



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

Exhibit 4
Scotts Valley Energy Corp Appeal

ITEM 5
9:25 a.m.
May 25, 2023

STAFF REPORT

TO: Planning Commission

FROM: Mireya Turner, Community Development Director
Prepared by Eric Porter, Associate Planner

DATE: May 25, 2023

SUBJECT: Consideration of proposed Tentative Parcel Map (PM 22-02) and Initial Study (IS 22-39) to divide one ± 34 acre lot into four (4) \pm five-acre parcels and one (1) ± 14 -acre remainder lot; Applicant: Scotts Valley Energy Corporation; Project Location: 7130 Red Hills Rd, Kelseyville (APN: 009-021-07)

ATTACHMENTS:

1. Parcel Map
2. Proposed Conditions of Approval
3. Initial Study (IS 22-39)
4. Agency Comments

I. **EXECUTIVE SUMMARY.** The applicant requests approval of a four lot subdivision on a split-zoned property to create four ± 5 acre lots that are zoned "RR-SC", Rural Residential – Scenic Combining, and one remainder lot of ± 14 acres zoned "CH-DR", Highway Commercial – Design Review. An Initial Study has been prepared for this land division with a proposed Negative Declaration due to the lack of associated development.

Recommendation: Staff recommends the Planning Commission adopt the Initial Study (IS 22-39) and approve the parcel map (PM 22-02).

II. **PROJECT DESCRIPTION**

Project Name: Scotts Valley Energy Corporation, Parcel Map (PM 22-02)

Applicant/Owner: Scotts Valley Band of Pomo Indians, Attn: Thomas Jordan

Project Summary: Division of a 34.58 acre lot to create four (4) \pm five acre Rural Residential-Scenic Combining-zoned lots and a ± 14 acre Highway-Commercial-Design Review-zoned remainder lot

Location: 7130 Red Hills Road, Kelseyville, CA

A.P.N.: 009-021-07

General Plan: Community Commercial and Rural Residential

Zoning: Split zoned: "RR-SC", Rural Residential – Scenic Combining and "CH-DR", Highway Commercial – Design Review

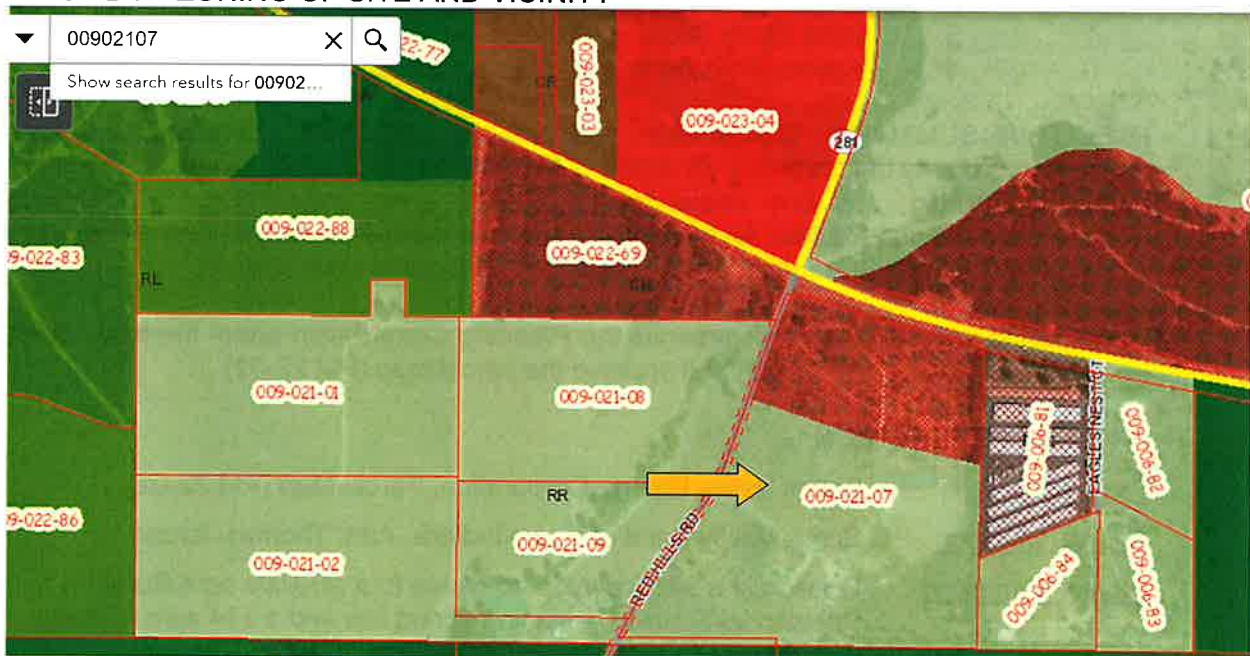
Flood Plain: X

Topography: Mild slopes; mostly under 10%

Surrounding Uses and Zoning

- North: “CH”, Highway Commercial, and “RR”, Rural Residential split-zoned land; undeveloped, approx. 134 acres in size.
- East: “PDC”, Planned Development Commercial, and “RR”, Rural Residential zoned land. “PDC” lot is 7.6 acres in size and is developed with a mini-storage facility. The property immediately south of the mini storage is about 5.4 acres in size and is zoned Rural Residential and contains an agriculture storage building.
- South: “A”, Agriculture, about 30 acres in size, and contains a vineyard.
- West: “RR”, Rural Residential and “CH”, Highway Commercial, and is vacant.

FIGURE 1 – ZONING OF SITE AND VICINITY



Source: Lake County GIS Mapping



IV. **GENERAL PLAN CONFORMANCE.** The following goals and policies apply to this land division.

Chapter 3 – Land Use

Policy LU-1.1 Smart Growth

The County shall promote the principles of smart growth, including:

- directing growth toward existing communities;
- discouraging sprawl; and
- encouraging infill

The subject site is located at the corner of Red Hills Road and Highway 29. This site is surrounded by a mix of commercial, residential and agricultural zoning and land uses, and is suited for larger lot residential development. The project is regarded as 'infill' development, which is consistent with Policy LU-1.1.

Policy LU-1.2 Innovative Development

The County shall promote flexibility and innovation through the use of planned unit developments, development agreements, specific plans, mixed use projects, and other innovative development and planning techniques.

This project will support housing for lower-income tribal members of the Scotts Valley Band of Pomo tribe. The remainder lot will eventually be developed with a commercial use based on its zoning, thereby creating a mixed-use development. No immediate plans for housing or commercial uses are being presented to the County at this time.

- V. **AREA PLAN CONFORMANCE – Riviera Area Plan.** The property is within the Riviera Area Plan boundary. Certain policies and objectives within the Riviera Plan apply to this land division proposal.

Water Quality

- *Objective 3.2.1 Protect and preserve the surface and ground water resources so that all residents, both now and in the future, have reasonable assurances that an adequate quantity and quality of water exists.*
- *Policy 3.2.1a The density of new residential subdivisions shall take into account the impacts of full build-out on water supply, fire protection and maintaining adequate area-wide water quality.*

The applicant has provided a 2-hour well test that occurred on September 15, 2022, and was taken by AAA Pump Service, Lakeport. The test yielded a steady rate of 10 gallons per minute (GPM) over the two hour test (the first hour of the test showed a pump rate of 20 GPM). Any existing or new shared well shall be subject to review and approval by the Lake County Health Services Department - Environmental Health Division prior to construction. The Environmental Health Division submitted comments on September 14, 2022, November 10, 2022 and November 21, 2022. The last comments received by the Planning Department indicated that the project could proceed as proposed (Attachment 4).

Community Development

- *Policy 5.2.1b Infill development shall maintain or enhance the positive qualities of the surrounding neighborhoods. Parcel sizes larger than the minimum size established for the land use classification may be required in order to maintain compatibility with surrounding lot sizes.*

The area is characterized by a mixture of Rural Residentially-zoned lots, agricultural uses and low-density housing development. The lots across Red Hills Road are zoned Rural Residential and are about 10 acres in size, comparable to the proposed Rural Residentially-zoned lots that would be created by this action. There are two Rural Residentially-zoned lots to the east of the project site that are about five acres, also comparable to the lots proposed by this land division. Each lot proposed in this project will be five acres in size and would likely be developed with dwellings at a later date.

- VI. **LAKE COUNTY CODE, CHAPTER 17, SUBDIVISIONS.** This section of the County Code identifies the requirements for submittal; the authority of the Planning Commission to review parcel maps; dedication of roads and easements where applicable, and other key items that are required with parcel maps. The following are key components of this parcel map application.

- The map was prepared by Daniel Martinez, a licensed Professional Land Surveyor.
- All of the required elements for a parcel map are shown on the map submitted by the Professional Land Surveyor.
- “Pomo Way” needs to be identified as a shared access easement on the parcel map.
- Public road improvements to Red Hills Road are required. No public improvements are required for the interior right-of-way shown as Pomo Way on the Tentative Map
- The subject site is not located in a flood plain.
- The lots comply with the width-to-length requirements within the Rural Residential zoning district, as well as minimum lot sizes.
- No recreational land is offered for dedication, so the applicant must pay ‘Quimby Fees’ to help the County to pay for park land and improvements.
- The lots will be served by a shared well and individual septic systems. No development is proposed at this time.
- CalTrans has not submitted comments on this parcel map project. Staff notified them on September 1, 2022, and again on November 28, 2022 to confirm that CalTrans had no comments on this land division.

VII. ENVIRONMENTAL ANALYSIS

In accordance with CEQA, the Staff prepared an Initial Study (IS 22-39) that resulted in a Negative Declaration with no mitigation measures associated due to the lack of development associated with this land division. The Negative Declaration was uploaded to the State Clearinghouse on December 30, 2022, and the review period ended on January 30, 2023. No adverse comments were received from this State review.

VIII. RECOMMENDATION

Staff recommends that the Planning Commission:

A. Adopt the Negative Declaration (IS 22-39) with the following findings:

1. That this land division will not result in new environmental impacts.
2. Potential adequate water and septic systems shall be provided on parcels 1, 2, 3, and 4 prior to development of these lots, and the applicant shall coordinate with Environmental Health to revise the map to accurately depict the locations of existing and future septic systems prior to map recordation.
3. This project is consistent with land uses in the vicinity.
4. This project is consistent with the County of Lake General Plan, Zoning Ordinance, Riviera Area Plan, and the Subdivision Ordinance.
5. This proposal is consistent with the California Subdivision Map Act.
6. The project will not result in impacts to fish and wildlife habitats.

B. Approve PM 22-02 subject to conditions and with the following findings:

1. This project is consistent with the County of Lake General Plan, the Lake County Zoning Ordinance, the Riviera Area Plan, and Chapter 17 of the County Code (the Subdivision Ordinance).
2. This project is consistent with the California Subdivision Map Act.

Sample Motions:

Adoption of Initial Study

I move that the Planning Commission adopt Initial Study (IS 22-39), the Tentative Parcel Map for the Scotts Valley Energy Corporation, located at 7130 Red Hills Road, Kelseyville (APN 009-021-07) with the findings listed in the staff report dated May 25, 2023.

Tentative Parcel Map Approval

I move that the Planning Commission approve the Tentative Parcel Map (PM 22-02) submitted by the Scotts Valley Energy Corporation for property located at 7130 Red Hills Road, Kelseyville (APN 009-021-07) based on the findings and subject to the conditions listed in the staff report dated May 25, 2023.

***NOTE:** The applicant or any interested person is reminded that the subdivision ordinance provides for a fifteen (15) 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 fifteenth calendar day following the Commission's final determination.*

Exhibit A4.a

Attachment 1
TENTATIVE PARCEL MAP
OF

**PARCEL 2 OF THAT CERTAIN PARCEL
MAP FILED FOR RECORD IN BOOK 10
OF PARCEL MAPS AT PAGE 5 FILED
DECEMBER 15 1975**

LAKE COUNTY CALIFORNIA

MARCH 2021

A. P. N. 009-021-07

GENERAL NOTES:

OWNER

SCOTT'S VALLEY BAND of POMO INDIANS
1002 PARALLEL DRIVE
LAKEPORT CA, 95453
707 533-2870
AGENT
Thomas Jordan
EMAIL: thomas.jordan@sv-usn.gov

SANITARY SEWER
PRIVATE SEPTIC

PUBLIC UTILITY
P. G. & E.

FIRE DISTRICT
KELSEYVILLE FIRE DISTRICT

SCHOOL DISTRICT
KELSEYVILLE

TELEPHONE COMPANY
AMERICAN TELEPHONE AND TELEGRAPH

PRIVATE WELL

GENERAL PLAN
RURAL RESIDENTIAL & COMMERCIAL HIGHWAY

ZONING:
RURAL RESIDENTIAL SC & COMMERCIAL HIGHWAY DR

STATEMENTS

- 1) ALL NECESSARY EASEMENTS TO ACCOMMODATE
ALL UTILITIES: WATER, SEWER AND STORM DRAIN
WILL BE DEDICATED BY OWNER.
- 2) BOUNDARY SHOWN IS COMPILED FROM RECORD
DEEDS PER TO PER DEEDS 1950-1960.
- 3) NO PARCELS ARE SUBJECT TO INDEMNITY.
- 4) TOPOGRAPHIC INFORMATION FROM FIELD DATA.
- 5) UNSTATED INTERESTS.
- 6) ALL EXISTING EASEMENTS LOCATED IN RIGHT OF WAY
OF ST. HWY 29 & RED HILL ROAD.
- 7) PUMP YARD TO CONTAIN UTILITY EASEMENTS AND OFFERED
FOR MEDICAL USE.
- 8) HOMES ARE SOLAR POWERED.

AVERAGE CROSS SLOPE

PARCEL ONE = 7.5% PARCEL FOUR = 5.7%
PARCEL TWO = 6.7% REMAINDER = 5.0%
PARCEL THREE = 7.3%

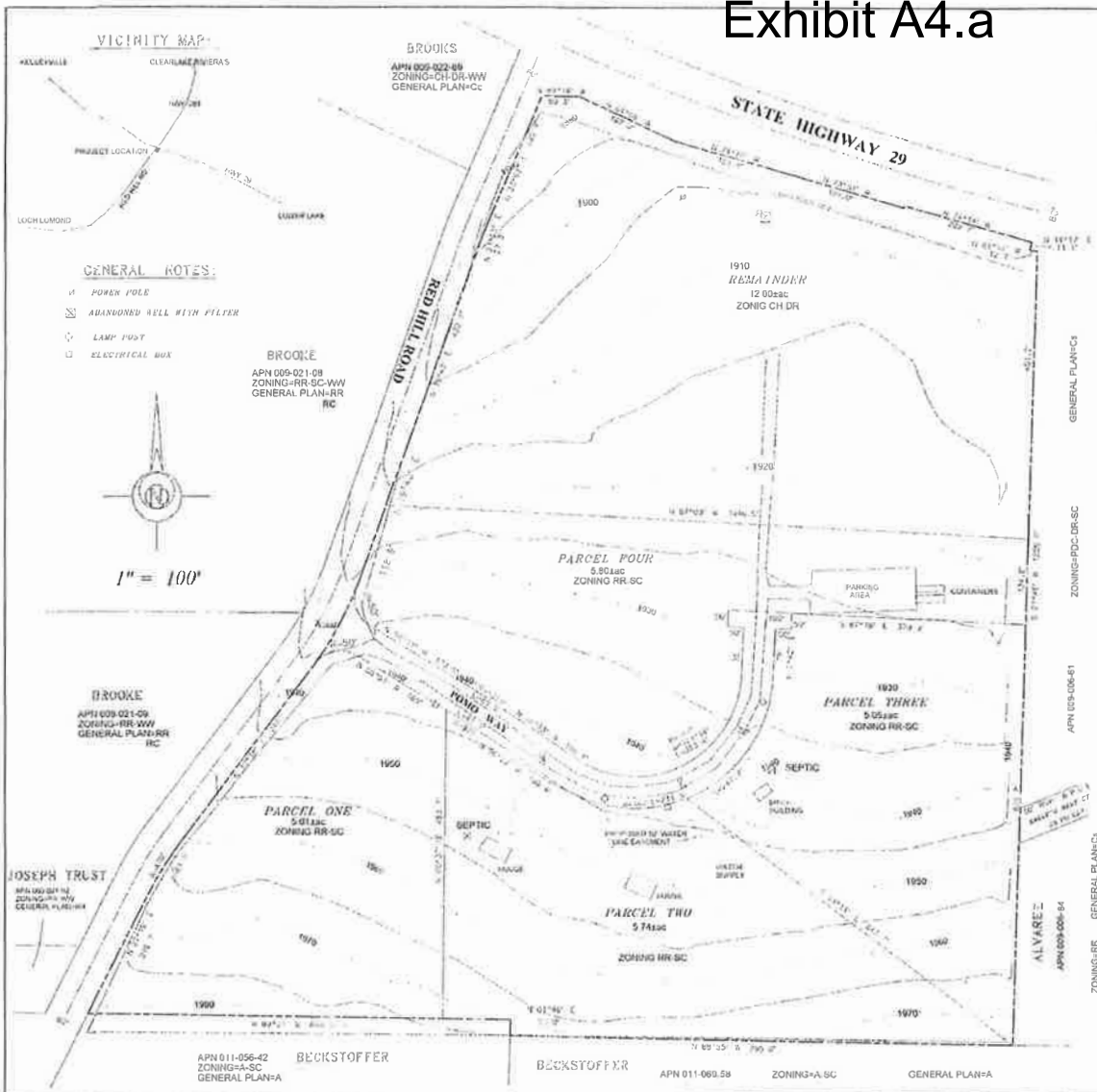


Exhibit A4.b

**COUNTY OF LAKE
TENTATIVE PARCEL MAP (PM 22-02)
SCOTTS VALLEY ENERGY CORPORATION**

Pursuant to the approval of the Lake County Planning Commission on May 25, 2023, there is hereby granted to the Scotts Valley Energy Corporation (SVEC) approval of a tentative parcel map (PM 22-02) and adoption of an Initial Study (IS 22-39), on property located at 7130 Red Hills Road, Kelseyville, (APN 009-021-07). This approval is subject to the terms and conditions listed within the Conditions of Approval below:

I. General

1. Approval of this parcel map is valid for a period of two (2) years. If the final parcel map is not recorded prior to May 25, 2025, and unless an extension is applied for on or before this date, the tentative parcel map shall be considered as null and void.
2. The Tentative Parcel Map (Tentative Map) approved are described as:
 - Tentative Parcel Map, prepared Daniel Martinez, P.E., and dated March 2021.
 - This approval authorizes a four (4) parcel land division creating four ± 5 acre parcels zoned Rural Residential, and one (1) ± 14 acre remainder parcel zoned Highway Commercial.
3. This permit does not abridge or supersede the regulatory powers or permit requirements of any federal, state, local agency, special district or department which may retain a regulatory or advisory function as specified by statute or ordinance. The applicant shall obtain permits as may be required from each agency
4. The configuration of the final parcel map may include minor amendments, provided that all proposed parcels comply with the Zoning Ordinance, General Plan, and the modification does not result in any increased environmental impact. Any modification shall be subject to approval by the Community Development Director and/or the Department of Public Works.
5. No new building permits shall be issued for the remainder parcel until either (1) confirmation that the parcel has been placed into trust under the Bureau of Indian Affairs; or, (2) an encroachment permit is obtained through either CalTrans or the Lake County Road Department (Department of Public Works), and a Conditional Certificate of Compliance is submitted to Lake County Community Development, and is recorded prior to site development, along with any other land use permits and subsequent building permits that are required for site development to occur.
6. A parcel map shall not be recorded if development has occurred on the property that would be inconsistent with the zoning ordinance or other applicable code should the map be recorded.
7. Verification of a shared well agreement between the four Rural Residentially-zoned parcels shall be submitted prior to or concurrently with the recordation of the final map.

8. The applicant is responsible for the continued maintenance of storm water on the subject site.
9. Within five (5) days of tentative parcel map approval and recordation, the applicant shall pay the Fish and Wildlife fee. Check to be made out to County of Lake. California Department of Fish and Wildlife filing fees required or authorized by Section 711.4 of the Fish and Game Code are paid through the Lake County Community Development Department.
10. Prior to recording the final map, the applicant shall meet with the Environmental Health Department for proper placement of existing leach lines, septic systems, and future septic systems and leach lines under the following parameters: 1. The applicant must contact the Lake County Environmental Health (EH) Department to schedule a meeting to review land file with EH inspector(s); 2. The Tentative Map must demonstrate accurate existing septic systems for each parcel; 3. The applicant shall work with EH to complete all open septic systems on this property. Verification of acceptance of the revised map layout by EH may be done by email, however the revised Map must be dated, and the date referenced in the response to Community Development Department from Environmental Health Department.
11. Prior to recording the final map, the applicant shall provide an engineered Water Analysis that evaluates the adequacy of the well for serving the four newly-created lots, as well as the impact to the aquifer during drought- and non-drought years. The recharge rate shall be more than the annual demand placed on the aquifer by this project and all area wells that share the aquifer; or, the applicant shall provide an alternative water supply source to the County.
12. Prior to recording the final map, the applicant shall pay all "Quimby Park Fees". Evidence of payment shall be provided to the Lake County Planning Department prior to map recordation.

II. Surveying

1. The final parcel map shall comply with all requirements of the State Subdivision Map Act and Chapter 17-10 thru 17-18, of the Lake County Subdivision Regulations Ordinance
2. Preliminary title report shall be submitted with the 1st review of the Final Parcel Map.
3. Prior to recordation of the parcel map, all parcel corners and right-of-way angle points shall be monumented, subject to the approval of the County Surveyor.
4. All existing and proposed easements of record shall be shown on the parcel map.
5. A non-exclusive ingress, egress and Public Utilities easement servicing each proposed parcel shall be shown on the final parcel map.
6. There shall be provided an access easement of 50 feet in width from a publicly maintained road to each parcel being created. Documentation of access easement(s) shall be provided to the Lake County Surveyor's Office for their review prior to final approval.
7. Pursuant to Government Code Section 66492 & 66493, prior to recordation of the parcel map, the subdivider must: (1) Obtain a Certificate from the Lake County Tax Collector stating that all current taxes and any delinquent taxes have been paid and; (2) Pay a security deposit (or bond) for taxes that are a lien, but not yet due and payable.
8. This subdivision is located on or near a State Highway. For dedications along the State Highway, Lake County Department of Public Works defers to the recommendations of California Department of Transportation (Caltrans).

9. Access for proposed Parcels 1 thru 4, shall be limited to Pomo Way, a non-access strip along Red Hills Road shall be shown on the Final Parcel Map.
10. Road Names and address shall be approved by the County Surveyor's Office so as to not conflict with E911 and/or emergency services.
11. Pomo Way shall be a private nonexclusive ingress, egress and public and /or private utility easement.
12. Parcel sizes shall be shown on each proposed parcel.
13. Access for the remainder parcel shall be shown on the Final Parcel Map.
14. A conditional certificate of compliance for the Remainder Parcel shall be recorded concurrently with the Final Parcel Map.

III. Road Improvement Requirements

1. All construction shall conform to Section 17-28 of the Lake County Ordinance "Improvements" and the currently Adopted and Revised Road Design and Construction Standards
2. Prior to recording the final map, the subdivision road within the access easement shall be improved in accordance with County of Lake Road Design and Construction Standard 200-E (Minor Road, Rural ADT ≤ 400)
3. A commercial driveway shall be improved in accordance with County of Lake Road Design and Construction Standard 231-D
4. Prior to recording the final map, the half width of Red Hills Road a county maintained road, shall be improved to conform to Lake Road Design and Construction Standard 200-A, Minor Arterial Road
5. Install or replace drainage culverts where necessary. New or replaced culverts shall be a minimum of 12 inches in diameter and designed by a California Registered Civil Engineer to accommodate the 10-year storm event with a headwater to depth ratio of no greater than 1.0. In no case shall a new or replaced culvert be smaller than an upstream culvert.
6. The applicant shall submit to the Building Division a Preliminary Stormwater Control Plan prepared by an engineer or other certified professional indicating an acceptable stormwater runoff catchment and treatment area. The approved preliminary stormwater catchment and treatment area shall also be indicated on the Parcel Map

IV. Road Profile Grades

1. Grades for subdivision roads must not exceed sixteen percent (16%).
2. Where topography requires grades of greater than 16%, if requested in writing by applicant and if approved in writing by the applicable fire protection service provider(s), the Director of Public Works may approve grades exceeding 16% provided that such grades are surfaced with a double chip seal and contain turnouts and other features consistent with Fire Safe Regulations. The process of allowing grades exceeding 16% shall be in accordance with County of Lake Road Design and Construction Standards In no instances will grades greater than 20% be approved.

3. A 40-foot radius turnaround shall be constructed within a 50-foot radius easement at terminus of access easement to the satisfaction of the Lake County Department of Public Works
4. Where topography precludes the use of a cul-de-sac design, and if approved in writing by the applicable fire protection service provider(s), in lieu of the turnaround described above, subdivider shall construct a "Hammerhead-T" turnaround within a forty (40) foot wide by eighty (80) foot long easement at the terminus of the access easement. Turnaround shall be constructed with eight (8) inch minimum rock base, twenty (20) feet wide and sixty (60) feet long, with twenty (20) foot radius surfacing returns.
5. If approval of the tentative map is conditioned upon certain improvements being made by the subdivider, all work shall be constructed in accordance with improvement plans prepared by a Civil Engineer and approved by the Lake County Department of Public Works. The developer shall enter into an Engineering/Inspection Agreement (Agreement) with the Department of Public Works, which requires a deposit of 2% of the engineer's estimated cost of improvements. All improvements shown on the plans shall be completed, and all conditions of the Agreement shall be met prior to recordation of the final map.
6. Any proposed work within County rights-of-way requires obtaining an encroachment permit from the Lake County Department of Public Works
7. This subdivision is located on or near a State Highway. For approach to the State Highway, Lake County Department of Public Works defers to the recommendations of Caltrans.
8. Access shall be restricted along Red Hills Road except at the existing or proposed opening.
9. A Private Road Naming Petition along with the appropriate fees shall be filed with the Department of Public Works, to name the private roadway serving this division. It shall be the responsibility of the subdivider to provide a street sign for the newly named private roadway. The sign shall conform to the county standards for signs.
10. The private road name shall be shown on the Parcel Map to be recorded. Site addresses shall be posted for each of the proposed parcels in conformance with Lake County Fire Safe Standards
11. The applicant and/or subsequent grantees shall create to the satisfaction of Lake County Counsel and the Department of Community Development an organization or association for the maintenance of the private roads and appurtenant drainage systems, water systems and sanitation sewer systems within the subdivision or show evidence of the existence of such an agreement or organization. A Review Fee shall be payable to Lake County Counsel. (Check with Department of Community Development for Fee prior to submittal)

Mireya G. Turner, Director
COMMUNITY DEVELOPMENT DEPARTMENT

Prepared by: EJP

By: _____
Office Assistant

Acceptance

I have read and understand the foregoing Conditionals of Approval and agree to each and every term and condition thereof.

Date: _____

Signature of applicant or authorized agent

Printed name of applicant or authorized agent



COUNTY OF LAKE
COMMUNITY DEVELOPMENT DEPARTMENT
Planning Division
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Attachment 3
Exhibit A4.c
November 30, 2022

CALIFORNIA ENVIRONMENTAL QUALITY ACT ENVIRONMENTAL CHECKLIST INITIAL STUDY (IS 22-39)

- 1. Project Title:** Scotts Valley Band of Pomo Indians Parcel Map
- 2. Permit Numbers:** Parcel Map PM 22-02
Initial Study IS 22-39
- 3. Lead Agency Name and Address:** County of Lake
Community Development Department
Courthouse – 255 North Forbes Street
Lakeport CA 95453
- 4. Contact Person:** Eric Porter
(707) 263-2221
- 5. Project Location(s):** 7130 Red Hills Rd, Kelseyville, CA
APN: 009-021-07
- 6. Project Sponsor's Name/Address:** Thomas Jordan, Tribal Administrator
Scotts Valley Band of Pomo Indians
1005 Parallel Drive
Lakeport, California 95453
- 7. General Plan Designation:** Rural Residential and Community Commercial
- 8. Zoning:** "RR-CH-SC-DR", Split Zoned: Rural Residential (24.5± ac.); Highway Commercial (10.5± ac.), Scenic Combining District, Design Review Combining District
- 9. Environmental Setting/Existing Conditions:** The subject site consists of 34.58 acres; 20 acres is zoned "RR" Rural Residential; the remaining 14+ acres is zoned "CH", Highway Commercial.

The site is relatively flat to gently sloping, generally following the contours of the grades established by State Route 29 (SR 29) and Red Hills Road. The portion of the site to be divided is accessed from Red Hills Road via a private, 22-foot wide paved driveway about located ±900 feet south of the intersection of Red Hills Road and SR 29. The majority of the ±34.58-acre property is occupied by a fallow walnut orchard, comprising approximately 86.18 percent of the land area. Approximately 1.55 acres (4.5 percent) is occupied by Interior Live Oak Woodland and ±1.48 acres (4.28 percent) is occupied by mixed chaparral, comprised primarily of manzanita, madrone, scrub oak, and buck brush. The remaining ±1.75 acres (5.06 percent) is developed with two single-family residences; one travel trailer; a 14,000-square foot (sq. ft.) ADA-compliant chip-sealed parking lot containing 40 parking spaces; a paved driveway through the property; three low-profile street lights adjacent to the internal roadway; a well and pumps; two (2) 2,500-gallon water storage tanks; an accessible public restroom; two septic disposal systems; and two small solar collection grids serving the two residences. In the northeast portion of the property is a fire pit surrounded by a dance circle with dressing rooms and outdoor furniture used for tribal gatherings. The property is surrounded on all sides by three-foot high

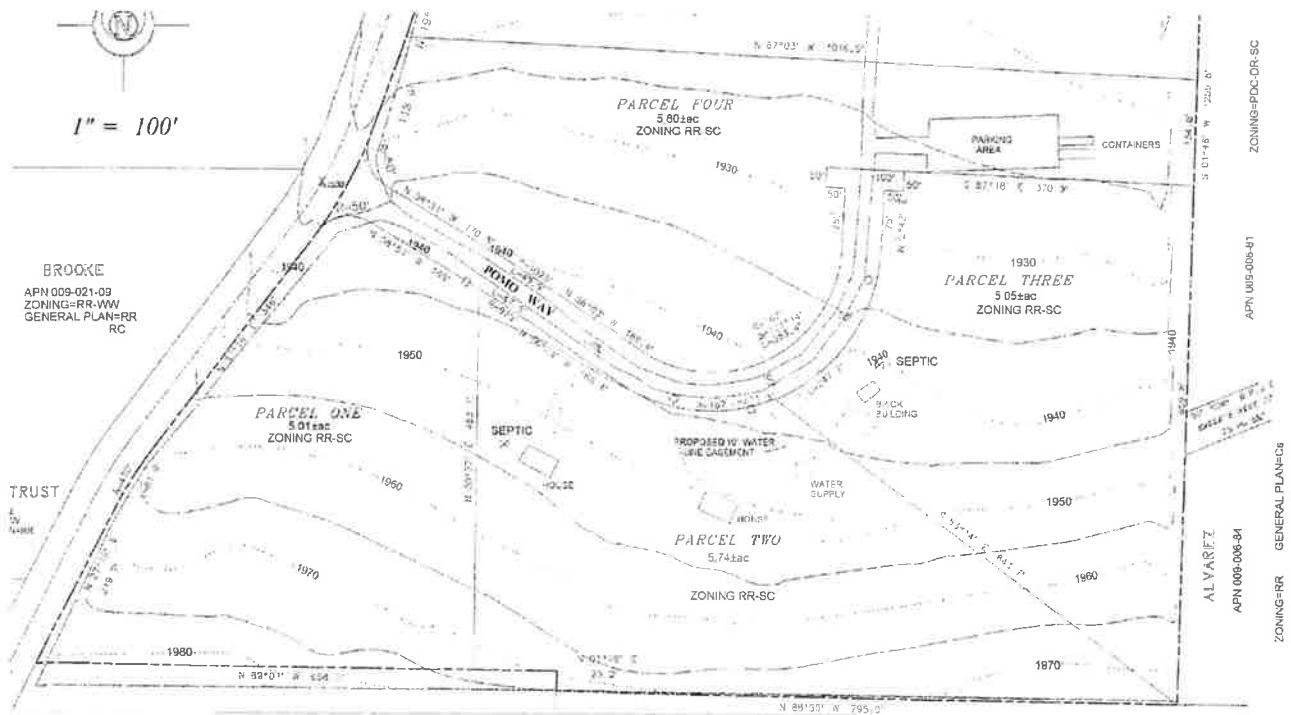
chain link fencing. The residential units are rented to tribal members; the parking lot and public restrooms are used by tribal members visiting the property.

10. Description of Project:

Supervisor District:	District 5
Flood Zone:	X (low risk of flooding)
Slope:	Flat to gently sloping
Fire Hazard Severity Zone:	Moderate and Very High
Earthquake Fault Zone:	None mapped at this location
Dam Failure Inundation Area:	Not within an inundation area
Parcel Size:	Approximately 34.58 acres
Area Plan:	Riviera Area Plan

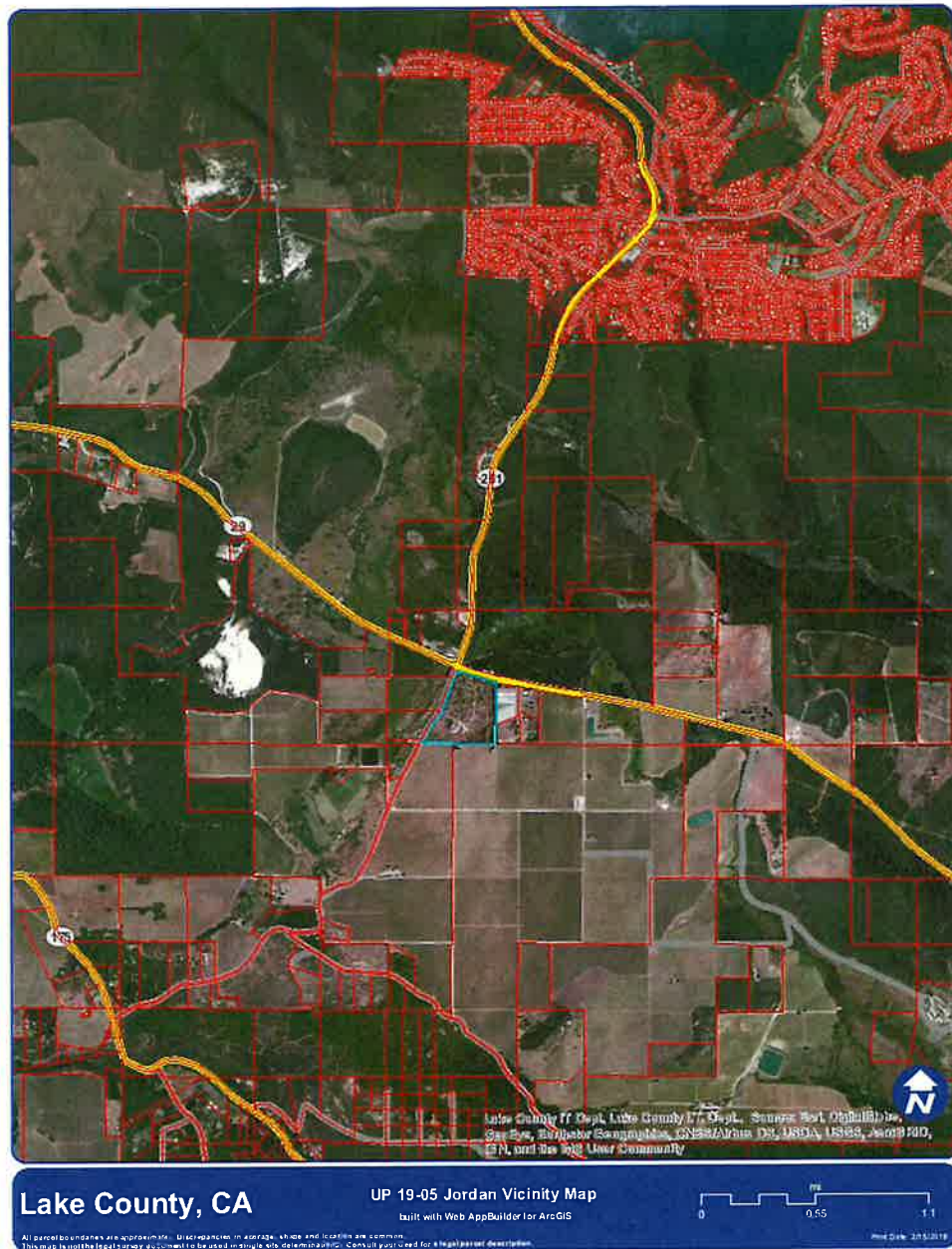
The applicant is requesting approval of a Parcel Map to allow for the division of the Rural Residentially-zoned portion of the land to create four lots, each being about 5 acres in size, and the remainder lot, which is zoned CH-Highway Commercial.

FIGURE 1 – PARTIAL PARCEL MAP



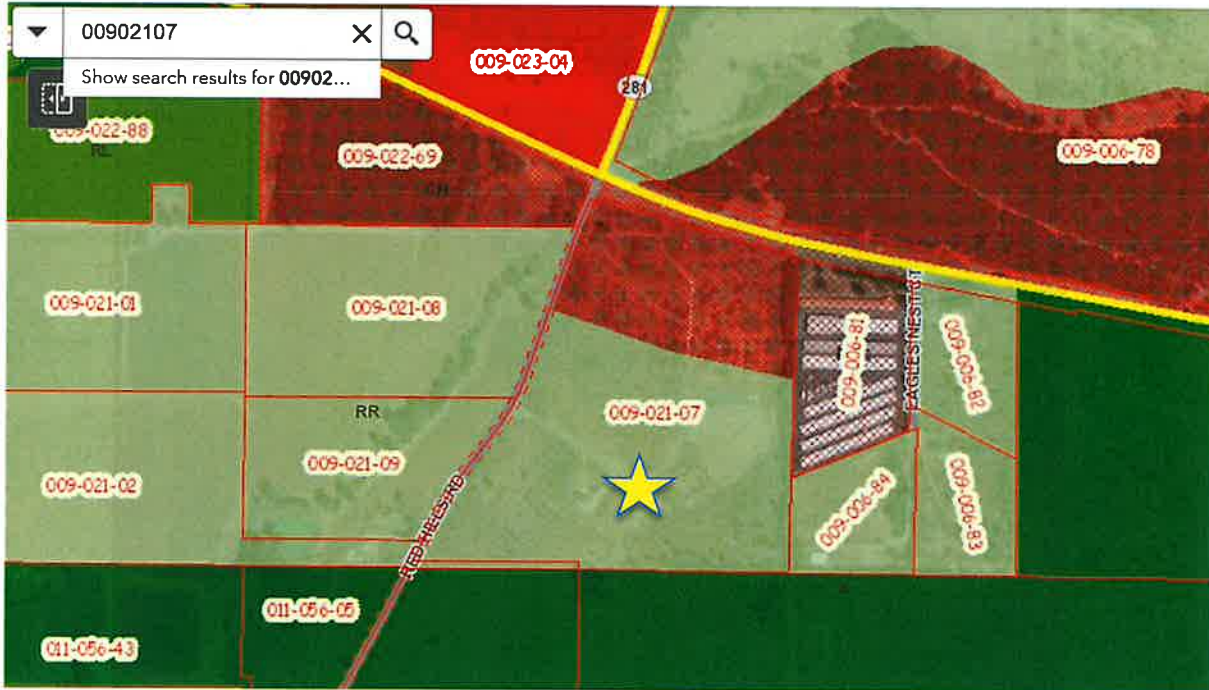
Source: Daniel Martinez, PLS

FIGURE 2 - VICINITY MAP



Source: Lake County GIS Mapping

FIGURE 3 – ZONING MAP OF SITE AND AREA



Source: Lake County GIS Mapping

Surrounding Land Uses and Setting:

- North: Property to the north is zoned Rural Residential (RR), Highway Commercial (CH) and Community Commercial (C2). Parcel sizes are approximately 134 acres and 19 acres. Land uses to the north are commercial, and are located on the north side of SR 29. The primary development is Kit's Corner grocery and gasoline station.
- West: Property to the west is zoned C2 and RR. Parcels are approximately eleven to 18 acres in size. Land uses to the west are predominantly agriculture (vineyards and orchards).
- South: Property to the south consists of parcels 173 and 466 acres in size, zoned Agriculture (A).
- East: Property to the east includes mini storage units on 7.66 acres zoned Planned Development Commercial (PDC), and a 5.43-acre parcel zoned RR.

The nearest off-site residence is situated approximately 800 feet southwest of the Project Site.

11. Other public agencies whose approval may be required (e.g., permits, financing approval, or participation agreement)

- Lake County Air Quality Management District
- Lake County Environmental Health
- Lake County Community Development Department – Building Division
- Lake County Surveyor
- Lake County Department of Public Works
- Kelseyville Fire Protection District
- California Department of Forestry and Fire Protection (CalFire)
- Central Valley Regional Water Quality Control Board
- State Water Resources Control Board
- California Department of Transportation (Caltrans)
- California Department of Fish and Wildlife
- California Air Resource Control Board

- 12. Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?** Conducting consultation early in the CEQA process allows tribal governments, lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental review process. (See Public Resources Code section 21080.3.2.) Information may also be available from the California Native American Heritage Commission's Sacred Lands File per Public Resources Code section 5097.96 and the California Historical Resources Information System administered by the California Office of Historic Preservation. Please also note that Public Resources Code section 21082.3 (c) contains provisions specific to confidentiality.

The property is owned by the Scotts Valley Band of Pomo Indians, who are the applicants in this matter. The Tribe does not request consultation for this land division. Notification of the project was sent to all other local tribes on September 1, 2022; recipients consisted of the Big Valley Rancheria, Elem Colony, Koi Nation, Middletown Rancheria, Robinson Rancheria, Scotts Valley Band of Pomo, Upper Lake Habematolel, Cortina Rancheria, and Yocha Dehe, and no comments were received by any notified Tribe.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- | | | |
|---|--|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Public Services |
| <input type="checkbox"/> Agriculture & Forestry Resources | <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Air Quality | <input type="checkbox"/> Hydrology / Water Quality | <input type="checkbox"/> Transportation |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Land Use / Planning | <input type="checkbox"/> Tribal Cultural Resources |
| <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Utilities / Service Systems |
| <input type="checkbox"/> Energy | <input type="checkbox"/> Noise | <input type="checkbox"/> Wildfire |
| <input type="checkbox"/> Geology / Soils | <input type="checkbox"/> Population / Housing | <input type="checkbox"/> Mandatory Findings of Significance |

DETERMINATION: (To be completed by the lead Agency)

On the basis of this initial evaluation:

- ☒ I find that the proposed project COULD NOT have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.
- ☐ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A **MITIGATED NEGATIVE DECLARATION** will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.
- ☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the effects that remain to be addressed.

- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Initial Study Prepared By:
Eric Porter, County of Lake



Date: 11-30-2022

SIGNATURE

Mireya Turner, Director
Community Development Department

SECTION 1

EVALUATION OF ENVIRONMENTAL IMPACTS:

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, and then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a) Earlier Analysis Used. Identify and state where they are available for review.
 - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures, which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
- 9) The explanation of each issue should identify:
 - a) the significance criteria or threshold, if any, used to evaluate each question; and
 - b) the mitigation measure identified, if any, to reduce the impact to less than significance.

KEY: 1 = Potentially Significant Impact

2 = Less Than Significant with Mitigation Incorporation

3 = Less Than Significant Impact

4 = No Impact

IMPACT CATEGORIES*	1	2	3	4	All determinations need explanation. Reference to documentation, sources, notes and correspondence.	Source Number**
I. AESTHETICS						
Significance Criteria: Aesthetic impacts would be significant if the Project resulted in the obstruction of any scenic vista open to the public, damage to significant scenic resources within a designated State scenic highway of County designated scenic area, substantial degradation to the existing visual character or quality of the site and its surroundings from public views, or generate new sources of light or glare that would adversely affect day or nighttime views in the area, including that which would directly illuminate or reflect upon adjacent property or could be directly seen by motorists or persons residing, working or otherwise situated within sight of the Project.						
Environmental Setting: The 34.58-acre subject parcel is located on the southeast corner of the intersection of SR 29 and Red Hills Road. The CH-zoned portion of the subject parcel is located within a "Scenic" (SC) Combining Overlay District (SC District). The SC District is located along the SR 29 corridor, including a ±400-ft deep section of the subject property adjacent to SR 29; along Soda Bay Road north of its intersection with SR 29; on lands abutting the subject parcel to the south; and on Red Hills Road directly south of the subject parcel (refer to Attachment B-1). The southerly portion of the subject parcel where the Project would be situated is <u>not</u> located within the SC District boundary. SR 29 is a designated state scenic highway. Scenic resources in the general region include Clear Lake, approximately 2.5 miles north of the Site; Mt. Konocti, ±3.25 miles northwest of the Site; and Mount Hanna, ±2.7 miles south of the Site.						
Except as provided in Public Resources Code Section 21099, would the project:						
a) Have a substantial adverse effect on a scenic vista?			X		<p>The Project Site is located in a rural area surrounded by orchards and vineyards. The Site has long-distance views to Mt Konocti (over five miles northwest). Clear Lake is not visible from the Project Site due to distance and topography. No new development is proposed in conjunction with this parcel map application, however the Tribal spokesman has indicated that the lots will be used for dwellings to house Tribal members in the near future. Dwellings are exempt from CEQA evaluation under section 15282(h) – Statutory Exemptions for ADUs, and 15303(a), Categorical Exemptions for single family dwellings.</p> <p>Due to distance and vegetation, any development on the parcels being divided would not be highly visible from SR 29, a highway eligible for scenic designation. The portion of the lot closest to Highway 29 is zoned Highway Commercial; commercially-zoned land is not subject to any restrictions of the Scenic Combining overlay zone, which exempts commercial land. The Rural Residentially-zoned portion of land begins about 485 feet from the edge of Highway 29. The 'reach' of the SC height restrictions is 500 feet, so any development that occurs beyond 500 feet from Highway 29 is not subject to restrictions otherwise associated with a Scenic Combining designation.</p> <p>The proposed Parcel Map project would not impede views of Mt. Konocti or other scenic vistas. The site is visible from a limited portion of Red Hills Road; however,</p>	1, 2, 3, 4, 5, 6, 7, 8

				<p>it is situated in a manner that would not significantly impact the view shed, and is consistent with County and Area Plan policies for preserving scenic resources.</p> <p>Less Than Significant Impact</p>	
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?			X	<p>The Project Site does not contain any scenic trees, rock outcroppings or historic buildings. Highway 29 is a local scenic highway, however the SC overlay designation is more than 500 feet from the lots that are under consideration and beyond the limits of the SC restrictions.</p> <p>Less Than Significant Impact</p>	1, 2, 3, 4, 5, 6, 7, 8
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?			X	<p>The subject property is elevated slightly above Highway 29 and Red Hills Road in this location. Red Hills Road is a paved, two-lane, rural road without paved shoulders that does not accommodate pedestrians – motorists are its primary users. Views into the property from Red Hills Road are partially obscured by woody vegetation, including walnut, oak and pine trees.</p> <p>Beginning at the south property line, a row of mostly pine trees grow along the edge of Beckstoffer Vineyards on the east side of Red Hills Road, providing total screening of the site from views from the south. Existing vegetation north and south of the property limit public visibility of the site to a few seconds while driving past the site entrance.</p> <p>Less Than Significant Impact</p>	1, 2, 3, 4, 5, 6, 7, 8
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			X	<p>No development is associated directly with this land division. It is probable that there will be residential development in the future, however no immediate plans for development have been submitted.</p> <p>Less Than Significant Impact</p>	1, 2, 3, 4, 5, 7

II. AGRICULTURE AND FORESTRY RESOURCES

Significance Criteria: The proposed Project would have a potentially significant impact on agricultural resources if it would convert prime farmland to a non-agricultural use, conflict with a Williamson Act contract, or disrupt a viable and locally important agricultural use. The Project would have a potentially significant impact on forestry resources if it would result in the loss, rezoning or conversion of forestland to a non-forest use. *In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and forest carbon measurement methodology provided in Forest protocols adopted by the California Air Resources Board.*

Environmental Setting: The Project Site is assigned two base zoning designations, Rural Residential and Highway Commercial. Approximately 86 percent of the Project Site contains a fallow, dry-farmed walnut orchard. The remainder contains Interior Live Oak Woodland and Mixed Chaparral, residential development and internal roadways serving residential and tribal community uses. According to the Farmland Mapping and Monitoring Program (FMMP) the project site is designated as "Unique Farmland," defined as "Farmland of lesser quality soils used for the production of the state's leading agricultural crops. This land is usually irrigated, but may include non-irrigated orchards or vineyards as found in some climatic zones in California. Land must have been cropped at some time during the four years prior to the mapping date." According to the USDA Soil Survey, the subject property is designated as "Not Prime Farmland."

Would the project:

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?			X	<p>The Project Site is designated as "Unique Farmland" by the FMMP, having lower quality soils than Prime Farmland and Farmland of Statewide Importance, and as "Not Prime Farmland" by the USDA. The Scotts Valley Band of Pomo Indians (SVBPI) purchased the land 23 years ago, at which time it contained a commercial walnut orchard. SVBPI maintained the walnut grove in its early ownership years, but abandoned that effort due to the age and condition of the trees. The orchard is observed to be in poor condition, as evidenced by the condition of the trees, many of which have died, have broken limbs or are overgrown; and surface soils, which are pocked with gopher holes. Uses immediately surrounding the site to the west and south include vineyards.</p> <p>The proposed land division will ultimately result in residential development in the future, however no immediate plans for development have been submitted.</p>	1, 2, 3, 4, 5, 8, 9, 10
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					Less Than Significant Impact	
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?			X		The parent parcel is zoned "RR" Rural Residential (the portion being divided), and "CH" Highway Commercial. The site contains an abandoned walnut orchard that is no longer actively farmed, and the property is not encumbered by a Williamson Act contract. Parcels to the south of the Project Site are zoned "A" Agriculture; however the parcel map is not expected to conflict with the existing agricultural zoning or uses in this vicinity. Less Than Significant Impact	1, 2, 3, 4, 5, 8, 9, 10
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?			X		The proposed Project is not located within or adjacent to forest lands or lands zoned Timberland Production. The parcel map will therefore not conflict with existing timberland zoning or result in the rezoning of forest lands and/or Timberland Production. No Impact	1, 2, 3, 5, 8
d) Result in the loss of forest land or conversion of forest land to non-forest use?			X		The parcel map land is not located within or adjacent to forest lands, and will therefore not result in the loss or conversion of forest land to a non-forest use. No Impact	1, 2, 3, 5, 8
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?			X		The parcel map does not involve changes to the existing environment that would result in the site's conversion to non-agricultural or non-forest use. Less Than Significant Impact	1, 2, 3, 4, 5, 8, 9, 10
III. AIR QUALITY						
Significance Criteria: <i>Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations.</i> The proposed Project would have a significant impact to air quality if it would conflict with an air quality plan, result in a cumulatively considerable net increase of a criteria pollutants for which the Lake County Air Quality Management District (LCAQMD) has non-attainment, expose sensitive receptors to substantial concentrations of air pollutants, or result in emissions that create objectionable odors or otherwise adversely affect a substantial number of people.						
Environmental Setting: The Project Site is located within the Lake County Air Basin, which is under the jurisdiction of the LCAQMD. The LCAQMD applies air pollution regulations to all major stationary pollution sources and monitors air quality. The Lake County Air Basin is in attainment with both state and federal air quality standards, and the air is relatively low in pollutants in comparison with much of the state. Automobile emissions are the main contributor to air pollution in Lake County. Other contributors include serpentine soils, residential development (wood burning stoves and the burning of cleared vegetation for subdivision development) and agricultural operations. Serpentine soils have not been found within the project site.						
Would the project:						
a) Conflict with or obstruct implementation of the applicable air quality plan?			X		The parcel map would divide 20 acres of Rural Residentially-zoned land, creating four (4) five+ acre parcels, and one (1) 14 acre remainder parcel. The parcel map is not directly associated with site development. While it is probable that there will be residential development in the future, no immediate plans for development have been submitted. Less Than Significant Impact	1, 2, 3, 4, 5, 8, 11, 12, 13
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under and applicable federal or state ambient air quality standard?			X		The County of Lake is in attainment of state and federal ambient air quality standards, and no site disturbance is associated with this land division. No Impact	1, 3, 11

c) Expose sensitive receptors to substantial pollutant concentrations?			X	<p>This action is limited to the division of land with no new development proposed that is directly associated with this parcel map.</p> <p>Less Than Significant Impact</p>	1, 2, 3, 4, 5, 8, 11, 12, 13
d) Result in other emissions (such as those leading to odors or dust) adversely affecting a substantial number of people?			X	<p>This action is limited to the division of land with no new development proposed that is directly associated with this parcel map.</p> <p>Less Than Significant Impact</p>	1, 2, 3, 4, 5, 8, 11, 12, 13
IV. BIOLOGICAL RESOURCES					
<p>Significance Criteria: Project impacts upon biological resources would be significant if any of the following resulted: substantial direct or indirect effect on any species identified as a candidate, sensitive, or special status species in local/regional plans, policies, or regulations, or by the California Department of Fish and Wildlife (CDFW) or U.S. Fish and Wildlife Service (USFWS) or any species protected under provisions of the Migratory Bird treaty Act (e.g. burrowing owls); substantial effect upon riparian habitat or other sensitive natural communities identified in local/regional plans, policies, or regulations or by the agencies listed above; substantial effect (e.g., fill, removal, hydrologic interruption) upon state or federally protected wetlands; substantially interfere with movement of native resident or migratory wildlife species or with established native resident or migratory wildlife corridors; conflict with any local policies/ordinances that protect biological resources or conflict with a habitat conservation plan.</p>					
<p>Environmental Setting: The site is located along the Highway 29 corridor in narrow valley terrain between the northeastern toe of the Mayacama Mountains and the southern slope of Mount Konocti. This corridor consists of a series of isolated flats and small basins either drained internally or connected to Thurston Creek, which drains to the isolated basin of Thurston Lake. This property is drained along its eastern edge by an excavated ditch which flows north to SR 29 and then east to an unnamed tributary to Thurston Creek. The property drops approximately 80 feet in elevation from north to south into Hess Flat at an elevation of 1,880 feet mean sea level. Site soils are weathered from obsidian (volcanic) formations, and are deep and well-drained. The majority of the ±34.58-acre property is occupied by a fallow walnut orchard, comprising approximately 86 percent of the land area. Approximately 1.55 acres (4.5 percent) is occupied by Interior Live Oak Woodland located along an ephemeral drainage swale on the eastern edge of the property. The community along the east property line is heavily dominated by interior live oak trees to a height of 50 feet and contains a dense shrub layer. Mixed Chaparral occupies ±1.48 acres (4.28 percent) in the southeastern corner of the property, comprised primarily of common manzanita, ceanothus, interior live oak shrub, poison oak, coyote brush and knobcone pine.</p>					
<i>Would the project:</i>					
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?			X	<p>A Biological Resource Assessment ("Assessment") with Botanical Survey and Delineation of Waters of the U.S., dated July 1, 2019, was prepared by Northwest Biosurvey.</p> <p>The division of land does not involve any physical changes to the site; there are no plans for immediate development in conjunction with this land division.</p> <p>Less Than Significant Impact</p>	3, 6, 7, 15
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?			X	<p>According to the Assessment, the Project Site does not contain perennial streams or ponded water of any type. Delineated aquatic resources consisted of 0.136 acres (5,924 sq. ft.) of intermittent stream channel located in the southeast corner and continuing north along the east boundary of the subject parcel. The division of land proposed will not impact any riparian or other sensitive natural community was identified in the project area.</p> <p>No Impact</p>	3, 6, 7, 15
c) Have a substantial adverse effect on state or federally protected wetlands (including, not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?			X	<p>According to the Assessment, a wetland delineation was conducted in accordance with the U.S. Army Corps of Engineers Wetlands Delineation Manual: Arid West Region (2008) to determine the extent of possible waters of the U.S. Delineation fieldwork was completed on April 10, 2019. Waters of the U.S. within the subject property were determined to consist of intermittent stream channels and ephemeral drainages.</p> <p>No potential wetland resources were found, and no site disturbance is proposed with this parcel map.</p> <p>No Impact</p>	3, 6, 7, 15
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife			X	<p>According to the Assessment, there is no habitat on the site that would support resident or migratory fish. There are no native wildlife nursery sites on the subject</p>	3, 6, 7, 15

species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?					property, and no site disturbance is proposed in conjunction with this division of land. No Impact	
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				X	The proposed land division would not conflict with local policies, such as those identified in the Riviera Area Plan or Chapter 9.1 of the General Plan [Biological Resources]. No Impact	1, 2, 3
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				X	There are no adopted habitat conservation plans on the site. No special conservation plans have been adopted for the subject parcel. No Impact	1, 2, 3

V. CULTURAL RESOURCES

Significance Criteria: The proposed Project would significantly impact cultural resources if the significance of a historical or archaeological resource were substantially changed, or if human remains were disturbed.

Environmental Setting: The Project Site lies at the foot of Mount Hanna, approximately 2.5 miles south of Clear Lake. Approximately 86 percent of the subject property is comprised of a fallow walnut orchard. The proposed Project Site is located within the existing orchard. There are no perennial watercourses or springs on the subject property. A blanket of shattered obsidian is prevalent on the property.

Would the project:

a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?				X	Comments received in 2019 from the Northwest Information Center (NWIC) indicate that archaeological resource surveys were conducted of the entire property in 2003 and 2006 and no archaeological resources were identified. No site disturbance is proposed with this division of land. Future development of these lots may occur at a later date. Less Than Significant Impact	1, 2, 3, 4, 5, 15, 16
b) Cause a substantial adverse change in the significance of an archeological resource pursuant to §15064.5?				X	According to the applicant, "SVBPI is not aware of any flatland or lowland sites in Lake County that could not be a possible archaeological site given the existence of Native Americans in the area since 12,000 B.CE. A blanket of shattered obsidian is prevalent on the property, which is a minor indication that obsidian may have been mined at some point in time. However, during its years of ownership, SVBPI's certified cultural monitors have surveyed the property for archaeological evidence. To date no such evidence has been found." No impacts to known archaeological resources are anticipated as a result of the Project. Less Than Significant Impact	1, 2, 3, 5, 6, 16, 17
c) Disturb any human remains, including those interred outside of formal cemeteries?				X	No ground disturbance is proposed with this land division. Immediate development of the site is not under consideration at this time. Less Than Significant Impact	1, 2, 3, 5, 6, 16, 17

VI. ENERGY

Significance Criteria: The proposed Project would significantly impact energy if construction of the Project would result in wasteful, inefficient or unnecessary consumption of energy resources or if the Project would conflict with a state or local plan for renewable energy or energy efficiency.

Environmental Setting: The proposed Project Site is located on 20 acres within the 34.58-acre parent parcel. The subject property consists of a fallow walnut orchard and single-family residential development surrounded predominantly by agricultural uses.					
Would the project:					
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?			X	<p>The parcel map will divide the parent parcel into four 5+ acre lots and one 14+ acre remainder parcel. The site uses 'on grid' power, and there are no grid capacity issues at this location. No development is being proposed, and no impacts to the power grid in conjunction with this land division is anticipated.</p> <p>Less Than Significant Impact</p>	1, 2, 3, 5, 6
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?			X	<p>No new development is proposed with the land division. The parcel map would not conflict with or obstruct a state or local renewable energy plan, nor would it conflict with goals and policies of the General Plan [Section 9.5, Energy Resources].</p> <p>Less Than Significant Impact</p>	1, 2, 3, 5, 6
VII. GEOLOGY AND SOILS					
Significance Criteria: The proposed Project would result in a significant impact to geological or soil resources if it exposed people or structures to seismic risk; ruptured a known fault; produced strong seismic ground shaking, ground failure, liquefaction, landslides or substantial soil erosion; is located on expansive soil or unstable ground, or would create unstable ground; or destroyed a unique paleontological resource or geologic feature.					
Environmental Setting: The subject parcel is located within the Clear Lake volcanic field, and characterized by gentle slopes. The majority of the soils underlying the area are comprised of young pyroclastic deposits from the Holocene (8,000 years ago to present) and Pleistocene (1.8 million to 8,000 years ago) epochs. These are described as well-bedded ash and tuff, with abundant blocks and bombs that weather to a dark orange color. The subject property contains a single soil type, Glenview-Arrowhead complex, 5-15% slopes, weathered from obsidian formations. This unit is on volcanic hills. Native vegetation is mainly brush with scattered conifers. The unit contains about 60% Glenview very gravelly loam and 20% Arrowhead extremely gravelly sandy loam. The Glenview soil is very deep and well drained. It formed in material weathered from obsidian. Permeability is moderately slow and runoff is medium. The Arrowhead soil is moderately deep and well drained, and formed in material weathered from obsidian. Permeability is slow and runoff is medium. The hazard of erosion is moderate for both soils.					
Would the project:					
<p>a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:</p> <p>i) Rupture of a known earthquake fault, as delineated on the most recent Alquist- Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.</p> <p>ii) Strong seismic ground shaking?</p> <p>iii) Seismic-related ground failure, including liquefaction?</p> <p>iv) Landslides?</p>			X	<p><u>(a)(i)</u> The Project Site is not located within an Earthquake Fault Zone as established by the California Geological Survey in accordance with the Alquist-Priolo Earthquake Fault Zoning Act. The nearest fault zones are approximately 0.8 miles east and one mile south of the Project Site. The proposed project would not expose people or structures to substantial adverse effects due to earthquakes.</p> <p><u>(a)(ii) and (a)(iii)</u> Lake County contains numerous known active faults. Future seismic events in the Northern California region can be expected to produce seismic ground shaking at the site. All proposed construction is required to be built consistent with Current Seismic Safety construction standards.</p> <p><u>(a)(iv)</u> According to the U.S. Landslide Inventory provided by the USGS Landslide Hazard Program, there are no mapped landslides on or in the vicinity of the Project Site.</p> <p>The Project is not expected to cause potential substantial adverse effects due to seismic activity or landslides.</p> <p>Less Than Significant Impact</p>	4, 8, 16, 17, 18, 19
b) Result in substantial soil erosion or the loss of topsoil?			X	<p>The project is the division of land with no new development proposed that is directly associated with the land division.</p> <p>Less Than Significant Impact</p>	1, 2, 3, 4, 5, 8, 18, 20

c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on-site or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			X	<p>The property is not identified as containing landslides or other unstable geologic conditions other than a moderate erosion hazard. There is a less than significant chance of landslide, subsidence, liquefaction or collapse as a result of the Project.</p> <p>Less Than Significant Impact</p>	4, 8, 16, 17, 18, 19
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?			X	<p>According to the USDA Soil Survey, the shrink-swell potential for the project area soil type is moderate, and is not considered to be expansive. The parcel map / division of land would therefore not increase risks to life or property as a result of expansive soil.</p> <p>Less Than Significant Impact</p>	1, 2, 3, 4, 5, 8, 18, 20
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of waste water?			X	<p>Two of the proposed lots are served by existing onsite septic systems. The proposed Project does not require or include expansion of these systems until residential development occurs on the two unbuilt lots. There are septic lines shown to cross what will become new lot lines, however a topographical map provided to the County on 11.3.2022 shows these lines crossing property lines will be abandoned prior to recording the final map.</p> <p>Less Than Significant Impact</p>	4
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?			X	<p>The Project Site does not contain any known unique geologic feature or paleontological resources. Disturbance of these types of resources is not anticipated.</p> <p>Less Than Significant Impact</p>	1, 3, 4, 5, 8, 12, 16, 18, 19

VIII. GREENHOUSE GAS EMISSIONS

Significance Criteria: The proposed Project would significantly impact greenhouse gas (GHG) emissions if it were to generate substantial GHG emissions exceeding the CEQA thresholds of significance adopted by the Lake County Air Quality Management District (LCAQMD) or conflict with an adopted plan, policy or regulation intended to reduce greenhouse gas emissions.

Environmental Setting: Climate change is caused by greenhouse gases (GHGs) emitted into the atmosphere around the world from a variety of sources, including the combustion of fuel for energy and transportation, cement manufacturing, and refrigerant emissions. GHGs are those gases that have the ability to trap heat in the atmosphere, a process that is analogous to the way a greenhouse traps heat. GHGs may be emitted as a result of human activities, as well as through natural processes. Increasing GHG concentrations in the atmosphere are leading to global climate change. The Lake County Air Basin is in attainment for all air pollutants and has therefore not adopted thresholds of significance for GHG emissions.

Would the project:

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			X	<p>The division of land will not generate any greenhouse gas emissions.</p> <p>No Impact</p>	1, 2, 3, 5, 6, 12
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?			X	<p>The parcel map will not conflict with any adopted plans or policies for the reduction of greenhouse gas emissions.</p> <p>No Impact</p>	1, 2, 3, 5, 6, 12

IX. HAZARDS AND HAZARDOUS MATERIALS

Significance Criteria: The Project would result in significant hazards or hazardous materials impacts if it exposed people to hazardous materials or placed them into hazardous situations; if it released hazardous materials or emissions into the environment or within 0.25 miles of a school; if it is located on a listed hazardous materials site; if it would create a hazard due to its proximity to a public airport or private airstrip; if it would create excessive noise for people in the area; if it would interfere with an emergency response or evacuation plan; or if it would expose people or structures to significant risks due to wildland fire.

Environmental Setting: The Project Site is located approximately five miles southeast of Kelseyville town center, on a 34.58-acre property occupied predominantly by a fallow walnut orchard. The subject property is also occupied by two single-family residences and a travel trailer. The fire hazard rating for the majority of the subject parcel, including the Project Site, is moderate. The very north portion of the parcel adjacent to SR 29 has a fire hazard rating of very high.

Would the project:

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			X	This action is limited to creating new lot lines. No site disturbance is proposed. Less Than Significant Impact	1, 2, 3, 5, 6, 23, 24, 25
b) Create a significant hazard to the public or the environment through reasonable foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			X	The Project is limited to dividing land with no immediate improvements proposed resulting from this land division. Future development of some of these four lots with single family dwellings No site disturbance is proposed with this action. Less Than Significant Impact	1, 2, 3, 5, 6, 23, 24, 25
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?			X	The nearest school is located over two miles from the subject site. No Impact	1, 2, 3, 5, 6, 7
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?			X	The Project Site is not listed in Envirostor or any of the toxic site databases as a site containing hazardous materials. No Impact	1, 2, 3, 4, 5, 6, 23, 24, 25, 26
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?			X	The project is not located within two (2) miles of an airport and/or within an Airport Land Use Plan. The nearest airport is Lampson Field approximately 9.5 miles northwest of the Project Site. No Impact	1, 2, 3, 4, 5, 6, 27
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?			X	The land division shows a shared access internal to the lots. This access is a 22' wide paved interior driveway that meets Public Resource Code (PRC) sections 4290 and 4291 interior driveway / roadway standards for width, slope, overhead clearance, and all other aspects of compliance with PRC 4290 and 4291. Less Than Significant Impact	1, 2, 3, 4, 5, 6, 23
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?			X	The Project Site is situated in a moderate and high fire hazard severity zone. The division of land would neither increase nor decrease the fire risk associated with this property, since no development, including fuel reduction, is proposed at present. The site contains a private 22' wide paved access road that connects with Red Hills Road; this would serve as the evacuation route should the need to evacuate the property were to occur. Less Than Significant Impact	1, 2, 3, 4, 5, 6, 23, 28, 29

X. HYDROLOGY AND WATER QUALITY

Significance Criteria: The Project would significantly impact hydrology and water quality if it violated water quality standards or waste discharge requirements or substantially degraded surface or groundwater quality; substantially decreased groundwater supplies or impeded sustainable groundwater management; altered drainage patterns in a manner that would cause substantial on- or off-site erosion, polluted runoff or excessive runoff that caused flooding; impeded or redirected flood flows; risked a release of pollutants due to inundation if in a flood hazard, tsunami or seiche zone; or conflicted with a water quality plan or sustainable groundwater management plan.

Environmental Setting: The Project Site is located along the Highway 29 corridor in narrow valley terrain between the northeastern toe of the Mayacamas Mountains and the southern slope of Mount Konocti. This corridor consists of a series of isolated flats and small basins either drained internally or connected to Thurston Creek, which drains to the isolated basin of Thurston Lake. The property is drained along its eastern edge by an excavated ditch which flows north to SR 29 and then east to an unnamed tributary to Thurston Creek. The property drops approximately 80 feet in elevation from north to south into Hess Flat at an elevation of 1,880 feet msl. The Project Site does not contain perennial streams or ponded water of any type. Delineated aquatic resources consist of 0.136 acres of intermittent stream channel located in the southeast corner and continuing north along the east boundary of the subject parcel. The Project Site would be located over 350 feet from this drainage channel. A small drainage swale is located over 100 feet from the eastern edge of the proposed storage area. Future residential development will rely on permitted on-site wells that would be drilled as development occurs. The existing on-site well will be used to serve several dwellings via shared well agreement.

Would the Project:

a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?			X	<p>This land division is not associated with any immediate site disturbance, and no mitigation measures regarding hydrology are needed to divide this property as proposed. In the event of future development occurring, drainage will be evaluated during the building permit review process. None of the lots are within a flood plain, and each lot is over 5 acres in size, allowing plenty of area for on-site water permeability to occur.</p> <p>Less Than Significant Impact</p>	1, 2, 3, 5, 6, 29, 30
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?			X	<p>The project is the division of land with no immediate development proposed. The project site is located in the Big Valley Water Basin. The four lots are on a shared well that generates between 10 and 12 gallons per minute. There are two existing 2,500 gallon water storage tanks on site, and the Tribe is in the process of obtaining a grant for an additional four (4) 5,000 gallon water tanks.</p> <p>The two 2,500 gallon water tanks each take about 8.33 hours to fill up based on a well output of <u>5 gallons per minute (the well test showed output ranging from 10 to 12 gallons per minute)</u>. The additional 5,000 gallon water tanks, if obtained by the Tribe, will each take about 16.6 hours to fill based on output of 5 gallons per minute or about half as much as the well test yielded.</p> <p>Less Than Significant Impact</p>	1, 2, 3, 5, 6, 30, 31
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner that would:			X	<p>The 34.58-acre Project Site is predominantly fallow orchard. Drainage was evaluated in 2019 and was determined to be insignificant at that time. No alterations of any stream or watercourse will occur with this land division.</p> <p>Less Than Significant Impact</p>	1, 2, 3, 5, 6, 7, 15, 18, 29, 32
<p>i) result in substantial erosion or siltation on-site or off-site;</p> <p>ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;</p> <p>iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or</p>					

iv) impede or redirect flood flows?						
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?				X	The Project Site is not located in an area of potential inundation by seiche or tsunami. The subject parcel is not located within a flood hazard zone. Therefore, there is no risk of release of pollutants due to inundation. No Impact	1, 2, 3, 5, 6, 7, 9, 23, 32
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?				X	The proposed Project would not conflict with or obstruct water quality or management plans. No Impact	1, 2, 3, 5, 6, 29
XI. LAND USE AND PLANNING						
Significance Criteria: The Project would significantly impact land use if it physically divided an established community or conflicted with a land use plan, policy or regulation intended to avoid or mitigate an environmental impact, such as the general plan or zoning code.						
Environmental Setting: The Project Site is located within the unincorporated County of Lake, within the Riviera Area Plan boundary. The northern 10.5± acres of the subject parcel has a General Plan Land Use Designation of Community Commercial, and is zoned "CH" Commercial Highway, and is within the "DR" - Design Review Combining Overlay District and the "SC" - Scenic Combining District Overlay District. The southern 20± acres of the parcel, consists of the Project Site, and has a General Plan Land Designation of Rural Residential and is zoned Rural Residential. The proposed Project Site within the subject acreage is surrounded by agricultural and residential uses.						
Would the project:						
a) Physically divide an established community?				X	The Project Site is located on approximately 34.58-acre parcel in a rural area of Lake County. The proposed Project would not physically divide an established community. No Impact	1, 2, 3, 5, 6
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?				X	This proposed Project is consistent with the Lake County General Plan, Riviera Area Plan, and Lake County Zoning Ordinance. Pursuant to Articles 8 and 16 in the Lake County Zoning Ordinance, the land division proposed meets the minimum sizes for lots in the RR (and the CH) zoning district. The CH zoned portion of land would be a remainder parcel that would be required to be legitimized through a Conditional Certificate of Compliance at a later date. Less Than Significant Impact	1, 2, 3, 5, 6
XII. MINERAL RESOURCES						
Significance Criteria: Impacts to mineral resources would be considered significant if the proposed Project were to result in the loss of a known mineral resource that has value to the region and state or is otherwise locally important as designated on a local land use plan.						
Environmental Setting: The Project Site is not located within an area identified by the State or County as regionally significant for containing mineral resources.						
Would the project:						
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X	The Aggregate Resource Management Plan (ARMP) does not identify the subject property as being located within a Quarry Resource Area. There are no regionally significant mineral resources identified within the Project area. No loss of a known mineral resource of value to the region or the state would result from the proposed Project. No impact	1, 3, 31, 32
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?				X	The subject property is not designated as being a locally important mineral resource recovery site in the County of Lake's General Plan, the Riviera Area Plan or the Lake County ARMP. There are no existing quarries on the Project Site. The Project does not involve the extraction of mineral resources; therefore the Project would not result in the loss of availability of valuable or locally important mineral resources. No impact	1, 3, 31, 32

XIII. NOISE

Significance Criteria: The Project would have a significant impact if it temporarily or permanently exceeded local noise standards in the vicinity of the Project, generated excessive groundborne noise or vibration; or would expose people residing or working in the area to excessive noise levels from public airports or private airstrips.

Environmental Setting: The Project Site is located adjacent to a two-lane rural County road, and within an area dominated by agricultural uses. The area is exposed to the typical background noise associated with these activities, such as light vehicle traffic, human voices, and farm vehicles and equipment. Background noise is also provided by SR 29 to the north. The nearest residential receptors are two single-family residences and a travel trailer located on the subject property approximately 200 to 300 feet south-southeast of the proposed Project site. The nearest off-site single-family residence is located approximately 800 feet southwest of the edge of the property boundary. The Noise Element of the Lake County General Plan and Section 41.11 of the Lake County Zoning Ordinance protects residential areas and other noise-sensitive uses from excessive noise by implementing noise standards.

Would the project result in:

a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?				X	This project is limited to the division of land. Land divisions that are not associated with development do not generate noise. No Impact	1, 2, 3, 4, 5
b) Generation of excessive groundborne vibration or groundborne noise levels?				X	No noise generation is associated with the division of land. No Impact	1, 2, 3, 4, 5
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X	The proposed Project is not located within an airport land use plan or within two miles of a public airport. No Impact	1, 3

XIV. POPULATION AND HOUSING

Significance Criteria: The proposed Project would result in significant impacts to the local population or housing stock if it directly or indirectly induced substantial unplanned population growth or displaced a substantial number of people or housing such that the construction of replacement housing would be required.

Environmental Setting: The subject property is located in an established agricultural area with low residential density.

Would the project:

a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				X	The Project does not involve site development that would induce population growth. The project has the potential of creating buildable lots, however no development plans have been submitted. Less Than Significant Impact	1, 2, 4, 5
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?				X	No people or housing will be displaced as a result of the project. No Impact	1, 2, 4, 5

XV. PUBLIC SERVICES

Significance Criteria: The Project would result in a significant impact to public services if it resulted in a requirement for increased or expanded public service facilities or staffing, including fire or police protection, schools and parks.

Environmental Setting: The subject property is served by the Lake County Sheriff Department, the Kelseyville Fire Protection District, and is located within the Kelseyville Unified School District.