



COUNTY OF LAKE
COMMUNITY DEVELOPMENT DEPARTMENT
Planning Division
Courthouse - 255 N. Forbes Street
Lakeport, California 95453
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Item 6b
9:20 a.m.
March 27, 2025

STAFF REPORT

TO: Planning Commission

FROM: Mireya G. Turner, Community Development Director
Prepared by: Max Stockton, Assistant Planner

DATE: March 27, 2025

SUBJECT: Consideration of Deviation (DV 24-01) to allow a reduction in road standards (improvement of an existing minor road.) Applicant: Alexander Johnson; Location: 9100 Rocky Creek Road, Lower Lake, (APN: 122-251-08)

ATTACHMENTS:

1. Vicinity map
2. Applicant's deviation request
3. Conditional Certificate of Compliance
4. Agency Comments

I. PROJECT SUMMARY

The applicant is requesting a deviation from the requirement of the County of Lake Subdivision Ordinance to allow a reduction in road standards for improvement to an existing road for minor road standards. A Minor Road standard requires the road to be widened to twenty feet. Rocky Creek Road is approximately twelve feet wide. Additionally, the applicant is requesting a deviation from the dedication requirement.

II. PROJECT DESCRIPTION

Project Name: Johnson Deviation

Application: Deviation, DV 24-01;
Conditional Certificate of Compliance, CCC 24-01

Applicant/Owner Address: Alexander Johnson,
1521 Soap Rock Ln.,
Lower Lake CA, 95457

Location: 9100 Rocky Creek Rd., Lower Lake

APN: 122-251-08

Parcel Sizes: 21.22 Acres

General Plan Designation: Rural Lands

Zoning Designation: "RL-WW" Rural Lands and Waterway Combining

Flood Zone: D

Slope: Average 39.81%

III. SUBDIVISION MAP ACT CONFORMANCE

This parcel was created after September 15, 1971; therefore, this parcel is in violation of the County's Subdivision Ordinance; number 664 that was later revised a number of times. The applicant's parcel is one among many parcels along Rocky Creek Road that are not in compliance with the parcels created after September 15, 1971, and are subject to a Conditional Certificate of Compliance.

A Conditional Certificate of Compliance requires applicants to comply with three main conditions. The first condition is a necessity of a legal source of running water to the property. The second condition is the inclusion of sewer service through municipal sewer systems or private septic system. The third condition is the inclusion of a proper road system to access a County Maintained Road or Highway system. The third condition, a road system, is the purpose of this deviation as a deviation request focusing on applicant's responsibility for the portion of roadway fronting the project parcel rather than the entirety of Rocky Creek Road that leads the property to Morgan Valley Road, a county-maintained road.

IV. ZONING ORDINANCE

This project is a request for a deviation from the County of Lake's Subdivision Ordinance's requirement that all land subdivisions must meet. The applicant's property was created in violation of the County's Subdivision Ordinance #664, established on August 16, 1971. Therefore, the County of Lake will revert to the provisions of this Ordinance under these circumstances, as it was the relevant regulation at the time of the violation. Additionally, the following requirements must be met: Sections 5.15, 5.16.4 (b), 7.18 – 7.19, and 7.22 – 7.24. Specifically, the applicant proposes to deviate from the requirements which requires dedication of right-of-way of Rocky Creek Road which includes properties not within ownership of the applicant along with the requirement that Rocky Creek Road be improved to Minor Road standards.

V. SUBDIVISION REGULATION

The applicant has requested a deviation from the following sections of the Lake County Road Design and Construction Standards from the 1971 Subdivision Ordinance #664 noted above.

Section 5 Subdivision Procedure - Improvement Plans

5.15 ...Streets and easements needed for access to any such part shall be shown on or with the final map and dedicated if required.

The required dedicated right-of-way width is fifty feet with the requirements set forth in Ordinance #664, from 1971. The applicant is requesting a deviation from the responsibility for improving portions of Rocky Creek Road that do not correlate to his property; furthermore, removing the applicant from such a required improvement for the entirety of the road from his property to the nearest County Road, Morgan Valley, approximately 2.25 miles in distance.

5.16.4 (b) Dedication Certificate – “...All streets, and all parcels intended for any public use, shall be offered for dedication, except those streets and parcels intended for the exclusive use of lot owners in the subdivision, their licenses, visitors, tenants and servants. An offer of dedication for streets or highway purposes may include a waiver of direct access rights to any such street or highway from any property shown on the final map, and such waiver may be required as a condition of approval of the final map.”

This is one of the deviation requests. The applicant would like to work with the County for compliance but believes that the road from the project property to Morgan Valley Road should not be the sole responsibility of the parcel owner, as it passes through property owned by approximately 18 other neighbors. This is not a new subdivision and Rocky Creek Road has been an access road for these parcels for a significant amount of time. The Department of Public Works requirement is to improve the existing road to minor road standards as detailed in Section 7.22 below, which requires a minimum right of way width of fifty feet for the majority of the road. Additionally, as the proposed parcels are within the CALFIRE State Responsibility Area for High Fire Danger, Public Resources Code 4290 & 4291 requires that all roadways meet minimum road standards for the road as a minimum twenty feet wide with two feet wide shoulders on either side.

Section 7 General Design and Improvement

7.18 Streets shall conform, as to alignment and width to the official General Plan for Streets and Highways of the County.

Rocky Creek Road is an established roadway that would be required to meet the minimum road standards required by the Specific Street Design standards listed below in Section 7.22 – 7.23.5, or current regulation in place by Public Resource Code 4290 and 4291, to adequately provide access to each property. The applicant is requesting to deviate from being required to improve the entire roadway to Morgan Valley Road.

7.19 Streets and roads in any proposed subdivision shall connect to a state highway, to maintained county road, or to a public road or right-of-way which meets the standards of this Ordinance as to design and improvements.

Rocky Creek Road connects to Morgan Valley Road. Rocky Creek Road would be conditioned to meet the minimum standards of the Subdivision Ordinance. The applicant is requesting to deviate and only be responsible for improving or maintaining that portion of Rocky Creek Road that encumbers the subject property.

7.22 Specific Street Design. Street design shall conform to the “Subdivision Improvement Specifications” approved by the Board of Supervisors and on file in the office of the County Commissioner, and to the requirements set forth in the following section.

7.23 Minimum right-of-way width for the streets and roads required by this Ordinance shall be as follows:

7.23.1 Arterial Street	84 feet
7.23.2 Collector Street	50 feet
7.23.3 Cul-de-sac & Minor Street	50 feet
7.23.4 Alley	20 feet in residential areas

7.23.5 Street classification shall be based upon traffic projections for full development of the Subdivisions and surrounding development and contributing areas as well as the Circulation Plan.

This deviation would relieve the applicant from responsibility of maintaining the entirety of Rocky Creek Road to meet the standards listed above yet still requires the applicant to be responsible for the portion passing through the project property.

7.24 Where required rights-of-way shall be dedicated, which shall contain said cuts or fills, together with an additional ten (10) feet of natural ground for sloughage, erosion control and maintenance access.

Rocky Creek Road is an established roadway that services multiple properties. The road is mostly dirt and passable. The road has very little erosion control between the applicant's property and Morgan Valley Road, and the aforementioned road widths would be required; however, the applicant is requesting responsibility for only that portion of the roadway adjacent to the front of the project parcel.

VI. GENERAL PLAN

Policy T-1.2 Compliance with County Road Standards of the County of Lake's General Plan states in part:

"Roads should be improved and constructed to the design standards recommended by the County Department of Public Works, as shown in Table 6-1, Lake County Road Design and Construction Standards..."

The minimum road standards the applicant would have to comply with are a dedicated variety of widths, 50 feet wide right of way, to meet current Public Resource Code 4290 and 4291 regulations, would be the primary responsibility of the applicant for roadway along the subject property. The applicant is requesting a deviation from responsibility for the entire portion of Rocky Creek Road from Morgan Valley Road, Notwithstanding the portion in direct correlation to subject site, these requirements, which are contrary to what the County of Lake's General Plan recommends as noted in Policy T-1.2.

Policy T-1.7 Impact of New Development on Roadways states:

"Facilities constructed or utilized for new development shall comply with County standards in order to minimize initial and subsequent maintenance costs."

The applicant has asked for a deviation from improvement requirements of the entirety of Rocky Creek Road to minimum County roadway standards. This would be contrary to what Policy T-1.7 of the County of Lake's General Plan endorses.

VII. AREA PLAN

Objective 5.2a of the Lower Lake Area Plan states: *“Adequate public access for motor vehicles, bicycles, pedestrians and to public waterways shall be encouraged for the orderly growth and development of the Lower Lake area.”* The widening of the existing roadway to minor road standards would support Objective 5.2a of the Lower Lake Area Plan.

VIII. RECOMMENDATION

Staff recommends the Planning Commission take the following actions:

- A. Approve DV 24-01 for Conditional Certificate of Compliance 24-01 as modified by staff with the following findings:
 - 1. This deviation will not result in the grant of a special privilege inconsistent with the limitations on other properties in the vicinity.
 - 2. There are no traffic safety impacts associated with this deviation request.
 - 3. This project will not result in any significant adverse environmental impacts.

Sample Motion:

Deviation Approval

I move that the deviation applied for by Alexander Johnson, and as modified, on property located at 9100 Rocky Creek Road, Lower Lake does meet the requirements of Sections 5 and 7 of the Lake County Subdivision Ordinance and therefore the deviation is approved with the findings listed in the staff report dated March 27, 2025.

***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 seventh calendar day following the Commission's final determination.*