

# LAKE COUNTY PLANNING COMMISSION

## MINUTES

### REGULAR MEETING

August 28, 2014

#### Commission Members

P Joseph Sullivan, District I  
P Bob Malley, District II  
P Olga Martin Steele, District III  
P Don Deuchar, District IV  
P Gil Schoux, District V

#### Staff Members

P Richard Coel, Director  
P Kevin Ingram, Principal Planner  
P Shanda Harry, Deputy County Counsel  
P Danae Bowen, Office Assistant III

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**9:20 a.m. Public Hearing on consideration of a negative declaration for General Plan Amendment (GPAP 12-02) and Rezone (RZ 12-02) based on Initial Study (IS 12-16). The project applicants are MICHAEL BROWING, KENNETH RAY AND RANDY SOUCEK proposing a general plan amendment of all or portion of four properties from Agriculture to Rural Residential and a rezone from "A-FF-FW-SC-WW" Agriculture-Floodway Fringe-Floodway-Scenic-Waterway to "RR-FF-FW-SC-WW" Rural Residential-Floodway Fringe-Floodway-Scenic-Waterway. The project is located at 20444, 20646 and 20684 State Highway 175 and 20612 Dry Creek Cutoff, Middletown and further described as APNs 014-002-39, 40, 48 and 014-440-05. (Kevin Ingram)**

Kevin Ingram, Principal Planner, provided background information and a power point presentation of the project application.

Comm. Sullivan asked prior to the area plan, what was the zoning on the industrial parcel.

Mr. Ingram said in the original 1985 Middletown Area Plan it was zoned agriculture for the whole property and even the area that is currently zoned "M2". He said prior to that, in 1971 there was a master zoning for the Middletown area, which included this parcel, which zoned it from Agriculture and prior to that it was zoned Rural Residential and before that, there was no zoning in place. He said it was his understanding that it was used for grazing, but otherwise it was vacant property. He added that the other two smaller pieces, which are less than an acre, are developed with single family residences and not conducive to agricultural use.

Comm. Martin Steele asked if there was a conflict between the Middletown Area Plan and other provisions. She said she understood the interest in the building of an industrial park and business, but asked if there are other alternatives.

Mr. Ingram said to find suitable industrial land, it was a struggle in the South County area; this site was identified as a viable option due to its location adjacent to the wastewater treatment facility. He said in order to supplement the zoning and make it more economically viable, the density bonus policy of the General Plan was referenced.

Richard Coel, Community Development Director, said the back story with this is there was a proposal at one point in the Area Plan Update process to expand the Community Growth Boundaries quite significantly. He said the Advisory Committee and ultimately the Planning Commission and Board of Supervisors, did not support that rapid expansion of the boundary that would have put this property in the boundary, so the alternative was to consider this site for an Industrial or Business Park Development and then also encourage the use of that General Plan policy for a density bonus incentive. He said they tried to find a compromise that could allow some increased development, residential density and hopefully, get a business park out of it, at some point in the future for the South County. He said there was quite a debate that went on over boundaries.

Mr. Ingram stated that is not something that staff would normally support with the conversion of agricultural soils, but given the specific strategic goal of utilizing this property, it is a unique case and that is why staff is recommending approval to rezone. It should also be noted that the "RR" zoning does not completely eliminate agricultural uses from the properties.

Comm. Martin Steele said the Farm Bureau has objected to this in their letter submitted and they also talk about conditions of approval. She asked staff if they have considered further mitigation to make this move forward, if the Planning Commission does decide to approve it.

Mr. Ingram said one of the issues in adopting a CEQA determination for a Rezone and General Plan Amendment is that it does need to be a negative declaration and staff does not have the ability to mitigate a Rezone and General Plan Amendment. He said staff can reconsider changing the boundaries of the proposed zoning areas, but there is not a mechanism for mitigating the actual approval of the Rezone and General Plan Amendment. He added, when and if an industrial project does come forward, there will be an opportunity to mitigate and add agricultural buffers and the like. He said staff is in full agreement with their need for an agricultural buffer for anything that does go in there.

#### **9:32 a.m.      Opened Public Hearing**

Susan Knowles, Middletown resident, strongly opposed this project and felt water was the primary issue. She said going from agriculture to residential will be a huge loss, because they live where they live for a reason and she does not want to lose agriculture land. She spoke to the notification of this project and did not think policy was followed. She was not in favor of this project moving forward.

Allison Tucker, Lake County Farm Bureau Executive Director, reviewed some key points in her letter submitted to the Planning Commission on why the Farm Bureau opposes this project.

Fletcher Thornton, Chairman of MATH, spoke in favor of the rezone. He said they have two concerns, which is to file a Planned Development, but they do not want to be held up on the "RR" side until someone buys the industrial side and they do not want to have to do two Planned Developments. He said secondly, the piece that is industrial runs all the way to the creek, and he said that was concerning, because they did not think the industrial park should run to a creek and there should be a buffer zone. He added that sewer and water are currently available on this parcel.

Mr. Ingram stated that one of the caveats for the Planning Division in taking this in 2012 was that staff required Mr. Browning to obtain the signatures of two adjoining property owners in order to proceed with it, which Mr. Browning did obtain. He said as far as the notification of MATH, when it originally came in September of 2012, staff circulated it to a number of different agencies of which MATH was one. Staff did not receive any comments back to the original notification and therefore did not re-notify MATH prior to this hearing.

Mr. Coel added that this is one parcel of record, so in terms of policy LU 6.13, the density bonus incentive, would apply to this property and this property is a good candidate for use of that policy and that policy would apply to that whole property. He said irrespective of what the zoning is now or what it is in six months, the point that a Planned Development application is submitted, staff would work out all those details in terms of what is the appropriate density bonus for residential and buffers from the creek.

He said staff is not looking at this as two separate parcels; and currently it is an approximately 75-76 acre parcel that is split zoned. He said Community Development wants to be on record that they are very supportive of this property being developed into a business or industrial park in the future, because it is a prime location for that and the economic conditions in the County are such and there are so few sites and out there that have sewer and water availability.

Courtney Van Leuven, Middletown resident, spoke to water rights issues.

Mike Browning, the applicant, said he was available for questions.

### **9:53 a.m. Closed Public Hearing**

Comm. Martin Steele asked staff about the notification of neighbors for this project application.

Mr. Ingram stated that notification was sent to neighbors within 725 feet of the property boundary. He added that it was published in the Record-Bee and Lake County News. He verified that they got the most accurate up-to-date mailing list from the County Assessor's records.

Comm. Malley moved, 2<sup>nd</sup> by Comm. Schoux that the Planning Commission find that on the basis of the Initial Study No. 12-16 prepared by the Planning Division that the General Plan Amendment and Rezone as applied for by Michael Browning will not have a significant effect on the environment and, therefore, recommend to the Board of Supervisors that it approve a negative declaration for the proposed General Plan Amendment and Rezone with the findings listed in the staff report dated August 13, 2014.

**NEGATIVE DECLARATION FOR GENERAL PLAN AMENDMENT AND REZONE 4  
Ayes 1 No (Comm. Martin Steele)**

Comm. Sullivan offered the resolution recommending that the Board of Supervisors approve the General Plan Amendment.

**GENERAL PLAN AMENDMENT 4 Ayes 1 No (Comm. Martin Steele)**

Comm. Malley moved, 2<sup>nd</sup> by Comm. Schoux that the Planning Commission has reviewed and considered the environmental effects of this rezoning as set forth in the proposed negative declaration which has been prepared for this project, and that the Planning Commission recommends approval of the proposed rezoning applied for by Michael Browning, on property located at 20444, 20646 and 20684 State Highway 175 and 20612 Dry Creek Cutoff, Middletown for reasons listed in the staff report dated August 13, 2014 as amended today.

**REZONE APPROVAL 4 Ayes 1 No (Comm. Martin Steele)**