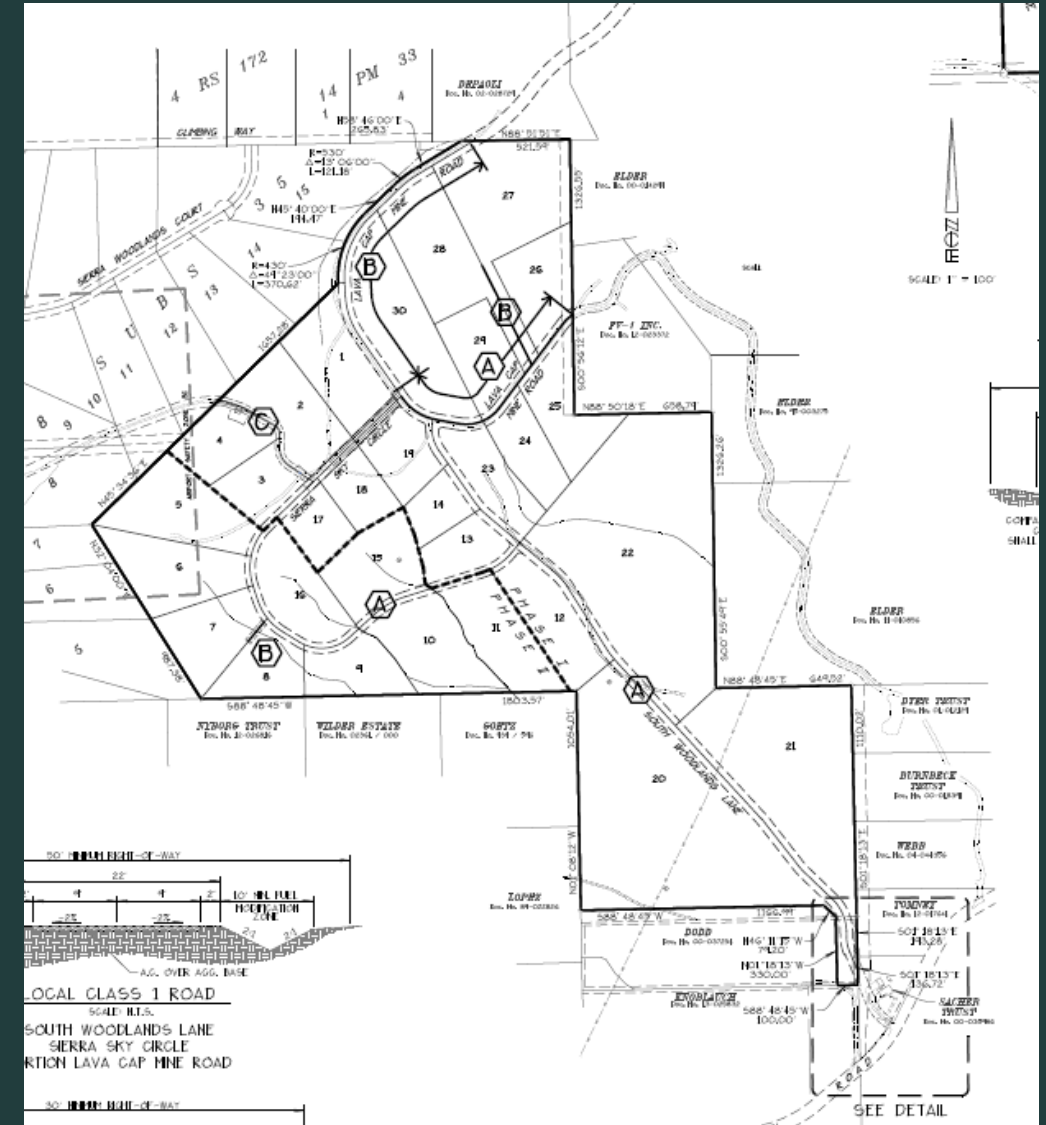




Project

- **A proposed request by the Shad Skikos Trust, to enter into a Development Agreement with the County of Nevada in order to extend the expiration of the South Woodlands Vesting Tentative Final Map.**
- **The project does not include a proposal to amend the Tentative Final Map for South Woodlands and only seeks to extend its expiration date.**



Original Project Associated with Proposed Development Agreement

- **Final Map to subdivide 152.52 acres into 30 residential lots ranging from 1.7 acres to 20.3 acres in size.**
- **All but two of the new residential lots (Lots 20 and 21) would be served by Nevada Irrigation District treated water. Lots 20 and 21 would be served by individual wells. All lots would be served by septic systems.**
- **The primary access serving the subdivision would be Greenhorn Road approximately 3 miles east of the Greenhorn/Brunswick intersection. The secondary access is a future unlocked, gated connection from Sierra Sky Circle to Lee Lane out to Idaho-Maryland Road.**

Background

Entitlement	Application Submittal	Planning Commission Approval	Expiration of Approval
FM14-002	10/20/2014	3/20/2016	3/10/2019
EXT19-0003	3/7/2019	4/25/2019	3/10/2022
EXT22-0001	3/10/2022	5/26/2022	3/10/2025

Cal. Gov't Code § 66452.6(e) increased the expiration date of projects such as the South Woodlands Tentative Final Map by 18 months, which would be September 10, 2026.

Development Agreement General Information

- **The primary purpose of a Development Agreement is to ensure that various aspects of the project (phasing, infrastructure, fees, approval timelines, etc.) are clearly outlined for all parties involved in the project.**
- **Typically, Development Agreements are adopted in conjunction with the processing of a development project.**
- **The development project is typically designed to incorporate a public benefit in exchange for the assurance provided by the Development Agreement.**
- **The developer's representative declined to provide the County any public benefit for entering into an after-the-fact Development Agreement and stated the benefit provided by the original project is adequate.**

Public Benefit Provided by Other Development Agreements

- **Boca Quarry :** Included payment from the applicant, Teichert Aggregates, for each ton of aggregate sold.
- **Ananda:** Included construction of a secondary/emergency access road, additional easements to neighbors for fire engine access, designation of open space for oak habitat mitigation, a recycling drop-off point, the development of a fire engine garage for the North San Juan Fire District, the maintenance of a helicopter landing pad, the maintenance of 30,000 gallons of fire water protection, and the use of the Village Community Center building as a Red Cross emergency/evacuation center.
- **Harmony Ridge:** Included the dedication of multiple trail easements and trail improvements, open space lots, and development of a future secondary emergency access route.
- **Deer Creek Park II (First DA approved after original project approval):** Included payment of special mitigation fees to the City of Nevada City for Boulder Street impacts, gift deeding over 40 acres of watershed property to the City of Nevada City for water quality protection, donation of a 330 acre timber management conservation easement to the Bear Yuba Land Trust along with the additional donation of a substantial endowment fund, and the construction of public access trails.

Why do Maps Expire?

- **Vested tentative maps establish certain rights for developers, such as being able to develop based on the rules in effect at the time the map was approved.**
- **Expiration dates for Tentative Final Maps are built into the Subdivision Map Act because over time, there may be changes in laws or regulations.**
- **Expired maps ensure that developments comply with up-to-date rules, including road and fire safety standards.**
- **Expiration of maps encourages developers to act within a reasonable time frame to begin construction.**

Reasons to Extend the Map

- **Although the Developer has not followed the staff's recommendation to provide a public benefit for entering into the Development Agreement, there is merit to extending the life of the map.**
 - **There is a housing shortage in the County and a map approved today in that location would likely result in the same style of residential development.**
 - **The standards the project is vested to are similar to the standards it would be held to if it was approved today. However, the secondary access to Lee Lane is vested to an older standard that allows the road to be 4 feet narrower than the current standards.**
 - **The project underwent environmental review and public input during the Planning Commission hearings that is substantially in alignment with the standards of today.**
 - **The original project includes the development of an important emergency access connection between Greenhorn Road and Idaho-Maryland Road.**

Environmental Review

- **The original environmental document fulfills the environmental review requirements of the current project as provided for in CEQA Guidelines Section 15162.**
- **The approval of this project reveals neither previously undisclosed significant environmental impacts nor a substantial increase in the severity of previously disclosed impacts.**

Planning Commission Action

- **On April 24, 2025, the Nevada County Planning Commission held a duly noticed public hearing to consider the South Woodlands Development Agreement.**
- **The developer's representative stated that the South Woodlands Map is being treated unfairly compared to other projects with associated Development Agreements.**
- **Planning Department staff explained that the circumstances of the projects and the Development Agreements associated with them are not the same.**
- **The Commission unanimously (4-0 Vote), one absent, recommended that the Board of Supervisors approve the Development Agreement to allow the South Woodlands Vesting Tentative Final Map an additional 3-years with two potential 3-year extensions of time.**

Summary

- **To approve a Development Agreement, a Finding must be made that entering into the proposed Agreement is in the public interest.**
- **Historically, this has meant providing public benefit beyond meeting the minimum standards required to approve the project initially.**
- **Although the Developer has not followed staff's recommendation to provide a public benefit for entering into the Development Agreement, there is merit to extending the life of the map.**
- **Due to the map being substantially similar to a map that would be approved today, the Planning Commission recommends entering into the Development Agreement to extend the expiration of the South Woodlands subdivision for the amount of time a new map would be approved for, which is 36 months with up to six years of extensions.**
- **Any greater extension, such as the applicant's proposed 10-year extension with a possibility of three 3-year extensions, would potentially conflict with the reasoning for map expiration under the State Subdivision Map Act and County Subdivision Ordinance as discussed previously.**

Recommendations

- I. **Project Action:** Introduce, waive further reading, and adopt the attached Ordinance approving the Development Agreement (MIS24-0015), pursuant to Nevada County Code, Section 12.05.180.E, based on the findings contained within the attached Ordinance (*Attachment 1*), to allow the South Woodlands Vesting Tentative Final Map an additional 3-years with two potential 3-year extensions of time.



NEVADA COUNTY

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Background on Extensions

- **A County or City has the ability to impose new conditions on an extension of time to a tentative map**
- **If a subdivider does not agree to a new condition, a County can deny the extension within its discretion under the reasonable exercise of the police power. If the County does so, the tentative map will expire and the subdivider will have to obtain a new tentative map that may have new conditions.**
- **Nevada County has approved two Extensions of Time for the South Woodlands Tentative Final Map and did not impose new conditions with either extension.**

County Fees for Tentative Final Map versus Development Agreement 2025

Tentative Final Map Minimum Fee	\$9,856
Development Agreement Minimum Fee	\$748.40