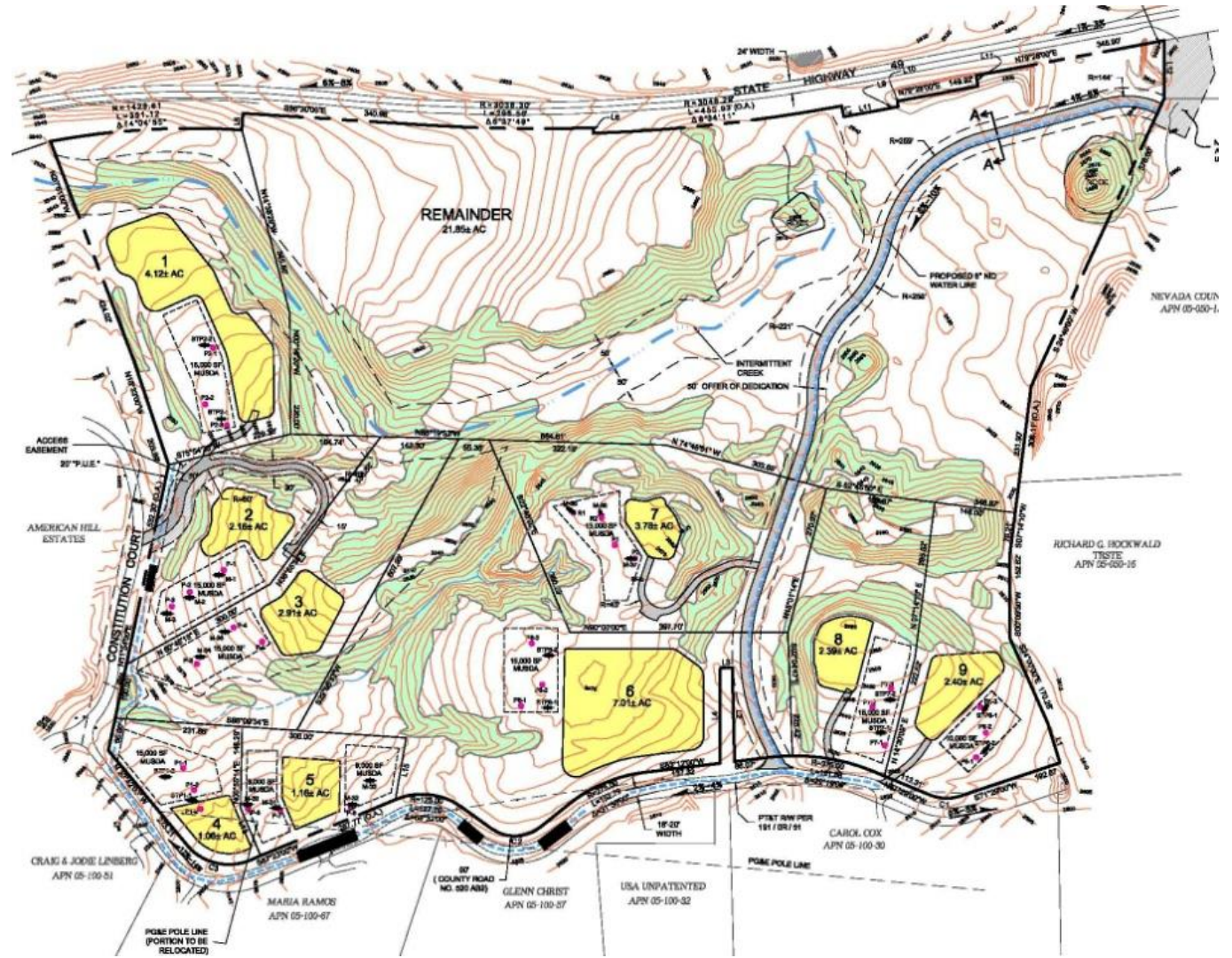


FM07-010: Christ Appeal

NOVEMBER 7, 2023

TYLER BARRINGTON,
PRINCIPAL PLANNER



Project Timeline

- **August 28, 2008- Planning Commission Approves FM07-010**
 - 9-residential lots 1.06-6.73-acres in size.
- **Project Timeline (Extensions)**
 - Original Expiration
 - (3 years)- September 8, 2011
 - State Automatic Extensions
 - AB 333 (2 years)
 - AB 208 (2 years)
 - AB 116 (2 years)
 - Local Government Extensions
 - June 22, 2017- Planning Commission (3 years)-September 8, 2020.
 - September 24, 2020- Planning Commission (3 years)- September 8, 2023*

*2nd and Final Extension of Time- 2020

- **Application Submittal July 15, 2020**
 - Expiration is “stayed” until item can be considered by Planning Commission
- **September 24, 2020 Planning Commission**
 - 1st meeting after extension of time is requested
 - Staff memo dated July 22, 2020 outlines that this is final County extension available
 - 4-1 vote to approval extension of time
 - Approval letter sent to applicant dated September 24, 2020-
Bold outline that this is the final extension available

Assembly Bill 1561-

Signed by Governor on
Sept. 28, 2020

Took Effective Jan. 1, 2021

- **Provided multiple extensions**

- Tribal Consultation Timeline
- Housing Element Completion
- Qualifying Housing Entitlements

“The bill would also provide that if the state or a local agency extends, on or after March 4, 2020, but before the effective date of the bill [September 28, 2020], the otherwise applicable time for the expiration, effectuation, or utilization of a housing entitlement for not less than 18 months and pursuant to the same conditions provided by this bill, that housing entitlement shall not be extended an additional 18 months pursuant to this bill.”

- (2) For the purposes of this section, a housing entitlement does not include any of the following:
 - (A) A development agreement issued pursuant to Article 2.5 (commencing with Section 65864) of Chapter 4.
 - **(B) An approved or conditionally approved tentative map that is extended for a minimum of 18 months pursuant to Section 66452.6 on or after March 4, 2020.**

Development Moratorium- Government Code Section 66452.6(f)

- Government Code Section 66452.6(f) defines that: “...a development moratorium [as it relates to subdivision maps] includes a water or sewer moratorium, or a water and sewer moratorium, as well as other actions of public agencies that regulate land use, development, or provisions for public service to the land, including the public agency with the authority to approval or conditionally approve the tentative map, which thereafter prevents, prohibits, or delays the approval of a final or parcel map.”
- January 14, 2020- (BP200098) Grading Permit Submitted to Building for Road Improvements. Voided that day by Building Department with a note “See Encroachment Permit”
- September 26, 2019 (EP19-0100)- Encroachment Permit for Water Line Extension- Final by DPW Oct. 20, 2020.
- BP2000098 was later approved by DPW on May 31, 2020.
- No declared Moratorium was in effect at that time
- Approval of final 3-year extension of time- Expiration date Sept. 8, 2023

Conclusion

- **FM07-010 Not Eligible for Additional Extension by local or state laws including AB1561**
- **Delay in approval of Road Improvement Plans in 2020 was not a development moratorium per Gov. Code Section 66452.6(f)**
- **Map is expired per California Subdivision Map Act and Nevada County Subdivision Ordinance**
- **Deny Appeal**
 - Refile Map