



COUNTY OF LAKE

COMMUNITY DEVELOPMENT DEPARTMENT

Planning Division

Courthouse - 255 N. Forbes Street

Lakeport, California 95453

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STAFF REPORT

TO: Planning Commission

FROM: Michalyn DelValle, Community Development Director

DATE: September 5, 2018

SUBJECT: Resolution of Intent and Ordinance Amendment, AM 18-03 to Amend Chapter 21 of the Lake County Zoning Ordinance to allow a restaurant up to 750 square feet accessory to a permitted tasting room in the "APZ," "A," "RL," "RR," and "SR" Districts; allow a restaurant exceeding 750 square feet in size accessory to permitted tasting room subject to obtaining a Major Use Permit in the "APZ," "A," "RL," "RR" and "SR" Districts; allow a reduction of the Minimum Residential Construction Standards in the "R1" District from a minimum dwelling size of 720 square feet to 360 square feet, a minimum width reduction from 15 feet to 12 feet and a minimum eave reduction from 12 inch to 6 inch; establish a permit process to allow Emergency Temporary Dwellings after a catastrophic or natural disaster; modify the Collectors Permit conditions to allow a two car garage accessory to a permitted dwelling; allow a reduction in the Minimum Residential Construction Standards of the "MH" Mobile Home Combining District from a minimum dwelling size of 560 square feet to 360 square feet.

ATTACHMENT:—A. Existing County Code sections of Chapter 21 with amendments
BOS EXHIBIT C
B. Proposed Resolution of Intent
BOS EXHIBIT D
C. Proposed Ordinance
BOS EXHIBIT B

I. BACKGROUND

On August 14, 2018, staff received direction from the Board of Supervisors to move forward with the following amendments to Chapter 21 of the Lake County Code pertaining to allowing restaurants accessory to a permitted tasting room, a reduction of the Minimum Residential Construction Standards in the "R1" district, establishment of a permit process to allow Emergency Temporary Dwellings, modification of the Collectors Permit conditions, and a reduction in the Minimum Residential Construction Standards of the "MH" Mobile Home Combining District.

Restaurants Accessory to Permitted Tasting Rooms

Tasting rooms are allowed in the following zoning districts: "APZ", "A", "RL", "RR", and SR subject to obtaining a minor use permit if the tasting room is 750 square feet or less or a major

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use permit if larger. The Board of Supervisors directed staff to move forward with allowing a restaurant accessory to a permitted tasting room subject to obtaining a Minor Use Permit if the restaurant is 750 square feet or less or a Major Use Permit if the restaurant is proposed larger than 750 square feet in size.

Reduction of the Minimum Residential Construction Standards in the “R1” District

The Board of Supervisors directed staff to reduce the minimum residential construction standards to allow a dwelling in the “R1” district to reduce the minimum size from 720 square feet to 360 square feet, reduce the minimum width from 15 feet to 12 feet and reduce the minimum eave width from 12 inch to 6 inch.

Emergency Temporary Dwellings

Due to the recent disasters there has been an increased desire to live in temporary dwellings soon after either a catastrophic or natural disaster. Currently, the code requires an applicant to have an issued building permit for rebuild of a home in order to qualify for a temporary dwelling zoning permit. The Board directed staff to establish a permit procedure to allow emergency temporary dwellings subject to obtaining a building permit for a limited time while the property owners prepares to rebuild subject to the following conditions:

1. ***One (1) trailer coach, recreational vehicle, mobile home or single-family dwelling may be used as an emergency temporary dwelling unit for a period of time not to exceed six months (6) during the recovery process due to a catastrophic or natural disaster.***
2. ***Applicants for an emergency temporary dwelling zoning permit shall, prior to issuance of a zoning permit:***
 - ***Obtain building and health permits for the inspection of the water supply, waste discharge system and electrical installation for the temporary dwelling.***
 - ***Obtain a demolition permit from the County for the removal of the prior dwelling that was damaged.***
3. ***The emergency temporary dwelling zoning permit will be redefined as a standard temporary dwelling zoning permit once a building permit for construction of an onsite dwelling has been applied for and issued.***
4. ***An emergency temporary dwelling shall meet the performance standards of Article 41 and all development standards of the zoning district except for the minimum residential construction standards.***

Collectors Permit

A minor use permit for a Collectors Permit is required if the accessory square footage exceeds the size of the primary residence. Given that a reduction in the minimum residential construction standards is being proposed the Board directed staff to include an exception that a two car garage accessory to permitted dwelling not be counted toward accessory square footage regardless of the size of the permitted dwelling.

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Reduction of the Minimum Residential Construction Standards in the “MH” District

The Board of Supervisors directed staff to reduce the minimum residential construction standards of the “MH” combining district to allow a dwelling to be reduced in size from 560 square feet to 360 square feet.

II. DISCUSSION

In order for a Zoning Ordinance amendment to be initiated, a resolution of intent must be adopted either by the Board of Supervisors or the Planning Commission, pursuant to zoning Ordinance Section 21-47. The Planning Commission has the following options as to how to proceed:

- 1) Accept public testimony and continue the item to a later date for further Commission discussion prior to taking action
- 2) refer the proposed amendment to Board of Supervisors for further discussion
- 3) Adopt the resolution of intent as is, or with changes
- 4) Deny the resolution of intent

Should the Commission wish to move forward with the amendment as proposed, it would need to adopt the attached resolution of intent.

III. RECOMMENDATION

Staff recommends the Planning Commission take the following actions:

- A. Adopt the Resolution of Intent to amend Chapter 21 of the Lake County Zoning Ordinance.
- B. Find that the proposed text amendment to the Zoning Ordinance is exempt from the California Environmental Quality Act pursuant to § 15061(b)(3) of the CEQA Guidelines with the following findings:
 1. The project is consistent with the Lake County General Plan and Zoning Ordinance.
 2. This project will not have a significant effect on the environment.
 3. The activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.
- C. Recommend that the Board of Supervisors approve the proposed Zoning Ordinance text amendments for the following reasons.

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1. The proposed amendments are consistent the provisions of the Lake County General Plan and Zoning Ordinance.
2. This proposed amendments are necessary to protect the health and safety and welfare of the County.
3. The proposed amendments would increase affordable housing opportunities.
4. The project will not result in any significant adverse environmental impacts, and the project is exempt from CEQA.

Resolution of Intent

I offer the Resolution of Intent to amend Chapter 21 of the Lake County Zoning Ordinance.

Sample Motions:

Categorical Exemption

I move that the Planning Commission find this Zoning Ordinance text amendment (AM 18-03) is exempt from CEQA Guidelines pursuant to §15061(b)(3).

Zoning Ordinance Text Amendment Approval

I move that the Planning Commission recommend that the Board of Supervisors approve the proposed Zoning Ordinance text amendment (AM 18-03) applied for by the County of Lake for the reasons listed in the staff report dated September 5, 2018.

Reviewed by: _____