

LAKE COUNTY PLANNING COMMISSION

MINUTES

REGULAR MEETING

May 12, 2016

Commission Members

P Joseph Sullivan, District I
P Bob Malley, District II
P Gladys Rosehill, District III
A Don Deuchar, District IV
P Gil Schoux, District V

Staff Members

P Scott DeLeon, Interim CDD Director
P Audrey Knight, Principal Planner
P Shanda Harry, Deputy County Counsel
P Danae Bowen, Office Assistant III

9:05 a.m. Public Hearing on consideration of a mitigated negative declaration based on Initial Study (IS 15-12) for Parcel Map (PM 15-03). The project applicants are CODY SMITH & PATRICK SMYTHE proposing to merge and resubdivide two lots comprising approximately seventy-eight acres into three parcels of: 24.42 acres, 30.73 acres net and 21.24 acres net. The project is located at 19658 and 19697 East Road, Lower Lake and further described as APNs 012-049-07 and 012-049-10. (Keith Gronendyke)

Comm. Sullivan recused himself from this item, because the company he works for did the parcel map.

Keith Gronendyke, Associate Planner, provided background information and a power point presentation on the project application.

Gordon Haggitt, Lake County Surveyor, explained that the proposed new condition D5 is part of the County subdivision Ordinance, whereby you are required to have public access from a County maintained public road to the subject parcel, which would bring this into compliance with the Subdivision Ordinance. Mr. Haggitt also indicated that the second part of the condition was to request that the Commission extend the public dedication through the subject parcel to its easterly boundary, but this is not an absolute requirement for this minor land division, but it is something, if the Commission finds it necessary to provide public access to the adjoining parcels to the east if they ever are further subdivided. He also added, in light of the fires from the summer of 2015, different routes of access, in and out of remote areas, would be vital for egress purposes.

Comm. Malley pointed out to Mr. Haggitt, that the Tentative Parcel Map shows that the east road continues out into the other side of parcel number two, but there is no connection, other than a driveway between Spruce Grove and East Road to parcel number one.

Mr. Haggitt said he understands the concerns associated with a public road going through the interior of the subject property, but said it is something to consider as a condition of approval, if there is going to be any future development to the east.

9:14 a.m. Opened Public Hearing

Pat Smythe, property owner, said his only issue was making the existing encroachment a public access road. He said his family does not have any problems with easements for fire access or utilities, but he sees no reason to require that road be opened to public access.

Audrey Knight, Principal Planner, asked Mr. Smythe if the maintenance of this road was through a shared agreement and if the new parcels were going to be sold independently, how the road will be maintained.

Mr. Smythe said he and the two property owners to the west and fronting along Spruce Grove Road have improved the first part of East Road and that he would take care of the road easement from his property line and maintain it.

Mr. Gronendyke said condition D4 states: *"The County of Lake will not be accepting East Road into the County maintained roads system so provisions will be required to be made by the subdivider for continued road maintenance through the establishment of a Zone of Benefit or other means acceptable to the Department of Public Works"*. He said this is the mechanism to have the road maintained to certain standards.

Comm. Malley said that the applicant was opposed to making this a public access road, and asked if this has been worked out with staff.

Ms. Knight said that one issue is that the Subdivision Map Act requires, with access to private land from a public road. She further explained that the road would be serving as a private drive and according to Public Resources Code 4290, requires that the driveway meets 4290 standards and regulations. In regards to width clearances, pullovers/turnarounds for vehicular safety reasons, which are noted in G1 of the parcel map conditions of approval. Staff requires an agreement with the adjoining property owners that serves a public purpose implementing Public Resources Code 4290, in case of an emergency. She noted that the possibility of rendering the applicant's parcel land locked is the issue, and all associated property owners need to be in agreement with this to continue as a private access easement.

Comm. Malley asked if the neighbors were noticed of this hearing today. He said he was more concerned with access to proposed parcel number one, than with parcels two and three. Comm. Malley said the existing easement is a narrow road that could create issues for fire vehicles coming in at the same time as private vehicles are trying to evacuate during a fire. He asked what the width of the dedicated easement currently is.

Mr. Smythe said that the easement description called for a sixty-foot wide easement and currently it is forty-feet in width. He said he is not opposed to a written agreement for road maintenance up to where the road stops at the eastern side of proposed parcel three. He said parcel one and parcel two already has an established easement through the original subdivision agreement.

Mr. Gronendyke said that there is a requirement that any required turnaround be constructed at the intersection of the driveway to the existing residence on parcel one.

9:25 a.m. Closed Public Hearing

Comm. Rosehill asked staff what the ordinance rules are that are trying to be implemented as far as making the easement a public road.

Ms. Knight explained that the language in the Subdivision Map Act says that prior to recordation of a final parcel map, an offer of dedication of public road and public utility easement shall be recorded for access through properties outside the land covered by the parcel map. She said what the Subdivision Map Act is trying to establish is a public right-of-way for inland property owners. Ms. Knight said an easement works from an understanding of private shared access, and public road is a shared County right-of-way, as opposed to an easement that might be granted between property owners for private access. Ms. Knight also said whenever a subdivision of land occurs, the local jurisdictions wants to make sure that there is public access so that property owners can access their property, without having a deeded easement in place. She said the idea behind it is essentially sound to make sure that all parcels can be equally accessed when they are subdivided. She added that it is common for rural counties to operate through private easements rather than public right-of-ways, but it relies on good neighbor relationships.

Comm. Rosehill said there is a heavy burden here on one property owner, who happens to have a road on their property that provides access to surrounding property owners and could also provide access to any emergency vehicles during a wildfire.

Ms. Knight said there also is an issue when semi-truck traffic associated with the winery business travels on the existing roadway. Truck traffic could cause negative impacts to the roadway and irritate neighbors whose property they drive through. East Road has historically been maintained jointly between the owners of all the properties.

Comm. Malley asked if that the applicant has read section D1 in the parcel map conditions, which reads: *"East Road being improved to a Minor Road Standard, except it will not be required to be a paved surface since each parcel will be larger than five acres. A cul-de-sac or other approved turnaround shall be provided near the intersection of the driveway to the existing residence on parcel one"*. He also pointed out in section G1 on Wildfire Safety: *"All requirements of the State of California's Public Resources Codes PRC 4290 and 4291 shall be met during road construction, driveway construction, the installation of any gates or before the issuance of a building permit."* Comm. Malley asked the applicant if he was aware of these conditions.

Mr. Smythe said that he was aware of Condition G1 and he is in agreement with it and has no issues with the conditions.

Comm. Malley asked what the Surveyor was proposing.

Ms. Knight said Mr. Haggitt was quoting what the Subdivision Map Act states, and he is requesting a public dedication, but not a publicly maintained road. She said there are many of these in the County that are publically dedicated, but not publically maintained. Ms. Knight also stated that Mr. Haggitt is requesting this, because of the potential of further development to the east and to resolve any future disputes before they have a chance to arise.

Comm. Malley said as far as he is concerned, no changes need to be made to the conditions of approval.

Ms. Knight noted that the conditions provided in the staff report, do not at this time reflect the recommendation by the County Surveyor.

Comm. Schoux moved, 2nd by Comm. Rosehill that the Planning Commission find that on the basis of the Initial Study (IS 15-12) prepared by the Planning Division, the parcel map as applied for by Cody Smith and Patrick Smyth and the mitigation measures which have been added to the project, will not have a significant effect on the environment, and therefore, a mitigated negative declaration shall be issued with the findings listed in the staff report dated April 26, 2016.

MITIGATED NEGATIVE DECLARATION 3 Ayes 0 Noes (1) absent (Deuchar) (1) recused (Sullivan)

Comm. Schoux moved, 2nd by Comm. Rosehill that the Planning Commission find that the tentative map applied for by Cody Smith and Patrick Smythe on property located at 19657 and 19658 Ease Road, Lower Lake, is in conformity with the provisions of the Subdivision Map Act and Chapter 17 of the Lake County Code and, upon that basis, approve said map subject to the conditions and with the findings listed in the staff report dated April 26, 2016.

TENTATIVE PARCEL MAP APPROVAL 3 Ayes 0 Noes (1) absent (Deuchar) (1) recused (Sullivan)

Comm. Malley noted that there is a fifteen (15) calendar day appeal period provided by the Lake County Subdivision Ordinance.