



COUNTY OF LAKE
COMMUNITY DEVELOPMENT DEPARTMENT
Planning Division
Courthouse - 255 N. Forbes Street
Lakeport, California 95453
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Item # 4
9:30 AM
March 26, 2020

STAFF REPORT

TO: Planning Commission

FROM: Scott DeLeon, Interim Community Development Director
Eric Porter, Associate Planner

DATE: March 11, 2020

SUBJECT: Parcel Map, PM 19-01
Initial Study, IS 19-05

Supervisor District Four (4)

ATTACHMENTS: 1. Vicinity Map
2. Proposed Tentative Parcel Map
3. Proposed Tentative Parcel Map Conditions of Approval
4. Initial Study, IS 19-05

I. EXECUTIVE SUMMARY

The applicant is requesting approval of a Tentative Parcel Map to allow one lot approximately 6 acres in size to be subdivided into two (2) lots. According to the Tentative Parcel Map, the applicant is proposing the following:

- Parcel One (1) would be approximately 3.02 acres in size and is currently developed with a single-family residence, garage, carport, shop and a shed. The existing infrastructure is supported by an on-site domestic well and onsite waste management system (septic).
- Parcel Two (2) would approximately three (3) acres in size and would remain undeveloped at this time.
- Access to the proposed parcels is from Hill Road and Hallberg Road, both County maintained roadways. The parcel also fronts State Highway 29, and currently there is no encroachment from State Highway 29, nor is one proposed at this time.

Staff is recommending Approval of the Parcel Map, PM 19-01

II. PROJECT DESCRIPTION

Applicant/Owner: Robert Taylor

Location: 2200 Hill Road, Lakeport, CA 95453

APN's: 015-001-10

Parcel Size: Approximately +/- 6 acres

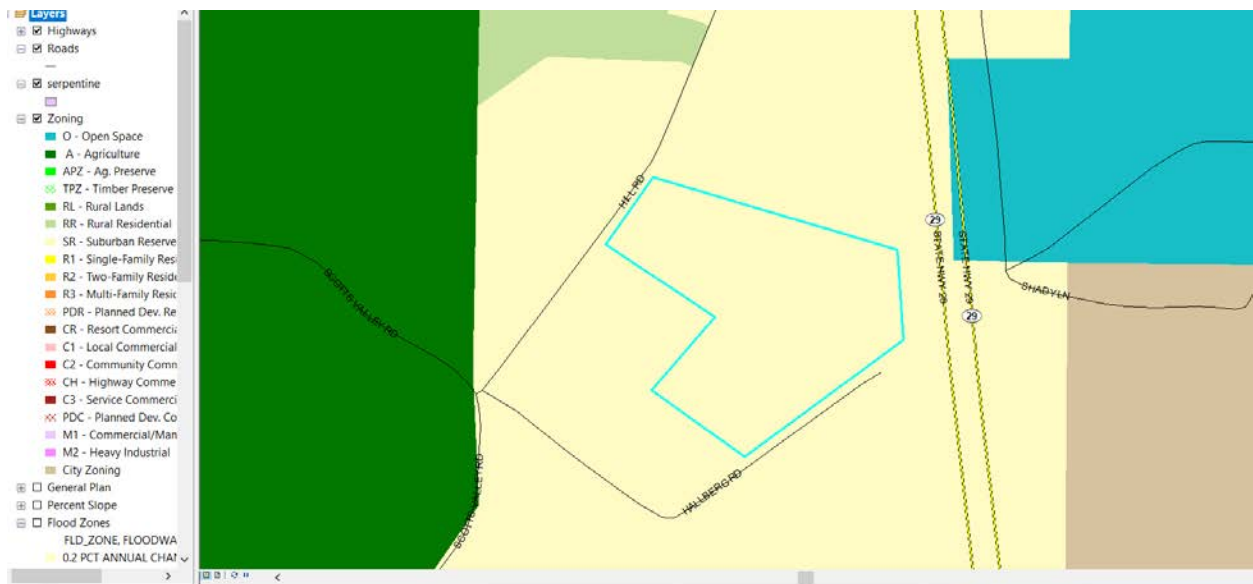
General Plan Designation: Suburban Reserve

Zoning Designation: "SR-SC" Suburban Reserve-Scenic Combining

Flood Zone: "X" – Areas determined to be outside that 0.2% annual chance (500 year- floodplain).

Fire Zone: Local Responsibility Area

Earthquake Failure Zones: Not within a mapped fault zone



Zoning and Vicinity Map of Subject Site

III. PROJECT SETTING

Existing Uses and Improvements: The project parcel is currently developed with a Single-Family Residential dwelling and accessory structures. According to the Tentative Parcel Map, Parcel One (1) would remain developed with the Single-family Residential Dwelling and accessory structures and Parcel Two (2) would remain undeveloped at this time.

Surrounding Zoning and Land Uses:

- Parcel to the **"North"** are zoned "SR" Suburban Reserve. The parcels range in size from approximately 0.25 acres to greater than three (3) acres.
- Parcels to the **"South"** are zoned "SR" Suburban Reserve. The parcels range in size from approximately 0.75 acres to greater than five (5) acres.
- Parcels to the **"West"** are zoned "SR" Suburban Reserve and "A" Agriculture. The parcels range in size from approximately one (1) acre to greater than ten (10) acres.

- Parcels to the “**East**” are zoned “SR” Suburban Reserve, “O” Open Space and approximately 373 feet to the jurisdiction of City of Lakeport. The parcels range in size from approximately 0.75 acres to greater than fifteen (15) acres. The County is unable to determine the zoning of the parcels within the City of Lakeport.

Topography: The project area is located within a rural area of the County with slopes that are less than 10%.

Soils: According to the soil survey of Lake County, prepared by the U.S.D.A, the parcel contains the following soil types:

- Soil Unit 159- Manzanita Loan (2-5% slope). This very deep, well-drained soil is on terraces. It formed in alluvium derived from mixed rock sources. Permeability of this soil is slow and available water capacity is 7.5 to 10 inches. The soil has a high shrink swell potential. The hazard of erosion is slight.

Water Supply: Onsite Well(s)

Sewage Disposal: Onsite Waste Management Disposal Systems (Septic)

Fire Protection: Lakeport Fire Protection District

School District: Lakeport Unified School District

IV. PROJECT ANALYSIS

General Plan Conformance

The land use designation on this site is Suburban Reserve:

Suburban Reserve: This land use category serves as a transitional designation between rural residential and urban residential used, but due to soil and slope characteristics, lots generally larger than one (1) acre minimum are necessary. This land use category is generally located within Community growth boundaries; however, exceptions have been made for existing subdivision located outside the Community Growth Boundaries and additional land division may be appropriate on parcels already designated Suburban Reserve when found to be consistent with existing pattern already established within the vicinity.

The project parcel is located in northern Lakeport on a parcel that is approximately six (6) in size and is located just outside a Community Growth Boundary (*the Northeast corner of the property is adjacent to such boundary*). Even though the project parcel is located outside a Community Growth Boundary, the additional land subdivision would be appropriate as the proposed Parcels One (1) and Two (2) would be greater than one (1) acre in size and would be consistent with the adjacent/surrounding parcels zoned Suburban Reserve as they are developed with single-family residential dwellings, accessory structures and agricultural uses.

County of Lake General Plan (2008) - Chapter 3.6 Residential 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 – 3.2 (Rural Development): The County shall consider rural development intensity in rural areas located outside of Community Growth Boundaries, according to its ability to support water and waste disposal needs, access, slope characteristics, protection of sensitive resources and the sites susceptibility to natural hazards.

Response: By allowing the project parcel that is approximately (6) acres in size to be subdivided into two (2) parcels with each approximately three (3) acres in size, the project is consistent with land use goal LU-3 and policy LU 3-2.

Lakeport Area Plan Conformance

The purpose of the Lakeport Area Plan is to provide guidance regarding the long-term growth and development of the greater Lakeport and Scotts Valley Area over the next twenty years. The following goals and policies are taken from the Lakeport Area Plan (the Plan) and demonstrate consistency of this project with the Plan.

Section 5, subsection 2, ‘Housing’

Policy 5.2.1.c Encourage diverse housing development that meets the community’s needs, including affordable housing for low-, moderate- and high-income families.

The Lakeport Area Plan projects growth in the north/western portion of Lakeport where the subject site is located; this project is consistent with providing another buildable parcel following completion of this land division process.

Zoning Ordinance Conformance

The proposal must meet the applicable requirements found within Lake County Zoning Ordinance for the following Articles:

Article 9 – Suburban Reserve “SR” Zoning District:

The purpose of this zoning designation is to provide for large lot residential development in areas where the establishment of appropriate infrastructure such as public water, sewer, and county-maintained roads will ultimately support higher densities.

Response: The project parcel is located in northern Lakeport on a parcel that is approximately six (6) in size with a slope of less than 10%. The applicant is proposing to subdivide the project parcel into two parcels. Each parcel would be approximately +/- three (3) acres in size and accessible from Hill Road and Hallberg Road, both County maintained roadways. The parcel also fronts State Highway 29, and currently there is no encroachment from State Highway 29, nor is one proposed at this time. The project parcel is currently served by an existing onsite well(s) and waste management system (septic)

which would be located on the proposed parcel one (1). When development occurs on the proposed parcel two (2) the applicant would coordinate with the applicable federal, State and local agencies regarding the installation of well(s) and onsite waste management systems.

Article 34 – Scenic Combining “SC” Combining District:

The purpose of the Scenic Combining “SC” Combining District is to protect and enhance views of scenic areas from the County’s scenic highways and roadways for the benefit of local residential and resort development, the motoring public, and the recreation-based economy of the County.

The project is located off of Hill and Hallberg Road, both County maintained roadways. Additionally, the parcel has approximately +/-200 feet of property that fronts State Highway 29, which is which considered a “Scenic Corridor”. The Scenic Combining District extends approximately 500 feet from the centerline of State Highway 29 (both directions). If applicable, all future development and/or expansion of existing development shall adhere to the requirements of Article 34 of the Lake County Zoning Ordinance.

Chapter 17 (Subdivision Regulations) of the Lake County Code

Sec. 17-6. - Tentative Map

The applicant has met these submittal requirements.

Sec. 17-7. - Statements

The applicant has met these submittal requirements.

Sec. 17-22. - Dedications.

The applicant is not proposing any dedications, nor does it appear that any are needed.

Sec. 17-23. - Lots.

The parcels proposed meet all requirements in the SR Suburban Residential zone in terms of size, shape, width-to-depth ratio, and the ability for each parcel to be served with vital utilities (water, septic, power and roads).

Sec. 17-24. - Easements.

All easements required and desired by the developer are shown on the Tentative Map provided to the County and under consideration herein. Easements primarily consist of power lines that cross the subject site in various locations.

Sec. 17-27A. - Park and Recreation Facilities.

The applicant is required to pay all Quimby Act park fees prior to recording the final map. This fee shall be paid to the Lake County Public Services Department.

Sec. 17-28. - Improvements.

All necessary improvements are shown on the Tentative Map prepared by Steve Bellah / Conser Surveying, Lakeport CA, and dated 'Received March 18, 2019'.

V. ENVIRONMENTAL REVIEW

The California Environmental Quality Act (CEQA) requires agencies to evaluate the environmental implications of their actions. The Community Development Department has completed an Environmental Analysis (Initial Study) for the proposed Tentative Parcel Map and any potential environmental impacts have been reduced to less than significant with the incorporated Mitigation Measures and Conditions of Approval. The following areas were identified to as having potential environmental impacts: *(Refer to Attachment 3 for details)*

Air Quality

Future development and/or expansion on Parcel One (1) and/or Parcel Two (2) may have the potential to result in short- and long-term air quality impacts. Dust and fumes may be released as a result of development activities. Additionally, the import and export vehicle traffic on roadways may create fugitive dust and impact air quality.

Therefore, the implementation of the mitigation measures in Section III (Air Quality) of Initial Study, IS 19-05 located on pages 7 through 8 would reduce any potential environmental impacts to less than significant. The mitigation measures, include but are not limited to the following:

- AQ-1: Work practices shall minimize vehicular and fugitive dust to reduce the impact of fugitive dust emissions to a less than significant level in staging areas, work areas, and adjoining roads by use of water, paving or other acceptable dust palliatives to ensure that dust does not leave the property. Access to project areas shall be limited to authorized vehicles.
- AQ-2: Vehicles and equipment shall be well maintained and in compliance with State emission requirements. LCAQMD permits are required for any diesel generators or diesel engines installed as operating, support, or emergency backup equipment.
- AQ-3: Vegetation that is removed for development must be properly disposed. The applicant shall chip vegetation and spread the material for erosion control as an alternative to vegetation burning. Due to close proximity to sensitive receptors, chipping and/or mastication is recommended for the majority of the brush removal.
- AQ-4: All roadways, driveways and sidewalks constructed and maintained to all Federal, State and local agency requirements.

Biological Resources:

A Biological Review was prepared by Kjeldsen Biological Consulting for the project area. According to the Biological review, the scoping of the study area considered location and type of habitat and/or vegetation types present on the property and associated with potential special status species. The scoping for the project also included records in the

most recent version of the California Department of Fish and Wildlife Natural Diversity Data Base (CDFW CNDDDB Rare Find) and the U.S Fish and Wildlife species list.

Result and Findings of the report:

According to the report, the findings are based on the field work performed, literature research and the background materials available for the project site. The property is surrounded by developed residential and/or vacant lots. The vegetation and habitat on the site have been highly disturbed by historic agricultural uses and site preparation. The proposed new lot (Parcel 2) is a fallow agricultural field that has been routinely mowed for weed abatement and fire protection. The proposed Parcel One contains an existing single-family residence, outbuildings and oak woodlands.

According to the Biological report page 14, the survey did not identify any evidence of a habitat for a special status species known for the Quadrangle, surrounding Quadrangle or the region. The site does not contain vegetation associates, habitat or edaphic conditions, which would support special status species. According to the report, it has been determined that the proposed parcel map would not have an adverse effect, either directly or indirectly or through habitat modification on any species identified as rare, threatened or endangered by CDFW or the USFW.

Additionally, the report determined the following:

- The property does not contain any seasonal wetlands or "Water of the U.S" that would be under the jurisdiction of the U.S Army Corps of Engineers, California Department of Fish and Wildlife and/or the Regional Water Quality Control Board.
- The project area does not contain any sensitive plant species listed by the California Department of Fish and Wildlife or any critical Habitat listed by the U.S Fish and Wildlife.
- The project would not negatively impact any migratory corridor or interrupt habitat linkage.
- No evidence of raptors was observed on the property.
- The trees on the property are not suitable habitat for bats.

However, the migratory bird act makes it unlawful to have an impact to any migratory bird. Therefore, to ensure all potential impacts to migratory birds and/or raptors is reduced to less than significant, the applicant shall adhere to the following mitigation measure.

Therefore, the implementation of the mitigation measures in Section III (Air Quality) of Initial Study, IS 19-05 located on pages 8 through 10 would reduce any potential environmental impacts to less than significant. The mitigation measures, include but are not limited to the following:

- BIO-1: A Pre-Construction raptor survey shall be required if any tree removal occurs between February 15 and August 31. The pre-construction survey shall consider all potential nesting habitats for birds within 500 feet of earth moving activities and/or related project construction activities. Said survey shall be done by a qualified wildlife biologist.

Cultural & Tribal Resources

A Cultural Resource Survey was performed by Archeological Resources (Dr. John Parker) dated March 27, 2019. According to the report, the background research indicated the project area had not been previously inspected for cultural resources. During the field inspection, two (2) isolated obsidian flakes (remains from stone tools making) were discovered on the parcel. Though these isolated artifacts can provide information about past cultural use of the area, they are not considered a “significant: cultural resource” as defined in Public Resources Code. No other historic or prehistoric cultural resources were encountered during the field inspection. However, the evaluation did not involve subsurface investigation. There is always a possibility that buried cultural or archeological deposits lie beneath the surface soils of the property. If any artifacts, archaeological features or human remains are encountered during grading or excavation, the mitigation measure below shall be implemented.

Therefore, the implementation of the mitigation measures in Section III (Air Quality) of Initial Study, IS 19-05 located on pages 10 through 11 would reduce any potential environmental impacts to less than significant. The mitigation measures, include but are not limited to the following:

- CUL-1: Should any archaeological, paleontological, or cultural materials be discovered during development on the parcel, all activity shall be halted in the vicinity of the find(s), the local overseeing Tribe shall be notified, and a qualified archaeologist shall be retained to evaluate the find(s) and recommend mitigation procedures, if necessary, subject to the approval of the Community Development Director.

Geology & Soils

Any grading activities, road improvements and/or future development on parcel One (1) or two (2) project development has the potential to result in substantial erosion and loss of topsoil.

Therefore, the implementation of the mitigation measures in Section III (Air Quality) of Initial Study, IS 19-05 located on pages 10 through 11 would reduce any potential environmental impacts to less than significant. The mitigation measures, include but are not limited to the following:

- GEO-1: Prior to any ground disturbance, the permit holder shall submit *Grading, Erosion Control and Sediment Plans* to the Water Resource Department and the Community Development Department for review and approval. Said Erosion Control and Sediment Plans shall protect the local watershed from runoff pollution through the implementation of appropriate Best Management Practices (BMPs) in accordance with the Grading Ordinance. Typical BMPs include the placement of straw, mulch, seeding, straw wattles, silt fencing and the planting of native vegetation on all disturbed areas. No silt, sediment or other materials exceeding natural background levels shall be allowed to flow from the project area. The natural background level is the level of erosion that currently occurs from the area

in a natural, undisturbed state. Vegetative cover and water bars shall be used as permanent erosion control after vineyard installation.

- GEO-2: Excavation, filling, vegetation clearing or other disturbance of the soil shall not occur between October 15 and April 15 unless authorized by the Community Development Director. The actual dates of this defined grading period may be adjusted according to weather and soil conditions at the discretion of the Community Development Director.
- GEO-3: The permit holder shall monitor the site during the rainy season (October 15 -May 15), including post-installation, application of BMPs, erosion control maintenance, and other improvements as needed.

VI. FINDINGS FOR APPROVAL

According to SB 1241, three findings must be made in order to approve a parcel map. Section 66474.02(a)(1) requires that “a finding supported by substantial evidence in the record that the design and location of each lot in the subdivision, and the subdivision as a whole, are consistent with any applicable regulations adopted by the State Board of Forestry and Fire Protection pursuant to Sections 4290 and 4291 of the Public Resource Code (PRC).”

Section 66474.02(a)(2) requires that a finding supported by substantial evidence in the record that structural fire protection and suppression services will be available for the subdivision through any of the following entities: (A) A county, city, special district, political subdivision of the state, or another entity organized solely to provide fire protection services that are monitored and funded by a county or other public entity. (B) The Department of Forestry and Fire Protection by contract entered into pursuant to Section 4133, 4142, or 4144 of the Public Resources Code.

Section 66474.02(a)(3) requires that “a finding that to the extent practicable, ingress and egress for the subdivision meets the regulations regarding road standards for the fire equipment access adopted pursuant to Section 4290 of the Public Resource Code and any applicable local ordinance. CAL FIRE has reviewed the site plan proposal for the Kelseyville Apartment site plan and for PM 19-01 and had no adverse comments. One driveway is being proposed for the apartment development; this driveway is shown on the Tentative Map for this land division.

The property is not within the State Responsibility Area (SRA) and is under the jurisdiction of the Lakeport Fire Protection District. The District has reviewed the proposed land division and had no adverse comments. The proposal is consistent with these required findings.

VII. RECOMMENDATIONS:

Staff recommends the Planning Commission take the following actions:

- Adopt a Mitigated Negative Declaration based on Initial Study, IS 19-05 for Parcel Map, PM 19-01 with the following findings:**

1. Potential environmental impacts related to Air Quality have been mitigated to insignificant levels with the incorporated Mitigation Measures and Conditions of Approval
2. Potential environmental impacts related to Biological Resources have been mitigated to insignificant levels with the incorporated Mitigation Measures and Conditions of Approval.
3. Potential environmental impacts related to Cultural & Tribal Resources have been mitigated to insignificant levels with the incorporated Mitigation Measures and Conditions of Approval.
4. Potential environmental impacts related to Geology & Soils have mitigated to insignificant levels with the incorporated Mitigation Measures and Conditions of Approval.
5. Potential environmental impacts related to Hazards and Hazardous Materials have mitigated to insignificant levels with the incorporated Conditions of Approval.
6. Potential environmental impacts related to Hydrology & Water Quality have been mitigated to insignificant levels with the incorporated Conditions of Approval.
7. This project is consistent with land uses in the vicinity.
8. This project is consistent with the Lake County General Plan, Lakeport Area Plan and Zoning Ordinance.
9. As mitigated, this project will not result in any significant adverse environmental impacts.

B. Approve Parcel Map, PM 19-01 with the following findings:

1. This project is consistent with the Lake County General Plan, Zoning Ordinance, Subdivision Ordinance, and the Lakeport Area Plan.
2. This project is consistent with the State Subdivision Map Act and Chapter 17 of the Lake County Code.
3. Structural fire protection and suppression services will be available for the subdivision through Lakeport Fire Protection District.
4. Ingress and egress for the subdivision meets the regulations regarding road standards for the fire equipment access adopted pursuant to Section 4290 of the Public Resources Code and any applicable ordinance.
5. As mitigated this project will not result in any significant adverse environmental impacts and a negative declaration has been adopted.

SAMPLE MOTIONS:

Mitigated Negative Declaration

I move that the Planning Commission find on the basis of the **Initial Study No. 19-05** prepared by the Planning Division and the mitigation measures which have been added to the project, that the **Parcel Map, PM 19-01** as applied for **Robert Taylor** on property located at on property located at **2200 Hill Road, Lakeport, CA 95453; APN: 015-001-10** will not have a significant effect on the environment and thereof, recommend the Planning Commission approve the proposed Mitigated Negative Declaration with the findings listed in the **Staff Report dated March 11, 2020**.

Parcel Map, PM 19-01

I move that the Planning Commission find that the **Tentative Parcel Map, PM 19-01** applied by **Robert Taylor** on property located at on property located at **2200 Hill Road, Lakeport, CA 95453; APN: 015-001-10** is in conformity with the provisions of the Subdivision Map Act and Chapter 17 of the Lake County Code and the Lake County Zoning Ordinance, and upon that basis approve said map subject to the conditions and with the findings listed in the **Staff Report dated March 11, 2020**.

NOTE: The applicant or any interested person is reminded that the Subdivision Ordinance provides for a fifteen (15) 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