



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

PLANNING COMMISSION

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

MEETING DATE November 10, 2016	CONTACT/PHONE Jo Manson 781-4660/jmanson@co.slo.ca.us	APPLICANT Randall McNamee	FILE NO. SUB2004-00300 Tract 2711
SUBJECT A request for a first time extension by Randall McNamee for Vesting Tentative Tract Map (Tract 2711) and a Conditional Use Permit to subdivide an existing 34.19 acre parcel into four clustered parcels of 2.5 acres each, and one open space parcel of 24.19 acres for the purpose of sale and/or development. The project will result in the disturbance of approximately 60,000 square feet of a 34.19 acre parcel. The division will create one on-site road. The proposed project is located at 3862 Highway 41 East, approximately 2 miles east of the community of Atascadero. The site is in the El Pomar/Estrella Sub-area in the North County Planning Area.			
RECOMMENDED ACTION Approve the first time extension request for Vesting Tentative Tract Map 2711 and Conditional Use Permit.			
ENVIRONMENTAL DETERMINATION A Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) was issued on July 12, 2007 for this project. The Negative Declaration was approved by the Planning Commission on October 29, 2007.			
LAND USE CATEGORY Residential Rural	COMBINING DESIGNATION None	ASSESSOR PARCEL NUMBER 034-461-002	SUPERVISOR DISTRICT(S) 5
PLANNING AREA STANDARDS: None			
LAND USE ORDINANCE STANDARDS: Ch. 22.10, 22.18, 22.22, 22.24			
EXISTING USES: Residential			
SURROUNDING LAND USE CATEGORIES AND USES: North: Agriculture / undeveloped East: Agriculture / residential South: Residential Rural / residential West: Residential Rural / residential			
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: Tentative vesting tract map and conditional use permit were originally referred to Public Works, Environmental Health, Agricultural Commissioner, County Parks, Air Pollution Control District, California Department of Transportation, Regional Water Quality Control Board, Atascadero Mutual Water			
TOPOGRAPHY: Moderately sloping to steeply sloping		VEGETATION: Grasses, scattered oaks	
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 Tract Map 2711 and Conditional Use Permit were approved by the Planning Commission on October 29, 2007 and are set to expire on October 29, 2016. On October 4, 2016, the applicant requested the **first one year time extension and paid the extension application fee**. If a time extension request is submitted on or before the expiration date, it remains valid until acted on by the decision making body. (A time extension for a tentative map also extends the life of the related conditional use permit if it is required as a part of the subdivision process).

Vesting Tentative Tract Map 2711 and Conditional Use Permit is a request by Randall McNamee to subdivide an existing 34.19 acre parcel into four clustered parcels of 2.5 acres each, and one open space parcel of 24.19 acres for the purpose of sale and/or development. One Transfer of Development credit will be used for this tract. The project will result in the disturbance of approximately 60,000 square feet of a 34.19 acre parcel. The division will create one on-site road.

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 Planning Commission 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 29, 2009. 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 **first 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 Tract 2711 and Conditional Use Permit were extended to October 29, 2010.

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 Tract 2711 and Conditional Use Permit were extended to October 29, 2012.

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 Tract 2711 and Conditional Use Permit were extended to October 29, 2014.

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 15, 2013 and will expire between July 15, 2013 and January 1, 2016 – extends the tentative map twenty four (24) months. Vesting Tentative Tract 2711 and Conditional Use Permit were extended to October 29, 2016.

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 Planning Commission that the **first one year time extension** be granted to October 29, 2017 subject to the conditions of approval set by the Planning Commission on October 29, 2007 in accordance with Resolution No. 2007-039.

ATTACHMENTS

Attachment 1 - Project Graphics

Attachment 2 - Planning Commission Resolution 2007-039

Staff report prepared by Jo Manson and reviewed by Terry Wahler, Senior Planner.