

**ORDINANCE NO. 1051**

**ORDINANCE AMENDING THE RED BLUFF MUNICIPAL CODE TO: 1) TO REVISE THE CODE CHAPTER 20 SUBDIVISIONS TO INCREASE THE EXTENSION OF TIME FOR TENTATIVE MAPS TO A POTENTIAL TWO CONSECUTIVE TWO-YEAR EXTENSIONS; 2) MAKE MINOR REVISIONS TO CHAPTER 20 SUBDIVISIONS TO COMPLY WITH STATE LAW; 3) MAKE APPROPRIATE CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATIONS**

**WHEREAS**, the City of Red Bluff, California did complete the necessary studies thereon, as provided by law, and;

**WHEREAS**, the City Council of the City of Red Bluff, California considered the Amendment to the Municipal Code and the recommendation of the Planning Commission at a regular meeting of the City Council held on December 4, 2018; and

**WHEREAS**, the Planning Commission of the City of Red Bluff, California held a duly noticed Public Hearing to consider the matter on August 28, 2018, as provided by law; and

**WHEREAS**, the Planning Commission has found and recommends to the City Council that Chapter 25 Article IV of the City Code does allow for amendment to the City Code; and

**WHEREAS**, Government Code Section 66452.6 allows an extension of a tentative map of up to a total of six years; and

**WHEREAS**, the Technical Advisory Committee determined that two consecutive two-year extensions, resulting in a total extension time of four years, would provide better control for the City and allow for varying market conditions; and

**WHEREAS**, under Chapter 20 Article I: GENERAL PROVISIONS Section 20.2 the definition of "Parcel Divisions" was amended to comply with state law; and

**WHEREAS**, Section 20.4 SPECIFIC PROCEDURES FOR SUBDIVISIONS was amended to allow for two consecutive two-year extensions for tentative subdivision maps; and

**WHEREAS**, Section 20.5 SPECIFIC PROCEDURES FOR PARCEL DIVISIONS was amended to allow for two consecutive two-year extensions for tentative parcel maps; and

**WHEREAS**, Section 20.6 SPECIFIC PROCEDURES FOR MINOR DIVISIONS was amended to comply with state law; and

**WHEREAS**, The Planning Commission determined that the proposed Municipal Code Amendment is exempt from CEQA under Section 15061(b)(3), known as the "General Rule" as the Commission finds that it can be seen with certainty that there is no

possibility that the proposed revisions to the City of Red Bluff Municipal Code would have a significant effect on the environment.

**THE CITY COUNCIL OF THE CITY OF RED BLUFF DOES ORDAIN AS FOLLOWS:**

**Section 1.** The City Council finds and determines the foregoing recitals to be true and correct and an integral part of the City Council's decision, and hereby adopts such recitals as findings.

**Section 2.** The City Council finds and determines the adoption of this Ordinance is categorically exempt pursuant to CEQA Guidelines Section 15061(b)(3) as it can be seen with certainty that there is no possibility that the proposed revisions to the City of Red Bluff Municipal Code would have a significant effect on the environment, and therefore the proposed revision is not subject to CEQA.

**Section 3.** Chapter 20 of the Red Bluff Municipal Code is hereby amended pursuant to *Exhibit A* attached hereto and incorporated by reference herein. Additions to Chapter 25 of the Red Bluff Municipal Code are shown as underline and omissions are shown as strikethrough.

**Section 4.** This Ordinance shall be effective 30 days from the date of final passage by the City Council, but shall not apply to (a) building/construction related permits already issued and not yet expired, or (b) zoning applications approved by the City and not yet expired, or (c) zoning applications deemed complete by the City as of the date of final passage.

**Section 5.** Nothing in this Ordinance shall be interpreted or applied so as to create any requirement, power, or duty in conflict with any federal or state law.

**Section 6.** If any section, subsection, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional, the offending portion shall be severed and shall not affect the validity of the remaining portions which shall remain in full effect.

**Section 7.** This Ordinance serves the public interest and is necessary to protect the health, safety and/or general welfare of the citizens of Red Bluff, and is enacted pursuant to the City of Red Bluff's general police powers, Government Code Section 65852.2, and Article XI, Sections 5 and 7 of the California Constitution.

**Section 8.** The City Council hereby authorizes the City Manager or designee to make non-substantive, technical conforming changes (essentially correction of typographical and clerical errors) prior to formal publication of the amendments in the Red Bluff Municipal Code.

**Section 9.** The Community Development Director of the City of Red Bluff is hereby directed to transmit this Ordinance with Exhibits to the Department of Housing and Community Development within 60 days of adoption.

IN COUNCIL, RED BLUFF, CALIFORNIA, \_\_\_\_\_  
(date)

**PASSED BY THE FOLLOWING VOTE:**

AYES:

NOES:

ABSENT OR NOT VOTING:

\_\_\_\_\_  
Gary Jones, MAYOR

ATTEST:

\_\_\_\_\_  
Cassidy Derego, CITY CLERK

## § 20.2 DEFINITIONS.

### **LAND DIVISION.**

(2) **PARCEL DIVISION.** The division of any real property, improved or unimproved, or a portion thereof, which is divided for the purpose of sale, lease, financing or utilization, whether immediate or future, into five or more parcels., and in which the planning commission finds in its consideration of the tentative map that the proposed division conforms to adopted plans, standards and provisions of law, and that one of the following sets of conditions prevails:

(a) A whole parcel before division contains less than five acres, each parcel created by the division abuts upon a public street or highway and no dedications or improvements are required by the Planning Commission;

(b) The division consists of parcels each of a gross area of five acres or more, and each of which has an access to a maintained public street or highway, which access is approved by the Planning Commission.

(c) The parcel or parcels of land included in the tentative map have access to a public street or highway, they comprise part of a tract of land zoned for industrial or commercial development and the map receives approval of the Planning Commission as to access, street alignment and widths and other improvements.

(d) The division consists of parcels each of a gross area of between 40 acres and 60 acres.

(e) The land being subdivided is solely for the creation of an environmental subdivision pursuant to California Government Code Section 66418.2.

(f) Only a parcel map pursuant to RBMC Section 20.5 shall be required for those subdivisions described above.

## § 20.4 SPECIFIC PROCEDURES FOR SUBDIVISIONS.

(G) (1) Within 24 months after approval or conditional approval of the tentative map or maps, the subdivider may cause the subdivision, or any part thereof, to be surveyed and a final map to be prepared in accordance with the tentative map as approved.

(2) (a) Upon application of the subdivides prior to the expiration of the 24-month period, an extension not exceeding ~~one year~~ two (2) years may be granted by the Planning Commission. If the Planning Commission denies the subdivider's application for extension, the subdivider may appeal to the City Council within 15 days. The action of the City Council shall be final.

(b) One additional application for extension may be submitted prior to the expiration of the original two-year extension. This extension, not to exceed two (2) years, may be granted by the Planning Commission. The total combined extension time shall not exceed four (4) years.

(3) (a) The expiration of the approved or conditionally approved tentative map shall terminate all proceedings and no final map or parcel map of all or any portion of the real property included within the tentative map shall be filed without first processing a new tentative map.

(b) The time limits imposed herein are subject to certain exceptions set forth in California Government Code § 66452.6, which include any development moratorium imposed after approval of the tentative map or any period of time during which a lawsuit has been filed and is pending in a court of competent jurisdiction involving the approval or conditional approval of a tentative map if a stay of time period is approved by the Planning Commission.

### **§ 20.5 SPECIFIC PROCEDURES FOR PARCEL DIVISIONS.**

(A) A preliminary parcel map shall show the location of streets and property lines bounding the property, be prepared and processed in the same manner as is specified herein for preliminary subdivision maps, § 20.4(A) and (B), except that the Technical Advisory Committee may waive any of the provisions of the section which it finds are not appropriate or necessary.

(B) ~~The tentative map of a proposed parcel division shall be prepared, submitted and processed in the same manner as is specified herein for tentative subdivision maps, § 20.4(C) through (F), except that the Technical Advisory Committee may waive any of the provisions of the section which it finds are not appropriate or necessary.~~ A preliminary map, when in acceptable form, shall be submitted to the Committee for action, and within five days thereafter the Committee shall meet to consider the map. Within ten days thereafter, the Committee shall prepare a report on the map and transmit a copy to the subdivider.

(C) (1) Within one year after City Council approval of the tentative map of a parcel division, a parcel map shall be submitted to the City Engineer for checking and processing.

(2) (a) Upon written application within one year of date of approval of the tentative map, an extension of time for filing of not to exceed ~~one year~~ two (2) years may be granted by the Planning Commission.

(b) An additional application for extension may be submitted prior to the expiration of the original two-year extension. This extension, not to exceed two (2) years, may be granted by the Planning Commission. The total combined extension time shall not exceed four (4) years.

### **§ 20.6 SPECIFIC PROCEDURES FOR MINOR DIVISIONS.**

(B) The following procedures shall be followed for other minor divisions of land, as defined herein or as defined in Government Code §§66444 - 66450:

~~(1) A preliminary parcel map shall be prepared and processed subject to the provisions of § 20.4(A) or (B).~~

~~(12)~~ A tentative parcel map shall be prepared, based on the requirements of § 20.5(C) and (D). Should the tentative map meet all of the requirements of those sections, it may be considered as both a tentative and final parcel map.

~~(23)~~ The tentative map shall be filed with the City Planner, who shall review the map and supporting documents and shall within five days call a meeting of the Technical Advisory Committee to discuss the division with the subdivider. The Committee shall prepare a report on the map and the City Planner shall place the item on the Planning Commission agenda for consideration at its next meeting.

~~(34)~~ The Commission shall consider and process the tentative or final parcel map under the provisions of § 20.4(F) and (I).