



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 1
9:05 A.M.
January 9, 2020

STAFF REPORT

TO: Planning Commission

FROM: Michalyn DelValle, Community Development Director
Prepared by: Simone Hingston, Assistant Planner

DATE: December 20, 2019

SUBJECT: Request for General Plan Conformity Report for California Department of Transportation, GPC 19-02, CE 19-32

ATTACHMENTS:

1. Vicinity Map
2. Zoning Map
3. Project Description
4. Site Plans
5. Agencies Comments

I. EXECUTIVE SUMMARY

The California Department of Transportation is requesting an approval of a General Plan Conformity Report to move the existing Smith driveway, due to safety issues after the construction of the planned highway project. The California Department of Transportation is proposing the concept as follows:

- The existing private driveway on APN 009-022-80 will be removed, the existing direct access from Hwy 29 will be disconnected.
- The proposed frontage road will be between APN 009-022-32 and 009-022-79.
- The new private driveway will be at the south side of parcel 009-022-80.
- The proposed frontage road and private driveway will be paved.
- The proposed frontage road (which will end at the turnaround) will be relinquished to the county, the driveway on the Smith property will remain privately owned and maintained.

Staff recommends the Planning Commission report that the improvements are in conformance with the Lake County General Plan.

II. PROJECT DESCRIPTION

Applicant: California Department of Transportation
Brett Benson, Associate Right of Way Agent
PO Box 3700
Eureka, CA 95502

Owner: Paul and Consuela Smith
7150 Smith Ranch Rd.
Kelseyville, CA 95451

APNs: 009-022-32/49/79/80 and 81

Parcel Size (approx.): 21.1 acres (009-022-32)
114.1 acres (009-022-49)
6.1 acres (009-022-79)
5.1 acres (009-022-80)
8.8 acres (009-022-81)

Location: 7703 S State Hwy 29, Kelseyville, CA 95451 (009-022-32)
7763 S State Hwy 29, Kelseyville, CA 95451 (009-022-49)
7723 S State Hwy 29, Kelseyville, CA 95451 (009-022-79)
7100 Smith Ranch Road, Kelseyville, CA 95451 (009-022-80)
7150 Smith Ranch Road, Kelseyville, CA 95451 (009-022-81)

Project Name: California Department of Transportation New Access Project

Existing Zoning: “RL-B5-SC” Rural Lands – Special Lot Size/Density – Scenic
Combining District (009-022-32/49)
“RR-SC” Rural Residential – Scenic Combining District (009-
022-79/80/81)

General Plan Designation: “RL” Rural Lands (009-022-32/49)
“RR” Rural Residential (009-022-79/80/81)

Application: General Plan Conformity Report

Flood Zone: No flood hazard zone

III. **GENERAL PLAN CONFORMITY ANALYSIS**

Staff has determined that the California Department of Transportation New Access Project is consistent with the Lake County General Plan.

The *Rural Lands Use Category* is to allow rural development in areas that are primarily in their natural state, although some agricultural production, especially vineyards, can occur on these lands. The category is appropriate for areas that are remote, or characterized by steep topography, fire hazards, and limited access. Typical uses permitted by right include, but are not limited to, animal raising, crop production, single family residences, game preserves and fisheries. Other typical uses permitted conditionally include, but are not limited to, recreational facilities, manufacturing and processing operations, mining, and airfields. These lands also provide important groundwater recharge functions. As watershed lands, these lands function to collect precipitation and provide for important filtering of water to improve water quality. They are generally supportive to the management of the natural infrastructure of the watersheds, and are located outside of Community Growth Boundaries.

The *Rural Residential Use Category* is designed to provide single-family residential development in a semi-rural setting. Large lot residential development with small-scale

agricultural activities is appropriate. These areas are intended to act as a buffer area between the urban residential development and the agricultural areas of the County. Building intensity should be greater where public services such as major roads, community water systems, or public sewerage are available. However, most of the lands designated for this land use category would have wells and septic systems. These lands provide important ground water recharge functions. As watershed lands these lands function to collect precipitation and provide for important filtering of water to improve water quality. They are generally supportive to the management of the natural infrastructure of the watersheds.

Residential Development and Goal LU-3 is to provide adequate land in a range of residential densities to accommodate the housing needs of all income groups expected to reside in the County, and ensure a high quality of development.

Goal LU-3 to provide adequate land in a range of residential densities to accommodate the housing needs of all income groups expected to reside in the County, and ensure a high quality of development.

- Policy LU-3.3 (Clustering of Rural Development): *The County shall encourage proposed rural development to be clustered onto portions of the site that are best suited to accommodate the development, and shall require access either directly onto a public road or via a privately maintained road designed to meet County road standards.*

The proposed new frontage road is planned to provide a safer access onto Highway 29 for the surrounding parcels in anticipation for future highway projects. *(Please see attached Right of Way Map)*

The Cobb Mountain Planning Area Plan was adopted in 1989, and its current policies do not address anything specifically about new access roads.

IV. ENVIRONMENTAL ANALYSIS

The California Environmental Quality Act (CEQA) requires agencies to evaluate the environmental implications of their actions. Upon staff review, the General Plan of Conformity for the California Department of Transportation New Access Project has been determined to be Categorical Exempt from CEQA through the following:

- Review for Exemption 15061.(b)(3) – The activity is covered by the common sense exemption 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.

The proposed project is within an earthquake fault zone otherwise it would fall under the 15304. Class 4(a) exemption. Since there are no buildings planned the fault zone is not considered an impact and therefore the common sense exemption can be applied.

V. RECOMMENDATION

Staff recommends that the Planning Commission take the following actions:

- A. The project is categorically exempt from CEQA as Review for Exemption 15061.(b)(3) (15061 – Common Sense Exemption).
- B. Report that the improvements to California Department of Transportation is in conformity with the Lake County General Plan based on the following findings:
 - 1. The project will not result in any significant adverse environmental impacts.
 - 2. The proposed project is compatible with the surrounding land uses.
 - 3. The proposed project is in conformance with the Lake County General Plan goals and policies related to Land Use, Open Space and Conservation.

Sample Motions:

Categorical Exemption

I move that the Planning Commission find that the General Plan Conformity GPC 19-02 applied by California Department of Transportation on the properties located on 7703 S State Hwy 29 (009-022-32), 7763 S State Hwy 29 (009-022-49), 7723 S State Hwy 29 (009-022-79), 7100 Smith Ranch Road (009-022-80), 7150 Smith Ranch Road, , CA (009-022-81), Kelseyville, CA 95451 is exempt from CEQA because it falls within Categorical Exemption 15061.(b)(3), based on the findings set forth in the Staff Report dated December 20, 2019.

General Plan of Conformity

I move that the Planning Commission find that the **General Plan Conformity, GPC 19-02** for a **new frontage road** applied by the **California Department of Transportation** on property located at **7703 S State Hwy 29 (009-022-32), 7763 S State Hwy 29 (009-022-49), 7723 S State Hwy 29 (009-022-79), 7100 Smith Ranch Road (009-022-80), 7150 Smith Ranch Road, , CA (009-022-81), Kelseyville, CA 95451** is in conformity with the Lake County General Plan with the findings listed in the **Staff Report dated December 20, 2019**.

NOTE: The applicant or any interested person is reminded that the Zoning Ordinance provides for a seven (7) calendar day appeal period. If there is a disagreement with the Planning Commission, 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: _____