



## COUNTY OF LAKE

### COMMUNITY DEVELOPMENT DEPARTMENT

Planning Division

Courthouse - 255 N. Forbes Street

Lakeport, California 95453

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Item # 1

9: 05 AM

April 9, 2020

## STAFF REPORT

**TO:** Planning Commission

**FROM:** Scott DeLeon, Interim Community Development Director  
Mark Roberts, Principal Planner

**DATE:** February 24, 2020

**SUBJECT:** Major Use Permit, UP 18-47  
Design Review, DR 18-11 (*incorporated into the Use Permit review process*)  
Initial Study, IS 18-70

### Supervisor District One (1)

**ATTACHMENTS:**

1. Vicinity Map
2. Project Description Packet
3. Proposed Architectural/Grading Plans
4. Proposed Conditions of Approval
5. Initial Study, IS 18-70
6. Agency Comments/Concerns
7. Public Comments/Concerns

### **I. EXECUTIVE SUMMARY**

The applicant proposes the installation of a natural style 18-hole golf course and the operation of a private airport at the existing landing strip, formerly used as the Crazy Creek Glider Port. The golf course would be mostly membership based, with limited public access. The private airport would be used by golfing guests and friends. (Please note: The future golf lodging, noted on the site plan, is not included in this project. When lodging occurs in the near future, the applicant shall obtain all necessary Federal, State and local agencies permits)

#### Proposed Grading:

An area of approximately 15-20 acres will be graded for the golf course. This area represents  $\pm 3\%$  of the total property acreage (of nearly 500 acres). Grading will consist of cutting, filling, and/or otherwise contouring the ground for golf, as opposed to merely preparing the existing soils for turf, by means of agricultural disking or tilling.

Across the 15-20 acres the applicant will move and shape the indigenous soils, cutting and filling to create suitable features for golf. Typical cuts and fills will be in the 1-5 ft range, a few larger fills will be in the 5-15 ft range. The expected total volume of cut-to-fill is estimated to be 46,500 cubic yards, distributed between 20-25 work locations on the property. Generally, soil will be excavated with excavators and transported to fill locations using small off-road dump trucks.

The project also involves the importing of approximately 20,000 cubic yards of specialty soils, sands and gravels to the property, with details roughly as follows:

- Rootzone growing medium for greens and tees: 10,000 cubic yards
- Gravel for greens and tees drainage: 3,500 cubic yards
- Sand for bunkers and drainage: 6,500 cubic yards

Anticipated water use:

Currently, there are two (2) existing onsite wells to be utilized for irrigation purposes. When establishing new grass, water lost to evapotranspiration (ET) must be replaced through either natural rainfall and/or artificial irrigation. Once the grasses have been established, the grasses may be allowed to dry out and even go dormant depending on the playing characteristics that are produced and the exact seasonal conditions.

According to the applicant's project submittal packet, the chart below details the monthly ET rates for Zone 8 of the California Department of Water Resources map, which includes Middletown area, monthly historical rainfall for Middletown (1896 to 2016), and the difference between the two.

Month	Precip. Inches	ET	Surplus/Def
Jan	7.30	1.24	6.06
Feb	5.38	1.68	3.70
Mar	2.79	3.41	-0.62
Apr	1.22	4.80	-3.58
May	0.23	6.20	-5.97
June	0.02	6.90	-6.88
Jul	0.10	7.44	-7.34
Aug	0.42	6.51	-6.09
Sep	2.34	5.10	-2.76
Oct	5.37	3.41	1.96
Nov	8.83	1.80	7.03
Dec	10.07	0.93	9.14
Yr	44.11	49.40	-5.29

The heaviest water use will be during the one-time summer grow-in period(s) when the new grass is being established. The peak requirement for replacing a theoretical 7.44" of evapotranspiration minus 0.10" of rainfall in Middletown in July, for example, is roughly 6,000-8,000 gallons per acre per day.

The annual average to operate the golf course would be much lower, likely in the range of 500-1,000 gallons per acre of turf per day.

The applicant intends to irrigate as little as possible for purposes of producing the optimal turf conditions for golf. The annual water uses to operate the established golf course is anticipated to be maximum 100 acre-feet. This amount is comparable with the per-acre water use for growing grapes. The total annual rainfall on the property amounts to about 1,700 acre-feet, or seventeen times the amount that is required to irrigate the golf course, for reference. Exactly how much of this rain can be used for irrigating the golf course will depend on the exact timing of the rainfall and whether at that time the golf course grasses will be dormant or growing.

#### Description of anticipated drainage method(s) for the golf course

The applicant intends to use the following types of drainage for the golf course:

- Natural surface drainage, to the greatest possible extent.
- Agricultural field drainage to remove water from the surfaces of the playing areas excluding the greens and the tees.
- Internal drainage for the so-called "greens" and "tees".
- Feature drainage.

To the greatest extent possible, the natural surface drainage that currently exists on the property will be preserved. In contrast to conventional golf course drainage, whereby the terrain is intensively shaped to facilitate surface water to so-called catch basins, and such basins are connected into a series of pipes that rapidly transport water off the golf course. The overall drainage plan is to install a drainage system, known as "mole drains".

The mole-drain system functions by permitting surface water to enter both the soil profile and a complex pattern of narrow gravel-filled slits or channels that then gradually drain into piped interceptor drains. The piped interceptor drains are then directed towards areas where this collected water can be gradually released and effectively soak back into the natural drainage patterns, as opposed to being released quickly and at high volumes. These exit points can be placed in relatively flat areas where the potential for soil erosion is minimal. They can be cleaned out and serviced, from time to time as needed, keeping in mind that for the majority of the season Middletown is free from rain, warm, sunny and dry. This agricultural method has the benefits of preserving the natural soils, removing moisture from the surface to prevent water logging but retaining moisture in the soils, improving the soils profile by adding oxygen, and consequently improving the quality of the grassland crop. For the purposes of using the natural soils as opposed to stripping or capping them, and keeping the natural contours, it is a far superior drainage method than conventional golf course drainage.

For the golf “greens” and “tees”, which comprise around eight acres in total (about 1.6% of the total site area), a detailed soil profile will be constructed to permit growing the very fine grasses that are required.

The last type of drainage is for isolated features such as grassy hollows or sand bunkers. Every instance will be a little bit different but generally these will either be drained by means of horizontal pipe drainage or by installing vertical sump drains that permit water to infiltrate the underlying soils.

## **II. PROJECT DESCRIPTION**

Applicant: Brambles Development, LLC.

Owner: Garden Road, LLC

Location: 19970 S. State Highway 29, Middletown, CA 95461

Parcel Number: 014-280-18

Parcel Size: Approximately +/- 500 acres

General Plan Designation: Rural Residential and Resource Conservation

Zoning Designation: “RR-M2-DR-FF-WW-SC” – Rural Residential – Heavy Industrial – Design Review – Floodway Fringe – Waterway – Scenic Combining District

Flood Zone: Majority of property not within a designated flood zone.  
Small portions in Flood Zone “A” and “X”

Fire Zone: High Fire Severity Zone

Earthquake Failure Zones: Not within a known fault zone

Dam Failure Inundation Zone: Not within a dam failure zone

## **III. PROJECT SETTING**

Existing Uses and Improvements: The project parcel was previously used as a commercial Glider Port operation, known as Crazy Creek Glider Port. The existing development onsite includes but is not limited to an existing landing strip and commercial infrastructure which support the glider port operation.

Surrounding Zoning and Land Uses:

- The parcels to the “**North**” are zoned “M2” Heavy Industrial, “SR” Suburban Reserve, “RL” Rural Lands, “A” Agriculture, “C3” – Service Commercial and

“CH” Commercial Highway and range in size from approximately 2 acres to greater than 500 acres in size.

- The parcels to the “**South**” are zoned “RL” Rural Lands, “SR” Suburban Reserve, “RR” Rural Residential and “O” Open Space and range in size from approximately 5 acres to greater than 500 acres in size.
- The parcels to the “**West**” are zoned “RL” Rural Lands, “and “A” Agriculture and range in size from approximately 5 acres to greater than 900 acres in size.
- The parcels to the “**East**” are “RL” Rural Lands, “SR” Suburban Reserve and “A” Agriculture and range in size from approximately 5 acres to greater than 700 acres in size.

Topography: The project area is located within a rural area and the majority of the parcel is relatively flat, with steeper slopes in the Northern and Western regions of the parcel.

Soils:

According to the soil survey of Lake County, prepared by the U.S.D.A., the soils at the site are Maxwell Clay-Loam (164/165), and is “generally stable” and there is little risk of landslide at the site. The soil unit is considered to have a slight hazard of erosion and slow rate of surface runoff.

Serpentine Soils: Serpentine soils are present throughout the parcel.

Water Supply: Onsite Wells

Sewage Disposal: Onsite Waste Management Disposal Systems (Septic)

Fire Protection: South Lake Fire Protection District/Calfire

#### **IV. PROJECT ANALYSIS**

##### **General Plan Conformance**

The land use designation on this site is Rural Residential and Resource Conservation:

##### **Rural Residential:**

This land use category is to provide single-family residential development in a semi-rural setting. These areas are intended to act as a buffer area between the residential development and the agricultural areas of the County. The majority of these land are served through onsite well(s) and onsite waste management systems (septic). Typical uses permitted by right include but are not limited to the following;

- *Single Family Residences*
- *Crop production*
- *Raising of poultry*
- *Sales of crops produced onsite*

Typical uses permitted conditionally (through land use applications), include but is not limited to the following:

- *Recreational facilities*
- *Agricultural related services*

**Response:** *On December 10, 2018, the applicant submitted a Major Use Permit to the Community Development Department for an outdoor recreational facility within the “RR” Rural Residential Zoning Designation pursuant to Article 27, Section 27.11(w) of the Lake County Zoning Ordinance.*

**Resource Conservation:**

This land use category is to assure the maintenance and/or sustain the natural resources within our Country. The highest priority for these lands is to provide for the management of the County's natural infrastructure. This designation is located both inside and outside the Community Growth Boundary.

**Response:** *The project site has known tributaries throughout the parcel, including two (2) areas of known wetlands, totaling approximately 30.18, and numerous serpentine outcrops and other areas with sensitive species. The Community Development Department completed an Environmental Analysis (Initial Study) of the proposed development, which included reviewing and incorporating mitigation measures from the Biological Resource Assessment With Botanical Survey and Delineation of the Waters of the US prepared by Northwest Biosurvey, dated July 31, 2018 and a Cultural Resources Survey dated July 27, September 27, November 20, and November 30, 2018, by Flaherty Cultural Resource Services (FCRS). Therefore, the implementation of the mitigation measures and Conditions of Approval would reduce any potential environmental impacts to less than significant. (Refer to Attachment 4 – Conditions of Approval for details).*

**County of Lake General Plan (2008) - Chapter 3.9 Economic Development**

**GOAL LU-6:** To maintain a healthy and diverse local economy that meets the present and future employment, shopping, recreational, and service needs of Lake County residents.

- ***Policy LU-6.3 Resort Uses:*** “The County shall consider non-profit, quasi-public, and private developments, which have similar use characteristics, in resort areas”.

**Response:** *The creation of a natural style 18-hole golf course (membership based, with limited public access) and the operation of a private airport at the existing landing strip, (formerly used as the Crazy Creek Glider Port) would help maintain and/or enhance a healthy and diverse economy by creating a recreational opportunity for, not only to the residents (if they wish to become members) of Lake County but for those who come visit our County and enjoy what it has to offer.*

## **Middletown Area Plan**

### **Chapter 5.1 Economy:**

The goal of this chapter is to address the challenges and opportunities of economic development in the Middletown Planning Area, including integrate new development within the community. A strong level of community participation is desired to help implement and balance a diverse mix of manufacturing, residential, tourism, and agriculturally beneficial economic Development.

Objective 5.1.4: “Encourage commercial development and community enhancement projects aimed at drawing tourist and special events to the Planning Area.

- Policy 5.1.4a: “Support the creation and expansion of commercial facilities and events that provide services to and attract tourist to the area, where appropriate.

**Response:** *The creation of a natural style 18-hole golf course (membership based, with limited public access) and the operation of a private airport at the existing landing strip, (formerly used as the Crazy Creek Glider Port) would help enhance our commercial development by creating a service which would attract tourist to come and enjoy what our County has to offer.*

### **Zoning Ordinance Conformance.**

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

#### **Article 8 – Rural Residential “RR” Zoning District:**

The purpose of this zoning designation is to provide for single-family residential development in a semi-rural setting along with limited agriculture.

- **Response:** *Pursuant to Article 27 of the Lake County Zoning Ordinance, there is a variety of commercial and/or recreational uses permitted in the “RR” Zoning District upon securing a minor and/or major use permit, including a “outdoor recreational facility” [Article 27, Table B(w)].*

#### **Article 37 - Waterway “WW” Combining District:**

The purpose of Article 37 is to help preserve, protect and restore significant riparian and aquatic systems, streams, woodland habitats, protect water quality, reduce erosion sedimentation runoff and protect the public’s health and safety by minimizing dangers due to potential flooding and landslides.

- **Response:** *The project site has known tributaries throughout the parcel, including two (2) areas of known wetlands, totaling approximately 30.18, and numerous serpentine outcrops and other areas with sensitive species. The Community Development Department completed an Environmental Analysis (Initial Study) of the proposed development, which included reviewing and incorporating mitigation measures from the Biological Resource Assessment With Botanical Survey and Delineation of the Waters of the US prepared by Northwest Biosurvey, dated July 31, 2018 and a Cultural Resources Survey dated July 27, September 27, November 20, and November 30, 2018, by Flaherty Cultural Resource Services (FCRS). The implementation of the mitigation measures and Conditions of Approval would reduce*

any potential waterway environmental impacts to less than significant. (Refer to Attachment 4 – Conditions of Approval for details).

#### Article 53 Design Review “DR” Combining District

The purpose of the Design Review is to ensure aesthetic compatibility between uses, protect and enhance property values, protect scenic qualities, and promote community character through use of community design manuals.

- **Response:** *The project is located in a rural area of the County where the majority of the parcels are left undeveloped, except for agricultural uses, such as cattle or vineyards. The natural style 18-hole golf course (membership based, with limited public access) and the operation of a private airport at the existing landing strip, (formerly used as the Crazy Creek Glider Port) has been designed to use the natural topography and/or contour lines of the project parcel which would help minimize the visual impacts. Additionally, the proposed use would help enhance property values through commercial improvements on the project parcel.*

### **V. CONDITIONS OF APPROVAL**

The applicant shall adhere to all conditions of approval. (Refer to Attachment 4 – Conditions of Approval for details).

### **VI. ENVIRONMENTAL REVIEW**

The California Environmental Quality Act (CEQA) requires agencies to evaluate the environmental implications of their actions. The Community Development has completed an Environmental Analysis for Brambles Development, LLC., 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 as having potential environmental impacts: (Refer to Attachment 5 – Initial Study for details)

#### **Aesthetics (AES):**

The project is located off S. State Highway 29 in Middletown. Even though the project is adjacent to S. State Highway 29, the proposed project is unlikely to have an impact on the surrounding area as the proposed project will be using the natural topography and/or contour lines of the land. Even though there is no lighting at this time, the proposed lighting may have the potential to have a significant effect on the environment. **Therefore, the implementation of the mitigation measures in Section I (Aesthetics) of Initial Study, IS 18-70 located on pages 10 through 11 would reduce any potential environmental impacts to less than significant.**

- *AES -1: All lighting shall be directed downwards onto the project site and not onto adjacent roads or properties. Lighting equipment shall be consistent with that which is recommended on the website: [www.darkskyorg](http://www.darkskyorg) and provisions of section 21.41.8 of the Zoning Ordinance.*

#### **Air Quality (AQ):**

The project has the potential to result in short- and long-term air quality impacts primarily from grading, paving, building and construction. Construction of the project would take



place over a period of time and would be temporary. It would not result in significant air quality impacts. Long term emissions, however, such as those associated with vehicle traffic, use of surrounding roadways, and regular activities associated with the proposed use may pose a greater impact. Fugitive dust, smoke, GHG emissions, and exhaust emissions are the primary air pollutants of concern. The project may contribute to the area-wide emissions of the Lake County Air Basin. Short term and localized impacts may be expected during the high traffic season. **Therefore, the implementation of the mitigation measures in Section III (Air Quality) of Initial Study, IS 18-70 located on pages 12 through 15 would reduce any potential environmental impacts to less than significant.**

- AQ-1: Work practices shall minimize vehicular and fugitive dust during grading and project development to reduce the impact of fugitive dust emissions to a less than significant level in staging areas, work areas, roadways, and adjoining roads by use of water, paving or other acceptable dust palliatives to maintain two inches of visibly-moist soil in the project area and to ensure that dust does not leave the property. Access to project areas shall be limited to authorized vehicles.
- AQ-2: All Mobile diesel equipment used for construction and/or maintenance shall be in compliance with State registration requirements. Portable and stationary diesel-powered equipment shall meet the requirements of the State Air toxic Control Measures for CI engines.
- AQ-3: Vegetation that is removed for development shall be properly disposed. The applicant shall chip vegetation and spread the material for erosion control. The burning of demolition and/or construction debris is prohibited.
- AQ-4: Prior to any ground disturbance, the permittee shall submit a Serpentine Dust Control Plan to the Lake County Air Quality Management District for review and approval and submit a copy of approved plan to the Community Development Department. Said plan shall include but is not limited to the following: Applicant shall contact the Lake County Air Quality Management District for detailed Provisions for dust control measures to achieve no visible emissions.
  - Provision to prevent track-out onto the public roadways.
  - Provide worker notification of the plan requirements and asbestos hazards.
  - Posting of asbestos warning notice at project site(s).
  - Covering of disturbed serpentine surfaces subject to traffic wear and/or wind erosion with non-asbestos material(s).
  - During construction, exposed Serpentine surfaces that may be subject to vehicular traffic shall have restricted access (fencing or effective barriers) until such time surface is adequately covered with non-asbestos material(s).
- AQ-5: Prior to any ground disturbance, the permittee shall submit a Dust Mitigation Plan to the Lake County Air Quality Management District (LCAQMD) for review and approval and submit a copy of the approved plan to the Community Development Department. Said plan shall detail proposed dust control methods during and post construction, including the source of water, and equipment to be used. Applicant shall contact the Lake County Air Quality Management District for details.
- AQ-6: The applicant shall submit an Asbestos Notification Form to the LCAQMD for any remodeling and/or demolition. Applicant shall contact the LCAQMD for details.

- The National Emissions Standards for Hazardous Air Pollutants (NESHAP) for asbestos in buildings requires asbestos inspections by a Certified Asbestos Consultant for major renovations and all demolitions. A complete survey includes inspection of attic spaces, crawl spaces, areas with pipes or heating ducts and equipment.
- An Asbestos Notification (with complete survey and lab report) must be submitted to the Lake County Air Quality Management District at least fourteen (14) days prior to beginning any renovations or demolition work. If regulated asbestos is found, the facility must be abated prior to demolition or renovation (where asbestos may be disturbed).
- AQ-7: All vegetation during site development shall be chipped and spread for ground cover and/or erosion control. The burning of vegetation, construction debris, including waste material is prohibited.
- AQ-8: Construction and/or work practices that involved masonry, gravel, grading activities, and vehicular and fugitive dust shall be management by use of water or other acceptable dust palliatives to maintain two inches of visibly-moist soil in the project area and to ensure that dust does not leave the property
- AQ-9: All roads, trails, and access routes shall be paved and/or adequately surfaced/managed to prevent dust generation. Surfacing/management shall occur prior to the construction and occupancy to minimize dust generation and track out issues. The LCAQMD shall approve of management practices.

### **Biological Resources (BIO):**

A Biological Resource Assessment with Botanical Survey and Delineation of the Waters of the US was prepared by Northwest Bio-survey, dated July 31, 2018. A total of 8 sensitive wildlife species were assessed for occurrence at the site. Based on the habitat assessment, White-tailed kite, Pallid bat, and Silver-haired bat may be present at the site

**Therefore, the implementation of the mitigation measures in Section IV (Biological Resources) of Initial Study, IS 18-70 located on pages 15 through 20 would reduce any potential environmental impacts to less than significant.**

- BIO-1 For any work taking place within Oregon white oak woodland habitat during the maternity roosting season (April 1 through September 15), trees with features capable of supporting roosting bats shall be surveyed by a qualified biologist for bat roosts or evidence of bat roosting (guano, urine staining, scent, or dead bats) within 14 days of the start of project activities or removal of vegetation. If active roosts are discovered, an exclusion buffer should be established around the active roost by a qualified bat biologist.
  - Removal of trees and ground disturbing activities should be performed to the extent possible from September 16 through March 31, outside of the maternity roosting season. Following the felling of any tree or snag, it should be allowed to remain on the ground for 24 hours prior to chipping or removal to allow any bats to escape.
- BIO-2: Any vegetation clearing or grading within 200 feet of oak woodland habitat between February 1 and August 31 should be preceded by a survey for nests of white-tailed kite conducted by a qualified biologist. In the event that this species (or other raptors protected under the Migratory Bird Act, or California Fish and Wildlife

Code) are determined to be nesting within 200 feet (or less if deemed adequate) of proposed construction activities, construction should be delayed within the buffer until after August 31, or until fledging is completed as determined by a qualified biologist.

- BIO-3 Project components should be restricted to the area defined by the property owner as the project area. In the event that the project components are permitted beyond the project area shown in yellow in Figure 2 of the report, no expansion should be allowed into the following plant communities:
  - Leather oak chaparral,
  - Big squirreltail patches,
  - Serpentine barrens, or
  - California button celery patches
- BIO-4 Project components should avoid these waters of the U.S. A minimum buffer of 50 feet or larger if required by local agency regulations should be established around these features. In the event that buffers around stream segments are amended to reflect their actual locations and appropriate protections, then such amendments shall be evidenced by the project biologist in writing to become a part of this agreement. If project activities result in the fill of any waters mapped in Figure 3 of the survey, permits may be required from the following agencies:
  - U.S. Army Corps of Engineers Nationwide Permit (if they determine these are waters of the U.S.)
  - Regional Water Quality Control Board 401 Water Quality Certification
  - California Department of Fish and Wildlife 1601 Stream Alteration Agreement
- BIO-5: Prior to oak tree removal, a revegetation plan shall be approved by the Community Development Department. The plan shall include replacement of mature oak trees (diameter greater than six inches at breast height) removed during construction with native species that have been recorded in the project area. Three oak trees shall be planted to replace each mature oak tree removed. Maintenance of the replacement trees shall continue until permanent establishment is achieved

#### **Cultural & Tribal Resources (CULT):**

A cultural resources survey was conducted On July 27, September 27, November 20, and November 30, 2018, by Flaherty Cultural Resource Services (FCRS), and found that multiple previously recorded sites were located on the subject property. The following Mitigation Measures are proposed by FCRS. **Therefore, the implementation of the mitigation measures in Section IV (Cultural & Tribal Resources) of Initial Study, IS 18-70 located on pages 20 through 21 would reduce any potential environmental impacts to less than significant.**

- CULT-1: Boundaries of archaeological sites shall be identified and fenced off to assure the site will not be impacted during ground disturbance
- CULT -2: Ground disturbing development activities within the immediate vicinity of the archaeological sites shall be monitored by a Native American observer and archaeologist.
- CULT-3: Should any cultural, archaeological or paleontological materials be discovered during biological resource replacement activities, all activity shall be halted in the vicinity of the find(s), the local overseeing Tribe shall be notified, and a

qualified archaeologist retained to evaluate the find(s) and recommend mitigation procedures, if necessary, subject to the approval of the Community Development Director and Middletown Rancheria.

- CULT-4: The applicant shall halt all work and immediately contact the Lake County Sheriff's Department, Middletown Rancheria, and the Community Development Department if any human remains are encountered.

**Hazards and Hazardous Materials (HAZ):**

Routine construction and/or maintenance materials associated with the proposed use include but are not limited gasoline, diesel, carbon monoxide, pesticides, fertilizers, solvents, and equipment emissions. All materials would be transported, stored and/or disposed of properly in accordance with all applicable Federal, State and local regulations.

**Therefore, the implementation of the mitigation measures in Section IV (Hazards and Hazardous Materials) of Initial Study, IS 18-70 located on pages 25 through 28 would reduce any potential environmental impacts to less than significant.**

- HAZ 1: The project shall comply with Section 41.7 of the Lake County Zoning Ordinance that specifies that all uses involving the use or storage of combustible, explosive, caustic or otherwise hazardous materials shall comply with all applicable local, state and federal safety standards and shall be provided with adequate safety devices against the hazard of fire and explosion, and adequate firefighting and fire suppression equipment.
- HAZ 2: All equipment shall be maintained and operated in a manner that minimizes any spill or leak of hazardous materials. Hazardous materials and contaminated soil shall be stored, transported, and disposed of consistent with applicable local, state and federal regulations.
- HAZ 3: All hazardous waste shall not be disposed of on-site without review or permits from Environmental Health Department, the California Regional Water Control Board, and/or the Air Quality Board. Collected hazardous or toxic waste materials shall be recycled or disposed of through a registered waste hauler to an approved site legally authorized to accept such material.
- HAZ-4: The storage of potentially hazardous materials shall be located at least 100 feet from any existing water well. These materials shall not be allowed to leak onto the ground or contaminate surface waters. Collected hazardous or toxic materials shall be recycled or disposed of through a registered waste hauler to an approved site legally authorized to accept such materials.
- HAZ-5: If the operation includes storage of hazardous materials equal to or greater than fifty-five (55) gallons of a liquid, 500 pounds of a solid, or 200 cubic feet of compressed gas, then a Hazardous Materials Inventory Disclosure Statement/Business Plan shall be submitted and maintained in compliance with requirements of Lake County Environmental Health Division. Industrial waste shall not be disposed of on site without review or permit from Lake County Environmental Health Division or the California Regional Water Quality Control Board. The permit holder shall comply with petroleum fuel storage tank regulations if fuel is to be stored on site.
- HAZ-6: Any spills of oils, fluids, fuel, concrete, or other hazardous construction material shall be immediately cleaned up. All equipment and materials shall be

stored in the staging areas away from the creek; vehicles and equipment shall receive proper and timely maintenance.

- HAZ-7: The project design shall incorporate appropriate BMPs consistent with County and State storm water drainage regulations to prevent or reduce discharge of all construction or post-construction pollutants and hazardous materials offsite or into the creek. The site shall be monitored during the rainy season (October 15-April 15) and erosion controls maintained.
- HAZ-8: Brush shall be cut and removed and grass shall be mowed in any equipment staging areas.
- HAZ-9: Vehicles and equipment shall be maintained and operated in a manner to prevent hot surfaces, sparks or any other heat sources from igniting grasses, brush or other highly combustible material.

#### **Wildfire:**

The project site is located in a High Severity Zone and equipment and vehicles have the potential to ignite wildland fires during land clearing and grading activities. **Therefore, the implementation of the mitigation measures in Section IV (Wildfire) of Initial Study, IS 18-70 located on pages 36 would reduce any potential environmental impacts to less than significant.**

- The mitigation Measures HAZ-8 and HAZ-9 will reduce potential impacts to less than significant.

#### **VII. FINDINGS FOR APPROVAL – MAJOR USE PERMIT (Article 51, Section 51.3(a)).**

The Review Authority may only approve or conditionally approve a major use permit if all of the following findings are made:

1. **That the establishment, maintenance, or operation of the use applied for will not under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, or be detrimental to property and improvements in the neighborhood or the general welfare of the County**

*A “outdoor recreational facility” is a permitted use in the “RR” Rural Residential upon issuance Major Use Permit pursuant to Article 27, Table B(w). Additionally, the applicant shall obtain all necessary federal, State and local agency requirements prior to operation and the Community Development Department has incorporated Conditions of Approval to ensure compliance and to help protect the health, safety and overall welfare of the general public.*

2. **That the site for the project is adequate in size, shape, location, and physical characteristics to accommodate the type of use and level of development proposed.**

*The project site is adequate in size and shape as it is approximately 500 acres in size and located in a rural area of the County is relatively flat, with steeper slopes in the Northern and Western regions of the parcel*

3. **That the streets, highways and pedestrian facilities are reasonably adequate to safely accommodate the specific proposed use. (Ord. No. 2128, 1/14/1993)**

The streets, highways and pedestrian facilities are reasonably adequate to safely accommodate the proposed use as it is accessible from an existing access/roadway located off of S. State Highway 29, which is maintained by the California Department of Transportation (Caltrans).

4. **That there are adequate public or private services, including but not limited to fire protection, water supply, sewage disposal, and police protection to serve the project. (Ord. No. 1749, 7/7/1988)**

*The project site has existing onsite Waste Disposal Systems (septic) and existing onsite wells permitted through the Lake County Environmental Health Department. Additionally, the project parcel has adequate emergency service protection through the Lake County Sheriff's Office, California Highway Patrol (CHP) and the South Lake Fire Protection District/Calfire. The project was circulated to various Federal, State and local agency requirements and if the agency provided comments, their comments have been incorporated into Conditions of Approval.*

5. **That the project is in conformance with the applicable provisions and policies of this Code, the General Plan, and any approved zoning or land use plan.**

*This project is consistent with the Lake County General Plan, Middletown Area Plan and the Lake County Zoning Ordinance as an outdoor recreational facility located within the "RR" Rural Residential Zoning District. It is a use permitted upon issuance of a Major Use Permit pursuant to Article 27, Section 27.11(w).*

6. **That no violation of Chapters 5, 17, 21, 23 or 26 of the Lake County Code currently exists on the property, unless the purpose of the permit is to correct the violation, or the permit relates to a portion of the property which is sufficiently separate and apart from the portion of the property in violation so as not to be affected by the violation from a public health, safety or general welfare basis. (Ord. No. 2128, 1/14/1993)**

*That no there are no known violations of Chapters 5, 17, 21, 23 or 26 of the Lake County Code at this time.*

## **VIII. RECOMMENDATIONS:**

**Staff recommends the Planning Commission take the following actions:**

### **A. Adopt a Mitigated Negative Declaration based on Initial Study, IS 18-70 for Major Use Permit, UP 18-47 with the following findings:**

1. Potential environmental impacts related to Aesthetics have been mitigated to insignificant levels with the incorporated Mitigation Measures and Conditions of Approval.
2. Potential environmental impacts related to Air Quality have been mitigated to insignificant levels with the incorporated Mitigation Measures and Conditions of Approval.
3. Potential environmental impacts related to Biological Resources have been mitigated to insignificant levels with the incorporated Mitigation Measures and Conditions of Approval.
4. Potential environmental impacts related to Cultural & Tribal Resources have been mitigated to insignificant levels with the incorporated Mitigation Measures and Conditions of Approval.
5. Potential environmental impacts related to Hazards and Hazardous Materials have been mitigated to insignificant levels with the incorporated Mitigation Measures and Conditions of Approval.
6. Potential environmental impacts related to Wildfire have been mitigated to insignificant levels with the incorporated Mitigation Measures and 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, Middletown Area Plan and Zoning Ordinance.
9. As mitigated, this project will not result in any significant adverse environmental impacts.

### **B. Approve Major Use Permit, UP 18-47 with the following findings:**

1. That the establishment, maintenance, or operation of the use applied for will not under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, or be detrimental to property and improvements in the neighborhood or the general welfare of the County.

2. That the site for the project is adequate in size, shape, location, and physical characteristics to accommodate the type of use and level of development proposed.
3. That the streets, highways and pedestrian facilities are reasonably adequate to safely accommodate the specific proposed use.
4. That there are adequate public or private services, including but not limited to fire protection, water supply, sewage disposal, and police protection to serve the project.
5. That the project is in conformance with the applicable provisions and policies of this Code, the General Plan and any approved zoning or land use plan.
6. That no violation of Chapters 5, 17, 21, 23 or 26 of the Lake County Code currently exists on the property, unless the purpose of the permit is to correct the violation, or the permit relates to a portion of the property which is sufficiently separate and.

#### **Sample Motions:**

##### **MITIGATED NEGATIVE DECLARATION**

I move that the Planning Commission find on the basis of the **Initial Study No. 18-70** prepared by the Planning Division and the mitigation measures which have been added to the project, that the **Major Use Permit, UP 18-47** as applied for by **Brambles Development, LLC.**, 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 February 24, 2020.**

##### **MAJOR USE PERMIT**

I move that the Planning Commission find that the **Major Use Permit, UP 18-47** applied by **Brambles Development, LLC.**, on property located at **19970 S. State Highway 29, Middletown, CA 95461, APN: 014-280-18** does meet the requirements of Section 51.4 of the Lake County Zoning Ordinance and grant the Major Use Permit subject to the conditions and with the findings listed in the **Staff Report dated February 24, 2020.**

***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: \_\_\_\_\_