



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

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Sean Powers  
Community Development Agency Director

Brian Foss  
Planning Director

**DATE:** July 22, 2020

**TO:** Nevada County Planning Commission

**FROM:** Tyler Barrington, Principal Planner

**SUBJECT:** Second and Final Three-Year Extension of Time (PLN20-0150; EXT20-0007)  
Christ Final Map (FM07-010; EIS07-053)

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.

In 2009 the 14.3-acre remainder and 7.4-acre Open Space parcel were transferred to Nevada County pursuant to Section 66424.6 (2)B(d) of the Subdivision Map Act. This section of the Subdivision Map Act allows a designated remainder or any omitted parcel to be sold without any further requirement for filing a parcel or final map, though it does note that a Certificate of Compliance or Conditional Certificate of Compliance could be required by the local agency at a later date. This certificate process would establish legal status prior to future development, if any. The record-of-survey that memorialized the transferred acreage is attached (Attachment 1).

In addition to the transfer to the County, Mr. Christ has constructed the emergency access road that connects American Hill Road to Highway 49 and has installed the main Nevada Irrigation District waterline within the emergency access roadway and to portions of American Hill Road, including installing four fire hydrants. In 2010, Mr. Christ also began the Final Map Check process. The Planning Department uses the map check process to ensure that all required conditions of approval have been met prior to allowing a map to record.

While there has been progress made with these improvements, items remain to be completed prior to map recordation. 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.

Since that time 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 extension of time (EXT17-0007) for the Tentative Final Map which extended the project approval to September 8, 2020. On July 20, 2020, the applicant filed for their second and final 3-year extension of time (EXT20-0007). If approved the project will be extended to September 8, 2023 allowing the applicant to continue to perform improvements required by the project's conditions of approval and record their map.

For your review, Mr. Christ's extension request is attached hereto along with a reduced copy of the tentative map and the project's conditions of approval. The project was approved as consistent with the current Nevada County General Plan and Land Use & Development Code and Staff believes that the Mitigated Negative Declaration that was adopted for the project remains adequate to approve the requested time extension. Other projects have been granted additional time for economic reasons and Staff cannot foresee any issues with continuing to do so with this application. Therefore, Staff recommends approval of the extension of time to allow Mr. Christ additional time to complete the required conditions of approval.

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**RECOMMENDATION:**

Staff recommends the Planning Commission take the following action:

- I. Approve the three-year time extension for FM07-010; EIS07-053 pursuant to Section L-IV 2.12.D of the Nevada County Land Use and Development Code, extending the expiration date to September 8, 2023, making findings A through D:
  - A. The Mitigated Negative Declaration (EIS07-053) adopted by the Planning Commission for this project concluded that the project would not result in adverse environmental impacts as conditioned and mitigated. That document remains valid for use in approving this time extension.
  - B. The applicant has shown reasonable cause for the requested time extension, citing financial constraints due to the recession and downturn in the housing market.
  - C. The project is consistent with the Nevada County Estate (EST) General Plan designation and the Residential Agricultural (RA-3) zoning designation.
  - D. There is no evidence to suggest that the granting of additional time to construct the project will be injurious to public health, safety, or general welfare.