



Folsom City Council Staff Report

MEETING DATE:	9/28/2021
AGENDA SECTION:	Consent Calendar
SUBJECT:	Ordinance No. 1317- An Ordinance of the City of Folsom Amending Section 16.16.120(D) of the Folsom Municipal Code Pertaining to Extension of Tentative Subdivision Maps (Second Reading and Adoption)
FROM:	Community Development Department

RECOMMENDATION / CITY COUNCIL ACTION

Move to adopt Ordinance No. 1317 - An Ordinance of the City of Folsom Amending section 16.16.120(D) of the Folsom Municipal Code Pertaining to Extension of Tentative Subdivision Maps.

BACKGROUND / ISSUE

On August 27, 2021, Elliott Homes submitted an application for a code amendment to modify Section 16.16.120(D) of the Folsom Municipal Code to make it consistent with State law relative to map extensions. State law allows local jurisdictions to extend subdivision maps up to six years from the date of approval, while the Folsom Municipal Code limits the extension to three years.

On September 14, 2021, the City Council reviewed the proposal by Elliott Homes for code amendment relative to map extensions. After holding a public hearing, the City Council unanimously voted to introduce and conduct first reading of the code amendment to allow map extensions for up to six years consistent with State law. No changes have been made to the ordinance since first reading.

POLICY / RULE

Pursuant to Section 2.12 of the City Charter, enactment of, or amendments to, an ordinance is a legislative act requiring approval by the City Council.

ANALYSIS

Prior to 1996, Government Code Section 66452.6(e) permitted map extensions for a period or periods not exceeding a total of three years. Folsom Municipal Code section 16.16.120, which implements Government Code section 66452.6(e), has not been updated since the 1996 amendment that allows map extension for up to six years. As a result, while State law presently allows the City to grant up to six years of extensions, the Folsom Municipal Code limits the City to granting up to three years.

Proposed Revision

16.16.120D Time Limit of Extensions. The time at which the tentative map expires may be extended by the planning commission for a period not exceeding a total of ~~3~~ 6 years.

The Subdivision Map Act, specifically California Government Code Section 66452.6(e), allows the City, upon application by the subdivider, to extend the life of a tentative map for a period or periods not exceeding a total of six years:

(e) Upon application of the subdivider filed prior to the expiration of the approved or conditionally approved tentative map, the time at which the map expires pursuant to subdivision (a) may be extended by the legislative body or by an advisory agency authorized to approve or conditionally approve tentative maps for a period or periods not exceeding a total of six years...

The purpose of this update is to conform Folsom Municipal Code section 16.16.120(D) to the current version of Government Code section 66452.6(e). Staff has been approached by multiple members of the development community who have stated that Folsom's limitation to one three-year extension puts them at a competitive disadvantage to development in adjacent jurisdictions which allow up to six years of extension, consistent with State law.

Should the proposed code amendment be approved, individual applicant's wishing to extend their subdivision maps will still go through a public process which will require both Planning Commission and City Council approval to extend the life of a subdivision map.

FINANCIAL IMPACT

No financial impact is anticipated with approval of the Code Amendment.

ENVIRONMENTAL REVIEW

The action is exempt from the California Environmental Quality Act pursuant to section 15061(b)(3) (Review for Exemption).

ATTACHMENT

Ordinance No. 1317 - An Ordinance of the City of Folsom Amending Section 16.16.120(D) of the Folsom Municipal Code Pertaining to Extension of Tentative Subdivision Maps (Second Reading and Adoption)

Submitted,



PAM JOHNS
Community Development Director

ORDINANCE NO. 1317

AN ORDINANCE OF THE CITY OF FOLSOM AMENDING SECTION 16.16.120(D) OF THE FOLSOM MUNICIPAL CODE PERTAINING TO EXTENSION OF TENTATIVE SUBDIVISION MAPS

The City Council of the City of Folsom does hereby ordain as follows:

SECTION 1 PURPOSE

The purpose of this Ordinance is to amend Section 16.16.120(D) of the Folsom Municipal Code to conform with the Subdivision Map Act (Government Code Section 66452.6(e)) that, upon application of the subdivider filed prior to the expiration of the approved or conditionally approved tentative map, the time at which the map expires may be extended by the legislative body or by an advisory agency authorized to approve or conditionally approve tentative maps for a period or periods not exceeding a total of six years.

SECTION 2 AMENDMENT TO CODE

Section 16.16.120(D) of the Folsom Municipal Code is hereby amended to read as follows:

16.16.120 Extensions.

D. Time Limit of Extensions. The time at which the tentative map expires may be extended by the planning commission for a period not exceeding a total of 6 years.

SECTION 3 SCOPE

Except as set forth in this Ordinance, all other provisions of the Folsom Municipal Code shall remain in full force and effect.

SECTION 4 NO MANDATORY DUTY OF CARE

This Ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the City or any officer or employee thereof a mandatory duty of care towards persons and property within or without the City, so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

SECTION 5 SEVERABILITY

If any section, subsection, sentence, clause, or phrase in this Ordinance or any part thereof is for any reason held to be unconstitutional, invalid, or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council declares that it would have passed each section irrespective of the fact that any one or more section, subsection, sentence, clause, or phrase be declared unconstitutional, invalid, or ineffective.

SECTION 6 EFFECTIVE DATE

This Ordinance shall become effective thirty (30) days from and after its passage and adoption, provided it is published in full or in summary within twenty (20) days after its adoption in a newspaper of general circulation in the City.

This Ordinance was introduced and the title thereof read at the regular meeting of the City Council on September 14, 2021, and the second reading occurred at the regular meeting of the City Council on September 28, 2021.

On a motion by Council Member _____, seconded by Council Member _____, the foregoing Ordinance was passed and adopted by the City Council of the City of Folsom, State of California, this ____ day of _____, 2021 by the following roll-call vote:

- AYES: Councilmember(s):
- NOES: Councilmember(s):
- ABSENT: Councilmember(s):
- ABSTAIN: Councilmember(s):

Michael D. Kozlowski, MAYOR

ATTEST:

Christa Freemantle, CITY CLERK

This page is intentionally left blank.