



COUNTY OF LAKE
COMMUNITY DEVELOPMENT DEPARTMENT
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Item #6b
9:20 AM
June 27, 2024

STAFF REPORT

TO: Planning Commission

FROM: Mireya G. Turner, Director
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Prepared by Max Stockton, Assistant Planner II

DATE: June 27, 2024

SUBJECT: Valley Oaks Tentative Subdivision Map Extension (SDX 24-01) to extend Subdivision (SD 06-01), located at 18761 Hartmann Road and 18196 and 18426 South State Highway 29, Middletown (lots 24, 36 and 51) APNs 014-260-51, 014-260-36 and 014-260-24.

ATTACHMENTS:

1. Vicinity Map
2. Updated Conditions of Approval
3. Original Conditions of Approval
4. Vesting Subdivision Map
5. Original Approved Tentative Subdivision Map
6. Agency Comments

I. EXECUTIVE SUMMARY

The applicant, Valley Oaks Land and Development Inc., is requesting a map extension to the approved Valley Oaks Tentative Subdivision Map (SD 06-01), that was approved by the County of Lake in 2018. The California Subdivision Map Act allows the granting of extensions for a period or periods not exceeding a total of six years. The Subdivision Map Act requires the developer of any "subdivision" to submit a tentative map, comply with appropriate local ordinances, and if an applicant's tentative map is approved, file a final subdivision map. Each filing extends the life of the underlying tentative map for three years, thus a staged map, with at least four stages, can be extended for up to 10 years.

The Subdivision Map Extension for consideration does not propose modification of any of the previously approved entitlements, nor does it propose development.

II. PROJECT DESCRIPTION

Applicant: Valley Oaks Land and Development Inc.

Location: 18761 Hartmann Road and 18196 and 18426 South State Highway 29, Middletown (lots 24, 36 and 51)

<u>APNs:</u>	014-260-51, 014-260-36 and 014-260-24
<u>Zoning:</u>	“O-FF-SC-FW-PDR-PDC” Open Space; Flood Fringe Combining; Scenic Combining; Floodway Combining; Planned Development Residential; Planned Development Commercial Districts
<u>General Plan:</u>	Agriculture, Suburban Residential Reserve, Low Density Residential, Resource Conservation and Public Facilities
<u>Supervisor:</u>	District 1
<u>Topography:</u>	The project area is located within a rural area of the County of Lake with slopes that range from approximately 0% to greater than 10%.
<u>Flood Zone:</u>	“AE” – Floodway and “AO” Special Flood Hazard Areas

Background. The overall Valley Oaks Project has an extensive history of subsequent entitlements and actions taken by the Planning Commission and Board of Supervisors, spanning from 2005 through 2020. For brevity, a summary of actions specifically related to the approved subdivision (SD 06-01) and requested extension for consideration (SDX 24-01) is provided below.

- January 25, 2018 – Valley Oaks Tentative Subdivision Map SD 06-01; General Plan Amendment (GPAP 05-03); General Plan of Development (GPD 05-01); Rezone (RZ 05-02) from Agricultural District (A) to Planned Development Residential (PDR); Planned Development Commercial (PDC) Districts; and Use Permit for Specific Plan of Development (UP 19-09) for the division of approximately 150 acres to create 380 residential lots and one large commercial lot (47 acres) was approved by the Board of Supervisors. A Final Environmental Impact Report (SCH No. 2007032030) for the project was also certified.
- May 26, 2020 – Two-year extension to SD 06-01 was approved by the Board of Supervisors after being recommended for approval by the Planning Commission on April 9, 2020. No new conditions of approval were added to the approved extension other than to amend the expiration date of the subdivision.
- October 5, 2022 – The second extension application, for a period of one-year, to SD 06-01 was granted by the Board of Supervisors after being recommended for approval by the Planning Commission on August 22, 2022. This extension expires on January 25, 2024.
- June 8, 2023 – Parcel Map (PM 21-33) was approved by the Planning Commission as a tentative vesting map to create one more commercial parcel.
- November 7, 2023 – A modification (MMU 22-01) of SD 06-01 was approved by the Board of Supervisors after being recommended for approval by the Planning Commission on June 8, 2023, to add Accessor Parcel Number 014-260-24 as a secondary access point to the subdivision.

Components of the Approved Subdivision (SD 06-01). The approved Valley Oaks project consists of 47 acres of mixed-use commercial development. The commercial portion of this

project was intended to be developed in stages over a five-year period. The first land use development of five “village commercial” parcels encompass approximately 47 acres of the project site, and includes the following anticipated development:

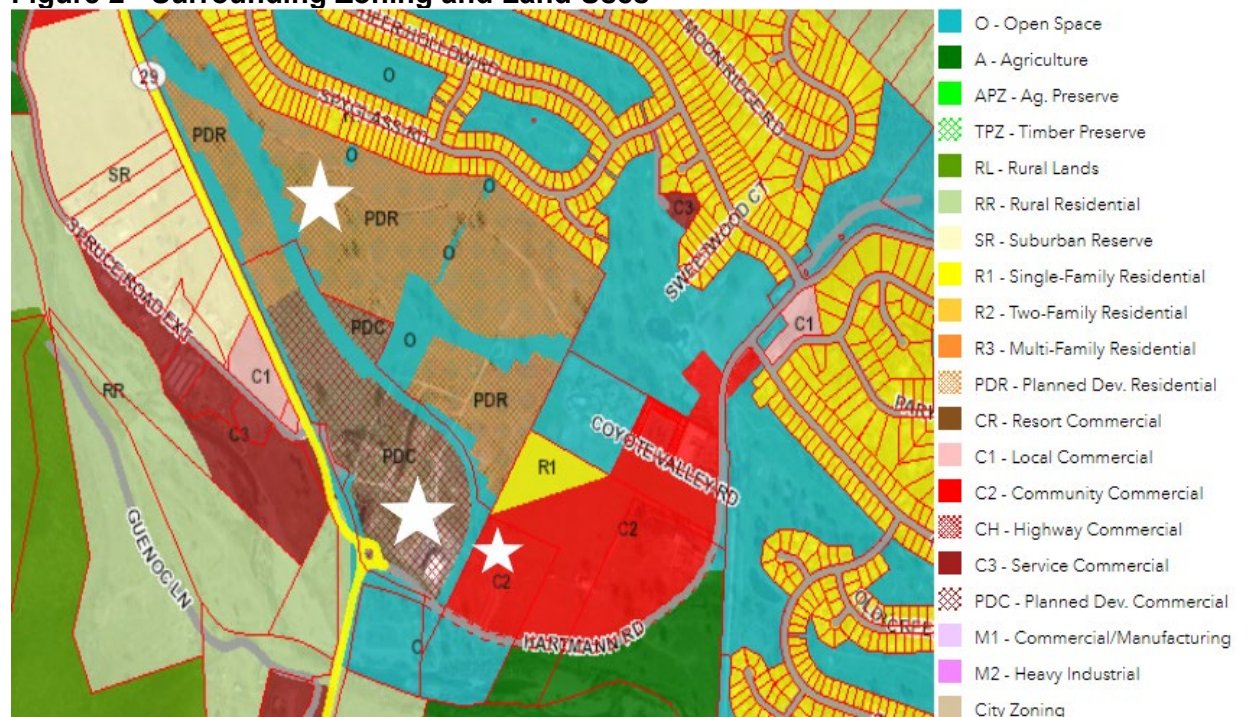
- 105,000 to 120,000 sf of retail space that includes a grocery store, drug and general merchandise store, and other retail uses;
- 85,000 to 110,000 sf of commercial uses that include a movie theater, motel, and general office uses;
- A 49-bed senior care/ assisted living facility; and
- Proposed recreational and open space improvements that include a 19.82-acre linear park, a 3.26-acre centrally located active recreation park, a 0.5-acre open space park, and a 5.31-acre frontage trail and park area along California Highway 29.

Since approval of Subdivision SD 06-01, a Specific Plan of Development (UP 19-09) and an Addendum to the certified EIR for development of an 18,000 square foot (sf) Grocery Outlet store on the 47-acre commercial lot was approved by the Planning Commission in 2020; the Grocery Outlet completed construction and is currently in operation. The remaining two lots remain undeveloped. No development is proposed at this time.

Figure 1- Aerial Imagery



Figure 2 - Surrounding Zoning and Land Uses



Source: Lake County GIS

Surrounding Land Uses and Zoning

- **North:** The parcels to the north are zoned “R1” Single-Family Residential District and “O” Open Space. The parcel sizes range from approximately 0.2 acres to greater than twelve acres in size.
- **South:** The parcels to the south are zoned “O” Open Space, “R1” Single-Family Residential District and “C2” Community Commercial District. The parcel sizes range from approximately seven (7) acres to greater than fourteen acres in size.
- **West:** The parcels to the west are “RR” Rural Residential, “SR” Suburban Reserve, “C1” Local Commercial “C2” Community Commercial, “C3” Service Commercial District. The parcel sizes range from approximately 0.44 acres to greater than thirty-two acres in size.
- **East:** The parcels to the west are “RL” Rural Lands. The parcel sizes range from approximately thirteen acres to greater than thirty-six acres in size.

III. PROJECT ANALYSIS

Lake County General Plan and Middletown Area Plan

At the time of the original Subdivision, Rezone, General Plan Amendment, and General Plan of Development approval, the Planning Commission and the Board of Supervisors found the project to be in compliance with the General Plan and the Middletown Area Plan. The proposed Subdivision Map Extension does not propose any changes to the previous approvals, nor does it propose development at this time. As such, the proposed Subdivision

Map Extension would remain consistent with the previous analyses and the General Plan and Middletown Area Plan.

Lake County Zoning Ordinance

The original approved rezone changed the parcels from “PDR” – Planned Development Residential to “C2” – Community Commercial with the intent of providing more commercial opportunities, along with the proposed residential uses. The proposed Subdivision Map Extension does not propose any changes to the previous approvals, nor does it propose development at this time. As such, the proposed Subdivision Map Extension would remain consistent with the previous analyses and Zoning Code.

Lake County Subdivision Ordinance

SEC.17-22.9 (b) Upon application of the subdivider filed prior to the expiration of the approved or conditionally approved tentative map, the time at which such map expires may be extended by the Planning Commission for a period or periods not exceeding a total of three years.

The applicant has been approved for two previous extensions; therefore, this project has previously been permitted for the duration allowable by the Lake County Subdivision Ordinance. The proposed third request for extension may be granted in accordance with California Government Code Sec. 66452.6 (e), as described below, to enable a third and final extension of the originally approved (SD 06-01) for a duration not exceeding a period of six years.

California Government Code

As described in California Government Code, Sec. 66452.6 (e), “Upon application of the subdivider filed before the expiration of the approved or conditionally approved tentative map, the time at which the map expires pursuant to subdivision (a) may be extended by the legislative body or by an advisory agency authorized to approve or conditionally approve tentative maps for a period or periods not exceeding a total of six years. The period of extension specified in this subdivision shall be in addition to the period of time provided by subdivision (a). Before the expiration of an approved or conditionally approved tentative map, upon an application by the subdivider to extend that map, the map shall automatically be extended for 60 days or until the application for the extension is approved, conditionally approved, or denied, whichever occurs first.”

The aforementioned section of the California Government Code is referenced to allow the proposed Subdivision Map Extension beyond the three (3) years allowed within the County Subdivision Ordinance, to a total of six (6) years. The Government Code notes that the County may be more restrictive than the Government Code, but may also be reasonable and allow flexibility, so long as the County does not exceed the California Government Code.

Valley Oaks has seen progress and overcome changes to support an extension past three (3) years. Therefore, the additional extension of two 2 years can be supported.

IV. ENVIRONMENTAL REVIEW

The original subdivision and Valley Oaks Project was analyzed within the Environmental Impact Report (EIR) prepared for the project (SCH No. 2007032030). The EIR included a characterization of tax lots 014-260-51 (commercial) and 014-260-36 (residential). APN: 014-260-24 was not included within the EIR. An addendum to the EIR was approved by the Board of Supervisors on March 3, 2020 for a subsequent entitlement (Grocery Outlet Project UP 19-09).

CEQA requires analysis of agency approvals of discretionary "Projects." A "Project," under CEQA, is defined as "the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment" (State CEQA Guidelines Section 15378). The proposed project consists of an extension of time for a previously-approved subdivision and associated approvals to allow for residential and commercial development that are reasonably foreseeable to result in environmental impacts. Therefore, the proposed Subdivision Map Extension is a "project" under CEQA. However, the proposed Subdivision Map Extension does not include changes to the previously approved documents, nor does it propose development. As such, the proposed Subdivision Map Extension requires no further environmental review pursuant to State CEQA Guidelines Section 15162 (Subsequent EIRs and Negative Declaration), which provides that when an EIR has been certified for an adopted project, no subsequent analysis shall be prepared for that project when the lead agency determines on the basis of substantial evidence in light of the whole record, that there are no new significant environmental effects due to a change in the project or circumstances, and there is no new information of substantial importance as identified in Section 15162(a)(3).

V. RECOMMENDATION

Staff recommends that the Planning Commission recommend that the Board of Supervisors approve a third and final extension of Subdivision Map (SD 06-01) for a period of two-years with the following findings:

1. This project is consistent with the Lake County General Plan, Middletown Area Plan, Zoning Ordinance, Subdivision Ordinance, and the California Government Code.
2. This time extension request is consistent with the Lake County Subdivision Ordinance and the State Subdivision Map Act.
3. The subdivision map is still compatible with neighboring land uses.
4. Because no development is proposed and there has been no substantial change in circumstances resulting in new significant environmental impacts since the EIR for the Valley Oaks Project (SCH No. 2007032030) was certified. Per CEQA Guidelines Section 15162(a)(3), no additional analysis is required.

Sample Motion:

Time Extension

I move that the County of Lake Planning Commission recommend that the Board of Supervisors approve a third and final extension of Subdivision (SD 06-01) for a period of two-years, with the findings listed in the Staff Report dated June 27, 2024.

***NOTE:** The applicant or any interested person is reminded that the subdivision ordinance provides for a fifteen (15) calendar day appeal period. If there is a disagreement with the Planning Commission, an appeal to the Board of Supervisors may be filed. The appropriate forms and applicable fee must be submitted prior to 5:00 p.m. on or before the fifteenth calendar day following the Commission's final determination.*