



Land Use Services Department
Planning Division

BOARD OF SUPERVISORS HEARING

Land Use Services Department

Applicant/Appellant: Lucerne Valley, LLC., et al/
Michael Duffy

Heidi Duron
Planning Director
October 6, 2020



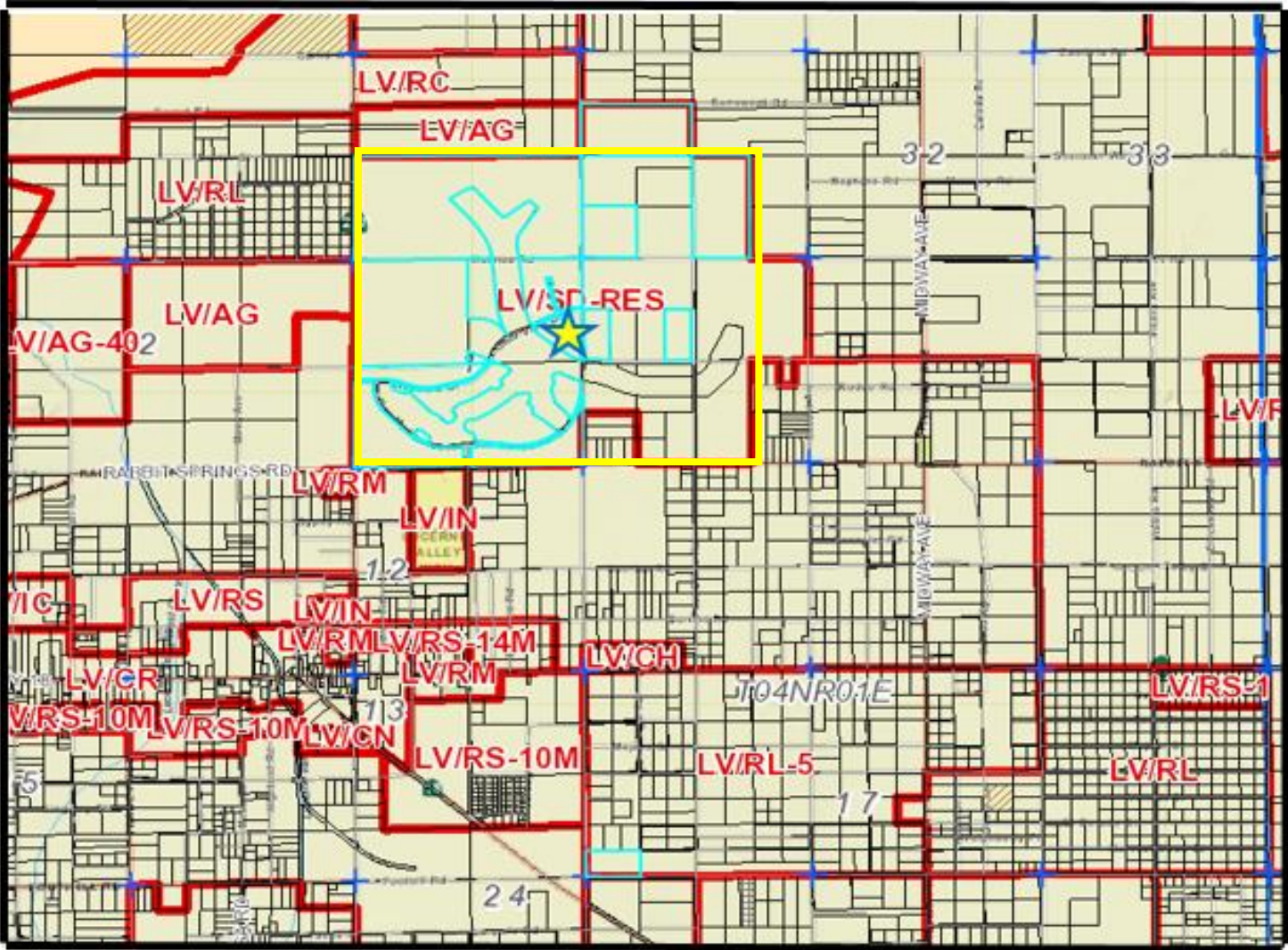
Project:

Extension of Time request for “Master Tract Map No. 15791”, also referred to as Rancho Lucerne.

Appeal:

Extension denial by the Planning Commission appealed by Lucerne Valley, LLC., et al/Michael Duffy.





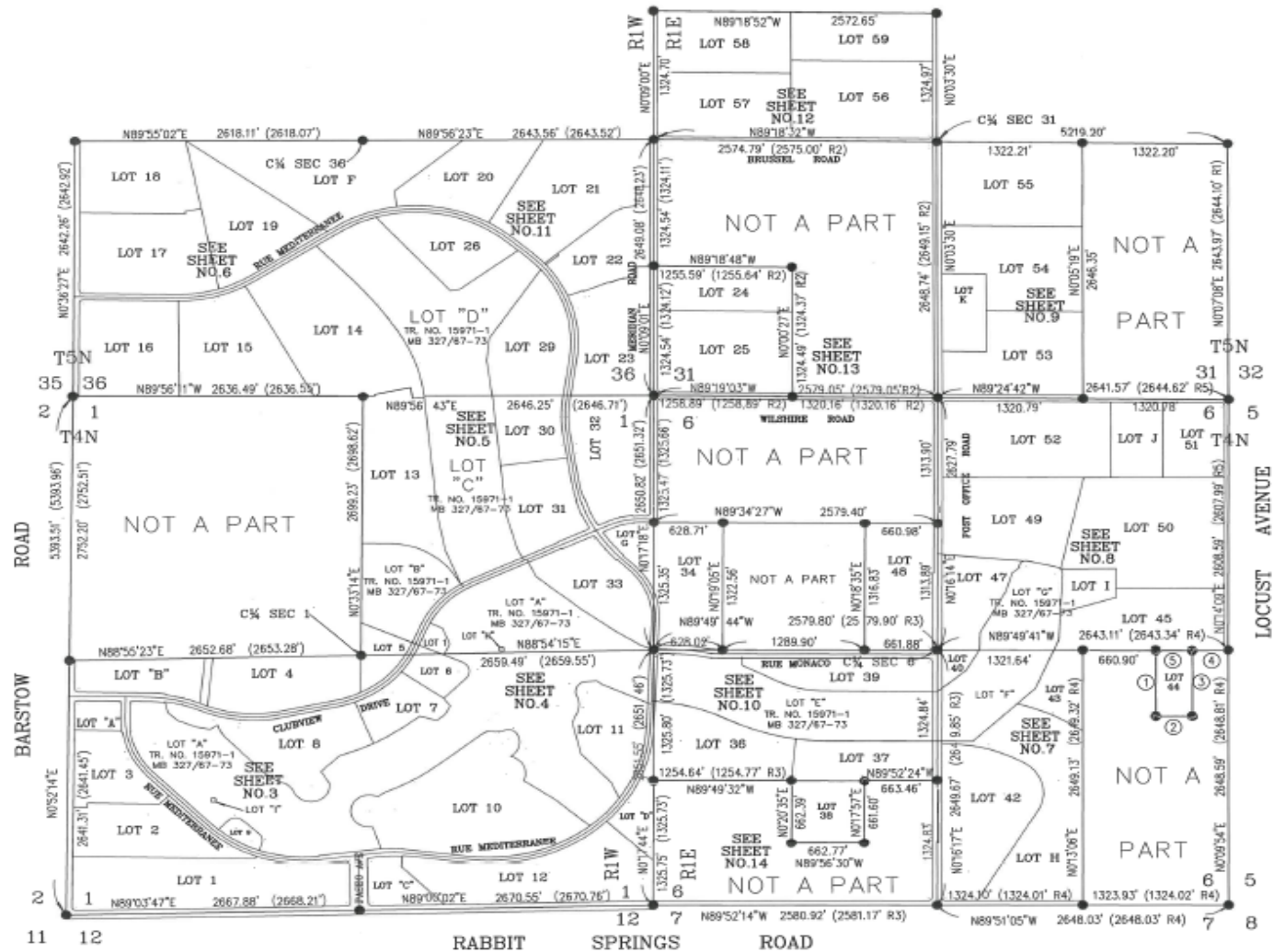


View Looking East from Barstow Road



View Looking North from Rabbit Springs Road

Rancho Lucerne – Master Tract Map 15791



Key Milestones of Rancho Lucerne

- 1996: Original approval – GPA and Preliminary Development Plan for the 4,257 lot Rancho Lucerne Planned Development
- 1997: Planning Commission approved a Final Development Plan (FDP) and Master Tentative Tract (MTT) 15791
- 1998 – 2000: Multiple revisions to the approved FDP and MTT
- 2000 - 2005: Two Extensions of Time granted, extending expiration to August 4, 2005
- 2005-2007: A lawsuit filed by the applicant resulted in a settlement agreement which granted an additional 3 years, to April 12, 2010.

Key Milestones of Rancho Lucerne

- 2007 – 2013: State legislation granted multiple automatic extensions, resulting in 7 additional years for MTT 15791, until April 12, 2017.
- January 6, 2017: Application for an Extension of Time submitted to request 24 months extension pursuant to AB1303.
- May 3, 2018: The applicant's attorney submitted a letter asserting MTT 15791 was also automatically extended by 36 months based on off-site improvements constructed by the applicant. This assertion was not disputed by the County, therefore final expiration was April 12, 2020.

Key Milestones of Rancho Lucerne

- April 7, 2020: Board action suspended expiration dates for approved entitlements, due to COVID-19, until May 31, 2020.
- April 9, 2020: Application for an Extension of Time submitted requesting time to complete the conditions of approval for recordation.
- June 12, 2020: After 60 days, Staff determined MTT 15791 to be expired, scheduled for Planning Commission to act on extension.
- July 9, 2020: Planning Commission denied Extension request.

Planning Commission Public Hearing on July 9, 2020:

- The Planning Commission conducted a public hearing.
- Staff presented and emphasized the cumulative total of extensions (14 years) exceeds the total permitted by the Subdivision Map Act.
- The Planning Commission denied the extension of time request by a vote of 5-0.
- Public Comments:
 - One, requested denial of the Extension of Time request.

Appeal filed:

- On July 21, 2020 by Lucerne Valley, LLC., et al./Michael Duffy.

- Board has discretion to grant a 12-month extension under Section 66452.6 of the Map Act, which provides the local agency authority to grant discretionary extensions of up to six (6) years.
 - The County has only granted five (5) years of discretionary extensions.
- The Board should also clarify the conditions of approval to permit the final maps to be filed in nine phases as originally approved by the County.
 - Changing Conditions of Approval requires an application.

- AB 1561 signed into law on September 28, 2020.
- Grants an 18-month extension to subdivisions not expired as of March 4, 2020.
- Extends the expiration date of the MTT 15791 to October 12, 2021.
- Discretionary extension would extend the expiration date to October 12, 2022.

If the Board of Supervisors elects to deny the Extension of Time:

1. Conduct a public hearing to consider an appeal of the Planning Commission action to deny an Extension of Time request for Tentative Tract Map 15791 and take the following actions for project denial:
 - a. Find that the Project is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15270.
 - b. Deny the 12-month Extension of Time based on:
 - i. The lack of authority to grant an additional discretionary extension due to prior extensions having exhausted the maximum aggregate extensions authorized by law; and or
 - ii. The authority of the Board of Supervisors (Board) to deny a discretionary extension, assuming a final discretionary extension is available.
 - c. Direct the Clerk of the Board to file a Notice of Exemption.

If the Board of Supervisors elects to approve the Extension of Time:

1. Conduct a public hearing to consider an appeal of the Planning Commission action to deny an Extension of Time request for Tentative Tract Map 15791; grant the appeal and take the following actions for project approval:
 - a. Find that the Project is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15162.
 - b. Adopt the Findings for approval of the Extension of Time.
 - c. Approve the 12-month Extension of Time.
 - d. Direct the Clerk of the Board to file a Notice of Exemption.