



## ARTICLE V(A) VESTING TENTATIVE MAPS

### Sec. 17-49.5 Vesting Tentative Maps.

This Article is enacted pursuant to the authority granted by the Vesting Tentative Map Statute found in Sections 66498.1 through 66498.8 of the Government Code of the State of California, and may be cited as the vesting tentative map ordinance of the County of Mendocino.

#### (A) General Provisions.

(1) Purpose and Intent. It is the purpose of this Article to establish procedures necessary for the implementation of the Vesting Tentative Map Statute, and to supplement the provisions of the Subdivision Map Act and the Mendocino County Division of Land Regulations. Except as otherwise set forth in the provisions of this Article, the provisions of the Mendocino County Division of Land Regulations shall apply to the vesting tentative map ordinance.

(2) Consistency. No land shall be subdivided and developed to a vesting tentative map for any purpose which is inconsistent with the General Plan and any applicable specific plan or not permitted by the zoning ordinance or other applicable provisions of this Code.

(3) Definitions.

(a) "Vesting tentative map" means a tentative map for a residential subdivision, as defined in the Mendocino County Division of Land Regulations that shall have printed conspicuously on its face the words "VESTING TENTATIVE MAP" at the time it is filed in accordance with this Article and thereafter.

(b) All other definitions set forth in the Mendocino County Division of Land Regulations are applicable.

(4) Application.

(a) This Article shall apply only to residential developments. Whenever a provision of the Subdivision Map Act, as implemented and supplemented by the Mendocino County Division of Land Regulations requires the filing of a tentative map for a residential development, a vesting tentative map may instead be filed, in accordance with the provisions of this Article.

(b) If a subdivider does not seek the rights conferred by the Vesting Tentative Map Statute, the filing of a vesting tentative map shall not be prerequisite to any approval for any proposed subdivision, permit for construction, or work preparatory to construction.



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(B) Procedures.

(1) Filing and Processing. A vesting tentative map shall be filed in the same form, have the same contents and accompanying data and reports and, shall be processed in the same manner, as set forth in the Mendocino County Division of Land Regulations for tentative maps, except as follows:

(a) At the time a vesting tentative map is filed, it shall have printed conspicuously on its face the words "VESTING TENTATIVE MAP."

(b) At the time a vesting tentative map is filed, a subdivider shall also supply the description of proposed housing within the proposed residential development, including type, location, size and height of all structures.

(2) Fees. Upon filing a vesting tentative map, the subdivider shall pay the fees required by resolution of the Board of Supervisors for the filing and processing of a vesting tentative map.

(3) Expiration. The approval or conditional approval of a vesting tentative map shall expire at the end of the same time period, and shall be subject to the same extensions, established by the Mendocino County Division of Land Regulations for the expiration of the approval or conditional approval of a tentative map.

(C) Development Rights.

(1) Vesting on Approval of Vesting Tentative Map.

(a) The approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies and standards described in Government Code Section 66474.2.

However, if Section 66474.2 of the Government Code is repealed, the approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies and standards in effect at the time the vesting tentative map is approved or conditionally approved.

(b) Notwithstanding subsection (C)(1)(a) of this Article, a permit, approval, extension or entitlement may be made conditional or denied if any of the following is determined:

(1) A failure to do so would place the residents of the subdivision or the immediate community, or both, in a condition dangerous to their health or safety, or both.

(2) The condition or denial is required, in order to comply with state or federal law.



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(c) The rights referred to in this Article shall expire if a final map or parcel map is not approved prior to the expiration of the vesting tentative map as provided in subsection (B)(3) of this section. If the final map or parcel map is approved, these rights shall last for the following periods of time:

(i) An initial time period of twenty-four (24) months. Where several final maps are recorded on various phases of a project covered by a single vesting tentative map, this initial time period shall begin for each phase when the final map for that phase is recorded.

(ii) The initial time period set forth in subsection (C)(1)(c)(i) of this section shall be automatically extended by any time used for processing a complete application for a grading permit or for design or architectural review, if such processing exceeds thirty (30) days, from the date a complete application is filed.

(iii) A subdivider may apply for a one-year extension at any time before the initial time period set forth in subsection (C)(1)(c)(i) of this section expires. Application for such an extension shall be submitted to the Planning and Building Services Department and shall be accompanied by the required fee. The Planning Commission shall approve or deny any such request for an extension. If the extension is denied by the Planning Commission, the subdivider may appeal that denial to the Board of Supervisors.

(iv) If the subdivider submits a complete application for a building permit during the periods of time specified in subsections (C)(1)(c)(i) through (C)(1)(c)(iii) of this section, the rights referred to in this Article shall continue until the expiration of that permit, or any extension of that permit.

(D) Effective Date. This Article shall be construed as if it were operative on January 1, 1986, to the extent that such retroactive construction does not impair the constitutional rights of any person. (*Ord. No. 3605, adopted 1986*)