

**NOTICE OF PUBLIC HEARING
CALIFORNIA CITY CITY COUNCIL
Tuesday, March 21, 2006
City Council Chambers
21000 Hacienda Blvd., California City 93505**

NOTICE IS HEREBY GIVEN that the City Council of the City of California City will hold a **PUBLIC HEARING** on Tuesday, March 21, 2006 for the following purpose:

Pursuant to Planning Commission action on Tuesday, August 23, 2005, Council consider ordinance amending the California City Municipal Code as it relates to land divisions.

ALL INTERESTED PARTIES are invited to attend and provide input to the City Council on the above-calendared matter.

Date: Tuesday, March 21, 2006
Location: Council Chambers City Hall, 21000 Hacienda Blvd.
Time: 6:00 p.m. or as soon thereafter as possible

Dated: March 3, 2006

Helen Dennis, City Clerk
City of California City

AFFIDAVIT OF POSTING AND PUBLICATION:

I, Helen Dennis, City Clerk for the City of California City, do hereby attest that I caused this Notice of Public Hearing to be posted on all official City bulletin boards as required by statute, and affirm that it was published in an adjudicated newspaper of general circulation within the jurisdiction of this hearing (Mojave Desert News) on Thursday, March 9, 2006

Helen Dennis, City Clerk
City of California City

CITY COUNCIL

Meeting Date: March 21, 2006

DATE OF PREPARATION: March 13, 2006

TO: Mayor and City Council

**FROM: William Way, Jr. Planning Director
Michelle Schafer, Human Resources/Planning Manager**

SUBJECT: Ordinance amending the City Municipal Code as it relates to Land Divisions

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As part of the process to update and streamline policies and procedures outlined in the Municipal Code, the Planning Department is proposing a change to the code as it relates to Land Divisions. This amendment will place more specific language in describing what types of maps are needed to conform with specific State and local requirements as well as streamlining the process for applications that relate to Parcel Map Waivers.

On August 23, 2005 the Planning Commission approved the amendments in concept.

Fiscal Impact: None

Environmental Impact: None

ORDINANCE NO. 06-_____

AN ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF CALIFORNIA CITY AMENDING
THE CALIFORNIA CITY MUNICIPAL CODE
AS IT RELATES TO LAND DIVISIONS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CALIFORNIA CITY as follows:

1. Purpose.

This ordinance amends the California City Municipal Code to clarify the process for filing of parcel maps or obtaining a waiver of the requirement to file a parcel map. This ordinance also clarifies the differences between subdivision maps and parcel maps.

2. Findings.

The council finds, determines and declares:

- (a) These changes in the Municipal Code described in this ordinance will not be accompanied by any significant environmental impacts.
- (b) These changes are consistent with the general plan.

3. Amendment.

Section 9-3.201 of the California City Municipal Code is amended and reenacted to read as follows:

"Sec. 9-3.201. Application.

The production of tentative and final subdivision maps and tentative and final parcel maps shall be governed by the Map Act and this chapter."

4. Amendment.

Section 9-3.202 of the California City Municipal Code is amended and reenacted to read as follows:

"Sec. 9-3.202. Tentative and Final Subdivision Maps.

(a) A tentative and final subdivision map shall be proposed for subdivisions in conformance with the Map Act.

(b) Final subdivision maps shall contain the information and be in the form specified by the Map Act and shall also satisfy the additional requirements of this chapter."

5. Amendment.

Section 9-3.203 of the California City Municipal Code is amended and reenacted to read as follows:

"Sec. 9-3.203.

(a) A tentative parcel map and final parcel map shall be filed for each division of land which does not constitute a subdivision unless the parcel map is waived as set forth in this chapter.

(b) Parcel maps shall contain the information and be in the form specified by the Map Act and shall also satisfy requirements of this chapter.

(c) The Planning Commission may require the certificates and acknowledgments required for parcel maps be recorded concurrently with the final parcel map."

6. Amendment.

Section 9-3.301 of the California City Municipal Code is amended and reenacted to read as follows:

"Sec. 9-3.301. Application.

The procedures set forth in this article govern the processing of tentative and final subdivision and tentative and final parcel maps."

7. Amendment.

Section 9-3.302 of the California City Municipal Code is amended and reenacted to read as follows:

"Sec. 9-3.302. Tentative Maps.

(a) The project proponent shall file the tentative subdivision or a tentative parcel maps with the Planning Commission which shall conduct a public hearing to determine whether the tentative map be approved, conditionally approved or disapproved. The decision of the Commission shall be final unless appealed to the Council by any interested party within 30 days of the Commission's action or failure to act. The appeal shall be filed with the City Clerk within ten months of the Commission's action or failure to act, if an environmental impact report is required, or within four months, if a negative declaration is required.

(b) If the Commission's decision is appealed to the Council, the City Clerk shall provide notice of appeal to interested parties by publication at least once in a newspaper of general circulation at least ten (10) days prior to the date of hearing and by mail to the owners of property within 300 feet of the proposed land division as shown on the last equalized assessment rolls.

(c) On appeal, the Council shall review the decision of the Planning Commission and approve, conditionally approve or disapprove the tentative map. In the case of an appeal, the Council's decision shall be final."

8. Amendment.

Section 9-3.303 of the California City Municipal Code is amended and reenacted to read as follows:

"Sec. 9-3.303. Final Maps.

(a) Multiple final subdivision or parcel maps relating to an approved or conditionally approved tentative subdivision or parcel map may be filed prior to the expiration of the tentative map if the requirements of the Map Act and this chapter are met ~~and this chapter~~, and if the Planning Commission finds:

(1) The property which is described in the final map will be adequately served by required on-site and off-site improvement even if the property not covered by the proposed final map is not developed;

(2) Dedications required to serve the property described in the final map have been completely even though such dedications also benefit the remaining property; and

(3) The inhabitants and the property owners of the City and the future inhabitants and property owners of the property described in the final map will be prejudiced by

failure of the project proponent to develop the remaining property not covered by the proposed final map.

(b) The Planning Commission may approve the modification of a recorded final subdivision map or final parcel map by a certificate of correction or an amending map. Such modifications shall be considered at a public hearing conducted by the Commission. The modifications shall conform with the Map Act. Any interested party may appeal such decision of the Commission to the Council within 30 days of the Commission's decision."

9. Amendment.

Section 9-3.304 of the California City Municipal Code is amended and reenacted to read as follows:

"Sec. 9-3.304. Parcel Maps.

(a) Except as provided in this chapter, the procedure for processing approval, conditional approval or disapproval and filing of parcel maps and modifications thereof, shall be the same as the procedures for tentative and final subdivision maps.

(b) A parcel map shall be based on a field survey in accordance with the Land Surveyors Act if street, water, sewer or storm drain easements are required to be dedicated by the map or by a separate instrument. When such dedications are not required, the map can be compiled from recorded or filed data when sufficient information exists on filed maps to locate and retrace the boundaries of the map and at least one boundary can be established from an existing monument line."

10. Amendment.

Section 9-3.305 of the California City Municipal Code is amended and reenacted to read as follows:

"Sec. 9-3.305. Parcel Map Waiver: Criteria and Application.

(a) The filing of a tentative or final parcel map may be waived at the discretion of the Planning Director for: if the Map Act permits a waiver.

~~(1) a minor land division of one parcel in which each parcel created has a gross area of forty (40) acres or more;~~

~~(2) quarter quarter sections, or~~

~~(3) a division within a lot shown on a recorded final tract map or parcel map which has been improved according to standards at least equal to the standards required by this chapter;~~

~~(b) The proposed division shall meet the following requirements in order to be eligible for waiver:~~

~~(1) each resulting parcel has approved access to a public street or highway;~~

~~(2) the parcel of land complies with the Subdivision Map Act;~~

~~(3) the parcel of land is not divided into more than four parcels and there shall be no "designated remainder" parcel as a result of the parcel division;~~

~~(4) the parcel of land was not part of a division of a larger parcel within the previous two years; and~~

~~(5) the parcel does not have an average slope greater than 20%.~~

(eb) The application for a waiver of parcel map shall include the following information on the form more specifically required by the ~~City Engineer~~ Planning Director:

(1) A completed City of California City Subdivision Application form, grant deed, legal description and map of the parcel;

(2) Legal description of each of the proposed parcels prepared by a licensed land surveyor or registered civil engineer, authorized to perform land surveying, containing original signature and seal;

(3) Two copies of a preliminary title report for the affected property;

(4) Hazardous Waste Verification Statement; and.

(5) A legible, recordable map showing the proposed land division. The map shall be submitted on a minimum 8½" x 11" sheet and shall contain the following statement: "This map is provided for illustrative purposes only."

~~(d6) An applicant for waiver of a tentative parcel map shall submit an application and map to the Planning Secretary in the format and number of copies specified by the Planning Director. The map shall contain the information specified above, unless the City Engineer waives the information requirements. When deemed complete, t~~

~~(c) The application shall be accompanied by the fee established by resolution of the City of California City Council. The City Engineer shall inform the applicant in writing within thirty calendar days of receipt the application is complete or additional information is needed to complete the application.~~

~~(bd) Matters to Be Considered and Findings.~~

~~(1) The request for the waiver shall be denied if the City Engineer, Commission or council makes any of the following findings:~~

~~(i1) The proposed waiver is inconsistent with the General Plan, applicable specific plan, or applicable provisions of the Municipal Code;~~

~~(ii2) The site is not physically suitable for the proposed type of development;~~

~~(iii3) The site is not physically suitable for the proposed density of development;~~

~~(iv4) The design of the subdivision or the proposed improvements are likely to cause serious public health problems; and~~

~~(v5) The design of the subdivision or the proposed improvements will conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision, but the City Engineer-Planning Director may approve a request for waiver if the City Engineer-Planning Director finds alternate easements for access or for use will be provided which are substantially equivalent to the easements previously acquired by the public. This section shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction, and no authority is hereby granted to the City Engineer-Planning Director to determine the public at large has acquired easements for access through or use of property within the proposed subdivision.~~

~~(e) When the application is complete, tThe City Engineer-Planning Director shall prepare a report to the applicant and the Planning Commission to act on the application. A copy of any report or recommendation on the proposed parcel map waiver prepared by the City Engineer shall be mailed to the applicant at least fifteen days prior to the proposed effective date of the scheduled public hearing-Planning Director's decision. The report shall include the City Engineer's recommendations. The decision of the Planning Director may be appealed to the Planning Commission by a written appeal filed with the Planning Secretary during the fifteen-day period"~~

~~(6f) When the decision is final, Tthe City Engineer shall cause to be recorded with the County Recorder a Certificate of Compliance and appropriate attachments reflecting the approved division of land upon approval of the request for waiver and expiration of the appeal period specified above, or final decision of the City Council upon appeal if the following conditions have been met:~~

~~(i1) The applicant, or the applicant's title company or agent, shall has submitted grant deed or deeds for the land proposed to be conveyed for the waiver, in recordable form, and the City Engineer-Planning Director has determined the grant deed or~~

deeds are in substantial compliance with the approved waiver, and the grant deed or deeds contain the words "FOR PURPOSES OF PARCEL MAP WAIVER NO. _____." In lieu of submitting the grant deed or deeds, the applicant's title company may issue a "Letter of Intent" to arrange simultaneous recording of deeds with the Certificate of Compliance.

(ii) The grant deed or deeds, and beneficiary consent, if applicable, shall be recorded concurrently and shall constitute constructive notice of the parcel map waiver.

(iii) A guarantee of title or a preliminary title report dated ten or less days prior to concurrent recording of deeds and Certificate of Compliance, has been issued by a title company authorized to do business in California, showing all parties having record title interest in the land to be subdivided, or any part thereof, including, but not confined to, leaseholders, lien holders, and owners of rights-of-way, showing the nature of each respective interest and reference thereto in the Official Records, by book and page, as of the date the waiver of parcel map is filed with the County for recording. The liability of such guarantee of title, if one is issued, shall be not less than \$1,000.00. In lieu of an updated preliminary title report, the title company may submit a written statement (letter of continuation) which certifies that no changes affecting the title of the subject property have occurred since the original issuance of the preliminary title report.

(iv) Applicable recording fees have been paid, or arrangements have been made for all documents to be recorded by the title company.

(v) Other conditions of approval for the parcel map waiver have been satisfied.

(7g) An approval or conditional approval of a waiver shall expire one year from the date of approval of the parcel map waiver. The property owner may request an extension of the expiration date of the approved parcel map waiver by written application to the City Engineer/Planning Director. The application shall be filed prior to the expiration date and shall state the reasons for requesting the extension and the amount of time requested. The City Engineer/Planning Director shall approve or deny the request for extension. The maximum amount of time for each extension request shall not exceed one year. Not more than three extensions shall be approved for a parcel map waiver, and the total period of all extensions shall not exceed thirty-six months.

~~(b) Matters to Be Considered and Findings.~~

~~(1) The request for the waiver shall be denied if the City Engineer, Commission or council makes any of the following findings:~~

~~(i) The proposed waiver is inconsistent with the General Plan, applicable specific plan, or applicable provisions of the Municipal Code;~~

~~(ii) The site is not physically suitable for the proposed type of development;~~

~~(iii) The site is not physically suitable for the proposed density of development;~~

~~(iv) The design of the subdivision or the proposed improvements are likely to cause serious public health problems; and~~

~~(v) The design of the subdivision or the proposed improvements will conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision, but the City Engineer may approve a request for waiver if the City Engineer finds alternate easements for access or for use will be provided which are substantially equivalent to the easements previously acquired by the public. This section shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction, and no authority is hereby granted to the City Engineer to determine the public at large has acquired easements for access through or use of property within the proposed subdivision.~~

(eh) Minor Revisions.

Minor revisions to an approved waiver of parcel map may be approved by the City Engineer-Planning Director upon application by the subdivider or authorized agent, provided: (1) such changes are consistent with the intent of the original approval; (2) the original conditions need not be modified; and (3) there are no resulting violations of the Municipal Code. Approved revisions shall be denoted on the approved waiver map and/or in writing to the subdivider, whichever is appropriate. No revision shall affect the original expiration date of the approved waiver. The Planning Director may require a new application in lieu of the above procedure when, in the Planning Director's opinion, requested changes are substantial enough to warrant refiling and reprocessing."

11. Amendment.

Section 9-3.306 of the California City Municipal Code is amended and reenacted to read as follows:

Sec. 9-3.306. Parcel Map Waiver: Review and Approval Appeal.

~~(a) Process.~~

~~(1) When the application is complete, the City Engineer shall prepare a report to the Planning Commission to act on the application. A copy of any report or recommendation on the proposed parcel map waiver prepared by the City Engineer shall be mailed to the applicant at least fifteen days prior to the proposed date of the scheduled public hearing. The report shall include the City Engineer's recommendations.~~

~~(a) (2) The decision of the Planning Director may be appealed to the Planning Commission. A public hearing shall be conducted by the Commission within fiftysixty days from the date the application is complete approved by the Planning Director. These time limits shall commence on the effective date of the required legislative action where a General Plan Amendment, zone change, or other legislative act is required prior to approval of the waiver. At least ten days' notice of the public hearing shall be given by publication and by mail to: (i) the property owner, (ii) the applicant, (iii) each local agency expected to provide water, sewage, streets, roads, schools, or other essential facilities or services, (iv) the owners of property within three hundred feet of the exterior boundaries of the subject property, and (v) any person who has filed a written request for such notice. In lieu of mailed notice, notice may be posted not more than three hundred feet apart along each street upon which the subject property abuts for a distance of not less than three hundred feet in each direction from the exterior limits of the subject property.~~

~~(b) (3) The applicant or authorized representative and interested persons may appear at the hearing and be heard. The hearing may be continued, if, prior to adjournment or recess, the Planning Director or designated representative, announces the time and place to which the hearing will be continued.~~

~~(c) (4) The Planning Commission may approve, conditionally approve, or deny the application following the close of the public hearing. Such decision shall include findings in accordance with Government Code section 66428(b). The decision shall be final ten days after notice unless appealed to the council. Written notice of the decision shall be given by mail within seven calendar days after the date of the decision to the applicant and persons filing a written request for notice of the decision.~~

~~(d) (5) The applicant or other aggrieved person may appeal to the Council from the decision of the Commission by filing a written notice of appeal with the Planning Director within ten days of notice of the decision. The Planning Director shall forward the appeal to the Clerk of the City Council who shall set the matter for hearing within thirty days after the date of filing the appeal. Notice of the hearing on the appeal shall be given in the same manner as notice for the hearing before the Commission. The City Council may reverse, affirm wholly or~~

partly, modify, or attach other or additional conditions to the decision appealed from. The decision of the City Council shall be final upon adoption of a resolution containing its determination, and no further notice need be given."

~~(6) The City Engineer shall cause to be recorded with the County Recorder a Certificate of Compliance and appropriate attachments reflecting the approved division of land upon approval of the request for waiver and expiration of the appeal period specified above, or final decision of the City Council upon appeal if the following conditions have been met:~~

~~(i) The applicant, or the applicant's title company or agent, shall submit grant deed or deeds for the land proposed to be conveyed for the waiver, in recordable form, and the City Engineer has determined the grant deed or deeds are in substantial compliance with the approved waiver, and the grant deed or deeds contain the words "FOR PURPOSES OF PARCEL MAP WAIVER NO. _____." In lieu of submitting the grant deed or deeds, the applicant's title company may issue a "Letter of Intent" to arrange simultaneous recording of deeds with the Certificate of Compliance.~~

~~(ii) The grant deed or deeds, and beneficiary consent, if applicable, shall be recorded concurrently and shall constitute constructive notice of the parcel map waiver.~~

~~(iii) A guarantee of title or a preliminary title report dated ten or less days prior to concurrent recording of deeds and Certificate of Compliance, has been issued by a title company authorized to do business in California, showing all parties having record title interest in the land to be subdivided, or any part thereof, including, but not confined to, leaseholders, lien holders, and owners of rights of way, showing the nature of each respective interest and reference thereto in the Official Records, by book and page, as of the date the waiver of parcel map is filed with the County for recording. The liability of such guarantee of title, if one is issued, shall be not less than \$1,000.00. In lieu of an updated preliminary title report, the title company may submit a written statement (letter of continuation) which certifies that no changes affecting the title of the subject property have occurred since the original issuance of the preliminary title report.~~

~~(iv) Applicable recording fees have been paid, or arrangements have been made for all documents to be recorded by the title company.~~

~~(v) Other conditions of approval for the parcel map waiver have been satisfied.~~

~~(7) An approval or conditional approval shall expire one year from the date of approval of the parcel map waiver. The property owner may request an extension of the expiration date of the approved parcel map waiver by written application to the City Engineer. The application shall be filed prior to the expiration date and shall state the reasons for requesting the extension and the amount of time requested. The City Engineer shall approve or deny the request for extension. The maximum amount of time for each extension request shall not exceed one year. Not more than three extensions shall be approved for a parcel map waiver, and the total period of all extensions shall not exceed thirty-six months.~~

~~(b) Matters to Be Considered and Findings:~~

~~(1) The request for the waiver shall be denied if the City Engineer, Commission or council makes any of the following findings:~~

~~(i) The proposed waiver is inconsistent with the General Plan, applicable specific plan, or applicable provisions of the Municipal Code;~~

~~(ii) The site is not physically suitable for the proposed type of development;~~

~~(iii) The site is not physically suitable for the proposed density of development;~~

~~(iv) The design of the subdivision or the proposed improvements are likely to cause serious public health problems; and~~

~~(v) The design of the subdivision or the proposed improvements will conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision, but the City Engineer may approve a request for waiver if the City Engineer finds alternate easements for access or for use will be provided which are substantially equivalent to the easements previously acquired by the public. This section shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction, and no authority is hereby granted to the City Engineer to determine the public at large has acquired easements for access through or use of property within the proposed subdivision.~~

~~(c) **Minor Revisions.**~~

~~Minor revisions to an approved waiver of parcel map may be approved by the City Engineer upon application by the subdivider or authorized agent, provided: (1) such changes are consistent with the intent of the original approval; (2) the original conditions need not be modified; and (3) there are no resulting violations of the Municipal Code. Approved revisions shall be denoted on the approved waiver map and/or in writing to the subdivider, whichever is appropriate. No revision shall affect the original expiration date of the approved waiver. The Planning Director may require a new application in lieu of the above procedure when, in the Planning Director's opinion, requested changes are substantial enough to warrant refiling and reprocessing.~~

12. Other.

Except as provided herein, the California City Municipal Code is reaffirmed and readopted.

PASSED, APPROVED AND ADOPTED on _____, 2005, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Mayor

ATTEST:

City Clerk

(SEAL)