



RESOLUTION No. 23-518

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

RESOLUTION MAKING FINDINGS, ACCEPTING THE APPEAL FILED BY GLENN CHRIST FROM THE DETERMINATION OF THE PLANNING DEPARTMENT THAT THE APPELLANT'S FINAL MAP (FM07-010) DOES NOT QUALIFY FOR AN AUTOMATIC EXTENSION PROVIDED BY AB1561; AND SCHEDULING THE APPEAL FOR A PUBLIC HEARING

WHEREAS, on September 15, 2023, the Director of Planning, Brain Foss ("Planning"), outlined in a letter dated September 15, 2023 their determination that the final map (FM07-010) did not qualify for an automatic extension provided by AB1561 as requested and that it was expired as outlined in the appellant's final County Extension of Time, attached thereof, pursuant to the Nevada County Land Use and Development Code L-IV2.12.C; and

WHEREAS, pursuant to Section L-II 5.12.B of the Nevada County Land Use and Development Code, the Board of Supervisors may use the provisions of such article in conducting public hearings on land use matters; and

WHEREAS, pursuant to Sections L-II 5.12.D of the Nevada County Land Use and Development Code, any decision of the Planning Agency is appealable to the Board of Supervisors within 10 calendar days after the date of the decision, except amendments to the General Plan or zoning ordinance, which shall be filed within 5 calendar days; and

WHEREAS, a notice informing the Appellant, Glenn Christ ("Appellant") of Planning's determination that the final map (FM07-010) did not qualify for an automatic extension provided by AB1561 proposing to divide a 34.75-acre parcel into nine (9) residential lots ranging from 1.06 to 6.73 acres with a 7.4-acre community owned Open Space parcel (Lot A) and a 14.3-acre remainder, on property located at 16210 American Hill Road in Nevada City, was sent to the Appellant on September 15, 2023; and

WHEREAS, Appellant filed a timely appeal on September 25, 2023 which included a statement on the appeal as required by Sections L-II 5.12.F; and

WHEREAS, pursuant to Section L-II 5.12.G of the Nevada County Land Use and Development Code, the Board of Supervisors shall determine if the appeal was filed within the applicable time limits and shall may set the matter for public hearing as soon as time on their agenda permits, and in accordance with any other time requirements of law.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of Supervisors of the County of Nevada that:

1. Appellant is an interested party who has standing to appeal the Planning Department's determination that the final map (FM07-010) did not qualify for an automatic extension provided by AB1561 and that it was expired as outlined in the appellant's final County Extension of Time, and

2. Appellant's appeals of the Planning Department's determination of the map extension was timely filed and satisfies the minimum requirements set forth in Section L-II 5.12.F of the Nevada County Land Use and Development Code, and
3. Appellant's appeal of the Planning Department's determination that the final map (FM07-010) did not qualify for an automatic extension provided by AB1561 proposing to divide a 34.75-acre parcel into nine (9) residential lots ranging from 1.06 to 6.73 acres with a 7.4-acre community owned Open Space parcel (Lot A) and a 14.3-acre remainder, on property located at 16210 American Hill Road in Nevada City and is hereby accepted in the interest of fairness by the Board of Supervisors and the Clerk of the Board is directed to schedule a Public Hearing on this appeal on November 7, 2023 at 1:30 p.m. at the Nevada County Board Chambers at 950 Maidu Avenue, Nevada City, CA 95959.

PASSED AND ADOPTED by the Board of Supervisors of the County of Nevada at a regular meeting of said Board, held on the 10th day of October, 2023, by the following vote of said Board:

Ayes: Supervisors Heidi Hall, Edward C. Scofield, Lisa Swarthout, Susan Hoek and Hardy Bullock.

Noes: None.

Absent: None.

Abstain: None.

ATTEST:

JPH JULIE PATTERSON HUNTER
Clerk of the Board of Supervisors

By: _____

Heidi Hall

Edward C. Scofield

Edward C. Scofield, Chair

COUNTY OF NEVADA

(Attach pages if needed)

RECEIVED

APPEAL TO BOARD OF SUPERVISORS

(Per Article 5.12 of Chapter II of the Land Use and Development Code)

SEP 25 2023

NEVADA COUNTY BOARD OF SUPERVISORS

cc: plug
Colo

Any applicant or interested party may file an appeal with the Board of Supervisors requesting review of any final action taken by Various County Agencies. Such appeal shall be filed with the Clerk of the Board of Supervisors within ten (10) calendar days from the date of the Agency's Action, except amendments to the General Plan or Zoning Ordinance, which shall be filed within five (5) calendar days. (If the final calendar day falls on a weekend or holiday, then the deadline is extended to the next working day.) Filing shall include all information requested herein and shall be accompanied by the appropriate filing fee. The statements (required below) must contain sufficient explanation of the reasons for and matters being appealed in order to facilitate the Board of Supervisors initial determination as to the propriety and merit of the appeal. Any appeal which fails to provide an adequate statement may be summarily denied. The filing of such an appeal within the above stated time limit shall stay the effective date of the action until the Board of Supervisors has acted upon the appeal.

I. APPEAL: I/We, the undersigned, hereby appeal the decision/recommendation of the

NEVADA COUNTY PLANNING DEPT.
Agency Name

FM07-010 Agency File No. 9/15/23 Date of Decision

PLANNING AGENCY DECISIONS:

- Environmental Impact Report
L-XIII California Environmental Quality Act; County CEQA Guidelines and Procedures, 1.20 Appeals of the Adequacy of the EIR
- Floodplain Management Regulations (Floodplain Administrator)
L-XII Floodplain Management Regulations; 1.4 Administration
- Historic Preservation Combining District
L-II Zoning Regulations; Zoning Districts; 2.7.2 HP Combining District
- Inoperable Vehicles
L-II Zoning Regulations; Administration and Enforcement, 5.20 Abatement and Removal of Inoperable Vehicles
- Land Use Applications
L-II Zoning Regulations; 5.12 Administration and Enforcement
- Negative Declaration
L-XIII California Environmental Quality Act; County CEQA Guidelines and Procedures, 1.12 Negative Declaration
- Rules of Interpretation
L-II Zoning Regulations; 1.4 Rules of Interpretation

PUBLIC WORKS DECISIONS:

_____ Roadway Encroachment Permit
G-IV General Regulations; 4.A Regulating Roadway Encroachments;
15.1 Appeals

CDA DECISIONS:

_____ Outdoor Events
G-V Revenue; 2 Outdoor Events; 2.14 Appeal Process

FIRE AGENCY DECISIONS:

_____ Fee Assessments (Fire Protection District)
L-IX Mitigation and Development Fees; Fire Protection Development
Fees; 2.6 Appeal from Fee Assessment

_____ Fire Safety Regulations; General Requirements (Fire Safety Reg. Hearing Body)
L-XVI Fire Safety Regulations; General Requirements; 2.7 Appeals

_____ Hazardous Vegetation Abatement (Lodal Fire Official)
G-IV General Regulations; 7.9 Appeals Process (No Fee to File Appeal)

ENVIRONMENTAL HEALTH DECISIONS:

_____ Sewage Disposal (Sewage Disposal Technical Advisory Group)
L-VI Sewage Disposal; 1.18 Appeals

_____ Water Supply and Resources (Health Officer)
L-X Water Supply and Resources; 5.1 Appeal Procedures

List All Agency Action(s) Taken That Are Being Appealed: _____

PLEASE SEE ATTACHMENT REGARDING
APPEAL - PAGE # 1

II. STATEMENT OF THE REASONS FOR THE APPEAL:

PLEASE SEE ATTACHMENT REGARDING
APPEAL - PAGE # 2

III. STATEMENT OF THE SPECIFIC PROVISIONS WHICH ARE BEING APPEALED:

PLEASE SEE ATTACHMENT REGARDING
APPEAL PAGE #6-7

IV. STATEMENT OF THE CHANGES OR ACTION REQUESTED OF THE BOARD OF SUPERVISORS:

PLEASE SEE ATTACHMENT REGARDING
APPEAL - PAGE #7

V. SUMMATION OF THE ARGUMENTS TO BE RAISED BY THE APPELLANT(S):

PLEASE SEE ATTACHMENT REGARDING
APPEAL - PAGE #7

VI. IDENTIFICATION OF THE APPELLANT(S):

GLENIN CHRIST

(Name)

[Redacted Mailing Address]

(Mailing Address)

[Redacted Telephone Number]

(Telephone)

VII. NOTICE: (Multiple appellants should select one representative for purposes of notice.

All notices to appellant(s) should be mailed to: (Please Print)

GLENN CHRIST [REDACTED] [REDACTED]
(Name/Representative) (Mailing Address) (Telephone)

Appellant:

[Signature]
(Sign)

Dated: 9/25/23

GLENN CHRIST
(Print)

FOR OFFICE USE ONLY

\$ 1,803.61
Filing Fee

Date Filed

[Signature], Deputy CB
Received By

Appeal form to be returned to: Nevada County Board of Supervisors Office, Eric Rood
Administrative Center, 950 Maidu Avenue, Nevada City, CA 95959-8617. (530) 265-1480

ATTACHMENT AND EXPLANATIONS REGARDING APPEAL TO BOARD OF SUPERVISORS

I. AGENCY ACTION THAT IS BEING APPEALED

The Planning Department has submitted a letter dated September 15, 2023 that was mailed to Appellant and received on September 19, 2023.

The letter appears to constitute the Department's response and refusal to acknowledge what is, in fact, a statutorily provided California State tentative map extension that is fully applicable to my Tentative Map (hereafter "Map") and extends the map by 18 months. The Department asserts my map expired on September 8, 2023.

My Map (FM07-010) fronts on American Hill Road just west of Nevada City and south of Highway 49. It is approximately south of the location of the Juvenile hall and the adjacent County land that the County purchased from me some years ago. (see attached map)

It is the Department's refusal to acknowledge that this State provided extension is fully applicable to my map and the faulty analysis contained in their letter that I respectfully appeal today.

The State extension that the Department refuses to acknowledge is:

1) GOV'T CODE SECTION 65914.5, the "AUTOMATIC STATE EXTENSION DUE TO COVID INDUCED RECESSION" consisting of 18 extra months of automatic Map extension above and beyond any County provided extension. This is provided by the State due to the effects of the Covid induced recession.

I have also timely filed a formal "Request for an Extension of Time" per Gov't Code Sec. 66452.6(e) on September 6, 2023 before the September 8, 2023 date. It was accompanied by an explanation for my request (see attached letter dated September 6, 2023) and an Agreement to Pay form. I requested the current filing fee amount but have never received a response. The Department's letter makes no reference to this timely Request for Extension.

Requesting this Extension per Gov't Code Section 66452.6(e) extends my Map by up to 60 days and also provides for a 15 day period to apply to the legislative body after an advisory agency has denied such a formal extension request. As the Department makes no mention of my Extension Request in its letter it remains unclear if the letter constitutes a denial of this request.

II. HISTORY OF TENTATIVE MAP, REASONS FOR THE APPEAL AND STATEMENT OF LEGAL BASIS FOR APPEALING DEPARTMENT'S LETTER

My original Tentative Map approval coincided precisely with the commencement of the worst housing and economic depression in 100 years. In September 2008, Congress approved the "Bailout Bill" which provided \$700 billion to add emergency liquidity to the markets. In a 2-year span starting in December 2007, the unemployment rate rose sharply from about 5% to 10%. By late 2009, more than 15 million people were unemployed. (Bureau of Labor Statistics)

As a direct result of this "Great Recession" California would eventually provide three separate 2 year automatic extensions to allow all tentative maps in the state, including mine, to at least survive until the housing disaster had subsided enough that developers could feel somewhat secure in obtaining loans again and risking capital on a project that, even in the best of times, can take years to see a return on investment.

The state did exactly this once again in 2020 to account for the damage being done by the Covid induced recession by granting an extra 18 months automatically to tentative maps to enable them to ride out the Covid induced recession and the effects of the medical crisis.

Despite my justifiable caution back during the many years of the "Great Recession" I still installed, during this time, an emergency egress road from the Juvenile Hall on Highway 49 to American Hill Road. In 2018 I brought NID water down this emergency egress road to American Hill.

I have now provided 4 fire hydrants that line American Hill Rd. at 500 ft. intervals. They constitute the only fire hydrants west and downwind of Nevada City and south of Hwy 49 in Deer Creek Canyon. I have provided the combination to the lock at the emergency egress road to all neighbors in the area and to the members of the surrounding community via the Champion Firewise Community. The County has agreed to maintain the same combination to the lock at the Juvenile Hall end. The gate is also kept unlocked during High Fire Danger Days.

During this period of time I have also suffered a number of medical issues. In the middle of the last decade I was diagnosed with Cancer, had surgery and recovery took up a significant period of time.

In 2019-20 I was working diligently to complete all remaining conditions of approval. In the fall of 2019 the remaining work on the NID waterline running west down American Hill Road was begun and completed in early spring 2020.

The only other major condition to complete was the road improvement work along my County road frontage. I had an engineer prepare the Road Improvement Working

Drawings in the fall of 2019. I submitted these plans to the County in mid January 2020 to obtain the County's required approval in order to be able to carry out the County's condition. I had intended to put the County approved working drawings out for bid by late winter 2020 and thereby have a chance of getting on a grading contractors upcoming summer schedule. However, these working drawings were not approved by the County for another 4 months until May 28, 2020. By then it was too late to get on a Contractor's schedules as they were full for the summer.

The County's 4 month delay in approving the working drawings had compounding ramifications. It kept this last condition from being completed that summer which then directly kept me from filing my final map back in the summer of 2020. After this summer of 2020 we were deeply in to the Covid induced recession and I had serious family medical reasons for not engaging while Covid was rampant.

Although my formal "Request for Extension" references a moratorium that is applicable to the 4 months of time lost to complete this last Condition of approval it would only add 4 months and I have chosen not to further burden the Board with this issue.

Gov't Code Sec. 65914.5 "The Automatic State Granted Extension Due to the Covid Recession"

Some sections of the Preamble to this Statute state:

On March 4, 2020, California Governor Gavin Newsom proclaimed a state of emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the state prepare for a broader spread of COVID-19;

The United States economy, as measured by gross domestic product, contracted by 4.8 percent in the first quarter of 2020;

In July of 2020, California's unemployment rate tripled, the largest increase since 1976;

It is estimated that California lost 2,000,000 jobs by March 27, 2020;

In July of 2020, 3,100,000 Californians filed for unemployment benefits;

The Governor has labeled California's economic crisis a "pandemic-induced recession;

According to the League of California Cities, over 90 percent of cities in this state report they are considering cutting or furloughing city staff or decreasing public services;

The pandemic-induced recession...will drastically impact all segments of a complex ecosystem that delivers the essential housing California so desperately needs to combat the ongoing housing crisis;

To facilitate and expedite the return of this vital industry, it is necessary to relieve any additional pressure on housing development as a result of the lapse in planning, finance, and construction due to the pandemic-induced recession. An essential component of ensuring the survival of the housing industry is proactively extending the life of the myriad state and local approval; (emphasis added)

A uniform statewide entitlement extension measure is necessary to avoid the significant statewide cost and allocation of local government staff resources associated with addressing individual permit extensions on a case-by-case basis. (emphasis added)

It was in this spiraling economic environment that I began specifically asking the Planning Department if the State was considering another automatic extension to address this Covid induced recession. One of my emails stated:

"I am hopeful that the County or State is considering extending tentative maps for another couple of years to allow this massive uncertainty both medical and economic to settle down and give some breathing room to see where we are"

I was also pointing out that, due to serious family medical concerns such as type 1 diabetes for 65 years and regular infusions of immune suppressant drugs and cancer, I would not be able to continue work as normal until the Covid danger had passed. I expressed these concerns in preliminary emails to the Department and then in my formal Request for an Extension.

Despite all this and the obvious downward spiral that the state and Nevada County were experiencing due to Covid the Department either remained unaware of the legislative activity regarding the State's Automatic Covid Extension or they failed to inform me of its existence despite my specifically asking.

I was instead informed that the only available extension was the County's discretionary extension. Because they gave me no other option, my Extension request asked only for the County's extension. **Had I known of the existence of the available extra 18 month Statewide Automatic Extension I, of course, would have formally requested that it be simply and automatically applied to my map and the County's extension be reserved for a future date.**

As a property owner, I was clearly not in a position to know of active State legislation. It was the County Agency that was in the superior position and had the resources to be fully aware of state legislation that directly affected their field of expertise.

Rather than doing nothing and simply allowing the State granted Covid extension of 18 extra months to be applied to my Map, the Department instead directed me into what was a completely unwarranted Planning Commission hearing on Thursday September 24, 2020, that had no rational basis for even occurring given the fact that **the Statewide Automatic Covid extension of 18 extra months became law exactly one business day after this hearing on Monday, September 28, 2020.**

Having timely requested an extension to my Map, the deadline of September 8, 2020 was automatically statutorily extended by up to 60 days. Only 20 days into this 60 day period the State automatic extension became law on September 28, 2020. Simply allowing this date to pass would have automatically extended my map by the state granted 18 months.

Instead, completely unnecessary costs were expended by the County through the allocation of significant staff time to prepare for and hold this PC hearing. The State Covid Extension Statute specifically states that it is their intent to relieve Countys from the time, effort and cost of having to hold exactly the sort of hearing the Department forced me into.

This same hearing also included two other property owners requesting extensions to their maps. All of the time and effort, both for the County and the applicants, could have been completely avoided by simply not holding the hearing and just allowing one more business day to pass when all three maps would have been automatically extended by another 18 months.

In one inexplicable move the County wiped out a total of four and a half years of automatic tentative map extension life available to these three maps during the height of yet another Recession and a national medical crisis.

The automatic extension granted by the state on September 28, 2020 required no affirmative act either by myself or by the County to have simply become fully applicable to my map adding the extra 18 months.

Given the failure to inform as to the options that were available for extension of the Map and the corresponding loss of an additional 18 months of automatic extension that was available to similarly situated maps throughout California, and given the demonstrated critical need for this extra time due to the emerging Covid Recession and corresponding medical crisis and restrictions, I respectfully request that the Board take action to remediate this loss.

In addition, a review of the relevant timelines surrounding this September 2020 time period reveals that, in fact, the Automatic State Extension became fully applicable to my map when it became law on September 28, 2020.

Please see the relevant timeline below:

1. I timely requested an extension to my map that added up to 60 days (Gov't Code Sec. 66452.6(e)) beyond the then September 8, 2020 expiration date. This extended the map up to November 8, 2020.

Rather than simply waiting for the 20 days of those 60 available days to pass until the Automatic Extension became law on September 28, 2020, the Department instead went forward with the unwarranted Planning Commission Hearing that was held on Thursday, September 24, 2020. Again, there was exactly one business day between this hearing and the Automatic Extension becoming law on Monday, September 28, 2020.

2. At the PC Hearing I was informed by the Head Commissioner that there would be a 10 day appeal period before their decision was final. This appeal period ended on October 5, 2020. Logic would dictate that a decision that remains appealable and therefore potentially overturned, cannot possibly be a "Final" decision. The Department's recent September 15, 2023, letter that is the subject of this appeal also confirms the fact that a decision is not "valid" until the end of the appeal period. "The original approval of the project was VALID for 36 months FROM THE END OF THE APPEAL PERIOD..."(Line 4 of September 15, 2023, letter)

3. The Automatic Covid Extension became law on September 28, 2020, seven days before the appeal period ended on October 5, 2020. As it is AUTOMATIC, neither I or the County had to take any affirmative act for it to become fully applicable to my map on September 28, 2020.

4. This automatically added 18 months to my map. When the 3 year County extension decision became "valid" on October 5, 2020 it would have simply been tolled until the passing of the 18 month automatic state provided extension.

5. Given this Automatic 18 month extension, there is still this time period remaining on my map.

As a result I respectfully request that the Board acknowledge this simple fact and add the extra 18 months to the Map.

III. STATEMENT OF SPECIFIC PROVISIONS APPEALED

Appellant appeals the Department's refusal to acknowledge the previously referenced and discussed State provided extension that is fully applicable to my map:

Gov't Code Sec. 65914.5: State provided 18 month Automatic Extension due to Covid induced Recession.

IV. STATEMENT OF ACTIONS RESPECTFULLY REQUESTED OF THE BOARD OF SUPERVISORS

1.EITHER REMEDIATE THE UNNECESSARY LOSS TO APPELLANT OF THE EXTRA 18 MONTHS OF AUTOMATIC EXTENSION PROVIDED BY THE STATE TO ACCOUNT FOR THE COVID INDUCED ECONOMIC RECESSION AND THE SEVERE CORRESPONDING MEDICAL RESTRICTIONS IMPOSED BY THE EPIDEMIC, OR

2.ACKNOWLEDGE AND ACCEPT THE TIMELINE PRESENTED THAT REVEALS THAT THE AUTOMATIC STATE COVID EXTENSION OF 18 EXTRA MONTHS WAS, IN FACT, AUTOMATICALLY APPLIED TO MY MAP ON THE DATE IT BECAME LAW ON SEPTEMBER 28, 2020 AND THE COUNTY 3 YEAR EXTENSION WAS THEREFORE TOLLED UNTIL THE 18 MONTH EXTENSION HAD PASSED.

3.GRANT AN ADDITIONAL 18 MONTHS TO THE LENGTH OF MY TENTATIVE MAP.

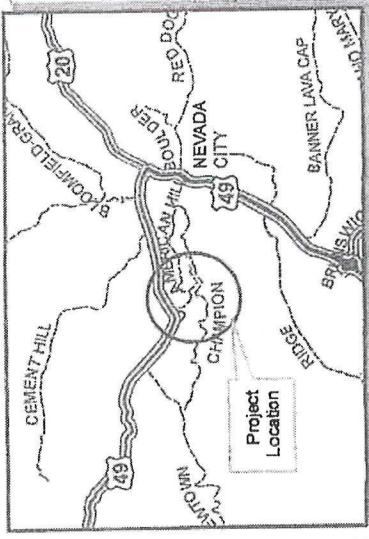
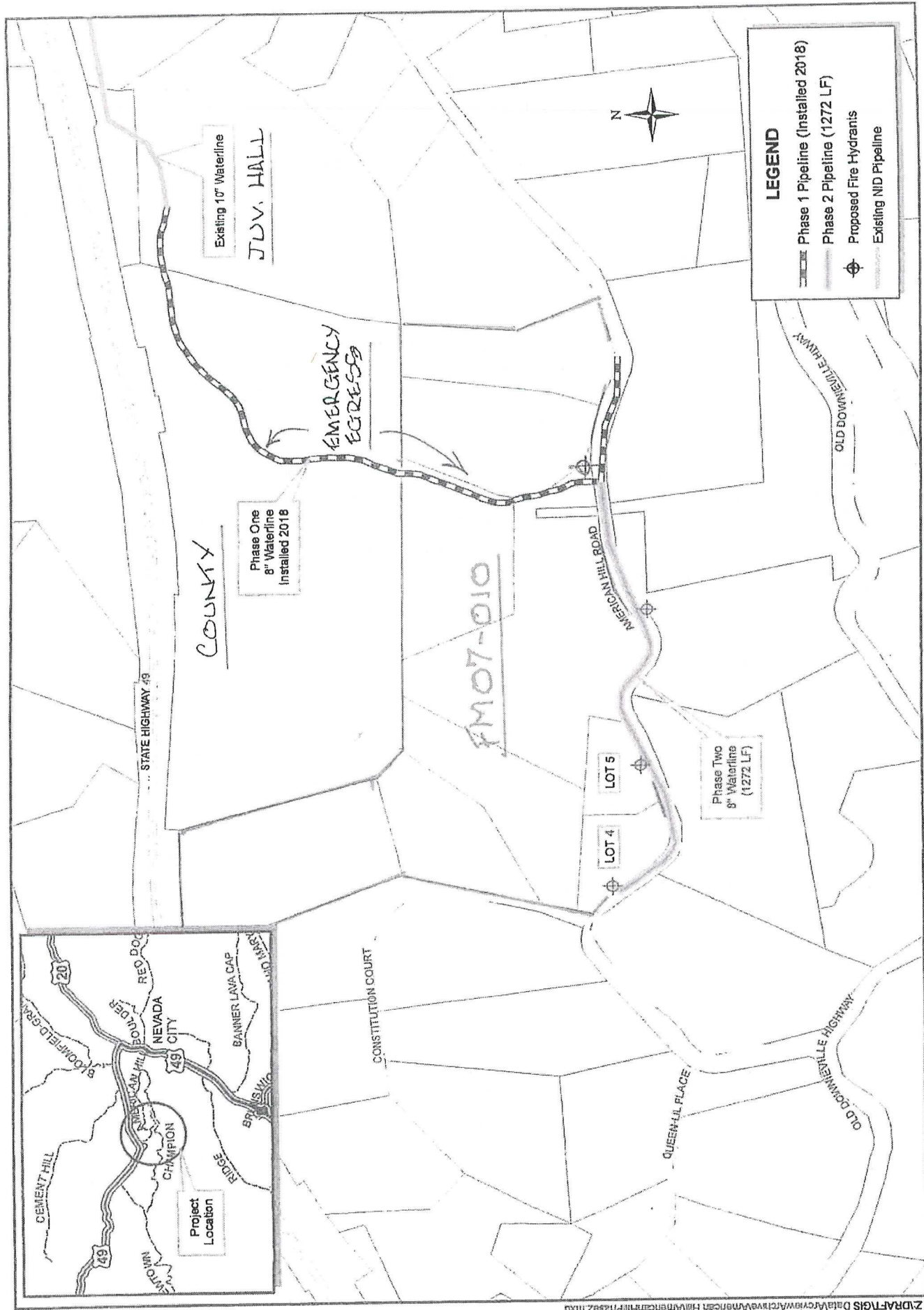
V. SUMMATION

Appellant understands that mistakes and oversights happen. He has made more than his share over the years. He is only respectfully asking that these oversights that have directly and negatively affected his tentative map be forthrightly addressed and rectified to restore to the Map's running timeline the extra 18 months that the State of California granted due to the Covid Recession/medical crisis and that the map was fully qualified to receive at the time.

Thank you for your time and consideration,

Glenn Christ

Note: As the Department's letter dated September 15, 2023 was mailed and not also emailed I pny became aware of its existence upon receipt on September 19, 2023. Leaving apparently only 5 remaining days of the total 10 days the County states is the appeal period. This is not enough time to be able to consult with my attorney. She has requested that I state that I request the right to supplement this appeal upon having the ability to consult with my attorney.



LEGEND

- Phase 1 Pipeline (Installed 2018)
- Phase 2 Pipeline (1272 LF)
- Proposed Fire Hydrants
- Existing NID Pipeline

AMERICAN HILL WLE PHASE 2 - DIVISION 1

NEVADA IRRIGATION DISTRICT

NEVADA COUNTY - PLACER COUNTY
GRASS VALLEY, CALIFORNIA



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From: Glenn Christ glchrist@co.nv.gov
Subject: Request for Extensions of Time
Date: September 6, 2023 at 3:46 PM
To: Tyler Barrington Tyler.Barrington@co.nv.gov

September 6, 2023

Mr. Tyler Barrington
Planning Department
County of Nevada
950 Maidu Avenue
Nevada City, CA 95959
Re: Final Map FM07-010

Dear Mr. Barrington,

Please accept this as my formal request for and County acknowledgement of the following extensions of time for my above referenced Final Map.

1. Pursuant to Gov't Code Sec. 65914.5 (AB1561), "**The Automatic State Granted Extension Due to the Covid Recesslon**" was automatically applied to my map on September 28, 2020. No affirmative action was required by myself or Nevada County to have made this 18 month extension fully applicable to my map on that date.
2. Pursuant to Gov't Code Sec. 66452.6(f)(1), A four month moratorium was created that extends my map by this period of time. In my effort to complete the County mandated conditions of approval I submitted Road improvement working drawings in January 2020. These Drawings required County review and approval before I could complete the County's required Condition. However, County documents show these working drawings took over 4 months to reach approval. (County Document dated January 14, 2020 states: "**Full review permit 20098...has been routed to applicable departments for review with an estimated due date of 1/28/2020.**") However, the County's history of this permit # 20098 shows the working Drawings were not approved for another four more months until May 30, 2020.

As you are aware, I have had many previous exchanges with your office and the County Counsel's office fully detailing the nature and relevant timelines of both extensions. Should you require another fully detailed explanation and timeline please let me know at your earliest convenience.

Please also acknowledge receipt and let me know the current required fee and if it needs to be submitted by September 8, 2023.

Thank you,

Glenn Christ

[Redacted Signature]



**COUNTY OF NEVADA
COMMUNITY DEVELOPMENT AGENCY
PLANNING DEPARTMENT**

**950 MAIDU AVENUE, SUITE 170, PO BOX 599002, NEVADA CITY,
CA 95959-8617 (530) 265-1222 <http://new.nevadacounty.com>**

Trisha Tillotson
Community Development Agency Director

Brian Foss
Planning Director

September 15, 2023

Glenn Christ
126 Purdue Ave.
Kensington, CA 94708

RE: Request for Additional Time Final Map FM07-010

Dear Mr. Christ:

On August 28, 2008, the Nevada County Planning Commission approved the above referenced Tentative Final Map proposing to divide a 34.75-acre parcel into nine (9) residential lots ranging from 1.06 to 6.73 acres with a 7.4-acre community owned Open Space parcel (Lot A) and a 14.3-acre remainder, on property located at 16210 American Hill Road in Nevada City. The original approval of the project was valid for 36-months from the end of the appeal period (September 8, 2008) and it was set to expire on September 8, 2011. Following this approval, the State of California passed several legislative actions that automatically extended the expiration dates for approved maps. The project took advantage of several of these State actions, including Assembly Bill 333 (two additional years), Assembly Bill 208 (two additional years) and Assembly Bill 116 (two additional years). These automatic extensions passed by the State extended the expiration date of the project to September 8, 2017.

On June 22, 2017, the Planning Commission approved the first available County authorized extension of time (EXT17-0007) for the Tentative Final Map extending the project approval to September 8, 2020. On July 20, 2020, you filed a timely application for a final 3-year County extension of time (EXT20-0007) which was approved by the Nevada County Planning Commission on September 24, 2020, the first available meeting following the submittal of the application. Please refer to approval letter dated September 24, 2020 (*attached*). This action provided an additional and final 3-years to meet the original project conditions of approval and record the map, with a final expiration date of September 8, 2023.

In early August 2023, you inquired with the Nevada County Planning Department into the potential eligibility for your map to be further extended because of California Assembly Bill AB1561 (Garcia) approved by the Governor on September 28, 2020, and due to a perceived four-month moratorium because of a delay in the review of the building permit for road improvement plans required for the map to record. Through a series of email responses, the Planning Department

provided a determination that the map did not qualify for the automatic extension provided by AB1561, citing the law as follows:

This bill would extend by 18 months the period for the expiration, effectuation, or utilization of a housing entitlement, as defined, that was issued before, and was in effect on, March 4, 2020, and that will expire before December 31, 2021, except as specified. 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, 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.

Your map was extended by the local agency after March 4, 2020, and before the effective date of the bill September 28, 2020, for a period of 3-years (ie. not less than 18 months). This is further supported by Section 65915.5 (d) (2) (B) shown below:

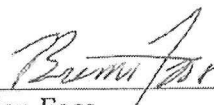
(2) For the purposes of this section, a housing entitlement does not include any of the following:

(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.

Moreover, the Planning Department does not agree that the County's four-month review of the building permit/improvement plans constituted a moratorium pursuant to Government Code 66452.6(f) that prevented or delayed you from taking the necessary action to satisfy a condition of your map before it expired. Considering the length of time that your map had been approved, the County's time to review and approve a grading permit was insignificant in the total calculation of whether the condition could be satisfied before map expiration. In addition, the Planning Commission approved a three-year extension of your map in September 2020, but you failed to complete the work necessary to final the map during that three-year extension.

In conclusion, as of September 8, 2023, FM07-010 expired as outlined in your final County Extension of Time, attached hereto. Further, pursuant to Land Use and Development Code L-IV 2.12.C: "[t]he expiration of the approved or conditionally approved tentative map shall terminate all proceedings and no final map or parcel map of all or any portion of the real property included within such tentative map shall be filed after the expiration date without first processing a new tentative map."

Respectfully,



Brian Foss
Director of Planning

Enclosure: September 24, 2020 Approval Letter: Second and Final Three-Year Extension of Time (PLN20-0150; EXT20-0007) for the Christ Final Map (FM07-010; EIS07-053)

CC: County Counsel



**COUNTY OF NEVADA
COMMUNITY DEVELOPMENT AGENCY
PLANNING DEPARTMENT**

950 MAIDU AVENUE, SUITE 170, NEVADA CITY, CA 95959-8617
(530) 265-1222 <http://mynevadacounty.com>

Sean Powers
Community Development Agency Director

Brian Foss
Planning Director

September 24, 2020

Glen Christ
126 Purdue Ave
Kensington, CA 94708

Subject: Second and Final Three-Year Extension of Time (PLN20-00150; EXT20-0007) for the Christ Final Map (FM07-010; EIS07-053).

Dear Mr. Christ,

At the regular meeting of September 24, 2020, the Nevada County Planning Commission by a 4/1 vote approved an Extension of Time (PLN20-0150; EXT20-0007) for the Christ Final Map Project (FM07-010; EIS07-053) associated with property located at 16210 American Hill Road (APN 005-100-093) in Nevada City.

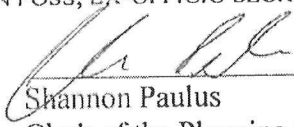
The Planning Commission granted the extension of time for three (3) years. This extends the project approval until **September 8, 2023**. This will be the **FINAL** extension of time granted for this project, if all requirements of the Conditions of Approval are not completed by that time the project approval will be null and void.

If you have any questions, please feel free to contact the Planning Department at (530) 265-1222.

Very truly yours,

NEVADA COUNTY PLANNING COMMISSION
BRIAN FOSS, EX-OFFICIO SECRETARY

By:


Shannon Paulus
Clerk of the Planning Commission

cc: Public Works
Environmental Health
Nevada County Consolidated Fire District
Nevada Irrigation District
CALFIRE – Timber
California Department of Transportation

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SEP 25 2023



COUNTY OF NEVADA
COMMUNITY DEVELOPMENT AGENCY
950 MAIDU AVENUE, SUITE 170, NEVADA CITY, CA 95959-8617
(530) 265-1222 FAX (530) 265-9854 http://www.mynevadacounty.com

NEVADA COUNTY BOARD OF SUPERVISORS

Planning Department Environmental Health Building Department Department of Public Works Agricultural Commissioner

AGREEMENT TO PAY LAND USE APPEAL

Nevada County Community Development Agency (NCCDA) Appeal fees are based on Board of Supervisor approved fee schedules. Hourly fees and fees for services by departments not included in the original appeal fees are billed to the applicant based on the Board approved fee schedule in effect at the time services were performed and once the final appeal decision has been rendered by the Board. This Agreement To Pay form must be signed and original signatures submitted to the Clerk of the Board along with the completed forms and the initial payment of fees. Copy of current fee schedule is attached to the appeal packet.

I/We understand that the NCCDA may bill for services not included in the original appeal fee, and I/We agree to pay such billing within thirty (30) days of the mailing of such billing. All fees must be paid prior to the granting of any permits, approvals, or any land use entitlement for which services are required. The collection of fees, however, will have no effect upon the decision of the appeal by the Board of Supervisors.

Appellant Information:

Invoices and/or notices to be mailed to:

Table with 2 columns: Appellant Information and Invoices and/or notices to be mailed to. Handwritten entries include 'APPEAL REGARDING FMO7-BIO-EXTENSION' and 'GLENN CHRIST'. A large black redaction box covers the right side of the table.

NCCDA staff is authorized to consult with necessary governmental agencies concerning this project. They are also authorized to consult with the following individuals concerning this appeal:

I certify under proof of perjury that I am the party authorized to enter into this fee agreement. I have read the conditions concerning Nevada County Community Development Agency fees and I understand that in the event that the billing party I have indicated does not pay required fees, I will be responsible for payment. I further agree to advise the department in writing should I no longer be associated with the above referenced project/property, rendering this agreement invalid as of the change of the date the letter is received by the Nevada County Community Development Agency.

Signature: [Handwritten Signature] Date: 9/25/23 DL#: [Redacted] PH#: [Redacted]
Printed Name: GLENN CHRIST