



## STAFF REPORT

**TO:** Planning Commission

**FROM:** Mireya G. Turner, Director  
Michelle Irace, Principal Planner

**DATE:** October 10, 2024

**SUBJECT:** Consideration of proposed Major Use Permit (UP 22-24) and Mitigated Negative Declaration (IS 22-29) for Rancho Novoa for a special event venue on a property located at 5680 Blue Lakes Road, Upper Lake (APN: 003-007-03)

**ATTACHMENTS:**

1. Site Plan (Updated August 19, 2024)
2. Draft Conditions of Approval
3. Public Comments (as of October 2, 2024)
4. Biological Survey Scoping Report (Updated June 21, 2024)
5. Noise Impact Study (October 29, 2023)
6. Agency Comments
7. Initial Study (revised September 16, 2024)

### EXECUTIVE SUMMARY

Consideration of a proposed Major Use Permit (UP 22-24) for a campground with 16 campsites and a special event venue for weddings and gatherings at 5680 Blue Lake Road, Upper Lake. The property is split-zoned “RL” Rural Lands and “SR” Suburban Reserve; however, the event venue would be located on the portion of the lot zoned “RL”, Rural Lands. The proposed uses are permitted in the “RL” and “SR” zoning districts with a major use permit.

The application materials submitted shows the project is to be built in stages as follows (Site plan is included in Attachment 1 and proposed Conditions of Approval are included in Attachment 2).

- Stage I: main parking lot with 35 parking spaces; 16 campsites (for event attendees only-not open to general public); an outdoor stage; one 12' x 22' restroom building.
- Stage II: a second 12' x 22' restroom building; a 20' x 24' office building, an RV dump station, and a 30' x 40' barn/storage building.

On January 25, 2024, the proposed Use Permit and Initial Study were on the Planning commission agenda for consideration. However, Staff requested a continuance of the item to a date and time uncertain. The Planning Commission agenda and meeting video may be viewed online at: <https://countyoflake.legistar.com/View.ashx?M=A&ID=1148453&GUID=02CABB69-28CA-4282-9CA6-237CEF7FE268>. Public comments received as of October 2, 2024, are included in Attachment 3 of this Staff Report.

Project modifications since the January 25, 2024, hearing include: a revised Site Plan for consistency with fire and access requirements; relocation of the water tanks; and submittal of a

second “in-season” botanical survey (incorporated into the updated Biological Scoping Survey Report in Attachment 4).

## PROJECT DESCRIPTION

<u>Project Title:</u>	Rancho Novoa
<u>Permit Numbers:</u>	Major Use Permit UP 22-24, Mitigated Negative Declaration IS 22-29 (Submitted July 20, 2022)
<u>Applicant Name &amp; Address:</u>	Juan Novoa and Amy Hewitt-Novoa 7917 Oman Street Redwood Valley, CA 95470
<u>Property Owner:</u>	Juan Novoa and Amy Hewitt-Novoa
<u>Project Location:</u>	5680 Blue Lakes Road, Upper Lane
<u>Parcel Number(s) (APN):</u>	003-007-03
<u>Parcel Size:</u>	±26.97 acres
<u>General Plan Designation:</u>	Rural Lands, Suburban Reserve, Resource Conservation
<u>Zoning District(s):</u>	Split; “RL”, Rural Lands, and “SR-SC-WW-FF”, Suburban Reserve, Scenic Combining, Waterway, Floodway Fringe
<u>Flood Zone:</u>	Mostly “X”, low risk. A small portion of the northeastern site is in the AE flood zone, beyond the site development area

## Existing Features and Uses

The Project site contains an existing single-family dwelling (under construction); an existing permitted groundwater well and pumphouse; two 2,500-gallon water tanks; a septic system and leach field, water and electric utilities, a 10’ x 12’ shed, a water fountain feature and some outdoor lighting. The Project area is currently fenced with a six-foot tall, solid wood fence and gate that are accessed via Blue Lakes Rd. The portion of the site that would be developed with the Project contains some Oak trees but is flat and previously disturbed. The remainder of the parcel has significant tree coverage and varies in slope.

## Proposed Features and Uses

At full build-out, the Project would include the following (Figure 2 includes the proposed Site Plan):

- Special event venue for weddings and private gatherings (up to 250 guests) with 16 campsites.
- Parking lot with 34 marked gravel parking spaces.
  - 11 compact spaces (16’ x 8’).
  - 22 regular spaces (18’ x 9’).
- One (1) ADA space (18’ x 9’) with a loading zone (18’ x 8’).
- 12-ft, one-way pull through access road for internal circulation and fire truck turn around.
- One (1) 16’ x 20’ outdoor stage (existing).
- One (1) 15’ x 15’ landscape water fountain feature and cobblestone gathering area (existing).
- Sixteen (16) 16’ x 30’ private campsites to accommodate event guests; each site would have a gravel parking area, picnic table, an area for tents, RV parking area, a water hose bibb and a 120 V power outlet.

- One(1) 12' x 22' restroom building.
- One (1) RV dump station.
- One (1) 20' x 24' office building.
- One (1) 30' x 40' barn/storage building.
- Up to three employees per day would occupy the site.
- Chemicals, fuel and fertilizer to be stored on-site in a locked room in the restroom.
- On-grid power to each campsite.
- Existing well and (2) 2,500-gallon water storage tanks used for irrigation and fire suppression.
- One (1) 6' tall (minimum) noise suppression wall between the stage and the parking lot.

### **Operation**

Operation of the Project would include the following:

- Operation will be seasonal, generally from April to October, but some holiday events may occur as well.
- Use of the campsites would be restricted to use by attendees of booked special events and not open to the general public.
- Hours of operation for special events would be primarily on weekends (Friday through Sunday) from 7:00 a.m. to 10:00 p.m., depending on each event's needs.
- One event per week (up to 250 guests) is anticipated.
- Amplified music will be turned off by 9:45 p.m.
- Up to 3 employees per day would occupy the site.
- Trips per day during events from guests are estimated at up to 70 trips; 35 arriving and 35 departing after an event. Additional guests will be shuttled to the site via a local shuttle service. This equates to an estimated 84 daily trips total for each event, which are anticipated to occur over a two- or three-day period, once a week from April through October.

### **Construction**

The application materials submitted shows the Project is to be built in stages as follows:

- Stage I: main parking lot with 35 parking spaces; 16 campsites, an outdoor stage; one 12' x 22' restroom building.
- Stage II: a second 12' x 22' restroom building; a 20' x 24' office building, an RV dump station, and a 30' x 40' barn/storage building.

Construction of the Project would include the following:

- Ground disturbance for stage I is estimated to be three (3) to six (6) months.
- Ground disturbance for stage II is estimated to be two (2) to four (4) months.
- Materials and equipment will only be stored within previously disturbed areas. No additional areas will be disturbed for the purpose of staging materials or equipment.
- Removal of one Oak tree to accommodate a fire truck turnaround within the proposed parking area, in accordance with Public Resource Code (PRC) 4290 and 4291 defensible space requirements. All other remaining trees on-site will be preserved, with the exception of limbing some trees.

- Water from the onsite well will be used to mitigate the generation of dust during construction.
- All construction activities, including engine warm-up, will be limited to Monday through Saturday, between the hours of 7:00 a.m. to 7:00 p.m.
- Equipment to be used will include a bulldozer and light trucks.

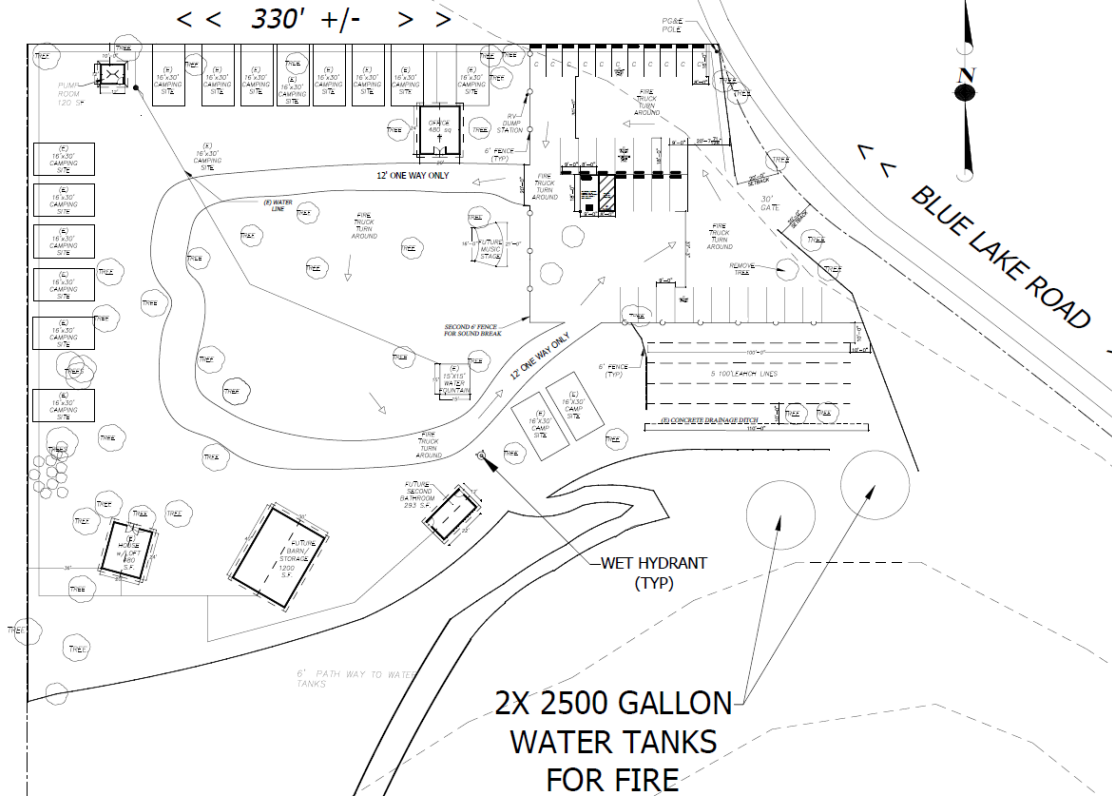
The construction will disturb less than one acre of the site. Therefore, the project would not be subject to the State Water Resources Control Board (SWRCB) requirements. Best Management Practices (BMPs) will be used to control storm water runoff during all site disturbance. All equipment will be maintained and operated to minimize spillage or leakage of hazardous materials. All equipment will be refueled in locations more than 100 feet from surface water bodies.

FIGURE 1- VICINITY MAP



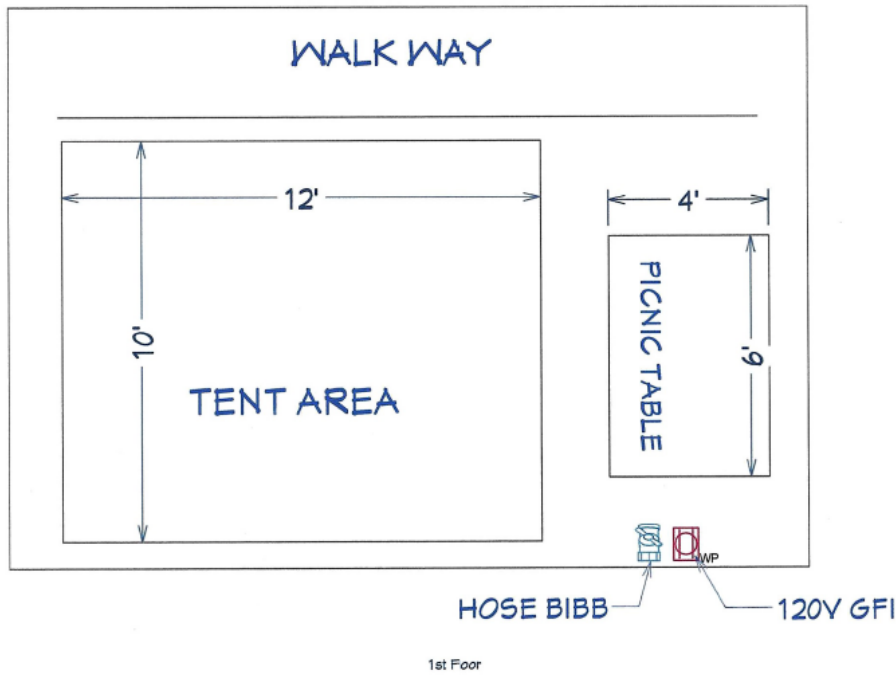
Source: Lake County GIS Parcel Viewer

FIGURE 2 – SITE PLAN (Zoomed in on Project Area)



Source: Submitted by Applicant, August 19, 2024

FIGURE 3 – TYPICAL CAMP SITE



Source: Material Submitted by the Applicant; August 23, 2023



## POINTS OF INTEREST

1. **Noise.** Public comments have been received related to noise impacts associated with the proposed Project. A Noise Impact Study was prepared by The Acoustics & Vibration Group, Inc. (October 29, 2023; Attachment 5). The study included taking noise measurements for baseline levels, as well as levels projected by different types of music at different volume levels. Monitoring locations included several on the site, at the entrance, and also at the Narrows Family Resort (across from the proposed Project). In summary, the study found that the noise levels measured at the property lines will not exceed the noise limits established in the General Plan and in Article 41, "Performance Standards" if several measures are implemented, including but not limited to, construction of a sound attenuation wall; placing speakers at specific heights; pointing speakers in a specific direction; and requiring amplified music to be turned off by 9:45 p.m. This information was incorporated into the Initial Study (Section XIII, Noise) that was prepared for the project; and all suggested measures identified within the noise study were included into Mitigation Measures NOI-1 through NOI-10. With implementation of these measures, impacts from noise are mitigated to a 'less than significant' level (as further discussed in the Project Analysis and Environmental Review sections of this Staff Report below). These requirements have also been added to the conditions of approval.

FIGURE 4-NOISE MONITORING LOCATIONS



Source: Noise Impact Study, prepared by The Acoustics & Vibration Group, Inc.

2. **Traffic and Emergency Evacuation.** Access to the site is taken from Blue Lakes Road, a narrow-paved County road that is not wide enough for two cars to pass for most of its 2.26-mile duration. As described within Section XVII, Transportation of the Initial Study, CEQA requires that projects are analyzed for impacts related to vehicle miles traveled (VMT). The Project is anticipated to result in a total of 70 daily trips from guests during events. The remaining guests will be shuttled to the site via a local shuttle service; it is anticipated that three or four shuttles (holding 30 people each) would be utilized for events

(8 trips total) and three employees would result in 6 trips total. This equates to 84 daily trips total for each event, which are anticipated to occur over a two- or three-day period, once a week from April through October. As such, the proposed Project would not generate or attract more than the noted threshold of 110 trips per day, and therefore it is not expected for the Project to have a potentially significant level of VMT.

The Sheriff's Department and Office of Emergency Services (OES) are responsible for issuing alerts and warnings, including evacuation orders by evacuation zone and facilitating the evacuation flow. Alerts are transmitted to the public in a number of ways including electronic emergency notation platforms such as Nixle and LakeCo Alerts to those opted in (including text/email/phone call) and landline reverse 911. Information is also posted on the Genasys Protect platform and social media. The Genasys Protect (formally Zonehaven) provides evacuation zone information including status of zone (order/warning/none) and information as the incident evolves such as road closures and shelter locations. According to the Genasys Protect, the Project site is located within evacuation zone UPP-E031. In the event of an emergency, notifications via phone would be sent to individuals within the evacuation zone.

Additionally, to address concerns raised by the public and Staff related to traffic congestion and emergency evacuation, the applicant has agreed to limit on-site vehicles to 35; and has made an agreement with a casino in Upper Lake to shuttle guests onto the site if the 35-car limit is reached for events. Further, the Project is required to update the access driveway and interior access to 4290 standards. This will be accomplished via the proposed 12-ft, one-way internal circulation loop and parking area that provide an emergency vehicle turnaround for fire trucks. Lastly, no parking shall be allowed on Blue Lakes Road and the applicant has noted that they will post an Emergency Evacuation Plan on the fence so that guests exit to West to not disturb the residential neighborhood to the east (unless the emergency event prevents doing so). These requirements have been included as conditions of approval and are memorialized in Mitigation Measures WILD-1 through WILD-7.

3. **Wildfire.** The Project site is located on a site that has a very high risk for wildfire. Much of the parcel is considerably sloped, despite the Project area and access to the Project site being relatively flat and clear of vegetation. Construction will not take place during a red flag warning day, and all construction is required to obtain a building permit with Lake County to demonstrate conformance with local and state building codes and fire safety requirements. An inspection of the site will be required prior to occupancy for compliance with PRC §4290 (and other fire safety codes). The site contains two 2,500-gallon water tanks for fire suppression. Lastly, campfires would be prohibited during red flag warning days. These Project components identified by the applicant have been incorporated into mitigation measures WILD- 1 through WILD-7 within the Initial Study (Section XX, Wildfire) to ensure impacts related to wildfire and emergency access/evacuation are mitigated to a less than significant level.
4. **Beach Access.** Public comments received have questioned the applicant's legal right to access the Blue Lake beach. From the County's perspective, this is not part of the project (use permit), and any dispute over beach access is a civil matter between the applicant and the concerned neighbors. As noted below, a Condition of Approval has been added to the Project prohibiting event attendees from using the stairs that were constructed from Blue Lakes Rd. to the beach and lake without an initial Building Permit.

5. **Code Enforcement Complaints.** The County has received Code Enforcement complaints related to the following issues on the Project parcel: illegal cannabis cultivation; illegal grading and stormwater runoff; and construction without permits. Below is a summary of the results of these complaints. No current violations exist on-site.

- On January 20, 2023, CDD Staff (a Code Enforcement Officer and a Grading Inspector) conducted a site visit to investigate a report of illegal cannabis cultivation on the ridge of the parcel. Staff noted that there were signs of past illegal cultivation (appears visible between 2017 and 2023 on satellite imagery), but that it had been removed and was no longer on-site. The Grading Inspector determined that there were no grading violations.
- On June 22, 2023 and October 19, 2023, complaints were received reporting illegal grading and tree removal. The Grading Inspector visited the site and noted that the tree removal and access road/path to the water tanks were installed as a part of the residential Building Permit (submitted on April 20, 2023), and did not exceed the 500 cubic yards allowed as a part of the permit. Per satellite imagery, the majority of the clearing occurred in connection with the illegal cannabis cultivation between 2017 and 2021. Further, it was determined that in accordance with Chapter 30 Grading Ordinance, Sections 17.47 and 17.4.13, any soil disturbance activities related to the tank pad and tank pad access roads, would be considered exempt under the provisions of a valid County Building Permit.
- On October 19, 2023, a complaint was received stating that a special event with amplified music took place on-site over the October 14<sup>th</sup> weekend. The Planning Division sent the applicant a letter on October 19, 2023, notifying them that special events were not allowed until the Use Permit is approved, or the residence is 'finalized' (for accessory family gatherings).
- On August 20, 2024, a complaint was received noting construction of stairs and a landing from Blue Lakes Rd. to the water without a permit. The applicant submitted an "As-Built" Building Permit on September 11, 2024, that was issued on September 25, 2024 to rectify the violation. Staff questioned the setback requirements from the road and the permitting requirements for the stair landing near the water. After consulting with the Department of Public Works, Water Resources and the State Lands Commission (who has authority over Blue Lake), it was determined that the stairs are complaint with all required setbacks and the State Lands Commission does not require any permits. The applicants have noted previously that access to the beach and lake are not included in the proposed Use Permit. Additionally, construction of the stairs was not analyzed within the CEQA analysis. As such, a Condition of Approval has been added to the Project prohibiting event attendees from using the stairs to access the beach and lake.

## PROJECT SETTING

The ±26.97 acre parcel is located on Blue Lakes Road, a narrow, paved County-maintained road. The general area is characterized by resorts and smaller developed lots to the north and east adjacent to Blue Lakes, and large, sparsely developed lots to the west. Specifically, there are three other resorts in the vicinity of the proposed project including "The Narrows Resort", located across Blue Lakes Road from the project site; "La Trianon Resort", located about ½ mile from the project site, and Pine Acres Resort, located within a mile southeast of the project site.

*Surrounding Zoning and Uses* (see Figure 5):



- North: “CR” Resort Commercial and “RL” Rural Lands zoned properties. The 3.19 acre Resort Commercially zoned lot contains a small resort and is developed. The lot zoned Rural Lands is undeveloped and is about 88 acres in size. APN: 003-007-01
- South: Rural Lands (“RL”) and Suburban Reserve (“SR”) zoned properties. All lots are undeveloped. The Rural Lands-zoned lot (“RL”) is about 81 acres in size. The Suburban Reserve lots located further to the southeast are less than one acre. APN: 003-023-15 (“RL” lot)
- East: “CR” Resort Commercial and “O” Open Space (containing Blue Lakes). The Resort Commercial property is developed with a resort. 3.21 acres. APN: 003-007-02
- West: Rural Lands-zoned property, about 89 acres in size and undeveloped. APN: 003-007-01

FIGURE 5 – ZONING MAP OF SITE AND AREA



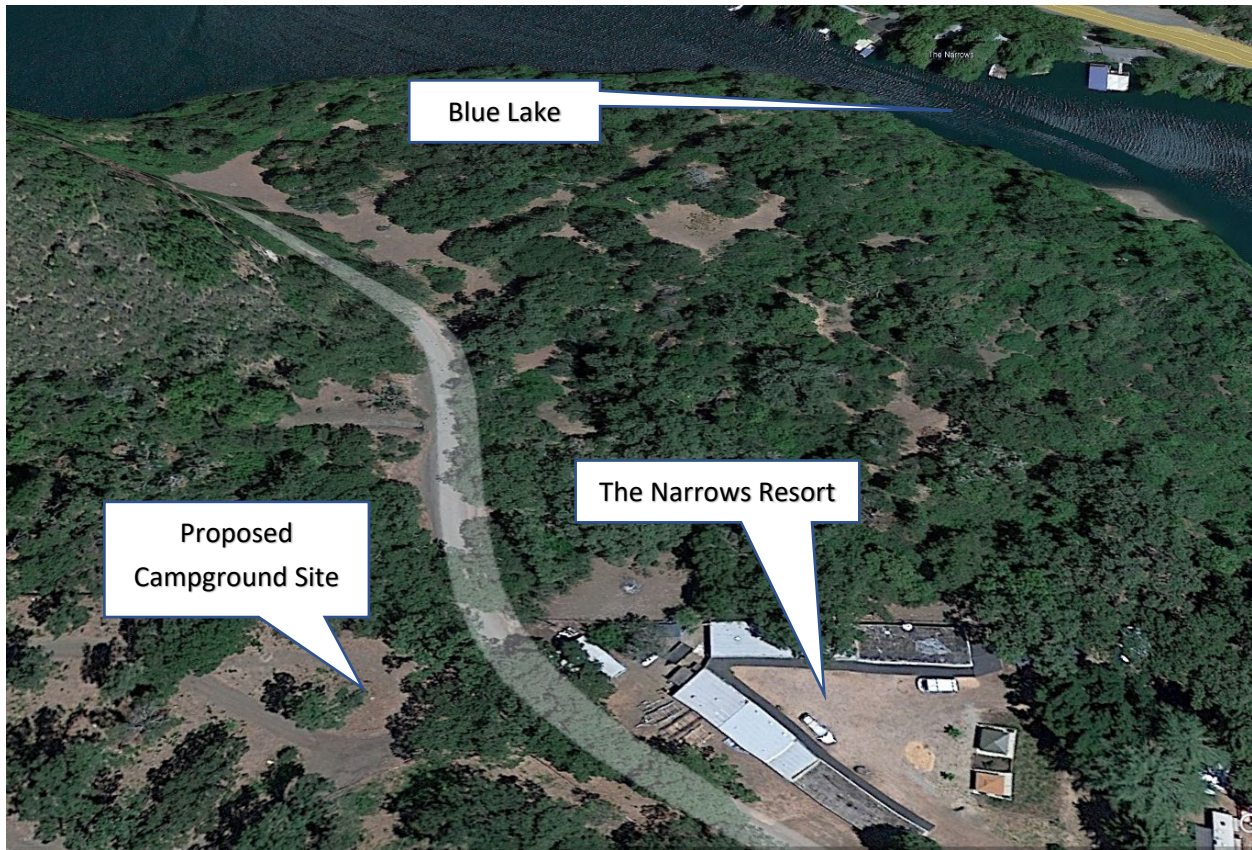
Source: Lake County GIS Mapping, 2023

FIGURE 6 – PARKING LOT LAYOUT USING PVC PIPING AS A MOCK-UP (not to scale)



Source: Material Provided by the Applicant

FIGURE 7 – CAMPGROUND PROXIMITY TO BLUE LAKES



Source: Google Earth Pro, 2023



## PROJECT ANALYSIS

### General Plan Conformity

The subject property has three General Plan designations: Resource Conservation, Suburban Reserve, and Rural Lands. The portion of the land that will contain the campground is designated as 'Rural Lands' under the General Plan.

*Rural Lands.* This designation allows for rural development in areas that are primarily in their natural state, although some agricultural production can occur on these lands. Special event venues, recreation and campgrounds are permitted uses subject to major use permit approval.

### Chapter 3 - Land Use

- Goal LU-1: To encourage the overall economic and social growth of the County while maintaining its quality of life standards.
  - Policy LU-1.3 Prevent Incompatible Uses. The County shall prevent the intrusion of new incompatible land uses into existing community areas.

The general area is characterized by resorts and smaller developed lots to the north and east adjacent to Blue Lakes, and large, sparsely developed lots to the west. Specifically, there are three other resorts in the vicinity of the proposed project including 'The Narrows Resort', located across Blue Lakes Road from the project site; 'La Trianon Resort', located about ½ mile from the project site, and Pine Acres Resort, located within a mile southeast of the project site. When compared to the existing uses, the difference with the proposed use would be the special events component of the use permit. Impacts associated with the proposed project have been analyzed within the Initial Study. As discussed within the aforementioned, the project meets all requirements of the zoning code and is consistent with the General Plan and Upper Lake - Nice Area Plan. The applicant has provided a Biological Survey, a Cultural Study, a Noise Impact Study, site plans, and other documents in support of their project. Lastly, as discussed in the Initial Study prepared for the project, all impacts would be reduced to 'less than significant' levels with mitigation measures incorporated. None of the surrounding lots contain uses that are incompatible with the proposed special event venue and campground use.

- Goal LU-2: is to clearly differentiate between areas within Lake County appropriate for higher intensity urban services and land uses from areas where rural or resource use should be emphasized.

The project site is located in a rural portion of Upper Lake. The sixteen-site campground and special event venue are intended for people to enjoy the native landscape and is considered low intensity development within the "RL" zoning district which allows permitting such uses. The site is anticipated to attract tourists attending events and/or camping, which in turn will make Lake County a more desirable destination for tourists.

- Goal LU-6: "To maintain a healthy and diverse local economy that meets the present and future employment, shopping, recreational, and service needs of Lake County residents".
  - Policy LU 6.1: "The County shall actively promote the development of a diversified economic base by continuing to promote agriculture, recreation services and commerce and by

expanding its efforts to encourage industrial and non-industrial corporate developments, and the developments of geothermal resources”.

The project would provide recreational (special event venue with camping) opportunities for visitors to Lake County and would provide one jobs to local residents.

## **Chapter 5 – Public Facilities and Services**

- Goal PFS-2: To ensure the provision of an affordable, sustainable, reliable, safe, and adequate water supply with distribution and storage facilities to meet the existing and future needs in the County.
- Policy PSF-2.6 Development Proposals. The County shall not approve new use permits or subdivisions unless an adequate supply of quality water and wastewater treatment capacity is available or will be developed prior to breaking ground for construction.
- Goal PFS-3: To ensure the provision of adequate wastewater collection and treatment within the County.

The applicant has demonstrated that the on-site well can produce an adequate water supply for this project. The applicant has obtained a permit for a septic system that is sized for the project through the Lake County Department of Environmental Health, who evaluates soil for adequacy of septic systems.

- Goal PFS-4: To ensure the management of stormwater in a safe and environmentally sensitive manner through the provision of adequate storm drainage facilities to protect people and property and maintain the quality of receiving waters.
- Policy PFS-4.1 Adequate Storm Drainage Facilities The County shall ensure storm water collection and drainage facilities are properly designed and sited and incorporate public safety as well as efficient use of water criteria.

The Grading Inspector has conducted three site visits at the request of the applicant and concerned neighbors regarding on-site drainage. The Inspector could not find evidence that supported neighbor’s concerns about stormwater from the project site migrating onto other / lower properties. The applicant had constructed a drainage channel that funneled stormwater into a culvert that is beneath Blue Lakes Road and that channels stormwater away from neighboring lots and ultimately into Blue Lake. The County found no violations on site related to stormwater.

- Goal PFS-6: To ensure that adequate and efficient public utilities are provided to meet the needs of residents and businesses in the County.
- Policy PFS-6.1 Electric Service. The County shall coordinate with electricity providers in planning for the timely expansion of electrical facilities to meet future demand, and for projects affecting public health, schools, or for significant air emissions reductions.
- Policy PFS-6.2 Appropriate Siting of Electric Facilities. The County shall coordinate with electricity providers to locate transmission systems that minimize environmental and other impacts.

- Policy PFS-6.3 Undergrounding of Utility Lines. The County shall require utility lines in new subdivisions to be placed underground, except where it is not feasible due to operational constraints.

PG&E completed an underground and repaving project of Blue Lakes Rd. in late 2023, or early 2024. Power to the campsites will also be underground.

- 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.
- Policy PFS-8.1 Fire Protection. The County shall promote expansion of fire protection service to continue to meet County needs.
- Policy PFS-8.2 Fire Protection and Medical Service Standards. The County shall require that all development in Community Growth Boundaries be adequately served by water supplies, storage, and conveyance facilities for fire protection, and adequate medical services are or will be provided concurrent with development. All services must be designed and constructed to meet the Fire Protection Standards of Lake County or the responsible agency.
- Policy PFS-8.3 Emergency Fire Access. The County shall require that all road networks (public and private) are designed to provide for safe and ready access for emergency fire equipment and provide an alternate route for evacuations.

Staff had initial concerns regarding the ability of the applicants to evacuate the site during an emergency event such as a wildfire due primarily to the width of Blue Lakes Road. Staff requested direction from the Lake County Building Official/Fire Marshal, the Department of Public Works, Northshore Fire and CAL FIRE. Public Works responded by indicating that a traffic study would not be required if the total number of cars being allowed onto the property were limited. To address this concern, the project is conditioned to restrict the number of cars allowed at any given time to 35 cars, including shuttles and those associated with special events and campers. The applicant has agreed to limit the number of cars on site, and has made arrangements with a local casino to share their parking lot (located on Highway 20), and arrange a shuttle bus for guests of Rancho Novoa who arrive after the 35-car limit is reached. Additionally, no parking shall be allowed on Blue Lakes Road and the applicant has noted that they will post an Emergency Evacuation Plan on the fence so that guests exit to West to not disturb the residential neighborhood to the east (unless the emergency event prevents doing so). These requirements have been included as conditions of approval and are memorialized in Mitigation Measures WILD-1 through WILD-7.

Lastly, the Site Plan was revised on August 19, 2024, to meet all 4290 fire/access requirements. This included the addition of a one-way circular driveway and a parking lot that can accommodate a fire truck turn around, in addition to relocating the water tanks to a location where they can be easily accessed by fire personnel. Please refer to the Points of Interest section above for more information related to access, wildfire and evacuation.

- Policy PFS 8.8 Locations for Fire and Police Stations. The County shall encourage the locations of fire and police stations to enable the minimum acceptable response time to service calls.



Northshore Fire District comments state that the Northshore Fire Station is located about four miles from the Rancho Novoa site, and that the Northshore Fire Protection District can assist in the event of any on-site emergencies.

## **Chapter 8 – Noise**

- Goal N-1: To protect County residents from the harmful exposure of excessive noise and prevent incompatible land uses from encroaching upon existing and planned land uses.
- Policy N-1.1 Noise Compatibility Guidelines. The County shall consider the compatibility of proposed land uses, utilizing the standards in Table 8-1, with the noise environment when preparing or revising community area plans and when reviewing development proposals. Where proposed land uses are likely to produce noise levels exceeding the “normally acceptable” criteria (e.g. “conditionally acceptable”, “normally unacceptable”), the County shall require an acoustical analysis prior to development approval to ensure noise mitigation measures are included. Land uses should be prohibited from locating in areas with a noise environment within the “unacceptable” range.
- Policy N-1.2 Sensitive Receptors. The County shall prohibit the development of new commercial, industrial, or other noise generating land uses adjacent to existing residential uses, and other sensitive noise receptors such as schools, health care facilities, and libraries if CNEL is expected to exceed 55 dBA during daytime (7Am to 10PM) or 45 dBA during nighttime (10PM to 7AM), measured at the property line of the noise sensitive land use, unless effective mitigation measures are incorporated into the project design.

The County required the applicant to submit a Noise Impact Study due to concerns about noise raised by neighbors. The Noise Impact Study was prepared by “The Acoustics and Vibration Group Inc.”, and is dated October 29, 2023. As noted in the Points of Interest section of this Staff Report, the study concluded that the noise levels measured at the property lines will not exceed the noise limits established in the General Plan and in Article 41, “Performance Standards” if several measures are implemented, including but not limited to, construction of a sound attenuation wall; placing speakers at specific heights; pointing speakers in a specific direction; and requiring amplified music to be turned off by 9:45 p.m. This information was incorporated into the Initial Study (Section XIII, Noise) that was prepared for the project; and all suggested measures identified within the noise study were included into Mitigation Measures NOI-1 through NOI-10. With implementation of these measures, impacts from noise are mitigated to a ‘less than significant’ level (as further discussed in the Project Analysis and Environmental Review sections of this Staff Report below). These requirements have also been added to the conditions of approval.

### ***Upper Lake - Nice Area Plan Conformity***

The subject site is within the Upper Lake - Nice Area Plan’s boundary. The Plan contains the following objective that is applicable to this project:

#### **General**

- Objective - 5.4.2 Upgrade and expand parks and recreation facilities to encourage more public use and enhance recreational opportunities.

Although the event venue and related campsites are private and will only be utilized by guests of events, the proposed Project will provide recreational and tourist opportunities in north Lake County. Guests of Rancho Novoa may also utilize other recreational opportunities within the County.

### **Zoning Ordinance Conformity**

Article 7 – “RL” Rural Lands Zoning District: Allows public and private campgrounds, resorts and retreats subject to review and approval of a Major Use Permit, and subject to consistency with performance standards found in Article 41. The applicant also must comply with the submittal requirements found within Article 55, “Applications”. The property is zoned “RL” Rural Lands on the portion proposed for the campground and event venue.

Article 9 – “SR” Suburban Reserve Zoning District: A narrow portion of the property located on the east property line next to Blue Lakes Road is zoned “SR” and will not be incorporated into the project.

Article 34 – “SC” Scenic Combining District. Highway 20, located across Blue Lakes, is a locally designated scenic corridor. The Scenic Combining District places height restrictions on dwellings and on non-habitable structures, however the highway is located about 1,300 feet to the east of the edge of the campground, and the effective distance of the height restrictions that would otherwise be required is 500 feet on either side of highway 20; as such, the height restrictions within the Scenic Combining District do not apply to this project.

As discussed in Section I, Aesthetics, of the Initial Study, the portion of the site that would be developed with the Project contains some Oak trees but is flat and previously disturbed; the remainder of the parcel has significant tree coverage and varies in slope. The Project proposes removal of one Oak tree to accommodate a fire truck turnaround within the proposed parking area, in accordance with 4290 requirements. All other remaining trees on-site will be preserved. The Project site cannot be seen from Highway 20 due to the topography and distance from the highway. The site is also difficult to see from Blue Lakes Road due to the 6’ tall solid wood fence enclosing the Project. Lastly, the Project site is not located on the lake-side of the roadway so it would not obstruct views of the lake, which is a local scenic vista. For these reasons, the proposed Project would not impact scenic vistas.

The “SC” combining district applies in the “RL” Rural Lands and “SR”, Suburban Reserve. The structures proposed are at or below the height limit that is permissible within the “RL” Rural Lands zoning district. The “SR” Suburban Reserve zoned portion of the lot does not contain any of the proposed campground or event venue features.

Article 36 – Regulations for the Floodway Fringe or “FF” Combining District

The project site is not located within the mapped flood plain. This section is not needed within this evaluation.

Article 37 – Regulations for the Waterway or “WW” Combining District

The project site is not located within the mapped waterway. This section is not needed within this evaluation.

**Article 41 – Performance Standards:** All discretionary projects in the “RL” zoning district are required to undergo a review using the performance standards found in Article 41. The Planning Director may require pertinent information demonstrating that the proposed use will comply with all applicable performance standards prior to issuance of any discretionary approval. With implementation of the identified mitigation measures and conditions of approval, the project is consistent with the performance standards related to air quality, erosion control, landscaping, noise, etc.

**Article 43- Regulations For Establishment Of Mobile Home Parks, Recreational Vehicle Parks And Campgrounds And Conversion, Closure Or Cessation Of Use Of Mobile Home Parks**

The purpose of this article is to provide regulations for the orderly development of mobile home parks, recreational vehicle parks and campgrounds, insuring a safe and attractive residential environment, while assuring compatibility with adjacent uses through the application of specific design standards. The development standards for 43.11 (Campground Standards) do not apply to the Project, as the proposed private campsites are incidental (and optional for guests) to the primary use of special event venue and will not be operational year-round or on a daily basis like a typical campground would be. Further, the project is not located within a residential area, implements mitigation measures related to safety and compatibility with adjacent uses (noise, traffic, wildfire, etc.), and meets all required fire and building code access standards.

***Tribal Consultation***

The applicant had submitted a Cultural Study, prepared by Wolf Creek Archaeology and dated July 14, 2022 (omitted from the attachments for confidentiality). The Study indicated that it was unlikely that Tribes historically used this site for rituals or other purposes based on the lack of evidence observed on the site. The general area however, has a long history of tribal use, and the Upper Lake Habematolel Tribe is interested in any ground disturbance in this area.

An AB 52 Tribal Notice was sent to area Tribes on December 30, 2022. Of the notified Tribes, the Upper Lake Habematolel Tribe responded and requested a consultation, which took place on March 14, 2023. Mitigation Measures TCR-1 through TCR-4 will ensure impacts to tribal cultural resources are mitigated to less than significant levels. The Tribe(s) were also notified of the recirculated CEQA document and all Planning Commission hearings for the Project.

***Agency Comments.*** The County received comments from the following agencies (Attachment 6). All requirements and comments have been included into the project design and/or Conditions of Approval.

- Lake County Assessor
- Lake County Building Division (and County Fire Marshal)
- Lake County Environmental Health
- Northshore Fire Protection District
- Cal Fire
- PG&E
- Lake County Special Districts
- North Coast Regional Water Quality Board
- California Highway Patrol (CHP)

## ENVIRONMENTAL REVIEW

An Initial Study and Mitigated Negative Declaration (SCH No. 2023050179) was prepared and circulated for public review from May 10, 2023 to June 9, 2023 and may be accessed online at: <https://ceqanet.opr.ca.gov/2023050179>. As a result of public comments received related to noise, the applicant submitted a Noise Study. In March 2024, the Initial Study was revised to incorporate information and new mitigation recommended as a part of the study. Additionally, the Initial Study was updated to reflect changes in the Project description and site plan, including the applicant reducing three stages of development from three to two stages, removing previously proposed components such as trails, disc golf course and playground, and relocating/adding additional campsites within the disturbed area. Lastly, several sections within the Initial Study have been revised to reflect accurate analyses and impacts related to the private campground, which was previously mistakenly analyzed as a public, year-round campground. The Initial Study was recirculated for 30 days on March 29, 2024, in accordance with CEQA Section 15073.5.

Since recirculation, other minor revisions to the site layout have been proposed to comply with fire access requirements. Additionally, a second botanical survey was completed. As such, the Initial Study was updated on September 16, 2024 (Attachment 7), to reflect those changes. According to CEQA Guidelines Section 15073.5 (c), recirculation is not required because existing mitigation measures are replaced with equal or more effective measures; the project revisions are added in response to written or verbal comments on the project's effects identified in the proposed negative declaration which are not new avoidable significant effects; and the revised components do not result in new significant environmental effects that were not previously analyzed.

As described throughout this Initial Study, the Project would result in potentially significant impacts to Biological Resources, Cultural Resources, Hazards and Hazardous Materials, Noise, Transportation, Tribal Cultural Resources and Wildfire. However, with implementation of the following mitigation measures, all impacts can be reduced to a less than significant level.

### Biological Resources

- BIO-1: If additional vegetation removal or ground disturbance is proposed, pre-construction surveys for nesting birds, sensitive plants and animals shall be required no sooner than seven days prior to the clearing. The survey shall be completed by a qualified Biologist prior to ground disturbance activities occurring and shall be provided to the Community Development Department. If species are located within the Project site, the area shall be flagged and avoided.

### Cultural and Tribal Cultural Resources

- CUL-1: Should any archaeological, paleontological, or cultural materials be discovered during site development, all activity shall be halted within 100' of the find(s). A professional Archaeologist certified by the Registry of Professional Archaeologists (RPA) shall be notified to evaluate the find(s) and recommend mitigation procedures, if necessary, subject to the approval of the Community Development Director. Should any human remains be encountered, the applicant shall notify the Sheriff's Department, the culturally affiliated Tribe(s), and a qualified Archaeologist for proper interment and Tribal rituals per Public Resources Code Section 5097.98 and Health and Safety Code 7050.5.

- CUL-2: Prior to ground disturbing activities, the Permittee shall submit a Cultural Resources Plan, identifying methods of sensitivity training for site workers, procedures in the event of an accidental discovery, and documentation and reporting procedures. Prior to ground disturbing activities, the Permittee shall submit verification that all site workers have reviewed the Cultural Resources Plan and received sensitivity training.
- TCR-1: All on-site personnel of the Project shall receive tribal cultural resource sensitivity training prior to initiation of ground disturbance activities on the Project. The training must be according to the standards of the NAHC or the culturally affiliated Tribe(s). Training shall address the potential for exposing subsurface resources and procedures if a potential resource is identified. The training shall also provide a process for notification of discoveries to culturally affiliated Tribe(s), protection, treatment, care and handling of tribal cultural resources discovered or disturbed during ground disturbance activities of the Project. Tribal monitors shall be required to participate.
- TCR-2: If previously unidentified tribal cultural resources are encountered during the Project altering the materials and their stratigraphic context shall be avoided and work within 100 feet shall halt immediately. Project personnel shall not collect, move, or disturb cultural resources. A representative from a locally affiliated Tribe(s) shall be contacted to evaluate the resource and prepare a Tribal Cultural Resources plan to allow for identification and further evaluation in determining the tribal cultural resource significance and appropriate treatment or disposition.
- TCR 3: Prior to commencement of ground disturbing activities, the permittee shall submit documentation to the Community Development Department demonstrating that they have engaged with the culturally affiliated Tribe(s) to provide cultural monitors, and that cultural sensitivity training has been provided to site workers (as required by TCR-1).
- TCR-4: All ground disturbing activities shall be monitored by qualified tribal monitor(s). Qualified tribal monitor(s) are defined as qualified individual(s) who have experience with identification, collection, and treatment of tribal cultural resources of value to the Tribe(s). Such individuals will include those who: a) Possess the desired knowledge, skills, abilities, and experience established by the Native American Heritage Commission (NAHC) through the NAHC's Guidelines for Native American Monitors/ Consultants (2005); or b) Members of culturally affiliated Tribe(s) who: (i). Are culturally affiliated with the Project area, as determined by the NAHC; and (i) i. Have been vetted by tribal officials of the culturally affiliated Tribe(s) as having the desired knowledge, skills, abilities, and experience established by the NAHC's Guidelines for Native American Monitors.

### **Hazards and Hazardous Materials**

- Implementation of Mitigation Measures WILD-1 through WILD-7.

### **Noise**

- NOI-1: All construction activities including engine warm-up shall be limited Monday Through Friday, between the hours of 7:00 a.m. and 7:00 p.m., and Saturdays from 12:00 noon to 5:00 p.m. to minimize noise impacts on nearby residents. Back-up beepers shall be adjusted to the lowest allowable levels. This mitigation does not apply to night work.



- NOI-2: Maximum non-construction-related sounds levels shall not exceed levels of 50 dBA between the hours of 10:00 p.m. to 7:00 a.m. for residential uses located on commercial property, as specified within Zoning Ordinance Section 21-41.11 (Table 11.1) measured at the property lines.
- NOI-3: Prior to any special events occurring, the applicant shall install a minimum 6' tall solid fence for noise attenuation and suppression as shown on the site plan, dated August 19, 2024.
- NOI-4: All amplified music shall be turned off no later than 9:45 p.m. during Rancho Novoa special events.
- NOI-5: The amplification speakers shall be placed 208 feet west of the gate about 115 feet south of the north property line.
- NOI-6: Signs shall be installed near the entrances and parking area to remind guests that a resort lies east of the special event venue. The signs shall encourage guests to be aware of the sound generated when closing vehicle doors and that they should be gentle when closing vehicle doors.
- NOI-7: A Type 2 or better sound level meter shall be available and used to set acceptable sound levels at selected receiver locations. The meter shall be capable of measuring and storing the  $L_{eq}$  and  $L_{MAX}$  sound levels over a given time interval using the "slow" response. The meter shall be calibrated at the Project site just before the tests begin.
- NOI-8: Noise measurements shall be made at the specified test position of 90 feet west of the face of the speakers. The volume of sound shall be adjusted until the average  $L_{eq}$  is 63 dB(A) after the specified sound source and type are playing. All data shall be recorded and stored by the meter. The Applicant shall keep records of each event and the measured levels to provide to the Community Development Department upon request.
- NOI-9: Representative 5-minute samples every 20 minutes shall be made after the activity has begun and sound reinforcement system is in operation. Additional samples will be taken of both speech and music events.
- NOI-10: Speakers shall be mounted at the front of the stage with the top of the speakers at a minimum of 16 feet above ground level. The speakers shall be tilted so the centerline of the horn speaker is 6' feet above ground level no more than 90 feet west of the speaker face. The volume of the speakers shall be set such that  $L_{eq}$  sound level averaged over 5-minute does not exceed 63 dB(A) at 90 feet from the face of the speakers.

## Transportation

- Implementation of Mitigation Measures WILD-2, WILD-3, WILD-5 and WILD-6.

## Wildfire

- WILD-1: Construction activities shall not take place during a red flag warning day (per the local fire department and/or national weather service) and wind, temperature and relative humidity will be monitored in order to minimize the risk of wildfire. Grading (if proposed) shall not occur on windy days that could increase the risk of wildfire spread should the equipment create a spark.
  
- WILD-2: Prior to public use, the applicant shall coordinate with the Department of Public Works to place 'Emergency Transportation Route' signage at the entrance of the property between the driveway and Blue Lakes Road to inform people evacuating the site of which direction they would need to evacuate.
  
- WILD-3: Events are restricted to 35 vehicles (including shuttles) at any one time, and Parking along Blue Lakes Road shall be prohibited.
  
- WILD-4: Prior to public use of any building, the applicant shall create a 100' area of defensible space around each structure. At the discretion of the Fire Marshal / Building Official, this may involve limbing trees to a height of 8' from the ground rather than tree removal. Chapparal and other fuels shall be removed prior to occupancy of any building.
  
- WILD-5: The Use Permit requires a Change of Occupancy and shall be subject to the requirements of the California Fire Code and NFPA standards, as well as the Public Resources code. Prior to occupancy, the site shall be inspected for Public Resource Code 4290 and 4291 compliance. This includes but is not limited to:
  - a. 20' wide interior driveway with surface material that will enable a 75,000-lb emergency vehicle to access the site;
  - b. Turn-around on site for emergency vehicles;
  - c. 15' (or more) overhead clearance;
  - d. Defensible space around each building;
  - e. Completion of the restroom building with ADA accommodations;
  - f. Completion of the parking lot with ADA accommodations; and
  - g. Water storage for fire suppression. The need for fire hydrants and additional water storage shall be determined at the time of inspection. Water tank materials shall be limited to steel, wood, concrete, coated fabrics, and fiberglass-reinforced plastic tanks, and shall be kept full at all times.
  
- WILD-6: Prior to public use, the applicant shall make the interior driveway compliant with PRC 4290 and 4291. Driveway shall be inspected by the County before any use by the public can occur. Driveway entrance shall be identified with 6" tall numbers that are contrasting and can be seen at night.
  
- WILD-7: Campfires shall be prohibited during red flag warning days.

## MAJOR USE PERMIT FINDINGS FOR APPROVAL

The Review Authority shall only approve or conditionally approve a Major Use Permit (LCZO Section 51.4, Major Use Permits) if all of the following findings are made:

1. *That the establishment, maintenance, or operation of the use applied for will not under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use or be detrimental to property and improvements in the neighborhood or the general welfare of the County.*

The area is characterized by similar resort uses, although the other resorts in the vicinity do not allow amplified music or special events, and are more traditional overnight lodging uses. Objections raised by the neighbors primarily pertain to concerns about traffic and noise. The applicant has agreed to limit total on-site vehicles to 35 at any given time, prohibit parking along Blue Lakes Rd., and has arranged a location to run a shuttle service off-site for larger events. These requirements have been added as conditions of approval to ensure compliance. The project also has been designed in accordance with fire access requirements and incorporates mitigation measures to reduce impacts associated with emergency traffic, evacuation and wildfire.

Additionally, the applicant has submitted a Noise Impact Study to evaluate the effects of amplified noise to neighboring properties; and concluded that amplified music or talking could be effectively mitigated with a variety of noise-reducing measures including, but not limited to, construction of a sound wall, testing sound volumes and establishing parameters around the amplified noise, and speaker locations and volume levels that are acceptable at specific distances from the noise source.

Lastly, the proposed project meets all other requirements related to land use compatibility, as well as health and safety. With adherence to all conditions of approval and mitigation measures, the project would not be detrimental to the health, safety, and general welfare of the property or persons surrounding the area.

2. *That the site for the project is adequate in size, shape, location, and physical characteristics to accommodate the type of use and level of development proposed.*

The 26.97 acre site is adequately sized to accommodate a small special event venue and associated campground. The project portion of the site is relatively flat (0% to 10%) compared to its surroundings and the larger steep portion of the parcel.

3. *That the streets, highways and pedestrian facilities are reasonably adequate to safely accommodate the specific proposed use.*

The site is accessed from Blue Lakes Road, a narrow, a paved County-maintained road. The proposed Site Plan was revised in order to meet all required building, fire and access safety codes. This will be accomplished via the proposed 12-ft, one-way internal circulation loop and parking area that provide an emergency vehicle turnaround for fire trucks. To address concerns raised by the public and Staff related to traffic congestion and emergency evacuation, the applicant has agreed to limit on-site vehicles to 35; and has made an agreement with a casino in Upper Lake to shuttle guests onto the site if the 35-car limit is reached for events. Lastly, no parking shall be allowed on Blue Lakes Road and the applicant has noted that they will post an Emergency Evacuation Plan on the fence so that guests exit to West to not disturb the residential

neighborhood to the east (unless the emergency event prevents doing so). No pedestrian facilities are proposed; the existing stairs leading to the lake will be prohibited for use by event guests.

4. *That there are adequate public or private services, including but not limited to fire protection, water supply, sewage disposal, and police protection to serve the project.*

The site is served by on-grid power by PG&E, a permitted septic system and a well. Two 2,500-gallon water tanks are also provided for fire suppression. The site is served by the Northshore Fire Protection District and by CAL FIRE. The Lake County Sheriff's Department provides law enforcement services to this area. No expanded services are required for the Project.

5. *That the project is in conformance with the applicable provisions and policies of this Code, the General Plan and any approved zoning or land use plan.*

This project was evaluated for compliance with the General Plan, the Upper Lake – Nice Area Plan, and the zoning ordinance. Compliance with the conditions of approval and mitigation measures will ensure all conformity with the aforementioned plans and zoning ordinance.

6. *That no violation of Chapters 5, 17, 21, 23 or 26 of the Lake County Code currently exists on the property, unless the purpose of the permit is to correct the violation, or the permit relates to a portion of the property which is sufficiently separate and apart from the portion of the property in violation so as not to be affected by the violation from a public health, safety or general welfare basis.*

As noted in the Points of Interest section of this Staff Report, the Community Development Department has received complaints related to illegal cultivation, grading, construction and use of the site over the last few years. However, all complaints were investigated and there are currently no violations on-site.

## **RECOMMENDATIONS**

Staff recommends the Planning Commission take the following actions:

- A. Adopt Mitigated Negative Declaration and Addendum (IS 22-29) for Major Use Permit (UP 22-24) with the following findings:
  1. Potential environmental impacts related to Biological Resources can be mitigated to 'less than significant' levels with mitigation measure BIO-1 added.
  2. Potential environmental impacts related to Hazards and Hazardous Materials can be mitigated to 'less than significant' levels with mitigation measures WILD-1 through WILD-7 added.
  3. Cultural and Tribal Cultural Resources can be mitigated to 'less than significant' levels with mitigation measures CUL-1 and CUL-2, and TCR-1 through TCR-4 added.
  4. Potential environmental impacts related to Noise can be mitigated to 'less than significant' levels with mitigation measures NOI-1 through NOI-10 added.

5. Potential environmental impacts related to Transportation can be mitigated to 'less than significant' levels with mitigation measures WILD-2, WILD-3, WILD-5 and WILD-6 added.
6. Potential environmental impacts related to Wildfire can be mitigated to 'less than significant' levels with mitigation measures WILD-1 through WILD-7 added.

B. Approve Major Use Permit UP 22-24 with the following findings:

1. That the establishment, maintenance, or operation of the use applied for will not under the circumstances, be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use or be detrimental to property and improvements in the neighborhood or the general welfare of the County.
2. The site is adequate in size, shape, locations, and physical characteristics to accommodate the type of use and level of development proposed.
3. The streets, highways and pedestrian facilities are reasonably adequate to safely accommodate the proposed use.
4. There are adequate services to serve the project.
5. This project is consistent with the Lake County General Plan, Upper Lake-Nice Area Plan, and Lake County Zoning Ordinance.
6. No violation of Chapter 5, 17, 21, 23 or 26 of the Lake County Code currently exists on this property, with a condition of approval implemented.

Sample Motions

**Mitigated Negative Declaration**

I move that the Planning Commission adopt Mitigated Negative Declaration (IS 22-29) for the Rancho Novoa Major Use Permit (UP 22-24) for the property located at 5680 Blue Lakes Road, Upper Lake (APN: 003-007-03) based on the findings in the staff report dated October 10, 2024.

**Major Use Permit (UP 22-24)**

I move that the Planning Commission approve Major Use Permit (UP 22-24) for Rancho Novoa for the property located at 5680 Blue Lakes Road, Upper Lake (APN: 003-007-03) based on the findings and subject to the conditions in the staff report dated October 10, 2024.

***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, 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 day following the Planning Commission's decision on this matter.*