



COUNTY OF LAKE

COMMUNITY DEVELOPMENT DEPARTMENT

Planning Division

Courthouse - 255 N. Forbes Street

Lakeport, California 95453

Telephone 707/263-2221 FAX 707/263-2225

Item #3

9:15 AM

July 28, 2022

STAFF REPORT

TO: Planning Commission
FROM: Mary Darby, Community Development Director
Laura Hall, Senior Planner
DATE: July 28, 2022
RE: Forest Lake Drive Vacation, General Plan Conformity (GPC 22-03) CEQA Exemption (CE 22-17)

Supervisor District 1, Jessica Pyska

ATTACHMENTS:

1. Vicinity Map
2. Exhibit B: Right of Way Vacation Map; Hawkins Surveying, Offer of Right of Way, and 20' Wide Access Easement
3. Caltrans Encroachment Permit
4. Agency Comments
5. Public Comments

I. EXECUTIVE SUMMARY

Applicant David Wignall is requesting to vacate a portion of Forest Lake Drive which is located in Cobb, California (Attachment 1). The portion of Forest Lake Drive to be vacated is approximately 0.27 miles in length and intersects State Highway 175 to the north and Brookside Drive to the southeast (Figure 1 and Attachment 2). The applicant owns all parcels along the portion of Forest Lake Drive to be vacated, including the primary parcel APN 013-056-13, and 013-056-11, 013-056-09, and 013-056-08. Government Code Section 65402(a) and Streets and Highways Code Section 8320 require that prior to a street vacation, the Lake County Planning Commission must first consider whether or not the location, purpose, and extent of the potential vacation conforms to the Lake County General Plan. If the conformity determination is approved by the Planning Commission, the Lake County Public Works Department (PWD) would then be required to take the road vacation before the Lake County Board of Supervisors in a public hearing for approval.

II. PROJECT DESCRIPTION

Applicant: David Wignall
Owner: Same
Location: 16671 (primary), 16795, 16761, & 16645 Forest Lake Drive, Cobb, CA 95426
APN(s): 013-056-13, 013-056-11, 013-056-09, 013-056-08

Parcel Acre(s): 45.62, 0.54, 0.90, 1.97
General Plan: RL, SRe, CC, Rural Lands, Suburban Reserve, Community Commercial
Zoning: Split: “RL”-“B5” Rural Lands-Special Lot Size/Density, “PDR” Planned Development Residential, “PDC”-“DR” Planned Development Commercial-Design Review
Flood Zone: No
Fire: Very High Fire
Submittal Date: March 7, 2022

According to the applicant, the reasons for the vacation are absence of public necessity, persistent theft and vandalism, personal family, and public safety issues. The entire length of Forest Lake Drive, which transects the applicant's four properties, is proposed for vacation with the exceptions of small portions adjoining State Highway 175 and Brookside Drive. To ensure public access to parcels currently using Forest Lake Drive, the applicant proposes an Offer of Right of Way be deeded back to the County to serve parcels #1, #2 and #3; and either a 20' Wide Access Easement or a Caltrans Permitted Encroachment to serve parcels #4 and #5 (Attachment 2). Public utility easements will remain in place and will be excluded from the public roadway vacation (Attachment 4 includes comments from PG&E).

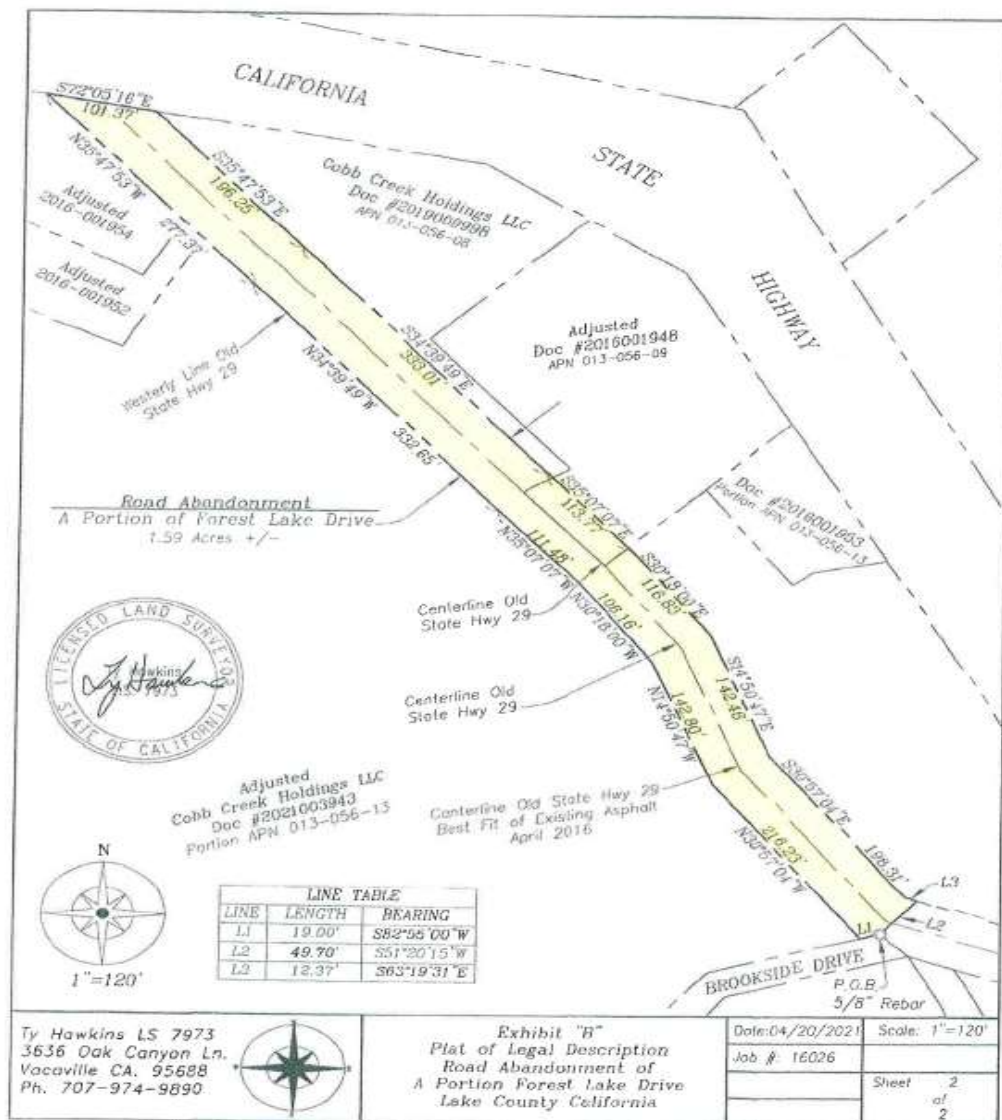
The applicant purchased the property, a former resort, with the intention to restore portions of it including the lodge, swimming pool, and miniature golf course to be used as a personal summer home and recreation facility for himself and extended family. According to the applicant, after the first few months of ownership it became apparent that Forest Lake Drive, which bisected applicant's property between the lodge and the pool area, was primarily used by the public as: an unofficial passing lane for southbound motorist on State Highway 175, a trash and garden debris and dump, a frequent party spot for alcohol consumption and drug use by assumed locals of all ages. The primary attraction for vandals is the 100-year old plate glass windows of the lodge.

In 2017, the applicant proposed a vacation of Forest Lake Drive and a General Plan Conformity (GPC 17-03) was processed by the Community Development Department (CDD). Because the vacation would eliminate public access to several parcels, CDD was prepared to recommend denial of the request. Shortly before the item was to be heard by the Planning Commission, the applicant requested a continuance so he could apply for a lot line adjustment to take care of the “landlocked” parcels. The Planning Commission agreed and continued the item to a date uncertain.

From April 2015 until the summer of 2021, the applicant worked to address all concerns expressed by the various county departments and State highway officials. Of primary concern was public access to parcels currently using Forest Lake Drive. At significant cost to applicant, all of the properties served by Forest Lake Drive, and which would be affected by the road vacation, were surveyed. The applicant also took direct steps to ensure access to all affected parcels, including a Caltrans encroachment permit, a deeded access easement, and a proposed Offer of Right-of-Way (Attachment 3). The Lot Line Adjustment was applied for in 2018 and recorded on July 15, 2021. A new GPC which applied for on March 7, 2022.

The proposed decision is not subject to the California Environmental Quality Act (CEQA), pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) of the State CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3. This activity only involves a report and determination concerning the consistency of a potential road vacation with the County's General Plan. Accordingly, there is no potential for this approval resulting in any significant physical change to the environment, either directly or indirectly, and is not subject to CEQA review. Approvals for the vacation of the property will undergo further CEQA review through the DPW report.

Figure 1: Plat of Legal Description
Road Abandonment of Portion Forest Lake Drive



Source: Ty Hawkins (licensed land surveyor), 2021.

Staff recommends approval of the General Plan Conformity (GPC 22-03), and CEQA Exemption (CE 22-17). This will enable the County to proceed with the completion of the right-of-way

vacation, and ultimately with a recommendation of right-of-way vacation approval from the Planning Commission to the Board of Supervisors.

III. PROJECT SETTING

Surrounding Uses and Zoning

Surrounding land uses around Forest Lake Drive include (Figure 2):

- North: vacant land and the Cobb Village Inn
- East: single-family residences and forest land
- South: single-family residences and vacant lots
- West: forest lands

Zoning designations around Forest Lake Drive include (Figure 2):

- North: Split “C2”-“DR” and “RL”-“B5”, “RR”-“B5”-“FF”-“WW”, “SR”-“B4”-“WW”; “C2”-“DR”
- East: “PDC”-“DR”- “RL”-“B5”, “PDR”, “PDR”-“DR”
- South: Split “SR”-“FF”, “R1”-“SOS”-“FF”
- West: Split “RL”-“B5”, “PDR”, “PDC”-“DR”

The surrounding parcels range from 0.10 to 116.30 acres in size.

<u>Topography:</u>	Varied; 0 to 20% adjacent to Forest Lake Drive.
<u>Fire Protection:</u>	South Lake County Fire Protection District (CALFIRE)
<u>Vegetation:</u>	Pine Forest and grasses
<u>Water Courses:</u>	Kelsey Creek flows through 013-056-13

Figure 2: Aerial Map



Source: Lake County GIS Mapping, 2022.

Figure 3: Zoning Map



Source: Lake County GIS Mapping, 2022.

IV. PROJECT ANALYSIS

Regulation

Section 8313 of the Streets and Highways Codes states:

(a) If the proposed vacation of a street, highway, or public service easement is within an area for which a general plan is adopted by a local agency, the legislative body of the public entity shall consider the general plan prior to vacating the street, highway, or public service easement.

(b) The procedure prescribed in Section 65402 of the Government Code shall be followed if that section applies to the proposed vacation. If Section 65402 of the Government Code does not apply to the proposed vacation, the legislative body may submit the proposed vacation to the local planning commission or planning agency and give the commission or agency an opportunity to report upon the proposed vacation.

Section 65402 of the Government Code (Planning and Zoning Laws) states:

(a) If a general plan or part thereof has been adopted, no real property shall be acquired by dedication or otherwise for street, square, park or other public purposes, and no real property shall be disposed of, no street shall be vacated or abandoned, and no public building or structure shall be constructed or authorized, if the adopted general plan or part thereof applies thereto, until the location, purpose and extent of such acquisition or disposition, such street vacation or abandonment, or such public building or structure have been submitted to and reported upon by the planning agency as to conformity with said adopted general plan or part thereof.

General Plan Conformance

Road vacation requests are initially evaluated for conformity with the General Plan to determine the road's public value, as well as its relevancy to the General Plan Circulation map, and any other applicable General Plan policies. Consistent with State regulation, CDD staff has identified goals and policies from the Lake County General Plan's Transportation & Circulation Element and Public Facilities & Services Element that support conformity.

General Plan, Chapter 6 – Transportation & Circulation

- **Goal T-1:** To provide and plan for a unified, coordinated, and cost-efficient countywide road and highway system that ensures safety, maintains adequate levels of service, and the efficient movement of people and goods.
 - **Policy T-1.1 Provision of Adequate Road Network:** The County shall establish a road network (see Figure 6-1) to accommodate projected growth in traffic volume resulting from residential development, commercial and tourism expansion, and geothermal activity and other industrial development.

- **Policy T-1.4 Conformance with Regional Transportation Plan:** The County should continue to upgrade the road system to reduce traffic accidents, improve circulation, and maintain its physical condition, in conformance with the priorities and recommendations established in the Regional Transportation Plan.

Response: *Forest Lake Drive is not included on the County's Circulation Diagram (Figure 6-1). In addition, it is not mentioned or included as a Class III Proposed Bikeway or LTA Transit Route on Map #5 of the 2016 Active Transportation Plan for Lake County, nor is it covered in the Lake County's Draft 2022 Lake County Regional Transportation Plan as a road that needs to be improved. Therefore, Forest Lake Drive is not currently a "General Plan" road.*

As mentioned previously, Forest Lake Drive is primarily used by the public as an unofficial passing lane for southbound motorists on State Highway 175. Comments received on Lake County's Draft 2022 Lake County Regional Transportation Plan addresses the need for reduced speed limits along State Highway 175 in the Cobb Mountain area. In addition to the high speeds, the applicant says that the roadway is also used as a party spot for drugs and alcohol. The vacation of Forest Lake Drive would bring the road into conformity with Goal T-1 by ending these dangerous, unsafe, and costly activities that are not only harmful to the applicant and his family, but to surrounding property owners, as well as drivers along Forest Lake Drive and State Highway 175.

General Plan, Chapter 5 – Public Facilities & Services

- **Goal PFS-8:** To provide adequate fire and police protection facilities and services to ensure the safety of County residents and the protection of County property.
 - **Policy PFS-8.3 Emergency Fire Access:** The County shall require that all road networks (public and private) are designed to provide for safe and ready access for emergency fire equipment and provide an alternate route for evacuations.
 - **Policy PFS-8.4 Visible Signage for Locating Roads and Buildings:** The County shall ensure that all roads and buildings are properly identified by name or number with signs which are non-combustible and are clearly visible from main roadways.

Response: *Forest Lake Drive was designed by the County to provide adequate fire and police access requirements. Access to Forest Lake Drive would continue to come from State Highway 175. The applicant has met with the South Lake County Fire Protection District and Lake County Sheriff's Department to discuss additional requirements if the vacation is approved, which would include Knox Boxes and non-combustible address signage.*

Cobb Mountain Area Plan Conformity

Conformity with the Cobb Mountain Area Plan was also evaluated.

Circulation

- **Objective 5.6:** To assure adequate public access for motor vehicles, bicycles and pedestrians for the orderly growth and development of the Cobb Mountain Area.
 - **Policies 5.6a:** Street and highway improvements and priorities shall be consistent with the Cobb Mountain Area Circulation Map as illustrated by Figure 16, located at the end of this document. The focus of county road projects should be on maintenance and safety improvements.

***Response:** It is difficult to determine if Forest Lake Drive is included in the Cobb Mountain Area Circulation Map as illustrated by Figure 16. However, Forest Lake Drive is not among the roadways listed in Section 5.2 of the Cobb Mountain Area Plan that includes: principal collectors State Route 175 and Bottle Rock Road, Rural collectors such as Harrington Flat, Loch Lomond, Red Hills and Sulphur Creek Roads, and privately maintained Geysers roads, including Coldwater Creek, High Valley and Sawmill Flat Roads.*

V. ENVIRONMENTAL REVIEW

The proposed decision is not subject to California Environmental Quality Act (CEQA), pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) of the State CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3. This activity only involves a report and determination concerning the consistency of a potential road vacation with the County's General Plan. Accordingly, there is no potential for this approval resulting in any significant physical change to the environment, either directly or indirectly, and is not subject to CEQA review. Approvals for the vacation of the property will undergo further CEQA review through the DPW report.

VI. AGENCY COMMENTS

A Request for Review was sent to various agencies/stakeholders and Tribal governments on March 16, 2022. No adverse comments were received. Comments from agencies/stakeholders are included in Attachment 4.

VII. PUBLIC COMMENTS

Public comments were received on July 22, 2022 (Attachment 5).

VIII. RECOMMENDATIONS

The Planning Commission, after reviewing the agenda report and receiving evidence at the public meeting, finds that the location, purpose, and extent of the proposed vacation of the property, located on 16671, 16645, 16761, and 16795 Forest Lake Drive, in Cobb, California is in conformance with the County of Lake General Plan pursuant to California Government Code Section 65402.

VIII: SAMPLE MOTIONS

Categorical Exemption Approval

- A. I move that the Planning Commission finds that the analysis of consistency of the road vacation with the Lake County General Plan is not subject to CEQA because it falls within Section 15060(c)(2) of the State CEQA Guidelines (Division 6 of Chapter 3 of Title 14 of the California Code of Regulations).

General Plan Conformity Report

- B. I move that the Planning Commission find that the vacation of Forest Lake Drive, as proposed by David Wignall, is in conformity with the Lake County General Plan.

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

Reviewed by: Mary Darby, Community Development Director