



ITEM NO.	4b(4)
MEETING DATE	9-9-08
APPROVED BY	
STAFF AUTHOR	
PLANNING MANAGER	

CITY OF REDDING

REPORT TO THE PLANNING COMMISSION

DATE: August 28, 2008

CODE: L-010-500-050

FROM: Development Services Department

SUBJECT: Amendment of Redding Municipal Code Sections 17.12.090 and 17.24.020, Extension of Time for Tentative Parcel Map and Tentative Subdivision Map Approvals

RECOMMENDATION

It is the recommendation of staff that the Planning Commission forward a recommendation to the City Council to approve amendments to Sections 17.12.090 and 17.24.020 of the City's Subdivision Ordinance to allow extensions of the approval of tentative parcel maps and tentative subdivision maps for a cumulative period of up to six years. Presently, the City's ordinance allows a maximum extension of five years.

BACKGROUND

This code amendment is before the Commission as a result of recent enactment of state Senate Bill SB 1185, amending Sections 66452.6 and 66463.5 of the state Subdivision Map Act. The amended state law requires that local agencies provide a subdivider an *opportunity* to seek extensions of an approved tentative parcel or subdivision map for up to six years beyond its original approval period. The City of Redding grants an initial three-year approval period. The previous law provided for extensions up to five years. Due to the current state of the economy and declining housing market, the state's intent is to give relief to the development and housing industries. SB 1185 also granted automatic one-year extensions to tentative parcel and subdivision maps valid as of July 15, 2008, and which would expire before January 1, 2011. For the Commission's information, this automatic one-year extension applies to 25 City-approved tentative maps, representing 1,200 residential lots.

The proposed code amendment is necessary to bring the City's Subdivision Ordinance into consistency with the change to state law, allowing extensions up to six years. The City's current Subdivision Ordinance allows for tentative map extensions of up to five years. It should be noted that while the state statute requires that the City ordinance provide the ability for extension of a tentative map for up to six years, approval is a discretionary action by the City. Staff evaluates an extension request on the basis of the findings necessary to grant the initial map approval. An extension affords the City an opportunity to reevaluate the project in light of possible changes to General Plan policy or Zoning Ordinance standards, environmental considerations, or utility/service capacities. Some of the Commissioners will recall that consideration of map extension requests received shortly after adoption of the 2000 General Plan included evaluation of conformance to new General Plan policy.

The Subdivision Ordinance currently limits the term of any individual extension to a maximum of three years, although a lesser extension period may be applied. This means that two extensions would be required to achieve the six-year maximum. The three-year limitation is intended to provide an appropriate time period, in line with the original three-year approval, that would provide staff a chance to review extensions in light of any possible changes to development policy. Staff is of the opinion that the three-year extension limit has been working well and recommends retaining the limitation.

The existing code sections with the proposed revisions are attached in strikeout ordinance form.

ENVIRONMENTAL DETERMINATION

As a legislative action, the passage of an ordinance revision is not a "project" as defined by the California Environmental Quality Act (CEQA) and therefore is not subject to the provisions requiring environmental review.

ISSUES

Does the Planning Commission wish to forward this matter to the City Council with a recommendation of approval for the revisions to the City's Subdivision Ordinance as outlined? A revision to the City's Subdivision Ordinance is necessary to conform to state subdivision law with regard to map extensions.

ALTERNATIVES

The following alternatives are offered for consideration:

1. Recommend that the City Council approve the proposed revisions to the Subdivision Ordinance as proposed by staff and as shown in the attached strikeout ordinance. **(Staff Recommendation)**
2. Recommend approval of a revision to the Subdivision Ordinance in a form other than proposed by staff.

CONCLUSIONS

The proposed revisions will bring the City's Subdivision Ordinance into compliance with state law. Therefore, staff recommends that the Planning Commission forward a recommendation of approval of the revisions to Sections 17.12.090 and 17.24.020 as exhibited in the attached strikeout ordinance.

ATTACHMENTS

- A. Strikeout Ordinance
- B. Final Ordinance

JK:el

STAF\AmdRMCSecs-1712090-1724020-JK-PC.wpd

STRIKEOUT ORDINANCE

STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Struck Out~~

NEW LANGUAGE: Underline

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF REDDING AMENDING TITLE 17 (SUBDIVISIONS), CHAPTER 17.12 (TENTATIVE PARCEL MAP) SECTION 17.12.090 (EXPIRATION OF TENTATIVE PARCEL MAP) AND CHAPTER 17.24 (FINAL SUBDIVISION MAP) SECTION 17.24.020 (FILING/EXTENSION OF FINAL SUBDIVISION MAP) ALL RELATING TO THE EXTENSION OF SUBDIVISION MAPS.

17.12.090 Expiration

- A. *Expiration.* The approval or conditional approval of a tentative parcel map shall expire thirty-six months from the date of approval.
- B. *Extension.* The person filing the tentative parcel map may request an extension of the tentative parcel map approval by written application to the Secretary of the Planning Commission together with a fee as established by resolution of the City Council. The application must be filed before expiration of the original approval. Extensions may be approved for a time period not to exceed a total of ~~five~~ six years. The term of any individual extension shall not exceed three years in length. If application for extension of a parcel map is denied, the subdivider may appeal the decision within fifteen days of the denial date.

17.24.020 Filing/Extension

Except as provided under Section 66452.6 ~~(x)~~ (a) the Subdivision Map Act pertaining to the construction of off-site public improvements, a subdivider may cause a subdivision, or a part thereof, to be surveyed and a final map prepared in conformance with the tentative map approved by the Planning Commission within thirty-six months of such approval of conditional approval. An extension of time for the filing of the final map may be granted by the Planning Commission provided a written application is filed by the subdivider prior to the expiration date of the tentative map. Extensions may be approved for a time period not to exceed a total of ~~five~~ six years. The term of any individual extension shall not exceed three years in length. Subsequent modification or amendment of a tentative map shall not extend the total time limits imposed. By this section. If the Planning Commission denies an application for map extension, the subdivider may appeal the decision to the City Council within fifteen days of the denial date.

ITEM 4b(4)
ATTACHMENT A

STRIKEOUT ORDINANCE

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF REDDING AMENDING TITLE 17 (SUBDIVISIONS), CHAPTER 17.12 (TENTATIVE PARCEL MAP) SECTION 17.12.090 (EXPIRATION OF TENTATIVE PARCEL MAP) AND CHAPTER 17.24 (FINAL SUBDIVISION MAP) SECTION 17.24.020 (FILING/EXTENSION OF FINAL SUBDIVISION MAP) ALL RELATING TO THE EXTENSION OF SUBDIVISION MAPS.

WHEREAS, SB 1185 was recently signed into law by the Governor amending the State Subdivision Map Act to extend the applicable expiration date by 12 months, as specified, for any vesting tentative map, in addition to a tentative map, generally, that has not expired as of the date adding these provisions and that will expire, as specified, before January 1, 2011; and

WHEREAS, SB 1185 also amended the Subdivision Map Act to allow a subdivider to file an application to extend the time at which the map will expire for a period or periods not to exceed a total of six years; and

WHEREAS, it is necessary and desirable for the City's Municipal Code implementing the State Map Act to conform with State law.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF REDDING AS FOLLOWS:

Section 1. Section 17.12.090 of Redding Municipal Code Chapter 17.12 (*Tentative Parcel Map*) is amended to read as follows:

17.12.090 Expiration

- A. *Expiration.* The approval or conditional approval of a tentative parcel map shall expire thirty-six months from the date of approval.
- B. *Extension.* The person filing the tentative parcel map may request an extension of the tentative parcel map approval by written application to the Secretary of the Planning Commission together with a fee as established by resolution of the City Council. The application must be filed before expiration of the original approval. Extensions may be approved for a time period not to exceed a total of six years. The term of any individual extension shall not exceed three years in length. If application for extension of a parcel map is denied, the subdivider may appeal the decision within fifteen days of the denial date.

Section 2. Section 17.24.020 of Redding Municipal Code Chapter 17.24 (*Final Subdivision Map*) is amended to read as follows:

17.24.020 Filing/Extension

Except as provided under Section 66452.6 (a) the Subdivision Map Act pertaining to the construction of off-site public improvements, a subdivider may cause a subdivision, or a part thereof, to be surveyed and

Draft New Ordinance

a final map prepared in conformance with the tentative map approved by the Planning Commission within thirty-six months of such approval of conditional approval. An extension of time for the filing of the final map may be granted by the Planning Commission provided a written application is filed by the subdivider prior to the expiration date of the tentative map. Extensions may be approved for a time period not to exceed a total of six years. The term of any individual extension shall not exceed three years in length. Subsequent modification or amendment of a tentative map shall not extend the total time limits imposed. By this section. If the Planning Commission denies an application for map extension, the subdivider may appeal the decision to the City Council within fifteen days of the denial date.

Section 3. The passage of this ordinance is not a "project" according to the definition in the California Environmental Quality Act, and therefore is not subject to the provisions requiring environmental review.

Section 4. This ordinance shall take effect 30 days after the date of its adoption, and the City Clerk shall certify to the adoption thereof and cause its publication according to law

I HEREBY CERTIFY that the foregoing ordinance was introduced and read by the City Council of the City of Redding at a regular meeting on the ___ day of _____, 2008, and was duly read and adopted at a regular meeting on the ___ day of _____, 2008, by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:

MARY LEAS STEGALL, Mayor

Attest:

Form Approved:

CONNIE STROHMAYER, City Clerk

RICHARD A. DUVERNAY, City Attorney

ITEM 46(4)
ATTACHMENT B