



**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:

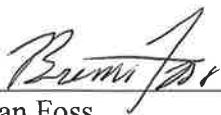
*(2) For the purposes of this section, a housing entitlement does not include any of the following:*

*(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



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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