



COUNTY OF LAKE

COMMUNITY DEVELOPMENT DEPARTMENT

Planning Division

Courthouse - 255 N. Forbes Street

Lakeport, California 95453

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Item #9

9:45 a.m.

July 14, 2022

STAFF REPORT

TO: Planning Commission

FROM: Mary Darby, Community Development Director
Prepared by: Eric Porter, Associate Planner

DATE: July 14, 2022

SUBJECT: Valley Oaks, 'Village 2' Parcel Map (commercial land)
Supervisory District 1

ATTACHMENTS:

1. Agency Comments
2. Vicinity Map
3. Proposed Tentative Map Conditions
4. Proposed Tentative Parcel Map
5. Approved Tentative Subdivision map
6. Final Environmental Impact Report (FEIR) (available upon request)
7. Final Environmental Impact Report (FEIR) Addendum
8. Emergency Access Easement (text)
9. Emergency Access Easement (map)

I. PROJECT DESCRIPTION

Project Name: Valley Oaks, 'Village 2'

Application: Parcel Map PM 21-31, FEIR, Addendum and Categorical Exemption to CEQA for the land division

Applicant: Valley Oaks Partners, LLC / Keith Gapusan

Owner: Same as applicant

Project Summary: Division of a 47 acre parcel to create three parcels and a large remainder parcel. Parcel 1 (shown as Lot 1 on the parcel map) would be $\pm 26,320$ sq. ft. in gross area. Parcel 2 (shown as Lot 2) would be $\pm 69,000$ sq. ft. in gross area, and Parcel 3 (shown as Lot 3) would be $\pm 82,000$ sq. ft. in gross area. The remainder parcel, shown as Lot G, would be $\pm 21,500$ sq. ft. and would not be developed. Staff recommends approval.

Location: 18426 S. Highway 29, Middletown, CA
A.P.N.: 014-260-51
General Plan: A and PF, Agriculture and Public Facilities
Zoning: "O-FF-SC-FW", Open Space-Scenic Combining-Flood Way.
"PDR-SC-FF", Planned Development Residential - Scenic Combining - Floodway Fringe
"PDC-FF"; Planned Development Commercial - Floodway Fringe
Flood Plain: AO

II. BACKGROUND

Original Submittals. The subject sites are located within the Middletown Area Plan and include a County of Lake 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) and Planned Development Commercial (PDC) Districts.

On January 25, 2018, the County of Lake Planning Commission approved a tentative subdivision map for the division of approximately 150 acres to create 380 residential lots and one large commercial lot. The 47 acre commercially-zoned portion was subsequently approved for a new 18,000 sq. ft. Grocery Outlet store. The developer has also applied for a Parcel Map to separate the Grocery Outlet lot and two other commercial lots from the 47 acre 'parent property' that is commercially zoned.

Subdivision. A tentative subdivision map for the Valley Oaks Subdivision (file no. SD 06-18) was approved by the Planning Commission on January 25, 2018. The California Subdivision Map Act allows the granting of extensions for a period or periods not exceeding a total of eight years. The proposed first extension was for two years. On April 9, 2020 the Planning Commission recommended an approval of the extension to the Board of Supervisors. On May 26, 2020, the Board of Supervisors granted the first extension to this subdivision. No new conditions of approval were added for the first extension.

The applicant has subsequently applied for a second one-year extension request to the overall subdivision.

Modification. The applicant has applied for a modification to add a 14+ acre lot immediately east of and abutting APN: 014-260-51, known as APN: 014-260-24. This lot was shown in the use permit application for Grocery Outlet (UP 19-09), but has never been formally added into the Valley Oaks Subdivision. The northern 8 acres of this lot would be used to provide a secondary access to the commercial portion of the Valley Oaks development ("Village 2"), and to provide drainage for a future proposed project to permit the realignment of Coyote Creek. Review of this modification will occur by a separate public hearing at a later date.

Grocery Outlet Use Permit. On February 18, 2020, a Use Permit for Specific Plan of Development (UP 19-09) was approved by the Planning Commission for the first phase of the commercial development. The development consisted of an 18,000 sq. ft. building for use by Grocery Outlet on the 47 acre commercially-zoned portion of the Valley Oaks development. The use permit was appealed, and the Board of Supervisors denied the appeal on March 3, 2020, which allowed the Grocery Outlet building construction to proceed. The Grocery Outlet store was completed as of June 13, 2022.

Components of the Subdivision. The Valley Oaks project consists of a planned development that includes 47 acres of mixed-use commercial and a residential community. The project would be developed in stages over a period of at least five years. The first Specific Sub-Plan (UP 19-09), single phase or parcel of Development for the Valley Oaks project was approved on February 18, 2020 for a Grocery Outlet store. Development of five "village commercial" parcels that encompass approximately 47 acres of the project site, including:

- 105,000 to 120,000 square feet of retail space that will include a grocery store, drug and general merchandise store, and other retail uses;
- 85,000 to 110,000 square feet of commercial uses that include a movie theater, motel, and general office uses;
- a village commercial area that will include a 49-bed senior care/assisted living facility; and,
- proposed recreational and open space improvements 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 Highway 29.

This parcel map was not part of the original subdivision that was permitted by the County of Lake, and is a separate action from the subdivision map and extension. See map next page.

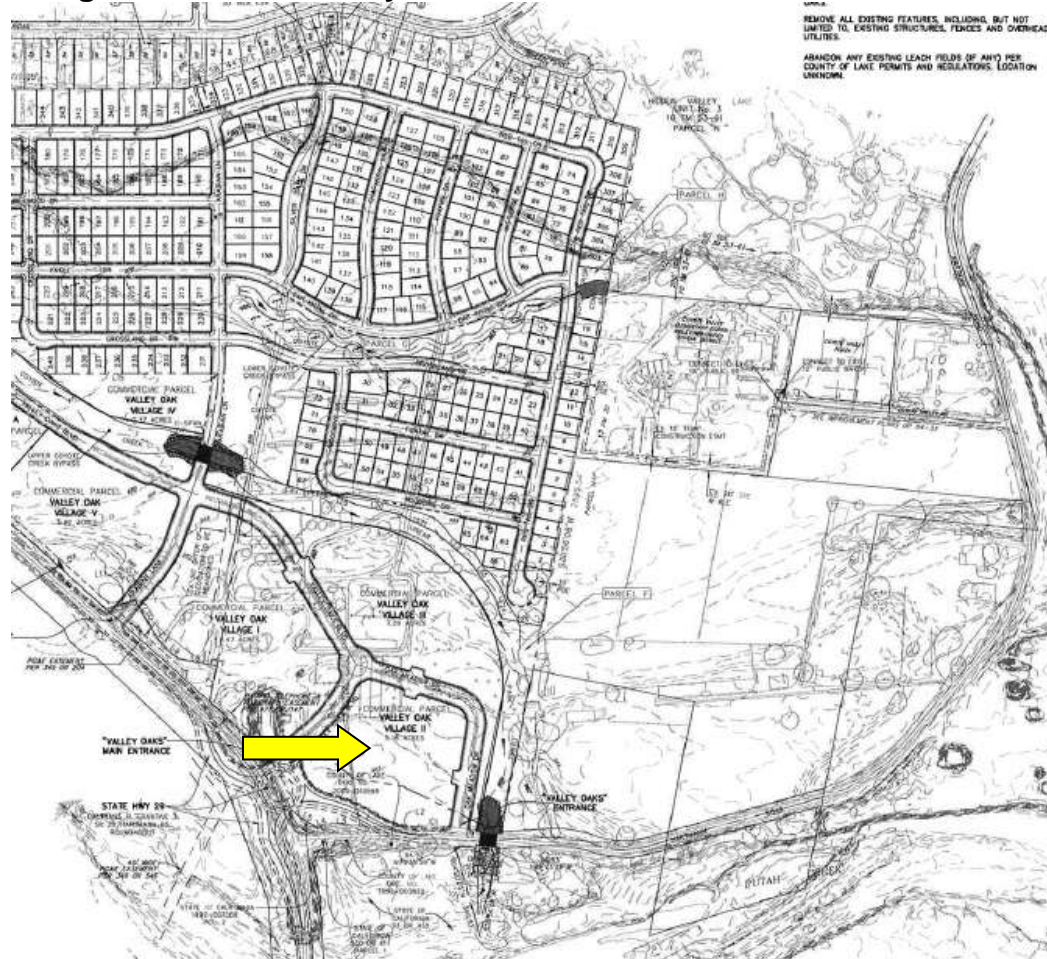
CEQA Evaluation. The Planning Commission approved the project sites associated with the prepared FEIR (2019) which include tax lots 014-260-51 (commercial) and 014-260-36 (residential). APN: 014-260-24 was not included in the FEIR (2019) but was included in the FEIR Addendum. In addition, an amended Traffic Study was prepared by W-Trans to support the Grocery Outlet commercial use permit. The actions involved a County of Lake General Plan Amendment (GPAP 05-03, a Rezone from "A" to "PDC-DR" and "PDR" (RZ 05-02); General Plan of Development (GPD 05-01), Use Permit for Specific Plan of Development (UP 19-09); and Tentative Subdivision Map (SD 06-01). An Addendum to the FEIR was prepared for the Grocery Outlet commercial land use in 2019, and was approved by the County.

Issues with the Subdivision. The County approved tentative map shows an access to the property that leads directly to the California Highway 29 / Hartmann Road roundabout. However, the applicant did not receive approval of this access point by CalTrans. This access point was intended to be the primary access to the commercial portion of the permitted development. As a consequence, the applicant prepared an alternative accessway that showed a relocated accessway on 'Oak Meadow Drive', a route that was never approved by the County Public Works Department or the

Valley Oaks, "Village II" Parcel Map

Community Development Department. The alternative route on Oak Meadow Drive used a lot that was not part of the original subdivision nor was this route described and evaluated in the FEIR (2018). The Oak Meadow Drive accessway to the commercial property was evaluated for CEQA compliance during the 2019 Addendum that accompanied the Grocery Outlet use permit.

Village II Portion of Valley Oaks Subdivision



Source: Application Materials Submitted for Subdivision Extension

The situation was somewhat remedied by the Grocery Outlet application (File No. UP 19-09), which required an analysis of the secondary access to Oak Meadow Drive rather than directly to the roundabout, which is under dispute with CalTrans. W-Trans prepared a traffic study that evaluated the Oak Meadow Drive accessway. The Traffic Study determined the accessway to Oak Meadow Drive as a viable alternative to access the Grocery Outlet commercial site. However the tentative map 'revision' was substantially non-compliant with the County's subdivision approval because of the new lot (APN: 014-260-24) located southeast of the subdivision property that was added to the project area without the required review and approval by the County.

The applicant proceeded to make road improvements to this area with no inspection from the County of Lake Public Works Department. Consequently the County would not

accept any right-of-way dedications for any of the internal roads, which shall remain privately owned and maintained.

Parcel Map



Source: Parcel Map Material Submitted by Applicant

During the first subdivision extension hearing in 2020, the Director of the Public Works Department expressed concerns over the proposed changes to the tentative subdivision map that were not submitted to the department for review. The proposed changes were also not submitted to the Community Development Department to review. Assistant Planner Victoria Kim wrote a letter to the developer, KIMCO dated June 15, 2020, that requested a revised tentative subdivision map that showed the new road alignment and accessway and the addition of the eastern property (APN 24). The applicant has provided an amended tentative subdivision map to the County for review and consideration on April 21, 2022, which is referenced in File No. SDX 22-01.

Recommendation. Staff recommends that this parcel map is brought to the Board of Supervisors concurrently with the subdivision extension for Valley Oaks subdivision, file no. SDX 22-01, but that the modification to add lot 014-260-24 occurs through a separate and independent process. Several Conditions of Approval are added within this extension request. These conditions are as follows:

- (1) That no further extensions to this subdivision occur until the revised tentative map is submitted to and accepted by the County and is recorded;
- 2) That no further division of land, including the commercial parcel map that was submitted, until the revised tentative subdivision map is submitted to and accepted by the County until the access issues with CalTrans and the County are fully resolved; and,
- (3) That no development permits are issued for this project by the County until the revised tentative map is submitted to, approved by County of Lake and is recorded.

Event Time-Line

Date	Event	Comment
8-25-2018	GPAP 06-02, 14-02, RZ 04-03 and GPD 06-01 were approved	Signed conditions on file
1-25-2018	County approved subdivision SD 06-01	Signed conditions on file
5-22-2018	UP 17-05, Specific Plan of Development was approved	No signed conditions
10-24-2019	Use Permit 19-09 for Grocery Outlet was approved by the Planning Commission; appealed to BOS	
3-3-2020	Board denied the appeal	
4-9-2020	PC recommended a two-year extension to the subdivision	
6-15-2020	Staff sent letter to Valley Oaks team requesting a revised subdivision map	The map was finally submitted on 4-21-2022
6-16-2020	BOS approved a two year extension for subdivision	
4-1-2022	Additional 1 year extension submitted	
4-22-2022	Staff met to discuss Valley Oaks issues	DPW requested specific conditions and withheld comments pending PC review. Recommended conditions are below this table.
5-23-2022	Applicant submitted modification app to allow tax lot 24 to be added to the overall subdivision boundary for secondary access	

General comments:

1. The County approved tentative map shows access directly to the roundabout, which was never agreed-to by CalTrans; has not been built and does not exist.
2. The additional lot to the east (APN 24) has been used to gain access to the commercial portion of the subdivision, but has not been formally accepted as part of the Valley Oaks Subdivision. The 2019 W-Trans traffic study submitted for Grocery Outlet took this lot into consideration along with Oak Meadow Drive, however this eastern lot was not part of the County approved subdivision map. The Oak Meadow Drive access was evaluated during the 2019 Addendum to the FEIR. The Traffic Study showed that the Oak Meadow Drive alignment is a feasible accessway, but this access point is not in

substantial compliance with the County approved subdivision map, nor was it inspected or approved by the County Department of Public Works.

3. Modification of the County approved tentative subdivision map has been submitted to the County for review and consideration, but will be considered through a separate process that will occur at a later date. The modification of the approved tentative subdivision map that shows the actual street configuration and land area involved with the subdivision (primarily the access to Hartmann Road via adjacent lot 014-260-24) that was submitted to, and requires review and approval by the County Department of Public Works and Community Development Department; and,
4. Substantial road construction occurred without inspection by the County Department of Public Works. Due to the lack of inspections and due to budgetary constraints, the DPW is not recommending that the County accept the interior roads as County roads and seeks for them to remain privately maintained.

III. GENERAL PLAN CONFORMANCE

Chapter 3 – Land Use

Policy LU-1.1 Smart Growth

The County shall promote the principles of smart growth, including:

- directing growth toward existing communities;
- discouraging sprawl; and,
- encouraging infill

Response: *Valley Oaks is located within the Hidden Valley Lake Urban Growth Boundary and is on land intended for commercial development. This site is surrounded by a mix of commercial and residential zoning, and is well suited for commercial development.*

Policy LU-1.2 Innovative Development

The County shall promote flexibility and innovation through the use of planned unit developments, development agreements, specific plans, mixed use projects, and other innovative development and planning techniques.

Response: *In order to enable some flexibility with the commercial uses on the site the applicant has undergone a zone change from Agriculture to Planned Development Commercial (as well as Planned Development Residential and Open Space),. The three lots to be created will likely have traditional retail uses on them. One lot has a Grocery Outlet that was recently completed. Although the actual proposed land uses are not known at this time the other two lots will likely have traditional retail.*

Policy LU-4.8 Travel Oriented Visitor Commercial Uses

The County shall require free-standing, travel oriented visitor commercial uses (e.g., entertainment, commercial recreation, lodging, fuel) to be located in areas where traffic patterns are oriented to major arterials and highways. Exceptions may be granted for resort or retreat related developments that are sited based on unique natural features.

Response: *The Valley Oaks site is suited for tourist-oriented uses as it is located on California Highway 29. The developer has not specified whether any of these land uses will be built. There is the opportunity for tourist-oriented businesses to locate on the commercially zoned portions of the 47 acre commercially zoned land in the future.*

IV. MIDDLETOWN AREA PLAN CONFORMANCE

Chapter 5 – Community Development

Objective 5.1.1 Encourage comprehensive economic development that includes a high level of community participation to the long range benefit of the Planning Area with a balanced and diverse mix of commercial, manufacturing, residential, tourism and agriculture.

Policy 5.1.1 a Economic development proposals should involve a high level of community participation.

Response: *Valley Oaks has undergone extensive public hearings for the rezone, General Plan Amendment, general plan of development, specific plan of development, subdivision, Grocery Outlet (including an appeal), and one subdivision extension. The County has consistently supported this development by approving applications that were submitted.*

4.1.2 Encourage development of well-designed retail and service uses that attract both tourists and local patrons and which are conveniently located to serve residential areas. [GP Goal LU-4]

Policy 5.1.2a Centrally located businesses and services shall be encouraged in locations that conveniently serve residential areas and foster and support the revitalization or creation of town centers.

Response: *Valley Oaks is located near Hidden Valley Lake, and is within a reasonable driving distance from Middletown. Both are populated urban areas, and can support retail development associated with this parcel map and future new commercial uses.*

II. LAKE COUNTY CODE, CHAPTER 17, SUBDIVISIONS

Sec. 17-21. - Division of Land (Parcel Maps).

21.1 The Planning Commission shall have all the powers and duties given to or specified for the Subdivision Committee in this Chapter. The Planning Commission should consider the comments of the following persons or departments prior to taking action: The Public Works Director or his designated representative; the County Health Officer or his designated

representative; the Lake County Fire Chief's Association's representative; the Resource Conservation District's representative; and any other County department or agency the Planning Commission deems necessary.

Response: *This request will be reviewed by the County of Lake Planning Commission, and will potentially be brought to the Board of Supervisors upon the Planning Commission's recommendation for approval due to a concurrent extension requested by the applicant, which requires Board of Supervisor's approval.*

- 21.2 Tentative maps and final Parcel Maps, as set out in the Subdivision Map Act, shall be prepared and filed with the County Surveyor, as required by this Section, to accomplish any division of land.

Response: *Complies. The maps were prepared by Cinquini and Passarino, Inc., professional land surveyors.*

- 21.3 Division of land by this Section shall be governed as to design by Articles V and VI and as to improvements by [Section 17-28](#).

- (1) Division of land under this Section shall provide a fifty (50) foot minimum width right-of-way easement together with an irrevocable offer of dedication for access over properties outside the land covered by the Parcel Map or waiver, to the nearest public road.

Response: *In order to prepare access roads leading to and roads within to the commercial development site area, the applicant is proposing to dedicate a portion of Hartmann Road, all of Oak Meadow Road, and all of Valley Oaks Boulevard. The right-of-way dedication, however, is not supported by County of Lake Public Works Department, who is recommending that these roads remain privately maintained.*

- (2) Notwithstanding the provisions of [Section 17-28](#), pertaining to road or street improvements, divisions of land under this section shall provide improved streets, roads or rights-of-way from a county or state maintained road to and within the land covered by the Parcel Map or waiver, based on the following guidelines:
- (a) Existing roads and their improvements, if any, must be preserved in addition to such work that might be required by this chapter. Should the improvement work damage existing improvements, the existing improvements must be restored to their condition which existed immediately before development. The standards for improvements shall be as follows:

Response: *The applicant has done road improvements with no County inspection by the County of Lake Public Works Department. This Parcel Map can resolve this lack of inspection by requiring inspections on all roads that the developer will use for interior or exterior public access. All inspection fees and possible fines required by Public Works shall be paid prior to recording the final map unless bonding is authorized by the review authority of the County.*

- i. As set forth in the adopted Road Design and Construction Standards, parcel maps creating parcels, any of which contain less than five (5) gross acres, shall be required to improve new roads to the applicable minor road standard. Should the project burden an existing improved road, the existing improved road shall be improved to the applicable minor road standard to the nearest publicly maintained road or highway. Should the existing improved road already meet or exceed the applicable minor road standard, the existing road shall be improved by the application of a chip seal or slurry seal to the nearest publicly maintained road. The chip seal or slurry seal shall not be applied until the existing surfacing has been adequately prepared. Preparation may include patching, crack sealing and/or other preparatory work required by the Director of the County of Lake Public Works Department.

Response: *Hartmann Road, Oak Meadow Drive and Valley Oaks Boulevard will need to be improved to minor collector road standards to provide access to and within this commercial development. Unless the County of Lake authorizes bonding for these road improvements, all improvements shall be completed prior to recordation of the parcel map.*

- ii. (not applicable)
- iii. Where the land development lies in an area of the County where the General Plan provides for future, more intensive development, or where street or road patterns are already established, and an increase in traffic anticipated, the Subdivision Committee may require street or road improvement to a higher standard than the applicable parcel size would ordinarily require, so as to meet the anticipated future demands.

Response: *A 2019 Traffic Study was prepared by W-Trans for the Grocery Outlet store that received County approval under use permit UP 19-09. This Traffic Study was an Addendum to the original Traffic Study for the entirety of Valley Oaks development (2011), and took into consideration the eventual development of the three lots that are created by this action.*

- (3) (not applicable)
- 21.4 Tentative Parcel Map Information. A legible, reproducible tentative map, drawn to scale on a sheet 18" × 26" in size shall be prepared and submitted showing:
- (a) Name, address and phone number of record owner and person filing the map; the parcel map designation of the proposed division and the name and address of the licensed land surveyor, registered civil engineer or other qualified professional who prepared said tentative map.

Response: *Provided*

- (b) Name and legal designation of tract or grant in which the division is located, and ties to adjoining streets.

Response: *Provided*

- (c) Any other data necessary for the intelligent interpretation of the conditions existing and the location of recorded points, lines and areas shown, including but not limited to:
 - (1) The contour of the land at intervals of one (1) foot of elevation up to five percent (5%) slope; two (2) foot intervals up to ten percent (10%) slope and five (5) foot intervals over ten percent (10%). A statement as to the degree of ground slope may be submitted, in lieu of contours, for any Division of Land into four or less parcels.

Response: *Provided*

- (2) Sufficient data to determine boundaries of division accurately.

Response: *Provided*

- (3) Width, location, purpose of all existing and proposed easements.

Response: *Provided*

- (4) The width, grade of all streets and other right-of-way, whether proposed for dedication or existing.

Response: *Provided. However, it is important to note that all roads will remain privately maintained and shall not be dedicated to the County of Lake.*

- (5) The approximate radii of all curves.

Response: *Provided*

- (6) The locations of areas subject to flood or inundation.

Response: *Almost all of the entire property is located within the 'AO' flood plain. Any development occurring in this flood plain will require a base elevation certificate and engineered building footings.*

- (7) Approximate elevations of street intersections.

Response: *At least two future street intersections are affected by this proposal (Hartmann and Oak Meadow Drive, and Oak Meadow and Valley Oaks Blvd.). The applicant needs to submit engineered plans for all intersections, as well as all public roadways that the applicant intends on using, to the County of Lake Public Works Department for review and approval prior to final map recordation.*

- (8) The location, size, and grades of proposed sewers, water lines, storm drains, storm water facilities and BMP structural source and treatment controls.

Response: *This is required as a condition of approval.*

- (9) Location of all proposed fire hydrants in accordance with "Fire Protection Standards for Lake County," adopted by the Board of Supervisors.

Response: No fire hydrants are shown on the submitted plans for the parcel map. CalFire, CalTrans and Public Works were contacted about this proposal on December 21, 2021. These public agencies did not indicate that fire hydrants are needed for this project.

Staff consulted with CalFire Chief Mike Wink on Monday, April 25, 2022 to discuss this matter, and to address whether or not fire hydrants are required for this commercial subdivision. Chief Wink indicated that hydrants are typically required every 300 feet in commercial subdivisions, and that CalFire had deferred application of their requirements to the County of Lake Building Official. Staff has added Condition no. 7, which requires a fire hydrant every 300 feet within this development.

21.5 Statements. Accompanying the tentative map shall be the following statements by the sub-divider.

- (a) Drainage, storm water facilities, surfacing or other required improvements to be constructed by the applicant.

Response: The plans submitted comply.

- (b) Whether proposed roads, widenings or street openings are offered for separate dedication, and if so, copies of a preliminary title report on subject property shall be included.

Response: Dedications have been determined to be not in the County's best interests with this development per comments received from the County of Lake Public Works Department.

- (c) A copy of water distribution requirements as set out by the Regional Water Quality Control Board.
- (d) Existing zoning and proposed use.

Response: The existing zoning is primarily Planned Development Commercial (PDC). There is some 'O' Open Space zoning on the property that will not be impacted by this land division.

- (e) Report or waiver on soil tests and geologic report, if required by the Director of the County of Lake Public Works Department and Building Official.

Response: Soil tests and a geologic report were evaluated in the FEIR that was originally submitted to the County by the applicant for the Valley Oaks Subdivision project.

1. Sec. 17-22. - Dedications.

22.1 Streets, easements and other parcels intended for public utility or any public use shall be offered for dedication. Such offer, by separate

instrument, shall be filed with the tentative map, and dedications shall be completed prior to the filing of the final map.

Response: *Public Works and the County Surveyor were notified of this action. The County of Lake Public Works Department provided comments on this land division. Three roads and several easements (primarily utility and emergency access easements) are needed but will not be dedicated and will be privately owned and maintained due to the lack of inspections that have occurred by the County (the developer performed the work without notifying the County of these interior road improvements).*

- 22.2 One reproducible tracing of the map, together with the required statements, and a filing fee in an amount to be set by resolution of the Board of Supervisors, shall be filed with the County Surveyor at least thirty (30) working days prior to the time at which action is expected.

Response: *The applicant has not yet submitted reproducible tracing of this map to the Community Development Department. This will be required if this parcel map is approved by the County prior to final map recordation.*

- 22.3 The County Surveyor shall immediately transmit a copy of the map to each member of the subdivision Committee and to each public utility serving the area of the proposed subdivision.

- (a) Any utility company concerned may make a report to the Committee as to proposed or required easements.

Response: *It is unknown whether the County Surveyor has submitted a copy of this map to any utility provider. Since this development will require a use permit review for any new building, all utilities will be further addressed as each vacant lot develops.*

- 22.4 If the County Surveyor finds compliance with applicable sections of this Chapter, and that the map is technically correct, he shall endorse a statement on said map attesting to his examination thereof, and shall present the map to the Subdivision Committee for approval. Otherwise he shall return said map to the person who presented it, together with a statement of the changes and conditions necessary to make it conform to the requirements of this Chapter.

Response: *This subsection applies to the tentative and final map. The County Surveyor has reviewed the tentative map and had no comments.*

- 22.5 The Subdivision Committee shall hold a public hearing which has been noticed in the manner provided by Section 8.8 of this Chapter at which it shall determine whether the tentative map is in conformity with the provisions of law and of this Chapter, and upon this basis shall, within 50 days from the date of endorsement thereof as provided in Section 22.4 approve, conditionally approve or disapprove said map. If the Committee conditionally approves the tentative map it may require that the sub-divider enter into a secured agreement to construct all or part of the required

improvements. The Committee shall report such action in writing to the sub-divider. Any action of the Subdivision Committee may be appealed to the Board of Supervisors, as set out in Sections 8.10 and 8.11 of this Chapter.

Response: *This action will be decided by the Planning Commission at a public hearing. The County may send the recommendation to the Board of Supervisors based on the scope of the project and the concerns regarding right-of-way dedications for this project.*

22.6

- (a) Completion of Improvements. Whenever improvements are required to be constructed as a condition of approval of a parcel map, requirements for the construction of such improvements shall be notified by certificate on the parcel map and by recording a Covenant of Improvement Requirements. The Subdivision Committee may require that the sub-divider enter into a secured agreement to construct all or part of the required improvements. The construction of such improvements shall be completed prior to subsequent issuance of a permit or other grant of approval for the development of the parcels being created or at a time specified pursuant to an agreement between the sub-divider and the County.

Response: *Road improvements are required according to the Public Works Department, and some road improvements have already occurred. The County of Lake Public Works Department did not inspect the interior road improvements, and is required to inspect all work done on any road to be used by the public. Inspection of all road improvement is a condition of approval for this development and will be at the discretion of the Director of the County of Lake Public Works Department or designee(s).*

- (b) Agreement to Improve. If, as a condition of approval of a parcel map, the sub-divider has been required to enter into an agreement to construct or install improvements required under this Chapter, the sub-divider shall provide a good and sufficient improvement security as defined in Section 66499 of the Government Code in the amounts required by Section 14.1(b) of this Chapter except that a bond or bonds by one or more duly authorized corporate sureties will not be accepted. The sub-divider shall prepare detailed plans and specifications of the improvements to be constructed. After said plans and specification have been approved by the Director of Public Works such plans and specifications shall be made a part of any such agreement and of the improvement security.

Response: *Because of the work completed by the developer on roads that will be used by the public, the Director of the County of Public Works Department may require the developer to post a bond until a thorough inspection of all phases of road construction are evaluated and approved by the County. This will be at the discretion of the Director of the County of Lake Public Works Department or designee(s).*

- (c) Covenant of improvement requirements. In addition to the Certificate of Improvements under Subsection (a) of this Section, as noticed on the parcel map, the sub-divider shall execute a Covenant of Improvement Requirements to be filed in the office of the County Recorder. This will give constructive notice of the improvements required and the time of their completion.

Response: *This is required as a condition of approval.*

- (d) All required improvements shall be inspected and approved by the Director of the County of Lake Public Works Department. Improvements shall be installed in accordance with the County of Lake's standards and specifications, and the County of Lake's grading regulations approved by the Board of Supervisors and on file in the office of the County of Lake Public Works Department.

Response: *Road improvements have occurred on site. To date no inspections by the County of Lake Public Works Department have been conducted. Inspects of road improvements are required at the discretion of the Director of the County of Lake Public Works Department or designee(s). Inspection for all road improvements is an added condition for approval for this land division action.*

- (e) Release of Improvement Requirements. Upon satisfactory completion of the improvements as noticed on the parcel map by the Certificate of Improvements, a request may be made to have the County File a Release of Improvement Requirements in the office of the County Recorder. The person or persons requesting the Release of Improvement Requirements to be filed shall submit such requests in writing to the County of Public Works Department along with satisfactory proof that the improvements are completed. The recording of this Release of Improvement Requirements will be constructive notice to any government agency when an application for a development permit or other grant of approval for the development of any of the parcels of a parcel map is made.

Response: *This will occur after all public improvements required and undertaken by the developer are inspected and signed off by the County, provided the County opts to inspect the roads, which are private and will not be dedicated to the County.*

- 22.7 Any dedication of any street, road, easement or other lot or parcel shall be accepted through deed or other instrument, by the Board of Supervisors on behalf of the public.

Response: *The Director of the County of Lake Public Works Department has stated that the Department will not accept any road dedications for this project. Staff recommends that this project will include no road dedications to the County. If any land dedications are contemplated, they will be brought to the Board of Supervisors for their consideration.*

- 22.8 The time limits for acting and reporting on a Division of Land, as provided in this Section, may be extended upon mutual consent in writing of the person filing the map and Subdivision Committee.

Response: *Applicable time limits are reflected in Conditions of Approval.*

22.9

- (a) Within two years after the approval of the tentative map, a Parcel Map, corresponding to the approved or conditionally approved tentative map, and meeting the requirements of applicable state and local law may be prepared. Any failure to record a Parcel Map within two years from the approval or conditional approval of the tentative map, or any extension thereof as provided herein, shall terminate all proceedings and no parcel map of all or any portion of the real property included within such tentative map shall be filed without first processing a new tentative map.

Response: *This is required as a condition of approval.*

- (b) Upon application of the sub-divider 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. If the Planning Commission denies a sub-divider's application for extension, the sub-divider may appeal to the Board of Supervisors within 15 days after the Planning Commission has denied the extension.

Response: *This is immediately applicable to the subdivision extension for the overall Valley Oaks subdivision, which is being reviewed concurrently with this parcel map action. Likewise, the parcel map may be continued for up to three years if the tentative map is approved, but written request (application) for extension is required prior to expiration of this parcel map review, which shall be valid for a period of two (2) years before an extension is necessary.*

22.10

- (a) The Parcel Map shall be filed with the County Surveyor. If he finds that the Parcel Map conforms to the approved or conditionally approved tentative map, and that all required dedications have been completed and that:
- (1) All required improvements have been installed and approved; or
 - (2) The sub-divider has entered into a secured agreement with the County to construct all or part of the improvements and a Covenant of Improvement Requirements has been filed with the Lake County Recorder; or
 - (3) If the Subdivision Committee did not require a secured agreement for all or part of the improvements that a Covenant of Improvement Requirements has been filed with the Lake County Recorder;

He / she shall affix his / her signature to the required certification.

Response: *This is required as a condition of approval.*

(b) Parcel Map Requirements.

- (1) When submitting a parcel map to the County Surveyor, two blue line prints shall be submitted, showing mathematical closures on the exterior boundary of the parcels before division, each parcel, and any easements which may be pertinent to the map.

Response: *This is required as a condition of approval.*

- (2) Monuments as shown as being "set" shall comply to Sections 29.3 through 29.9.

Response: *This is required as a condition of approval.*

- (3) In addition to complying with the requirements of Section 66445 of the Government Code there shall be indicated on the map the acreage or square footage for each parcel created, being shown to the nearest .01 of an acre. Square footage may be substituted on parcels less than one-half acre.

Response: *This is required as a condition of approval.*

- (4) Within 60 days after the receipt of the parcel map, the County Surveyor shall examine it and notify the surveyor or engineer responsible for the preparation of the map, of any necessary corrections or changes to be made. After said correction or changes have been made, the original tracing or film may be returned to the County Surveyor, together with the appropriate recording fee, for acceptance by the County Surveyor and recordation.

Response: *This is required as a condition of approval.*

- (5) When first submitted the map shall be accompanied with the map checking fee as provided for by resolution of the Board of Supervisors.

Response: *This is required as a condition of approval.*

- (6) When a parcel map is submitted the provisions of Sections 66492 through 66494 of the Government Code shall be complied with and the map shall be accompanied with the certificate provided for in [Section 15](#) of this Chapter.

Response: *This is required as a condition of approval.*

- (7) Signatures. Subject to the provisions of Government Code Section 66436, a certificate, signed and acknowledged by all parties having any record title interest in the real property subdivided, consenting to the preparation and recordation of the parcel map is required, except however, in the case of a division of land into four or fewer parcels, where dedications or offers of dedications are not required, the certificate shall be signed and

acknowledged by the subdivider only; provided, however, where a subdivider does not have a record title ownership interest in the property to be divided, the subdivider shall provide the County Surveyor with satisfactory evidence that the persons with record title ownership have consented to the proposed division.

Response: *This is required as a condition of approval.*

- (8) Title Company Parcel Map Guarantee. There shall be filed with the County Surveyor a parcel map guarantee from a qualified title insurance company which guarantees that the parties named therein are the only parties having any record title interest in the land subdivided.

The County Surveyor shall notify the title company furnishing the parcel map guarantee of the date the final map will be transmitted to the County Recorder. Such notification shall be made at least 48 hours before said date. The title company shall, on said date, present to the County Recorder, pursuant to the requirements of Section 66465 of the Subdivision Map Act, a letter stating that at the time of filing of the parcel map in the office of the County Recorder, the parties consenting to such filing are all of the parties having a record title interest in the real property being subdivided whose signatures are required by Division 2 of Title 7 of the Government Code, as shown by the records in the office of the County Recorder.

Response: *This is required as a condition of approval.*

- 22.11 After affixing his certificate, the County Surveyor shall present the Parcel Map to the County Recorder for filing, together with the required recording fee.

Response: *This is required as a condition of approval.*

- 22.12 The Parcel Map shall be recorded prior to the sale, lease or financing of any of the parcels shown there. No building permit shall be issued on any proposed lots prior to the recording of said Parcel Map. Any deed of conveyance, sale or contract to sell made contrary to the provisions of this Chapter is voidable to the extent and in the same manner provided in Section 66499.32 of the Government Code.

Response: *This is required as a condition of approval.*

- 22.13 Notwithstanding any other provision of this chapter, the requirement that a tentative and final parcel map be submitted to the governing body or advisory agency is hereby waived if the division of land results in the creation of four or fewer parcels or results in lots or parcels, each of which contains a gross area of forty (40) acres or more or each of which is a quarter-quarter section or larger and the governing body or advisory agency finds as follows:

Response: *The subject site is under 8 acres in gross area; this section does not apply.*

22.14 Waiver of the requirement for a tentative and final parcel map pursuant to Section 22.13 of this Chapter shall be by permit granted upon application in writing to the Subdivision Committee of the County of Lake as the same is defined by Section 21.1 of the Subdivision Chapter of the County of Lake and determination by the said Committee pursuant to the terms of this section. Such permit shall adequately describe the land to be affected, the parties to the proposed division, the proposed use to be made of such land, and that pursuant to Government Code Section 66428 and this section the requirements for a tentative and final parcel map are thereby and therefore waived. Said application shall be considered at a public hearing which has been noticed in the manner provided by Section 8.8 of this Chapter.

Response: *No waivers are requested.*

22.15 Any interested party who disapproves of the finding of the said Committee may present a Notice of Appeal to the said Committee, other interested parties, and the Board of Supervisors of the County of Lake. The Clerk of said Board shall then set a time for a public hearing, give notice as provided in Section 8.8 of this Chapter and the matter shall thereupon be heard and reviewed by the said Board whose decision shall be final.

Response: *The appeal language is included at the end of this report. Any person who feels that this decision was made in conflict with the Code may appeal this decision within 15 days of the date of decision.*

ARTICLE V – GENERAL DESIGN AND IMPROVEMENT STANDARDS

Sec. 17-23. – Lots.

23.1 Notwithstanding any other provision of this Chapter, the area and width of lots shall not be less than those specified in any zoning regulations which apply to the land proposed for subdivision. However, for parcels which the zoning regulations require five (5) acres or more, the area required for road dedication may be included for area requirements if the area of the dedication does not exceed fifteen (15) percent of the minimum lot size requirement.

Response: *Dedications are proposed for this land division. However the County will not accept any dedicated roads for this development. Easement dedications are also proposed, and are fully described in the materials submitted to the County.*

23.2 The following table shall be used to determine the minimum lot size which shall be permitted. In using said table, interpolation shall be permitted.

Topography slope average	Minimum area (Sq. Ft.)	Minimum Average width (Ft.)	Minimum average depth (Ft.)	Ground surface to remain in its natural state (no cut or fill)
0—10%	6,000	60	90	0%

0—10%	6,000	60	90	0%
10—15%	8,500	70	120	20%
15—20%	12,000	80	130	30%
20—25%	15,000	100	150	40%
25—30%	25,000	120	200	60%
Over 30%	40,000	150	200	70%

- (a) The sub-divider shall submit a "Slope Map" with the tentative map, showing by color or shading the areas of the tract lying within each slope category. No such map need be submitted if the average slope of the entire tract is ten percent (10%) or less.

Response: *The applicant has submitted a topographical map with this application. The lots are flat with slopes ranging from 0 to 10%.*

- (b) No corner lot shall have less than 65 feet average width.

Response: *Complies.*

- (c) Lot sizes may be reduced if the subdivision is part of a Planned Community Development, or is approved under the Optional Design Standards of this Chapter.

Response: *A lot size reduction is not requested.*

- (d) Front property line may be reduced by one-third, but in no case to less than thirty-five (35) feet, where frontage abuts a cul-de-sac turnaround, or the outside of any curve having a centerline radius of less than one hundred and fifty (150) feet. Further reduction in front lot line width may be allowed for "panhandle" or "flag" lots, under the condition specified in the following Section.

Response: *A front property line reduction is not requested.*

- (a) "Panhandle" or "flag" lots, of required width and area will be allowed where terrain makes standard design or frontage impossible or impractical. Where such lots are allowed, the street frontage of each panhandle access shall be not less than twenty (20) feet wide, and the panhandle access shall be not more than three hundred (300) feet long. Not more than two such panhandle access points shall abut each other, and if so combined the width of each panhandle may be reduced to not less than fifteen (15) feet. All such access points or combinations thereof shall be separated from each other by the frontage of a standard lot required under the other provisions of this Chapter.

Response: *Flag lots are not proposed.*

- 23.3 All lots shall be suitable for the purposes for which they are to be developed. The Planning Commission or the Director of Public Works may

require, as a condition precedent to the approval of a final map that satisfactory access can be provided to the undisturbed grade of each lot.

Response: *Public Works has not inspected the road improvements or reviewed the engineered interior road designs. The Public Works Director has indicated that right-of-way dedications will not be accepted by the County since no County review has occurred.*

- 23.4 Notwithstanding any other provisions of this Chapter, any lot which, at the time it is created by subdivision, is not served by any existing water supply system or sewerage system, and is to be developed with an individual water well and an individual septic tank or other approved method of sewage disposal on the same lot or parcel, shall have a minimum average width of one hundred fifty (150) feet and shall contain not less than forty thousand (40,000) square feet. The average depth of said lot or parcel in relation to depth shall be as stipulated by the Planning Commission.
- (a) Notwithstanding any other provisions of this Chapter, any lot which, at the time it is created by subdivision, is not served by any existing sewerage system, and is to be developed with an individual septic tank or other approved method of sewage disposal on the lot or parcel, shall have a minimum width of sixty (60) feet at the front lot line and shall contain not less than seven thousand five hundred (7,500) square feet.

Response: *All lots will have public water and sewer provided to them. County Staff confirmed the ability of the Hidden Valley Lake Water and Sewer District (HVLWSD) to serve these three commercial lots with water and sewer. A Water and Sewer Impact Study is needed for the entire Valley Oaks project. This is addressed in the subdivision modification and extension application that is being reviewed concurrently with this project.*

- 23.5 Interior lots having frontage on more than one street shall have a minimum depth of two hundred (200) feet, except where the physical condition of the land makes a lesser depth necessary.

Response: *Complies.*

- 23.6 Blocks should not be longer than 1,200 feet between intersecting street lines, except on arterial streets where longer blocks may be required. Lots with frontage on more than one street will not be permitted, except corner lots, unless justified because of topographic conditions and then only upon approval of the Planning Commission and when access rights are released on one street.

Response: *Complies; the block length will be about 650 feet at its longest span.*

- 23.7 Improved pedestrian easements may be required through blocks more than eight hundred (800) feet in length, and through other blocks where necessary to provide access to schools, parks, recreation areas and scenic easements. Such easements shall be not less than ten (10) feet

wide and shall have a grade of not more than twenty-five (25) per cent. Steeper grades may be allowed where permanent concrete steps are provided.

Response: *In addition to a 10' wide utility easement, the plans submitted by the applicant show a 5' wide pedestrian easement on the property along Valley Oaks Blvd and Oak Meadow Drive.*

Sec. 17-24. – Easements.

- 24.1 Easements not less than five (5) feet wide shall be dedicated on each side of all rear and side lot lines for poles, wires, conduits, drainage, sanitary sewers, gas and water mains, or other utilities. Easements of greater width may be required along lot lines, or across lots, where necessary for the expansion of main sewers and similar utilities. Such easements may be eliminated, or easements of a lesser width may be allowed by the Director of Public Works when in his opinion, after review with the public utilities involved, a lesser width is justified or no easement is required.
- (a) In areas where, in the opinion of the agency responsible for local fire protection, there will be a fire hazard to the watershed or to any other properties, unobstructed fire protection equipment access easements, not less than fifteen (15) feet wide, shall be dedicated from the public road to the subdivision boundary. The agency responsible for local fire protection shall recommend to the Planning Commission regarding the location, design and grading of such easements. The location, design and grading shall be as found necessary by the Planning Commission.

Response: *The applicant has identified an emergency access easement, which may be dedicated along with the other easements under consideration. Right of way dedications will not be accepted by the County.*

- (b) Water courses shall be shown as easements, and storm drains shall be placed in easements when public right-of-way is not available or adequate. The Planning Commission, on the recommendation of the Director of the County of Lake Public Works Department, may require water courses to be placed entirely in underground conduits or adequately fenced, or otherwise improved.

Response: *The tentative parcel map does not show any water courses. However, there are two creeks that are associated with the property and location. Coyote Creek, a seasonal Class II stream, is located to the north of the development area. In the future, the applicant will submit plans to re-channelize and realign the Creek as part of the Valley Oaks subdivision. This proposed Creek realignment will require review by the County Staff per the requirements of the California Environmental Quality Act. All Federal and State permits, if required, will be obtained by the applicant. Putah Creek, a significant Class I water course, is a year-round creek located to the south of California Highway 29 in this location, and will not be affected by this land division. As previously noted, the entire development area is located within an AO flood plain according to County of Lake GIS mapping.*

- (c) Easements required by this Chapter shall be shown along lot lines. Lots shall be designed to conform to existing easements on any land to be subdivided, unless said easements are relocated to conform to this Chapter. In case the width of any easement is greater than ten (10) feet on any one lot, the area taken up by such width in excess of ten (10) feet may be required by the Planning Commission to be deducted from the gross area of said lot when computing the minimum area required by this Chapter.

Response: *The plans submitted by the applicant comply. Pedestrian, utility and emergency vehicle access easements are shown on the submitted plans, and are located adjacent to internal roads. If the County accepts these dedicated easements, then the Board of Supervisors will be asked to accept them.*

- 24.2 All lots shall abut on a street unless approved as a "deep lot" division by the Planning Commission, under policies adopted by said Planning Commission.

Response: *Complies*

- 24.3 Unless other setbacks and yards are required by applicable zoning regulations, all lots shall show a building setback line (B.S.B.L.) of not less than twenty (20) feet from the front lot line, and of not less than ten (10) feet from the side lot line adjacent to any street or road, provided that the Planning Commission may require a greater setback on unusually shaped lots.

Response: *The Grocery Outlet store was recently completed, and is located on "Lot 3" (Parcel 3). The land use has been evaluated for compliance with setbacks. As is required by the terms of the Valley Oaks development and CEQA, the other two parcels that will be created require a Major Use Permit review by the County of Lake. This is also required commercial development and land-use within the PDC zoning district. Article 15 of the County of Lake Zoning Ordinance contains the setbacks for the PDC zoning district. In general, the front yard setback is 20 feet from a property line, and the rear yard setback is 50 feet when the lot abuts residentially-zoned land.*

Sec. 17-25. - Roads and Streets.

- 25.1 Existing streets shall be continued as required by the Planning Commission.

Response: *Hartmann Road exists but needs to be extended to serve this development. Additional right-of-way dedication is shown on the tentative parcel maps provided. However, as noted above, the County of Lake will not accept any dedications from this project as stated in the comments received from the County of Lake Public Works Department.*

- 25.2 Street stubs shall be required to adjacent unsubdivided property where, in the opinion of the Planning Commission, they are necessary. A satisfactory temporary turnaround may be required.

Response: *Staff assumes that the plans submitted show Valley Oaks Boulevard terminates with a stub-out prior to intersecting with Hartmann Road. Clarification of this is required from the applicant.*

- 25.3 Streets shall intersect at as near right angles as is practicable. "T" or three-way intersections are preferable to four-way intersections, but the centerlines of any two streets intersecting a common street shall be separated by not less than two hundred (200) feet.

Response: *The plans submitted comply.*

- 25.4 Reserve strips, where required to control access over certain lot lines or over the ends of street stubs shall be dedicated to the County.

Response: *No reserve strips are proposed.*

- 25.5 Alleys with a minimum width of thirty (30) feet shall be required in industrial, commercial and twenty (20) feet in multiple family areas where necessary to control access to arterials and major streets.

Response: *No alleys are proposed. On-site parking and access will be evaluated as each lot develops through a use permit review process.*

- 25.6 Cul-de-sac and dead-end streets shall be not longer than 1000 feet. Each such street shall terminate in a turning area having a radius of not less than forty (40) feet to property lines. Turning areas having a similar radius shall be required at intermediate points on any cul-de-sac or dead-end street having a length in excess of five hundred (500) feet. The Director of Public Works may approve alternate turnaround designs. No cul-de-sac or dead-end street, or combination thereof, shall serve or provide access to more than thirty (30) lots.

Response: *Complies.*

- 25.8 Names for proposed new streets shall be approved by the County Surveyor and shown on the tentative map.

Response: *No adverse comments for proposed street names for Oak Meadow or Valley Oaks Blvd were received from the County Surveyor.*

- 25.9 Streets shall conform, as to alignment and width to the official General Plan for Streets and Highways of the County.

Response: *No adverse comments for proposed street alignment were received from any commenting agency.*

- 25.10 Streets or roads in any proposed subdivision shall connect to a state highway, to a maintained county road, or to a public road or right-of-way which meets the standards of this chapter as to design and improvement.

Response: *The applicant and CalTrans are in litigation over the location of the direct connection to the California Highway 29 roundabout as a 'fourth leg' to the roundabout.*

Because of this on-going litigation, CalTrans has informed County Staff that they are unable to comment on this proposed action. Given that the access road to this project is California Highway 29 may likely change, a condition is added that requires any relocated connector to the highway or to a County road required submission of a Modification to an approved Parcel Map. A Traffic Study addendum may also be required at the discretion of the Director of the County of Lake Public Works Department or designee(s) prior to accepting any relocated connection to State or County road(s).

- 25.11 Streets and other parcels designed and intended for any public use shall be offered for dedication. The County may, at its option, accept or reject any such offer.

Response: *The applicant has provided all materials necessary to dedicate rights-of-ways and public easements. The County of Lake Public Works Department has indicated that no right-of-way dedications will be accepted for this project. Easements may be required to be dedicated at the discretion of the Director of the County of Lake Public Works Department.*

- 25.12 Provisions shall be made for the continued maintenance of streets and other parcels designed and intended for public use through the establishment of Zones of Benefit within the Countywide County Service Area, Permanent Road Division or other means acceptable to the Department of Public Works.

Response: *No maintenance agreements regarding street maintenance have been reached between the developer and the County. The County has stated that it will not recommend acceptance of any right-of-way dedications so a formal agreement between the County and developer regarding road maintenance may not be feasible.*

- 25.13 Streets intended for the exclusive use of lot owners in the subdivision, their licensees, visitors, tenants and servants, may be shown as private streets, provided (not applicable)

Response: *The developer intends to dedicate the streets shown on the parcel maps.*

- 25.14 Best Management Practices to control storm water runoff to minimize generation, discharge and transport of pollutants shall be incorporated into the street design.

Response: *Complies. The applicant has provided engineered Grading and Drainage / Erosion Control plans that have been reviewed by County Engineering, Water Resources and the Building Official.*

- 25.15 Provisions shall be made for the continued operation and maintenance of storm water facilities and BMP structural source and treatment controls constructed as an appurtenance to streets and other parcels designed and intended for public use through the establishment of a Zone of Benefit or when constructed on private property through the execution of a Maintenance Agreement acceptable to the County.

Response: *A condition shall be added that enables the County to require ongoing developer maintenance of all stormwater facilities. Also, a Maintenance Agreement with the developer may be required for this proposal unless waived by the Public Works Director.*

Sec. 17-27A. - Park and Recreation Facilities.

27A.1 General. This section is enacted pursuant to the authority granted by the California Subdivision Map Act and the general police power of the County, and is for the purpose of providing such additional park and recreational facilities and open space as appropriate pursuant to the General Plan of the County and shall be known and cited as the Quimby Ordinance.

For purposes of this section, park and recreational facilities shall mean park and recreational land, buildings, improvements, systems, fixtures, and associated capital needs required to provide recreational services and community amenities. Park and recreational purposes shall also include land and facilities for the activity of "recreational community gardening," which activity consists of the cultivation by persons other than, or in addition to, the owner of such land, of plant material not for sale.

Response: *Quimby Park fees do not apply to commercial land divisions.*

27A.2 Requirements. As a condition of approval of a tentative map, the subdivider shall dedicate land, pay a fee in lieu thereof, or both, at the option of the County, for park or recreational purposes at the time and according to the standards and formula contained in this section, unless each lot is twenty (20) acres or more.

The land dedicated or the fees paid, or both, shall be used for community and neighborhood parks and recreational facilities in such a manner that the location of such parks and facilities bear a reasonable relationship to the use of the park and recreational facilities by the future inhabitants of the subdivision generating such dedication or fees or both.

Response: *Quimby Park fees do not apply to commercial land divisions.*

27A.5 Formula for Fees in Lieu of Land Dedication.

(28) General Formula. If there is no park or recreational facility designated in the General Plan to be located in whole or in part within the proposed subdivision to serve the immediate and future needs of the residents of the subdivision, or if the General Plan calls for a larger park or recreational facility within the immediate proximity of the subdivision, the subdivider shall, at the County's discretion, either dedicate land as provided for in Section 27A.4 or pay a fee in lieu of dedication in an amount determined in accordance with the provisions of Section 27A.7 or 27A.8.

Response: *Quimby Park fees do not apply to commercial land divisions.*

- (28) Fees in Lieu of Land Dedication—Fifty (50) Parcels or Less. If the proposed subdivision contains fifty (50) parcels or less and has no existing park or recreational facility, the sub-divider shall pay a fee equal to the land value of the portion of the park and recreational facilities required to serve the needs of the residents of the proposed subdivision as prescribed in Section 27A.4 and in an amount determined in accordance with the provisions of Section 27A.7 or 27A.8. Where the subdivision is a condominium project, stock cooperative or community apartment project which exceeds fifty (50) dwelling units, dedication of land may be required, notwithstanding that the number of parcels may be less than fifty (50).

Response: *Quimby Park fees do not apply to commercial land divisions.*

- (28) Use of Fees. The fees collected shall be used for the purpose of developing new or rehabilitating existing neighborhood or community park and recreational facilities reasonably related to serving the subdivision, including the purchase of necessary land and/or improvement of such land for park and recreational purposes. The fees shall be committed within five (5) years after payment thereof or the issuance of building permits on one-half (½) of the lots created by the subdivision, whichever occurs later. If the fees are not committed, they shall be distributed and paid to the then record owners of the subdivision in the same proportion that the size of their lot bears to the total area of all lots in the subdivision.

Response: *Quimby Park fees do not apply to commercial land divisions.*

- (d) Time of Payment. Fees collected shall be paid prior to approval of a final subdivision map or parcel map.

Response: *Quimby Park fees do not apply to commercial land divisions.*

27A.13 Not Applicable to Certain Subdivisions. The provisions of this section shall not apply to the following:

- (a) Subdivisions containing less than five (5) parcels and not used for residential purposes shall be exempted from the requirements of this section. However, a condition may be placed on the approval of such parcel map that if a building permit is requested for construction of a residential structure or structures on one (1) or more of the parcels within four (4) years, the fee pursuant to this section may be required to be paid by the owner of such parcel as a condition to the issuance of such permit.
- (b) Commercial or industrial subdivisions.
- (c) Condominium projects or stock cooperatives which consist of the subdivision of airspace in an existing apartment building which is more than five (5) years old when no new dwelling units are added.

Response: *Quimby Park fees do not apply to commercial land divisions.*

Sec. 17-28. – Improvements.

- 28.1 The Sub-divider shall improve all streets, highways, public ways and easements which are a part of the subdivision (except reserved dedications for future street purposes.) The sub-divider shall also comply with the "Fire Protection Standards for Lake County" adopted by the Board of Supervisors."

Response: *The plans submitted for Village II show street improvements, which must be completed before any final occupancy is granted for any commercial use unless the County allows bonding for any street or related public improvement such as sidewalks and fire hydrants. This is added as a condition of approval.*

- 28.2 The required improvements shall be such as may be necessary for the general use of the residents in the subdivision and local neighborhood traffic and drainage needs including emergency ingress and egress routes for emergency uses as set forth in the "Fire Protection Standards for Lake County"; and may include street lighting, the grading and surfacing of streets, highways, and public ways, provisions of such adequate domestic and emergency water supply and sewage disposal system as may be necessary to protect the public health, safety, environment and ecology; such structures built to the approval of the Director of Public Works, as may be necessary to the use of streets and highways or the drainage thereof and to the public safety; natural gas (where reasonably available), electric and telephone utilities to serve each lot, and stubbed to property line prior to paving.

Response: *The applicant has provided an emergency vehicle access (map and legal description), thereby meeting the accessibility requirement for emergency vehicles. The Building Official will determine placement(s) of any required fire hydrant(s). The property will connect to public sewer and water, and drainage is shown on the plans submitted by the applicant.*

- 28.3 All subdivision improvements shall be constructed in accordance with standard engineering practice and shall conform to "Standard Improvement Specifications" and "Fire Protection Standards for Lake County" adopted by the Board of Supervisors and on file in the Office of the Director of Public Works. All such improvements shall be installed under the inspection of, and to the approval of, the Director of Public Works or his duly authorized representative not including utility installations installed under appropriate general order of the Public Utility Commission of the State of California. Inspection, engineering and other costs incurred by the County shall be borne by the sub-divider and shall be paid to the Director of Public Works prior to final approval of any improvement work. Inspection fees deposits, shall be based on a schedule of fees adopted by resolution of the Board of Supervisors.

Response: *The applicant has begun constructing some of the interior streets of this development without review or acceptance or inspection by the County of Lake Public Works Department. A condition is added requiring all inspections, paid for by the developer, to occur before any road is considered for public use. The Director of the*

County of Lake Public Works Department can waive the requirement for inspections at his discretion.

- 28.4 Improvement work shall not begin until the tentative map of any subdivision has been approved, and until plans for such work have been submitted to, approved and signed by the *Director of the County of Lake Public Works Department* or his authorized agent, and by any local water district, corporation, company or firm, and any sanitation, sanitary sewer or maintenance district or municipality which may provide the subdivision with water, sanitation, sewer or maintenance service and the requirements of Section 14.1(b) have been complied with.

Response: *The applicant has already violated this subsection by doing construction on what is being identified as a public road to be dedicated by the developer. A condition is added that requires this developer to pay for all inspections, plan reviews by the County, and any other fines or fees associated with this illegal construction prior to recording the final map.*

- 28.5 In the event that the *Director of the County of Lake Public Works Department* or his authorized agent shall decide that such work is not proceeding pursuant to approved plans and specifications, he may order such work stopped, and shall inform the subdivider of the reasons therefor and the corrective measures necessary in order to resume work. Any improvement work done after a stop-order has been issued as herein provided shall be deemed to be a violation of this Chapter. The surety company bonding the improvements shall be notified to take immediate corrective action.

Response: *A stop work order was not issued on the illegal road construction that has occurred without County review or inspection. County inspection and acceptance of these roads is a requirement prior to final map recordation, but would only occur at the discretion of the Director of the County of Lake Public Works Department.*

- 28.6 When any part of any proposed subdivision lies within a reasonable distance, in the opinion of the Planning Commission, of any municipal, special district, or county sewage disposal system to which they legally may be connected, or when otherwise required by this Chapter, sanitary sewer facilities shall be installed to serve each lot in said subdivision and connected to such system, to grades, locations and sizes approved by the governing body of such system.
- (a) When no connection to a sanitary sewer system is to be made, the subdivider shall provide evidence from the County Health Officer, certifying that field investigation has shown that ground slopes and soil conditions will allow for satisfactory disposal by septic tanks or other approved method, with the lot arrangement, lot sizes and water supply shown on the subdivision map.

Response: *The site will be served by a public sewer provided by HVL's Water and Sewer District.*

- (b) As requested by the California Regional Water Control Board, the Planning Commission may not approve tentative subdivision maps which do not provide:
- (1) An engineering report on the development site including but not limited to soils survey, geology, ground and surface water hydrology, water supply, liquid and solid waste disposal, probable population densities, effects of construction and other development activities on the existing environment and conformance with the master regional or county plans.

Response: *All required reports, studies and plans were submitted for the FEIR and were accepted by the County for the overall Valley Oaks development. Additional traffic and CEQA studies were required in 2018 for the permit to develop the Grocery Outlet store. No additional addendum was prepared for this land division, given the FEIR and Addendum of 2019 which took this development into consideration.*

- (2) A master plan relating to the disposal of wastes anticipated from the ultimate development; such plan to conform to the regional or county master plan for sewage and solid waste disposals. Stage development will be acceptable if a firm schedule based upon occupancy accompanies the plan.

Response: *HVLSWD provides sewer (and water) service to this area, and was notified of this action. No adverse comments were received from this County department for this project, and the HVLSWD representative indicated that all three lots can be served by water and sewer from the District.*

- (3) The establishment of a public entity approved by the local governmental agencies involved to implement the master waste disposal plan and to provide operation and maintenance of facilities installed.

Response: *The three lots created by this action will ultimately be developed, probably with a gas station and a fast-food restaurant (the third is being developed with a Grocery Outlet store). These uses will generate significant solid waste and recyclable materials.*

The Director of the County of Lake Public Works Department was notified of this action, and had no adverse comments, however he had previously indicated that the landfill used by Lake County residents and commercial uses has capacity to last for about four more years, and expansion plans are proposed for the landfill. The actual waste disposal plans for each lot will be determined when each lot undergoes a use permit review, which is required for all commercial development located in the PDC zoning district, and within the Valley Oaks development boundary.

- (4) In lieu of (3), above, an agreement to connect the subdivision, by annexation or otherwise, to an existing community sewerage system if the subdivision is so located that such connection is feasible.

Response: *The lots will be served by HVLSWD sewer. No capacity issues exist in this area, and all three lots can be adequately served.*

- (5) The filing of a report on the proposed waste discharge by the responsible entity, accompanied by the appropriate filing fee, pursuant to Section 13260 of the State Water Code unless the waste is to be discharged into an existing community sewerage system.

Response: *Water discharge will occur into the HVLSWD's sewer system.*

28.7 When any part of any proposed subdivision lies within a reasonable distance as determined by the Planning Commission, of any municipal, special district or county system providing domestic water to which they may legally be connected, or when otherwise required by this Chapter, water mains shall be installed to serve each lot in said subdivision and connected to such system, to grades, locations and sizes approved by the governing body of such system. Fire hydrants shall be installed at locations approved by the *Director of the County of Lake Public Works Department*.

- (a) Where water is to be supplied by connection to an existing or proposed new system, the sub-divider shall file a certification from the County Health Officer, from the Fire Protection Agency serving the area and from an authorized officer of said system, indicating agreement and ability to provide adequate potable water for domestic purposes and fire protection, or for the purposes indicated on the plan of subdivision. Water supply for subdivisions shall be provided as set out in the "Fire Protection Standards for Lake County."

Response: *The lots will use public water, which is available to this project. There are no water or sewer capacity issues at this location according to the HVLSWD's land development specialist.*

- (b) When no connection to an existing system is to be made, the sub-divider shall, by letter, indicate the proposed source of water supply and the proposed distribution system. Said source of supply and distribution system shall be approved by the County Health Officer and Director of the *County of Lake Public Works Department*, as to quality and quantity of water, and adequacy of distribution.

Response: *Not applicable*

- (c) The requirements of the California Regional Water Quality Control Board shall be complied with where applicable before the Planning Commission approves any tentative map.

Response: *The Regional Water Quality Control Board was notified of this project and had no adverse comments.*

28.8 Improvements to be installed by each sub-divider shall be not less than the following:

- (a) Water lines, gas (where reasonably available) electric and telephone, and other utility services to serve each lot and stubbed to property line prior to paving.

Response: *Vital utilities (power, roads, water and sewer) are available to this development. Gas is not yet available to this site.*

- (d) Fire hydrants of a type and size set out in the "Fire Protection Standards for Lake County," and to the Director of Public Works.

Response: *The Building Official for Lake County administers CalFire hydrant (and road) standards. The Building Official has not yet stated that hydrants are required. However commercial developments must have hydrants on an average of 300 feet from one another – this is added as a condition of approval.*

- (e) Sanitary sewers where required and laterals to serve each lot, and stubbed to property line prior to paving.

Response: *Each lot will have access to public sewer lateral, and the HVLSWD has adequate capacity to serve water and sewer demands for these three lots.*

- (d) Storm sewers, drains and channel improvements when necessary for general use of development.

Response: *Stormwater drainage is shown on the tentative plan submitted.*

- (e) Silt basins, slope planting, and other forms of erosion control when necessary for general use of development.

Response: *The site is flat but is located within the AO flood zone. Flood elevation certificates will be required for all new buildings, and specially engineered footings will be required; this occurs during building permit review, but is also added as a condition of approval for this parcel map review.*

- (f) Improved streets and roads.

Response: *The application materials received for this parcel map show three roads that are needed; Hartmann (partially existing); Oak Meadow (interior road), and Valley Oaks Boulevard (interior road). As previously stated, some road construction has already occurred on site without review or inspection by the County according to the Director of the County of Lake Public Works Department. The County Public Works Department has stated that none of the three roads associated with this parcel map will be accepted for County maintenance and will not be accepted for dedication. A private maintenance agreement may be necessary at the discretion of the Public Works Director.*

- (g) Street signs at all block number changes and at locations approved by the Director of Public Works.

Response: *Street sign positioning is typically determined by the County Public Works Department, however due to road construction occurring with no County oversight, it is unclear whether the County will review road signs.*

- (h) Street end barricades, walls or fencing where required.

Response: *Public Works may require a street-end barricade at the terminus of Valley Oaks Boulevard at their discretion.*

- (f) Regulatory and warning signs and traffic safety improvements at locations required by the *Director of the County of Lake Public Works Department*.

Response: *The County Public Works Department and CalTrans may require either warning signs, or traffic safety improvements (or both) based on the street plans that are submitted to both agencies. If required, this will occur prior to final plat recordation.*

- (g) It shall be the responsibility of the sub-divider to make the necessary arrangements with the serving electric utility for the installation of a (underground served) utility-owned and operated street light system.

Response: *No street lights are proposed, however the County Public Works Department has stated that lighting is needed at the intersection of Hartmann and Oak Meadow Drive. This is added as a condition of approval and is the responsibility of the developer to provide street lighting that meets County specifications.*

28.9 The following off-site improvements may be required:

- (a) The development of a domestic water supply, including storage facilities, or financial contribution for the improvement of any existing source of supply, and the construction of transmission lines from that supply to the proposed development.

Response: *The subject site will be served by a public water system supplied by HVLSWD. Staff spoke with the land development reviewer, Alyssa Gordon, on April 26, 2022 regarding potential issues associated with the development of lots 1 and 2 for Village II. Ms. Gordon indicated that there were no capacity issues for either sewer or water at this time, and that a Water and Sewer Demand Projection was necessary for the overall subdivision, but had not been provided to HVLSWD. This is required as a condition of approval for PM 21-31 and for the subdivision extension for Valley Oaks.*

- (b) The development of sewage disposal facilities or financial contribution for the improvement of any existing sewage disposal system and the construction of transmission lines from the proposed improvements to the site of disposal. The design and construction of the transmission lines and the sewage disposal system shall be approved by the manager of the Lake County Sanitation District and the *Director of the County of Lake Public Works Department*.

Response: *HVLSWD oversees the water and sewer system in this location. The District indicated that they have adequate water and sewer capacity to serve this parcel map once all three lots develop, but they need a Water and Sewer Demand Projection from the developer to determine whether they can serve the entire Valley Oaks development at buildout.*

- (h) When the County has adopted a Drainage Element of a General Plan pursuant to Section 65469 of the Government Code of the State of California, which contains an estimate of the total cost of constructing the drainage facilities required by the plan, the sub-divider shall pay the fee set out for constructing planned drainage facilities for the removal of surface and storm waters from local or neighborhood drainage areas.

Response: *The County has yet to adopt a Drainage Element of the General Plan.*

- (i) Improved access roads.

Response: *County Public Works has indicated that the roads shown on the tentative map as 'to be dedicated (to the County)' will not be accepted by the County and must remain private, but are essential for this development to occur.*

- (j) The extension of other utilities.

Response: *As previously stated, HVLSWD can serve lots 1, 2 and 3 of this parcel map; this was confirmed on April 26, 2022 via phone conversation with the land development specialist for the District. The District however is unclear if it can serve the entire development at full buildout, and has requested a Water and Sewer Demand and Supply Projection, prepared by a professional engineer. This will be required with the subdivision extension and modification for Valley Oaks subdivision.*

- 28.10 Agreements may be made upon approval of the Board of Supervisors for reimbursement by future developers for facilities required by the County, to the extent that such facilities are in excess of sizes, lengths and locations needed to serve the subdivision. Requests for reimbursement shall be made in writing at the time of submitting the final map.

Response: *This project is somewhat unusual in the sense that the sewer and water will be provided by the HVLSWD. Lots 1, 2 and 3 of this parcel map can be served with existing capacity, but it is unknown whether the water and sewer demands of this project (subdivision) at buildout can be accommodated without facility expansion. This will be addressed through the subdivision extension rather than through this parcel map review.*

- 28.11 For purposes of measurements required by this section only, Clear Lake is defined as encompassing all of that portion of the main body of Clear Lake and waterways and the tributaries of Clear Lake, either natural or artificial, perennial or intermittent, lying below an elevation of 1326.21 feet above mean sea level (7.56 on the Rumsey gauge at Lakeport).

- (a) In addition to all other requirements of this Chapter, any subdivision, or any Division of land resulting in more than four (4) parcels, shall be improved if feasible, with a sewage disposal system and a domestic water supply system, with laterals stubbed to the street line of each lot, if any one or more of the following conditions exist:

Response: *The applicant is proposing to three lots and two remainder lots. The three lots are intended for commercial development; the remainder lots are intended to be*

used for drainage and as open space. The three lots to be developed can be served by HVL water and sewer services, and will have stubouts leading to each lot for these services.

28.12 The following provisions shall apply to the sub-divider of any land abutting Clear Lake, or any of its navigable tributaries, who proposes any of the following:

28.13 The sub-divider shall file with the tentative map of his subdivision, in addition to all other material required by this Chapter, a statement describing any of the operations listed in Section 28.12 above, and setting forth his proposals as to the length of time during which bare ground will be exposed; temporary and permanent ground cover; diversions, silting basins, terraces and other sediment controls; protection or replacement of fish and wildlife habitat; stabilization of fill; preservation of floodways and flood plain capacity; stabilization of the banks of channels and artificial watercourses.

Response: *The site is not located adjacent to Clear Lake, but is close to Putah Creek, which could be navigable during non-drought seasons. Highway 29 separates Putah Creek from the development site and from the drainage 'lot' (remainder parcel) that is intended to receive stormwater runoff.*

28.14 The statement shall be referred by the Planning Commission to the Director of Public Works and Health Officer, and to the Lake County Flood Control and Water Conservation District for review and comment.

Response: *The Planning Department has received comments from the Director of the County of Lake Public Works Department, and is waiting for comments from the Water Resources Engineer who received a request for comments on April 26, 2022.*

28.15 Before approving the tentative map of the subdivision, the Planning Commission shall review and approve the statement, on the finding that the measures proposed therein will preserve or enhance navigable waters by preventing erosion, sedimentation, pollution or impairment of water quality or of fish and aquatic life. Before approving the statement, the Commission may make such changes as it deems necessary, in order to make the required finding. The Commission may also make the performance of any or all of the operations and proposals described in the said statement, a condition of approval of the tentative map, to be performed or otherwise accounted for prior to any approval of the final map of the subdivision involved.

Response: *The applicant has submitted engineered Drainage and Erosion Control plans with the parcel map plan set. There is a proposed drainage channel that would send water onto one of the remainder lots. The Water Resource Engineer and the Building Official will review the drainage plans and provide comments accordingly.*

28.16 Height of any proposed bridge shall be approved by the Planning Commission.

Response: *No bridges are being proposed.*

II. LAKE COUNTY ZONING ORDINANCE, ARTICLE 55 APPLICATIONS

55.2 Information for application submittal

(a) A site plan with all dimensions clearly indicated, and the following information as applicable:

1. North arrow and scale of drawing.

Response: *Provided*

2. Site address.

Response: *Provided*

3. Lot dimensions and boundaries; including the total area of property presented in square feet or acres.

Response: *Provided*

4. Location of all existing and proposed structures, with dimensions, including height.

Provided. *The 18,000 sq. ft. Grocery Outlet building is completed. Some road improvements have occurred, but have not been inspected or signed off by County Public Works Department.*

5. Distance from proposed structure(s) to property lines, centerline of the street or alley, and existing structures.

Response: *Provided*

6. Walls and fences: Their location, height, and construction materials.

Response: *Provided on Grocery Outlet Site Plans.*

7. Public right(s)-of-way: With street names, route numbers, width of right-of-way, and surfacing.

Response: *Provided*

8. Off-street parking: Location, dimensions of parking area, number of spaces, arrangement of spaces and internal circulation pattern.

Response: *Provided*

9. Access: Pedestrian, vehicular, service; and delineations of all points of ingress and egress.

Response: *Provided*

10. Signs: Location, size, height, and method of illumination.

Response: *No new signs are proposed.*

11. RESERVED.

12. Proposed street dedications and improvements.

Response: *Provided*

13. All easements.

Response: *Provided. Includes emergency vehicle access easement; sewer and water easements, and drainage easements.*

14. Location of well and/or septic field, or indication that the property is to be served by public water and/or sewer.

Response: *Not Applicable*

15. Landscape plans.

Response: *The County will be provided with construction plans that will be submitted when lots are ready for development (major use permits are required for any commercial development that occurs).*

- (b) Information needed to determine that the performance standards of Article 41 will be met.

Response: *Mostly to be provided with construction plans that will be submitted when lots are ready for development (major use permits are required for any commercial development that occurs). Construction-related noise, odor and light impacts are addressed in the FEIR for this development, and in the 2019 Addendum, and have been added to Conditions of Approval for the Parcel Map.*

- (c) Any request for amendment to the performance standards of Article 41 shall be in writing with an explanation of why the standard(s) should be waived.

Response: *Not applicable.*

- (d) All required fees shall be paid at the time of filing the application with the Planning Department, and no processing shall commence until the fee is paid.

Response: *The applicant has undertaken road improvements that were not done with the consent or under the supervision of the County Public Works Department. The Director of Public Works may, at his discretion, require inspection fees to be paid 'after the fact' in order to allow County staff to inspect any road improvements on roads that will not be publicly dedicated. Other fees are typically required 'post approval', although no Fish and Wildlife fee will be collected, since no new Initial Study is needed based on the original FEIR and Addendum that occurred in 2019.*

- (e) When filed by an agent, contract purchaser or lessee, the application shall include a written statement signed by the property owner(s) indicating his or her endorsement of the application.

Response: *The managing partner of Valley Oaks Partners, LLC, Keith Gapusan, has signed the application thereby indicating endorsement.*

- (f) A signed statement by the applicant indicating whether the project is located on a site which is included on any of the lists relating to hazardous waste, provided to the County by the State Office of Planning and Research pursuant to Government Code Section 65962.5(f).

Response: *The project area is not listed as a location of a hazardous waste site.*

- (g) Additional information:

1. Any additional pertinent information required by the Planning Department from the "List specifying required data for development projects" of Section 55.5.

A north arrow and scale of drawing.

Response: *Provided*

The site address and Assessor Parcel Number (APN).

Response: *Provided*

Lot dimensions and boundaries, including the total area of the property in sq. ft. or acres, and drawn to a measurable scale.

Response: *Provided*

Location, function, height and size of all existing and proposed structures (including walls and fences) on the property. Gross and net floor area for all commercial and multi-unit development.

Response: *The existing structure is the recently-completed 18,000 sq. ft. Grocery Outlet store, which is shown on site plans submitted for and approved by the County. Future building sizes on lots 1 and 2, and specific positioning are not yet known.*

Location of driveways and required parking areas. Describe material of construction of driveways and parking.

Response: *Provided*

Distance from proposed and existing structures to property lines, and to centerline of street or alley. Distance between principal and accessory buildings and structures. Include any established building setback lines.

Response: *Provided*

Adjacent right(s)-of-way including street names, route numbers, width of right-of-way, existing center line and existing surfacing.

Response: *Provided*

Location and nature of all existing and proposed public and private easements.

Response: *Provided*

Location of wells or statement that the property is to be served by public water. Location of watercourses. Location and direction of slope and/or drainage facilities.

Response: *The parent property is served by public water. There are no water moratoriums at this location. All watercourses and drainage are shown.*

Location of septic tanks and leach fields including expansion area or statement that the property is to be served by public sewer. If a septic system is existing or proposed, the two (2) site plans must be approved by the Environmental Health Division prior to plan submittal.

Response: *All parcels will be served by public sewer provided by the HVL Water and Sewer District; this was verified by staff on April 26, 2022.*

Two (2) copies of the site plan no larger than 11"x17" are required. Existing Trees or Shrubs to be removed, and any proposed landscaping. Any other data as may be required by the Planning Division.

Response: *No trees or shrubs are being removed by this proposal, and any future development will require a new Addendum to the original EIR, including any vegetation removal that might need to occur.*

Site Topography is required to complete Application Review

Response: *Provided*

2. The applicant may be requested to provide more detailed information on a project as part of the application requirements, including but not limited to the following: Soils reports; drainage plans; geologic, hydrologic, or seismic investigations; archaeological reports; biological studies; flood hazard reports; market analysis; fiscal impact studies; noise studies; traffic and circulation studies or other pertinent studies of a technical nature which would assist the Planning Department in its evaluation of, or mitigation of, any potential adverse impacts.

Response: *Many of these reports were submitted with the original EIR that was prepared for Valley Oaks. This included soils report; geologic, hydrologic, and seismic reports; archaeological report; biological study; flood hazard report; fiscal impact study; noise study, and two traffic studies.*

V. ZONING ORDINANCE SECTION 21-15 REGULATIONS FOR THE PLANNED DEVELOPMENT COMMERCIAL OR "PDC" ZONING DISTRICT

- 15.2 Applicability:** Applications for "PDC" zoning shall be for a parcel or contiguous parcels of one (1) acre or more.

Response: *Lot 1 is under one acre in size, however given the 'contiguous' nature of the lots created by this action, the PDC zoning requirements apply to all proposed lots.*

- 15.3 Performance standards:** All uses permitted within this district shall be subject to the performance standards set forth in Article 41 unless alternative standards are adopted according to the provisions of Section 15.27.

Response: *No development proposals were submitted for lots 1 and 2; lot 3 is developed with the new Grocery Outlet store. The Valley Oaks project has extensive conditions associated, and must comply with the Middletown Area Plan, which also has extensive design standards. Because no development is directly associated with this land division, and because each new building site will require a major use permit with associated review including the design standards found in the Middletown Area Plan, performance standards found in Article 41 do not need to be applied at this point in time, but will be applied as lots 1 and 2 develop through a major use permit review.*

15.5.2 Uses permitted by general and specific plans of development in the "PDC" district:

- (a) All those uses permitted in the "CR", "C2", "C3", "MI", and "M2" districts.
- (b) Day care centers, gymnasiums, and health care facilities.
- (c) Recreation facilities including but not limited to tennis courts, fitness trails, swimming pools, boat docks, marinas, playgrounds, and parks.
- (d) Those uses generally permitted in the "CR", "C2", "C3", "MI", and "M2" districts in Tables A and B, [Article 27](#).

Response: *The specific uses planned for each of the two vacant lots that would be created is presently not known, however it is probable that each lot will contain retail uses, such as fast-food restaurants, sit-down restaurants, gas station, or similar uses that are permitted in the PDC zoning district with a major use permit.*

15.7 Application procedure for the Use Permit for Specific Plan of Development:

- (a) Pre-application meeting(s): Applicants for a use permit for specific plan of development shall attend a pre-application meeting(s) with the Planning Department staff. In addition to the review purposes for the general plan of development, the following shall be reviewed:
 - 1. Consistency of the specific plan of development with the approved general plan of development.
 - 2. Review of the development standards applicable to the project.

Response: *The applicant has gone through extensive meetings about the overall Valley Oaks project, and to a lesser degree, for this land division during a meeting held in February 2022.*

- (b) Application: Application shall be made on forms provided by the Planning Department and accompanied by all fees, information and supplemental plans required by this district or the Subdivision Ordinance. No applications shall be accepted until the applicant has complied with Subsection (a) above.

15.8 Phasing: "PDC"s may be phased if phasing is approved as part of the general plan of development. Specific plans of development and tentative and final map proposals shall conform to the phasing of the approved general plan of development.

Response: *The division of land associated with this project is not a phased development, but would result in the creation of three lots and two remainder lots. Lot 3 is already developing; lots 1 and 2 would be developed with commercial uses in the near future once the parcel map is recorded (or sooner). The application materials submitted were provided on an application form as described in 15.7(b) above.*

Zoning Map of Subject Site and Nearby Area



Source: Lake County GIS Mapping

SEC. 21-15.20. DEVELOPMENT STANDARDS.

15.21 Development standards: All uses shall be subject to the development standards set forth herein, unless alternative development standards are adopted according to the provisions of Section 15.27. (**Ord. No. 1749, 7/7/1988**)

Response: All development standards will be applied at the time of site development for lots 1 and 2.

VI. ENVIRONMENTAL ANALYSIS

In accordance with the California Environmental Quality Act, the applicant for the Valley Oaks project was required to submit an Environmental Impact Report (EIR) to the County for review. The draft EIR was heavily vetted by the County. The Final EIR (FEIR) was adopted by the County. In 2018, the applicant applied for a major use permit for an 18,000 sq. ft. retail store. This required an Addendum to the adopted FEIR. The Addendum was written by County Staff and was subsequently adopted by the Board of Supervisors during an appeal hearing that took place in 2020.

This parcel map will result in ground disturbance that has not already been evaluated for compliance with the California Environmental Quality Act (CEQA). The proposed roads (including the accessways), utility line preparations and other site improvement for the three lots under consideration were evaluated in the FEIR Addendum. The extension of Hartmann Road leading to tax lot 24 to the east was evaluated in the Addendum. No further analysis was prepared for this parcel map project.

VIII. RECOMMENDATION

Staff recommends that the Planning Commission make the following recommendation to the Board of Supervisors:

A. Accept this project under the original FEIR and Addendum with the following findings:

1. That this land division is consistent with the original FEIR for Valley Oaks, and with the Addendum to the FEIR that was prepared in 2019 for the Grocery Outlet store.
2. Potential environmental impacts related to all categories of impacts as found in CEQA Table G resulting from this land division are less than significant, and there are no capacity or level-of-service issues with power, water, sewer or roads that will serve this project.
3. Potential water and sewer supply needs will be met for lots 1, 2 and 3 following development of these lots.
4. This project is consistent with land uses in the vicinity.
5. This project is consistent with the County of Lake General Plan, Zoning Ordinance, Middletown Area Plan, and the Subdivision Ordinance.
6. This proposal is consistent with the California Subdivision Map Act.
7. The project will not result in significant impacts to fish and wildlife habitats.
8. As mitigated, this project will result in less than significant environmental impacts.

B. Approve PM 21-31 subject to conditions and with the following findings:

1. This project is consistent with the County of Lake General Plan, Zoning Ordinance, the Middletown Area Plan, and Chapter 17 of the County Code (the Subdivision Ordinance).

2. This project is consistent with the California Subdivision Map Act.
3. As mitigated, this project will result in less than significant environmental impacts and a mitigated negative declaration has been adopted.

Sample Motions:

A. Acceptance of Prior EIR and Addendum

I move that the Planning Commission recommend that the Board of Supervisors find that on the basis of the FEIR adopted by the County for the Valley Oaks subdivision and on the subsequent Addendum to the EIR prepared by the Lake County Planning Department, the parcel map as applied for by Valley Oaks Partners, LLC / Keith Gapusan for property located at 18426 S. Highway 29, Middletown CA and identified as parcel number 014-260-51, and the mitigation measures which have been added to the project through prior subdivision, General Plan of Development review and Specific Plan of Development review, will not have a significant effect on the environment, and therefore, CEQA has been adequately addressed with the findings listed in the staff report dated July 14, 2022.

B. Tentative Parcel Map Approval

I move that the Planning Commission make a recommendation to the Board of Supervisors that the tentative parcel map PM 21-31 applied for by Valley Oaks Partners, LLC / Keith Gapusan on property located at 18426 S. Highway 29, Middletown CA and identified as parcel number 014-260-51 is in conformity with the provisions of the Lake County General Plan, the Subdivision Map Act, Chapter 17 of the Lake County Code, and the Middletown Area Plan and upon that basis, approve said map subject to the conditions and with the findings listed in the staff report dated July 14, 2022.

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.