



COUNTY OF LAKE
COMMUNITY DEVELOPMENT DEPARTMENT
Courthouse-255 N. Forbes Street
Lakeport, California 95453
Planning Division · Building Division · Code Enforcement Division
707/263-2221 · FAX 707/263-2225

Mireya Turner
Community Development Director

Item # 7a
9:05 A.M.
January 26, 2023

STAFF REPORT

TO: Planning Commission
FROM: Mireya Turner, Community Development Director
Trish Turner, Assistant Planner
DATE: December 15, 2022
RE: Consideration of Proposed General Plan Conformity Determination (GPC 22-13) and Categorical Exemption (CE 22-66) for vacating a portion of Roberts Road (APN 013-054-02); Applicant: Rich and Sheri Lacy.

ATTACHMENTS:

1. Vicinity Map
2. Plat of Road Abandonment
3. Plat of Road Dedication
4. New Easement Legal Description (Draft)
5. Department of Public Works Application
6. Site Visit Photos
7. Agency Comments

I. EXECUTIVE SUMMARY

Applicants Rich and Sheri Lacy propose to vacate a portion of Roberts Road which is located in Middletown in order to dedicate the new portion of road in a different location. The portion of Roberts Road to be vacated is approximately 0.25 mile in length. The applicant owns the parcel (APN 013-054-02) in which the portion of the road to be vacated and the portion of the new road to be dedicated are located. According to the applicant, the reason for the vacation is due to the road being very narrow, two cars cannot drive it at the same time, causing a hazard during fire season. Roberts Road serves ten property owners accessing their properties. A new road was built by the applicant to be offered for dedication as a public easement for the neighbors and for public utilities access.

II. PROJECT DESCRIPTION

Applicant: Rich and Sheri Lacy
Owner: Same
Location: 24357 State Highway 29, Middletown
APN: 013-054-02
Parcel Acres: 17.55



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Mireya Turner
Community Development Director

General Plan: RR - RC; Rural Residential, Resource Conservation
Zoning: RR-SC-WW; Rural Residential, Scenic Combining District, Waterway
Combining District.
Flood Zone: X
Hazards: Wildland Fire Hazard Area

III. PROJECT SETTING

Surrounding Uses and Zoning

Surrounding land uses around Roberts Road Project Site:

- North: residential, vineyard, and vacant land
- East: State Highway 29, residential, commercial, and vacant land
- South: residential and vacant land
- West: residential and vacant lands

Zoning district around Roberts Road Project Site:

- North: RR, SC, WW, SR, RL, FF, FW
- East: RR, FF, FW, SC, WW, CR, DR, RL, O
- South: RL, WW, SC
- West: RR, RL, SC, WW

The surrounding parcels that use this road range in size from 2.29 acres to 149.23 acres.

Topography: Varies, 0% to 30%
Fire Protection: South Lake County Fire Protection District
Vegetation: Brush, annual grasses, conifers, hardwoods, and forbs.
Watercourses: Bradford Creek
Supervisor District 1

IV. PROJECT ANALYSIS

Regulation

Section 8313 of the Streets and Highways Codes states:

- (a) If the proposed vacation of a street, highway, or public service easement is within an area for which a general plan is adopted by a local agency, the legislative body of the public entity shall consider the general plan prior to vacating the street, highway, or public service easement.
- (b) The procedure prescribed in Section 65402 of the Government Code shall be followed if that section applies to the proposed vacation. If Section 65402 of the Government Code does not apply to the proposed vacation, the legislative body may



submit the proposed vacation to the local planning commission or planning agency and give the commission or agency an opportunity to report upon the proposed vacation.

Section 65402 of the Government Code (Planning and Zoning Laws) states:

(a) If a general plan or part thereof has been adopted, no real property shall be acquired by dedication or otherwise for street, square, park or other public purposes, and no real property shall be disposed of, no street shall be vacated or abandoned, and no public building or structure shall be constructed or authorized, if the adopted general plan or part thereof applies thereto, until the location, purpose and extent of such acquisition or disposition, such street vacation or abandonment, or such public building or structure have been submitted to and reported upon by the planning agency as to conformity with said adopted general plan or part thereof.

General Plan Conformance

Road vacation requests are initially evaluated for conformity with the General Plan to determine the road's public value, as well as its relevancy to the General Plan Circulation map, and any other applicable General Plan policies. Consistent with State regulation, CDD staff has identified goals and policies from the Lake County General Plan's Transportation & Circulation Element and Public Facilities & Services Element that support conformity.

General Plan, Chapter 5 – Public Facilities & Services

- **Goal PFS-8:** To provide adequate fire and police protection facilities and services to ensure the safety of County residents and the protection of County property.

The new portion of Roberts Road to be offered for dedication is California SRA 4290 compliant for emergency vehicle access.

General Plan, Chapter 6 – Transportation & Circulation

- **Goal T-1.** To provide and plan for a unified, coordinated, and cost-efficient countywide road and highway system that ensures safety, maintains adequate levels of service, and the efficient movement of people and goods.

Given that Roberts Road is primarily used as a private access road for multiple residences, the applicant wishes to move the access to a different location on their property, due to people speeding and creating a nuisance in front of their home. The new portion of the road will be offered as a dedicated easement for the various property owners and as public utility access.

Middletown Area Plan

Conformity with the Middletown Area Plan was also evaluated.

Roberts Road, a private road, is not listed as among the roadways in the network of circulation for movement of goods and people in Table 5-4 Functional Road Classification.



V. ENVIRONMENTAL REVIEW

The proposed decision is not subject to California Environmental Quality Act (CEQA), pursuant to Sections 15061 (b) (3): The activity is covered by the common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

VI. RECOMMENDATIONS

Staff recommends that the Planning Commission find the request for the vacation of a portion of Roberts Road, is in conformance with the Lake County General Plan, based on the following findings:

- 1) This project has been found to be consistent with the Lake County General Plan:
 - a) General Plan, Chapter 5 – Public Facilities & Services
 - b) General Plan, Chapter 6 – Transportation & Circulation
- 2) This project has been found to be consistent with the Middletown Area Plan
 - a) Middletown Area Plan, Chapter 5.3 – Networks, Streets and Highways

VII. SAMPLE MOTIONS

Categorical Exemptions Approval

I move that the Planning Commission find that a determination that the proposed road vacation is in conformance with the General Plan is exempted from CEQA because it falls within the Categorical Exemption (CE 22-66) Section 15061 (b) (3): The activity is covered by the common sense exemption that CEQA applies only projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

General Plan of Conformity Approval

I move that the Planning Commission find that the General Plan of Conformity (GPC 22-13) for the vacation of a portion of Roberts Road as proposed by the applicant is in conformity with the Lake County General Plan.

Reviewed By: _____

Attachment 7: Agency Comments

From: [Vance Ricks](#)
To: [Trish Turner](#)
Cc: [Cara Salmon](#)
Subject: 24357 South State Hwy 29, Middletown , General Plan of Conformity (GPC 22-13); Categorical Exemption (CE 22-17)
Date: Monday, October 3, 2022 9:53:14 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)

Surveyor's Office has no concerns regarding General Plan Conformity

Thanks

Vance

From: Trish Turner
Sent: Wednesday, September 21, 2022 8:25 AM
To: Vance Ricks <Vance.Ricks@lakecountyca.gov>
Subject: RE: Pre-Application Conference

Here it is!



Trish Turner
Assistant Planner I
Department of Community Development
255 N. Forbes St.
Lakeport, CA 95453
Phone: (707) 263-2221 x 38112
Fax: (707) 263-2225
Email: trish.turner@lakecountyca.gov
STAY CONNECTED:



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From: [Scott DeLeon](#)
To: [Trish Turner](#)
Cc: [Vance Ricks](#); [Cara Salmon](#)
Subject: RE: Request for review for a Road Vacation at 24357 Hwy 29, Middletown
Date: Tuesday, September 20, 2022 11:47:04 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image005.png](#)

Trish, the Road Division of DPW has no comment on the proposed vacation. I will defer any comments related to dedication and mapping to the County Surveyor's Office.

Scott De Leon
Director of Public Works

From: Trish Turner
Sent: Tuesday, September 20, 2022 11:42 AM
To: William Collins <William.Collins@lakecountyca.gov>; Jack Smalley <Jack.Smalley@lakecountyca.gov>; Scott DeLeon <Scott.DeLeon@lakecountyca.gov>; Cara Salmon <cara.salmon@lakecountyca.gov>; Brian Martin <Brian.Martin@lakecountyca.gov>; Lars Ewing <Lars.Ewing@lakecountyca.gov>; Greg Peters <Greg.Peters@lakecountyca.gov>; mike.wink@fire.ca.gov; R2CEQA@wildlife.ca.gov; THPO@middletownrancheria.com; thpo@big-valley.net; rgeary@hpultribe-nsn.gov; tanderson@rrcbc-nsn.gov; thomas.jordan@sv-nsn.gov; PGENorthernAgencyIns@pge.com; PGEPlanReview@pge.com; r9.info@epa.gov; Douglas Gearhart <doug@lcaqmd.net>
Subject: Request for review for a Road Vacation at 24357 Hwy 29, Middletown

Good Morning,

Please find attached to this email a request for review for GPC 22-13 and CE 22-66. If you have no comments to submit, please reply to this email, with no comments. Please return your review comments no later than October 06, 2022.

Sincerely,



Trish Turner

Assistant Planner I

Department of Community Development
255 N. Forbes St.

Lakeport, CA 95453

Phone: (707) 263-2221 x 38112

Fax: (707) 263-2225

Email: trish.turner@lakecountyca.gov

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From: Michael Rivera
To: Trish Turner
Subject: [EXTERNAL] Re: Request for review for a Road Vacation at 24357 Hwy 29, Middletown
Date: Thursday, October 6, 2022 8:53:32 AM
Attachments: [image011.png](#)
[image008.png](#)
[image012.png](#)
[image009.png](#)
[image001.png](#)

Good Morning Trish -

I met with the Applicant and County a few months ago regarding this matter. Middletown Rancheria has no further comments at this time.

Respectfully,

On Thu, Oct 6, 2022 at 8:48 AM Trish Turner <Trish.Turner@lakecountyca.gov> wrote:

I sent out a request for review on September 20th asking for input from your agencies. If you have no comments, please respond with no comments. I have added a few names as additional contacts in the various departments.

Sincerely,



Trish Turner

Assistant Planner I

Department of Community Development

255 N. Forbes St.

Lakeport, CA 95453

Phone: (707) 263-2221 x 38112

Fax: (707) 263-2225

Email: trish.turner@lakecountyca.gov

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From: Trish Turner

Sent: Tuesday, September 20, 2022 11:42 AM

To: William Collins <William.Collins@lakecountyca.gov>; Jack Smalley <Jack.Smalley@lakecountyca.gov>; Scott DeLeon <Scott.DeLeon@lakecountyca.gov>; Cara Salmon <cara.salmon@lakecountyca.gov>; Brian Martin <Brian.Martin@lakecountyca.gov>; Lars Ewing <Lars.Ewing@lakecountyca.gov>; Greg Peters <Greg.Peters@lakecountyca.gov>; 'mike.wink@fire.ca.gov' <mike.wink@fire.ca.gov>; 'R2CEQA@wildlife.ca.gov' <R2CEQA@wildlife.ca.gov>; 'THPO@middletownrancheria.com' <THPO@middletownrancheria.com>; 'thpo@big-valley.net' <thpo@big-valley.net>; 'rgeary@hpultribe-nsn.gov' <rgeary@hpultribe-nsn.gov>; 'tanderson@rrcbc-nsn.gov' <tanderson@rrcbc-nsn.gov>; 'thomas.jordan@sv-nsn.gov' <thomas.jordan@sv-nsn.gov>; 'PGENorthernAgencyIns@pge.com' <PGENorthernAgencyIns@pge.com>; 'PGEPlanReview@pge.com' <PGEPlanReview@pge.com>; 'r9.info@epa.gov' <r9.info@epa.gov>; Douglas Gearhart <doug@lcaqmd.net>

Subject: Request for review for a Road Vacation at 24357 Hwy 29, Middletown

Good Morning,

Please find attached to this email a request for review for GPC 22-13 and CE 22-66. If you have no comments to submit, please reply to this email, with no comments. Please return your review comments no later than October 06, 2022.

Sincerely,



Trish Turner

Assistant Planner I

Department of Community Development

255 N. Forbes St.

Lakeport, CA 95453

Phone: (707) 263-2221 x 38112

Fax: (707) 263-2225

Email: trish.turner@lakecountyca.gov

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--
Michael Rivera Jr.

Middletown Rancheria

Tribal Historic Preservation Department

PO Box 1035 Middletown, CA 95461

Phone: (707) 987-1315

Fax: (707) 987-9091

Email: mlrivera@middletownrancheria.com

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From: [Jack Smalley](#)
To: [Trish Turner](#)
Subject: RE: Request for review for a Road Vacation at 24357 Hwy 29, Middletown
Date: Monday, September 26, 2022 7:14:44 AM
Attachments: [image001.png](#)
[image003.png](#)
[image004.png](#)
[image006.png](#)
[image007.png](#)

Building Safety has no requirements to put forth, the new road looks better.



Jack Smalley
Plans Examiner II
Department of Community Development
255 N. Forbes St.
Lakeport, CA 95453
Phone: (707) 263-2382
Fax: (707) 262-1843
Email: jack.smalley@lakecountyca.gov
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From: Trish Turner
Sent: Tuesday, September 20, 2022 11:42 AM
To: William Collins <William.Collins@lakecountyca.gov>; Jack Smalley <Jack.Smalley@lakecountyca.gov>; Scott DeLeon <Scott.DeLeon@lakecountyca.gov>; Cara Salmon <cara.salmon@lakecountyca.gov>; Brian Martin <Brian.Martin@lakecountyca.gov>; Lars Ewing <Lars.Ewing@lakecountyca.gov>; Greg Peters <Greg.Peters@lakecountyca.gov>; mike.wink@fire.ca.gov; R2CEQA@wildlife.ca.gov; THPO@middletownrancheria.com; thpo@big-valley.net; rgeary@hpultribe-nsn.gov; tanderson@rrcbc-nsn.gov; thomas.jordan@sv-nsn.gov; PGENorthernAgencyIns@pge.com; PGEPlanReview@pge.com; r9.info@epa.gov; Douglas Gearhart <doug@lcaqmd.net>
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Sincerely,



Trish Turner

Assistant Planner I

Department of Community Development
255 N. Forbes St.

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From: [R9.Info](#)
To: [Trish Turner](#)
Cc: [R9.Info](#)
Subject: [EXTERNAL] RE: Public Inquiry - Request from Review from your agency
Date: Tuesday, September 27, 2022 7:59:28 AM
Attachments: [Request for review for a Road Vacation at 24357 Hwy 29 Middletown.msg](#)

Hi Trish Turner,

Your email inquiry was forwarded to U.S. EPA Pacific Southwest (Region 9) Environmental Information Center for a response. Is this the same concern regarding Road Vacation at 24357 Hwy 29, Middletown mentioned in the email that you sent to r9.info@epa.gov on September 20th? That email was forwarded to our NEPA staff and they said they don't make comments on local land issues. Of course, if this is a different property question and specific to Superfund please let us know and please include the location.

Thanks,

Lisa Wheeler, MLIS
Environmental Information Center
U.S. Environmental Protection Agency
Pacific Southwest Region/ Region 9
r9.info@epa.gov
(415) 947-4406

=====

Trish Turner

Trish.turner@lakecountyca.gov

Date: 09/20/2022

Subject: Request from Review from your agency

Question: "I am an Assistant Planner with the County of Lake, CA. I am trying to find the contact information for a request for review I would like to send your agency. I am working on a project, that a neighbor stated that the EPA might make this area a superfund site."

From: [Wildlife R2 CEQA](#)
To: [Trish Turner](#)
Subject: [EXTERNAL] RE: Request for review for a Road Vacation at 24357 Hwy 29, Middletown
Date: Thursday, October 6, 2022 9:28:33 AM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image007.png](#)
[image008.png](#)

Hello Trish,

California Department of Fish and Wildlife has no comments on this project.

Thank you,

April Dorman - Office Technician
Timberland Conservation Program
North Central Region
1701 Nimbus Road
Rancho Cordova, CA 95670
April.Dorman@wildlife.ca.gov



From: Trish Turner <Trish.Turner@lakecountyca.gov>
Sent: Thursday, October 6, 2022 8:47 AM
To: Brian Martin <Brian.Martin@lakecountyca.gov>; Lars Ewing <Lars.Ewing@lakecountyca.gov>; Greg Peters <Greg.Peters@lakecountyca.gov>; Wink, Mike@CALFIRE <Mike.Wink@fire.ca.gov>; Wildlife R2 CEQA <R2CEQA@wildlife.ca.gov>; THPO@middletownrancheria.com; thpo@big-valley.net; rgeary@hpultribe-nsn.gov; tanderson@rrcbc-nsn.gov; thomas.jordan@sv-nsn.gov; PGENorthernAgencyIns@pge.com; PGEPlanReview@pge.com; r9.info@epa.gov; Douglas Gearhart <doug@lcaqmd.net>
Cc: Gloria Gregore <Gloria.Gregore@lakecountyca.gov>; Elizabeth Knight <elizabethk@lcaqmd.net>; Robinson, Talmadge (Tal)@Wildlife <Talmadge.Robinson@Wildlife.ca.gov>
Subject: RE: Request for review for a Road Vacation at 24357 Hwy 29, Middletown
Importance: High

You don't often get email from trish.turner@lakecountyca.gov. [Learn why this is important](#)

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I sent out a request for review on September 20th asking for input from your agencies. If you have no comments, please respond with no comments. I have added a few names as additional contacts in the various departments.

Sincerely,



Trish Turner

Assistant Planner I

Department of Community Development

255 N. Forbes St.

Lakeport, CA 95453

Phone: (707) 263-2221 x 38112

Fax: (707) 263-2225

Email: trish.turner@lakecountyca.gov

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Sincerely,



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Department of Community Development

255 N. Forbes St.

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Email: trish.turner@lakecountyca.gov

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LAKE COUNTY AIR QUALITY MANAGEMENT DISTRICT

2617 South Main Street
Lakeport, CA 95453
Phone (707) 263-7000
Fax (707) 263-0421



Douglas G. Gearhart
Air Pollution Control Officer
doug@lcaqmd.net

-MEMORANDUM-

To: Trish Turner, Assistant Planner
LC Community Development Dept.

DATE: October 6, 2022

FROM: Douglas Gearhart, APCO

SUBJECT: Rich and Sherri Lacy ••• APN: 013-054-02 ••• General Plan of Conformity (GPC 22-13), Categorical Exemption (CE 22-17) ••• Vacate a portion of Roberts Rd, and dedicate a newly made alternate route for Roberts Rd.

Lake County Air Quality Management District received a Request for Review from the County of Lake Community Development Department. Rich and Sherri Lacy propose to vacate a portion of Roberts Rd., Middletown and dedicate a newly made section of Roberts Rd to be used to replace the existing route.

Dust and serpentine issues have previously been an issue for this stretch of privately maintained road. Relocating the road away from residences is preferred as it will reduce the impacts to the residents of this property. But, as dust and serpentine outcroppings have been a concern on the portion of road to be vacated, the new road must be constructed to ensure no serpentine rock or soils can be exposed or used in the surfacing materials, and the road must be maintained to prevent future dust complaints or impacts to Hwy 29 which is in close proximity to the new roadway.

Construction activities can produce airborne particulate should be conducted with adequate dust controls to minimize airborne emissions. Concern exists that the newly constructed roadway may have occurred without adequate dust control measures or serpentine dust control plans in place to prevent exposure to the public. It is unclear when actual construction occurred and what the cover material is and how it was installed to prevent future failure of the road and/or dust controls. A dust mitigation plan may be required should the applicant fail to maintain adequate dust controls.

Significant dust may be generated from increase vehicle traffic if the roadway is not adequately surfaced. Surfacing standards should be included as a requirement to minimize dust impacts to the public, visitors, and road traffic. Paving with asphaltic concrete, chip seal, or other equivalently durable surfacing should be required if dust

generation impacts Hwy 29, or becomes a nuisance. We recommend a road maintenance fund be implemented for this neighborhood to ensure future road maintenance needs are met, if this remains a privately maintained roadway.

Given the above concerns are adequately addressed, the project as proposed with mitigation measures, can be supported for air quality concerns.



**Pacific Gas and
Electric Company**

Kacie McGehee
Land Management

2641 N. State Street
Ukiah, CA 95482
O – 707-468-3973
F – 707-468-3960
Kacie.Campbell@pge.com

July 29, 2022

W. Vance Ricks
County Surveyor
County of Lake
255 N. Forbes Street
Lakeport, CA 95453

RE: Vacation of a portion of Robert's Road, Middletown

Dear Mr. Ricks:

PG&E has utility facilities within the proposed vacated area of Robert's Road. However, they are covered by an easement granted to PG&E's predecessor in interest in Book 38 O.R. page 95. Therefore, we do not object to the vacation.

Upon approval of the vacation by the City Council/Board of Supervisors, please send a copy of the Resolution of Vacation to:

Pacific Gas and Electric Company
Attn: Kacie McGehee
Land & Environmental Management
2641 North State Street
Ukiah, CA 95482

If you have any questions, please contact me at (707) 468-3973. Thank you for your cooperation.

Sincerely,

Kacie McGehee
Lead Land Technician

Cara Salmon

From: Scott Harter
Sent: Wednesday, July 13, 2022 4:01 PM
To: Cara Salmon
Cc: Scott DeLeon; Vance Ricks; Scott Hornung; Lori Baca
Subject: Request for Review -Roberts Rd.doc
Attachments: Request for Review -Roberts Rd.doc

Cara,

Please find attached our response to the Roberts Road RFR. We have no concerns with the proposed abandonment as we have no facilities within the area.

Thanks,

Scott

Lake County Special Districts
230 N. Main Street
Lakeport, CA 95453
p:707-263-0119 f:707-263-3836
scott.harter@lakecountyca.gov

