



Under State Law and the County's Subdivision Ordinance, the Dove Creek Tentative Map is eligible for up to 6 years of discretionary time extensions beyond the initial two-year approval period. To date the County has granted time extensions totaling 4 years. In addition, the subdivision benefitted from automatic time extensions granted by the State Legislature applicable to approved tentative maps throughout the State during the economic recession totaling an additional 7 years. At this point the project is eligible for one final two-year time extension with a termination date of December 13, 2020, which is not automatic but fully subject to the discretion of the Board.

### **FINANCIAL IMPACT:**

The cost of processing this time extension request is borne by the applicant through application fees. The costs associated with preparing the agenda item are nominal and absorbed by the department's FY2018/19 Adopted Budget.

### **DISCUSSION:**

#### *Background:*

The Dove Creek Ranch Subdivision, located at the southwest terminus of Dove Creek Trail (APN: 0105-080-460 & 470), involves the subdivision of an 80-acre site, into thirty-two (32) residential lots ranging in size from 1.3 to 3.8 acres. The approved project is consistent with the density allowed in the General Plan. The project concept included a gated community, interior private roads with the option for public streets, and a Home Owners Association for maintenance of the neighborhood park, pond, and private roads, if any. Public water service by the Rural North Vacaville Water District and on-site sewage disposal was approved. Public street improvements to extend Dove Creek Trail between Peaceful Glen and Cantelow Road, and construction of two bridges are a part of the approved project. Other approved applications relating to the project include a rezoning petition (Z-01-03) to rezone the property from A-20 to RR-2.5, and a Policy Plan Overlay (PP-01-03) to allow flexible lot sizes consistent with zoning and General Plan density. Background information related to the Dove Creek project and 2005 approval such as the Board report, minutes, adopted rezone, Policy Plan Overlay and conditions of approval are attached to this report.

In January 2018, the applicant filed a separate Dove Creek Ranch subdivision application which covers the subject parcels and an additional 30 acres, for 44 lots on 110 acres (S-18-01). The subdivision proposes lots less than 2.5 acres in size and ingress/egress through Pippo Lane and Peaceful Glen Road, instead of extending Dove Creek Trail over English Creek and connecting to Cantelow Road. The 2018 application is in incomplete status and the applicant has indicated if the extension is approved, the 2018 application will be withdrawn.

#### *Extension Analysis*

On December 12, 2018, the current land owner, Dove Creek Trail LLC, filed a timely application for another two-year extension of the Tentative Subdivision Map. A two-year extension would extend the life of the tentative map until December 13, 2020. This would give the applicant additional time to comply with conditions of approval and installation of major infrastructure such as internal roads, Dove Creek Trail between Peaceful Glen and Cantelow Road which includes 2 bridges, public water mains and lines; all required to record the Final Map, sell and build homes on the lots.

In evaluating whether an extension is appropriate, the reasons for the delay, level of progress achieved, whether there have been significant changes to the project or the surrounding area, whether there have been significant changes in the County's land use plans for the surrounding area, and the suitability of the approved tentative map conditions in light of present circumstances should be considered.

In terms of changes, no substantial changes to the project, the site or surrounding area have occurred since the project was approved in 2005. The land remains undeveloped. There have been no changes to the General Plan on the subject or surrounding properties. Several projects in the vicinity have been approved

and developed such as Blue Mountain subdivision (MS-13-01) involving 2-2.5 acre lots and 1-5-acre lot west of Dove Creek Ranch and Brian West subdivision (MS-14-03) involving 3-2.5 acre lots and 1-14-acre lot at the northeast corner of English Hills and Cantelow Road. These projects are consistent with zoning and General Plan. Several other subdivisions have been filed such as the Goudie and Pecotte projects. Each is proposing RR-5 acre lots. In addition, a large lot subdivision project on lands formerly owned by Don Pippo, has been filed by Bill Morgan, proposing 15-20 acre lots. The location of the projects is identified on Attachment C.

In terms of delay, according to the applicant, there has been difficulties associated with financing of the road and public water infrastructure. Right-of-way acquisition for Dove Creek Trail south of English Creek to Cantelow Road has been acquired and north to Peaceful Glen Road have been acquired or in progress.

In terms of progress, during 2006-2009, significant steps were taken by the previous owner to comply with the conditions of approvals such as obtaining State permits such as Regional Water Quality Certification and Streambed Alteration Agreements. Swainson Hawk mitigation credits were purchased. Bridge and roadway improvement plans, Community Design Plans, Code Covenants and Restrictions (CC&Rs), Home Owners Association (HOA) articles of incorporation were submitted and determined incomplete. State permits have expired but could be reinitiated.

The General Plan designates the property as Rural Residential which allows a maximum density of 1 primary dwelling per 2.5 acres and permits the clustering concept. The maximum number of primary residential units permitted on the property is 32 (80 acres divided by 2.5). The project, in conjunction with the Policy Plan Overlay, is consistent with the allowable densities, clustering concept and zoning.

The 2005 tentative map is consistent with the Circulation Diagram of the General Plan in that condition no. 37 requires construction of Dove Creek Trail between Peaceful Glen and Cantelow Road as part of the off-site improvements requirements (refer to condition no. 37 (a) - (g) and (s) -(t)). This roadway is required by the General Plan and installation is a public benefit to the County for better circulation in the area. The 2005 project conditions allow the subdivider flexibility to record and sell lots for areas completed and bond for incomplete road improvements, with a secured agreement with the County. However, all road improvements must be completed within 2 years of execution of the agreement. The Policy Plan Overlay and conditions of approval remain valid.

Planning staff recommends that the tentative map be extended to December 13, 2020 to allow the current owner additional time to address the conditions of approval and record the Final Map. Progress will be necessary to comply with conditions prior to recordation. If the applicant is unable to complete requirements such as obtaining permits, finance and construct infrastructure necessary to record the Final Map prior to December 13, 2020, a new tentative application and environmental review will be required to further pursue the project. The County would also need to determine whether the Policy Plan Overlay would remain if there is no associated tentative map.

In processing this extension, staff has received numerous contacts from neighbors expressing concerns with granting any further extensions to this project. Primary concern appears to be focused on lot sizes not consistent with the character of the neighborhood. Staff anticipates further correspondence will be submitted from the neighborhood further articulating their concerns prior to the public hearing.

#### **Environmental Review:**

A Mitigated Negative Declaration and Mitigation Monitoring Program was previously adopted in 2005. As previously stated, no substantial changes to the project, the site or surrounding environment have occurred. No substantial changes to the previously adopted conditions or mitigation measures are proposed or required, and all previously adopted mitigation measures will remain in force. No further environmental review is required.

**Public notice requirement:**

As directed by the Board action on February 5, 2019, the matter was re-noticed for the March 12, 2019 agenda. In accordance with Solano County Subdivision Ordinance, notice of a public hearing was published at least 10 days before the scheduled hearing in the Fairfield Daily Republic and the Vacaville Reporter. In addition, all property owners of real property as shown on the latest equalized assessment roll within 300 feet of the property. All persons requesting notice of the public hearing were mailed or emailed notices of the hearing.

**ALTERNATIVES:**

The Board may consider modifying the staff recommendation by allowing a shorter time extension or deny the extension outright. However, a shorter time period may not allow adequate time to comply with the conditions necessary to record the final map. A denial action would not allow any additional time for the applicant to demonstrate progress and would cause the approved tentative map and conditions of approval to expire.

**OTHER AGENCY INVOLVEMENT:**

None.

**CAO RECOMMENDATION:**

APPROVE DEPARTMENTAL RECOMMENDATION