

ORDINANCE NO. 2603
(Codified)
ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO APPROVING
NOTICING RADIUS CORRECTIONS TO TITLE 18 SUBDIVISION ORDINANCE
(CITY OF CHICO)

WHEREAS, lot mergers, lot line adjustments and minor land divisions were mistakenly included in the 300-foot noticing list with parcel maps and tentative subdivision maps as part of the comprehensive update to the City’s Subdivision Ordinance. Consistent with the previous subdivision ordinance and current practice, the intent was to keep the noticing radius for lot mergers, lot line adjustments and minor land divisions at 100 feet; and

WHEREAS, the intent of the City’s subdivision ordinance is to implement the Subdivision Map Act which is to “...regulate and control design and improvement of subdivisions with proper consideration for their relation to adjoining areas; require subdividers to install streets and other improvements; prevent fraud and exploitation; and protect both the public and purchasers of subdivided lands” (*Pratt v. Adams* (1964) 229 Cal.App.2d 602); and

WHEREAS, Section 613 of the Chico Municipal Code permits amendments to the Code and the amendments recommended by the Planning Commission adhere to Section 613; and

WHEREAS, protections remain in place for anyone aggrieved by a subdivision or mapping activity approval to appeal the a higher body for relief on an individual project-specific basis; and

WHEREAS, the Planning Commission forwarded a recommendation of approval to the City Council after considering the code amendments, staff report, and public comments provided at a public hearing on July 18, 2024, duly noticed and held in the manner required by law; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA) the project qualifies for an exemption from CEQA under Section 15061(B)(3) because it can be seen with certainty that there is no possibility that the adoption of the subdivision ordinance will have a significant effect on the environment because no development is proposed, or other activity contemplated that has the potential to negatively impact the environment. Future subdivision proposals or mapping activity will continue to be reviewed individually for compliance with the CEQA.

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BE IT ORDAINED by the City Council of the City of Chico:

Section 1. That Section 18.05.030 of the Chico Municipal Code is amended to read as follows:

18.05.030 Public hearings.

Public notice and hearing – For all advisory agency applications, a public hearing shall be held by the map advisory committee, planning commission, or city council.

A. A public hearing shall be held by map advisory committee, planning commission, and city council prior to taking any of the actions shown in Table 18.05. Notice of such hearing shall be given at least ten (10) days prior to the date of the hearing by publication in a newspaper of general circulation in the city and by mail to all persons owning real property within three hundred (300) feet of the proposed parcel map or tentative subdivision map.

B. Public hearings are not required for Director approvals. Notice of a proposed decision by the Director shall be sent to all persons owning real property within one hundred (100) feet of the subject property at least ten (10) days prior to the effective date of the decision for lot mergers, lot line adjustments, and minor land divisions. The notice shall identify the appeal process for Director approvals as provided in section 18.05.040.

Section 2. Severability. If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held to be invalid and/or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

Section 3. Effective Date. This Ordinance shall be effective thirty days following adoption.

Section 4. Certification. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted in the manner required by law.

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THE FOREGOING ORDINANCE WAS ADOPTED at a meeting of the City Council of the City of Chico held on September 17, 2024, by the following vote:

AYES: Bennett, Morgan, Tandon, van Overbeek, Winslow, Reynolds, Coolidge

NOES: None

ABSENT: None

ABSTAINED: None

DISQUALIFIED: None

ATTEST:

APPROVED AS TO FORM:



Deborah R. Presson
City Clerk



John W. Lam, City Attorney*

*Pursuant to The Charter of the City of Chico, Section 906(E)