

Before the Board of Supervisors County of Placer, State of California

In the matter of **AN ORDINANCE GRANTING
TIME EXTENSIONS FOR COUNTY DEVELOPMENT** Ord. No. _____
ENTITLEMENTS ASSOCIATED WITH
AUTOMATIC EXTENSIONS OF TIME First Reading _____
FOR SUBDIVISION MAPS

The following ORDINANCE was duly passed by the Board of Supervisors
of the County of Placer at a regular meeting held _____, 2010, by
the following vote on roll call

- Ayes
- Noes
- Absent

Signed and approved by me after its passage

Kirk Uhler
Chair, Board of Supervisors

Attest.

Ann Holman
Clerk of said Board

THE BOARD OF SUPERVISORS OF THE COUNTY OF PLACER, STATE OF CALIFORNIA, HEREBY FINDS

- 1 In many instances, Placer County land development regulations require a developer to obtain approval of a minor use permit, a conditional use permit or a variance in conjunction with the approval of a tentative subdivision map or parcel map in order for a developer's project to be approved as requested. The time within which to exercise any such minor use permit, conditional use permit or variance is generally the same as the time within which to obtain a final subdivision map or parcel map for the project. In practice, in the event a developer requires an extension of time to complete his or her project, an application for extension of time must include a request for extension of time for

the tentative subdivision map or parcel map, as well as an extension of time for any minor use permit, conditional use permit or variance associated with said map approval

- 2 Senate Bill 1185 (SB 1185), which was effective on July 15, 2008, automatically extended the life of certain tentative subdivision maps and parcel maps for one (1) year
- 3 Assembly Bill 333 (AB 333), which was effective on July 15, 2009, automatically extended the life of certain tentative subdivision maps and parcel maps for two (2) years
- 4 Neither SB 1185 nor AB 333 provided for the extension of entitlements granted by local jurisdictions such as Placer County that are integrally associated with tentative subdivision maps or parcel maps. It is economically inefficient, unnecessarily burdensome on both developers and County staff, and not otherwise in the public interest to require the processing of applications for extensions of time for each minor use permit, conditional use permit or variance for each project which has already been granted an automatic extension of time under State law for the associated tentative subdivision map or parcel map
- 5 The State Legislature determined that it was in the best interests of the people of the State of California to provide for automatic extensions for tentative subdivision maps and parcel maps without application therefor by a developer. Similarly, it is in best interest of the citizens of Placer County to provide for the automatic extension of time for any minor use permit, conditional use permit or variance which were approved in association with a tentative map or parcel map which qualified for an automatic extension in accordance with SB 1185 and/or AB 333 without application therefor by a developer

NOW, THEREFORE, THE BOARD OF SUPERVISORS OF THE COUNTY OF PLACER, STATE OF CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS

Section 1 It shall be the policy of the County of Placer that each minor use permit, conditional use permit or variance that was approved in association with the approval of a tentative subdivision map or parcel map that is eligible for an automatic extension of time in accordance with SB 1185 and/or AB 333 shall be eligible for a comparable automatic extension of time without application therefor

Section 2 Every minor use permit, conditional use permit or variance which was approved in common with a development application for approval of a tentative subdivision map or parcel map, and which has an expiration date that is the same as the associated tentative subdivision map or parcel map, shall be automatically extended for one (1) additional year, provided that said associated tentative subdivision map or parcel map is eligible to be automatically extended in accordance with SB 1185

Section 3 Every minor use permit, conditional use permit or variance which was approved in common with a development application for approval of a tentative subdivision map or parcel map, and which has an expiration date that is the same as the associated tentative subdivision map or parcel map, shall be automatically extended

for two (2) additional years, provided that said associated tentative subdivision map or parcel map is eligible to be automatically extended in accordance with AB 333

Section 4. This ordinance shall be uncodified and shall apply to those minor use permits, conditional use permits or variances which were approved in common with a development application for approval of a tentative subdivision map or parcel map as provided herein. The Director of the Community Development Resources Agency is authorized and directed to adopt such administrative procedures as may be necessary to implement this ordinance.

Section 5. This ordinance shall take effect and be in full force and effect upon thirty (30) days after its passage. The Clerk is directed to publish a summary of this ordinance within fifteen (15) days in accordance with Government Code Section 25124.



COUNTY OF PLACER
Community Development/ Resource Agency

Michael J. Johnson, AICP
Agency Director

PLANNING

*Introduced
Approved*

MEMORANDUM

FEB 09 2010
Placer County
Board of Supervisor

TO: Honorable Board of Supervisors

FROM: Michael J. Johnson, AICP
CDRA Director

DATE: February 9, 2010

SUBJECT: An Ordinance Granting Time Extension to Entitlements Related to Tentative Subdivision and Parcel Maps

ACTION REQUESTED

The Planning Division is requesting that the Board of Supervisors adopt the attached Ordinance that would grant an automatic time extension to certain entitlements such as use permits or variances which were approved in conjunction with a tentative subdivision map or parcel map that qualifies for automatic time extension under State law

BACKGROUND

Two separate bills were passed by the Legislature and signed by the Governor which grant automatic extensions of time for certain tentative subdivision maps and parcel maps. Senate Bill 1185 (SB 1185), which was effective on July 15, 2008, automatically extended the life of certain tentative subdivision maps and parcel maps for one (1) year. Assembly Bill 333 (AB 333), which was effective on July 15, 2009, automatically extended the life of certain tentative subdivision maps and parcel maps for two (2) years

Although SB 1185 and AB 333 do not apply to the County's discretionary entitlements other than tentative subdivision maps and parcel maps, to ensure consistency in a project's expiration date, staff is recommending that the automatic extension of time be applied to any related entitlement which was approved by the County in association with a map which qualifies for an automatic extension. These entitlements include Conditional Use Permits, Minor Use Permits, and Variances

To determine the amount of time a tentative subdivision maps or parcel maps' related entitlement would be extended, it is necessary to first determine whether an extension is applicable under the provisions of SB 1185, and then whether an extension is applicable under the provisions of AB 333

SB 1185 applies to entitlement/map valid on July 15, 2008 and the following rules would apply

- 1 The entitlement/map was valid on July 15, 2008, and expires prior to January 1, 2011. The expiration date of the map shall be extended for one additional year.
- 2 The entitlement/map was valid on July 15, 2008, and expires after January 1, 2011, due to litigation stay. The expiration date of the map shall be extended for one additional year.
- 3 The entitlement/map was valid on July 15, 2008, and expires after January 1, 2011, due to development moratorium. The expiration date of the map shall be extended for one additional year.
- 4 The entitlement/map was valid on July 15, 2008, and expires after January 1, 2011, due to previous discretionary extension. The one-year extension does not apply.
- 5 The entitlement/map was valid on July 15, 2008, and expires after January 1, 2011, due to off-site improvement rule. The one-year extension does not apply.

AB 333 applies to entitlement/ maps valid on July 15, 2009 and the following rules would apply

- 1 The entitlement/map was valid on July 15, 2009, and expires prior to January 1, 2012. The expiration date of the map shall be extended for two additional years.
- 2 The entitlement/map was valid on July 15, 2009, and expires after January 1, 2012, due to litigation stay. The expiration date of the map shall be extended for two additional years.
- 3 The entitlement/map was valid on July 15, 2009, and expires after January 1, 2012, due to development moratorium. The expiration date of the map shall be extended for two additional years.
- 4 The entitlement/map was valid on July 15, 2009, and expires after January 1, 2012, due to previous discretionary extension. The two-year extension does not apply.
- 5 The entitlement/map was valid on July 15, 2009, and expires after January 1, 2012, due to off-site improvement rule. The two-year extension does not apply.

FISCAL IMPACT

Adoption of the Ordinance could result in the loss of fees for the processing of time extension requests (at the average rate of \$702 per application). However, since with the passage of this ordinance, time extensions would be automatic, the County would not have to process additional applications, and there would be no fiscal impact. At the same time, future building permit fees, development impact fees and property tax, sales tax, and

