



COUNTY OF LAKE

COMMUNITY DEVELOPMENT DEPARTMENT

Planning Division

Courthouse - 255 N. Forbes Street

Lakeport, California 95453

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ITEM #3
May 26, 2022
9:15 a.m.

STAFF REPORT

TO: Planning Commission

FROM: Mary V. Darby, Director, Community Development Department
Prepared by: Eric Porter, Associate Planner

DATE: May 26, 2022

RE: **The Ripe Choice Farm, UP 22-13 and CE 22-22**
Location: 2550 Soda Bay Road, Lakeport
APN: 008-010-46

Supervisor District 4

- ATTACHMENTS:**
1. Vicinity Map
 2. Site Plan
 3. Agency Comments
 4. Proposed Conditions of Approval
 5. Photos of Barn Interior provided by Applicant
 6. Public Comments

I. EXECUTIVE SUMMARY

The applicant is requesting a major use permit to convert a portion of his 5+ acre lot to accommodate special events. The property contains a 116 year-old farmhouse, and a 100 year old barn that has been recently remodeled. The buildings are not on a historic registry. The application material submitted states that there will be between 1 and 2 events per month for up to 8 months per year; that the site can accommodate up to 75 cars and the events could have up to 100 people attending. The application states that there may be amplified music inside the barn for some events, and that the farmhouse, which contains a commercial kitchen, can supply food for the events (cater the events). Alcoholic beverages could be served, but each group renting the facility would need to coordinate with the California Dept. of Alcoholic Beverage Control to obtain event licenses. The barn contains an ADA restroom.

ZONING MAP OF SITE AND SURROUNDING AREA



Source: Lake County GIS Mapping

AERIAL PHOTO OF SITE AND VICINITY



Source: Google Earth Pro

Staff is recommending Approval with Conditions of UP 22-13 and adoption of Categorical Exemption CE 22-22.

II. PROJECT DESCRIPTION

Applicant / Owner: Mark and Tammy Lipps

Location: 2550 Soda Bay Road, Lakeport

A.P.N.: 008-010-46

Parcel Size: 5.48 acres

General Plan: Agriculture

Zoning: "A-WW-FF-SC" – Agriculture – Waterway – Floodway Fringe – Scenic Combining Overlay District

Flood Zone: AE

Natural Hazards: Flood inundation area

III. PROJECT SETTING

Existing Uses and Improvements: The parcel is 5.48 acres in size, and is developed with a dwelling, a barn, several small sheds, a small vineyard, and a walnut orchard. The house and barn are connected to the on-site well and septic system. The site is fenced and gated, and is served by a paved 20' wide driveway

Surrounding Uses and Zoning

- North, South, East and West: "A" Agriculture; parcels range between 1.0 and over 20 acres in size. Most of the surrounding properties are developed with dwellings and agricultural uses (primarily vineyards).

Topography: Flat

Soils: The soil on the site is Type **123 – Cole clay loam, drained, 0 to 2% slope**. The soil is characterized by slow permeability and occasional flooding (the site is entirely in the AE flood zone). Shrink-swell potential of this soil type is high, although the site is already developed, and no new construction is proposed.

Water Supply: Existing well

Sewage Disposal: Existing Septic

Fire Protection: Lakeport Fire Protection District

Vegetation: Mostly introduced vegetation, vineyard, walnut orchard, some native oaks.

Response: *The proposed Special Event venue would create diversity within the local economy, create some employment opportunities for local residents.*

Lakeport Area Plan Conformance. The subject site is within the Lakeport Area Plan's boundary. The Plan contains policies that are subject to consistency review for a project involving special events, as follows.

Chapter 5.1, Economy

- Policy 5.1.1.c Encourage annual events that attract tourists.

Response: *The purpose of this proposal is to establish an event venue where local and out-of-town individuals can hold special events. This has great potential to be a magnet for out of area tourists planning special events in Lake County.*

Chapter 5.5, Land Use and Zoning Plans

- Policy 5.5.1.d Direct commercial and multi-family uses to larger lots, single-family uses should be reserved for smaller lots in the North Lakeport area.

Response: *The project would be located on a lot that is about 5.5 acres in size. The owners would live on site in the existing dwelling, but would use the barn and potentially the dwelling for holding special events. The lot is a larger lot in comparison with typical lots found in the SR, R1, R2 and R3 zoning districts, all of which are intended to be smaller in size.*

- Policy 5.5.2.a Give a high priority to providing service and employment opportunities locally as well as coordination with the City of Lakeport to boost economic development and reduce travel distances from home to work.

Response: *This project has the potential of generating employment for local workers. The applicant has not stated how many new jobs would be created; staff estimates that 2 to 4 new jobs could result (although probably only for part-time help), and would employ local inhabitants.*

Zoning Ordinance Conformance

Article 5 – Agriculture (A). Purpose: To protect the County's agricultural soils, provide areas suitable for agriculture, and prevent development that would preclude their future use in agriculture.

Article 51.4 - Use Permits – Findings for Approval

The purpose of Article 51.4 is to compare use permit applications for uses permitted by a Major Use Permit to the six required findings for approval within this Article.

V. MAJOR USE PERMIT FINDINGS FOR APPROVAL. Article 51, Section 51.4

1. That the establishment, maintenance, or operation of the use applied for will not under the circumstances of the particular case, be detrimental to the health,

safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, or be detrimental to property and improvements in the neighborhood or the general welfare of the County.

Response: *The immediate area contains agricultural lots, most of which contain dwellings. Hours of the special events would be limited from 8 a.m. to 10 p.m. daily. Noise levels cannot exceed the noise limits found within Article 41 of the Zoning Ordinance, and conditions of approval requiring compliance with this 'noise ordinance' are added to this land use permit.*

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

Response: *The proposal is for special events to occur on the already-developed site. The barn has adequate capacity to hold up to 150 people, although the applicant states that no more than 100 people would attend any given event at one time. There is a primary entrance gate located on Soda Bay Road, and there is a secondary emergency access on site that leads to the adjacent western property, which is under the same ownership. The 5.48 acre property has adequate on-site parking for 75 cars, and the site is fully developed with no need for further improvements.*

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

Response: *The site is served by Soda Bay Road, a paved County-maintained road with 10' wide travel lanes and 2' wide shoulders. The site is also served by a private on-site driveway that is paved, flat and well maintained.*

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

Response: *This application was routed to all of the affected public and private service providers including CAL FIRE, Lakeport Fire District, Public Works, Special Districts, Environmental Health, and all area Tribes. Relevant comments are attached as 'Attachment 3', and no adverse comments were received by the Planning Department.*

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

Response: *The general area is characterized by traditional and other agricultural uses (primarily vineyards), and new quasi-agricultural uses (primarily hemp and cannabis). The applicant would continue to use about 2 acres of the lot for traditional crop production, and would use the existing remodeled barn for special events. The barn has already been used for occasional special events that were permitted in the past with a Zoning Permit, however zoning permits only allow up to 3 events per year. This Use Permit would, if approved, allow multiple events for the life of the use permit. This project meets the Goals, Policies and Objectives within the Lake County General Plan,*

the Lakeport Area Plan, and the applicable sections of the Lake County Zoning Ordinance.

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

Response: *The site does not have any known or documented violations of Chapters 5, 17, 21, 23 or 26 of the Lake County Code. The County had received complaints about an event that took place in late February 2022 or early March 2022. Two objections to this application were received; one from Robert Gayardo, representing the Lake County Farm Bureau, and one from neighbor Mark Burch. Mr. Gayardo submitted photos showing cars parked along Soda Bay Road associated with an event, and some documentation of dates and attendance for several events. The photos submitted were undated. The applicant claims that the photos took place during the problematic event that led to the complaints.*

Following the special event that occurred without permits, the applicant came to the Planning Department and received Zoning Permit ZP 22-12, which authorized up to 3 events in 2022; this was a stop-gap measure to allow some events while the use permit under review herein was being processed.

Staff met with Code Enforcement Manager Marcus Beltramo and Code Enforcement Officer Linda Bill-Rosas on May 9, 2022 to discuss this project and violations that may have occurred. Both Enforcement Officers indicated that there were no outstanding violations, and that the site was well-maintained and is not under County reprimand in any way. Further, three letters of support for this project have been received (Attachment 6).

VI. ENVIRONMENTAL REVIEW

The California Environmental Quality Act (CEQA) requires agencies to evaluate the environmental implications of land use actions. CEQA section 15303(c) allows for a Categorical Exemption, Class 3, when no new development will occur on a site. This section specifically states:

15303. NEW CONSTRUCTION OR CONVERSION OF SMALL STRUCTURES

Class 3 consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The numbers of structures described in this section are the maximum allowable on any legal parcel. Examples of this exemption include, but are not limited to:

- (c) A store, motel, office, restaurant or similar structure not involving the use of significant amounts of hazardous substances, and not exceeding 2500 square feet in floor area. In urbanized areas, the exemption also applies to up to four

such commercial buildings not exceeding 10,000 square feet in floor area on sites zoned for such use if not involving the use of significant amounts of hazardous substances where all necessary public services and facilities are available and the surrounding area is not environmentally sensitive.

VII. RECOMMENDATION

Staff recommends the Planning Commission:

A. Adopt Categorical Exemption (CE 22-22) for Major Use Permit (UP 22-13) with the following findings:

1. This project will not result in significant environmental impacts as the proposed use involves existing buildings that have historically been used for event venues, and no new development is proposed.
2. Any changes to the project will require either an amended Use Permit and/or a new Use Permit unless the Community Development Director determines that any changes have no potential increased environmental impacts.

B. Approve Major Use Permit UP 22-13 with the following findings:

1. That the establishment, maintenance, or operation of the use applied for with the change to the license type described herein will not under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, or be detrimental to property and improvements in the neighborhood or the general welfare of the County.
2. The site is adequate in size, shape, locations, and physical characteristics to accommodate the type of use and level of development proposed.
3. The streets, highways and pedestrian facilities can be mitigated to be reasonably adequate to safely accommodate the proposed use.
4. That there are adequate public or private services, including but not limited to fire protection, water supply, sewage disposal, and police protection to serve the project.
5. That the project is in conformance with the applicable provisions and policies of this Code, the General Plan and the Lakeport Area Plan.
6. That no violation of Chapters 5, 17, 21, 23 or 26 of the Lake County Code currently exists on the property.

Sample Motions:

Categorical Exemption

I move that the Planning Commission find that the **Categorical Exemption (CE 22-22)** applied for by **Mark and Tammy Lipps** on property located at **1550 Soda Bay Road**,

Lakeport, and further described as **APN: 008-010-46** will not have a significant effect on the environment and therefore a mitigated negative declaration shall be approved with the findings listed in the staff report dated **May 26, 2022**.

Major Use Permit (UP 22-13)

I move that the Planning Commission find that the **Major Use Permit (UP 22-13)** applied for by **Mark and Tammy Lipps** on property located at **1550 Soda Bay Road, Lakeport**, and further described as **APN: 008-010-46** does meet the requirements of Section 51.4 of the Lake County Zoning Ordinance and the Major Use Permit be granted subject to the conditions and with the findings listed in the staff report dated **May 26, 2022**.

NOTE: The applicant or any interested person is reminded that the Zoning Ordinance provides for a seven (7) calendar day appeal period. If there is a disagreement with the Planning Commission's decision, 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 Planning Commission's final determination.