exterior boundary line of the land being subdivided shall be adequately monumented or referenced before the map may be recorded.

- (4) The County Surveyor shall issue a certificate, if all of the following requirements have been met.
 - (A) The Surveyor has examined the map.
 - (B) The subdivision as shown is substantially the same as it appeared on the Tentative Map and any approved alterations thereof.
 - (C) All provisions of this Article and any local ordinances applicable at the time of approval of the Tentative Map have been complied with.

- (D) The County Surveyor is satisfied that the map is technically correct.
- (5) The County Surveyor shall complete and file, with the Clerk of the Board, the certificate as required by this section within twenty (20) days from the time the Final Map is submitted to the County Surveyor by the subdivider for approval.
- (6) At the time the subdivider presents the Final Map, there shall be presented releases executed by the various public utilities, including cable television services as to location of their facilities and that satisfactory arrangements have been made for the establishment of any easements required for such facilities. The failure of any said public utility to notify the County Surveyor of the need for such easements within twenty (20) days of receipt of the advance copy of the Final Map shall be deemed notice that said provisions and arrangements have been made and no further release shall be required.

83.040220 Tentative Map.

The following provisions shall govern the review of Tentative and Vesting Tentative Maps:

(a) Action on Tentative Map.

- (1) The Planning Agency shall approve, conditionally approve, extend or disapprove the map or maps of the proposed subdivision within fifty (50) days after an application for a Tentative Map has been filed, deemed completed and accepted for filing except as otherwise provided by the Subdivision Map Act. An official copy of the Planning Agency's action shall be filed with the Tentative Map, and be reported directly to the subdivider and to the Real Estate Commission of the State of California. If no action is taken upon a Tentative Map by the Planning Agency within the time limits specified in this Division, or any authorized extension thereof, the Tentative Map as filed shall be deemed to be approved insofar as it complies with other applicable requirements of this Division, other applicable ordinances of the County of San Bernardino, and all applicable State laws, and it shall be the duty of the Clerk of the Board and the

Secretary of the Planning Agency to certify such approval. This section shall be inapplicable to extensions of time which are reasonable and required in order to comply with any provision of State law, including the requirements for compliance with the California Environmental Quality Act of 1970. Provided, however, if an Environmental Impact Report (EIR) is prepared, the fifty (50) day period specified in this section shall not be applicable and the Planning Agency shall take action upon the Tentative Map within forty-five (45) days after certification of the EIR. Any revised Tentative Map or portion thereof filed with the Planning Agency shall comply with the requirements in effect at the time such revised map is considered by the Planning Agency.

(2) A Tentative Map shall not be approved in the following cases:

(A) In the case of a conversion of residential real property to a condominium project, community apartment project or stock cooperative, the Planning Agency shall not approve the Tentative Map unless evidence is provided by the subdivider, as required by Section 66452.9 of the California Government Code, that proper notification has been given to each of the tenants of the proposed conversion notifying of the subdivider's intent to convert.

(B) In the case of a conversion of a stock cooperative or a community apartment project to a condominium, the Planning Agency shall not approve a Tentative Map unless evidence is provided by the subdivider, as required by Section 66452.10 of the California Government Code, that the required number of owners in the cooperative or project, as specified in the bylaws or other organizational documents, have voted in favor of such conversion.

(C) The Planning Agency shall not approve a Tentative Map, or a Parcel Map for which a Tentative Map was not required, if it finds that the land is subject to a contract entered into pursuant to the California Land Conservation Act of 1965 (California Government Code Section 51296) and that the resulting parcels following a subdivision of that land would be too small to sustain their agricultural use. For purposes of this section, land shall be presumed to be in parcels too small to sustain their agricultural use if the land is: (1), less than ten (10) acres in size in the case of prime agricultural land; or, (2), less than forty (40) acres in size in the case of land which is not prime agriculture land. For purposes of this section agricultural land shall be presumed to be in parcels large enough to sustain their agricultural use if the land is (1) at least 10 acres in size in the case of prime agricultural land, or (2) at least 40 acres in size in the case of land which is not prime agricultural. The Planning Agency may approve a subdivision with parcels smaller than those listed above if the findings in Subsections 83.040115(c)(8)(B)(i) and (ii), along with the other applicable findings listed in Section 83.040115, are made or the land within the subdivision is subject to a contract when one of the following has occurred:

(I) The Local Agency Formation Commission has approved the annexation of the land to a city and the city will not succeed to the contract as provided in California Government Code Sections 51243 and 51243.5.

(II) Written notice of nonrenewal of the contract has been served prior to March 7, 1985, as provided in California Government Code Section 51245.

(III) Written notice of nonrenewal of the contract has been served on or after March 7, 1985, as provided in California Government Code Section 51245, and, as a result of that notice, there are no more than three (3) years remaining in the term of the contract.

(IV) The Board has granted tentative approval for cancellation of the contract as provided in California Government Code Section 51282.

(3) The approval or conditional approval by the Advisory Agency of any revised or new Tentative Map shall annul all previous designs and approvals thereof.

(4) When modifications in design are conditions of approval of a Tentative Map, the subdivider shall, at least thirty (30) days prior to the submission of Final Maps, submit the ten (10) copies of the Tentative Map as modified to the Planning Agency for distribution to the Development Review Committee representatives.

(b) Planning Officer Referral. When acting as the Planning Agency for subdivisions where a Tentative and Final Map are required, the Planning Officer shall determine, prior to taking an action to approve, conditionally approve, extend or deny the application, that the project is noncontroversial. For the purpose of this section, "noncontroversial" shall mean: (1) that no member of the Development Review Committee objects to the project or any portion thereof; (2) no specific written request has been received requesting public hearing review of the project from person(s) notified in accordance with the provisions of Subsection 83.010330(b); and (3) in the opinion of the Planning Officer, there has been no substantial objection to the proposed project from members of the public. If the Planning Officer determines the project to be controversial, the project may be referred by Planning Officer to the Planning Commission for action.

(c) Review of Tentative Maps by Other Agencies. When a Tentative Map has been properly filed and the subdivider has furnished the required number of copies, the Office of Planning shall, within three (3) County business days of the filing and review cycle deadlines (Saturdays, Sundays and holidays excluded) forward a copy or copies thereof to the following:

- (1) County Assessor.
- (2) County Fire Warden, who shall distribute to the appropriate fire jurisdiction.
- (3) County Surveyor.
- (4) Building Official.
- (5) Director of the Department of Environmental Health Services.
- (6) Director of Transportation/Flood Control/Airports and Road Commissioner.
- (7) District Engineer of the California Department of Transportation, Business and Transportation Agency, State of California, if a Federal or State highway is involved.
- (8) Regional Planning Team.
- (9) Office of Special Districts.
- (10) Any municipality entitled thereto.
- (11) Other public agencies or officers who, as determined by the Planning Agency, have an interest in the proposed subdivision.
- (12) Any appropriate public utilities and cable television system.
- (13) Chino Valley Regional Manager.

- (d) Reports on Tentative Map. Any report or recommendation on a Tentative Map by the staff of the Planning Agency or the Development Review Committee to the Planning Agency shall be in writing and a copy thereof sent to the subdivider, or any tenant of the subject property in the case of a proposed conversion of residential real property to a condominium project, community apartment project or stock cooperative project, at least three (3) days prior to any hearing or action on such map by such Planning Agency. In the event of failure of any officer, department, municipality, district or agency to report to the Planning Agency in writing within twenty (20) days after the filing deadline of the Tentative Map, it shall be deemed that said officer, department, municipality, district or agency has no objections to the proposed map.

Wherever possible, the reports and recommendations of County departments shall be uniform in content and form and shall be presented to the Planning Agency by the Chairperson of the Development Review Committee or designee.

- (1) Required action in the case of waste discharge violations. The Development Review Committee shall report to the Planning Agency as to whether the discharge of waste from the proposed subdivision into an existing community sewer system will result in the violation of existing requirements prescribed by a California Regional Water Quality Control Board pursuant to Division 7 (commencing with Section 13000) of the California Water Code. In the event that the Planning Agency finds that the proposed waste discharge would result in or add to violation of the requirements of such Board, it may disapprove the Tentative Map or maps of the subdivision, or take such other action as may be permitted by the policies of the Board of Supervisors.

- (e) Expiration of Approval. The initial approval period of an approved or conditionally approved Tentative Map and any associated development application shall expire thirty-six (36) months after its approval or conditional approval unless an extension is granted as hereinafter provided or as otherwise provided by the Development Code. The expiration of the approved or conditionally approved Tentative Map shall terminate all proceedings and no Final 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.

This initial approval period may be extended in the following circumstances:

- (1) If the subdivider is subject to a requirement of one hundred thousand dollars (\$100,000) or more to construct or improve or finance the construction or improvement of public improvements outside the boundaries of the Tentative Map in order to obtain a Final Map, each filing of a Final Map that is part of a series of multiple Final Maps authorized by Subsection 83.040201(c) of this Code and California Government Code Section 66456.1 shall extend the expiration of the approved or conditionally approved Tentative Map and any associated development project by thirty-six (36) months from the date of its expiration as provided in this section, or the date of the previously filed Final Map, whichever is later. Such extensions shall not extend the Tentative Map more than ten (10) years from its approval or conditional approval. However, a Tentative Map on property subject to a development agreement authorized by Article 2.5 (commencing with Section 65864) of Article 4 of Division 1 of the California Government Code may be extended for the period of time provided for in the agreement, but not beyond the duration of the agreement. The number of phased Final Maps which may be filed shall be determined by the Planning Agency at the time of the approval or conditional approval of the Tentative Map. It shall be the responsibility of the developer to notify the Office of Planning of the filing of the Final Map so that appropriate arrangements may be made to document such extension.

"Public improvements," as used in this section, includes traffic controls, streets, roads, highways, bridges, overcrossings, street interchanges, flood control or storm drain facilities, sewer facilities, water facilities, and lighting facilities.

- (2) This period of time shall not include any period of time during which a moratorium, imposed after approval of the Tentative Map, is in existence, provided however that the length of the moratorium does not exceed five (5) years.

Once a moratorium is terminated, the map shall be valid for the same period of time as that which remained of the map approval period at the time that the moratorium was imposed. However, if the remaining time is less than one hundred twenty (120) days, the map shall be valid for one hundred twenty (120) days following the termination of the moratorium.

- (3) In addition, this period of time, including any extension granted pursuant to Subsection (f), 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 if a stay of the time period is approved by the County pursuant to this section. Within ten (10) days of the service of the initial petition or complaint in the lawsuit upon the County, the subdivider may apply to the County for a stay pursuant to the County's adopted procedures. Within forty (40) days after receiving the application, the County shall either stay the time period for up to five (5) years or deny the requested stay.

- (f) Time Extensions on Approved Tentative Maps and/or any related development applications. The Planning Officer may approve extensions of time for a period or periods not exceeding a total of thirty-six (36) months unless otherwise provided by the Development Code. Any application of a subdivider for such extension of time shall be made in writing to the Planning Officer not less than thirty (30) days prior to the expiration date. Such extension of time is subject to an extension fee as found in the County Schedule of Fees. If the Final Map is not recorded within the approved extension, then the subdivision must be refiled in accordance with all provisions of this Division.
- (g) Withdrawal of Tentative Maps. Any subdivider or record owner of property upon which a Tentative Map has been filed may withdraw such map at any time until the recordation of the appropriate Final Map. Notice of such withdrawal shall be made in writing to the Planning Agency. Refund in filing fees for any such map withdrawn shall be made in accordance with the County Schedule of Fees.
- (h) Appeal by Subdivider. The subdivider, or any tenant of the subject property in the case of a proposed conversion of residential real property to a condominium project, community apartment project or stock cooperative project, may appeal any action of the Planning Agency with respect to a Tentative Map. Any such appeal shall be filed with the Office of Planning for an action taken by the Planning Officer, or with the Clerk of the Board for an action taken by the Planning Commission. Such appeals shall be filed within ten (10) days after the action of the Planning Agency to deny a request for extension of time for an approved or conditionally approved Tentative Map. After the filing of an appeal, the appeal body shall set the matter for public hearing. Such hearing shall be held within thirty (30) days after the date of a request filed by the subdivider or the appellant. Notice of the public hearing shall be provided. Within ten (10) days following the conclusion of the hearing, the appeal hearing body shall render its decision. The decision of the appeal hearing body shall comply with the provisions of this Division and shall include all findings required by this Division. If the appeal hearing body fails to act upon an appeal within the time limit, specified in this Division, the action of the Planning Agency shall be deemed to be upheld, and it shall be the duty of the Secretary

of the Planning Commission or the Clerk of the Board, whichever body has heard the appeal, to certify such action. The fee for filing of an appeal shall be established in the County Schedule of Fees.

- (i) Complaint by Interested Person. Any interested person adversely affected by a decision of the Planning Agency may file a complaint with the appropriate appeal body concerning any decision of the Planning Agency. Any such complaint shall be filed with the Secretary of the Planning Commission or Clerk of the Board, depending upon the reviewing authority taking action. Such appeals shall be filed within ten (10) days after the action of the Planning Agency which is the subject of the complaint. Upon the filing of the complaint, the appeal hearing body shall set the matter for public hearing. Such hearing shall be held within thirty (30) days after the filing of the complaint. Notice of the public hearing shall be provided.

Upon conclusion of the hearing, the appeal body shall within ten (10) days declare its findings, based upon the testimony and documents produced before it, or sustain, modify, reject or overrule any recommendations or rulings of the Planning Agency and make such findings as are consistent with the provisions of this Division.

The fee for filing of a complaint shall be the same as that required for an appeal of a subdivision.

83.040225 Final Map.

The following provisions shall govern the filing and recording of the Final Map:

- (a) Filing the Advance Copy of the Final Map. After receipt of the report of the Planning Agency approving or conditionally approving the Tentative Map, and at least fifty (50) days prior to the expiration of the approval or conditional approval or any approved extension of time as provided by this Division, the subdivider may cause the real property included within the map, or any part thereof, to be surveyed and a Final Map thereof prepared in accordance with the approved or conditionally approved Tentative Map, and an advance copy of the Final Map to be submitted to the County Surveyor. The advance copy of the Final Map shall be accompanied by the following information:
- (1) Traverse sheets showing closures with allowable limits of exterior boundary and of irregular blocks and lots in subdivision.
 - (2) Preliminary title report.
 - (3) Fees for examining Final Map in the amount specified in the County Schedule of Fees adopted by the Board of Supervisors.
 - (4) In the case of the conversion of residential property to a condominium, community apartment, or stock cooperative, evidence shall be submitted that the notices of intention to convert to prospective tenants, as required by California Government Code Section 66427.1, have been given.
 - (5) Composite Development Plan as subject to the provisions of Article 5 of this Division.
 - (6) Any additional information as may be required by the Planning Agency or County standards shall be submitted to the appropriate County department.

- (b) The County Surveyor shall be the primary coordinator in seeing that the conditions of approval of the Tentative Map have been fulfilled. The County Surveyor shall transmit maps to and request written reports from the County departments and public utilities, including any cable television systems, which have submitted recommendations on the Tentative Map. Within twenty (20) days after receipt of such an advance copy of the Final Map, said Department or utility shall issue a preliminary written report as to the compliance or noncompliance of the advance Final Map as to the matters under its jurisdiction.
- (c) Filing Official Copy of the Final Map. If the advance copy of the Final Map has been found satisfactory by the County Surveyor, the subdivider shall cause the Final Map to be officially filed with the County Surveyor at least twenty (20) days prior to expiration of the approval or conditional approval or any approved extension of time as provided by this Division. The Final Map shall not be officially filed until the engineer or surveyor has received notification from the County Surveyor that all provisions of the Tentative Map approval, the Subdivision Map Act, County Code and County standards have been complied with. The official filing of the Final Map with the County Surveyor will constitute the Final Map filing date.
- (d) Checking and Reports to the Board of Supervisors. After the issuance of a receipt for the official filing of the Final Map, the County Surveyor shall examine it as to sufficiency of affidavits and acknowledgements, correctness of surveying data, mathematical data and computations and other matters which may require checking to insure compliance with the provisions of the Subdivision Map Act and this Division.

If the Final Map is found to be in substantial compliance with the Tentative Map and is in correct form and the matters shown thereon are sufficient and the County Surveyor is satisfied that all of the conditions of approval have been met, County Surveyor shall endorse approval thereon. The County Surveyor shall combine with the Final Map the agreements, easements and securities as required by this Division. Such material shall be transmitted by the Environmental Public Works Agency to the Board of Supervisors for its consideration of the Final Map.

- (e) Approval of Final Map by the Board of Supervisors.
- (1) The Board of Supervisors shall, within a period of ten (10) days after the filing of the Final Map for approval or at its next regular meeting after the meeting at which it receives the map, whichever is later, approve the map if it conforms to all the requirements of the Subdivision Map Act and this Division applicable at the time of approval or conditional approval of the Tentative Map and any rulings made thereunder or, if it does not so conform, disapprove the map.
 - (2) If the Board does not approve or disapprove the map within the prescribed time, or any authorized extension thereof, and the map conforms to all said requirements and rulings, it shall be deemed approved, and the Clerk of the Board of Supervisors shall certify its approval thereon.
- (f) Time Limit for Filing Final Map. If the subdivider fails to file the Final Map with the County Recorder and the required accompanying data with the appropriate County departments within thirty-six (36) months after the date of first approval by the Planning Agency or within any authorized extension of time, the Tentative Map approval or conditional approval shall become void. In such a case, a new filing fee shall be paid and a new Tentative Map approval shall be obtained.

- (g) Improvement Agreement. If at the time of approval of the Final Map by the Board of Supervisors, any improvements required by local ordinance or as a condition of the approval of the Tentative Map have not been completed in accordance with County standards applicable at the time of the approval or conditional approval of the Tentative Map, the Board of Supervisors, as a condition precedent to approval of the Final Map, shall require the subdivider to enter into an agreement with the Board of Supervisors upon mutually agreeable terms to thereafter complete such improvements at the subdivider's expense. The Board of Supervisors shall require that performance of such agreement is guaranteed by appropriate securities.
- (h) If sixty (60) days prior to the submittal of a Final or Parcel Map, the subdivider has failed to comply with the Tentative Map or minor subdivision plot plan conditions which require the subdivider to construct or install offsite improvements on land in which neither the subdivider nor the County has sufficient title or interest, including an easement or license, then at the time the Parcel or Final Map is filed with the local agency, to permit the improvements to be made, the subdivider shall enter into an agreement with the County through its Department of Engineering Contract Services to pay all costs of the County in acquiring such property. The County shall have one hundred twenty (120) days from the filing of the Final Map or Parcel Map, pursuant to Section 66457 of the Subdivision Map Act, to obtain interest in the land to permit the improvement(s) to be made by negotiation or proceedings pursuant to Title 7 (commencing with Section 1230.010) of Part 3 of the California Code of Civil Procedure, including proceedings for immediate possession of the property under Article 3 (commencing with Section 1255.410) of Article 6 of such Title. In the event the County fails to meet the one hundred twenty (120) day time limitation, the condition for construction of offsite improvements shall be conclusively deemed to be waived. Prior to approval of the Final Map, the County may require the subdivider to enter into an agreement to complete the improvements, pursuant to Subsection (6) above at such time as the County acquires an interest in the land which will permit the improvements to be made.

"Off-site improvements," as used in this subsection, do not include improvements which are necessary to assure replacement or construction of housing for persons and families of low or moderate income, as defined in Section 50093 of the California Health and Safety Code.

83.040230 Conditions of Map Approval.

The conditions of map approval shall be as follows:

- (a) Subdivisions for which a Tentative and Final Map are required. As a condition of approval of a map of five (5) or more parcels, the Planning Agency may require such dedications and improvements as are necessary to insure that the lots to be created are provided with adequate public services and utilities, possibly including any appropriate cable television services, to meet the needs of future residents or users; are of adequate design in all respects; act to mitigate any potential environmental impacts identified in the Environmental Impact Report or by other means; and provide for proper grading and erosion control, including the prevention of sedimentation or damage to off-site property. All improvements shall be in accordance with adopted County standards.
- (b) Access.
 - (1) Except as provided below, lots created by a subdivision of land shall abut upon a recorded dedicated public right-of-way of a width as established by the County Master Plan of Highways or County Highway Right-of-Way Standards, or shall be assured of access to the County road system by an approved access which connects a lot or lots to a maintained public street or state highway.
 - (2) The Planning Agency may waive the requirements for approved access to subdivisions having lot sizes of forty (40) gross acres or more when all of the following findings are made:
 - (A) The applicant is or will be subject to severe hardship unless the waiver is approved; and

- (B) There is an existing traveled roadway which has been in existence for at least five (5) years which roadway is at least twenty (20) feet in width at all points; and
 - (C) The roadway has capability for normal passenger car use to each lot in the subdivision.
- (3) Private road easements may be approved for access to each lot if it is determined that public street access cannot be provided due to certain title limitations or topographical conditions.
 - (4) Road easements of record established prior to the effective date of this Article shall be recognized as legal access to each lot of the subdivision.
 - (5) Existing traveled roads for which a court has determined that a prescriptive right by users exists for public use shall be recognized as legal access to each lot of the subdivision.
- (c) In determining whether to approve or disapprove an application for a Tentative Map, the County shall apply only those ordinances, policies, and standards in effect at the date the proposal for the subdivision was accepted as complete, as provided in California Government Code Section 66474.2.

Article 3

PARCEL MAP AND MINOR SUBDIVISION PLOT PLAN

Sections:

- 83.040301 Filing Criteria for Tentative and Parcel Maps, and Minor Subdivision Plot Plans.
- 83.040305 Subdivision Plot Plan Content.
- 83.040310 Parcel Map Content.
- 83.040320 Minor Subdivision Procedures.
- 83.040325 Parcel Map Procedures.

83.040301 Filing Criteria for Tentative and Parcel Maps, and Minor Subdivision Plot Plans.

(a) The provisions of this section and the Subdivision Map Act shall govern the necessity for Parcel Maps and Minor Subdivisions.

(1) A Tentative Map may be required and a Parcel Map shall be required for subdivisions where a Final Map is not otherwise required by this Division, unless waived pursuant to this Division. A Parcel Map shall not be required for subdivisions created, pursuant to California Government Code 66428, by short-term leases of a portion of the operating right-of-way of a railroad corporation defined as such by Section 230 of the California Public Utilities Code, or land conveyed to or from a governmental agency, public entity, common carrier, public utility, or for land conveyed to a subsidiary of a public utility for conveyance to such public utility for rights-of-way. A Parcel Map may be required if a showing is made in individual cases, upon substantial evidence, that public policy necessitates such a Parcel Map.

(2) A Parcel Map shall not be required for the construction of a condominium project or for the conversion of an existing structure to a condominium on a single parcel shown on a Final Map or Parcel Map recorded after January 1, 1960. Provided, however, the Planning Officer may require that a Parcel Map be filed for the purposes of obtaining improvements, additional easements and dedications, or other circumstances which warrant the filing of a new map.

- (3) The Director of the Department of Land Management except as otherwise provided may waive the requirement for a Parcel Map, where two (2), three (3), or four (4) parcels and any remainder parcel are involved, and the smallest parcel created is two and one-half (2 1/2) gross acres or a two and one-half (2 1/2) acre aliquot part of a section or greater; provided said Director has made a finding that the proposed division of land complies with the requirements as to: (A) area; (B) improvement and design; (C) flood water drainage control; (D) appropriate improved public roads; (E) sanitary disposal facilities; (F) potable water supply availability; (G) environmental protection; (H) other requirements of this Division; (I) the Subdivision Map Act; (J) other applicable ordinances of the County of San Bernardino; and (K) adequate survey data exists to identify the property as determined by the County Surveyor. A record of survey recorded after January 1, 1983, shall not constitute adequate survey data to permit a waiver of the requirement for a Parcel Map. Said finding shall be based upon evidence, information, and recommendations of the Development Review Committee or individual Development Review Committee member acting within the departmental area of expertise.
- (4) The Director of the Department of Land Management shall not waive a Parcel Map as a condition of approval of a Vesting Tentative Parcel Map.
- (5) Where the requirement for a Parcel Map is waived pursuant to provisions of this section, a Tentative Map may be required by the Planning Officer. The Planning Officer may establish application procedures for subdivisions which are not subject to the requirement for Tentative and Final Maps.
- (6) When a Parcel Map rather than a Final Map is required by this Division, the subdivider has the option of submitting a Tentative Map.

- (7) The subdivider shall submit a Tentative Map in place of a minor subdivision plot plan to obtain the rights conferred by the Subdivision Map Act and this Division for a Vesting Tentative Map.
- (8) The requirements of Subsection 83.040201(e), (f), and (g) shall apply to the filing of Parcel Maps for the conversion of residential real property to another use.

83.040305 Subdivision Plot Plan Content.

The content and form of the Minor Subdivision Plot Plan and applications shall be prepared in conformance with the Subdivision Map Act and any procedures established by the Land Management Department.

83.040310 Parcel Map Content.

The content and form of Parcel Maps shall be governed by the provisions of this section.

- (a) Standards and Preparation. The Parcel Map shall be prepared by, or under the direction of, a registered Civil Engineer licensed to practice land surveying or a licensed Land Surveyor; shall show the location of streets and property lines bounding the property; and shall conform to all of the following provisions and adopted County standards.
 - (1) The Parcel Map shall be legibly drawn, printed, or reproduced by a process guaranteeing a permanent record in black on tracing cloth or polyester based film. Certificates, affidavits, and acknowledgements shall be legibly stamped or printed upon the map with opaque ink. If ink is used on polyester based film, the ink surface shall be coated with a suitable substance to assure permanent legibility.

- (2) The size of each sheet shall be eighteen (18) by twenty-six (26) inches. A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of one (1) inch. The scale of the map shall be large enough to show all details clearly and enough sheets shall be used to accomplish this end. The particular number of the sheet and the total number of sheets comprising the map shall be stated on each of the sheets, and its relation to each adjoining sheet shall be clearly shown.
- (3) Each lot shall be numbered and each street shall be named.
- (4) The exterior boundary of the land included within the subdivision shall be indicated as an opaque ink line three (3) times as wide as the widest line on the map excluding the border line. The map shall show the location of each parcel and its relation to surround surveys.
- (5) If the map includes a remainder parcel and the gross area of the remainder parcel or similar named parcel is five (5) acres or less, it shall be surveyed and mapped. If the remainder parcel or similar named parcel is more than five (5) acres, that parcel shall show record information and parcel size only.
- (6) Existing natural drainage courses and proposed drainage easements, as necessary, shall be shown on the Parcel Map.
- (7) Additional notes which do not affect record title interests shall not be shown on the Parcel Map. Where a Composite Development Plan has been required, a prominent note shall be placed below the Surveyor's Notes on the parcel map in one-quarter (1/4) inch high, bold block letters, stating:

COMPOSITE DEVELOPMENT PLAN NOTE:

A Composite Development Plan (C.D.P.) affecting this map is on file in the San Bernardino Office of Building and Safety in C.D.P. Book Page .

- (8) In the case of a Vesting Tentative Map for a Parcel Map, at the time it is filed it shall have printed conspicuously on its face "Vesting Tentative Parcel Map."
- (b) Parcel Number. Prior to filing a Parcel Map, a licensed engineer or surveyor shall obtain a number or numbers from the County Recorder.
- (c) Certificates on Parcel Maps. The statements on Parcel Maps shall be as required by the County Surveyor's standards and adopted by the County Board of Supervisors.
- (1) Subject to the provisions of the Subdivision Map Act, a statement, signed and acknowledged by the legal owner of record in the real property subdivided, consenting to the preparation and recordation of the Parcel Map is required.
- (2) Offers to dedicate interest in real property for specified public purposes shall be made by a statement on the Parcel Map, signed and acknowledged by the legal owner of record in the real property being subdivided, subject to the provisions of the Subdivision Map Act. The signature of either the holder of beneficial interests under trust deeds or the trustee under such trust deeds, but not both, may be omitted. The signature of either shall constitute a full and complete subordination of the lien of the Deed of Trust to the map and any interest created by the map.

However, with respect to a division of land into four (4) or fewer parcels, where dedications or offers of dedications are not required, the statement shall be signed and acknowledged by the legal owner of record only.

- (3) In all cases where a Parcel Map is required, such map shall be based upon a field survey made in conformance with the Land Surveyors Act, except in the case of Reversion to Acreage.

- (4) The Parcel Map shall contain a certificate for execution by the County Surveyor, stating that the Surveyor approved the map and accepted, subject to improvement, or rejected on behalf of the public, any real property offered for dedication for public use in conformity with the terms of the offer of dedication. The County Surveyor is hereby empowered to accept such dedications on behalf of the County Board of Supervisors and County Flood Control District.

83.040320 Minor Subdivision Procedures.

The provisions for the review of minor subdivision, plot plans, Tentative and Parcel Maps shall be as required in Section 83.040220 of this Code, unless otherwise indicated in that section.

83.040325 Parcel Map Procedures.

This section shall govern the procedures for the processing, approval, conditional approval, and disapproval of an application to subdivide land into four (4) lots or less with or without a remainder parcel, or more when a Parcel Map has been required in lieu of a Final Map and filing Parcel Maps.

- (a) Filing Advance Copy of Parcel Map. Where the filing of a Parcel Map is required pursuant to this Division after the approval or conditional approval of the Tentative Parcel Map or minor subdivision plot plan application as provided by this Division, the subdivider may cause the real property included within the map to be surveyed and a Parcel Map thereof shall be prepared in accordance with the approved Tentative Parcel Map or minor subdivision plot plan application. An advance copy of said Parcel Map shall be filed with the County Surveyor.

The advance copy of the Parcel Map shall be accompanied by the following information:

- (1) Preliminary title report.
- (2) Fees in the amount specified in the County Schedule of Fees.
- (3) Composite Development Plan.

- (4) Such additional information as required by the Planning Agency or approved County standards.
- (b) Filing Official Copy of Parcel Map. The Parcel Map shall not be officially filed until the engineer or surveyor has received notification that all provisions of the Tentative Parcel Map or minor subdivision plot plan approval, the Subdivision Map Act, and County standards have been complied with and an advance copy of the Parcel Map has been approved by the County Surveyor in accordance with the provisions of this Article.
- (c) The filing and recording of a Parcel Map shall be subject to the requirements of Subsection 83.040225(g).

Article 4

VESTING TENTATIVE MAP

Sections:

- 83.040401 Filing Criteria for Vesting Tentative Maps.
- 83.040405 Content.
- 83.040410 Procedures.
- 83.040415 Development Rights.

83.040401 Filing Criteria for Vesting Tentative Maps.

- (a) Whenever a provision of the Subdivision Map Act, as implemented and supplemented by this Division, requires the filing of a Tentative Map or a Tentative Parcel 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 proposed subdivision permit for construction, or work preparatory to construction.
- (c) Except as otherwise set forth, the provisions of this Division shall apply to Vesting Tentative Maps.

83.040405 Content.

The content and form of Vesting Tentative Maps shall be governed by the provisions of this section.

- (a) At the time a Vesting Tentative Map is filed, it shall have printed conspicuously on its face the words "Vesting Tentative Map."
- (b) A Vesting Tentative Map shall be filed in the same form and have the same contents, accompanying data, and reports as set forth in this Division for a Tentative Map except as hereinafter provided.

83.040410 Procedures.

The following provisions shall govern the filing, processing and review of Vesting Tentative Maps:

- (a) A Vesting Tentative Map shall be processed and reviewed in the same manner as set forth in this Division for a Tentative Map, except as hereinafter provided.
 - (1) Prior to filing a Vesting Tentative Map, the subdivider shall have a preapplication conference with the Development Review Committee to determine if any additional information should be filed with the Vesting Tentative Map application. The applicant shall submit to the Development Review Committee prior to the preapplication conference all information that is required of a Tentative Map application. This information will be reviewed by the Committee and additional information may be required by the Committee to be submitted with the Vesting Tentative Map application. Preliminary Environmental Review of the proposed project shall be completed prior to the preapplication conference.

The minutes of the preapplication conference shall dictate the filing requirements for the Vesting Tentative Map, and shall accompany the filing of said map. The information required by the Development Review Committee for formal submission of the proposed project may include, but is not limited to the following:

- (A) Drainage plan for control of both on-site and off-site storm runoff, water courses, channels, existing culverts, and drainpipes including existing and proposed facilities for control of storm waters, data as to the amount of runoff and the approximate grade, and dimension of proposed facilities for control of storm waters.
 - (B) Building envelopes.
 - (C) Proposed land use and types of structures.
 - (D) Detailed circulation information (existing and proposed). This information may include area wide traffic data sufficient for the County to determine future needs.
 - (E) Detailed grading plans.
 - (F) Geological studies.
 - (G) Any information required by the Development Review Committee shall be clearly detailed and listed with an anticipated review period so that it can be acted upon within reasonable time. The department/office which requires any additional information shall approve the acceptability of this information from the applicant prior to the filing of the Vesting Tentative Map.
 - (H) The Development Review Committee may require the filing and concurrent review of other related development applications where it is necessary for the review and implementation of the Vesting Tentative Map.
- (2) An approving action on a Vesting Tentative Map shall not occur prior to the effective date of approval of the associated discretionary permit or action.
 - (3) Upon filing a Vesting Tentative Map, the subdivider shall pay the fees required as established in the County Schedule of Fees for the filing and processing of a Vesting Tentative Map.

- (4) 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 Division for the expiration of the approval or conditional approval of a Tentative Map.
- (5) Any time prior to the expiration of a Vesting Tentative Map, the subdivider or assignee may apply for an amendment to the Vesting Tentative Map. No application for amendment shall be required when the reviewing authority finds that such amendment is a minor modification that is in substantial compliance with the original approval and no new conditions of approval are required.
- (6) For a subdivision whose intended development is inconsistent with the land use district or Specific Plan in existence at that time, that inconsistency shall be noted on the map. The Planning Agency may deny such a Vesting Tentative Map or approve it conditioned on the subdivider, or his or her designee, obtaining the necessary change in the land use district or Specific Plan to eliminate the inconsistency. If the change in the pertinent ordinance is obtained, the approved or conditionally approved Vesting Tentative Map shall confer the right to proceed with the development as approved.
- (7) Fees for development permits (e.g., building and grading permits) filed per an approved Vesting Tentative Map or a recorded Vesting Final/Parcel Map shall be the fees in effect at the time of issuance of such permit.

83.040415 Development Rights

- (a) When the designated Planning Agency approves or conditionally approves a Vesting Tentative Map, that approval shall confer a vested right to proceed with the development in substantial compliance with the ordinances, policies, and standards in effect at the date the application for the subdivision has been determined to be complete and pursuant to California Government Code Section 66474.2. If Section 66474.2 is repealed, that approval 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), the Planning Agency may condition or deny a permit, approval, extension, entitlement, or require an amendment to the map if it determines any of the following:
 - (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 Planning Agency may alter any condition of a Vesting Tentative Map through an amendment pursuant to Subsections 83.041105(a)(5) and (6) in order to protect against conditions dangerous to public health and safety or to comply with State or Federal law.
- (d) The rights conferred by this section shall expire if a Final or Parcel Map is not recorded prior to the expiration of the Vesting Tentative Map as provided in Subsection 83.040410(a)(4). If the Final or Parcel Map is recorded, 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 this Code shall be automatically extended by any time used for processing a complete application for a grading permit or for design or architectural review, processing exceeds thirty (30) days from the date a complete application is filed.
- (3) A subdivider may apply for a one (1) year extension at any time before the initial time period set forth in Subsection 83.040415(d)(1) expires. If the extension is denied, the subdivider may appeal that denial to the County Board of Supervisors within fifteen (15) days.
- (4) If the subdivider submits a complete application for a building permit during the periods of time specified in this section, the rights referred to herein shall continue until the expiration of that permit, or any extension of that permit.

Article 5

COMPOSITE DEVELOPMENT PLAN

Sections:

- 83.040501 Filing Criteria for Composite Development Plans.
- 83.040505 Content.
- 83.040510 Procedures.
- 83.040515 Amendment to Composite Development Plan.

83.040501 Filing Criteria for Composite Development Plans.

- (a) The Planning Agency may require the filing of a Composite Development Plan at the time a Final or Parcel Map is accepted for recordation. These maps will reflect the information required by the Planning Agency and shall be filed with the Office of Building and Safety concurrent with the recordation of the Final or Parcel Map.
- (b) Wherever a Composite Development Plan is required, these plans shall be submitted prior to recordation of the Final or Parcel Map.

83.040505 Content.

The content and form of Composite Development Plans shall be governed by the provisions of this section and Composite Development Plan Standards established by the County Surveyor's Office and adopted by the County Board of Supervisors.

(a) Standards and Preparation. A reproduction shall be made on linen or mylar of the map sheets of the Final or Parcel Map which shall conform to the following provisions and adopted County standards.

(1) In the top margin of all the map sheets, there shall be prominently labeled "Composite Development Plan." Advance copies shall be submitted for approval by the County Surveyor and Building Official prior to submittal of the linen or mylar of the Final or Parcel Map.

(2) Notes on Composite Development Plans.

(A) The plan shall contain a section titled "Composite Development Plan Notes." The County may list here any conditions or mitigating measures stipulated for the development of the subject property. Any explanatory notes related to criteria delineated on the map shall also be listed within this section. In addition, any related reports regarding development criteria shall be listed, including the following information:

(I) Title and date of the report.

(II) Name and credentials of person or firm preparing report.

(III) The location where the reports are on file.

(B) The plan may delineate and note applicable criteria to the development of the subject property. These criteria are limited to:

- (I) Building Criteria (e.g., Building Setback Lines). Any yard setback lines that are delineated on Composite Development Plans shall be the street and yard setback distances required on the property within said Composite Development Plan.
 - (II) Geological, Paleontological and Seismic Criteria.
 - (III) Grading Criteria.
 - (IV) Flood Control Criteria (e.g., setbacks).
 - (V) Environmental Criteria.
 - (VI) Incorporation of Special Map Requirements referenced in Article 11 beginning at Subsection 83.041115(b) of this Division.
 - (VII) All easements of record shall be delineated on the plan. Where the only information to be detailed by the Composite Development Plan are the minimum yard setbacks established by a land use district, then a Composite Development Plan will not be required.
- (C) The following statement shall be prominently displayed on each map sheet:

COMPOSITE DEVELOPMENT PLAN

NOTES ON THIS PLAN ARE FOR INFORMATIONAL PURPOSES, TO INDICATE CONDITIONS AND CRITERIA THAT EXIST ON THIS PROPERTY THAT WERE KNOWN AND IDENTIFIED AS OF THE DATE THIS PLAN WAS FILED. THIS INFORMATION IS DERIVED FROM PUBLIC RECORDS OR REPORTS AND IS NOT INTENDED TO AFFECT RECORD TITLE INTEREST.

83.040510 Procedures.

This subsection shall govern the procedures for the processing, approval or disapproval of a Composite Development Plan.

- (a) Filing Advance Copy. At least three (3) weeks prior to the recordation of the Final or Parcel Map, the Composite Development Plan shall be submitted for coordination of review to the County Surveyor.
- (b) Filing Official Copy of Composite Development Plan. Concurrent with the filing for recordation of the Final or Parcel Map the Composite Development Plan, as approved by the Office of Planning and County Surveyor in accordance with the provisions of this Division, shall be filed with the Office of Building and Safety.

83.040515 Amendment to Composite Development Plan.

- (a) Should an error be made on the Final or Parcel map which affects the Composite Development Plan as authorized by Section 83.041105(a)(5) and (6) of this Division, the Final Map and the Composite Development Plan may be amended as approved by the County Surveyor and Office of Planning. A minor variance is required for all other changes to the Composite Development Plan.

The Building Official is authorized to approve amended maps when they do not adversely impact the conditions of other departments and the amendment is in substantial compliance with the conditions of approval of the Tentative or Parcel Map.

- (b) Any request to modify or deviate from the standards that are shown on a Composite Development Plan shall be made in accordance with the provisions for variances except as otherwise provided by this section.

Article 7

LOT MERGER.

Sections:

- 83.040701 Mandatory Merger of Substandard Lots.
- 83.040705 Voluntary Merger of Contiguous Lots.
- 83.040710 Findings.

83.040701 Mandatory Merger of Substandard Lots.

(a) A mandatory merger of substandard lots may be initiated by the County. A lot may be merged with a contiguous lot held by the same owner. If any one of the contiguous lots or units held by the same owner does not conform to the standards for minimum lot size or dimension specified by the applicable land use district the following requirements shall be satisfied:

- (1) At least one of the affected lots is not developed with any structure for which a building permit was issued or for which a building permit was not required at the time of construction, or is developed only with an accessory structure or accessory structures, or is developed with a single structure, other than an accessory structure, that is also partially sited on a contiguous lot involved in the proposed merger; and
- (2) At least one of the affected lots must have one or more of the following conditions:
 - (A) The lot comprises less than five thousand (5,000) square feet in area at the time of the determination of merger;
 - (B) The lot was not created in compliance with applicable laws and ordinances in effect at the time of its creation;
 - (C) The lot does not meet current standards for sewage disposal and/or domestic water supply;
 - (D) The lot does not meet slope stability and/or density standards, as specified by this Code, Specific Plan or the General Plan;

- (E) The lot has no legal access which is adequate for vehicular and emergency equipment access and maneuverability;
- (F) The development of the lot would create health or safety hazards;
- (G) The lot is inconsistent with the General Plan and any applicable specific plan, other than minimum lot size or density standards.

For purposes of determining whether contiguous lots are held by the same owner, the ownership of record shall be determined as of the date that Notice of Intention to Determine Status is recorded. Ownership of record shall be determined by the verification of the property ownership as recorded with the County Recorder in the official County records.

- (b) A lot merger becomes effective when the County causes to be filed for record with the County Recorder a Notice of Merger specifying the names of the record owners and a description of the real property to be merged. This notice shall be transmitted to the County Recorder with any certificates for taxes as referenced in this Code.
- (c) When a Notice of Merger has been recorded, the resultant parcel so merged shall be developed as a single unit of land.
- (d) When the County initiates a merger of substandard lots, noticing shall be done in compliance with the following provisions:
 - (1) Until January 1, 1990, for lots which are four thousand (4,000) square feet or less and which were deemed by the County to be merged prior to January 1, 1984, the noticing procedures shall be as follows: At least thirty (30) days prior to recording a notice of merger, the County shall advise the owner of record of the affected lots, in writing, of the intention to record the notice and specify a time, date, and place at which the owner may present evidence to the Planning Agency as to why such notice should not be recorded.

- (2) Unless otherwise specified in Section 83.040705, for all other lots proposed to be merged which do not meet the criteria of Subsection (d)(1) of this section, above: The County shall cause to be mailed by certified mail to the current record owner of the property a Notice of Intention to Determine Status, notifying the owner that the affected lots may be merged pursuant to provisions and standards specified by this section, and advising the owner of the opportunity to request a Determination of Status hearing and to present evidence at the hearing that the property does not meet the criteria for merger. This hearing shall be conducted in accordance with the Staff Review Without Notice procedures by the Office of Planning. The Notice of Intention to Determine Status shall be filed for record with the Recorder of the County of San Bernardino on the date that notice is mailed to the property owner.
- (e) At any time within thirty (30) days after recording of the Notice of Intention to Determine Status the owner of the affected property may file with the Office of Planning a request for a Determination of Status hearing.
- (f) Upon receiving a request for a Determination of Status hearing from the owner of the affected property pursuant to Subsection 83.040701(e), the County Planning Officer shall fix a time, date and place to conduct a hearing and shall notify the property owner of the time, date, and place of the hearing by certified mail. The hearing shall be conducted not more than sixty (60) days following the County's receipt of the property owner's request for a hearing, but may be postponed or continued with the mutual consent of the County and the property owner.
- (g) At a Determination of Status hearing, the property owner shall be given the opportunity to present any evidence that the affected property does not meet the standards for merger specified in this section and Section 83.040705. At the conclusion of the hearing, the Office of Planning shall make a determination that the affected lots are to be merged or are not to be merged and shall so notify the owner of this determination. A determination of merger shall be recorded within thirty (30) days after conclusion of the hearing.

- (h) If within the thirty (30) day period specified in Subsection 83.040701(e) the owner does not file a request for hearing in accordance with Subsection 83.040701(f), the Office of Planning may, at any time thereafter, make a determination that the affected lots are to be merged or are not to be merged. A Notice of Merger shall be recorded as provided in Subsection 83.040701(b) herein no later than ninety (90) days following the mailing of notice required by Subsection 83.040701(e) herein.
- (i) If, in accordance with Subsection 83.040701(g) or 83.040701(h) herein, the Office of Planning determines that the subject property shall not be merged, it shall cause to be recorded in the manner specified in Subsection 83.040701(b) herein a Release of the Notice of Intention to Determine Status, recorded pursuant to Subsection 83.040701(d)(2) and shall mail a clearance letter to the current owner of record.
- (j) Any decisions made by the Planning Officer in accordance with this section may be appealed prior to recordation of the Notice of Merger in accordance with the provisions of this Code.

83.040705 Voluntary Merger of Contiguous Lots.

- (a) Description and purpose. It is the purpose of this section to allow property owners to request a voluntary merger of contiguous lots that are under the same ownership.
- (b) Process. The property owner shall file an application for a lot merger. The reviewing authority shall be the Planning Officer and review of the application shall be subject to the provisions for Staff Review Without Notice. The merger of the subject lots become effective when the Planning Officer causes a Notice of Merger specifying the names of the record owners and a description of the real property to be filed for record with the County Recorder.

- (c) Requirements. A voluntary merger of lots may be requested by an applicant. A lot may be merged with one or more contiguous lots held by the same owner if any one of the contiguous lots held by the same owner does not conform to standards for minimum lot size or dimension specified by the applicable land use district or if at least one (1) such lot meets one (1) or more of the requirements specified in Section 83.040701(a)(2).

83.040710 Findings.

The Planning Agency shall find and justify the following to be true, prior to recording any Notice of Merger.

- (a) The lots to be merged at the time of merger are under common ownership.
- (b) The lots as merged will be consistent with or be more closely compatible with the applicable land use district regulations and any other planning policies relating to the subject property and lot configuration.
- (c) The lot as merged will not be deprived of legal access as a result of the merger and access to the adjoining lots will not be restricted by the merger.
- (d) All current and any delinquent taxes have been paid on all affected lots.

Article 8

REVERSION TO ACREAGE

Sections:

- 83.040801 Filing Criteria.
- 83.040805 Reversion to Acreage by Final Map or Parcel Map.
- 83.040810 Data for Reversion to Acreage by Final Map or Parcel Map.
- 83.040815 Fee.
- 83.040820 Proceedings.
- 83.040825 Conditions for Reversion to Acreage by Final Map.
- 83.040830 Conditions for Reversion to Acreage by Parcel Map.
- 83.040835 Return of Deposits and Release of Securities.
- 83.040840 Delivery of Final Map or Parcel Map.
- 83.040845 Effect of Filing Reversion Map with the County Recorder.

Previously subdivided property may be reverted to acreage pursuant to the provisions of this Article.

83.040801 Filing Criteria.

- (a) Requirement for Reversion to Acreage. Reversions to acreage may be required as a condition of approval for a land use application or allowed upon review and approval of a subdividers request pursuant to the provisions of this Article.

83.040805 Reversion to Acreage by Final Map or Parcel Map.

Subdivided real property may be reverted to acreage by a Final Map or Parcel Map pursuant to the provisions of this section.

- (a) Initiation of Proceedings.
 - (1) Proceedings shall be initiated by petition by the owner of the property. The petition shall be on a form prescribed by the Office of Planning and shall be accompanied by:
 - (A) Evidence of ownership.
 - (B) Evidence of nonuse or lack of necessity of any streets or easements to be vacated or abandoned.

- (C) Submittal of a Tentative Map or other application procedure which may be established by the Planning Officer which delineates any streets or easements which are to be left in effect; provided, however, that the Planning Officer may require a Tentative Map prepared to the standard prescribed in this Article.
 - (D) Such other information as required by the Office of Planning.
- (2) The Board, at the request of any person or on its own motion, may by resolution initiate proceedings to revert property to acreage. The Board shall direct the Office of Planning to obtain the necessary information to initiate and conduct the proceedings.
- (b) Previously subdivided land consisting of four (4) or less contiguous parcels under the same ownership may be reverted to acreage by Parcel Map; previously subdivided land consisting of five (5) or more parcels under the same ownership shall be reverted to acreage by Final Map.

83.040810 Data for Reversion to Acreage by Final Map or Parcel Map.

Petitioners shall file the following:

- (a) Evidence of title to the real property; and
- (b) Evidence of the consent of all of the owners of interest(s) in the property; or
- (c) Evidence that none of the improvements required to be made have been made within two (2) years from the date the Final Map or Parcel Map was filed for record, or within the time allowed by agreement for completion of the improvements, whichever is later; or
- (d) Evidence that no lots shown on the Final or Parcel Map have been sold within five (5) years from the date such Final or Parcel Map was filed for record.
- (e) A minor subdivision plot plan or Tentative Map in the form prescribed by this Division.

- (f) A Parcel Map or a Final Map in the form prescribed by this Division. The Parcel Map or Final Map shall delineate dedications which will not be vacated and dedications required as a condition to reversion.

83.040815 Fee.

The petition shall be accompanied by a fee as required by the County Schedule of Fees.

83.040820 Proceedings.

- (a) The Planning Commission shall hold a public hearing on all petitions for, and Board initiations of, Reversions to Acreage.
- (b) In the case of a Reversion to Acreage by Parcel Map, the Planning Commission may approve the Reversion to Acreage only if it finds and records in writing the findings required by this section.
- (c) For a Reversion to Acreage by Final Map, the Planning Commission shall render its decision in the form of a written recommendation to the Board of Supervisors. Such recommendation shall include the reasons for the recommendation and shall be transmitted to the Board of Supervisors. Upon receipt of the recommendation of the Planning Commission, the Board of Supervisors shall hold a public hearing. Notice of the time and place of such hearing shall be given in the same time and manner provided for the giving of notice of the hearing by the Planning Commission. The Board of Supervisors may approve a Reversion to Acreage only if it finds and records in writing the findings required by this section.
- (d) Findings. Prior to approval, the Reviewing Authority shall find and justify the following to be true:
 - (1) Dedications or offers of dedication to be vacated or abandoned by the Reversion to Acreage are unnecessary for present or prospective public purposes; and
 - (2) Either:
 - (A) All owners of an interest in the real property within the subdivision have consented to reversion;

- (B) None of the improvements required to be made have been made within two (2) years from the date the Final or Parcel Map was filed for record, or within the time allowed by agreement for the completion of the improvements, whichever is later; or
- (C) No lots shown on the Final or Parcel Map have been sold within five (5) years from the date such map was filed for record.

83.040825 Conditions for Reversion to Acreage by Final Map.

The Board may require as conditions for the Reversion to Acreage the following:

- (a) The owners dedicate or offer to dedicate streets or easements.
- (b) The retention of all or a portion of previously paid subdivision fees, deposits, or improvement security, if the same are necessary to accomplish any of the provisions of this Division.
- (c) The retention of drainage easements for drainage and flood control.

83.040830 Conditions for Reversion to Acreage by Parcel Map.

*After approval of the petition, a Parcel Map shall be prepared in accordance with this Division provided, however, that said Parcel Map may be compiled from recorded data if all the following conditions exist:

- (a) New division lines are not created.
- (b) The complete parcel boundary has been monumented and shown on a recorded subdivision map or Parcel Map.
- (c) When at least one of these boundary lines can be established from an existing monumented line.

The Parcel Map shall contain those statements as required by Division 3, Chapter 4, of this Code.

83.040835 Return of Deposits and Release of Securities.

Except as provided in this Article, upon filing of the Final Map for Reversion to Acreage with the County Recorder, deposits shall be returned to the subdivider and all improvement securities shall be released by the Board of Supervisors.

83.040840 Delivery of Final Map or Parcel Map.

After the hearing before the Board of Supervisors and approval of the reversion, the Final Map or Parcel Map shall be delivered to the County Surveyor.

83.040845 Effect of Filing Reversion Map with the County Recorder.

Reversion shall be effective upon the Parcel Map or Final Map being filed for record by the County Recorder. Upon filing, all dedications and offers of dedication not shown on the Parcel Map or Final Map for reversion shall be of no further force or effect.

Article 9

CERTIFICATE OF SUBDIVISION COMPLIANCE.

Sections:

- 83.040901 Filing Criteria.
- 83.040905 Content and Form.
- 83.040910 Procedures.
- 83.040915 Conditions of Approval.

83.040901 Filing Criteria.

- (a) A recorded Certificate of Subdivision Compliance may be requested by any person owning real property to have the Planning Officer determine whether such property complies with the provisions of this Code.
- (b) A Certificate of Subdivision Compliance may be required by the Office of Planning prior to recordation of a merger.
- (c) A recorded Certificate of Subdivision Compliance shall be required of all lot line adjustments.
- (d) When contiguous deeds or surveys have ambiguities in which the property boundary can not be ascertained as determined by the County Surveyor and an agreement is reached to establish the line by all parties, a Certificate of Compliance should be recorded.
- (e) When determined by the County Surveyor, a Certificate of Subdivision Compliance may be required for the remainder parcels on Final/Parcel Maps.

83.040905 Content and Form.

The content and form of an application for a Certificate of Subdivision Compliance shall be as required by County policy.

83.040910 Procedures.

Upon making a determination that real property complies with this Division, the Planning Officer shall cause a Certificate of Subdivision Compliance to be filed for record with the County Recorder. The Certificate of Subdivision Compliance shall identify the real property and shall state that the division thereof complies with applicable provisions of this Division and the Subdivision Map Act.

83.040915 Conditions of Approval.

- (a) When granting a Certificate of Subdivision Compliance for the purpose of determining whether real property is in compliance with this Code the following shall apply:
 - (1) The requirements or conditions for the granting of a Certificate of Subdivision Compliance shall be limited to dedications of flood control and road or street right-of-way easement for lots created before March 4, 1972.
 - (2) When a Certificate of Subdivision Compliance is requested for a parcel of land created on or after March 4, 1972, the following shall apply:
 - (A) If the parcel is less than five (5) acres in size, access, improvement, and map requirements consistent with land division requirements at the time the parcel was created shall be required.
 - (B) If the parcel is five (5) acres or greater in size, no Parcel or Record of Survey Map shall be required, unless the Planning Officer finds that, due to topographical, geologic, or drainage concerns, delineation of such areas is necessary to assure adequate building sites. Access shall be provided pursuant to subsection (A) above.

- (C) Access requirements across lands not in the ownership of the applicant may be deferred until development is requested on the applicant's property. A statement of disclosure relating to such lack of access shall be placed on the conditional Certificate of Subdivision Compliance advising of this requirement to future buyers of the parcel.
- (3) If the Planning Officer determines that such real property does not comply with the provisions of this Division, the Planning Officer shall impose all the access requirements of this Division before issuing a Certificate of Subdivision Compliance. The Planning Officer may, as a condition of approval for a Certificate of Subdivision Compliance, impose those additional improvement requirements and Tentative or Parcel Map requirements provided in this Division. Such conditions may be fulfilled and implemented by the property owner who has applied for a Certificate of Subdivision Compliance pursuant to this section, or by a grantee of such property owner. If such conditions are not fulfilled or implemented by the applicant, property owner, or the grantee, the Certificate of Subdivision Compliance shall have no force or effect upon any subsequent transfer of the property and any subsequent transferee or assignee shall make a new application for a Certificate of Subdivision Compliance pursuant to this Article, and the Planning Officer may impose such conditions as would have been applicable at the time such assignee or transferee acquired the property.
- (b) All Certificates of Subdivision Compliance shall be reviewed and approved by the County Surveyor prior to recordation. A record of survey may be required by the County Surveyor in order to facilitate the preparation of new legal descriptions or to ensure the elimination of any encroachment.
- (c) A Certificate of Subdivision Compliance shall be issued for any real property which has been approved for development.

- (d) A recorded final subdivision map, or Parcel Map, or recorded lot merger shall constitute a Certificate of Subdivision Compliance with respect to the parcels of real property described therein.
- (e) An official map prepared pursuant to subdivision (b) of Section 66499.52 of the California Government Code and Article 10 of Chapter 4 of Division 3 of Title 8 of this Code, shall constitute a Certificate of Subdivision Compliance or a conditional Certificate of Subdivision Compliance with respect to the parcels of real property described therein and may be filed for the record, whether or not the parcels are contiguous, so long as the parcels are within the same section or, with the approval of the County Surveyor, within contiguous sections of land.

Article 10

OFFICIAL MAP

Sections:

- 83.041001 Filing Criteria.
- 83.041005 Procedure.
- 83.041015 Recording Requirements.

83.041001 Filing Criteria.

- (a) Whenever any subdivision of land is platted or divided into lots or blocks, and whenever any addition to any subdivision is laid out into lots or blocks for the purpose of sale or transfer, the County Surveyor, under the direction and with the approval of the Board of Supervisors, may make an Official Map of the Subdivision, giving to each block on the map a number, and to each lot or subdivision in the block a separate number or letter, and giving names to such streets, avenues, lanes, courts, commons, or parks as may be delineated on the Official Map.
- (b) Any surveyor or engineer under the review of the County Surveyor may prepare an Official Map to be filed for record as a Certificate of Compliance, pursuant to Subdivisions (d) and (e) of the California Government Code Section 66499.35 and Subsection 84.030915(e) of this Code. The map shall be prepared in accordance with the map format specifications of Subdivisions (a) to (f), inclusive, of Section 66434 of the Subdivision Map Act and 83.040210 of this Code except where noted otherwise in this Article.

83.041005 Procedure.

- (a) A Tentative Map Application shall be filed with the County. Filing, map form and content, and procedure requirements for review and approval of Official Maps shall be as required by County Surveyor standards as adopted by the Board of Supervisors. This Tentative Map may be approved if it is consistent with the General Plan and land use district subject to the following requirements:
 - (1) Submit proof of approved access.

- (2) Engineer or surveyor shall prepare and file an Official Map under the review of the County Surveyor. The map shall contain the following:
- (A) Private road easements or grants of easement to each lot by separate instrument, or a note placed on the map that dedication will be required prior to building permits.
 - (B) Locate and delineate the natural drainage courses (the Drainage Section of the Surveyor's Office may require a drainage study).
 - (C) Ground height for building pads to preclude flooding.
 - (D) Surveyed, mapped and monumented per County Surveyor's standards.
 - (E) Legal description for each lot.
 - (F) Board of Supervisor's certificate.
 - (G) Engineer or surveyor's statement.
 - (H) County Surveyor's certificate.
 - (I) Surveyor's Office Official Map checking deposit based upon current Final Map Fee Schedule.
 - (J) Improvements and improvement plans on future roads may be deferred if not needed at this time for access to developed properties.
 - (K) Any additional information as required by County Surveyor standards.
- (b) Each and every map made and adopted under this Division shall be presented to the Board of Supervisors by the County Surveyor and be certified under the hands of a majority of the members of the Board of Supervisors, the presiding officer, secretary and official seal of the Board of Supervisors. The certificate shall set forth in full the resolution adopting the map, with the date of adoption.

- (c) Fees established for processing of official maps shall be as required in the County Schedule of Fees.

83.041015 Recording Requirements.

- (a) The certified map shall be filed in the Office of the County Recorder. The recorder shall immediately securely fasten and bind each map so filed in one of a series of firmly bound books to be provided, together with the proper indexes thereof, and appropriately marked for the reception of maps provided for in this Division. Official Maps shall be filed and processed in accordance with provisions for Final Maps in Article 11 of this Code, unless otherwise indicated in County Surveyor standards for Official Maps.
- (b) The map shall become an Official Map for the purposes of this Division when certified, filed, and bound, but not before.
- (c) Whenever the Board of Supervisors adopts an Official Map, it shall be lawful and sufficient to describe the lots or blocks in any deeds, conveyances, contracts or obligations affecting any of the lots or blocks as designated on the Official Map.

Article 11

GENERAL REGULATIONS

Sections:

- 83.041101 Filing Criteria.
- 83.041105 Map Procedures.
- 83.041115 General Requirements.
- 83.041120 Subdivision Design and Improvement Standards.
- 83.041125 Improvement Security.

The following provisions shall govern the filing of maps in addition to previous provisions, unless otherwise specified.

83.041101 Filing Criteria.

- (a) Maps of Condominium or Community Apartment Projects. A map of a condominium project, a community apartment project, or of the conversion of five (5) or more existing dwelling units into a stock cooperative project need not show the buildings or the manner in which the buildings or the airspace above the property shown on the map are to be divided, nor will the County refuse approval of a Parcel, Tentative, or Final Map of such a project on account of design or location of buildings on the property shown on the map. However, the County may regulate the design and location of a condominium project or a community apartment project through the provisions of its General Plan, Development Code, or other provisions of the San Bernardino County Code. The County may refuse approval of such a project if the design and locations of buildings violate provisions of the County General Plan, Development Code or other provisions of the San Bernardino County Code.
- (b) Filing Maps with County Recorder. Of the maps required by this Division and the Subdivision Map Act, only Final and Parcel Maps may be filed for record in the Office of the County Recorder.
 - (1) No Final Map required by this Article and the Subdivision Map Act which creates a subdivision shall be filed with the County without the written consent of all parties having any record title interest in the real property proposed to be subdivided, except as otherwise provided in this Division.

- (2) No Parcel Map required by this Division and the Subdivision Map Act which creates a subdivision shall be filed with the County without the consent of the legal owner of record in the real property proposed to be subdivided, except as otherwise provided in this Division.

83.041105 Map Procedures.

- (a) The procedures set forth in this section shall govern the filing, processing, approval, conditional approval, or disapproval of Tentative, Final and Parcel Maps and the modification thereof, in addition to the requirements in previous provisions.
 - (1) Extension of Time Limits. The time limits specified in this Division for reporting and acting on maps may be extended by mutual consent of the subdivider and the Planning Agency or the Board of Supervisors for a time not to exceed the time limits specified in this Code.
 - (2) Fees for Processing. Fees for the processing of Tentative, Vesting Tentative, Minor subdivision plot plan, Final and Parcel Maps, lot line adjustments, lot mergers, Reversion to Acreage, Certificates of Subdivision Compliance and Official Maps, and for other procedures required or authorized by this Division shall be established in the County Schedule of Fees.
 - (3) The Planning Officer may grant approval for the creation of two (2), three (3) or four (4) lots and a remainder parcel as shown on an approved Tentative Subdivision Map for the purpose of obtaining building permits for model homes or units. As a condition of this approval, a Parcel Map may be required. Prior to the issuance of building permits for said model homes, a surety bond or cash deposit shall be posted with the County Transportation and Flood Control Department for the street improvements abutting said lots as required for the approved tentative subdivision.

- (4) Filing Maps with County Recorder. After the approval by the County of a Final or Parcel Map of a subdivision within the unincorporated territory, the map shall be transmitted ultimately to the County Recorder.
- (A) Certificate of Taxes for Final Maps or Parcel Maps by the Clerk of the Board. When the subdivider files with the Clerk of the Board a certificate prepared by the appropriate state or local official giving his or her estimate of those taxes or assessments, and when all security required under the provisions of this section to secure the payment of taxes and assessments which are a lien on a subdivision but which are not due and payable, have been deposited with and approved by the County, the Clerk of the Board of Supervisors shall ratify that such deposits have been made and shall transmit the Final Map to the County Recorder.
- (B) Evidence of Record Title Interest. The subdivider shall present to the County Recorder evidence that, at the time of filing the map in the Office of the County Recorder, the parties consenting to such filing are all of the parties having a record title interest in the case of a Final Map and legal owner of record in the case of a Parcel Map, in the real property being subdivided as shown by the records in the Office of the County Recorder, whose signatures are required by this Division, otherwise the map shall not be filed.
- (C) Action by County Recorder. The County Recorder shall have not more than ten (10) days within which to examine a Final or Parcel Map, and either accept or reject it for filing.

- (I) If the County Recorder accepts the map, such acceptance shall be certified on the face thereof. The map shall be securely fastened in a book of subdivision maps, in a book of Parcel Maps, or in such other manner as will assure that such maps will be kept together. The map shall become a part of the official records of the County recorder upon its acceptance by the Recorder for filing.

The fee for filing and indexing such map is as prescribed in Section 27372 of the California Government Code.

- (II) The original map shall be stored for safekeeping in a reproducible condition. The County Recorder may maintain for public reference a set of counter maps that are prints of the original maps and produce the original maps for comparison upon demand.
- (III) This section shall not prevent filing in the Office of the County Recorder of a Final or Parcel Map of a subdivision for which a Final or Parcel Map is not required provided such map meets the requirements of this Division and any local ordinance.
- (IV) The filing for record of a Final or Parcel Map by the County Recorder shall automatically and finally determine the validity of such map and when recorded shall impart constructive notice thereof.
- (5) Correction and Amendment to Maps. The purpose of this subsection is to provide a means to correct errors which may be found in Final or Parcel Maps.

- (A) Amendment to a Final or Parcel Map. After a Final Map or Parcel Map is filed in the Office of the County Recorder, it may be amended by a certificate of correction or an amending map in the following circumstances:
- (I) To correct an error in any course or distance shown thereon;
 - (II) To show any course or distance that was omitted therefrom;
 - (III) To correct an error in the description of the real property shown on the map;
 - (IV) To indicate monuments set after the death, disability, or retirement from practice of the engineer or surveyor charged with the responsibilities for setting monuments;
 - (V) To show the proper location or character of any monument which has been changed in location or character or originally was shown at the wrong location or incorrectly as to its character;
 - (VI) To correct any other type of map error or omission as approved by the County Surveyor which does not affect any property right. Such errors and omissions may include, but are not limited to: lot numbers, acreage, street names, and identification of adjacent record maps.

- (B) Preparation of Amending Map. The amending map or Certificate of Correction shall be prepared by a registered Civil Engineer licensed to practice land surveying or licensed Land Surveyor. An amending map shall conform to the requirements of the Article governing Final Map form and content, if a Final Map; or the Article governing Parcel Map form and content, if a Parcel Map. The amending map or Certificate of Correction shall set forth in detail the corrections made and show the names of the present fee owners of the property affected by the correction or omission.
- (C) Map Amendment Examined by County Surveyor. The County Surveyor shall examine the amending map or Certificate of Correction, and if the only changes made are those set forth in this subsection, the County Surveyor shall certify to this fact on the amending map or Certificate of Correction.
- (D) Filing of Map Amendment with County Recorder. The amending map or Certificate of Correction certified by the County Surveyor shall be filed in the Office of the County Recorder in which the original map was filed. Upon such filing, the County Recorder shall index the names of the fee owners and the appropriate tract designation shown on the amending map or Certificate of Correction in the general index and map index respectively. Thereupon, the original map shall be deemed to have been conclusively so corrected, and thereafter shall impart constructive notice of all such corrections in the same manner as though set forth upon the original map.

- (E) Upon recordation of an amending map or Certificate of Correction, the County Recorder shall within sixty (60) days of recording transmit a certified copy to the County Surveyor who shall maintain an index of recorded Certificates of Correction. The amending map shall contain a Certificate of Preparation that is signed by the registered civil engineer licensed to practice land surveying or licensed land surveyor who prepared the map and a prominently displayed note on the map which briefly lists the changes to the satisfaction of the County Surveyor.

- (6) Further modifications of Final Maps. In addition to the amendments authorized by Subsection 83.041105(a)(5), after a Final Map or Parcel Map is filed in the Office of the County Recorder, such a recorded Final Map may be modified by a Certificate of Correction or an amending map if the Board of Supervisors makes each of the following findings:
 - (A) That there are changes in circumstances which make one or all of the conditions of such a map no longer appropriate or necessary; and
 - (B) That the modifications do not impose any additional burden on the present fee owner of the property; and
 - (C) That the present fee owner of the property has consented in writing to the modifications; and
 - (D) That the modifications do not alter any right, title, or interest in the real property reflected on the recorded map; and
 - (E) That the map, as modified, conforms with each of the findings required for map approval.

Any such modification shall be set for public hearing. The Board of Supervisors shall confine the hearing to consideration of and action on the proposed modification. These map amendments shall also be subject to the preparation, review, and recordation requirements of Subsection 83.041105(a)(5) where applicable.

83.041115 General Requirements.

The procedures set forth in this section shall govern the requirements for Soils Report, Special Map Requirement, Environmental Review, Dedications, Monument, and Improvement requirements.

- (a) Soils Report Requirement. The requirements set forth in this subsection shall apply to the Soils Report.
 - (1) A preliminary soils report may be required as part of the Tentative Map approval, providing the Planning Officer makes a finding, based upon existing knowledge of soil qualities, that a preliminary analysis is necessary. Said findings shall be based upon evidence, information and recommendations of the Development Review Committee or Development Review Committee member acting within the departmental area of expertise.
 - (2) If the County has knowledge of, or the preliminary Soils Report indicates, the presence of critically expansive soils or other soils problems which, if not corrected, would lead to structural defects, a soils investigation of each lot in the subdivision may be required. Such soils investigation shall be done by a Civil Engineer registered in this State, who shall recommend the corrective action which is likely to prevent structural damage to each structure proposed to be constructed in the area where such soil problems exist.

If the Planning Agency has knowledge of areas of districts which are characterized by such expansive soils or other soils problems, upon the recommendation of the Planning Officer, Development Review Committee or Environmental Review Committee, the Planning Agency may require that a soils investigation be prepared for each lot of any subdivision proposed within said areas or districts.

- (3) The Planning Agency may approve the subdivision or portion thereof where such soils problems exist if it determines that the Development Review Committee's recommended action is likely to prevent structural damage to each structure to be constructed. As a condition for the issuance of any building permit, it shall be required that the approved recommended action be incorporated in the construction of each structure.
 - (4) Each report shall be kept on file at the Office of Building and Safety for public inspection. The location of these reports shall be referenced on the Composite Development Plan.
- (b) Special Map Requirement. Prior to Tentative or Parcel Map approval, the Planning Officer may require that the following information be reflected on the Tentative Map or minor subdivision plot plan:
- (1) Submittal of a map showing any or all existing easements and locations of rock outcrops, high groundwater and spring discharge.
 - (2) Delineation of the portions of lots allocated for the subsurface disposal of sewage effluent.
 - (3) The approximate size of irregularly shaped lots where it is deemed necessary in order to accomplish the objectives of this Article and of the General Plan.
 - (4) A plan may be required where watercourses, significant drainage channels or bodies of water traverse or adjoin a lot, showing how sewage disposal systems will be installed and maintained.

Lines depicting the required setbacks from such watercourses, drainage channels or bodies of water shall be indicated on a copy of the Tentative Map. Said map shall be reviewed by the Development Review Committee and recommendations shall be forwarded to the Planning Agency. When subsurface waste-disposal systems are proposed, a preliminary soils report shall be provided by the subdivider which shall ascertain the acceptability of subsurface sewage-disposal systems where such will be the method for waste disposal.

This information shall be incorporated into the Composite Development Plan to be filed with the Office of Building and Safety. The location of any special maps shall be referenced on the Composite Development Plan.

(c) Dedications.

(1) Streets, Highways and Flood Control Rights-of-Way. As a condition of approval of a map, the subdivider shall dedicate or make an irrevocable offer of dedication of all parcels of land within the subdivision that are needed for:

- (A) Streets.
- (B) Alleys.
- (C) Access rights and abutters' rights.
- (D) Drainage easements.
- (E) Public utility easements.
- (F) Other public easements.

In addition, the subdivider shall improve or agree to improve all streets, alleys, including access rights and abutters' rights, drainage, public utility easements and other public easements. The subdivider may also be required to dedicate such additional land as may be necessary and feasible to provide bicycle paths for the use and safety of residents of the subdivision.

- (2) Drainage Rights-of-Way. When, in the opinion of the Planning Agency, drainage rights-of-way are necessary, the subdivider shall offer to dedicate upon the Final Map of the subdivision the necessary rights-of-way for such drainage facilities.
- (3) Flood Control Dedication. Where dedication is offered for Flood Control District rights-of-way, such rights-of-way shall be shown as lots lettered alphabetically on the Final Map. Such offer of dedication shall be made by an appropriate certificate on the title sheet of the Final Map, and, in addition, an executed deed conveying fee title to said right-of-way to the Flood Control District shall be delivered to said District.
- (4) Certification of Board Action. At the time the Board of Supervisors approves a Final Map, it shall also accept, subject to improvement, or reject any offer of dedication. The Clerk of the Board shall certify on the map the action of the Board of Supervisors.
- (5) Resolution of Acceptance. The Clerk of the Board shall cause a resolution of acceptance of dedications by the Board of Supervisors, to be filed with the County Recorder.
- (6) If at the time the Final Map is approved, any streets, paths, alleys, public utility easements, rights-of-way for local transit facilities such as bus turnouts, benches, shelters, landing pads, and similar items, which directly benefit the residents of a subdivision, or storm drainage easements are rejected, subject to Section 771.010 of the California Code of Civil Procedure, the offer of dedication shall remain open and the Board of Supervisors may by resolution at any later date, and without further action by the subdivider, rescind its action and accept and open the streets, paths, alleys, rights-of-way for local transit facilities such as bus turnouts, benches, shelters, landing pads, and similar items, which directly benefit the residents of a subdivision, or storm drainage easements for public use. Such acceptance shall be recorded in the Office of the County Recorder.

(d) Monuments. The provisions of this subsection shall govern the placement of monuments for a subdivision.

(1) Boundary Monuments. At the time of making the survey for the Parcel Map or the Final Map, the engineer or surveyor shall set sufficient durable monuments to conform with the County Surveyor's standards and standards described in Section 8771 of the California Business and Professions Code so that another engineer or surveyor may readily retrace the survey. The Parcel Map or the Final Map shall show said monuments found or set at or near each boundary corner and at intermediate points approximately one thousand (1,000) feet apart or at such lesser distances as may be made necessary by topography or contour to insure accuracy in reestablishment of any point or line without unreasonable difficulty. The precise position and character of each monument shall be shown on the Final Map, together with the relative heights of the top of each such monument with respect to the surface of the ground.

(2) Deferment, Final Map or Parcel Map Monuments. Interior monuments need not be set at the time the Final Map is filed if the engineer or surveyor certifies on the map that the monuments will be set on or before a specified later date. All monuments so deferred and the furnishing of notes thereon as required in County Surveyor's standards, shall be agreed to be set and furnished by the subdivider. Such agreement shall be included and guaranteed in the "agreement in Lieu of Improvements" as provided by this Division and accompanied by a cash deposit.

(3) Monument Inspection. All monuments shall be subject to inspection and approval by the County Surveyor.

(4) Centerline Monuments. Durable monuments as described in County Surveyor's standards shall be set.

(e) Improvement Plans:

- (1) Submission of Improvement Plans. All improvement plans shall be submitted to the appropriate County agency or department, checked and approved prior to presentation of the Final Map to the Board of Supervisors for acceptance.
- (2) Preparation of Plans and Specifications. All plans and specifications in connection with improvements shall be prepared by or under the supervision of a registered professional engineer.
- (3) Street and Drainage Plans and Profiles. Plans, profiles and specifications of proposed street and drainage improvements shall be submitted to the County Transportation and Flood Control Department, checked and approved prior to presentation of the Final Map to the Board of Supervisors for acceptance. These plans and profiles shall show full details of the proposed improvements which shall be according to the standards of the County of San Bernardino.
- (4) Water Systems Plans. Plans, specifications and all necessary details of the proposed water system to be installed shall be submitted to the Director of the Department of Environmental Health Services for review, provided that the supplier has certified that it is willing and able to supply water upon request.
- (5) Sanitary Sewer Plans. Plans, profiles, specifications and all necessary details of the sanitary sewers to be installed shall be submitted to the Director of the Department of Environmental Health Services for review; provided, however, that prior to submitting such plans, that shall have been approved by the governmental jurisdiction by which the subdivision is to be served, or if a private sewage disposal company is to service the tract, the plans shall have been approved by the Director of the Department of Environmental Health Services.

83.041120 Subdivision Design and Improvement Standards.

The Design and Improvement Standards found in this section shall be considered as requirements for map approval.

- (a) Land-Use Standards. The land-use standards in this subsection shall be applied as requirements for map approval.

The minimum areas and dimensions of lots shall be as required for the particular land use district classification in which the property is classified by the San Bernardino County Development Code; provided, however, that:

- (1) Lot or parcel side lines shall be approximately normal to street lines.
- (2) Each lot or parcel on a dead-end street where the side lines thereof are converging from front to the rear of such lot or parcel, shall have an average width of not less than sixty (60) feet, or that width required by the Development Code, whichever is greater, measured along the front building setback line.
- (3) Each lot or parcel on a curved street where the side lines thereof are converging from the front to the rear of such lot or parcel, shall have an average width of not less than sixty (60) feet, or that width required by the Development Code, whichever is greater.
- (4) Double frontage lots shall be discouraged except where essential to provide separation of residential developments from major or secondary highways or due to topographical conditions. When double frontage lots are permitted, vehicular access rights shall be dedicated to the County along the street designated by the Planning Agency.

- (5) The Planning Agency may require lots larger than the above minimum sizes specified in multiple-residential, commercial and industrial subdivisions.

When lots or parcels twice or more the required area or width are shown as part of a subdivision of land, the Planning Agency may require such lots or parcels to be so established as to make practical a further division into allowable building sites, without injury to adjoining property.

- (6) In desert areas or in hilly or mountainous lands, the Planning Agency may require lots larger than required minimums. Larger lots shall be required if it is deemed necessary in order to conform to the Land Use Element of the County General Plan.

- (7) Modification of the Lot Design Standards may be allowed under the following circumstances:

(A) Pursuant to the Lot Area Regulations of Division 7, Chapter 4, of Title 8 of this Code.

(B) Pursuant to the Planned Development regulations of Division 8, Chapter 5, of Title 8 of this Code.

- (8) This subsection does not apply to any lot or parcel which the subdivider offers to dedicate to the County or any public agency or district.

- (9) When a land use district classification line divides a lot or parcel, the area and frontage requirements for such lot or parcel shall be those of the land use district that requires the greater or most restrictive standards between the two districts involved.

| EXAMPLE: If the line between a Neighborhood Commercial (CN)
| District and a Single Residential (RS) District divides a parcel,
| the applicable area and frontage requirements would be those for
| the CN as they are greater than those for the RS District.

- (b) Circulation Standards. The circulation standards in this subsection shall be applied as requirements for map approval.

- (1) If the General Plan designates a general location of a proposed highway and any portion thereof may be wholly or partially within any proposed subdivision or may be affected by a proposed subdivision prior to the approval of the proposed subdivision, a specific alignment plan shall be prepared and adopted. Each such roadway shall conform in width and alignment with that shown or indicated on the General or Specific Plan or any standards adopted pursuant thereto. As a condition of approval of said subdivision, the subdivider shall be required to make dedications and construct such reasonable improvements as required by the specific alignment plan. Such requirements may be waived by the Planning Agency upon recommendation of the County Transportation and Flood Control Department, if the proposed highway is located upon a section line or its precise alignment can be otherwise determined.
- (2) The following provisions shall apply as standards governing circulation design and shall be required for map approval:
 - (A) The circulation design of all subdivisions shall be compatible and coordinate with the County General Plan and the existing street and land use pattern in the surrounding area.
 - (B) Any part-width highway lying along and adjacent to any boundary of a subdivision shall have such a part-width and alignment as will conform to the route lines shown on the Master Plan of Highways covering the same portion of such subdivision.

- (C) Each street intended to be extended into adjoining property shall be terminated by a one (1) foot parcel of land extending across the end of the street and, in the case of a part-width street, a one (1) foot parcel of land shall extend along the entire side of the street. Said parcels shall be designated alphabetically as a lot, labeled as a future street and offered for dedication by appropriate certificate on the Final or Parcel Map. The offer of dedication of said future street shall include a restriction against the use of same for access purposes until such time as it is accepted as a public street. Where it is determined by the Planning Agency that to protect the public health, safety and general welfare, it is necessary to extend a street beyond the boundaries of the subdivision for adequate traffic needs, the subdivider shall provide separate deeds for the necessary easements or rights-of-way to accommodate such traffic facilities. Such rights-of-way shall be improved in accordance with County standards or as required by the Planning Agency.
- (D) Cul-de-sacs shall not exceed six hundred (600) feet in length, except as provided below, and shall terminate with a turn-around as specified in the adopted County Road Standards. The Planning Agency may approved a cul-de-sac which exceeds six hundred (600) feet if the Planning Agency finds that said cul-de-sac will not be injurious to the public health, safety and welfare.

- (E) Road grades shall not exceed twelve percent (12%) unless it can be demonstrated that in order to accomplish the objectives of the County General Plan a road grade in excess of twelve percent (12%) is necessary. In such circumstances, the Planning Agency may approve a road grade not to exceed fourteen percent (14%) grade for a distance not to exceed five hundred (500) feet if a finding is made, based upon the recommendations of the County Director of Transportation and Flood Control and the County Fire Warden, that said roadway will not create an unacceptable hazardous risk to the public health, safety or welfare.
 - (F) Access to a Subdivision. The subdivision and each phase thereof shall have two (2) points of vehicular ingress and egress from existing and surrounding streets, one of which may be emergency only. Where providing such access is physically impossible or a cul-de-sac is proposed, this requirement may be waived or modified.
- (c) Public Services and Facilities. The public services and facilities standards in this subsection shall be applied as requirements for map approval.
- (1) These standards shall regulate the placement of utilities within the subdivision.
 - (A) Utility lines, including but not limited to electric, telephone, communications, street lighting and cable television, within or directly serving each subdivision, shall be placed underground. The subdivider is responsible for complying with the requirements of this subsection without expense to the County, and he shall make necessary arrangements with the utility company for the installation of such facilities. Appurtenances and associated equipment such as boxes and meter cabinets and concealed ducts in an underground system may be placed above ground. Waiver of the requirements for underground utilities shall be made through the Public Utilities Commission. This subsection shall not apply to existing utility or common

carrier routes in use at the time the subdivision is completed which do not provide service to the area subdivided. Aerial routes still in existence at the time the subdivision is completed may be reinforced from time to time as conditions dictate; however, all provisions of this subsection shall be subject to the requirements of any underground district created pursuant to San Bernardino County Code Section 67.011 in existence prior to the subdivision of the land or created subsequent thereto.

- (B) Overhead utility lines where permitted shall be located at the rear of lots or parcels where practical, and along the sides of lots or parcels where necessary.
- (C) If a local cable television system is available to serve the project, any subdivision for which a Tentative Map is required shall be designed to provide the appropriate cable television system an opportunity to construct, install, and maintain on land as reserved for cable television service or by separate instrument, any equipment necessary to extend cable television services to each residential parcel in the subdivision.

"Appropriate cable television systems," as used in this subsection, means those franchised or licensed to serve the geographical area in which the subdivision is located.

This subsection shall not apply to the conversion of existing dwelling units to condominiums, community apartments, or stock cooperatives.

- (D) Whenever the County imposes as a condition of its approval of a Tentative Map or a Parcel Map a requirement that necessitates replacing, undergrounding, or permanently or temporarily relocating existing facilities of a telephone corporation or cable television system, common carrier or other public utility, the developer or subdivider shall reimburse the appropriate facility provider for all costs for the replacement, undergrounding, or relocation. All these costs shall be billed after they are incurred, and shall include a credit for any required advance payments and for the salvage value of any facilities replaced. Under no circumstances shall the telephone corporation or cable television system be reimbursed for costs incurred in excess of the cost to replace the facilities with substantially similar facilities.
- (2) Public Services and Facilities Fees. The fee requirements of Division 1 of Title 8 of this Code shall be imposed as conditions of all map approvals, including Parcel Maps.
- (d) The standards herein shall be related to public safety.
- (1) The standards herein shall govern drainage works.
- (A) When a subdivision lies in the path of existing watercourses or overflows therefrom or natural drainage from upstream properties, it shall not be approved unless adequate dedicated rights-of-way or improvements are provided in a manner satisfactory to the Planning Agency.

- (B) When, in the opinion of the Planning Agency, a subdivision may cause an unnatural increase or concentration of surface waters onto downstream property, said subdivision shall not be approved by the Planning Agency unless drainage outlets are provided which will be adequate to render the County of San Bernardino and the County Flood Control District harmless from any damages caused therefrom.
 - (C) The location, type and size of watercourses or drainage works, and all drainage of streets and other drainage works between streets, shall be in accordance with County standards or as required by the Planning Agency.
 - (D) When, in the opinion of the Planning Agency, drainage rights-of-way are necessary, the subdivider shall offer to dedicate upon the Final Map of the subdivision the necessary rights-of-way for such drainage facilities.
 - (E) Where dedication is offered or granted for Flood Control District rights-of-way, such rights-of-way shall be shown as lots lettered alphabetically on the Final Map. Such offer of dedication or grant shall be made by an appropriate statement on the title sheet of the Final map.
- (2) The standards contained herein related to fire protection measures shall be considered as requirements for map approval.
- (A) Subdivision design shall provide for safe and ready access for fire and other emergency equipment and for routes of escape to safely handle evacuations.
 - (B) The subdivision shall be served by water supplies for community fire protection in accordance with the standards set by the appropriate fire authority.

- (C) In hazardous fire areas, all flammable or combustible vegetation shall be removed from around all structures, in accordance with the requirements of the San Bernardino County Uniform Fire Code. Where erosion is probable, the slopes shall be planted with fire resistive ground cover.
- (3) The standards contained herein related to sewage disposal systems shall be considered as requirements for map approval.
- (A) Subsurface sewage disposal systems shall be located as far as practical from a perennial or intermittent stream pursuant to San Bernardino County Code, Division 3, Article 5, Sections 33.055 and 33.056, and the requirements of the Department of Environmental Health Services and the Regional Water Quality Control Board.
 - (B) When a soils or a geologic hazards report for a subdivision is prepared (either at the developer's volition or as a requirement of any governmental agency), it shall include findings and recommendations concerning probable adverse effects of such hazards to the integrity of water supply and sewage disposal facilities and structures.
- (e) Environmental and Public Health. Lands to be subdivided for residential, park, playground or land recreation purposes may be subject to environmental quality standards as established by ordinances and regulations of the different departments and agencies within the County.

83.041125 Improvement Security.

The necessity for improvement security and the related requirements shall be governed by the following regulations:

(a) Requirement for Improvement Security. If all required improvements, engineering and inspection are not satisfactorily completed before the Final Map is approved, the owner or owners of the subdivision shall, prior to the approval of the Final Map, enter as contractor into an agreement with the County Board of Supervisors whereby in consideration of the acceptance by the County Board of Supervisors of the streets, easements and any other land offered for dedication, the contractor agrees to furnish the equipment, labor and material necessary to complete the work within the time specified in the agreement.

(1) Amount of Improvement Security Required. To assure the County that the work will be completed, improvement security shall be furnished to guarantee the performance of any act or agreement in the following amounts for the following purposes:

(A) An amount, not less than one hundred percent (100%) of the total estimated cost of the improvement or of the act to be performed, conditioned upon the faithful performance of the act or agreement.

(B) An additional amount, not less than fifty percent (50%) nor more than one hundred percent (100%) of the total estimated cost of the improvement or the performance of the required act, securing payment to the contractor, to the subcontractors, and to persons furnishing labor, materials or equipment to them for the improvement or the performance of the required act.

(C) Whenever an entity required to furnish security in accordance with this section is a California nonprofit corporation, funded by the United States of America or one of its agencies, or funded by this state or one of its agencies, the entity shall not be required to comply with Subsections 83.041125(a)(1)(A) and (B), if the following conditions are met:

- (I) The contractor installing the improvements has bonded to the nonprofit corporation and the County as co-obligee the amount of one hundred percent (100%) of the contract for the faithful performance of the work, and has further bonded to the nonprofit corporation and the County as co-obligee an amount of not less than fifty percent (50%) of the contract for the payment of labor and materials, and those bonds comply with the provisions of this Article.

- (II) All moneys payable to the contractor by the nonprofit corporation are deposited in a depository complying with the provisions of the Subdivision Map Act and out of which moneys progress payments are conditioned upon:
 - (i) The contractor's certification to the nonprofit corporation that all labor performed in the work, and all materials furnished to and installed in the work, have been paid for in full to the date of the certification.

 - (ii) The written approval of the nonprofit corporation.

 - (iii) Final payment to the contractor not being made until sixty (60) days shall have expired after the filing and recording of the notice of completion of the work and acceptance of the work by the County in writing.

(III) All certifications as to progress payments shall be delivered through the United States mail to the nonprofit corporation. The term "progress payments" means payments made in compliance with the schedule of partial payments agreed upon in the contract for the work. No less than ten percent (10%) of the total contract price shall be retained for the sixty (60) days following the filing of the notice of completion.

(D) An amount as determined by the County Director of Transportation and Flood Control, but not more than twenty-five percent (25%) of the total estimated cost of improvements or performance of the required act necessary for the guarantee and warranty of the improvement for a period of one (1) year following the completion and acceptance thereof, against any defective work or labor done, or defective materials furnished.

As part of the obligation guaranteed by the security and in addition to the face amount of the security, there shall be included costs and reasonable expenses and fees, including reasonable attorney's fees incurred by the County in successfully enforcing the obligation secured.

(2) Type of Security Required. The furnishing of security in connection with the performance of any act or agreement shall be one of the following, at the option of and subject to the approval of the County Board of Supervisors:

(A) Bond or bonds by one or more duly authorized corporate sureties.

(B) A deposit, either with the County, responsible bank or trust company, at the option of the County, of money or negotiable bonds of the kind approved for securing deposits of public monies.

- (C) An instrument of credit from one or more financial institutions subject to regulation by the State or Federal government, and pledging that the funds necessary to carry out the act or agreement are on deposit and guaranteed for payment, or a letter of credit issued by such a financial institution. Bonds to secure faithful performance and for the benefit of laborers and material of any agreement, shall be in substantially the forms as shown in the Subdivision Map Act.

Such money, negotiable bond or instrument of credit shall be a trust fund to guarantee performance and shall not be subject to enforcement of a money judgement by any creditors of the depositor until the obligation secured thereby is performed to the satisfaction of the County.

- (3) Forfeiture on Failure to Complete. Upon the failure of a subdivider to complete any improvements and work within two (2) years from the date the agreement is executed, the County Board of Supervisors may, upon notice in writing served by registered mail addressed to the last known address of the person, firm or corporation signing such contract, determine that said improvement work or any part thereof is uncompleted and may cause to be forfeited to the County or Flood Control District, such sum of money or bonds given for the faithful performance of said work as may be necessary to complete such work.
- (4) Exoneration of Improvement Security. With the exception of flood control or drainage works inspected by the Flood Control Engineer, it shall be the duty of the County Director of Transportation and Flood Control to inspect or receive certificates of completion of all improvements installed as to their compliance with this Article and County standards.

The security furnished by the subdivider may shall be released in the following manner:

- (A) Security given for faithful performance of any act or agreement shall be released upon the performance of the act or final completion and acceptance of the required work.
- (B) Security securing the payment to the contractor, subcontractors, and to persons furnishing labor, materials or equipment shall, after passage of the time within which claims of lien are required to be recorded pursuant to Article 3 (commencing with Section 3114) of Chapter 2 of Title 15 of Part 4 of Division 3 of the California Civil Code and other acceptance of the work, be reduced to an amount equal to the total claimed by all claimants for whom claims of lien have been recorded and notice thereof given in writing to the County Board of Supervisors, and if no such claims have been recorded, the security shall be released in full.

Such release shall not apply to any required guarantee and warranty period, nor to the amount of the security deemed necessary by the County for such guarantee and warranty period, nor to cost and reasonable expenses and fees, including reasonable attorney's fees.

- (C) Maintenance security necessary for guarantee and warranty of the work for a period of one (1) year following completion and acceptance thereof against any defective work or labor completed, or defective materials furnished shall be released should no claims of such defective work be filed with the County Board of Supervisors. In the event of such defective work, the security shall be held until all work is considered satisfactory and acceptable by the County.

- (5) Reimbursement for (Oversized) Supplemental Improvements. The Planning Agency may, at the request of a public agency, require that the improvements installed for the benefit of the subdivision contain supplemental size, capacity or number for the benefit of property not within the subdivision as a condition precedent to the approval of a subdivision or Parcel Map, and thereafter dedication of such improvements to the said public agency. However, the subdivider shall be reimbursed by said public agency for that portion of the cost of such improvements equal to the difference between actual cost and the amount it would have cost the subdivider to install such improvements pursuant to the provisions of the Subdivision Map Act. Standards and procedures for requiring such improvements and for reimbursement shall be contained in the operating rules and regulations of said public agencies and shall be made a public record.

Article 12

ENFORCEMENT

Sections:

- 83.041201 Prohibition and Penalty.
- 83.041205 Remedies.

The procedures set forth in this Article shall provide for the enforcement of the State Subdivision Map Act and the provisions of this Division of the San Bernardino County Code in conjunction with those provisions specified by Division 1, Chapter 2, of this Title.

83.041201 Prohibition and Penalty.

This section shall provide the prohibition and penalty provisions of this division.

- (a) Prohibition on Transfers. No person shall sell, lease, or finance any parcel or portion of parcels of real property, or commence construction of any building for sale, lease or financing thereon, except for model homes, or allow occupancy thereof, for which a Final Map or Parcel Map is required by this Division and the Subdivision Map Act, until such map thereof in full compliance with the provisions of this Division has been filed for record by the County Recorder.

Conveyance of any part of a division of real property for which a Final or Parcel Map is required by this Division shall not be made by parcel or block number, initial or other designation, unless and until such map has been filed for record by the County Recorder.

- (b) Prohibition on Issuance of Permits. No officer, board, commission, agency, department or special district of the County shall issue any permit or grant any approval necessary to develop any real property which has been divided, or which has resulted from a division, in violation of the provisions of this Division if it finds or is informed by the Planning Officer that development of such real property is contrary to the public health and safety. Prior to making such a finding that the development of such real property is contrary to the public health and safety, the Planning Officer shall conduct a review.

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At said review, the Officer shall consider all information and evidence submitted. The decision of the Planning Officer may be appealed therefrom, within thirty (30) days, to the Planning Commission by any person aggrieved, or by an officer, board, department or agency of the County. The authority to deny such a permit or such approval shall apply whether the applicant therefore was the owner of the real property at the time of such violation, or whether the applicant therefor, if the current owner of the real property, was with or without actual or constructive knowledge of the violation at the time of such violation, at the time of the acquisition of his interest in such real property. If any officer, board, commission, agency, department or special district of the County issues any permit or grants approval for the development of any such real property, it may request a report from the Planning Officer and impose any additional conditions as would have been applicable to the division of the property at the time the current owner of record acquired the property.

For parcels created before March 4, 1972, notice of said review shall be given, by registered mail, to the owner of such real property as shown on the latest equalized assessment roll book. Said review shall be held not less than fourteen (14) days nor more than thirty (30) days after receipt by the owner of the notice of review.

- (c) Statement of Limitations. This section does not apply to any parcel or parcels of a subdivision offered for sale or lease, contract for sale or lease, or sold or leased in compliance with or exempt from any law regulating the design and improvement of subdivisions in effect at the time the subdivision was established.
- (d) Penalties. Penalties shall be as specified in Division 1, Chapter 2, of this Title.

83.041205 Remedies.

The following remedies are available pursuant to the provisions of this subsection:

- (a) Voiding of Sale by Grantee. Any deed of conveyance, sale or contract to sell real property which has been divided, or which has resulted from a division, in violation of the provisions of this Division is voidable at the sole option of the grantee, buyer or person contracting to purchase, heirs, personal representative or trustee in insolvency or bankruptcy within one (1) year after the date of discovery of the violation of the provisions of this division; but the deed of conveyance, sale or contract to sell is binding upon any successor in interest of the grantee, buyer or person contracting to purchase, other than those above enumerated, and upon the grantor, vendor or person contracting to sell, or any assignee, heir or devisee.
- (b) Superior Court Action by Grantee. Any grantee, or his successor in interest, of real property which has been divided, or which has resulted from a division, in violation of the provisions of this Division may, within one (1) year of the date of discovery of such violation bring an action in the Superior Court to recover any damages he has suffered by reason of such division of property. The action may be brought against the person who divided the property in violation of the provisions of this Division, and against any successors in interest who have actual or constructive knowledge of such a division of property.
- (c) Statement of Limitations. The provisions of this section shall not apply to the conveyance of any parcel of real property identified in a Certificate of Subdivision Compliance filed pursuant to Article 9, or identified in a recorded Final Subdivision Map, Parcel Map, or Official Map and after the date of recording. The provisions of this section shall not limit or affect in any way the rights of a grantee or his successor in interest under any other provision of law.

This subsection does not bar any legal, equitable or summary remedy to which any aggrieved local agency or other public agency, or any person, firm or corporation may otherwise be entitled. Any such local agency or other public agency, or such person, firm or corporation may file a suit regarding any real property attempted to be subdivided or sold, leased or financed in violation of this Division, or to restrain or enjoin any attempted or proposed subdivision or sale, lease or financing in violation of this Division, in the Superior Court of the County of San Bernardino.

- (d) Request for Certificate of Subdivision Compliance. Any person owning real property may request a Certificate of Subdivision Compliance in accordance with the provisions of Article 9.
- (e) Notice of Violation. Whenever the Planning Officer has knowledge that real property has been divided in violation of the provisions of this division, then within the guidelines set forth by County Counsel, the Planning Officer shall cause to be mailed by certified mail to the then current owner of record of the property a Notice of Intention to record a Notice of Violation, describing the real property in detail, naming the owners thereof, describing the violation, and stating that an opportunity will be given to the owner to present evidence. The notice shall specify a time, date and place at which the owner may present evidence to the Planning Agency why such notice should not be recorded. The notice shall also contain a description of the violations and an explanation as to why the subject parcel is not lawful under Subdivision (a) or (b) of Section 66412.6 of the Government Code for the State of California. Evidence shall be presented by the owner to the Planning Agency no sooner than thirty (30) days and no later than sixty (60) days from the date of mailing. If, after the owner has presented evidence, it is determined that there has been no violation, the Planning Officer shall cause to be filed for record with the County Recorder a release of the Notice of Intention to record a Notice of Violation. If, however, after the owner has presented evidence, the Planning Agency determines that the property has in fact been illegally divided, or if within fifteen (15) days of receipt of such copy the owner of such real property fails to inform the Planning Agency of his objection to recording the Notice of Violation, the Planning Agency shall cause to be filed for record with the County Recorder the

Notice of Violation. The Notice of Intention to record a Notice of Violation and the Notice of Violation, when recorded, shall be deemed to be constructive notice of the violation to all successors in interest in such property. The County Recorder shall index the names of the fee owners in the general index.

Article 13

RESIDENT INITIATED MOBILEHOME PARK CONVERSION

Sections:

83.041301 Intent

83.041305 Exclusions

83.041310 Waiver of Tentative and Final Map Requirements

83.041301 Intent.

The intent of this Article is to facilitate resident purchase of mobilehome parks. This Article allows the waiver of certain subdivision requirements and expedites local government processing for mobilehome park conversions to condominiums or stock cooperatives. Such conversions will preserve an important source of affordable housing.

For the purposes of this Article, an application for subdivision shall be considered "resident initiated" when signed by a resident organization formed by the tenants of the subject mobilehome park for the purpose of purchasing the mobilehome park. The proposed conversion shall be supported by a minimum of two-thirds (2/3) of the current residents of the park. The resident organization shall have a legally binding contract, which, if the conditions of the contract are met, would result in the acquisition of an interest in the mobilehome park. A preapplication conference may be requested by the applicant(s) prior to formation of the resident organization or prior to entering into a legally binding contract provided the Planning Agency determines in writing that it is reasonable to believe that such contract may be entered into within one (1) year.

83.041305 Exclusions.

The provisions of this Article shall not apply to the following:

- (a) The purchase of a mobilehome park by a non-profit corporation which is subject to the provisions of Section 11010.8 of the California Business and Professions Code.
- (b) Special Occupancy Parks (e.g. Recreation Vehicle Parks) as defined in Section 2008 of the Mobilehome Parks Act, Title 25 of the California State Administrative Code.

83.041310 Waiver of Tentative and Final Map Requirements.

Notwithstanding other provisions of this Division the requirement for the filing of a Tentative Subdivision Map and the preparation, filing and recordation of a Final Map, for a mobilehome park conversion to a condominium or stock cooperative on a single parcel, may be waived by the Planning Agency provided that the following procedures are followed by a resident organization desiring to convert their park and the necessary findings are made by the Planning Agency:

(a) Pre-application conference.

Prior to filing an application for mobilehome park conversion the resident association shall have a preapplication conference with the Development Review Committee. This conference shall be scheduled in accordance with the policy established by the Board for the Housing Incentive Program. The purpose of this conference is to determine that the proposal qualifies under the provisions of this Article.

The following information shall be submitted with the application for this conference:

- (1) Previously approved plot plan for the mobilehome park. If none exists, a plot plan shall be filed in accordance with the requirements established by the County reviewing authority and available at the information counter of the San Bernardino County Government Center or in the regional offices of the Department of Land Management.
- (2) A supplemental report to include the following information:
 - (A) Name of consultant(s), if any.
 - (B) Disclosure of all known fees and costs for the conversion process.
 - (C) Documentation demonstrating that two-thirds (2/3) of the residents of the mobilehome park support the proposed conversion.
 - (D) Declarations from those residents supporting the conversion that their principal place of residence is within the subject mobilehome park.

- (E) The location of the park and results of a field inspection done by the applicant(s) or consultant regarding the status of the compliance of the park with the County health and safety standards in effect at the time the park was created. Any on-site dedications or public improvements to be required, if any, shall be identified by the committee.
- (F) Proposed tentative schedules to expedite meeting and coordinating any requirements of the San Bernardino County Planning Agency and the Department of Real Estate, including but not limited to the Public Report. Such schedule shall include an outline of the permits and noticing required to allow this conversion and the estimated time at which such permits are obtained.
- (G) Evidence showing that the sixty (60) day Notice of Intent to file the conversion application [as required by Subsection 66427.1(a) of the Subdivision Map Act] has been met.
- (H) Initial report on the impact of the conversion on the residents of the mobilehome park. This report is needed to determine whether an impact report as required in Section 66427.4 of the Subdivision Map Act is needed. The report shall specify whether any residents of the park are to be involuntarily displaced and any proposed measures to mitigate such displacement. A resident who is offered an opportunity to remain in the park after the conversion through continuation of the tenancy at generally the same terms as existed prior to proposed conversion, shall not be considered involuntarily displaced. At the preapplication conference the Development Review Committee shall indicate whether an impact report needs to be filed with the formal application for the conversion. If it is required, the Development Review Committee shall identify in detail any additional items to be required as mitigation measures to assist any displaced residents. No current resident shall be involuntarily displaced without proper notice,

assistance or compensation, to be worked out on a case-by-case basis. Such noticing, assistance or compensation may include, but is not limited to, the following:

- (I) The project shall comply with the Mobilehome Residency Law, Section 798, et. seq., of the California Civil Code.
 - (II) The project applicant(s) may be required to provide relocation assistance pursuant to federal, state or local laws.
- (b) The Development Review Committee shall field check the park prior to the scheduled meeting. The Development Review Committee shall establish if the proposed mobilehome park conversion meets the intent and is capable of meeting the provisions of this Article. The Planning Officer shall attempt to inform the applicant(s) at the earliest opportunity if a public hearing is to be required. If the proposed mobilehome park conversion is acceptable, the Development Review Committee shall identify the information the applicant needs to file to proceed with the proposal. Such information shall include the following:
- (1) Development Review Committee preapplication conference minutes. These minutes shall include the proposed tentative schedules required by Subsection 83.041310(a)(2)(F).
 - (2) If the parcel upon which the park lies was created prior to January 1, 1960, a Parcel Map Application shall be required. Such application shall be processed concurrently with any other information filed pursuant to the preapplication conference.
 - (3) Mobilehome Park Conversion Impact Report, if required at the preapplication conference to meet the requirements of Section 66427.4 of the Subdivision Map Act. Such report shall be given to each resident within the mobilehome park.

- (4) Mobilehome Park Plot Plan if no plot plan was previously approved.
- (5) Any special information which was identified by the committee. Among such information may be information to assist in the environmental review of the proposal.
- (6) Certificate of Subdivision Compliance Application.

The review and processing of any application pursuant to this section shall be subject to the same review and time requirements and appeal procedures as are provided in this Division for Tentative Subdivision Maps. In any case where waiver of the Tentative and Final Map is granted the Planning Officer shall cause to be filed for record with the County Recorder a Certificate of Subdivision Compliance pursuant to Article 9 of this Division. The Planning Officer may require a public hearing pursuant to the provisions of Subsection 83.040220(b) of this Code. Should a public hearing be required the noticing provisions of Section 66451.3 of the Subdivision Map Act shall be met.

(c) Findings of Approval.

A mobilehome park conversion shall be approved or conditionally approved only if the following are found and justified as being true:

- (1) The mobilehome park complies with the requirements established by State law and County Ordinance for such uses at the time the mobilehome park was constructed. Such regulations shall include those regarding to area, improvement and design, flood water drainage control, public roads, sanitary disposal facilities, water supply and distribution systems, environmental protection and other requirements of the Subdivision Map Act or this Division.
- (2) Any measures necessary to mitigate the impact of the conversion on current residents of the park have been required as conditions of approval.

(3) Applicable noticing requirements of the Subdivision Map Act have been, or will be met.

(d) Conditions of Approval.

The following conditions may be required by the Planning Agency as conditions of approval for the proposed conversion:

- (1) Subdivisions permitted by this Article may include conditions requiring a Compliance Survey inspection to the satisfaction of the Planning Agency. However, such survey shall be limited to require improvements relating only to items of a health and safety nature.
- (2) The mobilehome condominiums or stock cooperatives shall be subject to Title 25 of the California State Administrative Code.
- (3) Only additional onsite improvements or development standards which were applicable at the time the mobilehome park was originally developed may be required.
- (4) Offsite public improvements for qualifying mobilehome parks shall be waived, except as follows:
 - (A) Any offsite improvements shall be financed with appropriate assessment bonds.
 - (B) The Certificate of Subdivision Compliance shall not be delayed or contingent upon completion of the offsite improvements.
- (5) Any requirements and/or documents required by the State Common Interest Development Act, Title 6 (commencing with Section 1350), Part 4, Division 2 of the California Civil Code.
- (6) Conditions of approval necessary to ensure any noticing requirements that are required by Section 66427.1 of the Subdivision Map Act are met.
- (7) Any plan or document required to be submitted to the Department of Real Estate shall be reviewed for consistency with the approved project and plot plan. Such plan shall reference the "waiver" notice requirement in Condition Number eight (8) below, to the satisfaction of the Planning Officer.

- (8) Notice shall be placed on the Certificate of Subdivision Compliance that standard subdivision requirements for the creation of condominiums/stock cooperatives have been waived by the County of San Bernardino and only conditions applicable to the original development of the mobilehome park have been required.
 - (9) The applicant(s) shall comply with the indemnification requirements of Section 81.0150 of this Code.
 - (10) The Planning Agency may impose any conditions of approval to assure any appropriate measures for relocation assistance are implemented.
- (e) Any conditions of approval required pursuant to this Article shall be drafted in such a way so as to expedite the conversion process. No mobilehome shall be required to be placed on permanent foundations as a result of the conditional approval.

(b) Tentative Parcel Map/Minor Subdivision Procedures.

(1) Procedure:

Staff Review with Notice procedures shall be used except that Development Review procedures shall also be used when the project is of the type described in California Government Code Section 66426(a), (b), (c) or (d).

(2) Reviewing Authority:

The Planning Officer shall be the decision-making authority except, when in the opinion of the Planning Officer, the proposal is controversial or when the proposal is filed concurrently with an application subject to public hearing procedures at which time the proposal shall be referred to the Planning Commission and the Public Hearing Procedures shall be followed.

(c) Findings.

Prior to approving an application for a tentative map or a vesting tentative map, a parcel map or a minor subdivision plot plan, the Planning Agency shall find the following to be true:

- (1) The proposed subdivision, together with the provisions for its design and improvements is consistent with the General Plan and any applicable specific plan.
- (2) The site is physically suitable for the type and proposed density of development.
- (3) The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially or avoidably injure fish or wildlife or their habitat.
- (4) The design of the subdivision or the type of improvements are not likely to cause serious public health problems.
- (5) The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.

- (6) The design of the subdivision provides to the extent feasible, passive or natural heating and cooling opportunities.
- (7) The proposed subdivision, its design, density and type of development and improvements conform to the regulations of the Development Code and the regulations of any public agency having jurisdiction by law.
- (8) If the proposed subdivision is a conversion of residential real property into a condominium project, a community apartment project or a stock cooperative project, the Planning Agency must make the additional finding that the proposed subdivision shall comply with the requirements of California Government Code Sections 66427.1(a) and 66452.10 prior to approving the proposed subdivision.
- (9) In the event that the land within a proposed subdivision is subject to a contract entered into pursuant to the California Land Conservation Act of 1965 (commencing with Section 51200 of Chapter 7 of Division 1 of Title 5 of the California Government Code), and the lot areas are less than that required in Subsection 83.040220(a)(2)(C), the Planning Agency must make the following additional findings in order to approve the subdivision.
 - (A) The lots created can sustain an agricultural use permitted under the contract, or are subject to a written agreement for joint management pursuant to California Government Code Section 51230.1, and the parcels which are jointly managed total at least ten (10) acres in size, in the case of prime agricultural land, or forty (40) acres in size, in the case of land which is not prime agricultural land; or

Article 6

LOT LINE ADJUSTMENT.

Sections:

- 83.040601 Filing Criteria.
- 83.040605 Procedures.
- 83.040610 Conditions of Approval.

83.040601 Filing Criteria.

- (a) Lot Line Adjustment means the adjustment of a lot line between two (2) or more adjacent parcels, where the land taken from one (1) parcel is added to an adjacent parcel, and where no additional parcels are thereby created or the number of parcels reduced.
- (b) Filing criteria shall be as established by the Planning Agency.

83.040605 Procedures.

- (a) The Planning Officer or designee may approve lot line adjustments as herein provided. A current preliminary title report shall be required to accompany a lot line adjustment request. This report is required in order to ensure that the properties or portions thereof are not encumbered with liens, delinquent taxes, trust deeds, and/or utility easements on the property which would conflict with the requested lot line adjustment. The Planning Officer shall require that such a conflict be eliminated. In addition, if any of the lots are improved, the Planning Officer shall refer the proposed lot line adjustment to the County Surveyor for review of possible encroachments.
- (b) The Planning Officer or designee shall make the following findings prior to approval of a lot line adjustment:
 - (1) The proposed lot line adjustment is consistent with the San Bernardino County Consolidated General Plan, Development Code, and Specific Plans.
 - (2) The proposed lot line adjustment will not adversely affect public health and safety.

83.040610 Conditions of Approval.

- (a) No Tentative Map, Parcel Map, or Final Map shall be required as a condition to the approval of a lot line adjustment.
- (b) A record of survey may be required to facilitate the preparation of the legal description to ensure the accuracy of the description or the elimination of the encroachments.
- (c) A recorded conditional Certificate of Compliance shall be required of all lot line adjustments. Any conditional Certificate of Compliance with parcels that are tax delinquent shall not be recorded. The lot line adjustments will be voided if the following are not completed within one hundred eighty (180) days after the recordation of the conditional Certificate of Compliance:
 - (1) Grant Deeds which describe the new boundaries of the parcels shall be recorded.
 - (2) Appropriate Trust Deeds or partial reconveyance documents which describe the new boundaries shall be recorded.

**TOWN OF YUCCA VALLEY
PLANNING COMMISSION MEETING MINUTES
FEBRUARY 26, 2013**

Chair Humphreville called the regular meeting of the Yucca Valley Planning Commission to order at 6:00 p.m.

Deputy Town Clerk Copeland swore in Steve Whitten as Yucca Valley Planning Commissioner.

Commissioners present were Drozd, Hildebrand, Whitten and Chair Humphreville.
Commissioner Bridenstine was absent. (excused)

Pledge of Allegiance was led by Chair Humphreville.

APPROVAL OF AGENDA

Commissioner Whitten moved to approve the agenda. Commissioner Hildebrand seconded. Motion carried 4-0-0-1.

PUBLIC COMMENTS

None

DISCUSSION ITEM:

1. SELECTION OF PLANNING COMMISSION CHAIRMAN AND VICE-CHAIRMAN

Chair Humphreville asked to move this item to a future meeting when all commissioners are present.

DEPARTMENT REPORT:

2. DRAFT DEVELOPMENT CODE, ARTICLES 4, 5 AND 6

Deputy Town Manager Stueckle gave a staff report and PowerPoint presentation explaining the Development Code update guiding principles as adopted by the Town Council. These guiding principles include:

1. Clear, specific standards with minimum of interpretation required
2. Appropriate infrastructure
3. Enabling the economic hub
4. Reinforcing the desert character

Several necessary improvements between the draft and current code are to be addressed. These improvements include:

- Comprehensive Table of Contents
- Consistent page numbering
- Consistent format between chapters
- Removal of language referring to San Bernardino County
- Code organized in a logical order
- Updated to reflect changes in State and Federal law
- Permitting processes are clearly defined
- Ease of use
- Ease of readability
- Comprehensive, straight forward, easily understood and usable

Further clarification was provided by Associate Planner Kirschmann by explaining office procedures in processing temporary use permits and special event permits.

Deputy Town Manager Stueckle gave an overview of the suggested changes in the draft development code document. Formatting, structure and consistency is a change that touches on most areas of the document. Stueckle gave an example by explaining the use of tables within the proposed Development Code to guide users through the permitting procedures. New to the updated Development Code is a section for a non-public hearing to address site plan, design review and other non-public hearing items forwarded by the department director.

Chair Humphreville opened public comment. With nobody wishing to speak, Humphreville closed public comment.

Town staff fielded several questions and requests of clarification from the commissioners regarding the draft document.

No action was taken on this item.

3. GENERAL PLAN ANNUAL REVIEW FOR CALENDAR YEAR 2012

Associate Planner Kirschmann presented a status report of the General Plan Update and Development Code update projects for the calendar year 2012.

Chair Humphreville opened public comment. With nobody wishing to speak, Humphreville closed public comment.

Commissioner Whitten moved to receive and file the General Plan Annual Report for the calendar year 2012 and forward the recommendation to the Town Council. Commissioner Drozd seconded. Motion carried 4-0-0-1.

CONSENT AGENDA

3. MINUTES

A request that the Planning Commission approve as submitted the minutes of the meeting held on October 9, 2012.

Commissioner Drozd moved to approve the minutes as submitted. Commissioner Hillenbrand seconded. Motion carried 4-0-0-1.

STAFF REPORTS AND COMMENTS

Deputy Town Manager Stueckle reported that the Planning Commission will be busy with the Development Code update and should expect to continue the document review in March.

COMMISSIONER REPORTS AND REQUESTS

Commissioner Drozd complemented Town staff in being able to move these large projects along.

Commissioner Whitten stated he was looking forward to serving Yucca Valley in the capacity of Planning Commissioner

Chair Humphreville congratulated Whitten on his appointment to the commission.

ANNOUNCEMENTS

The next regular meeting of the Yucca Valley Planning Commission will be held on Tuesday, March 12, 2013 at 6:00 p.m.

ADJOURNMENT

There being no further business, the meeting was adjourned at 7:25 p.m.

Respectfully submitted,

Lesley Copeland
Deputy Town Clerk

**TOWN OF YUCCA VALLEY
PLANNING COMMISSION MEETING MINUTES
MARCH 26, 2013**

Chair Humphreville called the regular meeting of the Yucca Valley Planning Commission to order at 6:00 p.m.

Commissioners Present: Bridenstine, Drozd, Whitten, and Humphreville. Hildebrand was absent. (excused)

The Pledge of Allegiance was led by Chair Humphreville.

APPROVAL OF AGENDA

Commissioner Bridenstine moved to approve the agenda. Commissioner Whitten seconded. Motion carried 4-0-1.

PUBLIC COMMENTS

Yucca Valley Town Manager, Mark Nuaimi spoke with the Planning Commissioners regarding their participation in social media web sites while holding a public position on a Town commission.

DEPARTMENT REPORT:

1. DRAFT DEVELOPMENT CODE

Deputy Town Manager Shane Stueckle presented a staff report and Powerpoint presentation explaining the status of the Development Code Update process and the purpose of the discussion. Stueckle gave an overview of the Town Council's guiding principles and how they are incorporated within the draft document. The updated development code will be easier to use and will address common questions regularly posed by the public.

Stueckle continued to explain that the new document is comprehensive and not a duplication of efforts within Town regulations or a conflict of regulations from other agencies. The document will provide the Town Council and the Planning Commission one resource document which includes Overlay Zone Districts. Stueckle explained the proposed permit procedures designed to push the review and approval to the lowest levels available as appropriate to reduce and eliminate unnecessary review and to reduce process time.

Appropriate infrastructure as a guiding principle was explained by Stueckle. Examples were given to show how the document is being created to address appropriate infrastructure guidelines, yet presented in a way that is comprehensive and user-friendly. Stueckle continued by addressing the continued effort between the General Plan Update and the Development Code Update, evaluating multiple commercial zones. The Draft Development

Code includes development and design standards and a new section addressing specific standards for poorly kept properties and blighted areas. The quality of development and small town atmosphere is also addressed in the draft document. Native plan regulations are included in the draft development code and take an incentive approach versus a regulatory approach to reach the same results as the old document.

Associate Planner Robert Kirschmann read the section in the Draft Development Code regarding architectural standards to give an example of how some of the inconsistencies in current regulations are being addressed.

Commissioner Drozd questioned the type of native plants regulated by the State of California.

Commissioner Whitten spoke in favor of the draft document as a good foundation and questioned the approval timeline.

Commissioner Bridenstine explained that the ease of use can really be seen in the draft document and thanked staff for making this happen. Bridenstine asked for clarification on the approval process of some of the items presented in the staff report and spoke in favor of seeing the native plan restrictions being pulled back a bit.

Chair Humphreville explained that he would like to see smaller sections to review. Humphreville spoke in favor of the Old Town Specific Plan would like to see development and revitalization in this area. A question was asked about the difference between CC&R's and a development code.

Stueckle thanked the Planning Commissioners for the hard work and diligence in reviewing such a detailed and important document.

STAFF REPORTS AND COMMENTS

Deputy Town Manager Stueckle gave a brief update on the Super Wal-Mart project, and the Senior Housing project.

COMMISSIONER REPORTS AND REQUESTS

Commissioner Bridenstine spoke of her excitement to read the updated Development Code document and questioned on why the current development code is not available on the Town's website.

Commissioner Drozd thanked staff for their hard work.

Commissioner Whitten mentioned that he would like to see more of the public engaged in the Development Code update process. Thanked staff for their dedication to the project and questioned the new signals being erected in Town.

Chair Humphreville asked about the status of the soon-to- be vacated Walmart building.

ANNOUNCEMENTS

Draft Development Code Review

- April 9, 2013:
- April 23, 2013
- May 14, 2013
- May 28, 2013

ADJOURNMENT

There being no further business, the meeting was adjourned at 8:10 p.m.

Respectfully submitted,

Lesley Copeland
Deputy Town Clerk