

LAKE COUNTY PLANNING COMMISSION

MINUTES

REGULAR MEETING

July 23, 2015

Commission Members

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

Staff Members

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

9:03 a.m. CALL TO ORDER

Pledge of Allegiance was led by Joe Sullivan.

Comm. Schoux moved, 2nd by Comm. Deuchar to approve the minutes of June 11, 2015 and June 25, 2015.

9:04 a.m. CITIZEN'S INPUT – None

9:05 a.m. Public Hearing on consideration of a mitigated negative declaration based on Initial Study (IS 15-15) for Use Permit (UP 15-09). The project applicant is LAKE COUNTY VECTOR CONTROL proposing to construct an approximately 6,615 sq. ft. metal building for the storage of vehicles, equipment, mosquito control products and a fabrication/maintenance shop. The project is located at 610 Todd Road, Lakeport and further described as APN 005-045-11. (Mark Roberts)

Mark Roberts, Assistant Planner provided background information and a power point presentation on the project application.

Richard Coel, Community Development Director, clarified that there is a provision in the Zoning Ordinance, which allows legal non-conforming uses of land to be enclosed in a building. He noted that a grading permit was issued a year and a half ago to Vector Control for reworking the small ponds and during that process they developed a pad for this building. He added that the proposed use permit includes a condition that engineered drainage plans and calculations be submitted for review and approval before staff can issue a building permit for the construction.

9:12 a.m. Opened Public Hearing

Phillip Murphy, former Director of Vector Control, shared his concerns with the underutilization of the current parcel and that there was better potential for development at this new site. He said his primary concerns were, if this building is located exactly as proposed it may preclude some degree of future development on this parcel or complicate it.

Mark Bennett, owner of property on the west side next to Vector Control, spoke to drainage issues and the flooding of his property.

Comm. Deuchar noted that Mr. Bennett submitted a letter into the record asking for a site review of his property. He said that he visited Mr. Bennett and looked at the property

and agreed that drainage is an issue and felt the Initial Study did not adequately address it. He said it was important to include some assurances that the drainage is corrected.

Bill Vanderwall, Civil Engineer on the project, noted that there are drainage issues and there is an existing problem with the site. He said the natural flooding is coming from the south from Todd Road and headed north on his property and there was a small amount of drainage coming from Vector Controls property onto Mr. Bennett's property. He noted that the water was mostly coming from the other side on Todd Road. He said they could put in a small V-ditch on Vector Controls property to make sure water does not flow onto Mr. Bennett's property, however, it would not solve the problem.

Mr. Vanderwall said once the building is constructed there will be downspouts and it will be piped into a storm drain system, which is already designed and in the ground. He said it will be piped to the east to a new ditch, which will be cut in on Vector Controls property, but there will still be flooding.

Mr. Coel said staff can assure that this project mitigates whatever impacts it's going to create. He said the Commission can modify the conditions of approval for the installation of the interceptor ditch in that vicinity, which will be part of the drainage plans that are submitted for review and approval before we issue the building permit, if that is acceptable to the applicants.

Mr. Murphy, shared his concerns with where the building is proposed and the limits as to what can be done with the southern end of the parcel

Mr. Coel said Mr. Murphy has valid concerns and there are a couple of compounding issues, one of them is esthetics. He said there are screening issues and it is designed to minimize visual impacts from the road and should not look like a heavy commercial industrialized site in a rural residential setting.

9:27 a.m. Closed Public Hearing

Comm. Deuchar stated that this property sits higher than the surrounding properties and it is hard to know how much of the alterations were due to the grading permit that was issued last year. He said it has been extensively worked on the last year and there have been numerous trees removed. He said a lot of what appears to have gone on there, is not something that would be allowed by a private developer. He said there are questions on how it has impacted the neighbor and the water retention on the neighboring property does not look like something that could evolve. He said all of the impermeable surfaces from paving the parking lot and a 6,000 square foot building are not going to help with the drainage issues.

Mr. Coel said all of the surface water that will be collected will go out an underground pipe draining away from the Bennett property and with the additional requirement for the V-Ditch it will capture and intercept it before it crosses the property line on the Bennett property and the additional sheet flow will be exited out and it will be kept away from Mr. Bennett's home.

Comm. Deuchar asked Mr. Bennett if it has historically flooded in that corner of his property.

Mr. Bennett said with normal rains his driveway floods and that it takes weeks for it to drain into the ditch

Mr. Coel said it sounds like it is a preexisting condition, which is exacerbated by what is going on in the south and he was confident that this site as proposed, designed and with the calculations and the V-Ditch, that the projects impacts are mitigated.

Comm. Deuchar moved, 2nd by Comm. Schoux that the Planning Commission find that on the basis of the Initial Study IS 15-15 prepared by the Planning Division and the mitigation measures which have been added to the project that the use permit as applied for by Lake County Vector Control 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 July 6, 2015 as modified today.

MITIGATED NEGATIVE DECLARATION 5 Ayes 0 Noes

Comm. Deuchar moved 2nd by Comm. Schoux that the Planning Commission find that the Use Permit applied for by Lake County Vector Control, located at 610 Todd Road, Lakeport meets the requirements of Section 51.4 and Section 59.5(b) of the Lake County Zoning Ordinance allowing for legal non-conforming uses to be enclosed within a building, subject to approval of a Major Use Permit. Given the length of time that Vector Control has been operating at this site, that the building be approved pursuant to section 59.5(b) and that the Planning Commission has reviewed and considered the Mitigated Negative Declaration for this project and that the Use Permit and MND be granted subject to the conditions and with the findings listed in the staff report dated July 6, 2015.

USE PERMIT APPROVAL 5 Ayes 0 Noes

Mr. Coel said that condition D1, second paragraph should be changed to read: "Drainage improvements shall include: *Installation of a V-Ditch adjacent to the western property line*, best Management Practices, which mitigate for trash, oil and gas in addition to..."

Comm. Sullivan noted that there is a seven (7) calendar day appeal period provided by the Lake County Zoning Ordinance.

9:49 a.m. Public Hearing on consideration of a mitigated negative declaration based on Initial Study (IS 14-11) for Subdivision Map (SD 14-01). The project applicant is DAMON FANUCCHI proposing a Subdivision Map to divide +/- 0.82 acres into two parcels. The project is located at 15385 Stonefield Court, Middletown and further described as APN 014-111-21. (Steve Mitchell)

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

9:51 a.m. Opened Public Hearing

Comm. Sullivan conducted a site visit and said the 12 foot parking area that was approved on the prior subdivision and the idea of the curb, gutter and sidewalks that was required initially was to get the public off the street. He said with the addition of the 12 foot parking area or shoulder walking area pathway, actually forces people to walk in the street. He said the whole idea of the sidewalk is lost and there would be more parking and he did not think the 12 foot shoulder will do the trick and this project cannot be approved as presented.

Damon Fanuuchi, the applicant, said he has relied on professionals to make suggestions, and they wanted to avoid the curb and gutter. He said that this area does not get a lot of foot traffic and in the beginning it was to try and keep a rural appeal to the lots.

Comm. Sullivan pointed out that the size of the lots in the subdivision are getting smaller, which is compounding the problem and he felt that this application should be withdrawn and come back with a solution for the pedestrian problems by putting in curb, gutter and sidewalks in for the lots to provide separation from parking and pedestrians.

Mr. Coel explained that these lots are now getting under one acre parcel sizes and the subdivision ordinance requires pedestrian improvements, typically for anything under an acre would go to curb, gutter and sidewalk, particularly when you have more than four parcels and cumulatively this is more than four parcels. He said what the Commission may consider is to require curb, gutter and sidewalk, striping or something to separate that pedestrian area within the 12 foot lane or an extension of that lane, and this decision could be appealed to the Board of Supervisor.

Mr. Fannucchi said he understands pedestrian use issues.

Comm. Schoux commented that if you want to live on a street with curb, gutter and sidewalk then move to Napa, but if you want to live in a rural area then live in Middletown. He said in his opinion if there was curb, gutter and sidewalk, he would not live on that street.

Comm. Sullivan said that he does agree and maybe the Subdivision Ordinance needs to change, so that there can be regulations that can be enforced.

Comm. Deuchar said there is a huge difference between a one acre lot and a ¼ acre lot. When you have houses that are closer together, it has a potential of looking like a junk yard. He said if the lots are to be made smaller, then those would require the curb, gutter and sidewalks.

10:11 a.m. Closed Public Hearing

Comm. Malley said he can see both arguments and referred to past practices in 2007 when the Planning Commission approved this project with curb, gutter and sidewalks and the applicant appealed the decision to the Board of Supervisors, who then approved it without sidewalks. He felt it should have been brought up by staff that it would be required if it was below one acre that the curb, gutter and sidewalks would be required. He said staff has put a lot of time in and he was in agreement with the Board of Supervisors approving that it was not needed at the time of development. He said we should continue on as they requested and it was just under the threshold and he did not know if this was the time to throw the hammer down and say that we are not approving this and the Board has overrode the Planning Commission's decision.

Comm. Malley moved, 2nd by Comm. Schoux that the Planning Commission find that on the basis of the Initial Study IS 14-11, that the Tentative Subdivision Map applied for by Damon Fanucchi 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 June 24, 2015.

PROPOSED MITIGATED NEGATIVE DECLARATION 3 Ayes 2 Noes (Comm. Rosehill and Sullivan)

Comm. Malley moved, 2nd by Comm. Schoux that the Planning Commission find that the Tentative Subdivision Map (SD 14-01) applied for by Damon Fanucchi on property located at 15385 Stonefield Ct. in Middletown 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, as modified, subject to the conditions and with the findings listed in the Staff Report dated June 24, 2015.

TENTATIVE SUBDIVISION MAP APPROVAL 2 Ayes 3 Noes (Comm. Rosehill Sullivan and Deuchar)

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

10:18 a.m. Break

10:28 a.m. Back to Order

UNTIMED STAFF UPDATE

Audrey Knight, Principal Planner updated the Commission on Alternative Cell tower Designs and provided a power point presentation and overview of current cell tower applications that are pending.

Ms. Knight also reviewed the concepts of Design and Development Review as addressed in the Zoning Ordinance.

Comm. Sullivan announced that the August 13, 2015 Planning Commission Hearing has been adjourned and the next regular Planning Commission Hearing will be on August 27, 2015.

ADJOURNED 11:04 a.m.



Joe Sullivan, Chair
Lake County Planning Commission

Respectfully Submitted,

By: 
Danae Bowen
Office Assistant III