



OROVILLE PLANNING COMMISSION

Council Chambers
1735 Montgomery Street
Oroville, CA. 95965

**February 28, 2019
REGULAR MEETING
OPEN SESSION 7:00 PM
AGENDA**

CITY OF OROVILLE PLANNING COMMISSION

CHAIR: Damon Robinson
VICE-CHAIR: Carl Durling
MEMBERS: Randy Chapman; Wyatt Jenkins; Michael Britton, Tammy Flicker, Susan Sears

ALL MEETINGS ARE RECORDED AND BROADCAST LIVE

*This meeting may be broadcast remotely via audio and/or video conference at the following address:
Cota Cole, LLP, 2261 Lava Ridge Court, Roseville, California 95661.
Meeting is streamed live at cityoforoville.org and on YouTube*

CALL TO ORDER

ROLL CALL

Commissioners: Susan Sears, Michael Britton, Randy Chapman, Wyatt Jenkins, Tammy Flicker, Vice Chairperson Carl Durling, Chairperson Damon Robison

INSTRUCTIONS TO INDIVIDUALS WHO WISH TO SPEAK

If you would like to address the commission at this meeting, you are requested to complete the blue speaker request form (located on the wall by the agendas) and hand it to the City Clerk, who is seated on the right of the Council Chamber. The form assists the Clerk with minute taking and assists the Mayor or presiding chair in conducting an orderly meeting. Providing personal information on the form is voluntary. For scheduled agenda items, please submit the form prior to the conclusion of the staff presentation for that item. Council has established time limitations of three (3) minutes per speaker on all items and an overall time limit of thirty minutes for non-agenda items. If more than 10 speaker cards are submitted for non-agenda items, the time limitation would be reduced to two minutes per speaker. If more than 15 speaker cards are submitted for non-agenda items, the first 15 speakers will be randomly selected to speak at the beginning of the meeting, with the remaining speakers given an opportunity at the end. **(California Government Code §54954.3(b)).** Pursuant to Government Code Section 54954.2, the commission is prohibited from taking action except for a brief response from the Council or staff to statements or questions relating to a non-agenda item.

OATH OF OFFICE

Newly appointed and Re-Appointed Commissioners Tammy Flicker, Susan Sears, Wyatt Jenkins, and Carl Durling will take the oath of office.

PUBLIC COMMENTS

This is an opportunity for members of the public to address the Planning Commission on any subject not on the agenda related to the Planning Commission.

CORRESPONDENCE

OATH OF OFFICE

APPROVAL OF MINUTES

The Planning Commission may approve the minutes from January 10, 2019 Planning Commission Meeting.

PUBLIC HEARINGS

The Public Hearing Procedure is as follows:

- Chairperson opens the public hearing.
- Staff and Property Owner introduce item and take questions from the Commissioners
- Speakers are requested to provide a speaker card to the City Clerk. Hearing is opened for public comment limited to three (3) minutes. Under Government Code 54954.3. the time for each presentation may be limited.
- Public comment session is closed
- Commissioners, discuss, debate and action.

1. ZONING CODE CHANGE - PARCEL MAPS - LANGUAGE CHANGE TO REMOVE PLANNING COMMISSION AND ADD ZONING ADMINISTRATOR FOR REVIEWS AND APPROVAL

The Oroville Planning Commission will review and consider approving Zoning/Subdivision Change No. ZC – 19-02 to the Oroville Municipal Code (OMC) Subdivision Title 16.12.040 Parcel maps Amendments and approvals, to replace Planning Commission with Zoning Administrator for review the and approval process.

RECOMMENDATION

APPROVE the recommended Findings for Zoning/Subdivision Change No. ZC – 19-02; and

APPROVE Resolution No. P2019-03 A RESOLUTION OF THE OROVILLE CITY PLANNING COMMISSION MAKING FINDINGS AND CONDITIONALLY APPROVING ZONING/SUBDIVISION CHANGE NO. 19-02 PERMITTING A CHANGE TO THE ZONING/SUBDIVISION CODE TITLE 16.12.040 PARCEL MAPS.

2. ZONING CODE CHANGE - TENTATIVE MAPS - CHANGE LANGUAGE FOR REVIEW AND APPROVAL FROM PLANNING COMMISSION TO ZONING ADMINISTRATOR

The Oroville Planning Commission will review and consider approving Zoning/Subdivision Change No. ZC – 19-01 changing the Oroville Municipal Code (OMC) Subdivision Title 16.12.020 Tentative maps, to replace Planning Commission to Zoning Administrator for review and approval. This change will also include a change to extension of approval of tentative maps and replace 2 years with 6 years.

RECOMMENDATION

APPROVE the recommended Findings for Zoning/Subdivision Change No. ZC – 19-01; and

APPROVE Resolution No. P2019-02 A RESOLUTION OF THE OROVILLE CITY PLANNING COMMISSION MAKING FINDINGS AND CONDITIONALLY APPROVING ZONING/SUBDIVISION CHANGE NO. 19-01 PERMITTING A CHANGE TO THE ZONING/SUBDIVISION CODE TITLE 16.12.020 AMENDMENTS AND REZONING A & C.

REGULAR BUSINESS

None

DISCUSSION ITEMS

None

DIRECTOR'S REPORT

The Director shall report on information pertinent to the Planning Commission.

COMMISSION REPORTS

Reports by commission members on information pertinent to the Planning Commission.

ADJOURNMENT

Adjourn to Thursday, March 28, 2019 at 7:00 P.M. in the Oroville City Council Chambers

***** NOTICE *****

Accommodating Those Individuals with Special Needs – In compliance with the Americans with Disabilities Act, the City of Oroville encourages those with disabilities to participate fully in the public meeting process. If you have a special need in order to allow you to attend or participate in our public meetings, please contact the City Clerk at (530) 538-2535, well in advance of the regular meeting you wish to attend, so that we may make every reasonable effort to accommodate you. Documents distributed for public session items, less than 72 hours prior to meeting, are available for public inspection at City Hall, 1735 Montgomery Street, Oroville, California.

***** NOTICE *****

Any person who is dissatisfied with the decisions of this Planning Commission may appeal to the City Council by filing with the Zoning Administrator within fifteen days from the date of the action. A written notice of appeal specifying the grounds and an appeal fee immediately payable to the City of Oroville must be submitted at the time of filing. The Oroville City Council may sustain, modify or overrule this decision.



CITY OF OROVILLE
Council Chambers
1735 Montgomery Street
Oroville, CA. 95965

**PLANNING COMMISSION
AND HISTORICAL ADVISORY MEETING
January 10, 2019
MINUTES**

***This meeting was recorded live on the City of Oroville website cityoforoville.org and on YouTube. ***

The agenda for this meeting was posted on Monday, January 7, 2019 at 5:45pm in the window at City Hall, on the bulletin board in the Council Chamber Hall and on the City Website.

CALL TO ORDER

Chairperson Robison called the meeting to order at 7:00pm.

ROLL CALL

PRESENT: Commissioner Randy Chapman, Wyatt Jenkins, Vice Chairperson Carl Durling, Chairperson Damon Robison

ABSENT: Commissioner Mike Britton

STAFF PRESENT: Chief Building Official Gary Layman, Staff Assistant Cecilia Carmona, Assistant City Clerk Jackie Glover

PLEDGE OF ALLEGIANCE

Led by Chairperson Robison

INSTRUCTIONS TO INDIVIDUALS WHO WISH TO SPEAK

The following individuals spoke on agenda items:

- Lani Fridrich - Item 6
- Ann Chamberlain - Item 6

CORRESPONDENCE

None

Chairperson Robison recessed the commission at 7:02pm and reconvened the meeting at 7:05pm

APPROVAL OF MINUTES

Motion by Commissioner Durling and second by Commissioner Chapman to approve Planning Commission minutes of the 11.15.18 Meeting.

AYES: Commissioner Jenkins, Chapman, Vice Chair Durling, and Chairperson Robison
NAY: None
ABSTAIN: None
ABSENT: Commissioner Britton

PUBLIC HEARING

The commission consented to moving item 4 above item 3 at the recommendation of staff.

ZC 18-04 ALLOWED USE IN MIXED-USE DISTRICTS

The Oroville Planning Commission reviewed and considered approving Zoning Change No. ZC – 18-04 for the minor change to the Oroville Municipal Code Zoning Table 17.34.020 Allowed uses in mixed-use districts, to add “*Vehicle Repair Shops*” and “*Vehicle Sales*” to the Manufacturing, Wholesale, Repair, and Storage section of the table with an Administrative Permit.

Motion by Commissioner Chapman and second by Commissioner Jenkins to APPROVE Resolution No. P2018-15 Zoning Change No. ZC – 18-04. Passed unanimously.

AYES: Commissioner Jenkins, Chapman, Vice Chairperson Durling, Chairperson Robison
NAY: None
ABSTAIN: None
ABSENT: Commissioner Britton

OROVILLE HOSPITAL ZONING CHANGE

The Planning Commission conducted a public hearing to consider approving the use permit for Oroville Hospital

Motion by Commissioner Chapman and second by Commissioner Jenkins to approve Resolution P2019-01 approving the hospital's conditional use permit. Passed unanimously.

VAR 19-01 OROVILLE HOSPITAL SIGN VARIANCE

The Planning Commission conducted a public hearing to consider a height variance to accommodate the new medical center wing.

Motion by Commissioner Chapman and second by Vice Chairperson Durling to ADOPT the Resolution P2019-01 approving the height variance and conditions of approval. Passed unanimously.

AYES: Commissioner Jenkins, Chapman, Vice Chairperson Durling, Chairperson Robison
NAY: None
ABSTAIN: None
ABSENT: Commissioner Britton

REGULAR BUSINESS

PAINTING FACIA AND MASONRY WAINSCOTING AT 1850 HIGH STREET

The Historical Advisory Committee considered approving the repainting of the existing facia and masonry wainscoting over existing concrete raised loading dock area.

Motion by Committee Member Chapman and second by Committee Member Durling to approve painting and masonry wainscoting. Passed unanimously.

- AYES: Committee Members Jenkins, Chapman, Durling, Robison
- NAY: None
- ABSTAIN: None
- ABSENT: Committee Member Britton

LOTT HOME REROOF PROJECT

The Historical Advisory Committee considered options for reroofing the Lott Home.

Motion by Committee Member Durling and second by Committee Member Jenkins to approve staffs recommendation for type of shingles, sending the job out to bid, and allowing the Lead Docents to approve the color of the roof. Motion passed unanimously.

- AYES: Committee Member Durling, Jenkins, Chapman, and Robison
- NAY: None
- ABSTAIN: None
- ABSENT: Committee Member Britton

ADJOURNMENT

Chairperson Robison adjourned the meeting at 7:52pm to the next regular scheduled meeting on February 28th at 7pm.

APPROVED BY:

ATTESTED BY:

Damon Robison, Chairperson

Jackie Glover, Assistant City Clerk



City of Oroville

COMMUNITY DEVELOPMENT DEPARTMENT

1735 Montgomery Street
Oroville, CA 95965-4897
(530) 538-2430 FAX (530) 538-2426
www.cityoforoville.org

PLANNING COMMISSION STAFF REPORT

February 28, 2019

ZC – 19-02 Parcel maps - The Oroville Planning Commission will review and consider approving Zoning/Subdivision Change No. ZC – 19-02 for the minor change to the Oroville Municipal Code (OMC) Subdivision Title 16.12.040 Parcel maps Amendments and approvals, to replace (Planning Commission and add Zoning Administrator) for review and approval. General. In the entire section where the OMC references approval by the planning Commission and replace with the zoning administrator.

ENVIRONMENTAL DETERMINATION:

This action has been determined to be Categorically Exempt from the California Environmental Quality Act (CEQA) review pursuant to Title 14, Division 6, Chapter 3 of the California Code of Regulations, Article 19 Categorical Exemptions, Section 15300.1 “Relations To Ministerial Projects”

REPORT PREPARED BY:

Gary D. Layman, Acting Director
Community Development Department

REVIEWED BY:

Bill Lagrone,
Assistant City Administrator

RECOMMENDED ACTIONS:

City staff recommends that the Planning Commission take the following actions:

1. **APPROVE** the recommended Findings for Zoning/Subdivision Change No. ZC – 19-02; and
2. **APPROVE** Resolution No. P2019-03 A RESOLUTION OF THE OROVILLE CITY PLANNING COMMISSION MAKING FINDINGS AND CONDITIONALLY APPROVING ZONING/SUBDIVISION CHANGE NO. 19-02 PERMITTING A CHANGE TO THE ZONING/SUBDIVISION CODE TITLE 16.12.040 PARCEL MAPS

SUMMARY

The existing Municipal code as written effects the ability for city staff to make decisions without full review and approval of the Oroville Planning Commission and Oroville City Council. However, a minor change to the Oroville Municipal code would allow city staff the ability to make decisions as they have been employed to do, as well as, eliminate the extra expense and delays on the developer, businesses and or owners in the permit process.

DISCUSSION

This section as written effects the usability and ability to make decisions as they were originally hired to perform. The new proposed change to the Oroville Municipal Code will allow staff to make administrative decisions and eliminate the extra expense and delays in the permit process as well as the allotted time extension of a tentative map. The minor change to the Oroville Municipal Code Title 16.12.040 Parcel maps Amendments and approvals, to replace (Planning Commission and add Zoning Administrator) for review and approval. General. In the entire section where the OMC references approval by the planning Commission and replace with the zoning administrator and in section H. Extension of Approval of Tentative Map to (replace 2 years with 6 years). The extension time period of six years would be consistent with the subdivision map act Article 5 section 66463.5(c). these changes would demonstrate a most business-friendly environment and provide the ability to provide a more timely approval process.

ENVIRONMENTAL REVIEW

This action has been determined to be Categorical Exempt from the California Environmental Quality Act (CEQA) review pursuant to Title 14, Division 6, Chapter 3 of the California Code of Regulations, Article 19 Categorical Exemptions, Section 15300.1 "Relations to Ministerial Projects"

FISCAL IMPACT

NONE.

NEWSPAPER NOTICE

ATTACHMENTS

Proposed Ordinance

RESOLUTION NO. P2019-03

A RESOLUTION OF THE OROVILLE CITY PLANNING COMMISSION MAKING FINDINGS AND CONDITIONALLY APPROVING ZONING/SUBDIVISION CHANGE NO. 19-02 PERMITTING A CHANGE TO THE ZONING/SUBDIVISION CODE TITLE 16.12.040 PARCEL MAPS.

WHEREAS, the City of Oroville staff recommends a change to 16.12.040; and

WHEREAS, per the City of Oroville Municipal Code, the Oroville Municipal Code (OMC) Subdivision Title 16.12.040 Tentative maps, to replace (Planning Commission and add Zoning Administrator) for review and approval. General. In the entire section where the OMC references approval by the planning Commission and replace with the zoning administrator.; and

WHEREAS, pursuant to Section 16.12.040 Parcel maps of the Oroville Municipal Code, the Zoning Administrator with notification to the City Administrator, Planning Commission and City Council by ordinance amendment and when determined by the Zoning Administrator the planning commission shall hold public hearings as required by law on any proposed Parcel maps.

WHEREAS, at a duly noticed public hearing, the Planning Commission considered the comments and concerns of public agencies, property owners, and members of the public who are potentially affected by the approval of the use permit described herein, and also considered the City's staff report regarding the proposed change.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION as follows:

1. This action has been determined to be Categorically Exempt from the California Environmental Quality Act (CEQA) review pursuant to Title 14, Division 6, Chapter 3 of the California Code of Regulations, Article 19 Categorical Exemptions, Section 15300.1 "Relations to Ministerial Projects".
2. The Planning Commission approves the findings required by Section/Title 16.12.040 of the Oroville City Code, as those findings are described in this Resolution to move forward to the Oroville City Council for final review and approval.

I HEREBY CERTIFY that the foregoing resolution was duly introduced and passed at a special meeting of the Planning Commission of the City of Oroville held on the 28th of February 2019, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVE:

JACKIE GLOVER, ASSISTANT CITY CLERK

DAMON ROBISON, CHAIRPERSON

FINDINGS

No. ZC 19-02: ZONING CHANGE TITLE 16.12.040 PARCEL MAPS

A. INTRODUCTION

The Oroville Planning Staff recommends the Planning Commission review and consider approving Zoning Change ZC – 19-02 Parcel Maps - The Oroville Planning Commission will review and consider approving Zoning Change No. ZC – 19-02 for the minor change to the Oroville Municipal Code (OMC) Zoning Title 16.12.040 Tentative maps, to replace (Planning Commission and add Zoning Administrator) for review and approval. General. In the entire section where the OMC references approval by the planning Commission and replace with the zoning administrator.

The existing Municipal code as written effects the ability for city staff to make decisions without full review and approval of the Oroville Planning Commission and Oroville City Council. However, a minor change to the Oroville Municipal code would allow city staff the ability to make decisions as they have been employed to do, as well as, eliminate the extra expense and delays on the developer, businesses and or owners in the permit process.

B. CATEGORICAL EXEMPTION

This action has been determined to be Categorically Exempt from the California Environmental Quality Act (CEQA) review pursuant to Title 14, Division 6, Chapter 3 of the California Code of Regulations, Article 19 Categorical Exemptions, Section 15300.1 “Relations to Ministerial Projects”

C. FINDINGS

This section as written effects the usability and ability to make decisions as they were originally hired to perform. The new proposed change to the Oroville Municipal Code will allow staff to make administrative decisions and eliminate the extra expense and delays in the permit process as well as the allotted time extension of a tentative map. The minor change to the Oroville Municipal Code Title 16.12.040 Tentative maps, to replace (Planning Commission and add Zoning Administrator) for review and approval. General. In the entire section where the OMC references approval by the planning Commission and replace with the zoning administrator.

16.12.020 Tentative maps.

A. Filing a Tentative Subdivision Map.

1. Tentative subdivision maps shall be filed with the zoning administrator. Subdivision Map submissions, and the submitted material shall conform to the following requirements ~~of the zoning administrator as to form and content. Rules governing form and content shall to~~ provide for legibility and adequate scale, and they shall require enough information to ensure adequate consideration ~~of the following factors~~ at all levels of review of the map:

- a. Purpose of the subdivision.
- b. Ownership, including easements.
- c. Dimensions.
- d. Subdivision design.
- e. Existing structures.
- f. Public facilities.
- g. Conditions, covenants and restrictions.
- h. Environmental features.
- i. Topography.
- j. Grading.

2. The applicant shall defend, indemnify, and hold harmless the city, and each of its officers, employees and agents, from and against any and all claims, actions and proceedings, within the time period set forth in Government Code Section 66499.37, to attack, set aside, void or annul any of the decisions or determinations which the city makes in connection with the approval of the tentative subdivision map or with the adoption of any environmental document relating thereto under the California Environmental Quality Act (CEQA). The applicant shall reimburse the city and each of its officers, employees and agents for any costs, including, but not limited to, court costs, awards to plaintiff/petitioner for costs and attorneys' fees and any other litigation expenses that the city may be required to pay to plaintiff/petitioner because of such approval or adoption. The city shall reasonably cooperate in the defense of any such litigation, which duty to cooperate shall include the following:

- a. The city shall notify the applicant promptly of any claim, action or proceeding of which it becomes aware.
- b. The city shall have the right to retain legal counsel of its choice, ~~at the sole cost and expense of the city,~~ to defend the city in litigation, but such defense shall not relieve the applicant of any obligation imposed by this indemnity.
- c. The applicant shall have the right to approve any settlement.

B. Time of Filing of Tentative Maps.

1. The time of filing of a tentative map application shall be fixed as the date when the zoning administrator determines that all maps and information required by this chapter have been submitted, checked and accepted as complete, and the required fees have been paid.

2. If the zoning administrator determines that all requirements have not been satisfied, he or she shall, within 30 days from the date of submission, notify the applicant-subdivider or the subdivider's-applicant's agent in writing whether the application is complete or incomplete, pursuant to Section 65943 of the Government Code.

C. Review by Other Agencies.

1. No later than 5 days after a tentative map is accepted as complete, the zoning administrator shall send one copy of the proposed tentative map to each agency that is entitled to review the map, as provided in this section.
2. Within 15 days after receiving a copy of the tentative map, each agency may submit recommendations to the zoning administrator. The city shall consider these recommendations before acting on the tentative map.
3. The following agencies shall be allowed to review and comment on a tentative map:
 - a. Other cities and counties, provided that the tentative map includes land within the planning area of the other city or county, and within the area shown on a territorial map filed with the city.
 - b. The State Department of Transportation, provided that the tentative map includes land within an area no farther than one mile from either side of a state highway routing, and within the area shown on a territorial map filed with the city. The State Department of Transportation may also be notified of tentative maps that are not within these areas, subject to the discretion of the zoning administrator.
 - c. The State Department of Water Resources, provided that the tentative map includes land within one mile of either side of any facility of the State Water Resources Development System, and within the area shown on a territorial map filed with the city. The State Department of Water Resources may also be notified of tentative maps that are not within these areas, subject to the discretion of the zoning administrator.
 - d. The governing board of any elementary school, high school or unified school district, provided that the tentative map includes land within the district boundaries. ~~The submission to the school district shall include notification that if the school district fails to respond within 15 days, the failure to respond shall be deemed approval of the proposed tentative map subdivision.~~
 - e. Any public water supplier that may supply water for the proposed ~~subdivision~~ tentative map.
 - f. Any special district that may provide services to the proposed ~~subdivision~~ tentative map.

D. Review of Tentative Maps.

1. The city engineer shall prepare a written report to the zoning administrator on a tentative subdivision map. This report shall verify that the tentative map and its supporting documents are acceptable as to form and that the improvements it shows conform to the city's engineering design standards.
- ~~2. The zoning administrator shall prepare a written report to the city administrator and planning commission on a tentative subdivision map. This report shall consider the relationship of the map to the Subdivision Map Act, to this chapter, the zoning code, other city ordinances, the general plan and applicable specific plans, and comments of any other city department or public agency. The report shall also recommend conditions to be placed on the map, and it shall incorporate the report of the city engineer.~~
- ~~3. The zoning administrator shall send, via United States mail, or personally deliver a copy of his or her report to the subdivider or the subdivider's agent, by mail or in person, at least 5 working days prior to any hearing or action on the map. Additions and changes to the report shall be noticed in the same manner.~~
- ~~4. The planning commission's action shall be final unless appealed to the planning commission/city council, as provided in Section 16.04.060.~~

E. ~~Planning Commission~~ Zoning Administrator Action.

- ~~1. The planning commission zoning adm~~The zoning administrator shall prepare a written report to the city administrator and planning commission on a tentative subdivision map. This report shall consider the relationship of the map to the Subdivision Map Act, to this chapter, the zoning code, other city ordinances, the general plan and applicable specific plans, and comments of any other city department or public agency. The report shall also recommend conditions to be placed on the map, and it shall incorporate the report of the city engineer.
- ~~2. The zoning administrator shall send, via United States mail, or personally deliver a copy of his or her report to the applicant or the applicant's agent, by mail or in person, at least 5 working days prior to any hearing or action on the map. Additions and changes to the report shall be noticed in the same manner.~~inistrador shall hold a public review of a tentative subdivision map within 30 calendar days after t
3. The report shall state that the following have occurred:
 - a. The map has been accepted as complete.
 - b. The city has certified the project's environmental impact report, adopted a negative declaration for the project or determined that the project is exempt from the requirements of the California Environmental Quality Act.
- ~~2. At least 10 days prior to the planning commission's public review, a public notice shall be given in accordance with Section 66451 of the Government Code.~~
- ~~3. At the public review, the planning commission~~The zoning administrator shall review the submitted tentative subdivision map, the report of the ~~zoning administrator~~city engineer, any available recommendations from public agencies and any comments from the subdivider and other interested parties.
4. The ~~planning commission~~ zoning administrator shall approve the map, approve the map with conditions or disapprove the map as follows, or after a longer period with the mutual consent of the ~~planning commission~~ city administrator and the subdivider:
 - a. If an environmental impact report was certified for the project, the planning commission shall make a determination within 60 days.
 - b. In all other cases, the planning commission shall make a determination within 30 days.
5. In making ~~its~~his/her determination, the ~~planning commission~~zoning administrator shall consider the factors described in subsection F of this section.
6. Within 5 working days after the ~~planning commission~~ zoning administrator acts on the map, the zoning administrator shall report the action in writing to the subdivider or person filing the tentative map. If applicable, the zoning administrator shall indicate any conditions of approval and include a copy of the approved tentative map. A copy of the letter and map shall be retained in the zoning administrator's files for at least 4 years, after which the letter and map may be destroyed.
7. The ~~planning commission's~~ zoning administrator's action shall be final unless appealed to the ~~planning commission~~city council, as provided in Section 16.04.060.

- F. Disapproval of Tentative Map. The ~~planning commission zoning administrator~~ shall disapprove a tentative map if ~~it~~ he/she determines that any of the following conditions apply:
1. The proposed subdivision is inconsistent with the general plan or applicable specific plans.
 2. The site is not physically suitable for the proposed density or type of development, or for the physical infrastructure required to support that development.
 3. The design of the land division or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
 4. The design of the subdivision or the type of improvement is likely to cause serious public health problems.
 5. A preliminary soils report or geological hazard report indicates adverse soil or geological conditions, and the subdivider has failed to demonstrate to the satisfaction of the city engineer and planning commission that the conditions can be corrected.
 6. The design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision. However, the planning commission may approve an application if it finds that alternate easements for access or for use will be provided and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction.
 7. The proposed subdivision violates the provisions of this chapter and no exception has been granted.
 8. The proposed subdivision violates any provision of the zoning code and no variance has been granted.
 9. The proposed subdivision would violate any other city ordinance or any city code provision.
 10. The discharge of waste from the proposed subdivision into a community sewer system would result in violation of existing requirements prescribed by a California Regional Water Quality Control Board pursuant to Division 7 (commencing with Section 13000 of the [Water Code](#)).
- G. Expiration of Tentative Map. The approval or conditional approval of a tentative subdivision map shall be valid for 36 months after its approval or conditional approval, within which time the final map may be presented to the city council for acceptance and recordation unless an extension is granted as provided in subsection H of this section.
- H. Extension of Approval of Tentative Map.
1. If the subdivider applies for an extension before an approved or conditionally approved tentative map expires, the ~~planning commission zoning administrator~~ may extend the date on which the map expires for a period or periods not exceeding a total of 2 years.
 2. If a subdivider is required to spend more than the amount specified in Section 66452.6(a)(1) of the [Government Code](#) to construct, improve or finance the construction or improvement of public properties outside the property boundaries of the approved or conditionally approved tentative map, excluding improvements of public rights-of-way that abut the boundary of the property to be subdivided and that are reasonably related to the development of that property, each filing of a final map shall extend the expiration of the tentative map by 24 months, subject to the provisions of Section 66452.6 of the [Government Code](#).

3. If the ~~planning commission~~ zoning administrator denies a subdivider's application for extension, the subdivider may appeal to the planning commission/~~city council~~ in accordance with the provisions of Section 16.04.060. (Ord. 1749 § 3)

16.12.040 Parcel maps.

A. When a Parcel Map Is Required.

Parcel maps shall be required for any subdivision of land that does not require a subdivision map, except the following:

1. Subdivisions created by short-term leases (terminable by either party on not more than 30 days' notice in writing) or a portion of the operating right-of-way of a railroad corporation defined as such by Section 230 of the [Public Utilities Code](#), or for land conveyed to public agency or public utility, or to a subsidiary of a public utility for conveyance to such public utility for rights-of-way, unless a finding is made in individual cases, based upon substantial evidence, that public policy necessitates such a parcel map.
2. A lot line adjustment, as provided in Chapter 16.32.

B. When a Parcel Map May Be Waived.

1. The ~~planning commission~~ zoning administrator may waive the requirement for a parcel map in any case where the proposed subdivision is a division into 4 or fewer parcels, and:

- a. Where the land being divided consists of a parcel shown on a recorded parcel map or final subdivision map or a legally created parcel and the full street improvements have been constructed and monumentation is evident; or
- b. Where each has a gross area of 40 acres or more or each of which is a quarter-quarter section or larger; or
- c. Upon making a finding that the proposed division of land complies with the requirements of the city code and Subdivision Map Act as to area, improvement and design, floodwater drainage control, appropriately improved public roads, sanitary disposal facilities, water supply availability, environmental protection and any other requirements that may apply.

2. A waiver may be granted only if:

- a. The subdivider files an application with the zoning administrator stating the existence of monuments and improvements prior to consideration of the waiver by the ~~planning commission~~ zoning administrator;
- b. The submitted material conforms to the requirements of the zoning administrator as to form and content;
- c. The application contains a legal description for each parcel;
- d. The land is monumented on the ground, and a record of survey is recorded;
- e. The ~~planning commission~~ zoning administrator finds that the proposed division of land complies with the requirements of the California Environmental Quality Act, the zoning code of the city, city ordinances, improvement standards as set forth by resolution of the city, the general plan and applicable specific plans of the city.

C. Parcel Map Improvements.

1. For a division of land for which a parcel map is required, improvements shall include the dedication of rights-of-way and easements and the construction of reasonable on-site and off-site improvements for the parcels being created. No other improvements shall be required.

2. An improvement plan shall be submitted and approved pursuant to the requirements of Section 16.16.190.
3. Fulfillment of the construction requirements shall not be required until the time a permit or other grant of approval for development of the parcel is issued by the city, or until the time the construction of the improvements is required pursuant to an agreement between the subdivider and the city. In the absence of an agreement, the city may require fulfillment of the construction requirements within a reasonable time following approval of the parcel map and prior to the issuance of a permit or other grant of approval for the development of a parcel, upon a finding of the ~~planning commission~~ zoning administrator that fulfillment of the construction requirements is necessary for either of the following reasons:
 - a. Fulfillment is necessary to protect public health and safety.
 - b. The required construction is a necessary prerequisite for the orderly development of the surrounding area. (Ord. 1749 § 3)

The city zoning administrator may deny any reasonably related portion of the parcel maps. The subdivider may appeal the decision of the zoning administrator to the Planning Commission as provided in Section 16.04.060. (Ord. 1749 § 3)

16.16.190 Improvement plans.

- A. After approval of a tentative map, before any construction work begins and before filing a final map or parcel map, the subdivider shall submit improvement plans to the city engineer, prepared under the direction of and signed by a registered civil engineer licensed by the State of California.
- B. The improvement plans shall show complete plans and details for all required improvements to be constructed, both public and private, and they shall conform to the city engineering design standards. The improvement plans may refer to the city engineering design standards rather than replicating them.
- C. Hydrology studies, plans and calculations, estimates of required securities and any structural calculations that may be required shall be submitted with the improvement plans. These studies and calculations shall be prepared and signed by a registered civil engineer licensed by the State of California.
- D. The improvement plans shall conform to the requirements of the zoning administrator as to form.
- E. The subdivider shall submit preliminary copies of the improvement plans and calculations to the city engineer for review. The city engineer shall return one set of the preliminary plans and calculations, with any required revisions indicated. After completing these revisions, the subdivider shall submit revised copies to the city engineer for approval.
- F. Upon finding that all required revisions have been made; that all required fees have been paid; and that the plans conform to all applicable city ordinances, design review requirements and

conditions of approval of the tentative map, the city engineer shall approve the improvement plans.

1. The city engineer shall act within 60 days of receiving the preliminary improvement plans and calculations, except that at least 15 days shall be provided for processing any resubmitted improvement plan. The period of 60 days shall not include any days during which the improvement plan has been returned to the subdivider for corrections or has been subject to review by any party other than the city or a private entity contracted by the city.

2. The city engineer's approval of improvement plans shall not relieve the subdivider of responsibility for the design of the improvements and for any deficiencies in the improvements.

G. Upon approval of the improvement plans and provision of all required securities, a construction permit for the improvements shall be issued. The permit shall be valid for one year after it is issued, and it may be extended for an additional period of up to one year, subject to the approval of the city engineer.

H. If the subdivider determines that revisions to approved improvement plans are necessary or desirable, the subdivider shall submit copies of the proposed revisions to the city engineer for review and approval. Construction of the revised improvements shall not begin until the city engineer approves the revisions.

I. If the city engineer determines that revisions to approved improvement plans are necessary to protect public health and safety or to address site conditions, the city engineer shall request revisions from the subdivider for review and approval. The city engineer may stop any reasonably related portion of the construction of improvements until he or she approves the revisions. The subdivider may appeal required revisions as provided in Section 16.04.060. (Ord. 1749 § 3)

Chapter 16.04 GENERAL PROVISIONS

16.04.060 Appeals.

When this chapter provides for an appeal of an action, the appeals process shall be as follows:

A. Within 10 days after the date of the ~~planning commission~~, zoning administrator or city engineer action, the action may be appealed to the ~~city council~~ planning commission relating to such action by filing a notice of appeal with the clerk of the ~~city council~~. The notice of appeal shall be accompanied by a written explanation of the precise issues being appealed and the payment of a fee as required by resolution of the city council. If no appeal is filed, the action shall be final.

B. After an appeal is filed, the ~~city council~~ planning commission shall hold a hearing to consider the matter. This hearing shall be held within 30 days. If there is no regular meeting of the ~~city council~~ planning commission within this 30-day period for which the required notice can be given, the appeal shall be heard at the next regular meeting for which notice can be given, or within 60 days from the date of the receipt of the request, whichever period is shorter.

C. At the hearing of the appeal, the ~~planning commission~~ city council shall consider all of the following, as applicable, in addition to testimony presented at the hearing:

1. ~~The minutes of the planning commission.~~

2. ~~The report of the zoning administrator.~~

3. ~~The report of the city engineer.~~

4. ~~The staff report.~~

D. ~~The planning commission~~ city council may sustain, modify, reject or overrule any action of the ~~planning commission~~, zoning administrator or city engineer and issue written findings based on

substantial evidence. Within 30 days following the hearing, the ~~city council~~planning commission shall render its decision, which shall be final, on the appeal. (Ord. 1749 § 3)

RESOLUTION NO. P2019-02

A RESOLUTION OF THE OROVILLE CITY PLANNING COMMISSION MAKING FINDINGS AND CONDITIONALLY APPROVING ZONING/SUBDIVISION CHANGE NO. 19-01 PERMITTING A CHANGE TO THE ZONING/SUBDIVISION CODE TITLE 16.12.020 AMENDMENTS AND REZONING A & C.

WHEREAS, the City of Oroville staff recommends a change to 16.12.020; and

WHEREAS, per the City of Oroville Municipal Code, the Oroville Municipal Code (OMC) Subdivision Title 16.12.020 Tentative maps, to replace (Planning Commission and add Zoning Administrator) for review and approval. General. In the entire section where the OMC references approval by the planning Commission and replace with the zoning administrator and in section H. Extension of Approval of Tentative Map to (replace 2 years with 6 years).; and

WHEREAS, pursuant to Section 16.12.020 Tentative maps of the Oroville Municipal Code, the Zoning Administrator with notification to the City Administrator, Planning Commission and City Council may by ordinance amend and when determined by the Zoning Administrator the planning commission shall hold public hearings as required by law on any proposed tentative maps or maps extensions; and

WHEREAS, at a duly noticed public hearing, the Planning Commission considered the comments and concerns of public agencies, property owners, and members of the public who are potentially affected by the approval of the use permit described herein, and also considered the City's staff report regarding the change.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION as follows:

1. This action has been determined to be Categorically Exempt from the California Environmental Quality Act (CEQA) review pursuant to Title 14, Division 6, Chapter 3 of the California Code of Regulations, Article 19 Categorical Exemptions, Section 15300.1 "Relations to Ministerial Projects".
2. The Planning Commission approves the findings required by Section/Title 16.12.020 of the Oroville City Code, as those findings are described in this Resolution to move forward to the Oroville City Council for final review and approval.

I HEREBY CERTIFY that the foregoing resolution was duly introduced and passed at a special meeting of the Planning Commission of the City of Oroville held on the 28th of February 2019, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVE:

JACKIE GLOVER, ASSISTANT CITY CLERK

DAMON ROBISON, CHAIRPERSON



City of Oroville

COMMUNITY DEVELOPMENT DEPARTMENT

1735 Montgomery Street
Oroville, CA 95965-4897
(530) 538-2430 FAX (530) 538-2426
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PLANNING COMMISSION STAFF REPORT

February 28, 2019

ZC – 19-01 Tentative Maps - The Oroville Planning Commission will review and consider approving Zoning/Subdivision Change No. ZC – 19-01 for the minor change to the Oroville Municipal Code (OMC) Subdivision Title 16.12.020 Tentative maps, to replace (Planning Commission and add Zoning Administrator) for review and approval. General. In the entire section where the OMC references approval by the planning Commission and replace with the zoning administrator and in section H. Extension of Approval of Tentative Map to (replace 2 years with 6 years).

ENVIRONMENTAL DETERMINATION:

This action has been determined to be Categorical Exempt from the California Environmental Quality Act (CEQA) review pursuant to Title 14, Division 6, Chapter 3 of the California Code of Regulations, Article 19 Categorical Exemptions, Section 15300.1 “Relations To Ministerial Projects”

REPORT PREPARED BY:

Gary D. Layman, Acting Director
Community Development Department

REVIEWED BY:

Bill Lagrone,
Assistant City Administrator

RECOMMENDED ACTIONS:

City staff recommends that the Planning Commission take the following actions:

1. **APPROVE** the recommended Findings for Zoning/Subdivision Change No. ZC – 19-01; and
2. **APPROVE Resolution No. P2019-02** A RESOLUTION OF THE OROVILLE CITY PLANNING COMMISSION MAKING FINDINGS AND CONDITIONALLY APPROVING ZONING/SUBDIVISION CHANGE NO. 19-01 PERMITTING A CHANGE TO THE ZONING/SUBDIVISION CODE TITLE 16.12.020 AMENDMENTS AND REZONING A & C.

SUMMARY

The existing Municipal code as written effects the ability for city staff to make decisions without full review and approval of the Oroville Planning Commission and Oroville City Council. However, a minor change to the Oroville Municipal code would allow city staff the ability to make decisions as they have been employed to do, as well as, eliminate the extra expense and delays on the developer, businesses and or owners in the permit process.

DISCUSSION

This section as written effects the usability and ability to make decisions as they were originally hired to perform. The new proposed change to the Oroville Municipal Code will allow staff to make administrative decisions and eliminate the extra expense and delays in the permit process as well as the allotted time extension of a tentative map. The minor change to the Oroville Municipal Code Title 16.12.020 Tentative maps, to replace (Planning Commission and add Zoning Administrator) for review and approval. General. In the entire section where the OMC references approval by the planning Commission and replace with the zoning administrator and in section H. Extension of Approval of Tentative Map to (replace 2 years with 6 years). The extension time period of six years would be consistent with the subdivision map act Article 5 section 66463.5(c). these changes would demonstrate a most business-friendly environment and provide the ability to provide a timelier approval process.

ENVIRONMENTAL REVIEW

This action has been determined to be Categorical Exempt from the California Environmental Quality Act (CEQA) review pursuant to Title 14, Division 6, Chapter 3 of the California Code of Regulations, Article 19 Categorical Exemptions, Section 15300.1 "Relations To Ministerial Projects"

FISCAL IMPACT

NONE.

NEWSPAPER NOTICE

ATTACHMENTS

Will be provided separately

FINDINGS

No. ZC 19-01: ZONING CHANGE TITLE 16.12.020 TENTATIVE MAPS

A. INTRODUCTION

The Oroville Planning Staff recommends the Planning Commission review and consider approving Zoning Change ZC – 19-01 Tentative Maps - The Oroville Planning Commission will review and consider approving Zoning Change No. ZC – 19-01 for the minor change to the Oroville Municipal Code (OMC) Zoning Title 16.12.020 Tentative maps, to replace (Planning Commission and add Zoning Administrator) for review and approval. General. In the entire section where the OMC references approval by the planning Commission and replace with the zoning administrator and in section H. Extension of Approval of Tentative Map to (replace 2 years with 6 years).

The existing Municipal code as written effects the ability for city staff to make decisions without full review and approval of the Oroville Planning Commission and Oroville City Council. However, a minor change to the Oroville Municipal code would allow city staff the ability to make decisions as they have been employed to do, as well as, eliminate the extra expense and delays on the developer, businesses and or owners in the permit process.

B. CATEGORICAL EXEMPTION

This action has been determined to be Categorically Exempt from the California Environmental Quality Act (CEQA) review pursuant to Title 14, Division 6, Chapter 3 of the California Code of Regulations, Article 19 Categorical Exemptions, Section 15300.1 “Relations To Ministerial Projects”

C. FINDINGS

This section as written effects the usability and ability to make decisions as they were originally hired to perform. The new proposed change to the Oroville Municipal Code will allow staff to make administrative decisions and eliminate the extra expense and delays in the permit process as well as the allotted time extension of a tentative map. The minor change to the Oroville Municipal Code Title 16.12.020 Tentative maps, to replace (Planning Commission and add Zoning Administrator) for review and approval. General. In the entire section where the OMC references approval by the planning Commission and replace with the zoning administrator and in section H. Extension of Approval of Tentative Map to (replace 2 years with 6 years). The extension time period of six years would be consistent with the subdivision map act Article 5 section 66463.5(c). these changes would demonstrate a most business-friendly environment and provide the ability to provide a more timely approval process.

16.12.020 Tentative maps.

A. Filing a Tentative Subdivision Map.

1. Tentative subdivision maps shall be filed with the zoning administrator. Subdivision Map submissions, and the submitted material shall conform to the following requirements ~~of the zoning administrator as to form and content. Rules governing form and content shall to~~ provide for legibility and adequate scale, and they shall require enough information to ensure adequate consideration ~~of the following factors~~ at all levels of review of the map:

- a. Purpose of the subdivision.
- b. Ownership, including easements.
- c. Dimensions.
- d. Subdivision design.
- e. Existing structures.
- f. Public facilities.
- g. Conditions, covenants and restrictions.
- h. Environmental features.
- i. Topography.
- j. Grading.

2. The applicant shall defend, indemnify, and hold harmless the city, and each of its officers, employees and agents, from and against any and all claims, actions and proceedings, within the time period set forth in Government Code Section 66499.37, to attack, set aside, void or annul any of the decisions or determinations which the city makes in connection with the approval of the tentative subdivision map or with the adoption of any environmental document relating thereto under the California Environmental Quality Act (CEQA). The applicant shall reimburse the city and each of its officers, employees and agents for any costs, including, but not limited to, court costs, awards to plaintiff/petitioner for costs and attorneys' fees and any other litigation expenses that the city may be required to pay to plaintiff/petitioner because of such approval or adoption. The city shall reasonably cooperate in the defense of any such litigation, which duty to cooperate shall include the following:

- a. The city shall notify the applicant promptly of any claim, action or proceeding of which it becomes aware.
- b. The city shall have the right to retain legal counsel of its choice, ~~at the sole cost and expense of the city,~~ to defend the city in litigation, but such defense shall not relieve the applicant of any obligation imposed by this indemnity.
- c. The applicant shall have the right to approve any settlement.

B. Time of Filing of Tentative Maps.

1. The time of filing of a tentative map application shall be fixed as the date when the zoning administrator determines that all maps and information required by this chapter have been submitted, checked and accepted as complete, and the required fees have been paid.

2. If the zoning administrator determines that all requirements have not been satisfied, he or she shall, within 30 days from the date of submission, notify the applicant-subdivider or the subdivider's-applicant's agent in writing whether the application is complete or incomplete, pursuant to Section 65943 of the Government Code.

C. Review by Other Agencies.

1. No later than 5 days after a tentative map is accepted as complete, the zoning administrator shall send one copy of the proposed tentative map to each agency that is entitled to review the map, as provided in this section.
2. Within 15 days after receiving a copy of the tentative map, each agency may submit recommendations to the zoning administrator. The city shall consider these recommendations before acting on the tentative map.
3. The following agencies shall be allowed to review and comment on a tentative map:
 - a. Other cities and counties, provided that the tentative map includes land within the planning area of the other city or county, and within the area shown on a territorial map filed with the city.
 - b. The State Department of Transportation, provided that the tentative map includes land within an area no farther than one mile from either side of a state highway routing, and within the area shown on a territorial map filed with the city. The State Department of Transportation may also be notified of tentative maps that are not within these areas, subject to the discretion of the zoning administrator.
 - c. The State Department of Water Resources, provided that the tentative map includes land within one mile of either side of any facility of the State Water Resources Development System, and within the area shown on a territorial map filed with the city. The State Department of Water Resources may also be notified of tentative maps that are not within these areas, subject to the discretion of the zoning administrator.
 - d. The governing board of any elementary school, high school or unified school district, provided that the tentative map includes land within the district boundaries. ~~The submission to the school district shall include notification that if the school district fails to respond within 15 days, the failure to respond shall be deemed approval of the proposed tentative map subdivision.~~
 - e. Any public water supplier that may supply water for the proposed ~~subdivision~~ tentative map.
 - f. Any special district that may provide services to the proposed ~~subdivision~~ tentative map.

D. Review of Tentative Maps.

1. The city engineer shall prepare a written report to the zoning administrator on a tentative subdivision map. This report shall verify that the tentative map and its supporting documents are acceptable as to form and that the improvements it shows conform to the city's engineering design standards.
- ~~2. The zoning administrator shall prepare a written report to the city administrator and planning commission on a tentative subdivision map. This report shall consider the relationship of the map to the Subdivision Map Act, to this chapter, the zoning code, other city ordinances, the general plan and applicable specific plans, and comments of any other city department or public agency. The report shall also recommend conditions to be placed on the map, and it shall incorporate the report of the city engineer.~~
- ~~3. The zoning administrator shall send, via United States mail, or personally deliver a copy of his or her report to the subdivider or the subdivider's agent, by mail or in person, at least 5 working days prior to any hearing or action on the map. Additions and changes to the report shall be noticed in the same manner.~~
- ~~4. The planning commission's action shall be final unless appealed to the planning commission/city council, as provided in Section 16.04.060.~~

E. ~~Planning Commission~~ Zoning Administrator Action.

- ~~1. The planning commission zoning adm~~The zoning administrator shall prepare a written report to the city administrator and planning commission on a tentative subdivision map. This report shall consider the relationship of the map to the Subdivision Map Act, to this chapter, the zoning code, other city ordinances, the general plan and applicable specific plans, and comments of any other city department or public agency. The report shall also recommend conditions to be placed on the map, and it shall incorporate the report of the city engineer.
- ~~2. The zoning administrator shall send, via United States mail, or personally deliver a copy of his or her report to the applicant or the applicant's agent, by mail or in person, at least 5 working days prior to any hearing or action on the map. Additions and changes to the report shall be noticed in the same manner.~~inistrator shall hold a public review of a tentative subdivision map within 30 calendar days after t
3. The report shall state that the following have occurred:
 - a. The map has been accepted as complete.
 - b. The city has certified the project's environmental impact report, adopted a negative declaration for the project or determined that the project is exempt from the requirements of the California Environmental Quality Act.
- ~~2. At least 10 days prior to the planning commission's public review, a public notice shall be given in accordance with Section 66451 of the Government Code.~~
- ~~3. At the public review, the planning commission~~The zoning administrator shall review the submitted tentative subdivision map, the report of the ~~zoning administrator~~city engineer, any available recommendations from public agencies and any comments from the subdivider and other interested parties.
4. The ~~planning commission~~ zoning administrator shall approve the map, approve the map with conditions or disapprove the map as follows, or after a longer period with the mutual consent of the ~~planning commission~~ city administrator and the subdivider:
 - a. If an environmental impact report was certified for the project, the planning commission shall make a determination within 60 days.
 - b. In all other cases, the planning commission shall make a determination within 30 days.
5. In making ~~its~~his/her determination, the ~~planning commission~~zoning administrator shall consider the factors described in subsection F of this section.
6. Within 5 working days after the ~~planning commission~~ zoning administrator acts on the map, the zoning administrator shall report the action in writing to the subdivider or person filing the tentative map. If applicable, the zoning administrator shall indicate any conditions of approval and include a copy of the approved tentative map. A copy of the letter and map shall be retained in the zoning administrator's files for at least 4 years, after which the letter and map may be destroyed.
7. The ~~planning commission's~~ zoning administrator's action shall be final unless appealed to the ~~planning commission,~~city council, as provided in Section 16.04.060.

- F. Disapproval of Tentative Map. The ~~planning commission zoning administrator~~ shall disapprove a tentative map if ~~it~~ he/she determines that any of the following conditions apply:
1. The proposed subdivision is inconsistent with the general plan or applicable specific plans.
 2. The site is not physically suitable for the proposed density or type of development, or for the physical infrastructure required to support that development.
 3. The design of the land division or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
 4. The design of the subdivision or the type of improvement is likely to cause serious public health problems.
 5. A preliminary soils report or geological hazard report indicates adverse soil or geological conditions, and the subdivider has failed to demonstrate to the satisfaction of the city engineer and planning commission that the conditions can be corrected.
 6. The design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision. However, the planning commission may approve an application if it finds that alternate easements for access or for use will be provided and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction.
 7. The proposed subdivision violates the provisions of this chapter and no exception has been granted.
 8. The proposed subdivision violates any provision of the zoning code and no variance has been granted.
 9. The proposed subdivision would violate any other city ordinance or any city code provision.
 10. The discharge of waste from the proposed subdivision into a community sewer system would result in violation of existing requirements prescribed by a California Regional Water Quality Control Board pursuant to Division 7 (commencing with Section 13000 of the [Water Code](#)).
- G. Expiration of Tentative Map. The approval or conditional approval of a tentative subdivision map shall be valid for 36 months after its approval or conditional approval, within which time the final map may be presented to the city council for acceptance and recordation unless an extension is granted as provided in subsection H of this section.
- H. Extension of Approval of Tentative Map.
1. If the subdivider applies for an extension before an approved or conditionally approved tentative map expires, the ~~planning commission zoning administrator~~ may extend the date on which the map expires for a period or periods not exceeding a total of 2 years.
 2. If a subdivider is required to spend more than the amount specified in Section 66452.6(a)(1) of the [Government Code](#) to construct, improve or finance the construction or improvement of public properties outside the property boundaries of the approved or conditionally approved tentative map, excluding improvements of public rights-of-way that abut the boundary of the property to be subdivided and that are reasonably related to the development of that property, each filing of a final map shall extend the expiration of the tentative map by 24 months, subject to the provisions of Section 66452.6 of the [Government Code](#).

3. If the ~~planning commission~~ zoning administrator denies a subdivider's application for extension, the subdivider may appeal to the planning commission/~~city council~~ in accordance with the provisions of Section 16.04.060. (Ord. 1749 § 3)

16.12.040 Parcel maps.

A. When a Parcel Map Is Required.

Parcel maps shall be required for any subdivision of land that does not require a subdivision map, except the following:

1. Subdivisions created by short-term leases (terminable by either party on not more than 30 days' notice in writing) or a portion of the operating right-of-way of a railroad corporation defined as such by Section 230 of the [Public Utilities Code](#), or for land conveyed to public agency or public utility, or to a subsidiary of a public utility for conveyance to such public utility for rights-of-way, unless a finding is made in individual cases, based upon substantial evidence, that public policy necessitates such a parcel map.
2. A lot line adjustment, as provided in Chapter 16.32.

B. When a Parcel Map May Be Waived.

1. The ~~planning commission~~ zoning administrator may waive the requirement for a parcel map in any case where the proposed subdivision is a division into 4 or fewer parcels, and:

- a. Where the land being divided consists of a parcel shown on a recorded parcel map or final subdivision map or a legally created parcel and the full street improvements have been constructed and monumentation is evident; or
- b. Where each has a gross area of 40 acres or more or each of which is a quarter-quarter section or larger; or
- c. Upon making a finding that the proposed division of land complies with the requirements of the city code and Subdivision Map Act as to area, improvement and design, floodwater drainage control, appropriately improved public roads, sanitary disposal facilities, water supply availability, environmental protection and any other requirements that may apply.

2. A waiver may be granted only if:

- a. The subdivider files an application with the zoning administrator stating the existence of monuments and improvements prior to consideration of the waiver by the ~~planning commission~~ zoning administrator;
- b. The submitted material conforms to the requirements of the zoning administrator as to form and content;
- c. The application contains a legal description for each parcel;
- d. The land is monumented on the ground, and a record of survey is recorded;
- e. The ~~planning commission~~ zoning administrator finds that the proposed division of land complies with the requirements of the California Environmental Quality Act, the zoning code of the city, city ordinances, improvement standards as set forth by resolution of the city, the general plan and applicable specific plans of the city.

C. Parcel Map Improvements.

1. For a division of land for which a parcel map is required, improvements shall include the dedication of rights-of-way and easements and the construction of reasonable on-site and off-site improvements for the parcels being created. No other improvements shall be required.

2. An improvement plan shall be submitted and approved pursuant to the requirements of Section 16.16.190.
3. Fulfillment of the construction requirements shall not be required until the time a permit or other grant of approval for development of the parcel is issued by the city, or until the time the construction of the improvements is required pursuant to an agreement between the subdivider and the city. In the absence of an agreement, the city may require fulfillment of the construction requirements within a reasonable time following approval of the parcel map and prior to the issuance of a permit or other grant of approval for the development of a parcel, upon a finding of the ~~planning commission~~ zoning administrator that fulfillment of the construction requirements is necessary for either of the following reasons:
 - a. Fulfillment is necessary to protect public health and safety.
 - b. The required construction is a necessary prerequisite for the orderly development of the surrounding area. (Ord. 1749 § 3)

The city zoning administrator may deny any reasonably related portion of the parcel maps. The subdivider may appeal the decision of the zoning administrator to the Planning Commission as provided in Section 16.04.060. (Ord. 1749 § 3)

16.16.190 Improvement plans.

- A. After approval of a tentative map, before any construction work begins and before filing a final map or parcel map, the subdivider shall submit improvement plans to the city engineer, prepared under the direction of and signed by a registered civil engineer licensed by the State of California.
- B. The improvement plans shall show complete plans and details for all required improvements to be constructed, both public and private, and they shall conform to the city engineering design standards. The improvement plans may refer to the city engineering design standards rather than replicating them.
- C. Hydrology studies, plans and calculations, estimates of required securities and any structural calculations that may be required shall be submitted with the improvement plans. These studies and calculations shall be prepared and signed by a registered civil engineer licensed by the State of California.
- D. The improvement plans shall conform to the requirements of the zoning administrator as to form.
- E. The subdivider shall submit preliminary copies of the improvement plans and calculations to the city engineer for review. The city engineer shall return one set of the preliminary plans and calculations, with any required revisions indicated. After completing these revisions, the subdivider shall submit revised copies to the city engineer for approval.
- F. Upon finding that all required revisions have been made; that all required fees have been paid; and that the plans conform to all applicable city ordinances, design review requirements and

conditions of approval of the tentative map, the city engineer shall approve the improvement plans.

1. The city engineer shall act within 60 days of receiving the preliminary improvement plans and calculations, except that at least 15 days shall be provided for processing any resubmitted improvement plan. The period of 60 days shall not include any days during which the improvement plan has been returned to the subdivider for corrections or has been subject to review by any party other than the city or a private entity contracted by the city.

2. The city engineer's approval of improvement plans shall not relieve the subdivider of responsibility for the design of the improvements and for any deficiencies in the improvements.

G. Upon approval of the improvement plans and provision of all required securities, a construction permit for the improvements shall be issued. The permit shall be valid for one year after it is issued, and it may be extended for an additional period of up to one year, subject to the approval of the city engineer.

H. If the subdivider determines that revisions to approved improvement plans are necessary or desirable, the subdivider shall submit copies of the proposed revisions to the city engineer for review and approval. Construction of the revised improvements shall not begin until the city engineer approves the revisions.

I. If the city engineer determines that revisions to approved improvement plans are necessary to protect public health and safety or to address site conditions, the city engineer shall request revisions from the subdivider for review and approval. The city engineer may stop any reasonably related portion of the construction of improvements until he or she approves the revisions. The subdivider may appeal required revisions as provided in Section 16.04.060. (Ord. 1749 § 3)

Chapter 16.04 GENERAL PROVISIONS

16.04.060 Appeals.

When this chapter provides for an appeal of an action, the appeals process shall be as follows:

A. Within 10 days after the date of the ~~planning commission~~, zoning administrator or city engineer action, the action may be appealed to the ~~city council~~planning commission relating to such action by filing a notice of appeal with the clerk of the ~~city council~~. The notice of appeal shall be accompanied by a written explanation of the precise issues being appealed and the payment of a fee as required by resolution of the city council. If no appeal is filed, the action shall be final.

B. After an appeal is filed, the ~~city council~~planning commission shall hold a hearing to consider the matter. This hearing shall be held within 30 days. If there is no regular meeting of the ~~city council~~planning commission within this 30-day period for which the required notice can be given, the appeal shall be heard at the next regular meeting for which notice can be given, or within 60 days from the date of the receipt of the request, whichever period is shorter.

C. At the hearing of the appeal, the ~~planning commission~~city council shall consider all of the following, as applicable, in addition to testimony presented at the hearing:

1. ~~The minutes of the planning commission.~~

2. ~~The report of the zoning administrator.~~

3. ~~The report of the city engineer.~~

4. ~~The staff report.~~

D. ~~The planning commission~~city council may sustain, modify, reject or overrule any action of the ~~planning commission~~, zoning administrator or city engineer and issue written findings based on

substantial evidence. Within 30 days following the hearing, the ~~city council~~planning commission shall render its decision, which shall be final, on the appeal. (Ord. 1749 § 3)