



**COUNTY OF SAN LUIS OBISPO  
DEPARTMENT OF PLANNING AND BUILDING  
STAFF REPORT**

**PLANNING COMMISSION**

*Promoting the wise use of land  
Helping build great communities*

<b>MEETING DATE</b> March 10, 2016	<b>CONTACT/PHONE</b> Jo Manson 781-4660/jmanson@co.slo.ca.us	<b>APPLICANT</b> The Bu Houses LLC	<b>FILE NO.</b> S940036T/ D940090D
<b>SUBJECT</b> A request for a <b>two year time extension and a sixth one year time extension</b> by The Bu Houses LLC for Vesting Tentative Tract Map 2162 and Development Plan D940090D to allow a six-phase cluster subdivision to subdivide an approximately 400 acre site into a maximum of 345 lots ranging in size from 6,000 square feet to 37,500 square feet and an approximately 300 acre open space parcel. The subdivision includes a marina/boat launch ramp and boat trailer parking area, hiking trails between phases and an alternative fire access road linkage to Bee Rock Road, included as a condition of approval. The project site is located within the East Neighborhood of Oak Shores Village, accessed by Lake View Drive and is identified as parcel A-7 within the Phasing Plan for Oak Shores. The site is in the Residential Single Family, Open Space and Recreation land use categories. The site is in the Nacimiento Sub Area in the North County Planning Area.			
<b>RECOMMENDED ACTION</b> Approve the <b>two year and the sixth one year time extension requests</b> for Vesting Tentative Tract Map 2162 and Development Plan D940090D.			
<b>ENVIRONMENTAL DETERMINATION</b> A Final Environmental Impact Report dated April 27, 1984 was prepared for the proposed Oak Shores II development. A Supplemental Environmental Impact Report (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) was approved/certified for this project by the Board of Supervisors on September 24, 1996.			
<b>LAND USE CATEGORY</b> Residential Single Family, Open Space, Recreation	<b>COMBINING DESIGNATION</b> Geologic Study Area, Scenic Resource Area	<b>ASSESSOR PARCEL NUMBER</b> 012-381-001	<b>SUPERVISOR DISTRICT(S)</b> 1
<b>PLANNING AREA STANDARDS:</b> Sec. 22.104.40 – Oak Shores Village Standards <i>Does the project conform to the Planning Area Standards – Yes</i>			
<b>LAND USE ORDINANCE STANDARDS:</b> Sec. 22.22.080 – Residential Single-Family and Multi-Family Categories, Sec. 22.22.140 – Cluster Division, Sec. 22.30.300 – Lodging – Recreational Vehicle (RV) Parks, Sec. 22.30.520 – Rural Recreation and Camping			
<b>EXISTING USES:</b> Vacant, cattle grazing.			
<b>SURROUNDING LAND USE CATEGORIES AND USES:</b> North: Agriculture / cattle grazing                      East: Agriculture / cattle grazing South: Recreation / Lake Nacimiento                      West: Residential Single Family / residences			
<b>OTHER AGENCY / ADVISORY GROUP INVOLVEMENT:</b> Vesting tentative tract map and development plan was originally referred to California Department of Forestry and Fire Protection, Cal Fire, Public Works, and APCD.			
<b>TOPOGRAPHY:</b> Nearly level to steeply sloping		<b>VEGETATION:</b> Grasses, forbs, oaks, riparian	
<b>PROPOSED SERVICES:</b> Water supply: Community System Sewage Disposal: Community sewage disposal system Fire Protection: Cal Fire		<b>ACCEPTANCE DATE:</b> N/A	

ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT:  
COUNTY GOVERNMENT CENTER γ SAN LUIS OBISPO γ CALIFORNIA 93408 γ (805) 781-5600 γ FAX: (805) 781-1242

## TIME EXTENSION REQUEST/PROJECT DESCRIPTION

Vesting Tentative Tract Map 2162 and Development Plan D940090D were approved by the San Luis Obispo County Board of Supervisors on September 24, 1996. Five one-year time extensions were duly approved from 1998 to 2003. The recording of Phase 1 of this map and construction of off-site improvements extended the remaining phases until September of 2006. A sewer moratorium was declared on August 31, 2006 and a tolling of the time was granted by the Planning Director pursuant to Government Code Section 66452.6. On August 31, 2011 the maximum 5 year limit on the stay terminated. After exercising the legislative time extensions (effective by operation of law), the tentative map was extended through September 24, 2016. On June 18, 2015, the applicant's agent, Wallace Group, requested **a two year time extension and a sixth one year time extension**. (A time extension for a tentative map also extends the life of the related development plan if it is required as a part of the subdivision process).

Vesting Tentative Tract 2162 / Development Plan D940090D is a request to allow a six-phase cluster subdivision to subdivide an approximately 400 acre site into a maximum of 345 lots ranging in size from 6,000 square feet to 37,500 square feet and an approximately 300 acre open space parcel. The subdivision includes a marina/boat launch ramp and boat trailer parking area, hiking trails between phases and an alternative fire access road linkage to Bee Rock Road, included as a condition of approval. The project site is located within the East Neighborhood of Oak Shores Village, accessed by Lake View Drive and is identified as parcel A-7 within the Phasing Plan for Oak Shores. The site is in the Residential Single Family, Open Space and Recreation land use categories. The site is in the Nacimiento Sub Area in the North County Planning Area.

This vesting tentative map is not yet ready to record. Additional time is necessary to comply with the conditions of approval. Most notable is the requirement for an expanded spray field for the sewer system to serve the project. Time extensions for vesting tentative maps are discretionary; however, they have historically been processed as an administrative action and placed on the consent agenda for notification purposes for both the Planning Commission and the public.

## DISCUSSION

### The Subdivision Map Act & Real Property Division Ordinance

The Subdivision Map Act provides that a conditionally approved vesting tentative map shall expire twenty-four (24) months after its conditional approval. The original expiration date was September 24, 1998. With recent amendments, the Subdivision Map Act now allows up to six (6) one year discretionary time extensions (without legislative time extensions). The applicant must request each of the *discretionary* time extensions. This request is the applicant's **sixth discretionary one year time extension request**.

Vesting Tentative Map 2162 has been granted five (5) discretionary one year time extensions by the Planning Commission as follows:

1<sup>st</sup> time extension approved on November 12, 1998 – Vesting Tentative Tract Map 2162 was extended to September 24, 1999.

2<sup>nd</sup> time extension approved on September 23, 1999 - Vesting Tentative Tract Map 2162 was extended to September 24, 2000.

3<sup>rd</sup> time extension approved on November 9, 2000 - Vesting Tentative Tract Map 2162 was extended to September 24, 2001.

4<sup>th</sup> time extension approved on September 13, 2001 - Vesting Tentative Tract Map 2162 was extended to September 24, 2002.

5<sup>th</sup> time extension approved July 11, 2002 - Vesting Tentative Tract Map 2162 was extended to September 24, 2003.

Phase 1 of Tract Map 2162 was recorded on October 7, 2003 in Book 23 of Maps, Pages 1-7. In accordance with Section 66452.6 of the Subdivision Map Act "...each filing of a final map authorized by Section 66456.1 shall extend the expiration of the approved or conditionally approved tentative map by 36 months from the date of its expiration...". Therefore, Vesting Tentative Tract Map 2162 was extended to September 24, 2006.

Vesting Tentative Tract Map 2162 was subject to a development moratorium stay (based on a sewer moratorium). In accordance with Section 66452.6 of the Subdivision Map Act a maximum period of five years is added to the "life" of the vesting tentative tract map. Therefore, Vesting Tentative Tract Map 2162 was extended to September 24, 2011.

The Subdivision Map Act was amended in 2008, 2009, 2011 and 2013 to provide tentative maps with "automatic, state-mandated" extensions that are above and beyond the six (6) one year time extensions as follows:

Senate Bill 1185 (California Government Code Section 66452.21) – If a tentative map was approved before and not expired on July 15, 2008 and will expire between July 15, 2008 and January 1, 2011 – extends the tentative map twelve (12) months. Vesting Tentative Tract Map 2162 was extended to September 24, 2012.

Assembly Bill 333 (California Government Code Section 66452.22) – If a tentative map was approved before and not expired on July 15, 2009 and will expire between July 15, 2009 and January 1, 2012 – extends the tentative map twenty four (24) months. Vesting Tentative Tract Map 2162 was extended to September 24, 2014.

Assembly Bill 208 (California Government Code Section 66452.23) – If a tentative map was approved before and not expired on July 15, 2011 and will expire between July 15, 2011 and January 1, 2014 – extends the tentative map twenty four (24) months. Vesting Tentative Tract Map 2162 was extended to September 24, 2016.

Assembly Bill 116 (California Government Code Section 66452.24(b)) – If a tentative map was approved on or before December 31, 1999 and not expired on July 11, 2013 it extends the tentative map twenty four (24) months. Vesting Tentative Tract Map 2162 would be extended to September 24, 2018. This legislative time extension requires that the decision making body find the project consistent with the applicable general plan if the map was approved prior to December 31, 1999. The land owner is requesting that a finding of general plan consistency be made and this two year time extension be granted.

A sixth discretionary one year time extension would extend Vesting Tentative Tract Map 2162 to September 24, 2019. The land owner is also requesting that this one year time extension be granted, due to the need for substantial financial expenditures and construction of the required expanded spray field for the sewer system to serve the project.

### **Staff Determination and Recommendation**

These time extension requests have been reviewed by staff. They comply with The Subdivision Map Act and Section 21.06.010 of the Real Property Division Ordinance, and remain in compliance with the General Plan and County ordinances. In accordance with California Government Code Section 66452.24(b), staff has determined that the map is consistent with the applicable zoning and general plan requirements in effect when the time extension request was filed for processing on June 18, 2015.

After review of the vesting tentative map, staff recommends to the Planning Commission that the **two year and the sixth one year time extensions** be granted to September 24, 2019 subject to the conditions of approval set by the Board of Supervisors on September 24, 1996.

### **FINDING**

- A.** The proposed Vesting Tentative Tract Map /Development Plan is consistent with the land use ordinance and applicable county general and specific plans because it complies with applicable area plan standards and is being subdivided in a manner consistent with the Residential Single Family, Recreation, and Open Space land use categories as a cluster subdivision.

### **ATTACHMENTS**

- Attachment 1 - Project Graphics  
Attachment 2 – Board of Supervisor’s Resolution 96-353  
Attachment 3 – Board of Supervisor’s Resolution 96-354

Staff report prepared by Jo Manson and reviewed by Terry Wahler.