



Community Development Department
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For Meeting of: March 12, 2024

To: Planning Commission

From: Kevin Caldwell, Community Development Director

A handwritten signature in blue ink, appearing to be "K Caldwell", written over the name Kevin Caldwell.

Through: Kyle Knopp, City Manager

Date: February 7, 2024

Subject: Extension Approval of the Roscoe Subdivision; 98 Painter Street
File No. 052-162-016; Case No. PMS 21-02

Recommendation:

That the Planning Commission:

1. Receive staff's report regarding the proposed subdivision approval extension;
2. Open the public hearing, receive public input and deliberate;
3. Close the public hearing;
4. Adopt Resolution No. PC 175-2024 approving the requested extension for an additional 12 months. The extension shall expire one year after the effective date.

Discussion

The Planning Commission originally approved the Roscoe minor subdivision of a 2.59-acre parcel into four parcels: Parcel 1 - 6918 sq. ft.; Parcel 2 - 7,606 sq. ft.; Parcel 3 - 16,667 sq. ft.; and Parcel 4 - 91,789 sq. ft on January 18, 2022. The property is currently developed with three single-family residences. The eastern residence will be relocated to Parcel 2. Parcel 4 is vacant with no development proposed at this time. The parcels are provided with community water and sewer. A copy of the Tentative Map is included in **Attachment 1**.

Section 66452.6 of the Map Act and Section 16.15.130(2)(c) of the RDMC limits subdivision extensions to twelve (12) months. Both local regulations and the Subdivision Map Act allow a total of a three (3) year extension to the original two (2) year approval. The total life of a tentatively approved map is limited to five (5) years. **Attachment 2** includes a copy of the original staff report and conditions of approval.

Section 16.15.130(2) of the Rio Dell Municipal Code identifies the process for approving extensions, including application submittal, the required Planning Commission action, time limits of extensions, conditions of approval, potential appeals and cost recovery.

In reviewing requests for subdivision extensions, staff considers any changes in the original required findings. The original required findings are identified below:

- 1. That the proposed subdivision together with the provisions for its design and improvements is consistent with the City's General Plan; and*
- 2. That the proposed subdivision complies with the requirements and standards of the City's zoning regulations; and*
- 3. That the proposed subdivision complies with the requirements and standards of the City's subdivision regulations; and*
- 4. That the proposed subdivision is physically suitable for the type of development; and*

5. The proposed subdivision is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

Staff did refer the project to a number of agencies for comments and recommendations. The California Department of Fish and Wildlife (CDFW) requested an additional condition regarding the possibility of a tree being removed on the east side of the property. They recommended that the tree removal, if necessary occur outside of nesting season (generally March 15 – August 15) to avoid impacts to native resident and migratory birds. If that's not feasible, a qualified biologist shall survey for active bird nests no more than seven days prior to tree felling. If an active nest is found, the permittee should consult with CDFW regarding appropriate site-specific avoidance measures and buffer distances. If there is a lapse in project-related activities of seven days or more, the biologist should re-survey the area before work resumes. The project has been conditioned accordingly.

There have been no changes to the original required findings. The subdivision is still consistent with the General Plan, Zoning and Subdivision regulations. In addition, the subdivision (parcels) are suitable for their intended use and there is no evidence to suggest that granting the extension will cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

Staff determined that the original approval of the subdivision was Statutorily Exempt pursuant to Section 15315 of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations. Pursuant to Section 15315 of the CEQA Guidelines this exemption applies to the division of property in urbanized areas zoned for residential use into four or fewer parcels when the division is consistent with the General Plan and zoning and no variances or exceptions are required. There is no evidence to suggest that the extension of the original subdivision approval will result in a significant impact to the environment. Therefore, staff recommends that subdivision extension approval be found to be statutorily exempt pursuant to Section 15315 of the CEQA Guidelines.

Because there have been no changes in the General Plan, Zoning and Subdivision regulations which would affect the original approval, staff recommends that the Planning Commission approve a one (1) year extension to the approved subdivision. Accordingly, the subdivision will expire one year after the effective date of the Planning Commission's decision.

Attachments:

Attachment 1: Tentative Parcel Map.

Attachment 2: Original Staff Report and revised Conditions of Approval to reflect CDFW's recommendation.

Attachment 3: Resolution No. PC 175-2024