



**COUNTY OF LAKE**  
**COMMUNITY DEVELOPMENT DEPARTMENT**

Planning Division  
Courthouse - 255 N. Forbes Street  
Lakeport, California 95453  
Telephone 707/263-2221 FAX 707/263-2225

Item #3  
9:15 AM  
July 14, 2022

## STAFF REPORT

**TO:** Planning Commission

**FROM:** Mary Darby, Community Development Director  
Eric Porter, Associate Planner

**DATE:** July 14, 2022

**SUBJECT:** **General Plan Conformity, GPC 22-06, CE 22-21**  
Supervisor District 4

**ATTACHMENTS:** None

### **I. EXECUTIVE SUMMARY**

Lake County owns a 1.03 acre property located at 255 Main Street, Lakeport. The site contains the Lake County Courthouse Museum Park, a County museum and park located within the Lakeport City Limits. The County Public Services Department has applied for a General Plan of Conformity for improvements, including:

- Benches and tables
- Small amphitheater
- Accent lighting
- Sculpture
- Walking trails
- Landscaping
- Interpretive panels
- Walkway improvements

The park is located in the City of Lakeport, but is owned, operated and improved by the County. Pursuant to California Government Code Section 53090 et seq. a 'local agency' is defined to mean 'an agency of the state for the local performance of governmental or proprietary function within limited boundaries' which does not include cities and counties. Under this section, cities and counties are exempt from following local zoning and building laws. Courts have found that these statutes recognize an intergovernmental immunity and that cities and counties are exempt from each other's building and zoning regulations, including compliance with general plans (Lawler v. City of Redding. Cal. App. 3d Dist. June 8, 1992, 7 Cal. App. 4th 778). This immunity

applies to the proposed project. The County need not apply to the City of Lakeport to determine whether the project complies with the City's general plan, zoning ordinance, or building code.

Staff recommends approval of the General Plan Conformity, GPC 22-06, and adoption of the Categorical Exemption to CEQA, CE 22-21.

## **II. PROJECT DESCRIPTION**

Applicant/Owner: County of Lake

Location: 255 N. Main Street, Lakeport

APN: 025-402-01

General Plan: City / Public Facilities

Zoning: City

## **III. PROJECT SETTING**

Existing Uses and Improvements: The property has been developed as a County museum and park. Current improvements are the Lake County Courthouse Museum, memorial sculptures, landscaping, walking trails and benches.

Topography: The site is flat.

Fire Protection: Lakeport Fire Protection District

Flood Zone: "X"

Surrounding Uses:

- South: Retail uses
- West: County Courthouse
- East: Retail uses
- North: Retail uses

## **IV. PROJECT ANALYSIS**

The subject site had historically been used as a County museum and park. The County now seeks to make certain improvements to the park. Because the park is public property, this General Plan of Conformity is required to verify that the park improvements are consistent with the General Plan, as well as the Lakeport Area Plan. Because the 1 acre lot is located in the Lakeport City Limits, the County's zoning ordinance would not apply to this General Plan of Conformity.

## **V. GENERAL PLAN CONFORMANCE**

The County is seeking to improve Lake County Courthouse Museum Park with the amenities previously stated. The improvements proposed for this property are consistent with the following Lake County General Plan categories, Goals and Policies.

**General Plan, Chapter 3, Land Use:**

**Public Lands and Public Facilities**

Public Lands is under the General Plan category of Public Facilities. This land use category establishes areas for services and facilities which are necessary to maintain the welfare of the community and the natural environment. Typical uses include parks, as well as other publicly-oriented uses including the museum. This designation does not preclude future facilities from being located outside noted locations. This designation is located both inside and outside of Community Growth Boundaries.

**Aerial Photo of Courthouse Museum Park and Vicinity**



**Source: Lake County GIS Mapping**

**Response:** Parks are a named use in the Public Facility-designation within the General Plan. The use of the property as a park complies.

**Lake County General Plan, Chapter 9, Open Space, Conservation and Recreation**

**Goal OSC-6:** To provide a parks, recreation, and open space system that serves the recreational needs of County residents and visitors, including a regional non-motorized recreational trail system.

- **Policy OSC-6.2 Park Amenities**

The County shall provide a broad range of active and passive recreational needs within community parks. When possible, this should include large trees for shade, active sports fields and facilities, community center/recreation buildings, multi-use areas and trails, sitting areas, and other specialized uses as appropriate (refer to Figure 9-2).

**Response:** *The addition of the proposed improvements to Lake County Courthouse Museum Park will enhance the park experience for more local and visiting individuals by offering a wider mixture of activities that can occur in the Park.*

- **Policy OSC-6.9 Meet Changing Recreational Needs**

The County should cooperate with local, state, and federal agencies to ensure flexibility in the development of recreational areas and services to respond to changing trends in recreational activities.

**Response:** *The County is adding new types of recreational activity areas to respond to needs of local residents and visitors to Lake County.*

- **Policy OSC-6.10 Funding for Recreational Areas and Facilities**

The County shall strive to obtain adequate funding to improve and maintain existing parks as well as construct new facilities, including a regional trail system with linkages, and should consider adopting a park mitigation fee ordinance.

**Response:** *The County has funding available to make the improvements proposed to Lake County Courthouse Museum Park.*

## **Lakeport Area Plan Conformance**

**Objective 5.4.1** Upgrade and expand parks and recreation facilities to encourage more public usage.

**Response:** *The County has funding available to make improvements to Lake County Courthouse Museum Park. These improvements to public land, including parks, require an evaluation for conformity with the General Plan.*

## **VI. ZONING ORDINANCE CONFORMANCE**

The property is inside the Lakeport City Limits; therefore the Lake County Zoning Ordinance does not apply to this land use review.

## **VII. ENVIRONMENTAL REVIEW**

This project will allow the County to make improvements to the Courthouse Museum Park. Minimal site disturbance is needed. The California Environmental Quality Act Guidelines Section 15301, Class 1, exempts improvements to public facilities from needing to undergo a CEQA review. This project qualifies for a categorical exemption from CEQA since the site is already developed with a County park, and since the County is requesting minimal site improvements with the addition of the amenities listed previously in this report.

## **VIII. RECOMMENDATION**

**Staff recommends that the Planning Commission:**

**A. Adopt Categorical Exemption CE 22-21 for GPC 22-06 with the following findings:**

1. Potential environmental impacts related to the General Plan of Conformity will not occur due to the nature of the action, which is to make minor improvements to an existing and developed County park.
2. This project is consistent with the Lake County General Plan and the Lakeport Area Plan.
3. That this project will not result in any significant adverse environmental impacts, including impacts on cultural or historic resources.

**B. Approve GPC 22-06 with the following findings:**

1. The project is compatible with surrounding land uses.
2. The project is consistent with the Lake County General Plan goals and policies related to the health and safety of the residents and property of Lake County.
3. The use of the land as a park is consistent with the Lakeport Area Plan; and,
4. An evaluation for compliance with the California Environmental Quality Act has been performed pursuant to CEQA requirements, and a Categorical Exemption to CEQA has been determined to be appropriate for this action under CEQA section 15301.

**Sample Motions:**

**Categorical Exemption**

I move that the Planning Commission find and report that, on the minimal site improvements associated with this project, that a Categorical Exemption to CEQA shall be adopted pursuant to CEQA Section 15301, and that this project, located at 255 N. Main Street, Lakeport, CA and known as APN: 025-402-01, will not have a significant effect on the environment with the findings listed in the staff report dated July 14, 2022.

**General Plan Conformity**

I move that the Planning Commission find and report that General Plan Conformity GPC 22-02, applied for by the Lake County Public Services Department for the property located at 255 N. Main Street, Lakeport, CA and known as APN: 025-402-01, is in conformity with the Lake County General Plan with the findings listed in the staff report dated July 14, 2022.

*NOTE: The applicant or any interested person is reminded that the Zoning Ordinance provides for a seven (7) calendar day appeal period. If there is a disagreement with the Planning Commission's recommendation, an appeal to the Board of Supervisors may be filed. The appropriate forms and applicable fee must be submitted prior to 5:00 p.m. on or before the seventh calendar day following the Commission's final determination.*

Reviewed by: Mary Darby, Community Development Director