



## COUNTY OF LAKE

### COMMUNITY DEVELOPMENT DEPARTMENT

#### Planning Division

Courthouse - 255 N. Forbes Street

Lakeport, California 95453

Telephone 707/263-2221 FAX 707/263-2225

Item #2

9:10 A.M.

August. 25, 2022

### STAFF REPORT

**TO:** Planning Commission

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

**DATE:** August 25, 2022

**SUBJECT:** Valley Oaks Tentative Subdivision Map Extension SDX 22-01 to extend Subdivision SD 06-01.

Final Environmental Impact Report (FEIR) based on IS 06-11 and as amended by Addendum to the FEIR, 2019

Supervisory District 1

**ATTACHMENTS:**

1. Vicinity Map
2. Tentative Subdivision 06-01 Conditions
3. Extension Conditions
4. Originally Approved Tentative Subdivision Map
5. Final Environmental Impact Report (FEIR) (Available Upon Request due to its size)
6. Final Environmental Impact Report (FEIR) 2019 Addendum
7. Agency Comments

### I. PARTIAL HISTORY OF VALLEY OAKS

**Original Submittal.** 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. In 2020, the 47 acre commercial lot was subsequently approved by the Planning Commission 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 commercially zoned original parcel. The County of Lake prepared an Addendum to the FEIR to satisfy CEQA review for the Grocery Outlet.

**Subdivision.** In 2017, the Valley Oaks developers deeded land to CalTrans to accommodate the new roundabout that was being proposed at the intersection of Highway 29 and Hartmann Road adjacent to Valley Oaks property. The developer was of the belief that they would be able to connect a fourth leg onto the roundabout for access into the commercial portion of Valley Oaks,

however CalTrans never agreed to this fourth connection to the roundabout, and it remains unbuilt. Traffic will be further evaluated as each commercial lot applies for a major use permit on any commercially-zoned lot in Valley Oaks; this is required by the PDC zoning and in the General Plan of Development for Valley Oaks.

On January 25, 2018, a tentative subdivision map for the Valley Oaks Subdivision (file no. SD 06-18) was approved by the County of Lake Planning Commission. The California Subdivision Map Act allows the granting of extensions for a period or periods not exceeding a total of eight years. The Subdivision Map Act requires the developer of any "subdivision" to submit a tentative map, comply with appropriate local ordinances, and if an applicant's tentative map is approved, file a final subdivision map. Each filing extends the life of the underlying tentative map for 3 years, thus a phased map, with at least 4 phases, can be extended for up to 10 years. The first extension granted by the County of Lake was for two years.

On April 9, 2020 the applicant's proposed extension was recommended for approval by the Planning Commission to the County of Lake Board of Supervisors. On May 26, 2020, the County of Lake Board of Supervisors approved the first two-year extension to this subdivision. No new conditions of approval were added to the approved extension other than to amend the expiration date of the subdivision.

This is the applicant's second extension requested for subdivision SD 06-01. According to the California Subdivision Map Act, local jurisdictions may grant up to a total of six years in one-year extensions.

**Components of the Subdivision.** The Valley Oaks project consists of 47 acres of mixed-use commercial development. The commercial portion of this project would be developed in stages over a five year period. The first Specific Plan of Development (UP 19-09), single phase or parcel of development for the Valley Oaks project was approved on February 18, 2020 for the Grocery Outlet store. Land use development of five "village commercial" parcels encompass approximately 47 acres of the project site, and includes the following anticipated development:

- 105,000 to 120,000 square feet of retail space that includes 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 49-bed senior care/assisted living facility; and,
- Proposed recreational and open space improvements that include a 19.82-acre linear park, a 3.26-acre centrally located active recreation park, a 0.5-acre open space park, and a 5.31-acre frontage trail and park area along California Highway 29.

**Modification.** On April 21, 2022, the applicant provided the County of Lake with an amended tentative subdivision map to the County for review and consideration. This modification is not under consideration in this extension application and will be evaluated at today's hearing in a separate planning process.

**Parcel Map.** The applicant has applied for a parcel map to create three parcels within "Village II". The site includes the Grocery Outlet store's lot, and the applicant would propose to create two additional commercial lots. A Use Permit is required before development of these two additional lots. The Parcel Map is being reviewed under file number PM 21-31.

**CEQA Evaluation.** The original subdivision and Planned Development General Plan project was approved by the County of Lake Planning Commission, and was based on the applicant's

Final Environmental Impact Report (FEIR) in 2019. The 2019 FEIR included a characterization of tax lots 014-260-51 (commercial) and 014-260-36 (residential). APN: 014-260-24 was not included within the original FEIR. As previously stated, an Addendum to the FEIR was completed and included a characterization of lot APN: 014-260-24, and provided an amended Traffic Study prepared by W-Trans. The Traffic Study includes an evaluation of the proposed Grocery Outlet's impacts to traffic.

The original land use permits for the overall Valley Oaks development required:

- A 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), and Use Permit for Specific Plan of Development (UP 19-09); and,
- Tentative Subdivision Map (SD 06-01).

## **II. PROPERTY DESCRIPTION**

Applicant: Valley Oaks Land and Development Inc.

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

APNs: 014-260-51, 014-260-36 (APN 014-260-24 is being added with MMU 22-01, under consideration as a separate file and hearing)

Zoning: "O-FF-SC-FW-PDR-PDC" Open Space; Flood Fringe Combining; Scenic Combining; Floodway Combining; Planned Development Residential; Planned Development Commercial Districts

General Plan: Agriculture, Resource Conservation and Public Facilities

## **III. PROJECT DESCRIPTION**

Applicant/Owner: Valley Oaks Land and Development Inc.

Location/APN's: 18196 South State Highway 29, Middletown CA (014-260-36)  
18426 South State Highway 29, Middletown CA (014-260-51)  
18765 Hartmann Road, Middletown CA (014-260-24)

Parcel Sizes: 014-260-36: Approximately 103 acres in size  
014-260-51: Approximately 47 acres in size  
014-260-24: Approximately 14 acres in size

General Plan: 014-260-36: "A-RC" – Agriculture and Resource Conservation  
014-260-51: "A-PF" – Agriculture and Public Facilities  
014-260-24: "SRe-LDR-PF-RC"; Suburban Reserve - Low Density Residential – Public Facilities – Resource Conservation

Zoning: 014-260-36: "O-FF-SC-FW-PDR" - Open Space - Flood Fringe Combining - Scenic Combining - Floodway Combining - Planned Development Residential District  
  
014-260-51: "O-FF-SC-FW-PDR-PDC" - Open Space - Flood Fringe Combining - Scenic Combining - Floodway Combining - Planned Development Residential - Planned Development Commercial

014-260-24: Split; “O-FF-FW-WW” and “C2-DR-FF-FW-WW” (Open Space – Floodway Fringe – Floodway – Waterway – Community Commercial – Design Review)

Flood Zone: “AE” – Floodway and “AO” Special Flood Hazard Areas

Existing Uses and Improvements: 18,000 sq. ft. grocery store that was recently finished; imported fill that was issued a grading permit and approved by the County, and road improvements that have not been inspected or approved by the County of Lake Public Works Department.

**Figure 1 - Surrounding Zoning and Land Uses**



- North: The parcels to the north are zoned “R1” Single-Family Residential District and “O” Open Space. The parcels size range from approximately 0.2 acres to greater than 12 acres in size.
- South: The parcels to the south are zoned “O” Open Space, “R1” Single-Family Residential District and “C2” Community Commercial District. The parcels size range from approximately 7 acres to greater than 14 acres in size.
- West: The parcels to the west are “RR” Rural Residential, “SR” Suburban Reserve, “C1” Local Commercial “C2” Community Commercial, “C3” Service Commercial District. The parcels size range from approximately 0.44 acres to greater than 32 acres in size.
- East: The parcels to the west are “RL” Rural Lands. The parcels size range from approximately 13 acres to greater than 36 acres in size.

Topography: The project area is located within a rural area of the County of Lake with slopes that range from approximately 0% to greater than 10%.

#### **IV. PLAN CONFORMANCE**

##### **Lake County General Plan**

At the time the original subdivision was approved, the Planning Commission and the Board of Directors found the project to be in compliance with the General Plan.

##### **Lake County Zoning Ordinance**

*SEC.21-13.31 Adoption of plans:*

*(e) Upon approval of the general plan of development by the Board of Supervisors, a use permit for a specific plan of development in conformity with the general plan of development may be presented to the Planning Commission for approval; or a use permit for a specific plan of development may be presented concurrently with a general plan of development, provided that any approval by the Planning Commission be conditioned so that the use permit for the specific plan of development shall be of no force or effect until approval of the general plan of development by the Board of Supervisors, nor until the effective date of any applicable rezoning to "PDR". The use permit for the specific plan shall be noticed, presented, considered and approved as prescribed in Article 51.*

##### **Subdivision Ordinance**

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

#### **V. ENVIRONMENTAL REVIEW**

The California Environmental Quality Act (CEQA) applies to projects. Extensions are not regarded as 'projects' under CEQA definitions.

#### **IV. RECOMMENDATION**

County Staff recommends that the Planning Commission make the recommendation to **approve a one-year extension of time for SD 06-01** the Board of Supervisors.

##### **Sample Motion:**

##### **Time Extension**

I move that the County of Lake Planning Commission recommend that the Board of Supervisors approve a one-year extension of time for subdivision SD 06-01, with the findings listed in the Staff Report dated August 25, 2022, and with the additional Conditions of Approval stated herein.

***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.*