



**COUNTY OF SAN LUIS OBISPO  
DEPARTMENT OF PLANNING AND BUILDING  
STAFF REPORT**

*Promoting the wise use of land  
Helping build great communities*

**SUBDIVISION REVIEW BOARD**

MEETING DATE February 1, 2016	CONTACT/PHONE Jo Manson (805) 781-4660 jmanson@co.slo.ca.us	APPLICANT Lynn Byrd and Mark Daniels	FILE NO. CO 04-0209 SUB2004-00046
SUBJECT A request for a <b>second time extension</b> by <b>LYNN BYRD AND MARK DANIELS</b> for a vesting tentative parcel map to allow subdivision of two approximately ten acre parcels into four parcels of five acres each for the purpose of sale and/or development. The project will result in the disturbance of approximately 0.70 acres, and the division will create one on-site road. The project is in the Residential Rural land use category and is located on the northwest and northeast corners of Zenon Way and Halcyon Road at 512 Zenon Way and 1975 Viejo Road, northeast of the village of Palo Mesa, in the South County (Inland) planning area.			
RECOMMENDED ACTION Approve the <b>second time extension request</b> for Vesting Tentative Parcel Map CO 04-0209.			
ENVIRONMENTAL DETERMINATION A Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) was issued on August 1, 2005 for this project. The Negative Declaration was approved by the Subdivision Review Board on October 3, 2005.			
LAND USE CATEGORY Residential Rural	COMBINING DESIGNATION None	ASSESSOR PARCEL NUMBER 075-232-016 & 091-063-002	SUPERVISOR DISTRICT(S): 4
PLANNING AREA STANDARDS: Sec. 22.112.020 & 22.112.040 – South County Areawide and Rural Area (Areawide and Residential Rural Standards)			
LAND USE ORDINANCE STANDARDS: Sec. 22.22.06 – Residential Rural Subdivision Design			
EXISTING USES: Single family residence, two mobile homes, two outbuildings, barn			
SURROUNDING LAND USE CATEGORIES AND USES: North: Residential Rural / single family residence      East: Residential Rural / single family residence South: Residential Rural / single family residence      West: Residential Rural / single family residence			
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: Tentative vesting parcel map was originally referred to Nipomo Community Advisory Group, Public Works, Environmental Health, Ag Commissioner, County Parks, CDF, Nipomo Community Services District, APCD, Cal Trans, City of Arroyo Grande			
TOPOGRAPHY: Nearly level to moderately sloping		VEGETATION: Grasses, coast live oak trees	
PROPOSED SERVICES: Water supply: On-site well Sewage Disposal: Individual septic system Fire Protection: Cal Fire		ACCEPTANCE DATE: N/A	
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER γ SAN LUIS OBISPO γ CALIFORNIA 93408 γ (805) 781-5600 γ FAX: (805) 781-1242			

## **TIME EXTENSION REQUEST/PROJECT DESCRIPTION**

Vesting Tentative Parcel Map CO 04-0209 was approved by the Subdivision Review Board on October 3, 2005 and was set to expire on October 3, 2015. On October 6, 2015 planning staff sent a letter to the applicant, Mark Daniels, which indicated incorrectly that the expiration date for this parcel map was November 5, 2015, not October 3, 2015 (based on the date the Subdivision Review Board approved the first time extension not the date of initial approval).

On November 4, 2015, the applicant requested the **second one year time extension and paid the extension application fee**. Planning Department management staff determined that the applicant applied for the second one year time extension based on the expiration date specified in the October 6, 2015 letter, and that the Department would honor the second one year time extension request. If a time extension request is submitted on or before the expiration date, it remains valid until acted on by the decision making body.

Vesting Tentative Parcel Map (CO 04-0209) is a request by Lynn Byrd and Mark Daniels for a vesting tentative parcel map to allow subdivision of two approximately ten acre parcels into four parcels of five acres each for the purpose of sale and/or development. The project will result in the disturbance of approximately 0.70 acres, and the division will create one on-site road. The project is in the Residential Rural land use category and is located on the northwest and northeast corners of Zenon Way and Halcyon Road at 512 Zenon Way and 1975 Viejo Road, northeast of the village of Palo Mesa, in the South County (Inland) planning area.

This vesting tentative map is not yet ready to record. Additional time is necessary to comply with the conditions of approval. Time extensions for vesting tentative maps are discretionary; however, they have historically been processed as an administrative action and placed on the consent agenda for notification purposes for both the Subdivision Review Board and the public.

## **DISCUSSION**

### **The Subdivision Map Act & Real Property Division Ordinance**

The Subdivision Map Act provides that a conditionally approved vesting tentative map shall expire twenty-four (24) months after its conditional approval. The original expiration date was October 3, 2007. The first one year time extension extended the expiration date to October 3, 2008. With recent amendments, the Subdivision Map Act now allows up to six (6) one year discretionary time extensions (without legislative time extensions). The applicant must request each of the *discretionary* time extensions. This request is the applicant's **second discretionary one year time extension request**.

The Subdivision Map Act was amended in 2008, 2009, 2011 and 2013 to provide tentative maps with "automatic, state-mandated" extensions that are above and beyond the six (6) one year time extensions as follows:

Senate Bill 1185 (California Government Code Section 66452.21) – If a tentative map was approved before and not expired on July 15, 2008 and will expire between July 15, 2008 and January 1, 2011 – extends the tentative map twelve (12) months. Vesting Tentative Parcel Map CO 04-0209 was extended to October 3, 2009.

Assembly Bill 333 (California Government Code Section 66452.22) – If a tentative map was approved before and not expired on July 15, 2009 and will expire between July 15, 2009 and January 1, 2012 – extends the tentative map twenty four (24) months. Vesting Tentative Parcel Map CO 04-0209 was extended to October 3, 2011.

Assembly Bill 208 (California Government Code Section 66452.23) – If a tentative map was approved before and not expired on July 15, 2011 and will expire between July 15, 2011 and January 1, 2014 – extends the tentative map twenty four (24) months. Vesting Tentative Parcel Map CO 04-0209 was extended to October 3, 2013.

Assembly Bill 116 (California Government Code Section 66452.24(a)) – If a tentative map was approved after January 1, 2000 and not expired on July 11, 2013 extends the tentative map twenty four (24) months. Vesting Tentative Parcel Map CO 04-0209 was extended to October 3, 2015.

### **Staff Determination and Recommendation**

This time extension request has been reviewed by staff. It complies with The Subdivision Map Act and Section 21.06.010 of the Real Property Division Ordinance, and remains in compliance with the General Plan and County ordinances.

After review of the vesting tentative map, staff recommends to the Subdivision Review Board that the **second one year time extension** be granted to October 3, 2016 subject to the conditions of approval set by the Subdivision Review Board on October 3, 2005.

### **ATTACHMENTS**

Attachment 1 - Project Graphics

Attachment 2 - Notice of Final County Action, October 3, 2005

Report prepared by Jo Manson  
and reviewed by Terry Wahler, Senior Planner