

ORDINANCE NO. 841

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GRASS VALLEY AMENDING SECTION 17.74.060 OF CHAPTER 17.74 AND SECTION 17.81.130 OF CHAPTER 17.81, TITLE 17 OF THE GRASS VALLEY MUNICIPAL CODE REGARDING TOLLING PROVISIONS FOR DEVELOPMENT ENTITLEMENTS AND TENTATIVE MAPS

WHEREAS, the proposed amendment to allow tolling of development permits and tentative maps is consistent with the General Plan because it supports orderly development, ensures full compliance with environmental review requirements, protects previously approved projects found to be consistent with the General Plan, and promotes fair and transparent governance without increasing development intensity or undermining adopted land use policies; and

WHEREAS, the proposed amendment is consistent with the General Plan by preserving approvals already determined to be consistent with its goals and policies; and

WHEREAS, the proposed amendment is not detrimental to the public interest of the City because the amendment promotes fairness and predictability in the City's land use entitlement process by ensuring that entitlements do not expire due to delays caused by judicial review, which is an essential component of public participation and due process; and

WHEREAS, the proposed amendment would not be detrimental to the health of the City because tolling avoids pressure to commence construction before health-related issues raised in litigation are fully resolved and because tolling will prevent construction, occupancy or operation of any project during the tolling period; and

WHEREAS, the proposed amendment would not be detrimental to safety of the City because all future development will still be required to comply with applicable fire, building, seismic, and emergency access requirements in effect at the time permits are issued and prevents development from occurring during unresolved legal challenges that may be safety-related in nature; and

WHEREAS, the proposed amendment would not be detrimental to the convenience of the City because it promotes efficient use of City resources and reduces administrative burdens on staff, applicants, and the public; and

WHEREAS, the proposed amendment would not be detrimental to the welfare of the City because tolling balances the public's right to seek judicial review with the City's interest in implementing adopted land use decisions; and

WHEREAS, the proposed amendment is internally consistent with other applicable provisions of the development code, none of which prohibit tolling, and which otherwise acknowledge that certain delays not in the applicant's control may be grounds for the extension of approvals under the Development Code; and

WHEREAS, the Planning Commission, after considering public comment, held a duly noticed public hearing and reviewed the draft zoning text amendment at its regular meeting held on March 17, 2026 and voted 3-0 (2 absent) to recommend adoption by the City Council.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GRASS VALLEY:

SECTION 1. RECITALS. The City Council adopts the recitals above as true and correct findings under Section 17.94.060 of the Grass Valley Municipal Code for Development Code amendments, and incorporates these recitals into this Ordinance.

SECTION 2. CODE AMENDMENT. Section 17.74.060 of Chapter 17.74 of Title 17 of the Grass Valley Municipal Code as follows is hereby amended to read as follows (~~strikeout~~ is used to denote existing text being deleted; underline is used to denote new text being added):

17.74.060 – Time limits and extensions

A. Time Limits.

1. Unless a condition of approval or other provision of this development code establishes a different time limit, any permit or approval not exercised within ~~twelve~~ twenty-four months of approval shall expire and become void, except where an extension of time is approved in compliance with Subsection B., below.

2. The permit shall not be deemed "exercised" until the permittee has received a building permit or has actually commenced the allowed use on the site in compliance with the conditions of approval.

3. After it has been exercised, a planning permit shall remain valid and run with the land in compliance with Section 17.74.040, as long as a building permit is active for the project, and after a final building inspection or certificate of occupancy has been granted.

4. If a project is to be developed in approved phases, each subsequent phase shall be exercised within twelve months from the date that the previous phase was exercised, unless otherwise specified in the permit, or the permit shall expire and become void, except where an extension of time is approved in compliance with Subsection B., below. If the project also involves the approval of a tentative map, the phasing shall be consistent with the tentative map and the permit shall be exercised before the expiration of the tentative map, or the permit shall expire and become void.

5. The period to exercise any permit or approval granted pursuant to this Chapter shall be tolled, and shall not expire, during the time that any or all such approvals are, or were, the subject of a lawsuit pending in a court of competent jurisdiction.

F B. Extensions of Time. Upon written request by the applicant, the applicable review authority may extend the time for an approved planning permit to be exercised.

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SECTION 3. CODE AMENDMENT. Section 17.81.130 of Chapter 17.81 of Title 17 of the Grass Valley Municipal Code as follows is hereby added to read as follows:

17.81.130 - Tentative map time limits and expiration.

An approved tentative map is valid for thirty-six months after its effective date (Section 17.81.080), except as otherwise provided by Map Act Sections 66452.6, 66452.11, 66452.13, or 66463.5. At the end of thirty-six months, the approval shall expire and become void unless:

A. A parcel or final map, and related security and improvement agreements, have been filed with the city engineer in compliance with Chapter 17.82 (parcel maps and final maps); or

B. An extension of time has been granted in compliance with Section 17.81.140.

C. The approval is the subject of a lawsuit pending in a court of competent jurisdiction, during which time the thirty-six month period shall be tolled, and shall not expire.

Expiration of an approved tentative map or vesting tentative map shall terminate all proceedings. The application shall not be reactivated unless a new tentative map application is filed.

SECTION 4. CEQA. This Ordinance has been assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the environmental regulations of the city. City Planning Staff has determined that the adoption and implementation of the Ordinance is exempt from further environmental review under the general rule in California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3) that CEQA only applies to projects that have the potential for causing a significant effect on the environment. As a series of text amendments and additions without any physical project being approved, and not involving a commitment to any specific project that may result in a potentially significant physical impact on the environment, it can be seen with certainty that there is no possibility that the ordinance will have a significant effect on the environment. Further, adoption of an ordinance to toll approvals during instances of legal challenge is a policy-level administrative action that does not authorize or approve any specific physical development and therefore does not constitute a “project” under CEQA Guidelines §15378. The City Council concurs in these findings and adopts them as its own. The City Council, therefore, directs that a Notice of Exemption be filed with the County Clerk of the County of Nevada in accordance with CEQA Guidelines.

SECTION 5. SEVERABILITY. If any section, subsection, sentence, clause, phrase or portion of this Ordinance or its application to any person or circumstance is held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or its application to other persons and circumstances. The City Council of the City of Grass Valley declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof despite the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional and, to that end, the provisions hereof are hereby declared to be severable.

SECTION 6. EFFECTIVE DATE. This Ordinance shall be in full force and effect 30 days after its adoption under Article VII, § 2 of the Grass Valley City Charter.

SECTION 7. PUBLICATION. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published once in *The Union*, a newspaper of general circulation printed, published, and circulated within the City.

INTRODUCED and first read at a regular meeting of the City Council on the 14th day of April 2026.

FINAL PASSAGE AND ADOPTION by the City Council was at a meeting held on the twenty-eighth day of April 2026, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINING:

Hilary Hodge, Mayor

APPROVED AS TO FORM:

ATTEST:

David Ruderman, City Attorney

Taylor Whittingslow, City Clerk