



## Legislation Text

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File #: 20-548, Version: 1

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### Memorandum

**Date:** June 16, 2020

**To:** The Honorable Moke Simon, Chair, Lake County Board of Supervisors

**From:** Scott De Leon, Interim Community Development Director  
Victoria Kim, Assistant Planner

**Subject:** Consideration of Valley Oaks Subdivision Vesting Tentative Subdivision Map Extension, SDX 19-02

**Exhibits:** A- Vicinity Map  
B- Vesting Tentative Subdivision 06-01 Conditions (SD 06-01)  
C- Approved Valley Oaks Tentative Subdivision Map (SD 06-01)  
D- Staff Report, March 16, 2020 (SDX 19-02)  
E- Planning Commission Minutes, April 9, 2020 (SDX 19-02)

**Executive Summary:** (include fiscal and staffing impact narrative):

The applicant is requesting approval for a Subdivision Extension of Time (SDX 19-02) for Vesting Tentative Subdivision Map (SD 06-01) known as Valley Oaks Subdivision approved on January 25, 2018. The Planning Commission recommended the two (2) year extension to the Board of Supervisors on April 9, 2020.

**Background and Previous Actions:**

The subject sites are located within the Middletown Area Plan and include a General Plan Amendment (GPAP 05-03), General Plan Development (GPD 05-01), Rezone (RZ 05-02) from Agricultural District (A) to Planned Development Residential (PDR) and Planned Development Commercial (PDC) Districts. 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.

**Planning Commission Actions:**

On April 9, 2020 - the Planning Commission took the following actions:

- *Planning Commission recommends the Board of Supervisors to approve an extension of time for Valley Oaks Vesting Tentative Subdivision Map for a period of two years as indicated in the Staff Report dated March 16, 2020. (Exhibit D)*

**I. PROJECT DESCRIPTION**

Applicant/Owner: Valley Oaks Land and Development Inc.

Location/APN's: 18196 South State Highway 29, Middletown CA 95407 (014-260-36).  
18426 South State Highway 29, Middletown CA 95407 (014-260-51).

Parcel Size: 014-260-36: Approximately 103 acres in size.  
014-260-51: Approximately 47 acres in size.

General Plan: 014-260-36: "A-RC" - Agriculture and Resource Conservation  
014-260-51: "A-PF" - Agriculture and Public Facilities

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

Flood Zone: "AE" - Floodway and "AO" Special Flood Hazard Areas

Existing Uses and Improvements: None

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 9 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 with slopes that range from approximately 0% to greater than 10%

Soils:

According to the soil survey of Lake County, prepared by the U.S.D.A, The parcel contains the following soil types:

- Still Loam, Stratified Substratum (233)
- Kelsey Find Sandy Loam (147)
- Talmage Very Gravelly Sandy Loam (237)

## **II. CONFORMANCE**

1. **The proposed amendment is consistent with the Lake County General Plan, Zoning Ordinance, Subdivision Ordinance, and the Middletown Area Plan.**

### **Lake County General Plan**

*Goal LU-1: To encourage the overall economic and social growth of the County while maintaining its quality of life standards.*

- *Policy LU 1.5 Mixed Use Development: The County shall actively support the development of mixed use projects as a means to reduce travel distances and create neighborhood environments that offer a range of residential options.*

*Goal LU-3: To provide adequate land in a range of residential densities to accommodate the housing needs of all income groups expected to reside in the County, and ensure a high quality of development.*

- Policy LU-3.1 Residential Developments: The County shall encourage major new residential development to locate in close proximity to existing infrastructure and opportunities for employment, services, and recreation.*

### **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 in the manner prescribed in Article 51.*

*SEC.21-15.31 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 "PDC". The use permit for a specific plan shall be noticed, presented, considered and approved in the manner prescribed in Article 51.*

### **Subdivision Ordinance**

*SEC.17-22.9 (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.*

### **Middletown Area Plan**

*Objective 5.1.5 Encourage comprehensive economic development efforts for the long-term benefit of the Planning Area aimed at increasing local employment opportunities.*

- Policy 5.1.5c: Increase local employment opportunities in order to provide an adequate number of jobs to support the local population.*

*Objective 5.2.1 Plan for affordable and logical residential growth that implements the policies of the General Plan and balances housing with jobs and growth needs while maintaining a small town, rural atmosphere.*

- Policy 5.2.1a: Large new development projects should contain components of affordable housing and development of independent senior housing and assisted living facilities should be encouraged.*
- Policy 5.2.1b: Medium and high density residential developments that are compatible with the neighborhood character shall be encouraged in locations close to services with adequate sewer and water facilities, within community boundary areas.*

**This project is consistent with Lake County General Plan, Zoning Ordinance, Subdivision Ordinance, and the Middletown Area Plan. The Valley Oaks project would be developed in phases as described in the approved Vesting Tentative Subdivision Map (SD 06-01). Development of "village commercial" parcels that encompass approximately 43.18 acres of the project site, including 105,000 to 120,000 square feet of retail space that includes a grocery store, drug and general merchandise store, and other retail uses; and 85,000 to 110,000 square feet of commercial uses that include a movie theater, motel, and general office uses. The Vesting Tentative Subdivision Map also includes approximately 150 acres to create 380 residential lots inclusive of single family and medium density residential, recreational open spaces, and**

**residential care facility. Permitted uses would be approved in the "PDR" Planned Development Residential and "PDC" Planned Development Commercial districts upon issuance of a Use Permit for a Specific Plan of Development pursuant to Article 13 and 15 of the Lake County Zoning Ordinance.**

- On February 18, 2020, a Use Permit (UP 19-09) for Specific Plan of Development was approved by the Planning Commission for the first phase of the commercial development.

### III. ENVIRONMENTAL REVIEW

The California Environmental Quality Act (CEQA) guidelines Section 15162, requires agencies to evaluate the environmental implications of their actions. The Community Development has reviewed Final Environmental Impact Report prepared by PMC and completed an Environmental Analysis (Initial Study, IS 06-01) for the approved Vesting Tentative Map Subdivision (SD 06-01). Mitigation measures dated October 2014 should continue to be incorporated into the Subdivision Map Extension (SDX 19-02) and complied with in the construction of the Valley Oaks project.

**If not budgeted, fill in the blanks below only:**

Estimated Cost: \_\_\_\_\_ Amount Budgeted: \_\_\_\_\_ Additional Requested: \_\_\_\_\_ Future Annual Cost: \_\_\_\_\_

**Consistency with Vision 2028 and/or Fiscal Crisis Management Plan** (check all that apply): ☐ Not applicable

- |   |  |   |  |
|---|--|---|--|
| <input type="checkbox"/> Well-being of Residents<br><i>Upgrades</i> | <input type="checkbox"/> Public Safety               | <input type="checkbox"/> Infrastructure   | <input type="checkbox"/> <i>Technology</i>         |
| <input type="checkbox"/> Economic Development                       | <input type="checkbox"/> Disaster Recovery           | <input type="checkbox"/> County Workforce | <input type="checkbox"/> <i>Revenue Generation</i> |
| <input type="checkbox"/> Community Collaboration                    | <input type="checkbox"/> Business Process Efficiency | <input type="checkbox"/> Clear Lake       | <input type="checkbox"/> <i>Cost Savings</i>       |

**If request for exemption from competitive bid in accordance with County Code Chapter 2 Sec. 2-38, fill in blanks below:**

Which exemption is being requested?  
How long has Agreement been in place?  
When was purchase last rebid?  
Reason for request to waive bid?

#### **Recommended Action:**

**The Planning Commission recommends that the Board of Supervisors take the following actions:**

**A. That the previously approved mitigated negative declaration meets the requirements of Section 15162(a) of the State CEQA Guidelines, and that no additional environmental review need be prepared, with the following findings:**

1. There has been no change in the project that would create new significant environmental impacts.
2. There has been no substantial change in circumstances resulting in new significant environmental impacts.
3. No new information of substantial importance to the project has become available.

**B. Approve a two-year extension of time for SD 06-01 based on Staff Memo with the following findings:**

1. The tentative subdivision map is consistent with the Lake County General Plan, Middletown Area Plan, and Zoning Ordinance.
2. The time extension request is consistent with the Lake County Subdivision Ordinance and the State Subdivision Map Act.
3. This project remains compatible with neighboring land uses.

4. There has been no substantial change in circumstances resulting in new significant environmental impacts.
5. There has been no substantial change in the physical suitability for the type of development and proposed density.

#### IV. SAMPLE MOTIONS

##### Reconsideration of a previous Mitigated Negative Declaration

I move that the Mitigated Negative Declaration, which was previously prepared for Initial Study (IS 06-01) for the property located at **18196 and 18426 South State Highway 29, Middletown CA 95461** does meet the requirements of Section 15162(a) of the CEQA Guidelines, and that no additional environmental review need be prepared with the findings listed in this **Board Memorandum dated May 26, 2020**.

##### Tentative Subdivision Map Extension Approval

I move that the Board of Supervisors approve the Tentative Subdivision Map Extension (SDX 19-02) applied by **Land and Development Inc.** on property located at on property located at **18196 and 18426 South State Highway 29, Middletown, CA 95461, APN: 014-260-36 & 51** and subject to the conditions and with the findings listed in the **Board Memorandum dated May 26, 2020**.